

# Traditional Rulers and the Use of Alternative Dispute Resolution in Conflict Settlement in Kontagora Emirate, Niger State, Nigeria.

NICHOLAS STEPHEN BONOHO  
*National Open University of Nigeria*

***Abstract-*** *The study assessed Traditional Rulers and the use of Alternative Dispute Resolution in Conflict Settlement in Kontagora Emirates in Niger State, Nigeria. Survey and ethnographic research designs were employed for the study. The data was sourced primarily through the questionnaire. Three hundred eighty-eight questionnaires were analyzed through simple percentage indexes, bar charts, and regression analysis. The result showed a positive and significant relationship between Arbitration (ARTN), Mediation (MDTN) and Conflict Settlement (CNS) in Kontagora Emirate, Niger State, Nigeria. The findings validate the potency and efficacy of traditional mediation framework in conflict settlement in African societies, among which are the Gacaca and Abunzi in Rwanda, the Ubuntu principle in South Africa, the Kokwo (council of elders) among the Pokot and Marakwet in Kenya, and the ayeyin, ekponyoho, esopmbongisong system among the Ibibio people of Nigeria. The study recommends that the federal government should fully enshrine the roles and duties of the traditional institution in conflict mediation and peace building in Nigeria.*

***Indexed Terms-*** *Alternative Dispute Resolution, Conflict Settlement, Kontagora Emirate.*

## I. INTRODUCTION

This chapter presents the background information and knowledge of the study. It captured the statement of the problem, research questions, objectives, and hypotheses, significance of the study, scope, and definition of terms.

### 1.1 Backgrounds to the Study

Alternative Dispute Resolution (ADR) predates the colonial era in African communities, which relied on a sacred traditional peace framework of ritual cleansing, reconciliation, forgiveness, peace building, and healing process to promote oneness and peaceful coexistence. In the pre-colonial era, conflicts were settled amicably with fairness and justice by the council of elders, reputable members of the society, council of chiefs, and the use of oracles and ancestors (the living dead) to the neglect of the use of court litigation. The advent of the colonial era second fiddled the traditional peace building framework to the use of modern jurisprudence and litigation in the courthouse, which are time-consuming, cumbersome, and expensive. The use of traditional system was limited across African countries, whereas, in African countries such as Tanzania and Mozambique, they were outrightly banned and prohibited by the colonial regime (Okonkwo, Onuigbo, Eme and Ekekwe, 2019). Between 1957 and 1965 in Ghana, the Convention People's Party abolished almost all the authority of the traditional rulers (BremPong, 2001), which in the pre-colonial era commanded immense respect and authority.

The problems associated with litigation, such as delay arising from long adjournments, costs, corruption, technicalities, congestion of cause lists in the courts, and formalities, among others, impede the realization of the purpose of the courts' adjudicative process, with recourse to Alternative Dispute Resolution (ADR) mechanisms as a viable alternative to judicial settlement of disputes in Nigeria Chukwuemerie (cited in Nwazi, 2017). The modern litigation system became problematic along the line as cases piled up owing to the rigorous process of investigation and forensic study of accusations and counter-accusations. Using the traditional Rwandan

Abunzi as an example, Mutisi (2011: 3) opined that “responding to the overburdened modern court system in Rwanda, the Abunzi system of mediation has helped to address the question of access to justice by ordinary Rwandans, who might not be able to afford to participate in the litigation justice environment”. Accessing justice through the modern litigation system is lengthy and cumbersome as a survey in the study shows 100 to 200 litigations are docked in the courthouse to be judged by a magistrate judge who often lives away from the community and comes to work trice on weekdays. Inherent also in the litigation system of justice is the cost in accessing a legal luminary. A survey in the customary courts in Kontangora emirate shows 100 to 500 cases are docked in the courthouse pending trial as the complainants lack the financial willpower to access a counsel that will fast-track the litigation process. The biggest problem in African courts is seen to be overcrowding. In line with the survey in Kontangora emirate, Uwazie (2011: 2) posits that *many judges or magistrates have over 100 cases per day on their dockets, a number impossible to adjudicate. It can take many years to get to trial and months to have a motion heard. Disputants often express frustrations at the ‘come today, come tomorrow’ syndrome and mounting legal fees for professional representation with each futile court appearance. It is not uncommon in African countries for a dispute to take a decade or more to reach a resolution.*

The aforementioned deficiencies with the inability of the government to provide the fundamental human right of the safety of lives and properties call for a paradigm shift to an accessible and cost-effective means of accessing justice and peace building in a country. ARD became the perfect alternative to the modern litigation system of justice as “mediation - and ADR more generally has helped courts around the world reduce delays and costs to litigants, deliver justice faster and fairly, and allow parties to exercise control over their case resolution without feeling alienated” (Uwazie, 2011:3). Alternative Dispute Resolution (ADR) entails conflict mediation, settlement, and reconciliation outside litigation or courthouse in order to avoid the lengthy procedures and expenses in litigation and modern jurisprudence. Judgments in African traditional jurisprudence are meant to be conciliatory and therapeutic as the

mediation process is aimed at avoidance of broken relationships and enhancement of peaceful coexistence by settling disputes amicably (Musingafi, Mafumbate and Khumalo, 2019). The shedding of blood in an African setting is a taboo. Ritual cleansing, purifications, and sacrifices are carried out to appease the sacred protectors of the land when a murder is committed, unlike the gruesome killing of the eldest son of the late emir of Kotangora, Bashir Namaska, on a farm with others at Masuga village of Kotangora. Traditional African jurisprudence as an ADR promotes the ideology of the sacredness of human life and peaceful coexistence through the referential fear and respect for the norms, values, and traditions of the land.

Protection of human lives and properties is a duty of the government enshrined in the 1999 constitution (as amended) as a fundamental human right of Nigerian citizens. The inability of the government to provide and protect these rights has led to tussle, tension, and conflict in Kontangora, Niger State, Nigeria, notably; the 1994 political violence that led to the loss of properties, herder-farmer conflict, ethnoreligious conflict in 2006 with 13 death tolls, and the clashes between pastoralists and the Kainji National Park Guards (Blench, Longtau, Hassan and Walsh, 2006). ARD, as an efficient and cost-effective alternative to court litigation, serves as a synergy with modern jurisprudence to promote oneness, the healing process, reconciliation, and peaceful coexistence in a country.

African states are plural societies with varying cultures, tribes, and religions, which is a recipe for contention and strife, as studies show conflict to be a social function in society. ADR peace framework is gaining advocacy in the mainstream and empirical studies in Africa in recent times as a synergy between traditional peace mediation and the litigation environment. ADR has recorded success in African countries, notably in Ghana’s ADR legislation of 2010, Rwanda’s Organic Law (No.31/2006), the Lagos Multi-door Courthouse and its ADR center in 2002 in Nigeria, the Ethiopian Women Lawyers Association (EWLA) (Uwazie, 2011), the *Dare* courts in Zimbabwe, among others as an alternative way of promoting peaceful coexistence among the plural communities. A notable ADR

initiative in Africa is the *Baraza Ya Wazee* framework initiated in the province of North Kivu in the Democratic Republic of Congo (DRC) by Governor Kanyamuhanga to foster peace among the conflicting parties and communities in DRC (Musingafi et al., 2019)

Traditional rulers, as a proxy for ADR in the study, have been instrumental in fostering peaceful coexistence between conflicting parties in the state to bridge the gap created by inefficiency in government security agencies and the ostentatious and lengthy litigation procedures. In Niger state, the traditional ADR mediation has been effective in peace building and healing process. Notable dispute resolution by the traditional authority in the state includes; the mediation by Emir of Borgu Alhaji Halilu Dantoro to reconcile two Nigerian former heads of state General Ibrahim Babangida and Major-General Muhammadu Buhari over the coup that ousted the latter (Blench et al., 2006). The mediation process was initiated by the emir of New Bussa to resolve the lingering crisis between pastoralists and Kainji Dam National Park guards over the encroachment of the former in the rangeland of the park. The Emir of Kontagora and his council of chiefs, over time, played a significant role in mediating disputes, healing process, and peaceful coexistence in the Emirate; notably, the 1995 peace mediation initiated by the emir to halt and prevent further escalation of the 1994 political violence in the Emirate, the mediation process to end the 2006 ethnoreligious conflict that claimed many lives in the Emirate. The efficacy of traditional rulers as an alternative dispute resolution framework is seen in a study by Ajayi and Buhari (2014) in Igbo communities in eastern Nigeria, where the oat-taking and the performance of *Ikomue* (ritual cleansing) led to a peaceful resolution in the ravaging war between the Aguleri-Umuleri-Umuoba Annam communities. Blench, Longtau, Hassan and Walsh (2006) opined that “the credit for low level of conflict in the domain of the Etsu Nupe is attributed to the good governance of the traditional rulers. Regular meetings with senior councilors and district heads are strategy adopted by the ruler. The district heads in turn meet with village and ward heads to discuss issues affecting insecurity, banditry and conflicts within their domains”. A major breakthrough in the traditional ADR mediation process in Nigeria was the critical role played by

Sultanate in mediating series of disputes in Nigeria among which includes; the Kafancha crisis of 1999 and Zangon-Kataf crisis of 1997, the Tiv-Jukun crisis in 1992, Jos crisis 2001-2004, Tafawa-Balewa crisis in 1995, the 2002 Miss World pageant crisis in Kaduna State, and the 2005 Shi’ites and Izala crisis in Sokoto state (Blench et al., 2006).

ADR is skewed towards the healing process and mending of broken relations as against the punitive litigation justice environment. The framework seeks to promote oneness and a sense of belonging in the community as Mutisi (2011: 3) opined that “during Abunzi sessions and meetings, there is often a great deal of evocation of the notion of ‘Oneness’ or the concept of *abanyarwanda* (Rwandan-ness), as opposed to being Hutu, Tutsi, or Twa”

The outright neglect of the roles of the traditional institution in the 1999 constitution has led to an unprecedented increase in cases of disputes, social vices, and conflicts in Kontagora Emirate, Niger State, Nigeria, as the preferred mode of modern peace building and litigation courts are inadequate, relatively slow, corrupt, and partial in dispute resolution and promotion of peaceful coexistence in the society. These inadequacies and shortcomings in the modern dispute resolution framework call for a paradigm shift to an affordable, speedy, and cost-effective framework of peace building that is accessible to all. To remedy the inability of the 1999 constitution to define and specify the roles of traditional rulers, the president called on key traditional rulers in a national convention to review the roles of traditional rulers in fostering peaceful coexistence, unity, and national development. The Local Government Reform Committee was established in 2003 by the Federal Government. Also, a state of emergency on recommendation and policy review of the role of traditional rulers in Nigeria was initiated by a panel in Plateau State in 2004.

Despite the measures undertaken to enhance the traditional system of governance and conflict resolution in Kontagora Emirate, Niger State, Nigeria, disputes and social vices ranging from farmer-herder conflict, banditry, cattle rustling, kidnapping, insurgency, and land disputes are on the

increase. This background provides the basis for the study to assess the statement of the problem.

The study consists of five chapters. Chapter One presents the background to the study, statement of the problem, research questions, objectives of the study, research hypotheses, scope of the study, and significance of the study. Chapter two presents the conceptual review, theoretical review, empirical review, and gaps in the literature. Chapter three consists of the research design, theoretical framework, model specification, nature and sources of data, method of data analysis, study area, population and sampling techniques, methods of data collection, method of data presentation, and method of hypotheses testing. Chapter four consists of data presentation, analysis, and discussion. Chapter Five presents a summary of major findings, conclusion, recommendations, limitations to the study, contributions to knowledge, and suggestions for further study.

### 1.2 Statement of the Problem

Despite the success recorded by the traditional institution in conflict resolution over time in Nigeria, the conflict has been on the increase in Kontagora Emirate, Niger State, Nigeria, ranging from kidnapping, cattle rustling, and farmer-herder conflict to insurgency, which is primarily due to the decline in the authority of traditional rulers as chief custodian of the society. The traditional institutions and dispute resolution were in their heyday before the colonial regime. For ease of governance and total control of the new conquest, the colonial administration second-fiddled the traditional institution to a chain of command where information and tax-related activities are passed through a top-bottom approach with the aid of traditional rulers. Traditional rulers with solid and opposing ideologies, such as King Jaja of Opobo and Nagwamatse of Kontagora, were deposed and replaced with subtle and less rigid ones. This became the first blow to the traditional institution as it weakened its authority as the custodian over the Empire, Kingdom, and Emirate and its role in overseeing the security and peace building in her domain.

The traditional authorities were relatively retained through the colonial era and acknowledged by the

1979 constitution. The 1999 constitution (as amended) became the clog to the smooth sailing in the roles and responsibilities of the traditional system in the country as it outrightly ignored the active roles played by traditional institution in fostering peaceful coexistence and peace building in the country. With no constitutional backing by the 1999 constitution (as amended), the traditional system became a tool in the hands of elite politicians. Blench, Longtau, Hassan and Walsh (2006) noted that the biggest challenge to the Sultanate was the interference in the selection of Dasuki by the military administration of Babangida and his dethronement by the regime of Abacha. These acts significantly weakened the caliphate's authority as they were previously seen to be formidable and indispensable by political forces. The sub-division and creation of more district heads, emirates, clan heads, third, second, and first-class chiefs by political power to gain the support of the people further weakened the power and authority of the traditional system in overseeing the activities in her domain.

A World Bank (2000) estimate shows that about 42% of Nigeria's population lives below the poverty line, of which two third live in abject poverty. As a result, a large proportion of the people in Kontagora Emirate, Niger State, Nigeria, lack adequate financial strength to assess the litigation courts. Inadequate income to access formal litigation and the lack of constitutional power by traditional rulers to mediate and resolve disputes incentivize some victims to take laws into their hands, which often escalate into clan and communal disputes. Uwazie (2011), in a survey in Liberia in 2009, showed that only 3% of criminal and dispute cases were taken to a formal court, over 40% accessed informal jurisprudence while 55% accessed no form at all. The 55 % unsatisfied disputants often take laws into their own hands as justice within the ambit of the law is a luxury they can rarely afford.

A proximate factor militating against the effectiveness of the roles of the traditional ADR system in peace building and healing process is religious mistrust by religious groups and ethnicity as traditional leaders are often seen to engage in nepotism and favoritism in dispute mediation in plural-religious societies. This is seen in the Jos



dispute in 2003-2004, where Christian leaders accused the Sultan of not being neutral in the peace mediation process.

A low level of literacy and the inability to adopt a hybrid peace resolution mechanism forms a chunk of the problem, militating against the traditional ADR mediation process. Traditional rulers are often rigid and act in deviance to change, as observation in the study area shows that the ability to combine the traditional peace building framework and modern ones are relatively absent as hybrid framework are seen as a way of adulterating the traditions, values, and norms of the society.

These backdrops in the traditional authority in fostering peaceful coexistence and the healing process have led to an unprecedented increase in cases of violence and disputes in Kontagora Emirate, Niger State, Nigeria; notably the 1994 electoral violence in Kontagora, the 2006 ethnoreligious conflict in Kontagora, the killing of the eldest son of former Emir of Kontagora and others in his farm in Masuga in 2019, and the kidnapping of five victims from Kontagora and Bangi Local Government in February 2022 as Blench, Longtau, Hassan and Walsh (2006) wrote that majority of the conflict in Niger State occurs around Suleja and Kontagora Emirate. These aforementioned problems provide the basis for the study to assess the following research questions.

#### 1.2 Research Questions

To assess the effects of ADR on conflict settlement in Kontagora emirate, one primary and two secondary research questions are formulated to examine the nexus between the dependent variable (conflict settlement) and the independent variable ADR (proxy as arbitration and mediation).

- (i) What are the effects of ADR on conflict settlement in Kontagora Emirate?
- (ii) What are the effects of arbitration on conflict settlement in Kontagora Emirate?
- (iii) What are effects of mediation on conflict settlement in Kontagora Emirate?

#### 1.4 Objectives of the Study

One primary and two secondary objectives are examined to assess the effects of ADR on conflict settlement in Kontagora Emirate.

- (i) To assess the effects of ADR on conflict settlement in Kontagora Emirate
- (ii) To examine the effects of arbitration on conflict settlement in Kontagora Emirate
- (iii) To assess the effects of mediation on conflict settlement in Kontagora Emirate

#### 1.5 Research Hypotheses

To assess the effects of ADR on conflict settlement in Kontagora Emirate, the two secondary objectives which are the proxies for ADR are examined to estimate their relationship with the dependent variable (conflict settlement), Thus:

H<sub>01</sub>: There is no significant relationship between arbitration and conflict settlement in Kontagora Emirate

H<sub>02</sub>: There is no significant relationship between mediation and conflict settlement in Kontagora Emirate

#### 1.6 Scope of the Study

The scope of the study covers traditional rulers and the use of alternative dispute resolution in conflict settlement in Kontagora Emirate, Niger State, Nigeria. Alternative Dispute Resolution (ADR) (proxy by arbitration and mediation) was assessed to determine the dispute resolution mechanisms by traditional rulers in conflict settlement and peace building in Kontagora Emirate. The scope covers traditional rulers and members of the public settled across five Local Government Areas (Mashegu, Rijau, Magama, Mariga, and Kontagora) of Kontagora Emirate in Niger State, Nigeria.

#### 1.7 Significance of the Study

The research has added to existing works of literature and theories of ADR and conflict settlement by providing additional information on the traditional mediation mechanism and peace building in the Kontagora Emirate and contemporary African society. The research finding is of importance to policymakers, government, Non-Governmental Organization (NGO), and international bodies as the designed policy is aimed at enhancing the roles and relevance of the traditional institution in peace

building and conflict settlement in Kontagora Emirate, Niger State, Nigeria. Students, academicians, and scholars who wish to undertake further research on ADR and conflict settlement will find the literature greatly helpful.

Also, the study provides awareness and advocacy on ADR mechanisms and measures that will aid the society and the general public in mediation, peace building, and peaceful coexistence among varying cultures, tribes, and religions in Kontagora Emirate, Niger State, Nigeria.

## 1.8 Definition of Terms

### 1.8.1 Traditional Rulers

A traditional ruler is a person who, by reason of inheritance or lineage, has been appointed to a chieftaincy position by those entitled to do so under customary law and whose appointment has been approved by the approving authorities (Babalola, 2020).

### 1.8.2 Alternative Dispute Resolution

Dispute resolutions are measures put in place to mitigate, mediate, and reconcile disputes and crises among conflicting parties in a society in order to foster a healing process and peaceful coexistence. ADR is an all-encompassing term which refers to multiple non-judicial methods of handling conflict between parties (Block, 2017).

### 1.8.3 Conflict

Conflict is a particular relationship between states or rival factions within a state which implies subjective hostilities or tension manifested in subversive economic or military hostilities (Quincy, 1971).

### 1.8.4 Kontagora Emirate

Kontagora Emirate is a traditional state in Niger State, Nigeria, with a population of 1,493,978 (NPC, 2006) and a landmass of 13,219 square miles. It is headquartered in Kontagora town. The current and 7th Emir of Kontagora Emirate is Alhaji Mohammed Barau.

## II. LITERATURE REVIEW

This chapter presents a review of relevant concepts that are germane to the study. It also presents the

relevant theories that provide the framework and guide to the study and reviews relevant existing works of literature around the world, Nigeria, and Kontagora Emirate, Niger State to the study.

### 2.1 Conceptual Review

The concepts of conflict, ADR, traditional rulers, types of ADR, ADR in Africa, and peace building are comprehensively analyzed to provide a sound conceptual framework for the study.

#### 2.1.1 Conflict

Humans, as social beings in daily interface and interaction with other members of society, engage in social activities which often generate tension and dispute as conflict is seen by the positive school of thought to be a part of the social structure in society. Conflict is the interaction of independent people who perceive incompatible goals and interference from each other in achieving those goals (Hocker & Wilmot, 1985). Conflict is an inevitable and necessary feature of our lives, and the challenge facing us is not the elimination of conflict but rather, how to effectively address conflict when it arises (Musingafi, Mafumbate and Khumalo, 2019). Conflict is a framework or mechanism in a society through which goals and aspirations of individuals and groups are articulated; it is a channel for a definition of creative solutions to human problems and a means to the development of a collective identity (Albert, 2001 cited in Ajayi and Buhari, 2014)

On the negative side, Coser (2010) defined conflict as a struggle over values or claims to status, power, and scarce resources, in which the aim of the conflicting parties are not only to gain the desired values but to neutralize, injure, or eliminate their rival. Such conflict may take place between individuals, between collectivities, or between individuals and collectivities. Conflict is designed to resolve divergent dualism and achieve some kind of unity, even if it is through the annihilation of one of the conflicting parties (Park and Burgess cited in Abdu, 2010). Conflict is a particular relationship between states or rival factions within a state which implies subjective hostilities or tension manifested in subversive economic or military hostilities (Quincy, 1971).

The prevalence of conflicts in African societies and around the world is a result of the decline in the traditional mediation framework, increasing workload of court litigations, and inadequate resources to access the formal litigation process. To unburden the workload in the litigation process and mitigate the lengthy procedures involved, Alternative Dispute Resolution came into existence to provide the bridge and ease in accessing justice and peace building.

### 2.1.2 Alternative Dispute Resolution

Dispute resolutions are measures put in place to mitigate, mediate, and reconcile disputes and crises among conflicting parties in a society in order to foster a healing process and peaceful coexistence.

ADR is a broad range of mechanisms and processes designed to supplement traditional court litigations by providing a more effective and faster resolution process (Nwazi, 2017). Also, he sees ADR as a procedure for the settlement of disputes by means other than confrontational and relationship-destroying litigation. Mnookin (1998) sees ADR as a set of practices and techniques aimed at permitting the resolution of legal disputes outside the courts. It is normally thought to encompass mediation, arbitration, and a variety of “hybrid” processes by which a neutral facilitates the resolution of legal disputes without formal adjudication. Also, ADR is an all-encompassing term which refers to multiple non-judicial methods of handling conflict between parties (Block, 2017). He enumerates the examples of ADR to include mediation, arbitration, neutral evaluation, negotiation, and conciliation. Van der Bank and Van der Bank (2017) see ADR as all forms of dispute resolution other than litigation through the courts.

Historically, ADR traced its origin from the biblical account of the dispute between two women claiming ownership of a child that was mediated by King Solomon (I King 3: 16-28) as the judgment portrayed the attributes of fairness, speed, and reconnection with lost treasure.

Dispute resolution in the pre-colonial era in Yoruba land in western Nigeria involves the use of gods, oracles, deities, and ancestors (the living dead) to

mediate and broker peace between disputants and conflicting parties. The referential fear of the consequence of the aftermath of ritual practice incentivizes disputants to trade on the course of truth during peace mediation. Traditional peace mediators, conciliators in Yoruba land includes the *Bale* (head of the family), *Mogaji* (eldest person in the family), *Baale* (Chiefs), *Ile-ejojoyeAdugbo* (ward-chief), *Igbimo Ilu* (chief-in-council), *Ile-ejo Oba* (court of the king), and the *Ogboni* court which is famous among the Egba and Ijebu people (Ajayi & Buhari, 2014). A classic example of the traditional peace framework as an alternative to litigation in conflict resolution is seen in a conflict case study between the Luo and Maasai people of Kenya which lasted for almost a decade and claimed many lives and properties. Resolving the conflict through an African conflict resolution framework, a poisoned tree branch and a weapon of war were placed between the borders with a dead black dog cut into two and the blood allowed to flow to the fence and into the ground. In addition, lactating mothers exchanged babies over the fence so each could suckle from the other group, and then prayers were offered by the elders and religious leaders. The poisoned tree branches and dead black dog signifies a new era of peace, whereas the exchange of babies signifies foes becoming kindred spirits (Daniel, 2010 cited in Onuh and Kabuk, 2021).

In Nigeria, those engaged in ADR processes are trained and certified by the Institute of chartered mediators and Conciliators, which is a body established in 1999 for the purpose of training persons aspiring to be professional negotiators, mediators, conciliators and peace builders across Nigeria (Greg, 2005, 1997 cited in Nwazi, 2017). The frequently used ADR type in Nigeria and around the world includes arbitration, mediation, negotiation, conciliation, and multi-door courthouse, of which the ADR units under the various type in Nigeria include the Abuja Arbitration Forum, the Institute of Arbitration, Ekpan in Delta state Nigeria, the Abuja Multi-Door Courthouse, among others.

A notable ADR peaceful resolution in Nigeria is the Funiwa-5 oil well blow-out in River State in January 1980, where the Federal Government of Nigeria acted as the arbitrator between the community and

the oil company. The arbitration was effective in the amicable resolution of the conflict to the tune of 12-million-Naira compensation to the community after the company declined the initial 60-million Naira damage claim. In the United States of America (USA), a notable ADR conflict resolution is the agreement out of court by W. R. Grace and Co to pay the U.S. government USD 250 million for the investigation and cleanup of asbestos contamination responsible for ailment and fatality in northwestern Montana town of Libby subject to the U.S. Bankruptcy Court judge (Nwazi, 2017).

In South Africa, the establishment of the Commission for Conciliation, Mediation, and Arbitration (CCMA) is overwhelmingly welcomed, especially by vulnerable workers with inadequate financial muscle to access formal court litigation (Animashaun, Odeku and Nevondwe, 2014), as it is not only enshrined as a conflict mediation mechanism but made compulsory as part of labor mediation framework in South Africa since 1994 (Bendeman, 2006)

Section 89 and order 10 rule of 1-A to 1-C of the amendment Act of the civil procedure code of the parliament of India posits “where it appears to the court that there exist elements of a settlement which may be acceptable to the parties’ the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the court may reformulate the terms of a possible settlement and refer the same for – arbitration, conciliation, judicial settlement including through Lok Adalat or mediation”. Notable forms or types of ADR around the world include; mediation, collaborative law, arbitration, judicial settlement (a dispute resolution where the jurist mediate a dispute to reach an amicable settlement that will promote peace building and healing process), and Lok Adalat, which is famous in India and known as “people’s courts”. Lok Adalat is flexible and free. It accepts pending or cases awaiting trial in litigation courts. The initial fee or payment made by disputants is returned by the court if the pending case is settled by Lok Adalat. The first Lok Adalat case in the district of Una aimed at the Junagadh was held in 1982 in the state of Gujarat.

### 2.1.3 Types of ADR

#### 2.1.3.1 Negotiation

It is an ADR technique where the disputing parties determine the process and outcome of the dispute. Unlike mediation and arbitration, a third party is not required in this mediation process (except in a situation where the disputants are inexperienced about the contents and terms of the resolution). Negotiation is the most common form of ADR today as humans, in daily interaction with each other, engage in negotiations to reconcile conflicting needs in business, international organizations, sports and entertainment contracts, and disputes. The service of a third party (usually a professional) is needed in a negotiation where there is a need to assess the basics and nitty-gritty of the terms of contract or dispute resolution. Van der Bank and Van der Bank (2017) see negotiation as the most common and formal form of ADR framework where the parties engage in a consensual discussion or dialogue without the aid of a third party.

#### 2.1.3.2 Conciliation

In Nigeria, conciliation is recognized by the Arbitration and Conciliation Act as a method of conflict resolution where conflicting parties are brought together, and a third party (a conciliator) meets with the disputing parties to resolve their differences (Nwazi, 2017). The objective of the conciliator is to establish communication between disputing parties and to create the right atmosphere for the disputing parties to engage in dispute resolution. Conciliation is a process of facilitating an amicable resolution between the parties, whereby the parties to the dispute use a conciliator who meets with the parties separately to settle their dispute (Iplead, 2017). A conciliator aims to establish communication and limit tension between warring and disputing parties.

#### 2.1.3.3 Mediation

Mediation is a voluntary, non-binding private dispute resolution process in which a neutral person helps the parties to reach an amicable settlement of the dispute (Mahmud, 2005). Mediation is a non-binding ADR framework where the mediator seeks to provide a level playing ground for the disputing parties to reach a settlement and resolution amicably. It is a win-win scenario where amicable dispute resolution is



achieved in a process that is not imposed on the disputants or dictated by the mediator. Mediation is defined in section 135 Act 798 in Ghana as “a non-binding process in which the parties discuss their dispute with an impartial person who assists them in reaching a resolution, in accordance with the relevant provisions of 798 on mediation (Kasser-Tee, 2017). Mediation is an easy and uncomplicated party-centered negotiation process where a third party acts as a mediator to resolve disputes amicably by using appropriate communication and negotiation (Iplead, 2017). Mediation is a consensual process in which disputing parties engaged the assistance of an impartial third-party mediator, who helps to try to arrive at an agreed-on resolution of the dispute (Van der Bank and Van der Bank, 2017).

The process of mediation starts with each disputing party presenting their grievances to the mediator. Disputing parties are met separately in a “caucus meeting” and later in a “joint meeting” with the objective of reaching an amicable settlement that will promote the healing process and peace building. The role of a mediator is to assist in dispute resolution with impartiality so as to reach an amicable and satisfactory resolution that will promote peaceful coexistence. In highlighting the difference between an arbitrator and a mediator, Kehinde (cited in Nwazi, 2017) posit that while the latter decides the dispute for the parties, the role of the skilled neutral mediator is to act as a catalyst by helping the parties in identifying and crystalizing each side’s underlying interests and concerns, carry subtle messages and information between the parties, explore the basis for agreement and develop a co-operative and problem-solving approach. The common denominator to all these efforts by the mediator is the enhancement of communication between the parties in conflict. Mediation is most appropriate where the disputants seek to maintain privacy and confidentiality by avoiding public display in court litigation.

#### 2.1.3.4 Arbitration

It is a mediation process where disputants employ the aid of a third party to mediate and reconcile their differences.

Here the disputing parties do not have a say in the mediation process. The outcome or judgment might be binding or not by the arbitrator, who is appointed

by a court of law or the disputing parties. In Nigeria, the Arbitration and Conciliation are modeled after the UN Commission on International Trade Law (UNCITRAL) on International Commercial Arbitration of 1985 with minor modifications (Funke, 2004 cited in Nwazi, 2017). Gadzima (2015) in Nwazi (2017) enumerates the following arbitrators in Nigeria.

- (i) The Nigerian Branch of the Chartered Institute of Arbitrators (UK)
- (ii) The Chartered Institute of Arbitrators (Nigeria)
- (iii) The Institute of Dispute Resolution, Ekan in Delta State, Nigeria.
- (iv) Negotiation and Conflict Management Group (NCMG)
- (v) Abuja Arbitration Forum.

Van der Bank and Van der Bank (2017:2) posit that “the impartial arbitrator’s role is to make a decision for the parties, which decision is intended to be final, binding and enforceable”.

#### 2.1.4 Traditional Rulers

Traditional rulers are chief custodians and protectors of sacred laws, norms, ideologies, and values in a society, often at the cell level, as they interface with the community in day-to-day activities. Traditional rulers are leaders or persons by virtue of heredity or people with proven tracked records who are nominated, appointed and installed in line with the provisions of their native laws and customs Wadama (cited in Abdulsalam, Olokooba, Okafor and Adika, 2020). A traditional ruler is seen as a traditional head of an ethnic unit or clan who, for the time being, is the holder of the highest traditional authority whose title is recognized as a traditional title by the government of the state (Yahaya, 2010 cited in Abdulsalam, Olokooba, Okafor, and Adika, 2020).

The rationale for the relative importance of traditional rulers in the process of conflict resolution in Nigerian society is premised on the fact that they have a vast knowledge of the acceptable traditional methods and procedures that have been passed from one generation to another (Abdulsalam Olokooba, Okafor and Adika, 2020). The deep knowledge of the norms and values of the society and the sacred responsibility of the chief custodian of the society incentivize traditional rulers to promote peaceful

coexistence by mediating and reconciling disputants on social issues ranging from land disputes, farmer-herder conflict, family, clan related disputes, among others in the society. The relevance of the traditional African institution is seen in a report by Vaughan (2000), who sees the failure of most African states in the 80s and 90s to be a result of the neglect of the traditional political structure to the superimposing of the Western and modern model of governance which primarily did not fit into African societies. In a study on the traditional peace mechanism of the Ibibio people, Peter (2018) x-rayed the importance of the traditional chiefs and council of elders as an ADR framework in dispute settlement and peace building through the instruments of *ayeyin*, *ekponyoho*, *esopmbongisong* (the highest court in the land), *ayeyin* (grandchildren and ambassadors), *Abase ayeyin* (god of grandchildren), *Ukod* (in-laws), *mbianm* (oat taking), and *Ukang* as they were effective in fostering peaceful coexistence before the permeation of the western litigation courts.

The traditional peace building framework in Igbo land in Eastern Nigeria includes the *Amala* (council of elders), *Umunna* (clan), *Ohanaeze* (assembly of the people and the king), and the *Agbara* (oracle) (Ajayi and Buhari, 2014). Peter (2018) showed the efficacy of the traditional ADR instruments of *esopmbongisong* (the highest court in the land) and the *ayeyin* in conflict settlement and peace building in traditional Ibibio land as the *ayeyin* framework was effective and instrumental to the resolution of the 1990 conflict between Mbiakon and Idu communities. He posits further that the *ayeyin* instrument goes with the adage that “the grandchild is the adjudicator in his or her mother’s community” which in traditional Ibibio reads *ayeyinasebiereikoedem eka*.

The role of the Sultan as an ADR mediator across the country is seen in a study by (Blench et al., 2006), where the paramount ruler mediated and engaged in peace building in the Kafancha crisis of 1999 and Zangon-Kataf crisis of 1997, the Tiv-Jukun crisis in 1992, Jos crisis 2001-2004, Tafawa-Balewa crisis in 1995, the 2002 Miss World pageant crisis in Kaduna State, and the 2005 Shi’ites and Izala crisis in Sokoto State. These conflicts occurred across Nigeria with

death tolls across religions, ethnicity, and tribes, with several efforts to halt the ferociousness of the rate of casualties to no avail. The intervention by the Sultan aided in abating these conflicts across the country. The relevance of the traditional ADR framework also was seen in the study where in Fika Emirate, the emir responded on time to avert the ensuing conflict between Christians and Muslims in the Emirate when 19 churches were burnt by the Izala sect in 1994 and in 2006 where 7 churches were burnt in relation to the cartoon riots. The quick intervention of the traditional leader prevented further escalation and reprisal attacks by the Christian faithful.

The ultimate aim of the African traditional peace mediating framework and an ADR is not to impose fines or punitive sentences but rather to enhance and promote peaceful coexistence, forgiveness, reconciliations, and healing process as Ajayi and Buhari (2014) opined that in the traditional judiciary system in Yoruba land, fines of damages are not usually awarded by the mediators in civil cases. The utmost aim is to restore peace by settling disputes amicably. In other words, the restoration of harmony is what is paramount in the traditional judicial system.

#### 2.1.5 ADR in Africa

In 2003, Ghana held an ADR mediation week program spanning 5 days where 300 selected cases across Accra were tried using the ADR framework, from which 90% of the disputants were satisfied with the process and recommended a follow-up program. A follow-up program eventually came up in 2007 over a 4 day period where 155 cases selected across 10 districts court in Accra were mediated with a success of 100 cases, 18 were adjourned, and 37 were referred back to court for litigation. The success of the 2007 four days mediation process led to a follow-up program in 2008 with a 50 % success rate which pioneered the ADR Act 798 of 2010. The success of ADR Ghana is also evident in the Ashaman district, where 5 ADR advocates mediated between January to June 2011 up to 493 cases, and by 2013 across Ghana, a projected 10,000 mediation cases through the district and high courts were initiated to reduce the litigation burden and high costs saving in the arbitration process.

The Abunzi is an ADR framework recognized fully by the Rwandan organic law (No.31/2006) as a traditional mediation process in conflict resolution at the cell level. The Abunzi literally means “those who reconcile” which currently has an estimated 30,000 mediators operating at the cell level in Rwanda (Mutisi, 2011). The Abunzi framework is a hybrid of the traditional dispute mediation process and modern peace building and conflict resolution. The mediators and advocates are selected on the basis of integrity and impartiality towards peace building and justice, as the process is to help reduce the rigorous and cumbersome procedures of litigation that are lengthy and cost ineffective. The law of Rwanda mandates any disputants seeking counsel/justice at local courts with cases of property value below 3 million Rwandese Franc to seek redress first at the Abunzi tribunal before approaching the arbitration courthouse so as to help unburden the workload in courthouse.

The word Gacaca literally means ‘a relaxing green lawn in Rwandan homestead’ where family members or neighbors meet to exchange views on issues directly affecting them or their community (Karbo and Mutisi, 2008 cited in Musingafi, Mafumbate and Khumalo, 2019). The Gacaca courts predate the colonial era in Rwanda, where civil and criminal cases are mediated by people of integrity. The court gained popularity after it was given a mandate by the 1996 law and the constitution of 2003 to try those accused of war crimes in the Rwandan genocide. The ultimate goal of the court is reconciliation (Karbo and Mutisi, 2011 cited in Musingafi, Mafumbate and Khumalo, 2019) as President Paul Kagame, during his address in the commemoration of the 10th anniversary of the genocide in 2004, noted that Gacaca is designed to balance the needs of justice and those of reconciliation so that through the process of catharsis, a healing process can be cemented through reconciliation (Musingafi et al., 2019).

The Ingando framework also is a notable traditional ADR medium in Rwanda. It is a pre-colonial national cohesion framework used by the king of Rwanda to mobilize and sensitize the people in times of disputes and crisis. It was re-integrated after the genocide to foster unity, cohesion, and development, as

Musingafi, Mafumbate and Khumalo (2019) note that Ingando helps to consolidate social cohesion and strengthen national unity.

In the Horn of Africa, notable African traditional ADR frameworks include; the Kokwo (council of elders) among the Pokot and Marakwet in Kenya, the Wjir peace initiative, the Gaada system among the Oromia people of Ethiopia, the Michu and Luba Bada system in Western Ethiopia, and the Bashingantahe tradition in Burundi (Musingafi et al., 2019). The medium as alternative peace resolutions were initiated by the traditional authority (except the Wajir peace initiative) to mediate disputes and to promote the healing process and peaceful coexistence among varying cultures and ethnicities in African states.

## 2.2 Theoretical Review

The theoretical framework for this study is the Integrated Theory of Peace. Other dispute resolution theories, such as Bentham’s Theory of Judicial Organization and Adjective Law, Cooperative Bargaining Theory, and The Law-Jobs Theory, were employed to provide the blueprint and guide for the study.

### 2.2.1 The Integrated Theory of Peace

The theory is based on the concept that peace is, at once, a psychological, social, political, ethical, and spiritual state with expressions in intrapersonal, interpersonal, intergroup, and international areas of human life (Danesh, 2006). The theory posits a world view of inclusive peace through peace education; individuals strive for inner peace and peaceful coexistence between groups, varying religions, races and cultures, governments, and nations worldwide. The theory is a divergence from the negative peace framework, which solicits for the absence of conflict and war, to a positive peace framework which entails a psychological and developmental measure that promotes tolerance and value for human life, race and religion, and inclusive peace education in pedagogy across learning institutions. Positive peace enables the quest for interpersonal peace and security, freedom and harmony with the environment, a need for inter-connectedness and respect for race, religion, culture, and reaching for a state of nirvana. The traditional institution is fundamental in achieving a unity world view and a society that is characterized

by religious tolerance, gender equality, and respect for races and varying cultures.

The theory is relevant to the study in showing that through positive peace, which connotes peace education, development, employment, gender equality and religious tolerance, disputes and conflict can be prevented and mitigated. Curtailing the root causes of dispute and conflict is a far more effective way of promoting harmony and peaceful coexistence in a society than a negative peace concept that is geared towards zero conflict and dispute.

#### 2.2.2 Bentham's Theory of Judicial Organization and Adjective Law

Jeremy Bentham (1748-1832) was an English jurist and utilitarian, famous for his central theme of welfarism and the greater good of the majority. Adjective law theory posits that the object of adjudication is the implementation and application of positive law made by the legislator to promote utility. The direct end of adjective law is the rectitude of decision, that is, the correct application of substantive law to true facts" and that "the court system should be organized to promote cheap, simple, accessible, local, public justice (Twining, 1993). Bentham's theory of adjective law was built mainly on experiences and experiments from Danish and French proceedings on reconciliation in cases where the disputants are both aggrieved and wronged.

Adjective law theory advocates adequate remuneration of lawyers and legal personnel to avoid indecision and partial judgment or manipulation of judgment due to financial inducement. The theory also advocates for complete and truthful testimonies during proceedings to avoid unfair judgment. Despite being a theory of litigation, adjective law theory is relevant to the study in hypothesizing a dispute resolution framework and mechanism that is fair, cheap, accessible to all, and with the central message of promoting utility and wellness in a society which encompasses the central message in Alternative Dispute Resolution.

#### 2.2.3 Cooperative Bargaining Theory

Cooperative bargaining theory was postulated by Von Neumann and Morgenstein (1944) and popularized by Nash (1955) and Shapley (1953) on

conflict management and prevention in organizations and society by adopting the best strategy and pay-off in a matrix. Maskin (2016) sees cooperative bargaining theory as the part of game theory that pertains to when players can sign binding contracts that determines their actions and pay-offs. In dispute resolution, there are different strategies, among which are; further escalations of dispute, healing process, reconciliation, mediation, arbitration, among others. Through cooperative bargaining, disputants can choose the best payoffs (gains) in the matrix that will promote peaceful coexistence and healing processes in society.

This theory is relevant to the study by showing the pathway through which traditional rulers can adopt the best strategy during mediation process to promote the healing process and reconciliation in a conflicting society.

#### 2.2.4 The Law-Jobs Theory

The law-job theory is a dispute mediation theory hypothesized by Llewellyn in pursuit of dispute prevention and amicable settlement of conflict, usually outside court litigation. Twining (1993) summarized the theory as all of us are members of groups, such as a family, a club, a teenage gang, a school or commercial organization, a trade union, a political party, a nation-state, and the world community with certain objectives and aims. Certain jobs need to be carried out to achieve these objectives and aims in society. The first of these jobs is to build a negative peace society where conflict and dispute are prevented and curtailed to zero. The first objective is hardly attainable. When conflicts arise, the second job is to engage in a peace resolution framework that will mediate and reconcile the disputing parties in order to prevent disintegration. The third job is to derive measures of adaptation to changing behavior and environment. Conflict prevention and resolution are feasible in an environment where measures and adaptations are available to enable society to adapt to a changing environment. The fourth job is the specification of authority and power by the constitution in order to regulate and check against abuse of power by decision-making groups. The last job is the 'job of juristic method', which connote dispute resolution, making reforms and changes due to changing human

behavior and environment and creating an enabling environment for resolution and decision. This stage entails constitution and amendment to inculcate the interest of varying cultures, tribes, clans, and ethnicity in a state. The theory is relevant to the study in stating the roles of the traditional ADR mechanism in the second job, which includes mediation, reconciliation, peace building and the healing process.

### 2.3 Empirical Review

Peter (2018) assessed the Ibibio peace praxis: A discourse in African indigenous peace ethos using primary and secondary data. The study examined the role of traditional peace building frameworks such as *esopmbongisong* (the highest court in the land), *ayeyin* (grandchildren and ambassadors), *Abase ayeyin* (god of grandchildren), *Ukod* (in-laws), *mbianm* (oat-taking), *Ukang* (ordeal), *Ekpo nnoho*, and *ekpoon* pantheon in dispute resolution and peace building in traditional Ibibio land. The study revealed that the Ibibio had instituted several sources, symbolism, instruments, agents, and institutions of sustainable peace building and conflict resolution prior to the western permeation of traditional Ibibio society. The study concludes that indigenous Ibibio Praxis has helped sustain peace and order in society and is effective during conflict situations. The study recommends a paradigm shift to the use of indigenous and traditional peace building frameworks that best suit the traditional environment. Also, the study recommends a synergy and hybrid peace mechanism that combines the traditional and Western approaches to peace building for a sustained healing process and peaceful coexistence.

Mutisi (2011), in the Abunzi mediation in Rwanda: Opportunities for engaging with traditional institutions of conflict resolution, analyzed the role of traditional institutions in peace mediation and the healing process by paying special attention to their roles in post-conflict societies. The study used the Abunzi peace framework as a case study by highlighting how traditional institutions have sometimes complemented the state, which is often too over-whelmed and under-resourced to be able to offer timely and effective justice. The study revealed that the Abunzi framework is a part of the Rwandan justice system whose restorative approach helps

people to address their conflicts without resorting to litigation and other retributive approaches. The study advocates for diminished state interference in the process of the Abunzi framework and recommends that the functionality and relevance of the Abunzi framework should be enhanced to the present-day realities of the post-conflicts state of Rwanda.

Block (2017) assessed the benefits of ADR for international commercial and intellectual property disputes. The study examined the benefits of the ADR peace building framework in mediating dispute outside the international litigation between parties located in different countries as laws vary from region to region. The study highlights the benefit of ADR to include single streamlined procedures, control, confidentiality, complete neutrality, finality of the awards, enforceability, speed and cost, among others. The study concludes that ADR offers cross-border parties viable opportunities beyond traditional judicial intervention.

Ajayi and Buhari (2014), in a study of the methods of conflict resolution in African traditional society, assessed the role of the traditional peace mediation process among the Yoruba and Igbo tribes in Nigeria and the Pendo tribe in South Africa. The study concluded that the traditional conflict resolution techniques such as mediation, adjudication, reconciliation, and negotiation, as well as cross-examination, which were employed by Africans in the past, offer great prospects for peaceful co-existence and harmonious relationships in post-conflict periods than the modern method of litigation settlement in law courts. The study recommends revisiting the core values of the traditional African peace mediation process to foster peaceful coexistence and unity in African states.

Hartman, Blair and Blattman (2018), in a study, engineering informal institution: long-run impacts of ADR in violence and property rights in Liberia, experimentally evaluate a UN and civil society mass education campaign to promote ADR practices and norms in rural communities, where violent land disputes are common. The study covered from 2009 to 2013. The experimental design was used on randomly selected 116 counties for treatment with implementation spanning 21 months (March 2009 to



November 2010). The result of a weighted least square regression showed that after one year, the proportion of residents with an unresolved land dispute fell by 2 percentage points in treatment communities, a 28 percent reduction versus the control group. Conditional on having a dispute, the study observed a 10.5 percent increase in the rate of resolution after one year in treatment communities. Also, the study showed a long-run reduction in dispute severity. After three years of disputes in control communities involving property destruction or interpersonal violence, in treatment communities, this proportion dropped by almost 7 percent points – a 21 percent decline relative to control. Overall, the study showed a fall in violence and unresolved disputes in one year and a large, sustained fall in violent disputes and a slight shift towards non-violent norms for treatment communities after three years of testing. The study recommends cost-effective ways to assess the long-term impact of ADR programs that will help produce clearer guidance on how best to invest in durable change.

Abdulsalam, Olokooba, Okafor and Adika (2020) assessed the roles of traditional rulers in conflict resolution for sustainable democracy in Nigeria using a descriptive research design. One hundred eighty traditional rulers were randomly selected to elicit information for the study. The study showed a no significant difference in the roles of traditional rulers based on age and marital status in conflict resolution in Kwara state, Nigeria. Also, the study showed that in all ramifications, traditional rulers play significant roles in conflict mitigation in the state. The study recommends that traditional rulers in the state should be familiar with the issues germane among individuals, and social groups as well as provide the possible resolution to any conflict and facilitate sustainable democracy in the society.

Nwazi (2017), in a study assessing the efficacy of Alternative Dispute Resolution (ADR) in the settlement of environmental disputes in the Niger Delta region of Nigeria, examined how complainants of environmental pollution from oil spillage recourse to the use of ADR peace framework owing to the failure of litigation in living up to its expectation of the last hope of the common man. The study revealed that several cases were lost on the ground of flimsy

excuses in litigation court, but today, the ADR framework is used by a wide range of courts, tribunals, organizations, and victims of pollution in Nigeria as tools for overcoming environmental impasse, improving the efficacy of difficult negotiations, and achieving durable settlements. The study recommends the mandatory inclusion of ADR in pedagogies across higher institutions in Nigeria.

Kasser-Tee (2017) assessed mediation in Ghana: A critical examination of how Act 798 seeks to improve mediation and the mediation process in Ghana. Relying on the ADR Act of 2010 as the legal instrument, the study finds that courts in Ghana still grapple with an overload of cases, and investor-state arbitration and mediation are still conducted outside of Ghana. Also, the study revealed that despite all legislative interventions, mediation is still widely not patronized by individuals and businesses in Ghana. The study recommends that information, infrastructure, and competent professionals that will enhance the mediation process should be made available and accessible to all.

Doughty (2011), in *Contesting community: Legalized reconciliation efforts in the aftermath of genocide in Rwanda* using ethnographic research design, showed how the Rwandan government created a decentralized grass root peace building framework of *Inkiko Gacaca* and *Comitey'Abunzi* in the aftermath of the 1994 genocide. The study covered a four years period spanning 2004 to 2008. Relying on data from the two peace building framework, the study showed that the Rwandan government's emphasis on Gacaca as a culture-based solution helped shift transitional justice towards recognizing the importance of the local context rather than prioritizing universal legal principles. Also, the study showed that societal rebuilding is not uniform nationwide but depends on people's localized decisions and actions in the context of broader national and transnational socio-political dynamics. People create exclusions and fractures as they reconstitute solidarities. The study recommends a state-backed legal forum that is embedded in daily lives that will facilitate social rebuilding in the aftermath of conflict.

Musingafi, Mafumbate and Khumalo (2019), in a study of traditional conflict management initiatives in Africa: wellness models for Southern Africa and the Zimbabwean Crisis, assessed the roles of different African traditional ADR frameworks, notably the Abunzi, Baraza Ya Wazee, the Dare court, the Wajir peace initiative, among others in African states. The study posits that the significant point about conflict management in Africa is the emphasis on resolving conflicts amicably through the elders, traditional leaders, and healing and reconciliation rituals. The study concluded that the various traditional ADR in Africa have played significant roles in preventing the escalation of violence, reducing fear and mistrust and in increasing dialogue in many communities in Africa. Also, the study concludes that the frameworks have effectively and comprehensively complimented international responses for peace.

Afolabi, Idowu and Forpoh (2019) in Liberia: Understanding ADR mechanisms in post-conflict Societies examined the local, traditional and communal alternative dispute resolution mechanisms used in dispute resolution of the Liberian crisis. The study noted that Liberia had been the epicenter of several years of violent conflicts with both internal and external dimensions, which raises the question of the effectiveness of the orthodox conflict management mechanism, given that the Liberian conflict was intractable for a long time. The study showed that the adoption of ADR in Liberia has helped solve most if not all conflicts. The study recommends the adoption of ADR tools in Africa to help curtail conflict and enhance the post-conflict healing process in African societies.

De-Juan (2017) assessed traditional resolution of land conflicts: The survival of pre-colonial dispute settlement in Burundi by arguing that historical, political, and cultural topographies are essential in understanding patterns of the persistence and demise of pre-colonial institutions. The study employed geocoded survey data carried out in 2014 in Burundi and historical spatial information drawn from ethnography on pre-colonial Burundi to estimate the model, which shows a robust correlation between the geographic patterns of the pre-colonial kingdom and current modes of resource-related conflict resolution. The study also showed that respondents within the

center of what was the pre-colonial kingdom are 11% to 18% more likely to make use of pre-colonial conflict resolution institutions than respondents in other regions of the country.

Tchatchhoua-Djomo and Dijk (2022) assessed ambiguous outcomes of returnees' land dispute resolution and restitution in war-torn Burundi by highlighting the political and historical challenges shaping the resolution of protracted land disputes. Data was sourced between June 2013 to November 2014 and April 2019 in field research in Burundi through ethnographic design. The purposive method was used to select Makamba province in Southern Burundi due to the prevalence of returnees' land-related conflict since 1992 and the high rate of returnees' land claims and restitution. The study showed that the gradual exclusion or replacement of local authority had shaped a competitive structure of jurisdictions and confused authority over the land. The study recommends that rather than focusing on formulaic post-war remedies to protracted displacement and land conflicts, the emphasis should be on finding durable, fair, and locally acceptable ways in which competing land claims may be settled and land right secured.

Osiri (2021) assessed effectiveness of Alternative Dispute Resolution methods in the Rwandan construction industry by showing that the construction industry is laden with a lot of project performance issues which usually lead to disputes between the employer and the contractor. The study objectives are to determine the causes of disputes, the level of application of dispute resolution methods, and the evaluation of and management of disputes in case of future projects. The study employed qualitative and quantitative methods to source data from the study population of professionals in building environments, adjudicators, and arbitrators. The study revealed that Alternative Dispute Resolution methods are usually adopted on delay issues, poorly written specifications or lack of specification, poor plans or drawings generally, poor level of workmanship, unauthorized works that are done by the contractor and defective works. Also, the study revealed that the prevailing order of effective dispute resolution includes negotiation, mediation, conciliation, facilitation, adjudication, dispute boards,

arbitration, and arbitration-mediation. Based on the findings, the study concludes that the major causes of disputes need to be guarded against, and in case a dispute eventually occurs, negotiation and conciliation methods should be given the first priority. The study recommends that the government should put in place strategies that are aimed at mitigating disputes on construction projects.

Pascal (2020) assessed East Africa Community dispute resolution mechanisms and prospects of sustainable peace spanning 2012 to 2018. The objectives of the study were to examine the nature and institutional aspects of alternative dispute resolution mechanisms in East African Communities, to establish the extent to which alternative dispute resolution mechanisms are used in East African Communities, and to establish the influence of dispute resolution mechanisms used in East African Communities on prospects of sustainable peace. The study employed descriptive research design and the use of a questionnaire to solicit primary data from the Ministry of Foreign Affairs and International Cooperation in Rwanda and secondary data sourced from past scholarly studies on dispute resolution mechanisms. The findings showed that Alternative Dispute Resolution had been domesticated in all the constitutions in the East Africa Community member states such as Kenya, Uganda, Tanzania, and Rwanda, where ADRs are accorded constitutional backing regardless of the status of individuals. Also, the study revealed that mediation and arbitration were constantly used in conflict mitigation before and after the independence of South Sudan in 2011. The study concludes that there is a strong nature and institutional foundation of ADR mechanisms in the East African Community and thus recommends that there is a need for member states to adhere to resolution under EAC's Draft Protocol on foreign policy.

Animashaun, Odeku and Nevondwe (2014) assessed impact and issues of Alternative Dispute Resolution in South Africa with emphasis on workplace disputes by highlighting how informal dispute resolution is increasingly becoming relevant in the dispensation of justice in South Africa. The study showed that the Commission for Conciliation, Mediation, and Arbitration (CCMA) is overwhelmingly being

accessed by the vulnerable labor force in society who cannot afford formal court litigation that is cost-ineffective and characterized by lengthy proceedings and adjournment. The study concludes that the establishment of the CCMA has helped unburden the workload in the formal court litigation process.

Arthur, Issifu and Marfo (2015) analyzed the influence of Ubuntu principle on the South Africa peace building process by critiquing the Western approach to peace building and drawing on the relevance of the Ubuntu framework as an Alternative Dispute Resolution in the Truth and Reconciliation Commission spearheaded by Archbishop Desmond Tutu in the post-Apartheid regime in South Africa. Exploratory method and secondary data collected spanning March 2014 and May 2015 were used for the study. The study concludes that Desmond Tutu harnessed the Christian teaching of forgiveness with the traditional Ubuntu Alternative Dispute Resolution mechanism to cultivate the culture of peace and racial tolerance, harmony, peaceful coexistence, and shared unity between the varying races in South Africa and mitigate the post-Apartheid enmity in South Africa.

#### 2.4 Gaps in Literature

From the foregoing, lots of studies have been carried out on traditional rulers and the use of ADR in conflict settlement. However, works of literature examining the roles of traditional rulers in dispute resolution in the Kontagora Emirate are relatively absent. This study attempts to bridge this gap in empirical literature by assessing the relationship between the traditional ADR mechanism and conflict settlement in Kontagora Emirate, Niger State, Nigeria, through the statistical tool of regression to depict the relationship between the dependent variable Conflict Settlement (CNS) and the independent variables Alternative Dispute Resolution (ADR). The study employed the methodology of inferential statistics that measures the relationship between the variables and estimate the errors not captured in the study. This methodology is lacking as existing literature used qualitative and descriptive statistical tools that cannot measure the relationship between the observed and controlled variables.

This study has shown that through the traditional mediation framework and positive peace, dispute

resolution, healing process, and peaceful coexistence is attainable in Kontagora Emirate. The study has added to existing literature by providing the most recent scope and information not captured in existing works of literature.

### III. RESEARCH METHODOLOGY

This chapter deals with the procedure that will be employed to carry out the study, such as Research Design, Model Specification, Nature and Sources of Data, Population of the study, Sample size, Sampling Technique, Research instrument and Administration, validity of instruments, Methods of Data Collection, and Method of Data Analysis.

#### 3.1 Research Design

Survey and ethnographic designs were adopted for the study. The design choice is due to their elements of observation, interaction, and deeper understanding of the participants, subject, and environment. The study requires a deeper understanding of historical collections and methods employed in different periods in dispute resolutions in Kontagora Emirate, which makes ethnographic design appropriate for the study and the observatory nature of survey design.

#### 3.2 Model Specification

To assess traditional rulers and the use of ADR for conflict settlement in Kontagora Emirate, Niger State Nigeria, a linear model is built to examine the effect of traditional rulers on conflict mitigation in Kontagora Emirate, Niger State Nigeria. The model captures the relationship between ADR (proxy as Arbitration and Mediation) and conflict settlement in Kontagora Emirate, Niger State, Nigeria. Thus;

$$CNS = f(ADR) \text{ ----- (3.1)}$$

Where:

CNS = Conflict Settlement

ADR = Alternative Dispute Resolution

From equation (3.1)

$$CNS = f(ABTN, MDTN) \text{ ..... (3.2)}$$

From equation (3.2), the following model was derived

$$CNS = a + \beta_1 ABTN + \beta_2 MDTN + \epsilon \text{ ----- (3.3)}$$

Where:

ABTN = Arbitration

MDTN = Mediation

a is constant

$\beta_1, \beta_2$  are the coefficients of the parameter estimate.

$\epsilon$  is the error term

#### 3.3 Nature and Sources of Data

Primary data was sourced through a questionnaire in fieldwork across the selected Local Government Areas, and 400 respondents were determined through the Taro (1967) sampling formula.

#### 3.4 Method of Data Analysis

The information elicited is presented in frequency tables and simple percentages. Regression analysis was employed to assess the relationship between the dependent variable (Conflict Settlement) and the independent variable (ADR, proxy for traditional rulers) and the hypotheses formulated were tested at a 5% significance level and 95% confidence level. The idea behind regression analysis is the statistical dependence of one variable, the dependent variable, on one or more variables, the independent or explanatory variables. The objectives of such analysis are to estimate or predict the mean or average value of the dependent variable on the basis of the known or fixed values of the explanatory variables (Gujarati and Porter, 2009). The general model for multiple regression analysis is as follows.

$$Y = a + b_1x_1 + b_2x_2 + b_3x_3 + b_4x_4 + \dots + b_nx_n + e \text{ ----- (3.4)}$$

Where

Y = dependent variable

a = equation constant

$b_1, \dots, b_n$  = coefficients of explanatory variables

$X_1, \dots, X_n$  = independent or explanatory variables

e = error term.

In this particular equation, the constant  $b_1, \dots, b_n$  determines the slope or gradient of that line and the constant term 'a' determines the point at which the line crosses the Y-axis otherwise known as the Y-intercept (Gujarati and Porter, 2009).

#### 3.5 Study Area

Kontagora Emirate has a land size of 13,219 square miles and a projected population of 1,493,978 from NPC (2006) population census. Farming is the main occupation of the people with food crops such as cotton, groundnut, sorghum, and animal production

such as cattle, goat, and guinea fowl. The Emirate in recent time have seen conflicts and disputes ranging from kidnaping, cattle rustling, farmer-herder crisis, insurgency, among others as Blench, Longtau, Hassan and Walsh (2006) opined that Kontagora is noted for its ethno-religious and political violence, there are also clashes between crop farmers and pastoral group.



Figure 2.1: Map of Kontagora Emirate  
Source: author’s computation, 2022.

### 3.6 Population and Sampling Techniques

#### 3.6.1 Study Population

Population of the study consists of five Local Government Areas (Mashegu, Rijau, Magama, Mariga, and Kotangora) in Kontagora Emirates as the study seeks to assess the view on the populace on the roles of traditional rulers in disputes resolutions in the Emirate.

The projected population was computed using Doston (2018) projection based on 0.3% growth rate. Thus;

$$N_t = P e^{rt}$$

Where

$N_t$  = Future population (2022)

$P$  = Past population (924,434) (2006)

$e$  = Natural logarithm base of 2.71828 (constant)

$r$  = Population growth rate (0.03 or 3%)

$t$  = Time 2022-2006 (16 years)

Thus,

$$\begin{aligned} N_t &= 924,434 (2.71828^{0.03 \times 16}) \\ &= 924,434 (2.71828^{0.48}) \\ &= 924,434 (1.6161) \\ &= 1,493,977.7874 \\ &= 1,493,978 \text{ (approximately)} \end{aligned}$$

#### 3.6.2 Sample Size Determination

The Taro Yamane (1967) elementary formula for limited population was used to determine the optimum sample size for the study.

From the study population of 1,493,978 thousand persons, a sample size of 400 respondents was determined using the Taro Yamane (1967) formula in his Elementary Sampling Theory for limited population which is expressed as follows:

$$n = \frac{N}{1 + N(e)^2}$$

Where:

$n$  = sample size

$N$  = population of the study area

$e$  = Level of significance (0.05)

1 = Unity (a constant)

This formula was substituted thus;

$$\begin{aligned} n &= \frac{1,493,978}{1 + 1,493,978 (0.05)^2} \\ &= \frac{1,493,978}{3735} \\ &= 399.99410977 \\ &= 400 \text{ (approximately)} \end{aligned}$$

Table 3.1: Number of respondents selected across Kontagora emirates

LGA	POPULATION (2006)	POPULATION (2022)	SAMPLE SIZE
Mashegu	215,197	347,779.8717	90
Rijau	176,199	284,755.2039	78
Magama	181,470	293,273.667	81
Mariga	199,600	322,573.56	86
Kontago	151,968	245,595.4848	65
ra			
Total	924,434	1,493,978	400

Source: NPC 2006 (modified)



3.6.3 Sampling Technique

Two stage sampling techniques were used for the study. Cluster sampling was used to group the Emirate into five Local Government Areas (Mashegu, Rijau, Magama, Mariga, and Kontagora). Simple random sampling via lottery was used to select the members of the public for questionnaire administration.

3.7 Method of Data Collection

3.7.1 Questionnaire

A closed-ended questionnaire was used to elicit the relevant information needed for the study from three-hundred and eighty-eight (388) out of the four-hundred (400) respondents selected across Kontagora Emirate (Mashegu, Rijau, Magama, Mariga, and Kontagora). The questionnaire is structured to elicit valid information for the study and divided into two sections to obtain information relevant to the study.

1. Section elicits the demographic and socio-economic data from the respondents across Kontagora Emirate.
2. Section two contained information on the effects of traditional rulers on conflict settlement in the Kontagora Emirate.

3.8 Validity of Instrument

The questionnaire was subjected to a validity test (Pearson correlation coefficient with SPSS) and a reliability test (Cronbach’s Alpha test).

3.8.1 Validity Test

From the Pearson validity test, all the obtained values are greater than the critical values from the Pearson table and are significant at a 5% level (2-tailed).

3.8.1 Reliability Test

Cronbach’s alpha coefficient was employed by the study, which is commonly used in studies with questions having multiple rating scales. A good reliability test is skewed towards one (1). From the Reliability test, a 0.86 percent index was obtained, which is very good and reliable as it contained the necessary information for the study. The 0.86 reliability index and the significant values obtained from the Pearson validity test indicate that the questionnaire is valid and contains the necessary information for the study.

3.9 Apriori Expectation

From the foregoing, the a priori expectations are expected to be positive. The study states that the coefficients of Arbitration and Mediation are greater than zero. Thus:  $\beta_1 \beta_2 > 0$ .

3.10 Method of Hypothesis Testing

P-value and Analysis of Variance (ANOVA) was employed to test the formulated hypotheses at a 5% level of significance and 95% confidence level.

IV. DATA PRESENTATION, ANALYSIS, AND DISCUSSION

This chapter presents and analyzes the data generated for the study, tests the study hypotheses, and discusses the results. The trends of Arbitration (ABTN) and Mediation (MDTN) as proxies for Alternative Dispute Resolution are tested to assess their relationship with the dependent variable Conflict Settlement (CNS) in Kontagora Emirate.

4.1 Data Presentation

Data for the study, which consist of primary data are presented in frequency, simple percentage, figures, and tables. Responses obtained from three-hundred and eighty-eight (388) questionnaires returned from 400 questionnaires across five (5) Local Government Areas (Mashegu, Rijau, Magama, Mariga, and Kontagora) in Kontagora Emirate are presented in simple percentage indexes on responses from socio-economic characteristics and on effects of Alternative Dispute Resolution (ARTN and MDTN) on Conflict Settlement (CNS) in Kontagora Emirate.

4.2 Data Analyses

4.2.1 Demographic and Socio-Economic Data of Respondents

Table 4.1: Sex of Respondents

	Frequency	Percent	Cumulative Percent
Valid MALE	248	63.9	63.9
FEMAL E	140	36.1	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

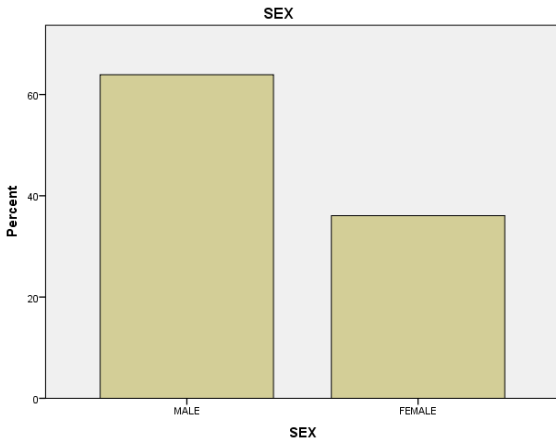


Figure 4.1: Sex of Respondent  
Source: SPSS 23 (Field Work, 2022)

From the 388 respondents covered in the study, as shown in Table 4.1 and Figure 4.1, 63.9 % of the respondents are male, while 36.1 % are female.

Table 4.2: Age of Respondents

	Frequency	Percent	Cumulative Percent
Valid 18-25 YRS	68	17.5	17.5
26-40 YRS	77	19.8	37.4
41-59 YRS	129	33.2	70.6
60 YRS AND ABOVE	114	29.4	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

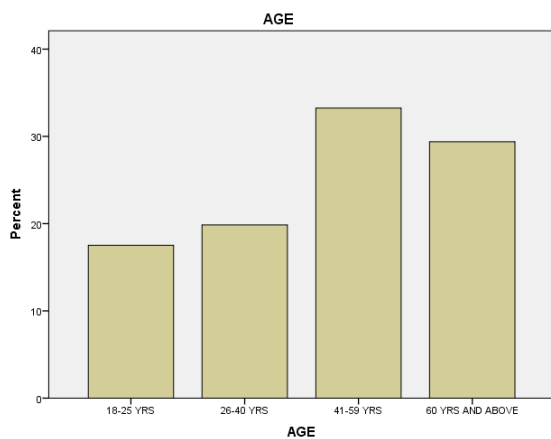


Figure 4.2: Age of respondents  
Source: SPSS 23 (Field Work, 2022)

From Table 4.2 and Figure 4.2, 17.5% of the respondent falls between the ages of 18-25, 19.8% falls between the ages of 26-40, 33.2% falls between the ages of 41-59, and 29.4% falls in the age of 60 and above.

Table 4.3: Marital Status of Respondents

	Frequency	Percent	Cumulative Percent
Valid SINGLE	27	7.0	7.0
MARRIED	227	58.5	65.5
DIVORCEE	91	23.5	88.9
WIDOWED	43	11.1	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

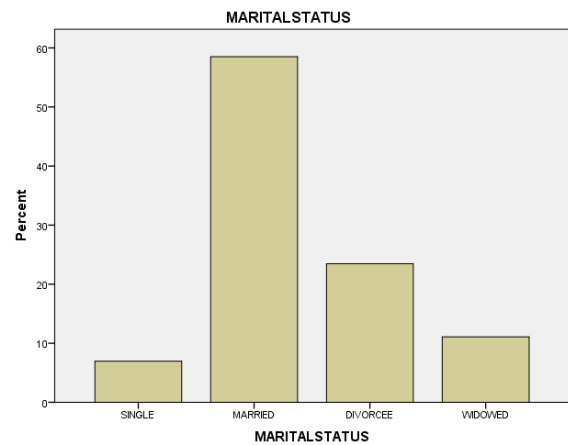


Figure 4.3: Marital Status of Respondents  
Source: SPSS 23 (Field Work, 2022)

From Table 4.3 and Figure 4.3, 7.0% of the respondents are single, 58.5% of the respondents are married, 23.5% of the respondents are divorcees, and 11.1 % of the respondents are widows/widowers.

Table 4.4: Household Size of the Respondents

	Frequency	Percent	Cumulative Percent
Valid 1-5	56	14.4	14.4
6-10	103	26.5	41.0
11-15	145	37.4	78.4
16 AND ABOVE	84	21.6	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

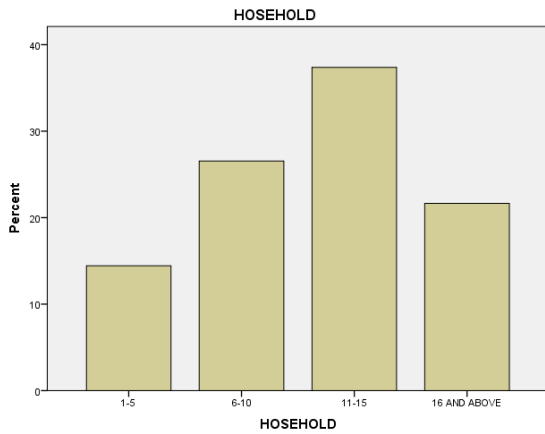


Figure 4.4: Household size of respondents

Source: SPSS 23 (Field Work, 2022)

From Table 4.4 and Figure 4.4, 14.4% of the respondents have a household size of 1-5 persons, 26.5% of the respondents have a household size of 6-10 persons, 37.4% of the respondents have a household size of 11-15 persons, and 21.6% of the respondents have a household size of 16 persons and above.

Table 4.5: Educational Background of Respondents

	Frequency	Percent	Cumulative Percent
Valid NON-FORMAL	151	38.9	38.9
PRIMARY	107	27.6	66.5
SECONDARY	72	18.6	85.1
TERTIARY	58	14.9	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

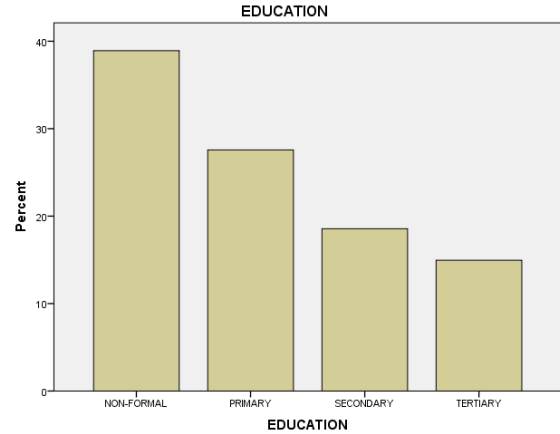


Figure 4.5: Educational background of the respondents

Source: SPSS 23 (Field Work, 2022)

From Table 4.5 and Figure 4.5, 38.9% of the respondents had no formal education, 27.6% attained First School Leaving Certificate, 18.6% gained secondary education, and 14.9% gained a tertiary education. The low level of education provides the basis for the preference of the traditional system of ADR to formal court litigation, as adequate awareness of court litigation is lacking. Inadequate education shows that a large portion of the respondents have inadequate knowledge of the formal litigation process and gives credence to the traditional resolution process that is closer to them.

Table 4.6: Occupation of Respondents

	Frequency	Percent	Cumulative Percent
Valid CROP FARMING	148	38.1	38.1
FISHING	17	4.4	42.5
ANIMAL HUSBANDRY	60	15.5	58.0
BUSINESS	71	18.3	76.3
CIVIL SERVICE	54	13.9	90.2
OTHERS	38	9.8	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

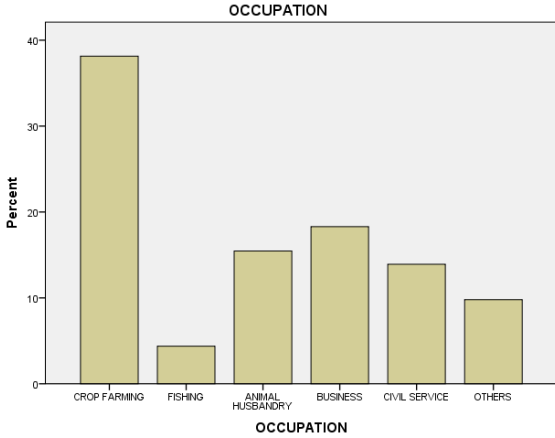


Figure 4.6: Occupation of Respondents  
Source: SPSS 23 (Field Work, 2022)

From table 4.6 and figure 4.6, 38.1% of the respondents are crop farmers, 4.4% engage in fishing, 15.5% of the respondents practice animal husbandry, 18.3% of the respondents engage in business activities, 13.9% of the respondents are civil servant, and 9.8% of the respondents engaged in other forms of occupation as means of livelihood.

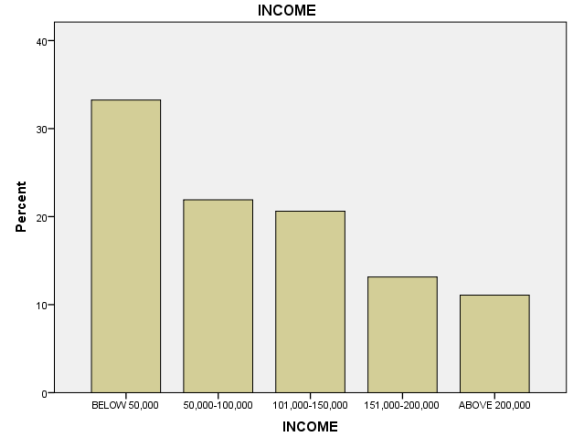


Table 4.7: Monthly house hold income of the respondents

Source: SPSS 23 (Field Work, 2022)

From Table 4.7 and Figure 4.7, 33.2% of the respondents earn a monthly income that is below ₦50,000, 21.9% earn a monthly income of ₦50,000 - ₦100,000, 20.6% earn a monthly income of ₦101,000 - ₦150,000, 13.1% earn a monthly income of ₦151,000 - ₦200,000, and 11.1% of the respondents earn a monthly income that is above ₦200,000.

Table 4.7: Household Income of Respondents

	Frequency	Percent	Cumulative Percent
Valid BELOW 50,000	129	33.2	33.2
50,000-100,000	85	21.9	55.2
101,000-150,000	80	20.6	75.8
151,000-200,000	51	13.1	88.9
ABOVE 200,000	43	11.1	100.0
Total	388	100.0	

Source: SPSS 23 (Field Work, 2022)

4.2.2 Effects of MDTN and ARTN on CNS in Kontagora Emirate

Table 4.8 Model Summary<sup>b</sup>

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.726 <sup>a</sup>	.690	.654	1.50196	2.364

a. Predictors: (Constant), MDTN, ARTN

b. Dependent Variable: CNS

Source: SPSS 23 (Field Work, 2022)

Given the R, R<sup>2</sup>, and adjusted R<sup>2</sup> of 72, 69, and 65 percent, respectively, in Table 4.8, Arbitration (ARTN) and Mediation (MDTN) account for 69% variation in Conflict Settlement (CNS) in Kontagora Emirate, Niger State Nigeria which shows a strong relationship between Alternative Dispute Resolution (ADR) and Conflict Settlement (CNS) in Kontagora Emirate. The positive correlation entails a significant

influence of traditional rulers in conflict settlement and peace building in the Kontagora Emirate.

4.3 Test of Hypotheses

The two hypotheses formulated in this study were tested using the significant P-Values, t-statistic, and ANOVA. The researcher selected the level of significance for this study at 5 percent.

Table 4.9: ANOVA<sup>a</sup>

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	30.359	2	10.179	198.003	.001 <sup>b</sup>
Residual	868.517	385	2.256		
Total	896.876	387			

a. Dependent Variable: CNS

b. Predictors: (Constant), MDTN, ARTN

Source: SPSS 23 (Field Work, 2022)

Table 4.10:Coefficients<sup>a</sup>

Model	Unstandardized Coefficients		Standardized Coefficients	T	Sig.
	B	Std. Error	Beta		
1 (Constant)	3.847	.233		16.487	.000
ARTN	2.105	.294	.648	4.924	.000
MDTN	2.510	.353	.739	5.184	.000

Dependent Variable: CNS

Source: SPSS (Field Work, 2022)

4.3.1 Test of Hypothesis One

H<sub>01</sub>: There is no significant relationship between Arbitration (ABTN) and Conflict Settlement (CNS) in Kontagora Emirate.

Given that the P-Value (0.000) is less than 0.05, the absolute value of the t-statistic is 4.9 (table 4.10), and the ANOVA test is significant at 0.001 (table 4.9), the null hypothesis is rejected, and the alternative hypothesis is accepted that there is a significant relationship between ABTN and CNS in Kontagora Emirate.

4.3.2 Test of Hypothesis Two

H<sub>02</sub>: There is no significant relationship between Mediation (MDTN) and Conflict Settlement (CNS) in Kontagora Emirate.

Given that the P-Value (0.000) is less than 0.05, the absolute value of the t-statistic is 5.1 (table 4.10), and the ANOVA test is significant at 0.001 (table 4.9), the null hypothesis is rejected, and the alternative hypothesis is accepted that there is a significant relationship between MDTN and CNS in the Kontagora Emirate.

4.4 Discussion of Major Findings

In relation to the first objective of the study, which was set to assess the effect of Arbitration (ABTN) on Conflict Settlement (CNS) in Kontagora Emirate, a null hypothesis was formulated and tested at a 5% level of significance that there is no significant relationship between Arbitration and Conflict Settlement in Kontagora Emirate. However, the result indicates a significant relationship between ABTN and CNS in Kontagora Emirate. In line with the finding, Ajayi and Buhari (2014) showed that the traditional conflict resolution techniques such as arbitration, mediation, adjudication, reconciliation, and negotiation, as well as cross-examination, which Africans employed in the past, offer great prospects for peaceful co-existence and harmonious relationships in post-conflict periods than the modern method of litigation settlement in law courts. Nwazi (2017), in a study assessing the efficacy of Alternative Dispute Resolution (ADR) in the settlement of environmental disputes in the Niger Delta region of Nigeria, provides support to the study by showing that several cases were lost on the ground of flimsy excuses in litigation court, but today, Arbitration (ADR) framework is used by a wide range of courts, tribunals, organizations, and victims of pollution in Nigeria as tools for overcoming environmental impasse, improving the efficacy of difficult negotiations, and achieving durable settlements. Abdulsalam, Olokooba, Okafor and Adika (2020), in a study of the roles of traditional rulers in conflict resolution for sustainable democracy in Nigeria, provide support to the finding by showing that in all ramifications, the traditional alternative dispute resolution in Nigeria plays significant roles in conflict mitigation and peace



building in the country. Pascal (2020), in an assessment of East Africa Community dispute resolution mechanisms and prospects of sustainable peace, provides support to the finding by showing that arbitration is constantly used in conflict mediation before and after the 2011 independence of South Sudan.

The second objective of the study was set to assess the effect of Mediation (MDTN) on Conflict Settlement (CNS) in Kontagora Emirate. To this end, a null hypothesis was formulated and tested at a 5% significance level that there is no significant relationship between mediation and conflict settlement in Kontagora Emirate. However, the result showed a significant relationship between MDTN and CNS in Kontagora Emirate. In line with the finding, a study by Zikhali (2000) cited in Animashaun, Odeku and Nevondwe (2014) showed Mediation, Conciliation, and Arbitration Commission in South Africa created in 1994 to be a powerful medium used by vulnerable workers to access justice against their employers. A study by Mutisi (2011) revealed that the Abunzi framework is a part of the Rwandan justice system whose restorative approach helps people to address their conflicts without resorting to litigation and other retributive approaches that are cost-ineffective and time-wasting. Musingafi, Mafumbate and Khumalo (2019), in a study, traditional conflict management initiatives in Africa: wellness models for Southern Africa and the Zimbabwean Crisis provide support to the study by showing that the various traditional ADR in Africa have played a significant role in preventing the escalation of violence, in reducing fear and mistrust and in increasing dialogue in many communities in Africa. Also, the study showed that the frameworks have effectively and comprehensively complimented international responses for peace. Afolabi, Idowu and Forpoh (2019), in a study, Liberia: Understanding ADR mechanisms in post-conflict societies, provide support to the finding by showing that the adoption of Alternative Dispute Resolution in Liberia has helped solve most, if not all, the conflicts in the country.

Kasser-Tee (2017), in contrast to the finding, showed that in spite of all legislative intervention, Mediation

(ADR) is still widely not patronized by individuals and businesses in Ghana.

#### 4.5 Policy Implication of Findings

The findings of this research have crucial policy implications. This is because, deducing from the results, it is imperative that policymakers in Kontagora Emirate, Niger State and the government of Nigeria should pay more attention to strengthening the traditional ADR mediation process to enhance peace building and conflict mediation in Kontagora Emirate, Niger State through mediation mechanisms such as the Gacaca Court and Abunzi in Rwanda and the Ubuntu framework in South Africa. More funding and legislative backing are needed to employ the traditional system to mitigate conflict at the grass root level to foster peace building, and peaceful coexistence between varying religion and ethnicity in the Kontagora Emirate.

Settlements in Kontagora Emirate should be allocated at least 5 qualified mediators who will be regularly available within the environment to provide on-time mediation and peace building between conflicting parties in the Emirate. This will go a long way in reducing conflict in Kontagora Emirate, Niger State.

## V. SUMMARY, CONCLUSION AND RECOMMENDATIONS

This chapter presents the summary of major findings, conclusion, recommendations, limitations to the study, contribution to knowledge, and suggestions for further studies. The chapter presents the summary of the study and the relevance of the study to existing literature while recommendations are made to enhance dispute resolution mechanisms as measures to foster conflict resolution and peace building in Kontagora Emirate.

### 5.1 Summary of Major Findings

The study assessed traditional rulers and the use of Alternative Dispute Resolution (ADR) in Conflict Settlement (CNS) in Kontagora Emirate in Niger State, Nigeria. The research was prompted in a bid to determine the extent to which Arbitration (ABTN) and Mediation (MDTN) influence Conflict Settlement (CNS) in Kontagora Emirate. To this end, data were obtained from 388 respondents across 5

Local Government Areas (Mashegu, Rijau, Magama, Mariga, and Kontagora) in the Kontagora Emirate. In relation to the study objectives, which were set to assess the effect of Alternative Dispute Resolution (ADR) (captured as Arbitration, and Mediation) on Conflict Settlement in the study area, two hypotheses were formulated and tested at a 5% level of significance. The result showed:

Arbitration (ABTN) has a significant relationship with Conflict Settlement (CNS) in Kontagora Emirate.

Mediation (MDTN) has a significant relationship with Conflict Settlement in Kontagora Emirate.

### 5.2 Conclusion

This study assessed traditional rulers and the use of Alternative Dispute Resolution (ADR) in Conflict Settlement (CNS) in the Kontagora Emirate in Niger State, Nigeria. In line with the findings, the study concludes there is a significant and positive relationship between the traditional ADR framework and conflict settlement in Kontagora Emirate, which is largely due to the strong understanding and closeness of the traditional institution to the grass root and community at large. This empirical study validates the potency and efficacy of traditional mediation framework in conflict settlement in African societies, among which are the *Gacaca* and *Abunzi* in Rwanda, the Ubuntu principle in South Africa, the *Kokwo* (council of elders) among the Pokot and Marakwet in Kenya, and the *ayeyin*, *ekponyoho*, *esopmbongisong* system among the Ibibio people of Nigeria.

### 5.3 Recommendations

The study advanced the following recommendations in line with the findings.

1. The federal government should enshrine the roles and duties of the traditional institution in conflict mediation and peace building in Nigeria.
2. Traditional rulers should strive to cultivate the attributes of honesty and impartiality in value judgment in order to gain the trust of the people and the community at large.
3. More research and advocacy should be carried out by researchers, academicians, Non-Governmental Organizations, and advocacy groups on the

importance and relevance of the traditional system in mediation process and peace building.

### 5.4 Limitations to the Study

Assessing data from communities and villages in Kontagora Emirate was challenging due to security challenges and the activities of bandits, rustlers, and kidnappers in the region.

Besides time constraints, the security challenges in Kontagora Emirate, Niger State, made the survey of various communities in the region difficult and stressful.

### 5.5 Contributions to Knowledge

The study has added to existing knowledge on Alternative Dispute Resolution that through mediation and collaboration between the formal litigation court process and traditional system of peace building, conflict and social disputes will be mitigated to the lowest level in society. The study has also shown the effectiveness of the traditional system of peace building as they understand better the people, their culture and norms, and how best to reach out to the communities in dispute situations.

### 5.6 Suggestions for Further Studies

This study focused almost entirely on the traditional system of dispute resolution as an alternative to court litigations in Kontagora Emirate, Niger State, as the study seeks to assess the roles of the traditional system in dispute resolution and peace building in the region. Further studies should go beyond Kontagora Emirate to assess the relevance of the traditional mediation process in dispute resolution in Nigeria and around the world.

## REFERENCES

- [1] Abdulsalam, A. A., Olokooba, I. N., Okafor, I. P. and Adika, A. C. (2020). The Roles of Traditional Rulers in Conflict Resolution for Sustainable Democracy in Nigeria. *Nigerian Journal of Social Studies*. Volume XXIII (1)
- [2] Afolabi, O. S., Idowu, H. A. and Forpoh, G. I. (2019). Liberia: Understanding Alternative Dispute Resolution Mechanisms in Post-

- Conflict Societies. *Conflict Studies Quarterly*. Issue 26. Doi:10.24193/csq.26.1
- [3] Ajayi, A. T. and Buhari, L. O. (2014). Methods of Conflict Resolution in African Traditional Society. *African Research Review*. Volume 8 (2). Doi:<http://dx.doi.org/10.4314/afrev.v8i2.9>
- [4] Animashaun, O., Odeku, K. O. and Nevondwe, L. (2014). Impact and Issues of Alternative Dispute Resolution in South Africa with Emphasis on Workplace Dispute, *Mediterranean Journal of Social Sciences*. Volume 5. No. 16. ISSN 2039-2117 (online) ISSN 2039-9340 (print)
- [5] Arthur, D. D., Issifu, A. K. and Marfo, M. (2015). An Analysis of the Influence of Ubuntu Principle on the South African Peace Building Process. *Journal of Global and Conflict*. Volume 3 (2).
- [6] Babalola, A. (2020, March 26). The Role of Traditional Rulers – Sanusi the Genius: A Case Study (1). *Nigerian Tribune*. Assessed 25/04/2022.
- [7] Bendeman, H. (2006). Alternative Dispute Resolution (ADR) in Workplace: The South African Experience. *African Journal on Conflict Resolution*. Volume 7 (1).
- [8] Bible Society of Nigeria (2014). *The Holy Bible: Good News Translation*.
- [9] Blench, R., Lontau, S., Hassan, U. and Walsh, M. (2006). The Role of Traditional Rulers in Conflict Prevention and Mediation in Nigeria. Department for International Development (United Kingdom)
- [10] Block, M. J. (2017). The Benefit of Alternative Dispute Resolution for International Commercial and Intellectual Property Disputes. *Rutgers Law Record*. Volume 44
- [11] Connerty, A. (ND). Alternative Dispute Resolution. V/LEX. Accessed on 12/10/21 [www.vLex.com](http://www.vLex.com)
- [12] Danesh, H. B. (2006). Towards an Integrated Theory of Peace Education. *Journal of Peace Education*. Volume 3, No.1
- [13] De-Juan, A. (2017). Traditional Resolution of Land Conflicts: The Survival of Pre-colonial Dispute Settlement in Burundi. *Comparative Political Studies*. Volume 50 (13). Doi:10.1177/00104414016688006.
- [14] Doughty, C. K. (2011). *Contesting Community: Legalized Reconciliation Efforts in the Aftermath of Genocide in Rwanda*. A Dissertation Submitted in Partial Fulfillment for the Award of the Degree of Doctor of Philosophy. University of Pennsylvania. <https://repository.upenn.edu/edissertations/333>
- [15] Harman, A. A., Blair, R. A. and Blattman, C. (2018). *Engineering Information Institutions: Long-Run Impacts of Alternative Dispute Resolution on Violence and Property Rights in Liberia*. National Bureau of Economic Research. Working Paper 24482. Cambridge, Ma 02138. <http://www.nber.org/papers/w24482>.
- [16] Hocker, J.L and Wilmot, W.W. (1985). *Interpersonal Conflict*. Dubuque, Iowa WMC. Brown.
- [17] Iplead (2017, May 9). All you need to know About Alternative Dispute Resolution (ADR). Assessed on 28/02/2022 <https://blog.ipleaders.in/adr-alternative-dispute-resolution>.
- [18] Kasser-Tee, C. K. B. (2017). *Mediation in Ghana: A Critical Examination of how Act 798 seeks to improve Mediation and the Mediation Process in Ghana*. Assessed on 28/02/2022 <https://www.researchgate.net/publication/341741968>
- [19] Maskin, E. (2016). *How can Cooperative Game Theory be Made more Relevant to Economics?: An Open Problem*. Spring International Publishing Switzerland.
- [20] Mnookin, R. H. (1998). *Alternative Dispute Resolution*. Harvard Law School, John M. Olin Center for Law, Economics and Business. Discussion Paper Series. Paper 232.
- [21] Musingafi, M. C. C., Mafumbate, R. and Khumalo, T. (2019). Traditional Conflict Management Initiatives in Africa: Wellness Models for Southern Africa and the Zimbabwean Crisis. *Journal of Culture, Society and Development*. Volume 47. doi:107176/JCSD
- [22] Mutisi, M. (October 2011). *The Abunzi Mediation in Rwanda: Opportunities for*

- Engaging with Traditional Institutions of Conflict Resolution. Policy and Practice Brief, The Center for the Constructive Resolution of Dispute. [www.accord.org.za](http://www.accord.org.za).
- [23] Nash, J. (1953). Two Person Cooperative Games *Econometrica* Volume 21
- [24] National Bureau of Statistics. National Population Census, 2006.
- [25] Nwazi, J. (2017). Assessing the Efficacy of Alternative Dispute Resolution (ADR) in the Settlement of Environmental Disputes in the Niger Delta Region of Nigeria. *Journal of Law and Conflict Resolution*. Volume 9(3). doi:10.5897/JLCR206.0254
- [26] Osiri, J. D. (2021). Effectiveness of Alternative Dispute Resolution in Rwandan Construction Industry. A thesis Submitted in Partial Fulfillment for the Award of Masters of Science in Construction Project Management. Jomo Kenyetta University of Agriculture and Technology.
- [27] Pascal, M. (2020). An Assessment of East Africa Community Dispute Resolution Mechanisms and Prospects of Sustainable Peace (2012-2018). A Thesis Submitted in Partial Fulfillment for the Award of Post Graduate Diploma in Strategic Studies. Institute of Diplomacy and International Studies, University of Nairobi.
- [28] Peter, E. S. (2018). The Ibibio Peace Praxis: A Discourse in African Indigenous Peace Ethos. *RJHIS* Volume 5 (1)
- [29] Quincy, W. (ed) (1971). The Escalation of International Conflicts in Clajelt Smith Conflict Resolution: Contribution of Behavioral Science. London: Noitre Dame Press.
- [30] Shapley, L. (1953). A Value for n-person Games n Kuhn, H. W. and Tucker, A. W. (eds) Contribution to the Theory of Game II. *Annals of Mathematical Studies*. Volume 28, Princeton University Press.
- [31] Singh, P. (2015). Alternative Dispute Resolution and Peace Studies in Africa: Lessons, Prospects and Challenges. ACCORD and CAPCR
- [32] Taro, Y. (1967). Elementary Sampling Theory. Englewoods Cliffs, New Jersey.
- [33] Tchatchouva-Djomo, R and Dijk, H. V. (2022). Ambiguous Outcomes of Returnees Land Dispute Resolution and Restitution in War-Torn Burundi. *Land*. Volume 11(191). <https://doi/10-3390/land1102091>.
- [34] Uwazie, E. E. (2011). Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability. Africa Center for Strategic Studies. ISSN 2164-4039. <http://www.africacenter.org>.
- [35] Van der Bank, M. and Van der Bank, C. M. (2017). Alternative Dispute Resolution in the Settlement of Environmental Disputes in South Africa. *International Journal of Humanities and Social Sciences*. Volume 11, No. 11.
- [36] Von Neumann, J and Morgenstern, O. (1994). The Theory of Games and Economic Behavior. Princeton, NJ: Princeton University Press.
- [37] Wojkowska, E. (2006). Doing Justice: How Informal Justice System can Contribute. Assessed 24/04/2022. <http://ru.unrol.org/files/UNDP%20DoingJusticeEwaWajkowska130307.pdf>.
- [38] World Bank. (2000). World development report 2000/01: attacking poverty. Oxford: Oxford University Press