
Traditional Mechanism for Conflict Management and Resolution in Ogoni, South- South, Nigeria

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Abstract

Traditional African societies and elsewhere are known to hold sacred peace making processes locked in their own ways, formed from centuries of customs and traditions before the disruption of colonial administration, and introduction of arbitration and adjudication, which are antithesis to traditional method. These modern methods of conflict resolution are rather defective in dealing with the challenges posed by modern conflict in Africa. The objective of the study is to examine and explain the indigenous method of conflict management among Gwara people in Ogoni South-South, Nigeria. The Purposive and Convenience Sampling methods were used to select participants for the study. It found that the traditional conflict resolution method as practiced in Gwara is better than the modern adjudicative method of conflict resolution, because it is faster and non-adversarial. The study is anchored on Travis Hirschi's social control theory. We, therefore, recommend revert back to traditional method of dispute management and resolution because it is cheaper and friendlier.

Keywords: *Traditional mechanism, Ogoni, conflict, mediation, traditional institution*

1.0 Introduction

Before colonial incursion into Africa, many African indigenous societies had a well laid down traditional process of conflict resolution. The various communities in Africa had various conventions aimed at mitigating inter-human and intra and inter-communal conflicts. These conventions were backed by taboo which must be observed for peaceful regulation of human activities, and relationship between couples and community (Woko, and Osagie, 2014).

The Ogonis are also known to have evolved a well-established traditional dispute resolution method that was peculiar to their own ways before the introduction of British rule. This traditional method was built on customs and traditions and was culturally effective for resolving conflict within their communities and kingdoms. Such methods of dispute resolution indigenous to Ogonis flowed from the accumulation of information that was passed down from generation to generation. However, with the advent of modernization and western civilization, most of the traditional mechanisms for conflict management and resolution are being gradually eroded. Most Ogonis, especially city dwellers, prefer to use the modern method of conflict resolution which is based on litigation and retribution.

Despite the influence of modernization, traditional mechanism are still being used in most African countries so as to keep communities in harmony, while imported overlays such as states and currencies are collapsing in conflict around them (Zartman, 2001). Zartman (2009) also notes that in traditional African societies, the understanding of conflict was based on the disaffection between the humans and the supernatural (e.g. supreme beings, deities and

ancestors). The African indigenous methods of dispute resolution places emphasis on the community and parties to the conflict, as opposed to the individuals in conflict. It is also less expensive and based on the principle of maintaining relationship. The intent of this emphasis on relationship is to restore harmony among the disputants and also provide a means of restitution through apology and compensation, especially where damages have been caused to an injured party. Thus the goal of traditional mechanism was on restitution rather than retribution (Nwolise, 2001 in Mezie- Okoye, 2017). More importantly, the traditional dispute resolution methods were aimed at resolving conflicts and not necessarily pronouncing judgments. This is based on the philosophy of reconciliation and peace settlement between the parties rather than acrimony (Anyacho and Ugal, 2004 in Mezie-Okoye, 2017). The traditional dispute resolution method is also very effective in deterring future offenders, because the offence is usually seen as against the community rather than the individual. For instance, Nwanko and Nzribe (1990) in Akinwale (2010) noted that Africans believe in the concept of communism because of their belief that the individual is not alone, but under an umbrella of the community. Therefore, the conflict resolution was placed on internalized values which include honesty, openness, empathy, community solidarity and individual loyalty to the group. It was usually believed that individuals who come before the community for dispute settlement should be sincere otherwise they are seen as having committing an offence against the community rather the individual concerned.

The persistence of violent conflict in Africa indicates that modern international methods are defective in facing the challenges of modern conflict. Despite the increased attention and improved knowledge about conflict management in the post-colonial war era, African conflicts seem to have eluded international as well as domestic efforts to bring them under control (Crocker, Hampson, and Aall, 1996; Zartman and Rasmussen, 1997). This explains the reasons why the African traditional method provides the best alternative for resolution of complex conflicts engulfing many countries in Africa than the modern method. For instance, Ajayi and Buhari (2014) contend that traditional methods and strategies employed in dispute resolution before colonial involvement in Africa offers great prospects for peaceful co-existence and harmonious relationships in post-conflict periods than the modern method of litigation in law courts. They also stated that traditional African societies had a well-structured, time proven social system that was geared towards reconciliation, maintenance and improvement of social relationship.

This paper examines traditional mechanism for conflict management in Ogoni, South South, Nigeria. Although the indigenous method has been affected by colonialism and modernization, particularly with the introduction of the formal legal system, but the people of Ogoni are still attuned to their traditional method of dealing with conflict that offers a more lasting solution to conflict situation than the formal method.

1.1 Conceptual Clarifications

Conflict refers to any disagreement between two or more opposing parties, while conflict management refers to the method that is used to resolve and manage conflict between parties in order to avoid a reoccurrence. It is also the process of reducing the negative aspect of conflict, while increasing the positive aspect of conflict. Significantly, conflict management is the ability to be able to identify and handle conflict in a way that proffers a lasting solution to the problem while keeping relationship between the parties in conflict. The concept of conflict management is also synonymous with dispute resolution (Daudu, 2009). Traditional Conflict Management refers to those methods of conflict management that have been practiced for an extended period of time and have evolved within a people in a

particular society, and used as a means of settling dispute. For instance in Ogoni the use of the *tor-bue* for management and resolution of various types of conflict has been practiced for serious centuries. Traditional Institution refers to the native rules and native authorities that are used for dispute settlement. In this case the elders, chiefs and paramount rulers in *tor-bue* represent the institution that mediates in to conflict at the informal or community level.

2.0 Literature Review

Traditional African legal anthropological research focused on differentiating between customs and law (Gibbs, 1963). For the most part, the absence of written codes or statutes in indigenous (pre-colonial) Africa was a major defining characteristic of custom – an immemorial traditional social order, largely immutable and closely linked to the cultural system (Uwazie, 1994). The view of simpler or indigenous societies dominated by integrated traditions of maintaining peace and order distinguished them from modern state with law (Bohannan, 1957). Hence statutes or judicially declared rules or social control – deliberately, respectively, and rationally made by trained professionals- became the essence of justice in both colonial and independent African nation-states. However, persistent and serious problems in the present formal or official (modern) legal system throughout Africa have caused a type of “law nostalgia”, a search for rediscover and adaptation of traditional or indigenous African management systems (Nwazie, 1991; Ayithey, 1991; Albert et al. 1995).

Relevant literature on dispute processing and conflict resolution proposes conflict handling forums and procedures of disputing typologies such as mediation, negotiation, arbitration, litigation, self-defense, avoidance, and “lumping it” variables such as the nature of relationships, socio-economic statuses, the nature of the dispute and the disputant’s experience allow for explanations of the choice of the various conflict management strategies (Merry, 1979; Abel, 1973).

In Africa, there were various levels of conflict resolution; there were dispute resolution at the interpersonal or family level, the extended family level and village or town level where the Chief in Council presided. These tiers represented the political unit that makes up the community (Ajayi, 2014). Conflicts were effectively resolved at these various tiers because disputants considered themselves as part of a larger community which they must return matters have been resolved.

2.1 Theoretical Review

2.1.1 Social Control Theory

The social control theory is used as the theoretical framework for understanding and analyzing traditional conflict management in Gwara specifically and Ogoni generally. The social control theory is also known as the social bond theory. Under the social control theory, individuals are believed to break the law due to breakdown with their social bond. The Social Control Theory was developed by Travis Hirschi in 1969 to understand how people become law-abiding citizens. The theory initially was called ‘social bond’ because it suggested that criminality is the product of lack of meaningful connection with society. Basically, it contends that people break the law because they have lost respect, appreciation or their sense of belonging towards society. Later the theory became known as the ‘social control’ theory, which posits that when social constraints on antisocial behavior are weakened or absent delinquent behavior emerges. Thus, Hirschi believes that it is not so much the lacking ‘bond’ that motivates people to break the law or commit crime, but the lack of control that a person has over the environment, society and our own conditions.

Hirschi stresses that people become involved in society in four distinct ways namely:

(a) attachment (b) belief (c) commitment, and (d) involvement. He contends that attachment comes as a result of our daily dynamics and interaction with the environment that surrounds us. For instance, our attachment to friends, family, colleagues, co-workers, and other like-minded people makes us more connected to the world in which we live. When such attachment to society is stronger then, people are less likely to deviate and vice versa. Our beliefs consist of our system of values, religious background, or any other connections to something that we consider worthy of deep respect. And involvement means that once an individual is engaged in meaningful activity, the chances of him committing crime will greatly diminish.

In Ogoni, the deities, gods and ancestors were used as means of social control and were invoked so as to secure compliance to peace agreements. Whenever the deities were used in resolving conflicts between disputants, there was always a tendency for the parties to obey and comply with the decisions reached in a *tor-bue* because disputants were generally afraid of the wrath or punishment from the ancestors. The people generally believed that the deity and ancestors had the capacity to inflict death punishment on them in case of a failure to adhere to peace agreements. As a result, the likelihood for people to disobey such peace resolution was very low. Thus in traditional Ogoni conflict management system, the deities or ancestors provided a means through which the people became attached and bonded to their communities, because there was a general belief in the efficacy of their punishment should disputing parties disregard decisions and or resolution reached in a *tur-bue*. It was also believed that the wrath from the ancestors and gods were severe if invoked in murder cases and other offences that could offend the gods of the land. Similarly, among the Yorubas, the gods and ancestors (the living dead) were also called upon and their spirit invoked for conflict management. In fact, during such conflict resolution process especially at the family, the *Baale* reminded everyone particularly disputants of the aftermaths of their wrath should they disobey or failed to say the truth (Ajayi, 2014).

3.0 Methodology

The study was carried out in Gwara community in Khana local Area of Rivers State. The Purposive Sampling Technique was used to select Gwara community, while the Convenient Sampling Method was used to select participants for the study. Only those that were available and willing to be interviewed and were conversant with the traditional method used in the community for resolution of conflict especially the use of *tor-bue* were interviewed. The study also relied on secondary sources of data that includes journals, articles and other internet sources.

In order to understand how conflict was resolved in traditional Ogoni communities, we shall examine in detail how conflict was resolved in the family and outside of the family system.

Dispute Settlement in the Family

The role of the elders in a traditional Ogoni family is significant. He is usually the most senior member of the family, and presides over matters within the family. The family unit is the first point of call whenever a conflict case arises within the family in Ogoni. Whenever an issue arises, for instance in domestic conflict situation, it is first reported to the most senior member of the family or elder, usually a male. He assembles the disputing parties as well as other members of the family to his house where the conflict is resolved amicably between the parties. The scene is usually inside the family's thatched-roofed house or outside under a tree in the family compound. There, the parties sit opposite each other on a seat made of mud at two extremes of the house. Younger people are allowed to watch the proceedings but not to speak.

The proceedings starts with the family head welcoming everybody with a gin (locally called Ogororo). After his welcome remarks, he sets the ground rules by advising parties not to use abusive or offensive languages against one another. He admonished those gathered not to take sides but reconcile the parties. He stresses that there is no need to decide guilt in spousal cases, only to reconcile the husband and wife because of the sacredness of marriage.

Holding a six-by-two, one-inch-thick wooden object, covered with multicolored bird feathers, the family head beckons the family ancestors to hover around those who have gathered to resolve the family matter. He ceremoniously seats the family oath object in the centre of the floor and swears the people to be unbiased and to ensure family unity in their judgment. After a brief proverbial introduction of the case, he asks the wife to stand next to the oath object and present her complaint. After the wife has narrated her side of the story, the husband is given an opportunity to presents his own side of the case.

After invoking the gods of the land and the ancestors to punish any person (mediators) who might cause the husband and wife to sever their marriage and break up the family. Most of the males in the audience are given opportunities to question the disputants, but such questioning is only aimed at reconciliation. More importantly, the parents of the spouses must indicate their commitment at reconciliation and to keep the family together.

At the end of the deliberation, the elder spills the blood of the chicken and pours the gin (Ogororo) on the ground to appease the gods and goddesses of the land that may have been offended by the couple's quarrel. Additionally, the couple is asked to provide food for those who are present at the mediation session. The session ends with a reiteration of marriage vows of mutual responsibility and care for each other and their children. It is noteworthy to mention that most conflicts in Ogoni are resolved within the family so as to prevent outside knowledge and interference. It is believed that when the conflict is taken outside of the family, the family is washing its dirty linen in the public. However, in some cases a disputant or party to the conflict may simply by-pass family head and proceed straight to a *tor-bue* to lodge a complaint. This is usually the case where there is either absence of a family head or one of the parties already lacks confidence in the family head.

In case of theft or if an allegation of stealing is leveled against a family member, the suspect would be summoned to the family compound where a libation will be made and the spirit of the ancestors will be invoked, and the suspect would be asked to swear by drinking a part of the gin or Ogororo that has been libated to the ancestors.

Dispute Settlement Outside of the Family

The process of dispute settlement outside the family in Ogoni is similar to the proceedings within a family except that in this case it is presided over by the Chief of the community. Where the conflict is outside of the family, the Paramount ruler of the community (His Royal Highness, Gbenemene of Ogoni) plays a very significant role, because he is heavily involved in the dispute resolution process. The paramount ruler presides over disputes within a community in Ogoni especially where the matter was reported to him. He and his council of chiefs mediate into a dispute and resolve it amicably between the disputing parties. However, in some other circumstances, the matter which can be domestic, land dispute, murder or stealing can be reported to the community council or *tor-bue* for resolution.

After, one of the disputants has lodged a complaint with the paramount ruler, may be over a land dispute or any other matter, the paramount ruler dispatches one of his chiefs-in-council to summon the other disputant to the chief's palace. The council of chief resolves the matter amicably by asking the trespasser to refrain from trespassing on the other person's

property. The paramount ruler pours libation and spills the blood of the chicken on the ground. The disputants, as a sign of reconciliation, drinks the gin from the same cup, while the chicken or goat is cooked along with yam provided by them and then eaten by everybody. However, if the conflict involves a case of murder, the party adjudged to have done wrong is asked to take one of his daughters and give to the victim's family as a replacement for the decease. The goal is for the daughter to bear a child to replace the person murdered.

In a situation where a land matter was reported to the *tor-bue* the head of the *tor-bue* will ask the complainant to buy some drinks alongside some money as the complaint fee. The *tor-bue* usually consists of about four persons namely: a chairman, secretary, a messenger and judgment reader. The disputants are asked to present their case and the *tor-bue* looks into the matter and makes a decision that meets the best interest of the parties. However, in a murder case, the suspect is usually taken from the *tor-bue* to an oracle (shrine) for consultation. However, where the suspect is exonerated from the murder allegation, then the complainant will be required to bath the suspect in water and also compensate him for the wrong allegation. But if after consultation with the gods and the suspect is found to have committed the murder, he will be asked to pay restitution by taking a female member of his family or compound and send to the compound or family where the murder was committed as a replacement for the murdered person. The significant of this traditional practice of using a female rather than male as replacement for a murdered person so she could bear children that would be used to replace the murdered person. Even after bearing a child as replacement for the person killed, she still remains the wife of that family and is not at liberty to return to her own family.

Sometime if one of the parties to a dispute has instituted a legal action in a court, for example, in a customary court, the *tor-bue* can approach the court to grant it permission to withdraw the matter for settlement and to report their decision back to the court. Such decision or settlement coming out of a *tor-bue* is usually adopted as the judgment of the court and binding on the parties to the conflict.

Where the conflict is between two communities, the traditional leaders of both communities get together to try and resolve the dispute peacefully. In this case, the role of a town-cryer must be stressed in the dispute resolution. He makes a call in the evening when everybody has returned from the farm or fishing to appeal to them to maintain peace while the case is being mediated by the chiefs. Violators of such call for peace is summoned before the paramount ruler of the community who cautions the person or ask him/her to pay a fine of goat. At the end of the mediation process, the chiefs of both communities libate to the gods and goddesses to maintain peace between both communities. In some cases, disputing communities usually form peace Consultative Committees, headed by the community paramount ruler, to mediate into conflict between such community and other neighboring communities.

It is important to point out that the traditional method of dispute management and mediation is used by majority of people in rural communities in Ogoni and other parts of Nigeria, because it is cheaper, more accessible to the people, and does not find fault. The procedure is non-adversarial and provides room for reconciliation and for peace to prevail. The significance and impact of traditional mediation process in Ogoni may have been affected by colonialism and modernization, particularly with the introduction of the formal legal process, however most people in the rural areas still find the indigenous method a best alternative to resolving conflict rather than go through the rigors of an adversarial formal

legal system. In addition, modern mediation and dispute resolution methods are yet to gain acceptability among most people, except attorneys and other people within the legal community living in big urban areas. There are few trained mediators in Nigeria, except lawyers who sometimes play the role of mediators in conflict situations. Decisions reached at any mediation sessions are never binding in a court of law, however, those reached in a traditional mediation session can be presented as exhibit in a court of law.

Despite the legal pluralism, most disputants in Ogoni rural communities are less likely to use the formal process to resolve conflict because the process of case adjudication is lengthy, time consuming, and involves a lot of money to retain a lawyer. Since most people in the rural communities are poor and cannot afford the huge expense involve in a legal battle, they prefer using the *tor-bue* because it is cheaper and much closer to them.

4.0 Conclusion

The traditional method of conflict management involves all the process of modern mediation, except that the process is non-retributive and is aimed at a peaceful and amicable resolution of conflict between disputants. The family head presides over family disputes, while the paramount ruler mediates into conflict amongst members of the same community and disputes with other neighboring communities. It is usually a win-win situation and the goal is to heal and bring the disputing parties together. The central role of the *tor-bue* ruler in dispute resolution in Gwara and other Ogoni communities is paramount. It can handle various matters ranging from land dispute, dissolution of marriage, murder, spousal abuse, theft and other cases brought before it. Sometimes, the *tor-bue* can approach a court to withdraw a case for resolution, particularly where the community name will be brought into disrepute if the matter is resolved formally.

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