

FACTORS RESPONSIBLE FOR CONFLICTS AND PRINCIPLES OF RESOLVING CONFLICTS IN NDOKWA INDIGENOUS SOCIETY

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Abstract

This study examines conflict and conflict resolution in pre-colonial Igbo-West of the Niger, with particular reference to Ndokwa Society in Nigeria. In pre-colonial Ndokwa Society, different types of conflicts manifested. Among the factors that bring about conflict is land. While human population is increasing, lands remained static. As the population of the communities increased, the need to acquire more land becomes imperative. The pressure on land, therefore, accounted for the majority of the crises in pre-colonial Igbo society, which Ndokwa is a part. Disputes arising from boundary creation and adjustment were also responsible for conflicts in Ndokwa society. In the absence of restraint, tolerance and positive management of boundary issues, conflicts generally occurred. Incidents of murder also generated conflicts during the period under review. The victim and the murderer could belong to the same village or different village, quarter, family or extended family. In whichever case, if not properly handled, results to very serious conflict among the different groups. The issue of inheritance as a source of conflict cannot be over-emphasized. A woman, in Ndokwa land, does not have the right to inherit land or building. The situation has led to series of litigation in courts of law. Ndokwa society as in other pre-colonial societies in Igbo land, therefore experienced one form of dispute or the other. During the period under review, various institutions and methods of resolving conflicts were established and practiced. From our analysis, Ndokwa society was organized in such a way to be able to resolve conflicts.

There are a lot of factors that are responsible for conflicts in the world. Among such factors that produce conflict is land. Land is said to be the source of life and indispensable for economic value. The inability to own land is tantamount to poverty, dependency, subservience, lack of freedom and powerlessness Onakoya, (2015), therefore its effective management is very important in every community in Nigeria.

Factors Responsible for Conflict in Ndokwa Indigenous Society

Most lands in Nigeria during the period under review were under customary land tenure system. The customary land tenure system is a form of land-holding indigenous to Nigeria. It should be noted that the principles regulating land tenure system appear uniform throughout Nigeria, but the fact remains that they vary in their details during the process of land distribution as a result of diversities in customs, traditions and values of each tribe (Onakoya 2015).

Among the Yoruba people, land is synonymous with capital, wealth, dignity, liberty and freedom. It is a source of sustenance; therefore the customary law of the Yoruba vested ownership of land to the family. The individual member of the family has no separate claim of ownership to land. The Yoruba customary land tenure system vests the family head with the power of management and to oversee the family land. During the period under review the family is so structurally organized and regulated to involve the maintenance and allotment of the land to family members. Among the Yoruba and the Igbos, life was about acquiring land, keeping it and defending it. The crisis between

Ife and Modakeke were caused by the ownership, use and administration of land. According to Albert (2014) the Ife/Modakeke communal conflict was over landlordism. It could be said therefore, that disputes about ownerships of lands were the major cause of inter-village conflicts, eventual war and murder.

On the other hand, the conflicts between the pastoralists and Agriculturalists in North Eastern Nigeria can also be traced to land ownership. The Chad Basin consists of two zones, the Wetland and the arid zone, (Best & Shiehu, 2004). While the Wetlands can support livestock, food and other crops, the arid zone is less productive. As the number of livestock increased with decreasing rainfall, the pastoralists of North Eastern Nigerian migrate Southward, in search of pastures, where they often come across hostile farmers. Most often, such movements led to conflicts, destruction and death. According to Best & Shiehu, 2014 the idea of asking the Fulani pastoralists to re-locate after decades of settlement, most often leads to conflicts. It must be understood that the pastoralists, were not given the land to settle permanently. They were allowed to settle, and were made to understand that they had no right to the ownership of the land. It was therefore expected that as pressures on land increased, both the pastoralists and their landlords had to fight to resolve the land issue.

According to Best, Idyorough and Shiehu (2004) the prolonged dispute between Tiv and the Jukun in Taraba State could also be linked to land ownership. Land in this regard meant farmland from which rural agricultural communities make their living. The argument is that the Tiv occupied farmlands illegally, without following the traditional law of land administration. Moreover, the Tiv also invited their brothers to settle on, and possess lands without permission. The Jukun therefore felt threatened. They opined that a journey around Taraba State showed that the Tiv occupied an estimated 75% of the rural farms. Such disproportionate share of land was itself a source of crises. On the other hand, the Tiv did not see themselves as settlers and would not surrender the lands when the Jukun asked for them in future, because their very existence was tied to the land. Thus land was not just a secondary factor in most of the conflicts.

Among the Igbos, land signifies the socio-political and economic well-being of the individuals. According to Isichei (1976), the fertility of the land made no difference to the reverence with which it is regarded. What made land dispute more complex, Isichei opined, is that all land is usually owned by community or family. Hence claims and counter claims over land ownership becomes the order of the day in Igbo land, during the period under review. As the population of the community increased the need to acquire more land became necessary. The pressure on land therefore accounted for the majority of the crisis in pre-colonial Igbo society. The conflict between Obibi, a village in Owerri and two of her neighbours in the 1880s is very instructive. The Umurebo-Umokuzu and Umuleri-Aguleri land dispute is still very fresh in our memory. (Ajayi and Buhari 2004) Land also led to conflict between individuals in the past just as it is today in Igbo land. In the pre-colonial Igbo society, almost everybody was involved in farming which was their main economic activity. As the population grew, the pressure on land became intensive and this led to dispute among individuals and families.

This situation in Igbo society was also noticeable in Ndokwa land during the period under review. In the pre-colonial Ndokwa society, the right of ownership of land was asserted upon the basis of tenure. The title to land was based on the communal system, and the head of the village acted as the custodian of vacant lands in the interest of the community. The heads were thus only proprietors by virtue of their traditional position and were obliged by customary law to assign land to any member of the community or village who needed it, without rental charges. (Okolugbo 2004). Every adult male

in the clan was given a piece of land from the share of his family. The oldest man in each extended family, as the head of the family, assigned land to various nuclear families. The head of the family in turn, assigned the family land to each male member of the family to farm. Any foreigner to the village who wanted land for farming was asked to attach himself to one of the various families. The head of the family pledge a piece of land to the foreigner. Lands obtained through pledge are retrievable; (Okolugbo 2004).

The foreigners were not supposed to erect permanent structures on the land that was pledged to them. Uchendu (1979) clarified the meaning of pledging when he asserted that, pledging is a transaction in which a lender of “money” obtains a temporary usufructuary (right of using and enjoying) interest from a piece of land as security for his loan. According to him the land remains perpetually redeemable by the borrower or pledge on payment of the land. This situation and other land agreement could be said to be the major cause of conflicts in Ndokwa land. During the period in question, they were recorded land disputes between Amai and Umuebu, Amai and Eziokpor, Ibabu and Isselegu, Utugba-Ogbe and Benekuku, Ogume and Emu, Umutu and Urhonigbe. On the other hand, majority of the farmers in Ndokwa practiced shifting cultivation, a system where farms were left to fallow after being cultivated for a given period. The Ndokwa farmer then relocates to a new farmland. To the farmer, both the land left to fallow and the new farmland belong to the person working on them. This situation most often exerted pressure on available land. Added to their total dependence on land as the population grew, there was an increase demand for land. This situation accounted for conflicts between Ndokwa communities and Ndokwa and their neighbours.

According to Okpevra (2015) the Isoko people share boundaries with their Ndokwa neighbours and as each group grew and increased in population, land was needed for farm; This drive often brought them into conflicts. It was in pursuit of more farmlands that brought the Isoko clan of Owhe in contact with Abbi, Emu and Ashaka in Ndokwa-land which resulted into affrays. In the case of Ashaka/Ellu crises, the fight was as a result of dispute over the ownership of the land upon which Ashaka community is built, which Ellu people claim as their own. Land therefore, is a major source of conflicts in Ndokwa-land.

Boundary Disputes

Another Factor that is frequently identified as responsible for conflicts in Nigeria which Ndokwa land is a part is dispute arising from boundary creation and adjustment and land ownership. Territorial boundaries generated a lot of crises in Igbo Society, which Ndokwa is a part. A typical example of territorial boundary generated crises is that of Mwagbavul and Ron, both of Plateau State in 1992 and 1995. The farming community depended so much on land and wanted to exercise control over farmland. According to Best and Albert (2004) both communities disagreed over who owned the land in dispute and the precise location of the boundaries. In the absence of restraint, tolerance and positive management of the issues, conflicts generally occur. Among the Igbos, most cases of boundary grievances have to do with pressure on land for the expanding population. Aguleri and Umuleri are neighbouring communities in Igbo ethnic group located in Anambra State in the South-Eastern part of Nigeria. The two communities that had farmed side by side and had common access to the Otuocha land, even before the colonization of Nigeria, are now enemies. Their enmity is a result of claim of ownership of the Otuocha land. According to Ajayi and Buhari (2014) the Otuocha land dispute could be linked to the European occupation of Igboland. In 1995, the clash between these two communities witnessed large scale of destruction of public and private properties and deaths.

In Ndokwa, the boundary between Amai and Umuebu has been in contention, since 1864. The reasons for this were needs related. They wanted easy access to farmland. Amai community argued that the *Okumeshi* River is their natural boundary. On the other hand, the Umuebu community claims that the land in contention was given to Amai people to farm on by Umeubu community. Each of these communities argued that any boundary adjustment should put their interest into consideration. Hundreds of lives have been lost in this boundary disputes. This form of agitation is also happening between Amai and Eziokpor, Isselegu and Ibabu, Utagba-Ogbe and Benekuku. Tens of millions of Naira in infrastructure and hundreds of lives were lost by disputants in the boundary agitation.

Incidents of murder were also factors that engendered conflict in Ndokwa land in the period under review. In dealing with the issue of murder, it is necessary to distinguish four categories of cases. According to Okolugbo (2004) the first category was when the victim and the murderer belong to different villages; the second was when they belong to different quarters of the same village. The third was when they belong to different families or extended family in the same quarter; and the fourth was when they belong to the same family. In each case, if not properly handled, may result into a very serious conflict among the different groups. According to Uchendu (1965) a state of war may be declared by the aggrieved kinsmen of the victim if the murderer's kinsmen failed to meet their demands and deadline in the case of Ndokwa, manslaughter was regarded as accidental murder and the penalty, usually, was compensation, while the penalty for murder, was death by hanging. (Okolugbo 2004).

Inheritance

Another source of conflicts in the pre-colonial Ndokwa Society is inheritance. Inheritance is the process in which the property of the dead is shared among his children and other family members. *Ili-uku* as it is generally called, was vested in the custody of the oldest member of the family. The law of inheritance was also based on age alone, to the exclusion of other physical or mental endowments in Igbo society. Ijeomah 1987, in Ndokwa, the property of a man after his death, was inherited by his sons, while the leadership position of the family was passed on to the first son. The first son, *Okei*, exclusively inherited the father's personal gods, *Ofo* and other objects of worship. He also inherited his late father's houses where he lived and died and the land attached to the house, furniture and dresses. This exclusive right applies to both a monogamous and a polygamous family setting. The other properties, such as farm lands, economic trees, livestock, were shared among his male children. On the other hand, if the man had no male child, the brother had the right to inherit the property of the deceased. According to Ugochukwu (2006) a woman in Igboland does not have the right to inherit land. This situation also applies to women in Ndokwa-land. Neither the daughters nor the widows of the deceased have the right to his properties. The tradition permits them to be cared for by the brothers of the deceased. This situation most often generates crises. Some eldest sons after inheriting their father's property especially landed property, can convert it to their own personal use, thereby refusing to share with their siblings. Attempts by the other brothers to reclaim their share of the property often lead to crises, also attempts by the younger sons to swindle their eldest brothers in the management of their late fathers' property, was also a major cause of conflicts in Ndokwa-land. (Ugochukwu O. 2006).

Slave Trade

Slave raiding was another factor that gave rise to conflicts in Ndokwa Society during the era of trans-Atlantic slave trade. Before this period, people that were sold into slavery in Ndokwa-land were debtors, war captives and those who committed serious crimes, like murder, adultery, stealing, among others. Towards the end of the fifteen century, the Europeans began to buy large number of slaves from the Coasts of Africa. With the lucrative nature of the trade, prominent rulers and chiefs began to organize raiding of slaves. Dike (1956) remarked that it was the trade in slave that brought the hinterland peoples to the Niger valley to establish themselves as middle men. Even the Arochukwu Oracle Priest/agents were stationed at Aboh to promote the slave trade. This view was confirmed by Okolugbo (2004), who claimed that the wave of the Edo emigrants to the Niger valley in 1690, was because of the trade in slaves. These Edo migrants ruled Aboh and exercised authority throughout the Niger Delta, between the seventeenth and nineteenth centuries. The Obi of Aboh had monopoly of trade in slaves. He had European slavers carrying out slave trade with him in various hidden creeks along the Delta in spite of the abolition of the trade in 1808. The Obi's connection with Arochukwu also increased the trade in slaves. He stationed Arochukwu's priests at Aboh and those who had disputes involving witchcraft and other serious crimes were sold into slavery. This situation increased conflicts in the whole of Ndokwa-land.

Ndokwa society as in other pre-colonial Nigerian Societies experienced one form of disputes or the other. In most cases, these disputes resulted from land, boundary, inheritance, trade, murder, among others. Some of the factors which produced conflicts during the period still persist, today. During the period under review, various methods were put in place to resolve these conflicts.

Principles of Resolving Conflicts in Ndokwa Society

In the pre-colonial Igbo Society there were many principles guiding conflict resolution. According to Alagoa (2001), conflict resolution involved the following principles.

The principle of impartiality in the management of the conflicts: Among the Igbo, rulers in the villages or clans were expected to behave impartially in their office. The mediator that is the arbitrator judges must be truthful, bearing in mind that they represent the ancestors. They must regard themselves as inheritors of the clan laws.

Second is the principle of fairness. That is the poor and weak should receive a fair deal, as well as the rich and powerful. Third, the principle of accommodation, compromise and a disposition for reconciliation, as opposed to the principle of winner-takes-it-all. Fourth, the principle of reciprocity: that is to say that the spirit of accommodation must be mutual and reciprocal to be effective on the parties involved. Fifth, the principle of moderation and measured action and response: It was this principle that informed the deliberate limitation of the level of violence in conflict within the communities in the past. Sixth is the principle of incompatibility or separation: That is where the parties to the conflict cannot be reconciled, the best policy would be to separate them. Based on the above principles, different methods were adopted to resolve conflicts in Ndokwa society. Among the methods adopted are, negotiation, arbitration, reconciliation, adjudication and mediation.

Negotiation

Negotiation is discussion between people who are trying to reach an agreement. One of the instruments of resolving conflicts in Ndokwa Society was the process of negotiation. To the Ndokwa people, the primary objective of conflict resolution before the advent of the British, was peace. In

keeping with the above, the village head and his council see their roles in terms of the village or community welfare; therefore in reconciling parties in disputes, their primary aim was to promote the welfare of the community. According to Adewoye (1977) they saw themselves essentially as peace-makers, called upon to reconcile divergent interests in civil disputes, and as preservers of the physical existence of the society. This was why the process of negotiations were adopted. Negotiation can also be seen as a process of harmonizing the interests of the parties involved in a conflict. Thus, even when the conflict involves a member against his or her society, there is an emphasis on getting offender back into the society. This form of restoration can be seen as the restoration of the harmony and integrity of the community. Therefore, both parties concerned strive through negotiation to achieve the cohesion of the clan or village.

Among the Yoruba society during the period under review, peace was negotiated. Apology for wrongs done to individuals and the entire community, was a feature of negotiation. According to Adewoye (1977), the guilty party was usually expected to tender an unreserved apology to the other party, in the presence of the whole council. The acceptance of the apology often meant forgiveness. During war time, the cessation of hostility could be negotiated through the intervention of some *Umu-Ada* or neighbouring clan or villages. Negotiations between the parties were held in the boundary of both communities in dispute: a goat or cow would be slaughtered and the two communities enter into a covenant, *Igbandu*, Ijeomah, (1982). If at a future date an unwary member of a community provoked a situation that would lead to such situation again, the aggrieved community could demand reparation for any injury suffered. In Ndokwa society, any form of murder attracts death penalty. However, if the family of the murderer were quick enough to send emissaries to the victim's family, pleading for the life of their relation, they might convince the later to accept compensation. Majority of the Igbo society abhor the shedding of blood and regards it as an abomination. To kill a kinsman was to commit a crime against *Ani*, the earth deity. The offender might be required to go into exile or could be hanged. Most Igbo society did not differentiate between murder and manslaughter.

Mediation

Mediation is the intercession for settling differences between persons or nations. Mediation is an old method of conflict management surrounded by secrecy. Olaoba described mediation as a method of conflict resolution that had been so critical to traditional society. The mediator usually made sure that peace was achieved. Mediators could be members of the community or members of the parties concerned. Their roles include, pressurizing, making recommendations, giving assessments, conveying suggestions or discussions on behalf of the gods. Among the Ndokwa people the priests and diviners, by virtue of their special relationship with the deities and the divinities, were regarded as interpreters of divine mysteries. They were therefore permitted to give verdicts on behalf of the gods. In fact, their function made them very indispensable in resolving conflicts.

Arbitration

Arbitration is the settlement of disputes by someone chosen to hear both side and come to a decision. Arbitration is used in most Igbo societies, when some public offences were tried in open court as ordinary civil disputes. According to Adewoye (1977) the accused persons were arraigned before the village council and given every opportunity to defend themselves. In Ndokwa society, the parties were brought to the court by *Unukpa Okpala* or *Oga*. The *Ugo* or spokesman would state clearly the charge made against the defendant, after which the defendant was permitted to plead guilty

or not guilty. If he pleaded guilty, his plea was usually accepted and the court retired to deliberate on the form of fine or compensation that suits his crime, but if he pleaded not guilty, both parties would be called upon to state their own side of the case, after which witnesses were called and cross-examination carried out by the *Ugo* and other members of the council. When every person connected with the case had been heard, members of the council retired to discuss the verdicts. It is important to note that in arbitration, in Ndokwa society, the hearing of the parties and their witnesses was done in public and the reactions of the audience as the case proceeded were noted and taken into account when the verdict would be discussed. In arbitration, every effort was made to give a verdict that would ensure the people's conception of justice and fair play and when the *Ugo* finally pronounced the verdict, both parties rarely complained.

Reconciliation

Reconciliation was the most significant aspect of conflict resolution in Ndokwa society. After the parties have been persuaded to end the dispute, peace was restored. It is instructive to note that in most communities in Igbo society, of which Ndokwa belonged, except for intentional murder and witchcraft, the penalty for each of which is death, virtually all other offences that would rank as crimes in our modern judicial system could be resolved by payment of compensation and purification. Thus, providing a clear-cut passage back into legitimate society with little or no stigma attached to the person who had deviated.

In conclusion therefore, each community, race or group has its own ways of doing things. In Ndokwa society, machinery were adapted to monitor, prevent, manage and resolve conflicts. While in other nations of the world, emphasis was placed on judicial system presided over by lawyers and judges; Africa, which Ndokwa is a part of, used council of elders, age groups organizations and assemblies for dispute settlement and justice dispensation. Principles of negotiation, mediation, arbitration and reconciliation were applied, using the traditional institution to resolve conflicts.

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