

**THE DIALECTICS OF PEACE AND CONFLICTS MANAGEMENT IN NORTH  
CENTRAL NIGERIA: A RETRIBUTIVE OR RESTORATIVE JUSTICE  
SYSTEM?**

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**Abstract**

*This paper does lament whatever had happened to North Central Nigeria, and in particular, Benue's, Plateau's, and Southern Kaduna's glorious past, and the abysmal state of Nigeria's civilization inherited from British colonial masters, with its attendant effects such as insecurity and underdevelopment most especially on the sampled area and the continent at large. The paper, through an exegesis of select historical facts and texts, reports, and journals, has explored via a desk and textual study, an objective explication for an unpacking of the inherent mischiefs caused by the apparent harmful retributive system of justice inherited from the colonial criminal justice system. Thereafter, the prognosis of the problematics of the retributive justice system in Nigeria, and of the vicious cycles of the conflicts, is addressed through an unveiling of the gaps in the retributive justice system, which hitherto has focused more on the offender, to the detriment of the victim(s), and society, is underscored. These dialectics for peacebuilding, conflict management/transformation, and mutual trust would be reached through (re)negotiation, and (re)visiting of the Nigerian criminal justice system, with a focus on the restorative justice system by advocating for the full entrenchment of the formidable Administration of Criminal Justice Act, 2015 in all the States of the Federation for the development of Nigerians and African's scions globally. Where the emphasis is now hinged on "victim-offender-mediation" and lessons are drawn from the Wajir Peace Development Committee (in Northeastern Kenya) cum the Plateau model as a panacea to the unending vicious cycle of conflicts and reprisals in our societies.*

**Keywords:** Restorative, Retributive, Victim-Offender-Mediation, Peace, Conflict

## **Introduction**

North Central Nigeria is a contested geographical space that has been experiencing diverse security threats, which have constituted a breach to national integration and cohesion. This region, North Central Nigeria is equally known as the Middle Belt region. Though it is still being contested that the region comprises Benue, Plateau, Nasarawa, Taraba, Kogi, Kwara, Niger, Southern Kaduna and Federal Capital Territory, Abuja. This enclave has been bedevilled by myriads of hydra-headed crises and conflicts ranging from; farmers/herders, banditry, cattle rustling, kidnapping, and armed conflicts in unprecedented dimensions in the recent times. The deteriorating security situation seemingly revolves around three different but overlapping factors. These triple factors include: claims over land ownership for either crop farming or animal grazing; the emergence of armed gangs, terrorists, and bandits, engaged in kidnapping and robbery; as well as religious extremism are the factors responsible for the lack of security, with its attendant effect such as the lack of integration and cohesion among the people of the region under study. As such, all efforts by state and non-state actors to curb this bane through dialogues, peace summits, seminars, and workshops among others have not yet yielded the desired result, hence, the frequent escalation of ethnic cleansing, raping of women, and young girls, maiming and destruction of lives and property at an alarming rate are being recorded nearly every week or the other in this region. It is against the above premise that this paper calls for a reform of the Criminal justice system being practiced in Nigeria that has become so obsolete. Since it was inherited from the colonial era until now. The Nigerian jurisprudence and the inherited laws need an immediate overhauling if we are sincere as a nation in our fight against banditry, insurgencies, terrorism, and other forms of criminalities in North Central Nigeria.

Unlike in Nigeria where there is no entrenched operational restorative justice system programme besides the Administration of Criminal Justice Act (ACJA) 2015. Other nations of the world such as the United States, Canada, Australia, New Zealand, Europe, South Africa, etc., are among those that have Restorative Justice being practiced in their countries. The United States and Europe for instance, have the most dynamic restorative justice system referred to as victim-offender mediation (VOM). The United Nations and Europe victim-offender mediation programmes bring together in a face-to-face mediation the victims and offenders before a competent team of expert mediators and facilitators who allow asking of questions, and storytelling, as well as letting off of both the victims' and offenders' emotional feelings, and in some instances, restitution agreements are being negotiated. It is worthy to mention that majority of US States have now implemented restorative justice programmes or have used restorative justice dialectal in legislation or policy official papers (O'Brien, 2000). Canada for example, brought into their Canadian

Criminal Code in 1996, Community-based sentencing principles. This was to stimulate accountability in offenders and for them to realize the degree of offenses and make restitution for the injury and damages inflicted on their victims as well as their communities.

Other jurisdictions in Africa that had colonial influences such as Ghana and South Africa had had their criminal justice systems reformed already. While Nigeria is still struggling, in the real sense of the word. The Nigerian Criminal Justice System suffers lots of mischief in its administrative wheels. Though most of these mischiefs were addressed when President Goodluck Jonathan signed into law the ACJ Acts in 2015. However, others such as the ACJ Acts of 2015, have not been enacted in many states of the Federation until now, and the restorative justice system is yet to be entrenched.

### **A brief insight on Justice**

While justice itself is an elusive concept, as Dias (1976) observes, it can be loosely said that it implies equity and fairness, and for there to be meaningful access to justice, there must be some element of fairness and equity in a system to guarantee the realization of basic fundamental rights (Okogbule 2005:2). Justice is the maintenance or administration of what is just, especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments (Merriam-Webster Dictionary, 1828). Justice from another perspective is seen as the ethical, philosophical idea that people are to be treated impartially, fairly, properly, and reasonably by the law and by arbiters of the law, that laws are to ensure that no harm befalls another, and that, where harm is alleged, both the accuser and the accused receive a morally right consequence merited their actions (Cornell Law School, 1992). From the foregoing definitions, one can deduce that justice could be the entrenchment of what is fair and just, by giving to either the offended or the offender what ought to be given to them in terms of verdict, that is, their due legally. Given the aforementioned definitions, some questions would naturally resonate with the advanced definitions; how impartial and fair is the justice system in Nigeria today? How incorruptible are the arbiters of justice in Nigeria? How speedy is the Nigerian Administration of Criminal Justice Act in prosecuting the offenders and dispensing justice to the offended? Etc.

### **The Justice System in Nigeria**

Nigerian Criminal Justice System (CJS) is more concerned with punishing the offenders, by paying close attention to the offense committed than to the offended; this CJS is retributive in nature. This CJS is more often than not, concerned about the welfare of the

offender and the community than of the offended or victim. Its prerogative is the protection of the crime suspects. This protection as such tends to undermine the attention of the suspect in the event that they are guilty to other aspects like the court trial, where they will plead not in most cases to other technicalities.

The disturbing questions in a conflict situation or region such as the North Central Nigeria where culprits or the offenders are arrested and incarcerated are; what then happens to the offended? How about the destroyed crops? Or the cows that were killed or rustled? And what about the houses burnt or destroyed? When arson is committed during a violent crisis, are the victims' lives and property compensated for? How about the post-traumatic effects that these victims or their dependents live with afterward? Has there been any provision for restitution in such instances until now? These and several queries are pointers to the identified mischiefs in the retributive justice system. And by implication, to the gross failure on the part of our government that has sworn to protect the lives and property of its citizens. This means that the government has failed in its responsibility and the social contract it has entered into with its citizens.

It is against the aforementioned pitfall that this paper advocates for the full administration of the Restorative justice system in North Central Nigeria as a panacea to the negative peace and vicious cycles of conflicts being experienced in this region. This study agrees with Stauffer (2012)'s submission that, justice is realized in a human and relational context, not just by legal or criminal justice court processes. It is also attained through actions of restitution and reparations, not just through legal theory and codes of law. And thirdly, justice is completed through restoration and rehabilitation, not just alienation and punishment. This paper does not completely reject or exclude elements of retribution as other scholars have subscribed to, but call for a synergy with some elements of retributive justice (that is, censure for past offenses), some elements of rehabilitative justice (for example, by asking what shall we do to encourage future law-abiding behaviour?), and some elements of restorative (for example, by asking, how can the offender make up for what he or she did to the victim).

### **Some Cases in Point**

This is one out of many cases of arrests in North Central Nigeria without prosecution. This was being reported on 21 May 2022 by Abiodun Sanusi of the Punch Newspaper thus: "Why we raped, killed Greenfield students-Suspects" The two kidnappers, Aminu Lawal, aka Aminu Kano, and Murtala Dawu, aka Mugala, said to be members of a gang code-named the 'Yellow Ashana,' speak on their involvement in the infamous kidnap of 140 pupils of the Bethel Baptist High School, Kaduna State, and 16 students of the

Greenfield University on the Kaduna Abuja Expressway in 2021, during their parade by the police. Parents and relatives of victims confessed to raising the sum of N180 million ransom alongside some motorbikes to secure the release of their children and wards. How would justice be served in this case? Many Nigerians are skeptical of the administration of justice in this case in point, like several many others similar occurrences. However, it would be too early to pre-empt the law enforcement agencies and the Kaduna State Government in this case. This is not to mention the 28 March 2022 Kaduna-Abuja train attack victims among others that their abductors' whereabouts are known, and yet, nothing apparently tangible is done to secure their release until now or their abductors. Though the gunmen have on 23 May 2022 threatened to start killing abductees if their demands are not met by the Federal Government. The abductors name Sheik Dr Ahmad Gumi's spokesperson, Tukur Mamu (Dan-Iyan Fika) as the only trusted person that cannot alter their message to the Federal Government. The Desert Herald newspaper reported that the abductors would only release the train victims on the condition that their detained children numbering about eight (8), and some of their arrested comrades that in the Nigerian Government detention facilities.

### **The Kenyan Intervention Mechanisms & the Plateau State of Nigeria's Model**

The Rise of the Wajir Peace and Development Committee (WPDC) in June 1993, had Women for Peace and Youth for Peace, which formed the Wajir Peace Group (WPG), this group was able to attract elders to its peace development efforts. This move was made possible largely due to the local UNICEF and Oxfam representatives. The creation of another committee popularly known as Elders for Peace came into existence. Thereafter, the creation of a council of elders, which was later known as Al Fatah elders became monumental in the drive for peace that was initiated by women. The elders met in a Madrassa known as Al Fatah and were selected in a process that involved all clans. Each of the three major clans was asked to nominate 75 elders, while the smaller clans or 'corner' clans were asked to nominate four each. A further seven days were devoted to consensus building on peace and setting up rules and codes of enforcing the peace and extracting allegiance. The Al Fatah Declaration has become the most important tool for peace building in Wajir district. It is the document most expressive of the creative mix of the Somali justice system, backed by the enforcement capacity of the state. It has deep legitimacy because elders with secure legitimacy in various competing clans negotiated it over time and because communities, especially women and youth, were recognized as stakeholders, if not prime movers. The Al Fatah elders have become, comparatively, a critical element to achieving peace in Wajir because, as men, they command greater

traditional claims to leadership than women and, as older persons, more claims to community leadership than the youth.

Integrating local administrative organs into peace building offered a way to reduce the suspicion inherent in the three-decade-old relationship between the state and the North-eastern communities. Assigning the chair's role to the District Commissioner also allowed for instant legitimacy and avoided further conflicts over which clan should head the group. It is worthy of mention that key feats in the intervention of The Wajir Peace and Development Committee can be summarized thus; the achievement of peaceful settlements in most interventions, the establishment of an infrastructure for responding to conflict and promoting peace, the revival of the elements of the pre-colonial Somali justice system, which, when combined with the modern state system, seems to assure more peace than either one by itself, this move has prompted perceptible attitudinal change and reduced the incidents of retaliation, it has also targeted, with modest success, (ex-)combatants through development projects, and, has produced a model of CBO-government collaboration in peacebuilding that is unique in Kenya and that is being replicated in other north-eastern communities. These impacts are replicable in a number of instances and could be used to enhance other emerging models of community-government collaboration in peacebuilding. Like anywhere else, peacebuilding is an arduous task and involves long, protracted processes. Where the WPDC has been invited to mediate conflicts in areas such as in Garissa and Mandera, for example, it has had modest success in easing tensions and setting up intra-clan platforms for conflict resolution (2001:15).

On the other hand, the Plateau State model as discussed by Amupitan and Peter (2021) is culled to buttresses further the argument on the need of involving all and sundry into the peace building and conflict transformation dialectics in the North Central Nigeria. Amupitan and Peter (2021) argued that all the successes recorded in recent times were made possible with the help of NGOs and Civil Society Groups who stand as intermediary between the people and the government. Therefore, there is also an interface between the state and the civil society which has yielded positive results. They further stressed that those who were trained as Peace Ambassadors on the Plateau became the ambassadors that were selected from various communities of both Christians and Muslims, who were allowed to discuss the solution to the conflict on ground and truth/reconciliatory moves came out of the meeting which aided the idea of Peace Ambassador training in Jos Plateau State and other Local Government areas. Again, among the result of the participatory peace building are that, the various community in Plateau State appointed security personnel (Vigilante group) who manned the community day and night to track any group that intend to foment trouble and other criminality in the community. These people are

responsible for security of the community and they are quite effective since they have the knowledge of the people that live in the community and can easily track down any strange person within the community (Amupitan & Peter 2021, p. 212).

### **A Lesson from the Wajir District of North-Eastern Kenya and Plateau State of Nigeria's Model**

The neglect and brutality of the Kenyan state for instance, has also left an important gap in the delivery of justice, especially critical in an environment where survival entails many conflicts for control and access to scarce resources. The result has been the mobilization of traditional and communal forces to respond to competition and to the need for justice. In a province administered as a security zone, the sporadic presence and arbitrariness of the state were particularly evident in the actions of the police and other security actors, especially in the escalation of revenge killings that fueled the 1992-95 crisis.

The incapacity of the police to end the violence was evident to residents as, at times, suspected culprits were never arrested or were allowed to go free after, residents suspected, paying bribes to security forces. The residents thus lost confidence in the justice system offered by the modern state. Instead, they resorted to their own brand of justice, which often entailed avenging wrongs communally (2001:4). Indeed, this is not dissimilar to the now established practice in other parts of Kenya, where lynching of suspected criminals occurs regularly as a terrifying reminder of the extent to which the public has lost confidence in the police's ability to arrest and prosecute dangerous criminals.

This scenario of state failure and jungle justice also plays out very well in North Central Nigeria where victims of various forms of criminalities are most often arrested and handed over to the police or the military without any form of prosecution or justice dispensed in the end. And one could make reference to myriads of arrests without prosecutions. The takeaway from Kenya is;

- I. Women's appeal for peace was being echoed across the community and the youth organized activities that supported the peace efforts, the creation of a council of elders (that came to be known as Al Fatah elders) was the watershed event. The elders met in a Madrassa known as Al Fatah and were selected in a process that involved all clans.
- II. The establishment of a committee called Elders for Peace.
- III. The result has been the mobilization of traditional and communal forces to respond to competition and to the need for justice.

And the lesson learned from the Plateau experience is thus summed up in this lines;

- I. These ambassadors were selected from various communities both Christians and Muslims. They were allowed to discuss the solution to the conflict on ground and truth/reconciliatory moves came out of the meeting which aided the idea of Peace Ambassador training in Jos Plateau State and other Local Government areas
- II. This outcome led to the recruiting and training of security agents from all the different communities on the Plateau as key players in curbing the recurrent decimal of conflict in Plateau State (Amupitan & Peter 2021, p. 212).
- III. The Peace Ambassadors and the Vigilante group or community police eventually became the formidable force that is now instrumental to achieving the desired results in restoring some degree of peace on the Plateau and environs.

### **Retributive or Restorative Justice System?**

If the main purpose of the Nigerian criminal justice system is to reduce crimes to the barest degree in the society, by prosecuting and punishing the persons responsible for criminal acts, by protecting and restoring the offended and the society to as close as possible before any crimes were committed. Then how well has all of the foregoing been achieved in North Central Nigeria, and Nigeria as a whole? It is these failures that this study seeks to address by advocating for the full implementation of the restorative justice system in all the Federating States of the country called Nigeria.

The retribution model of criminal justice as argued by Ani C.C (2020), has over time proved to be a slow, costly, and apparently ineffective way of dealing with crime in Nigerian and beyond. Retribution justice is justice that is founded around punishment as a means of preventing vengeance from the victim. The philosophy behind this form of justice regime is that victims are thought to have a natural proclivity to revenge which can only be assuaged if they see that the offender has been adequately punished. The punishment of the offender gives the victim a sense of justice and relief. The only goal in retributive justice is punishment. Whether it deters or restores is immaterial. Proportionality is an important concept in retributive justice. This does not mean that the punishment has to be equivalent to the crime. A retributive system must punish severe crimes harsher than minor crimes, and the severity of the crime is usually determined by the amount of harm and the moral imbalance it creates (Abikan, 2017). On the other hand, Restorative justice deals with a process of settling disputes or resolving crime or injuries inflicted on any victim and their society or communities on one hand and also holding the offender responsible for the offense or harm caused to both the offended and the community on the other hand, by engaging the community, the offended and the offender



in settling or resolving the dispute, conflict or harm being done to the victim and the society at large. To Walgrave (2008), restorative justice is “an option for doing justice after the occurrence of an offense that is primarily oriented towards repairing the individual, relational and social harm caused by that offense.” Zulfa (2011) posits that restorative justice is a model approach that emerged in the 1960s in an effort to solve criminal cases. Unlike the approach used in the conventional criminal justice system, this approach focuses on the direct participation of perpetrators, victims, and society in the settlement process.

This paper advocates for a symbiotic relationship between the retributive justice and restorative justice system, where the Administration of Criminal Justice Act (ACJA) in the entirety of its gamut ensures a criminal justice system that respects the dignity of the offender and pursues both the retributive and restorative justice in a timely dispensation of criminal cases. As such all States of the Federation, especially Benue, Plateau, and the Kaduna States are enjoined to enact the ACJA in their respective jurisdiction despite its defects or mischiefs.

The Administration of Criminal Justice Act (ACJ Act) 2015 fuses the provisions of both the Criminal Procedure Act (CPA) practiced in the Southern States of Nigeria together with the Criminal Procedure Code (CPC) administered in the Northern States as one holistic legislation.

The ACJ Act states in section 1 that its intent is to ensure that the system of the administration of criminal justice in Nigeria stimulates competent running of the criminal justice institutions, quick passage of justice, protection of the society from crime, and protection of the rights and interests of the suspect, the defendant, and the victim. The Act which substitutes the CPA and the CPC offers profuse provisions on victims’ remedies and restorative justice as a remedy to the inherent mischiefs in the CPA and CPC. Provisions for compensation and restitution are treated in this fashion thus;

### ***Compensation***

It is worthy of note that Section 314 on compensation provides that, notwithstanding the limit of its civil or criminal jurisdiction, a court has power in delivering its judgment to award to a victim commensurate compensation by the defendant or any other person or the State. The Court in considering the award of compensation to the victim may call for additional evidence to enable it to determine the quantum of compensation to be awarded.

### ***Restitution***

Then Section 321 which focuses on restitution, has empowers the court to order restitution accordingly. A court after conviction may adjourn proceedings, to consider and determine

the sentence appropriate for each convict: (a) in addition to or in lieu of any other penalty authorized by law, order the convict to make restitution or pay compensation to any victim of the crime for which the offender was convicted, or to the victim's estate; (b) order for the restitution or compensation for the loss or destruction of the Victim's property and in so doing the court may direct the convict: (i) to return the property to the owner or to a person designated by the owner; (ii) where the return of the property is impossible or impracticable, to pay an amount equal to the value of the property; or (iii) where the property to be returned is inadequate or insufficient, to pay an amount equal to the property calculated on the basis of what is fair and just.

### **Religious Allusion to Restitution**

It is in the light of the above that this paper reiterate that both Christianity and Islam adhere to the principle of restitution as would be supported by some quotations from both the Bible and the Quran thus;

#### ***Christianity***

Exodus 22:9 For all manner of trespass, whether it be ox, for ass, for sheep, for raiment, or for any manner of lost thing, which another challengeth to be his, the cause of both parties shall come before the judges; and whom the judges shall condemn, he shall pay double unto his neighbor. Leviticus 6:4 – Then it shall be because he hath sinned, and is guilty, that he shall restore that which he took violently away, or the thing which he hath deceitfully gotten, or that which was delivered him to keep, or the lost thing which was found. Proverbs 6:30-31 Men do not despise a thief if he steals to satisfy his soul when he is hungry But if he is found, he shall restore sevenfold; he shall give all the substance of his house.

#### ***Islam***

The Qur'an and the Sunnah are replete with injunctions on restorative justice. There is the Islamic practice of *Diyya* and *Sohland*. In *Diyya*, the offender agrees to monetary payment to the victim, while *Sohl* is a negotiated reconciliation. Both practice are done in the presence of a *WaliAmr* (appointed guardian) (accessed 2022). In Islamic criminal law *qisas* crimes are most affected by restorative justice. They are crimes such as intentional wounding and homicide. The victims of *qisas* crimes as avers by Hascall (2012) retain a central role in the prosecution and sentencing of defendants. The victims of *qisas* crimes are given a choice as to the punishment that is to be imposed. They may choose to forgive the defendant and demand no punishment at all, or they may choose to demand payment “*diyya*” as compensation for the crime. The Holy Quran in the book of al-Baqarah: 178 have this to say on the subject of restorative justice:

O ye who believe the law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any forgiveness is made by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude. This is a concession and a mercy from God (al-Baqarah: 178)

## **Conclusion**

This subscribes to the full implementation of the restorative justice system and the institutionalization of the Victim-Offender-Mediation as the panacea to check-mating the incessant circle of violence in the North-Central Nigeria. Sequel to that, the paper also advocates for a symbiotic relationship between the retributive justice and restorative justice system, where the Administration of Criminal Justice Act (ACJA) in the entirety of its gamut ensures a criminal justice system that respects the dignity of the offender as well and pursues both the retributive and restorative justice in a timely dispensation of criminal cases. As such, all States of the Federation, especially Benue, Plateau, and the Kaduna States are enjoined to enact the ACJA in their respective jurisdiction undermining its constitutional mischiefs. As it is argued that justice is completed through restoration and rehabilitation, not just alienation and punishment. This paper does not completely reject or exclude elements of retribution, however, it appeals for symbiotic relationship between some elements of retributive justice, some elements of rehabilitative justice, and some elements of restorative above all.

## **Recommendations**

It is recommended in this study that the following majors should be taken for fairness, equity, and justice in the face of any form of breach of law and order or criminality;

- I. All states of the Federation should be made to adopt and practice the 2015 ACJ Acts
- II. Entrenchment of the Restorative Justice System is highly encouraged in all states of the Federation
- III. The offender should be made to pay for their crime
- IV. The items or life destroyed should be quantified and translated into monetary value as well
- V. The state should come in to rehabilitate the victims due to the post-traumatic effects of the attack or injury suffered
- VI. Victim-offender-mediation system should be fully implanted in the North-Central Nigeria

VII. Above all, the adoption of the Kenyan mechanisms and the Plateau model of curbing of conflict and promoting peace in the region under study is highly recommended.

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