

RETHINKING AGILA TRADITIONAL METHODS OF CONFLICT RESOLUTION AND THE NEED TO INSTITUTIONALIZE INDIGENOUS METHODS OF CONFLICT RESOLUTION IN NIGERIA

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Abstract

Since independence, the Nigerian government has effectively promoted Western methods of conflict management and resolution in all parts of the country including Agila District in Ado Local Government Area of Benue State. However, various forms of conflict have become more pronounced in the area within the last twenty years. These conflicts include gender-based violence, land related conflicts, family conflicts and value-based conflicts, among others. The study analyzed Agila indigenous methods of conflict resolution. It used historical research design with the utilization of primary and secondary data. The Primary data was obtained from archival sources and oral interviews from informants. Secondary data was obtained from published works and journals. The study established that indigenous institutions were important to peace building and conflict resolution but were neglected to some extent. It concluded that indigenous institutions are still available and relevant in conflict resolution in the study area and recommended that the government, all stakeholders and the constitution to revisit and give more emphasis on the use of indigenous institutions in conflict resolution in Nigeria. This will ensure peaceful co-existence as individuals and in everycommunity in Nigeria as a collective.

Key Words: Agila, Traditional Methods, Conflict, Resolution and Management.

Introduction

Contemporary Nigeria is bedeviled with series of conflicts arranging from ethno-political, ethno-religious, terrorism and land related conflicts; thereby making conflict resolution a continuous government enterprise in present day Nigeria. Experience has shown that an attempt to resolve one conflict, another conflict often surface and as such persistence of conflicts in Nigeria indicate that the orthodox methods designed to manage or, and resolve conflicts has not been fully effective¹. This obvious problematic imply that conflicts in Nigeria are rooted on cultural cleavages and as such dynamic culturally-oriented strategies could be required to manage them. Augsburger presents four basic propositions in regard to cross-cultural conflict. He posits that win-lose form of conflict resolution block people from exploring alternative solutions. People in conflict are the least able and equipped to settle their own disputes and that the traditional ways of settlement like threats and litigation must be broadened into more creative ways like mediation and negotiation.² Augsburger further contends that there exist in traditional cultures time tested ways of resolving conflict that are better than modern ways. As such universal way of achieving conflict resolution would be inappropriate because there exist in every culture a way to resolve problems that work for them based on their values and history.

Furthermore, he argues that it is important to decentralize from common sense in regards to conflict. Each culture will have a pattern of behaviours, a set of values and a set of laws to deal with conflict and thus they will vary from culture to culture. Peace building should have space for diverse actors, from the state to civil society and ultimately to local community members who are faced daily with the impact of conflict.³ He advocates grassroots peace building instead of state-centric peacebuilding, hence his conception of the peace building pyramid model which categorizes actors in peace building into top, middle and grassroots ranks.⁴

¹Tsuwa J. T and Ochoga, E.O. Conflicts in Africa: A Search for Conflict Prevention Strategies. In International Journal of Humanities and Social Studies, www.theijhss.com, 2016, p.6

²Augsburger, D. W. Conflict Mediation across Cultures: Pathways and Patterns. Westminister: John Knox Press. 1992, p.45

³Lederach, J. P. Building Peace: Sustainable Reconciliation in Divided Societies. Tokyo: United Nations University. 1997, p.56

⁴See Augsburger, D. W. Conflict Mediation across Cultures:..

At the top level, there are government institutions, political elites and the military leaders who are not only powerful but also have the mandate to engage in peace building from their constituencies. The middle-level actors include non-governmental organizations, other civil society actors and local leaders who are capable of influencing both top leaders and grassroots actors. At the bottom level of the pyramid are grassroots actors and members of local communities who not only experience the day-to-day impact of conflict but are also best positioned to resolve that conflict because they are aware of their environment and the needs of the community. In his research, Ayittey advocates for the use of existing institutions to generate economic prosperity. He asserts that development simply means improving existing ways of doing things to make the processes more efficient and productive than before⁵.

In the African context, development means using the same indigenous system to produce more output. Furthermore, he argues that the real development solution lies in returning to Africa's own roots and building upon its age-old traditions of participatory democracy, free markets, and free trade. As such Africans must embrace indigenous conflict resolution mechanisms to ensure peace in the society. Ayittey contends that peace education is an interdisciplinary area of education whose goal is institutionalized and non-institutionalized teaching about peace and for peace⁶. It aims to help students acquire skills for non-violent conflict resolution and to reinforce those skills for active and responsible action in the society for the promotion of the values of peace. In addition, peace education aims to prevent conflict in advance.

People are taught how to peacefully exist on the basis of non-violence, tolerance, equality, respect for differences and social justice. In her study on Agikuyu traditional moral values, Kotze notes the rapid decline in moral standards in society. There are widespread social evils such as corruption, robbery, prostitution, broken homes and sexual promiscuity. The large number of ethno-political, ethno-religious, terrorism and land related conflicts, is a matter of great concern too⁷. More worrisome is the growing application of western methods of conflict management in Nigeria with little or no positive

⁵Ayittey, G.B.N. (1992). *Africa Betrayed*. New York: St. Martin's Press. 1992, P34

⁶Ayittey, G.B.N. *Ibid.*.... P.57

⁷Kotze, Dirk. *Issues in Conflict Resolution. African Journal on Conflict Resolution*, No12, No.2 .2002.pp.77-86.

impact. While much attention has been focused to the alternative methods of conflict management and resolution in Nigeria, little attention has been paid to the role of traditional institutions that can address the problem of conflict in Nigeria. It is within this gap, that the argument of this paper is located. This paper considers what the indigenous Methods of conflict management and resolution can do in addressing the ever ranging conflicts in the country. Consequently, the loss of respect for traditional values had created a moral vacuum. Assuch conflicts have increased in contemporary Nigerian societies and hence the need to trace traditional roots to deal with the situation using Agila Traditional conflict resolution and management strategies as a micro unit for analytical generalization.

Theorizing the Problematic

The study was informed by the indigenous political institutions perspective and human needs theory. The study sought to establish to what extent the indigenous institutions can be used in the management of conflicts in Nigeria. Indigenous approaches to conflict resolution are important because they hinge on people's culture (Byrne & Irvin, 2000; Tsuwa and Ochoga, 2016).⁸ Rituals were key components in conflict resolution among the Nigerian traditional societies. Scholars of the indigenous political institutions perspective emphasize the need to interpret the world from the indigenous peoples' own perspective and purpose (Alfred & Wilmer, 1997; Ayittey, 1992; Zartman, 2000; Smith, 2001, Tsuwa and Ochoga, 2016).

Indigenous peoples' institutional theory can help scholars and researchers to explain the indigenous peoples' existence in contemporary society to counter western institutions and values that have been promoted all over the world at the expense of indigenous cultural systems. The indigenous institutions perspective indicates that societies can still apply indigenous conflict resolution mechanisms to address local conflicts. The current study seeks to examine traditional conflict resolution and their relevance in the modern Nigerian society. This theory is relevant to the study because it recognizes the role of culture in conflict management and it emphasizes on the need of their involvement of all the people

⁸See Tsuwa J. T and Ochoga, E.O. Conflicts in Africa: A Search for Conflict Prevention Strategies. In International Journal of Humanities and Social Studies, www.theijhss.com, 2016, p.6

in the community to solve conflicts. Human needs theory Bright-Brock Utre, states that individuals must be given recognition as persons if social and gender-based violence is to be contained, young people must be given a role in the society if street gangs are to vanish and teenage pregnancies are to decrease⁹. In addition, ethnic minorities must be given an autonomous status if violence is to be avoided, decision-making systems must be non-adversarial if leadership roles are to be collaborative.

Bright-Brock Utre further contends that when societies were small extended family, there was a large degree of collaboration within them. With population increase and end of face to face relationships, conflicts of interests conditioned social relationships. The struggle to survive and achieve has been very much a personal and not a community one. Conflicts are defined in physical terms even if there are non-material human values and needs involved. But in all cases, there are non-material needs to be satisfied that provoke such aggression. Following this theory, if the needs of the people of Agila communities and all other communities in Nigeria are satisfactorily satisfied conflicts in the region will reduce.

The term "conflict" is variously defined to mean disagreement. Several definitions emphasize the incompatibility of goals. For example, Lederach explains:

...that conflict occurs in the event of "escalated competition between two or more parties, each of which aims to gain advantage of some kind—power, resources, interest, values.... At least one of the parties believes that conflict is over a set of mutually incompatible goals." Similarly, "when two or more parties perceive that their interests are incompatible, they express hostile attitudes, or... pursue their interests through actions that damage the other parties¹⁰. These parties may be individuals, small or large groups and countries." Albert (2002:2), observes that human perception of reality is very important in the understanding of a conflict situation.

Folger, et al has identified five key features of conflict interaction that:

⁹Bright-Brock Utre . "Indigenous Conflict Resolution in Africa". Institute of Educational Research, University of Oslo, 2001. pp. 8-11.

¹⁰see Lederach, J. P. Preparing for Peace: Conflict Transformation. Syracuse..

- Conflict interaction is characterized by moves and counter-moves which are themselves determined by the power wielded by the parties involved;
- Pattern of behaviour tends to be sustained;
- Steps taken in the course of such interaction are products of the larger environment in which they take place;
- There is a general understanding of the direction of such interaction; and
- Such interaction impacts on relation between the parties involved.¹¹

It is also important to state that conflicts occur at different levels. These levels are:

1. Intra-personal
2. Inter-personal
3. Intra-group/Community
4. Inter-Group/community

Sa'ad (1999:2) had noted that even though the different levels of conflicts exist, communities in North-East Nigeria including the Fulbeof Adamawa appear to record higher cases of inter-personal and intra-group/community conflicts. These conflicts, he observes, usually involve cases like theft, debts, adultery, wife abduction and homicide. Sa'ad also reported that there are various ways of managing and resolving conflicts in the communities of the zone. Some of the approaches are individualistic and formal, while some others are communal and informal. Conflicts could also be managed peacefully or in extreme cases with violence. From the going, we rest our argument with the viewpoint of Tsuwa and Ochoga (2016:83) that is the violent expression of disagreement among groups over values and hard held interests which results to the use of dangerous weapons against unarmed civilians which leads to the destruction of lives and property. Particularly, according to Tsuwa (2014:23):

Conflict takes place at the individual level, societal, state and international levels. In all of these conflicts, there are highly contested values, resources and issues that the parties are usually reluctant to relinquish. In most cases, these valuables bother on the corporate existence and survival of the parties involved. In essence, we can argue that, conflict arises from the

¹¹Folger, J.P et al. *Working Through Conflict*. New York: Educational Publishers Inc. 1997, p.56

unmet needs and desires especially when the party or parties that feel deprived engage in conflictual disagreement with the other party(s) they perceived as been privileged or have advantage over them. ¹²

Tsuwa (2014:30) therefore insist and argues that:

other issues such as poor decision making, environmental factors (pollution, climate change) have also caused starvation, distrust amongst people and severe communication which results to conflicts. It is worth to argue therefore that irrespective of these theoretical standpoints, it is a truism that, conflicts do occur in human relations as individuals or groups have different needs and methods of acquiring them.

Conflict management and resolution is pertinent with the view to put an end to the lingering consequences of such conflict. That is why Tsuwa argues that, conflict management involves a whole gamut of activities that can even start from prevention to resolution which brings in amicable resolution to the contested differences. This dynamism starts from the ability of the parties or a third intervening party to nip the conflict in the bud or to development strategies that will de-escalate the conflicts. This is a stage of reconciliation and re-establishment of the old order. It is a stage where peace agenda is develop and implemented by the parties in a conflict. The parties are once again united and reconstruction and rehabilitation commences to ensure unification cooperation. Efforts are made politically, economically, culturally or socio-religiously towards concrete peace building peace. It involves de-militarization, demobilization, arms control among many other strategies¹³. Be that as it may, the frequency of conflicts and their escalation in Nigeria necessitated the carrion call for a shift in paradigm form the western methods of conflict management and resolution to the hitherto existing indigenous methods of conflict management and resolution. Thus, the next segment discusses Agila traditional methods of conflict management and resolution with the view to show case its relevance in solving the perilous of constant wave conflicts in Nigeria.

Historical Background of the Agila People of North Central Nigeria

Agila is a name of a district in Idoma land of Benue State, North Central Nigeria. Agila town which is about eighty-five kilometers from *Otukpo* is the ancestral home of the Agila people in Ado Local Government Area of Benue State. Apart

¹² See Tsuwa J.T Understanding Conflicts. in George-Genyi (ed) Introduction to Peace and Conflict Studies. Makurdi: Gwatex Publishers. 2014.P.43.

¹³See Tsuwa and Ochoga...

from the ancestral home, Agila has other settlements such as *Apa-Agila, Ivetse, Ikpeba, Ogbokwu, Udokwu, Odah, Udegwu-Ukpo, Aganacha, Avovo* etc. Formerly, *Apa-Agila* which was predominantly a settlement of those Agila people who were unable to return to Agila town after the Nigeria Civil War. Today however, *Apa-Agila* is the most developed community in Agila district population and infrastructural wise. Agila shares common boundaries with *Ohaukwu* LGA of Ebonyi State in the East, Enugu State in the West, and Igumale the Ado Local Government Headquarters to the North. Traditionally, Agila community has twelve clans. Agila is among sub-cultures of the Idoma nation. It lies between longitudes 07, 50 and 07, 59 and latitudes 06, 31 South and 06, 45 North. *Agila* lies South-East of Otukpo, the Headquarters of the Idoma Nation of the Middle-Belt of Nigeria, but politically and constitutionally known as North Central Nigeria¹⁴.

The majority of the *Agila* live in *Apa* and *Agila-town* as their main settlements, although the rest are living in their farming settlements known as *Ole-elo*. *Agila* town consist of contiguous villages of varying number of compounds of related matrilineal families named after their common ancestors who founded them generation ago. Each village has a common playground *Opfu* for meeting and recreational purposes. Each compound comprises a member of male household and their families. However, the eldest male controls the *lyetse*, sacred grove as the custodian of the *Arekwu*, the ancestral spirits which regulates the actions and activities and wellbeing of the descendants.

The language of the people is known as Idoma. But like any other ethnic group in Africa, there are variations in the various dialects of Idoma. These dialectical variations do not however, pose any barrier in understanding of one another's tongues, although each group tends to lay claim to the originality of its dialect. The variations only exist in spellings and pronunciations but not in the meaning and understanding of words. The dialects are distinguished by substitution of *tsi* for *chi* or *ji* and *ri* for *li* phonetics. Those in the West and South employ the use of *ji, tsi* and *ri* respectively.¹⁵ The *Agila* goes for *tsi* and *ri* phonetics, while those in the North and Central part of Idoma goes for the *chi* phonetics. For example, *Oche* which means King to the North and Central Idoma is pronounce as *Otse* by the *Agila* of Idoma South.

¹⁴See Benue Guide....

¹⁵ Author's field survey, 2017.

The Agila are predominantly farmers. The men cultivate yams and rice while women plant cassava, groundnuts, beniseed, pepper, melon, vegetable and bambara nuts. These are supplemented with hunting, fishing and men owns the economic trees like palms. Coconut trees, oranges, cashew, guava and bush mangoes. While the women owns, cotton. Besides agriculture, the people are known also for their interest in cloth weaving, blacksmithing, palm wine tapping and extraction of palm oil, hunting and trading. It is no longer news among the Idoma say that the success of every important occasion is limited to the supply of quality and original Agila palm wine.

The Agila traditions encourage the formation of social groups to instill a sense of oneness amongst the people. Social groups also serve for identity and to encourage healthy competitions within the community. Some of them include; *Owa, Aleko, Egboki, Okwolebi, Osi-ije, Ikipirigidi, Aopa-onobi, Aopa-enele* and others. They play active role in shaping the destiny of members of the public and from the means for mustering local resources, determining needs of the community and for being involved in various development programs and conflict management.

Agila Indigenous Methods of Conflict Resolution and Management

To start with, the Agila Traditional Council (ATC) under the authority of the Otse-Agila has the prerogative of rule-making and enforcement within the domain. By the tradition, the ATC periodically review existing laws and sometimes enacts new laws as the case may be. Although, the laws are unwritten but the people recognizes it provisions and tenets. Matters such as bride price, drinks and other requirements for traditional marriage, punitive measures for persons found stealing, land disputes, penalty (sanction) for violation of *Arekwu* associated norms, and all other issues relating to Agila customs, traditions and culture in its entirety. Of course the *owu*, law making jurisdiction of the ATC is not limited to aforementioned areas.¹⁶ New law(s)-*owu* can be made any time but the ATC normally use the occasion of traditional festivals mostly the Ujor New Yam Festival to make public pronouncement of new law(s) for the community. The law could be a review of existing ones or entirely new law(s). Once the official pronouncement is made, compliance is not negotiable and its enforcement is strictly within the jurisdiction of the ATC. Some of the

¹⁶Oral interview with Mr. M. Ochoga, Apa-Agila, age 59 years on the methods of conflict management in Agila, 2th January, 2017

Indigenous methods the Agila people use in Conflict Resolution and Management includes the following amongst others:

(a) The *Arirepa Otu* (Dead of the Night) Method of Conflict Management

In most cases, the members of the ATC meet at the Otse-Agila's Palace in a dead night to deliberate on emerging issues that is been considered necessary to be regulated by a law. The decisions reached at the meeting are usually kept secret within the members until the day of public pronouncement to the general public. In as much as the chairman of ATC (that is, the Otse-Agila) has the veto power, disagreement or divergent opinions among the ATC members is always secretly resolved without knowledge of any Agila person outside the ATC. The Otse-Agila has a special office designated as Agila Traditional Court, where the Chief and members of the ATC mediate between conflicting parties in the community. Cases are treated based on its merit, divorced of bias and partiality as the Otse-Agila is hitherto seen as the father of every Agila and non-Agila residing within his controlled territory. Even with the emergent of the Western methodology of conflict resolution in Agila, specially the establishment of Area Courts in Agila by the Colonial Authority and later inherited by the Benue State Government, most Agila people still preferred the engagement of the Traditional Court to the Western alternative.

(b) The *Agbla Ole Otse-Agila* (Agila Traditional Court of Arbitration) Method of Conflict Management

In terms of conflict resolution, the decision of the *Agbla Ole Otse-Agila*, Agila Traditional Court (ATC) is presumed to be of best interest of peace and as such it is final. Therefore, it is incumbent upon the parties to comply with the judgment (or the Court decision). The Agila Traditional Court has different methods of enforcing decisions of the Court. The enforceability of the decision of the Court largely lies on the description of the Otse-Agila and members of the Traditional Court. The nature of the case is also important in the choice of enforcement mechanism. In the area of violation of norms and values associated with *Arekwu*, the ATC has its peculiar ways of addressing such infractions.

The nature of punishment and sanction to this kind of cultural oriented offences is determined by the ATC and enforced by delegated group of persons. As part of checks and balances, the custom and tradition does not empower the Otse-Agila to unilaterally make law without the involvement and inputs of the

members of the Council and vice-versa.¹⁷ The distinguishing features of the Agila adjudicating system is that, the system forbids partiality as the Otse-Agila and members of the ATC are under oath of the *Arekwu* and the *Ajecult*-the earth divinity, to always uphold truth. Secondly, the Court emphasizes on evidence and witnesses based prove of allegations by the alleged party. Thirdly, conflicting parties and their witnesses are often time ask to swear an oath, etc. All these are strategies institutionalized by the traditional system to ensure quick and fair dispensation of justice.

(c) The *Eka Ogwogwa* (Oath-Taking) Method of Conflict Management

Apart from the *Agila Traditional Court*, some conflicting parties in Agila may prefer taking themselves to the shrine to swear an oath rather than resolving the dispute through the formal Traditional Court. Despite of it grievous consequences (in which most time its results to death of the guilty person), this method has been predominantly used in the past. Although, the influence of Christianity has to a large extent reduced the usage of this Agila-oriented methodology of conflict resolution. There are established historical cases by which guilty persons who decided to adopt the *Eka Ogwogwa* (Oath-Taking) method of conflict resolution in shrines lost their lives at the end of the day. Every extended family in Agila has an ancestral shrine for the veneration of ancestors thus; the available of shrines for such engagement is not scarce in the community. Outside the family shrines, there are prominent shrines of different that are popularly invoked in the community by conflicting parties to resolve their conflict. Amongst the most prominent and commonly used oath swearing shrine is the *Opa ekpe* which is the *Arekwu* ancestral spirit cult own by the *Otokilo* and *Anidu* clans. The *Opa ekpe* oath-shrine is known for its dreaded expeditious response against the guilty party.¹⁸ It is based on this dreaded expeditious response that the Christian community frowns at it or use Christianity as an alibi not to take the oath for fear of the disastrous consequences of the aftermath of the *eka ogwogwa*, oath taking.

(d) The *Ada Iyetse* (Custodian of Sacred Grove) Method of Conflict Management

¹⁷Oral interview with Mr. S.Ogbu, Apa-Agila, age 99 years on the methods of conflict management in Agila, 2th January, 2017

¹⁸Oral interview with Mr. A Adai, Apa-Agila, age 77 years on the methods of conflict management in Agila, 2th January, 2017

Also, there is the *Ada Iyetse* (Custodian of Sacred Gove) method of conflict resolution where elders of the extended family use their wisdom to listen to the conflicting parties, investigate the matter and then conclusions are drawn under suprintendency of the *Ada Iyetse*. In this alternative, the *Ada Iyetse* is the chief mediator by virtue of being the link between the living memebers of the family and the communion of ancestors, assisted by the elders in the family¹⁹. In fact, this platform happened to be the initial place where Agila people first and foremost seek redress of their conflicts. Parties that are not satisfy with the decision reached by the *Ada Iyetse* and the elders have the option to seek readdress at the Agila Traditional Court. Be that as it may, the forgoing analysis has clearly shown that Agila has robust mechanisms of conflict resolution long before the introduction of the Western methodologies of conflict management and resolution.

Conclusion

The subject matter of this paper was necessitated by the frequency of conflicts in Nigeria of which the application of the western conflict resolution strategies has proven to be ineffective; thereby demanding a rethink for positive return to the hitherto existing traditional methods of conflict management. The series of reoccurring conflicts virtually every part of Nigeria is a demonstration that the alternative methods of conflict resolution has not be able to prevent conflict in the country hence stakeholders have largely relied on the application of the orthodox methods. In spite of that, contemporary Nigeria is been engulfed with series of conflicts and as such we are advocating for paradigm shift; where the hitherto existing indigenus methods of conflict resolution would be applied. Hence, every ethnic group in Nigeria has its own traditional methods of conflict resolution which may be more effective than Western methods because of the percuiliarities of every conflict.

Like the Agila communities have witnessed communal clashes ranging from chieftaincy to land related conflicts and the like, so also other communities in Nigeria have their share of conflicts in different spheres of human endeavours. Interestingly, too, the over-bearing influence of Western methods of conflict management adversely made indigenus communities not to appreciate their numerous traditional mechanisms to manage and resolve the various conflicts that occur in their communities. The unique characteristic of the Agila and other

¹⁹Oral interview with Mr. M. Ochoga, Apa-Agila, age 59 years on the methods of conflict management in Agila, 2th January, 2017

communities' traditional mechanisms, has been found to be a very important and effective instrument of managing and resolving conflicts at the intra and inter-group levels. The traditional mechanisms could perfectly nurture our dynamic modern political, social and economic developments and transformed them to withstand the changes experienced within the Nigerian society. The methods could be undoubtedly remained useful to Nigeria and Nigerians.

It is hereby suggested that further researches be undertaken into the nature of conflicts and their resolution patterns in the Nigerian communities not only in Agila but wherever they are. A clearer understanding of the concept of indigenous would definitely assist policy makers and mediators in resolving conflicts in Nigeria. This study established that indigenous institutions are very important in peace building and especially in conflict resolution. However, people need to be sensitized on the importance of these institutions in managing conflicts amongst them. The government through the constitution should give more emphasis on the indigenous institutions; our preference for Alternative Dispute Resolution (ADR) to Western methods is not because they are cheap and speedy but it indigenous and culturally-oriented. Giving the incessant cases of conflicts in Nigeria, alternative dispute resolution mechanisms are a better option to the people of Nigeria. Emphasis needs to be put in re-educating the members their traditions and the benefits of embracing ADR in conflict management. ADR is relevant to Nigerian communities since the mechanism is indigenous to them. For ADR to be incorporated in modern Nigeria legal system, the government and all stakeholders must be involved. ADR mechanisms needs to be recognized fully in the Constitution. The society should be made aware of the many positive alternatives to resolve conflicts. This will ensure peaceful co-existence among members of the society. ADR mechanisms will also ensure reduced backlog of cases in the conventional courts, assist and expedite the processes of dissemination of justice to all and sundry in all ramifications.