

Resource users' Perception of the Performance of Traditional Conflicts' arbitrators, Police and the Court in the Management of Resource use conflicts in Kainji Dam Area of Yauri Emirate, Kebbi State Nigeria

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Abstract

This study examines the resource users' perception of the performance of traditional Conflicts' arbitrators, Police and the Court of Law in the management of resource use conflicts in Kainji dam area of Yauri Emirate, Kebbi State Nigeria. Twenty respondents (10 farmers, 6 fishermen, and 4 herders) were randomly selected from each of the 12 villages selected for the study. Questionnaires were administered to each of respondents to obtain a total of 240 respondents. Likert scale was also employed to measure the resource users' perception. Descriptive statistics was used for the data analysis. The results of the study shows that village heads are the most preferred arbitrators of resource use conflicts in the study area, although the police and courts are also involved but to a lesser extent. In fact, majority of the farmers, herders and fishermen expressed dissatisfactory perception on the police and court of law in the managing resource use conflicts. However, the current form of control exercised in the study area have not been successful in negotiating a satisfactory way of combining the economic systems of farming, herding and fishing as evidenced by the increasing incidence of natural resources conflicts among the users. Thus, the research recommended the adoption of Local Development Plans (LDPs), which is a Community-Driven Development (CDD) approach that aims at addressing all conflicts issues and increasing productivity by extension agency, as suitable conflict management strategy.

Key Words: Resource users, Traditional Conflicts' arbitrators, Police, Court, Kainji Dam Area, Yauri Emirate

Introduction

In many indigenous and customary cultures under change, disputes, tensions and social conflict are often caused by lack of understanding between community members of each others' values, beliefs, opportunities and constraints. There is often a dislocation between the resource owner, his assets, and the desires of those who wish to invest in resource development, as well as the

government entities with whom many foreign proponents negotiate. There is often a dilemma between people wanting to maintain traditional values and those who wish to use modern land registration processes to secure land for investment and development. Communities and societies are becoming confused by the interaction of constitutions that protect traditional ways, and many land laws that were designed by colonial partners that enable the opportunity for “individual” security over land, often in direct conflict with village and agrarian systems. Often there are no parallel bodies of law and policy that assist with dealing these conflicts, such as integrated land use planning and contemporary land management systems that exist in developed countries (Matt, 2006).

UNIFCPA (2010) stated that conflict becomes problematic when societal mechanisms and institutions for managing and resolving conflict break down, giving way to violence. Societies with weak institutions, fragile political systems and divisive social relations can be drawn into cycles of conflict and violence. Preventing this negative spiral and ensuring the peaceful resolution of disputes is a core interest of the international community. The challenge for UN, EU and other international actors is to promote positive social transformation, while mitigating the risks and potential impacts of violent and damaging conflict.

Conflict management activities explicitly aim to address the causes and consequences of conflict, but they are often implemented within a traditional development sector, such as within programs that address democracy and governance, environment, or economic growth. Many of these activities also lay the groundwork for significant longer-term results, and work to build the underlying institutions and systems of resilience that provide alternatives to violence. For example, conflict management efforts might include improving the governance of high-value natural resources that are linked to existing political or armed conflict; employment programs designed to reduce the number of available recruits for militias; or post-conflict reconstruction efforts to restore livelihoods. Such activities can also operate as a stand-alone program within a development portfolio.

Natural resource management is in many ways plays a role in conflict management. Traditions, customs, rules, laws and policies regulating access to, use and management of natural resources all aim to bring order and predictability to situations where competition and conflicting interests—even in the smallest communities—are present. Resource management and conflict management are closely linked, but it is only recently that policymakers, state resource managers, practitioners, academics and others have attempted to address this connection. This development reflects growing awareness of the magnitude and implications of natural resource conflicts. Increased competition for natural resources among multiple stakeholders with diverse interests is occurring worldwide within the contexts of globalization, democratization, decentralization and urbanization. Tensions and conflicts including disagreement over access rights and lack of consensus on management objectives are common. Also, policy and economic changes affecting NRM can set in motion new conflicts or cause old ones to escalate (Castro and Nielsen 2003).

Institutions of course do not just lead to grievance; effective and legitimate performance by institutions, especially at the level of the state, is a powerful source of resilience. The state institutions providing security, justice, and livelihoods are particularly important for their role in mitigating violence. ²² Where institutions are illegitimate or ineffective, however, there will be fewer incentives for people to continue using them. This outcome results in a breakdown of rules and order, forces individuals and groups to re-negotiate their agreements, and brings latent conflicts to the surface—in short, it establishes a dynamic of *fragility* (Levine, 2012).

The Kainji hydroelectric dam project was Nigeria's largest project in the 1962-68 National Development Plans, which was completed in 1968. Kainji dam is 136 kilometers long and 24 kilometers at the widest section with a surface area of 1.25 million square meters and a storage capacity of 15 billion cubic meters, of which the useable storage is 11.5 billion cubic meters of water. The Kainji dam was conceived to satisfy a major part of the power requirements of Nigeria. The dam was designed to take 12 generating turbines but it eventually ended up with eight generating turbines and a generating capacity of 760MW (HDAEC, 2002).

There has been increasing recognition by both dam proponents and dam opponents that the social impacts of dams are complex, and can be far-reaching. Social impacts can be positive (e.g. improved welfare resulting from new access to irrigation water) or negative (e.g. resettlement, decline of a downstream fishery due to flood control). Social impacts can be direct (e.g. the cultural trauma of involuntary resettlement), or the result of a cascade, where environmental impacts generate economic impacts, and these in turn cause social impacts (for example the impacts of changes in a river's flooding patterns reducing fish populations downstream of a dam, affecting the economic return from fishing and causing increased levels of out-migration of male fish catchers). Social impacts can be local to the dam site (e.g. the negative impacts associated with resettlement), or in places that are far from the dam, where water or electricity are consumed (Adams, 2000).

Conflict becomes problematic when societal mechanisms and institutions for managing and resolving conflict break down, giving way to violence. Societies with weak institutions, fragile political systems and divisive social relations can be drawn into cycles of conflict and violence. Preventing this negative spiral and ensuring the peaceful resolution of disputes is a core interest of the international community. The challenge for UN, EU and other international actors is to promote positive social transformation, while mitigating the risks and potential impacts of violent and damaging conflict (UNIFCPA, 2010).

Purpose of the Study

The occurrence of resource use conflicts in Kainji dam area of Yauri emirate warrant this research to be conducted. HDAEC (2002) reported that some of weaknesses of Kainji dam resettlement scheme that causes resource use conflicts in the study area include lack of institutional learning to deal with complexity of the conflict that follows resettlement; lack of opportunities for restoring and improving living standards; lack of political will on the part of government and failure of the law enforcement agencies to apply appropriate sanction to violators of law and order among the resource users.

Anthony, (2008), reported that the problems associated with the existing institutions of the state and how they function in African context makes resolution of disputes difficult. Despite the existence of institutional frameworks that are supposed to guide processes and delivery on essential services, the continued weakening of these institutions, through political mechanization and predatory nature of African elites, working in cohorts with external interests also contributes further to the undermining of stability in Africa. These tendencies exacerbate resources wars and ethnic rivalry. UNIFCPA, (2010) added that in conflict-affected areas, resource use managing institutions have often been weakened, politicized, and de-legitimized, and may not play a constructive role in the resolution of dispute. Weak formal institution is inimical to effective natural resource and user conflicts management and the delivery of expected benefits from the resource in the study area. Thus provision of a strategy that aimed at efficient management of the resources informed the decision to conduct this research.

Methodology

The study was conducted in the three Local Government Areas (LGAs) of Yauri Emirate. Purposive sampling was used to select twelve villages in the LGAs (4 villages/LGA). Twenty respondents (10 each of farmers, 6 fishermen, and 4 herders) were randomly selected from each village to obtain a total of 240 respondents, which constitute the sample size.

Likert scale was employed to measure the resource users' perception on the performance of institutions involved in managing resource use conflicts. The opinion of the respondents toward performance of institutions for managing resource use conflicts was measured by summing up the reaction of positive, negative and neutral responses to a list of questions that seek the perception of the resource users. To achieve this, a five point Likert scale containing items with response categories ranging from Strongly Agree (SA) with a score of five points to Strongly Disagree (SD) with a score of one point for favorable statements were developed. The respondents were asked to indicate which option best describe their opinion with respect to the statement.

A total of 4, 3 and 11 statements were presented to assess the resource users' perception of the performance of traditional conflicts arbitrators, police and courts respectively, in managing resource use conflicts in Yauri emirate. Descriptive statistics and trichotomized likert scaling were used for the data analysis.

Results and Discussion

Although conflicts of resource use are common in the study area. The frequency of occurrence of conflicts between herders and farmers outweighs all other types of resource use conflict in the study area. Winter, (1998), cited in Umar, 2004 have similarly observed that farmland expansion involving encroachment of large areas of common property resources such as rangelands, forest and wetlands, with farmers overriding and ignoring the traditional use rights of other groups to these resources has heightened conflicts between farmers and herders in semi-arid West Africa.

The results of the study shows that the conflicts that results from the claim of borrowed lands of local farmers by the migrant farmers was also found to be another occurring type of conflicts in the study area. Most of these traditional communities have inherent land tenure arrangement in which the sale of land is denied to the immigrants. The respondents observed that resource use conflicts in the study area are annual incidents occurring mainly in the beginning of cropping season, peak of cropping season, harvest season and dry season. Conflicts as a result of extension of cultivation of crops into the grazing reserves which leads to encroachment of the grazing reserves, stock routes, resting and watering points are, according to herders the main cause of the conflicts, though conflicts between local and migrant farmers and fishermen and fisheries management bodies mostly occur at varying degrees. According to the respondents, some of the resource use conflicts occurring in the study area lead to destruction of lives and properties.

Arbitration of Conflicts

In seeking to resolve or manage conflicts, people will use other techniques and tools to further the process of negotiation, mediation, arbitration or adjudication. Data generated by this study shows that both formal and informal conflict management mechanism are functional. The formal ways include police, courts, while the informal ways are traditional institutions. The formal ways are backed by law and involved official procedures while the informal ways are locally developed by communities. There is a desire to achieve harmonious co-existence and consequently, sustainable livelihoods by both farmers herders and fishermen. Both resource

users have the view that taking laws into their hands worsen co-existence between them.

Results of the study in table 1 indicated that village heads are the most popular arbitrators of conflicts (60.8%) among the resource users. Both the farmers, herders and fishermen indicated the preference of traditional conflicts arbitration immediately dispute occurs between them. The respondents added that most of the verdicts passed by traditional conflicts arbitrators (71.7%) are referred to the legal authorities of the police or courts of law that normally have more power to force settlement of dispute on the litigants.

Perception on the Performance of Traditional Conflicts Arbitrators

The daily business of most traditional leaders is the settling of disputes involving family, communal and religious life, and in many ways this is both useful to the community and valuable to the state, as many disputes that might otherwise clog up court system are settled informally and usually in ways that accord with the local community's sense of appropriateness.

The results of the study shows that in most communities in Yauri emirate, a hierarchy of village elders, ward heads, Village Heads and District Heads can be called on to settle disputes. The main problem with the traditional authorities according to many interviewees was that their interest in these matters is highly variable. Some take strong action to set up court-like procedures, with witnesses, site inspection and independent assessment of the value of damage. Others make arbitrary judgments, and it is a common accusation that these are influenced by bribery and corruption. Reports on this were either highly contradictory or else an expression of considerable local variation. In some areas, the herders were always said to win cases because they were wealthier than farmers and could offer bribe to influence the outcome of judgment. In other situations, judgments were always said to go in favor of farmers. However, majority of the respondents (70.8%) interviewed indicated they were satisfied with the traditional authorities. If complainants would not get satisfaction, their next step is usually to call the police.

Discussion with the secretary of Yauri Emirate Council reveals that, His Royal Highness the Emir of Yauri promoted and facilitated the formation of conflict resolution mechanism, which was formed at three levels:

- Low level committee, comprising of village head, Fulani and farmer leaders. They are empowered to resolve the issue at their level, mostly by mediation and payment (compensation) as appropriate.
- Middle level committee, comprising District Head, Sarkin Fulani and branch chair of the Farmers Association. Very few issues pass this level without being resolved. Even if the issue is with the police or court, the committee can achieve an out-of-court settlement.
- High level committee, comprising His Royal Highness the Emir of Yauri, the Galadima (who also represents the Chairs of Associations) and other members of the Emirate Council. The verdict here is final and the conflicting parties adhere to it. Since the establishment of the committee mechanism, the farmers and herders are living peacefully with one another and seeing themselves as partners in progress. The committee is multi-purpose and it resolves all forms of conflict, not just farmer-herder issues.

Result in table 1 shows that four (4) perception statements were used, out of which defending societal norms and maintaining good relationship (68.3%) was regarded as the important reason for accepting traditional conflicts arbitration. Resource users' perception of the performance statements of traditional arbitration further shows that reconciling conflicting parties and reintegrating offenders in the community (66.7%) was the second acceptable statement. Binding of the judgments if acceptable by all parties in dispute (63.7%) and quicker, easier and

transparency of the arbitration (58.7%) were the least acceptable perception.

The implication of the higher frequency of satisfactory perception of the traditional arbitrators indicates the reconciliatory roles played by these institutions. However, in most instances, these cases are referred to legal authorities when the litigants are not satisfied with the verdicts. This is because the traditional arbitrators have limited power to force the acceptance of the verdicts on the litigants. The finding of the study concur with Blench and Dendo, (2007), who reported that “in farming communities, there is a hierarchy of village elders, ward heads, Village heads and District heads who can be called on to resolve disputes. If the damage is serious, then a more senior leader is called upon to settle the problem. The main problem with traditional authorities is that their interest in these matters varies from one village to another. Some take action to set up court-like procedures, with witnesses, site inspection and independent assessment of costs.

Table 1: Likert Scale on Resource Users’ Perception on the Performance of Traditional Conflicts Arbitrators in Managing Resource Use Conflicts

Perception	Agree	Uncertain	Disagree
Traditional conflicts arbitration is more, quicker and transparent	141(58.7)*	33 (13.8)	66(27.5)
Traditional arbitration defend societal norms and maintain good relationship	164(68.3)	50(20.8)	26(10.8)
Traditional arbitration reconciles and reintegrate offenders	60(66.7)	35(14.6)	45(18.7)
Judgment by traditional arbitration is binding if accepted by parties in dispute	153(63.7)	36(15.0)	51(21.3)
Average %	(64.3)	(16.1)	(19.6)

**Figures in bracket are percentage of the perception of the respondents*

Outcome of focused group discussion with the respondents revealed that, traditional rulers undoubtedly play the most significant role in both managing conflict informally and arranging peace-making meetings when matters get out of hand. They are more accountable and responsible than any other group and are the only authorities to take preventive action. However, their power in the community is highly variable.

Perception on the Performance of Police

Results in table 2 shows that the percentage of perception score on the performance of police in managing resource use conflicts in the study area was found to be 66.2%, which indicates that majority of the respondents, expressed dissatisfactory perception. Three perception statements were used; out of which resolving conflicts by force as done by the police (78.8%) was regarded as the important reason for not accepting police in managing resource use conflicts. The second resource users’ perception of the performance statements of police further shows that Police arrest/prosecution does not adequately control resource use conflicts (68.8%). The least dissatisfactory perception indicated by the respondent was that the interest of the party that has the most resources influenced police investigation (50.8%).

Table 2: Likert Scale on Resource Users' Perception on the Performance of Police in Managing Resource Use Conflicts

Perception	Agree	Uncertain	Disagree
Police arrest/prosecution do not adequately control resource use conflicts	165(68.8)*	14(5.8)	61(23.4)
Interest of the party that has most resources influenced outcome of police investigation	122(50.9)	64(26.7)	54(22.4)
Resolving conflicts by force as done by the police is inadequate	189(78.8)	7(2.9)	44(18.4)
Average %	(66.2)	(11.8)	(22.0)

**Figures in bracket are percentage of the perception of the respondents*

Blench and Dendo, (2007) have similarly observed that official structures such as the police and courts generally have a bad reputation among rural communities and are regarded as a last resort. Herders never take cases to the police; they are natural victims because they can raise money rapidly and don't have the same rights as indigenes/settlers. But farmers do get the police involved when the traditional authorities fail them. The result is usually unsatisfactory, with farmers often reporting they have to make payments themselves to ensure the police take action and often subsequently receiving no compensation for damage to their farms. Herders may be arrested and have to pay large sums to be released.

Perception on the Performance of Courts

In the study area, Sharia Area Courts are more concern with cases related to conflicts between farmers, herders and fishermen than magistrate courts. Courts can only be found at districts or local government headquarters.

Results in table 3 shows that the average percentage of perception score on the performance of courts in managing resource use conflicts in the study area was found to be 55.7%, which indicates that majority of the respondents, expressed dissatisfactory perception. Eleven perception statements were used; out of which unnecessary prolonging legal proceedings (74.2%) and engaging in numerous adjournments by courts, which keeps conflicts fresh in the minds of disputants (74.2%) were regarded as the important reason for not accepting courts in managing resource use conflicts.

Other most dissatisfactory perceptions expressed by the respondents are: The size of the formal court and the robe of the judges that are intimidating to the ordinary man (73.8%), legal proceedings are time consuming and affects litigants earning especially the poor who live by their daily income (60.8%), courts have no impact in managing resource use conflicts (60.4%), outcome of cases seems unpredictable (59.2%) and the perception that courts have bad reputation among rural dwellers and are considered as last resort for conflicts resolution (54.1%). The least dissatisfactory perception indicated by the respondent were: Interest of the party that have most resources influenced court verdicts (47.0%), the needs of politically urban dwellers in court rulings are inevitably placed above those of rural dwellers (43.4%), the exchange of technical vocabularies among judges and court personnel is alarming to the ordinary man (41.3%) and the perception that forced resolutions passed by the courts makes conflicts protracted and difficult to manage (27.5%).

Table 3: Likert Scale on Resource Users' Perception on the Performance of Courts in Managing Resource Use Conflicts (n= 240)

Perception	Agree	Uncertain	Disagree
Corruption influences court verdicts	113(47.0)*	78(32.5)	49(20.4)
Formal courts are intimidating to the ordinary man	177(73.8)	27(11.2)	36(15.0)
Legal proceedings are prolonged	178(74.2)	40(16.7)	22(22.0)
Needs of politicians are satisfied in court rulings	104(41.3)	60(25.0)	76(31.7)
Exchange of vocabularies are intimidating	99(41.3)	54(22.5)	87(36.3)
Courts had bad reputation Among rural communities	130(54.1)	49(20.4)	46(18.1)
Courts had no impact in managing resource use conflicts	145(60.4)	49(20.4)	46(18.1)
Forced resolution of courts makes conflicts protracted	66(27.5)	9(3.8)	165(68.8)
Outcomes of court cases seem unpredictable	142(59.2)	41(17.1)	57(23.7)
Incessant adjournments keep conflicts fresh	178(74.2)	29(12.1)	33(13.7)
Legal proceedings are time consuming	146(60.8)	46(19.2)	48(20.0)
Average %	(55.7)	(18.2)	(26.1)

**Figures in bracket are percentage of perception of the respondents*

CONCLUSION

The result of the study reveals that the most hated mode of conflict resolution is the police and court, and it is rarely used. Herders tend to believe that the police often find a way to exploit them in the event of a reported conflict and often brutalize Fulani in order to extort them. If and when police is involved, the herders would prefer their cases to be handled by high-ranking officers who seem to be better placed to handle conflicts than the other ranks who harass them. Herders do not want to be dragged to court, because they alleged they end up paying more in both legitimate and unofficial fees and fines.

The foregoing summary of finding will lead to the unmistakable conclusion that both formal and informal conflict management mechanisms are in existence, however, the farmers and herders differ in their preference. While informal systems are often preferred by herders, formal systems are favored by farmers. However, there is no gainsaying the fact that the formal approaches to conflict resolution is more of remedial measure while the informal is more effective being preventive.

There is the need for policy makers to shift paradigm from conflict resolution to conflict prevention strategy. Conflicts could be prevented through collective understanding and acceptance of causes of conflict with inclusion of all resource users in the process. This could follow by establishment of rules over natural resource use, collective acceptance of such rules and continuous negotiation on divergent demands. Equally important is the need for enhancing understanding of the importance of survival of pastoralism as livelihood among non-pastoral groups. Traditional institutions and religious leaders that often have the knowledge of cultures and values of pastoral groups should help to achieve this target.

As there is no single accepted conflict management institution by conflicting parties due to fear of injustice, efforts should be focused on providing legal assistance to conflicting parties. There is need for measures to curtail the destruction of crop and fishing nets by herders, and also to

overcome widespread marginalization of herders in policy making and implementations. To achieve this concerned organizations should help to build and develop capacity of pastoral groups through which they can represent themselves and their values and come to understand, articulate awareness on the need to respect the right of the resource users they interact with in the course of their activities. To successfully implement this, the research recommended the adoption of Local Development Plans (LDPs), which is a Community-Driven Development (CDD) approach that aims at addressing all conflicts issues and increasing productivity by extension agency, as suitable conflict management strategy.

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