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Traditional Settlement of Dispute amongst Ikwerre Ethnic Nationality in Rivers State, Nigeria: An Appraisal

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Abstract

Traditional Settlement of Dispute is the search for Alternative Dispute Resolution (ADR) as against the conventional peaceful methods of settling disputes and resolving conflict situations using the least expensive method without much acrimony. This system of resolving disputes has been the African traditional way of resolving conflicts in Nigeria, the sub-saharan societies and the entire Africa before the advent of European colonialism. The system therefore is a time tested exercise with many variations as one moves from one linguistic locality to another. Nevertheless, we are going to examine the practice as it is done by the Ikwerre ethnic nationality in Rivers State. Ikwerre ethnic nationality is the most populous ethnic nationality in Rivers State and from where the current Governor, Chibuike Amechi hails.

Introduction

The Nigerian state we have today came into existence in 1914 after the amalgamation of the North and South by Lord Lugard. She got independence in 1960 and became a republic in 1963 after renouncing the Dominion Status. As an independent nation, it fared well but not without its share of internal parochialism, dichotomy, ethnicity, tribalism, religious fundamentalism of sorts from the two major religions-Islam and Christianity etc.. All these happenings led to coups and countercoups that made Nigeria one of the pariah states in the world (Ogoloma: 2011). This brought about a long history of military rule in Nigeria until 1999. Nevertheless, in 1967 July 27, three days before the Nigerian civil war began the Gowon Administration had created twelve states out of the four regions that existed at that time. And Rivers State was one of the states that was created.

Rivers State today is one of the 36 states in Nigeria including the Federal territory Abuja. It is bounded on the South by Atlantic ocean and in the North by Anambra and Imo States. In the East, it is bounded by Akwa-Ibom and in the West by Delta and Bayelsa States.

Rivers State is made up of many ethnic nationalities with diverse languages, traditions, and cultures. The major ethnic nationalities in Rivers State are the Ikwerre's, Ogoni's, Kalabari's, Etche's, Ogba's, Ekpeye's, Engenni's, Igbani's, Andoni's and Okrika's (Okajile:2009). These ethnic nationalities occupy the Niger Delta area formally known as the "Oil Rivers" and have been autonomous political entities for centuries (Okajile; 2009:2).

Nevertheless, the Ikwerre ethnic nationality constitute one of the major ethnic groups in Rivers State of Nigeria, with an estimated population of about 1.5 million people and, inhabits at present four Local Government Areas namely, Emohua, Ikwerre, Obio/Akpor and Port Harcourt. They are blessed with rivers, streams and a very fertile soil. The people invariably therefore are farmers, fishermen and traders. Their food crops amongst others include cassava and yam whilst palm oil is their main cash crops (2009:2-3).

That be as it may, in Nigeria, the history of the Ikwerre ethnic nationality is seen as a unique one and with peculiar historical fact which is traceable to the cultural heritage of the Ibos. Nevertheless, the Ikwerre ethnic nationality has its own cultural practice, values, norms, and customs and traditions which is similar to that of the Ibo cultural nomenclature.

The Ikwerre people and settlement of disputes

The Ikwerre ethnic nationality system of settlement of dispute is based upon the family group and, it follows a horizontal pattern. Each family had its own recognized head who has certain powers, privileges and responsibilities. That is why; the family regards its ancestors as controlling its welfare. And one of his main responsibilities is therefore paying honour to the ancestors and asking them to guide the fortunes of the family. The family owned its own land and the right to farm in it. The land is divided out by the family head. A number of family groups are related to one another through the blood line that formed a kindred. Each village consist of a number of kindred's, each of them again are related to one another in one form or the other.

In Ikwerre land, the "Government" of the village are carried on by all the family heads which basically is comprised of men folk alone. Elders, as they are called, seats together with the chiefs and Owhor holders. In each group of elders, one would be recognize as senior to the other and styled as Opara. He is the most eldest in some cases and an influential voice at the family or village meeting and would usually preside over many issues of disputes including that of land. The Opara is not normally the oldest men in the senior family group of the village. Nevertheless, he is not a chief in the normal sense of it. He did not rule outside his family and had no authority except when sitting with other chiefs and Owhor holders of the family or village and equally when matters concerning the family come up for discussion or there is a dispute or meetings that the family will participate.

As a general rule in Ikwerre ethnic nationality, nobody had authority over an area greater than the village except you are the paramount ruler of the kingdom. Conversely, if a kingdom comprises many families and sub families, informal system such as this, there is an opportunity for men with wealth or powerful personality to become recognize as a local leader and acquire authority over an area covering several villages. But men of this sort played a purely personal role in the government of Ikwerre land. Their position is not normally handed on to any successor at their death. Their powers are based on their titles, together with their personal qualities, whereas, that of the chiefs, elders and Owhor holders are based on their positions and influence with the ancestors.

The chiefs, Owhor holders and elders in Ikwerre land has the prerogative to make the local laws and give whatever order(s) that are necessary from time

to time. If they want to give a land particular strength, they will go to the village shrine called Eli/Ali-the Earth Goddess to make sacrifice and ask Eli/Ali to punish anyone that broke the law.

Concepts of traditional settlement of dispute in Ikwerre land

The concept of Traditional Dispute Settlement among the men of Ikwerre ethnic nationality is highly concentrated around traditional system of native court as laid down by the ancestors. The aim of this write up therefore is to unfold the various stages in which the dispute settlement pattern existing among the men of Ikwerre ethnic nationality.

This will also create awareness to those who do not know as to the kind of justice system that exist within the Ikwerre ethnic nationality. This concept is about the search for, and application of non-conventional peaceful methods of settling disputes and resolving conflict situations using the least expensive methods, and in ways that satisfy the parties, as well as ways that preserve relationships after a settlement might have been reached. Traditional Dispute Settlement (TDR) is specially meant to serve as an alternative to official conventional means of settling disputes, mainly through litigation and courts, but with preference for non-violence.

The concept of peace is predicated on the premise that, with peace, there will be love, harmony and people can come together to do better things or be partners in progress, prosperity and development in the land. That is why we could appreciate the Swahili word Ubuntu that has no English interpretation which stands for positive and negative peace which recognizes that where there are one, two or more people with varying ideas or opinions there is bound to be conflict. And when it do occur, there will be need for settlement.

The Holy Bible in Matthew chapter 5 verse 9 says, "Blessed are the peace makers for they shall see God. Here we are talking about the Importance of peace that passeth all understanding, the peace that is not affected by tribe, ethnicity or religions which is necessary for the development of humanity. Without peace there could be no development. So, the enlightened hearts and minds have realized the importance of peace for human development. This is what compels people from the various societies of Nigeria to resort to Traditional Dispute Resolutions knowing fully well how important peace is to the environment and community. This is why Ikwerre ethnic nationality in

Rivers State has great respect for this medium of settlement of dispute even before colonialism came into Africa.

Types of disputes

There are many types of disputes that can be seen in Ikwerre land that is the focus of our discussion. These are the types of disputes that may be encountered in Ikwerre communities which are listed as follows:

1. Family disputes
2. Age grade disputes
3. Individual Vs individual disputes
4. Marriage disputes
5. Community Vs community disputes
6. Land disputes
7. Chieftaincy disputes
8. Owbor-holders (Ancestral leadership) disputes

The list is not exhaustive and any of these disputes could be between two or more individuals, between families or community as the case may be.

It is important to state here that, men play a very crucial role in all aspects of the dispute settlements in any of the categories above due to their role as youths and elders, chiefs and Owbor holders of their various communities. It is only in few cases that involve women issues of quarrelling, theft, and assault that women participate actively. Even then, they may also serve as observers or witnesses in most other cases.

There are many case studies that emphasize Traditional Dispute Settlement in Rivers State. Nevertheless, we have an example from the Ikwerre ethnic nationality in Rivers State that forms our case study. Here, we are going to use the example of the Land Encroachment between Mr. Akah and Nyeche of Apará kingdom in Obio-Akpor Local Government Area. Whereas Mr. Akah is the complainant, Mr. Nyeche is the accused.

Preliminary stage

The court system is very flexible. It is fluid and flexible in such a way that, it is often susceptible to manipulation by such adjudicators who have the mastery of the verbal art. Such acquisition of knowledge of the oral legal data enhances the whims and caprices of a witty and brave adjudicator who knows the wherewithal of the indigenous law, customs, traditions and the machinery

of over-playing or underplaying the issues involved in the dispute (Olaoba; 2002:3).

The preliminary stage involves a process by which a case can be established for hearing. It includes the following:

1. **Summoning (Otuomu):** Summoning is the first stage of instituting a case against someone in the traditional way. That person being the complainant is the one seeking justice. In Ikwerre land, it is called "Otuomu Ikpe". It is done in the home of a family head, a village Chief, the paramount ruler, or the chief in council. In our case Mr. Nyeche is undertake the responsibility of summoning other wise referred to as the complainant.
2. **Summoning fees and other requirements:** At the second stage, the complainant is expected to pay a certain amount that may be agreed in respect of the case. It is paid according to the weight of the matter on ground. Mr. Nyeche will further provide to the Chiefs, Owbor holders and elders two bottles of native gin and a given amount of money for the summoning.
3. **Message or letter of invitation:** Having fulfilled the preliminary requirements for institution of the case, the Chief in- charge of that sends a message inviting or summoning the accused on a certain date that have been agreed upon by the chiefs, Owbor holders and elders involved in the settlement. In our own case, the town crier or messenger undertakes the task of communicating such date and notifies the accused of the case or summons given and delivered as agreed.
4. **Fixing of venue:** It is the duty of the chiefs, Owbor holders and elders to decide the venue, whether it will take place at the Chiefs residence or the village meeting hall call "Obiri, the palace of the paramount ruler or the venue of the native court as the case may be." The Obiri in Ikwerre serves as a place for serious meetings of chiefs, Owbor holders and elders. It also serves many other purposes including a place for traditional rites and festivals or native court. It is believed that the spirits of the gods are living inside this place and cases are handled with due processes and injustice will not be allowed nor evil doers go unpunished. Any decision taken in this

sacred place is believed to be binding on all parties nor matter the social status of the persons.

5. **A reminder notice:** Prior to the date of the case, the Chief sends a message of reminder to the parties involved in the matter billed for settlement. It is believed that both parties involved in the case that is both the accused and complainant have prepared themselves properly before the given date. This is done to ascertain any unforeseen event that may affect the process since situations or circumstances affecting people remain unpredictable. The date will still be certain if there is no appeal for change from any of those involved.
6. **The beginning of hearing (Obidoh Ikpe):** The beginning of the hearing of the case is the day that has been set aside by the judges or elders to entertain hearing of the case from both parties in the case for example involving Mr. Akah and Mr. Nyeche from the same community on land matter or it could be any other issue as the case may be, on this very day. The two parties involved in the land encroachment dispute are made to appear at the agreed venue and at the agreed time. Both complainant and accused are expected to keep to time as lateness and delay may attract fine.
7. **Requirement for hearing from both parties:** Before hearing proper begins, the parties involved are expected to honour the house with (2) two bottles of native gin each with some amounts of money as the custom/tradition as well as elders, chiefs and Owhor holders deems fit.
8. **Prosecution, hearing from both parties and cross-examination:** The scene of judgment here represents a native court. Here one of the elders serves as spokesperson and announces the beginning of the hearing and the nature of the case. The secretary of the court writes down the statements of the parties to the conflict. The eye witnesses and supporters watch and listen carefully as the case begins.

Thereafter, the complainant, Mr. Akah is given opportunity to air his grievances or complaints while standing after which he is seated. Next, questions from the accused person is allowed, the audience or

and chiefs, Owbor holders and elders also seek as much questions as possible. This is immediately followed by narrating of statement of defence by the accused being Mr. Nyeche. He does everything possible in his defensive statement to clear himself of the allegation as the case may be but lying is not permitted.

Thereafter, he is questioned by the complainant, the observers and the chiefs, Owbor holders and elders. The way questions are thrown at him and the way he answers them determines his sincerity in the matter.

The completion of this stage signals the end of question time and no question is allowed after that, not even from elders. Nevertheless, cross-examination is meant to ascertain and access the evidence and corroborate the facts of the dispute which can be seen as a legal display of wits and intelligence on the part of the legal officials.

- 9. Investigation and evaluation of matter:** In order that justice and fair play may prevail, the chiefs, Owbor holders and elders are expected never to be biased or take sides since they serve as the judges. The chiefs and elders will maintain credibility by setting up an adhoc investigative and evaluating committee. Members of the committee are drawn from amongst the chiefs, Owbor holders elders and some observers who are not members of the affected families.

Their number may be between 10 to 15 persons.

They carefully and critically examine the statement of the parties and evidences available so as to arrive at a fair justice. They also visit the sites of the disputed land after paying certain amount of money for the purpose of visitation by both parties to the case.

- 10. Pronouncement of judgement (OWA IKPE):** In pronouncement of judgments, the judges (the chiefs, Owbor holders, elders etc), in many instances especially in the caes of settling the issues of patrimony, alimony, and paternity and other conflicts, dialogue and negotiations are adopted in resolving the matters. In some disputes, the parties agree to settle outside the purview of the courts. This is so when an influential person wades in to settle the matter. Sometimes consensus are arrived at amongst the feuding parties before the Day of Judgment. In certain other instances like land

matter or chieftaincy cases, the court acts as the arbitrator and their pronouncement is binding. In the case of ugly situations in the environment like rape, kidnapping, etc, a libation to the goddess of the land and the ancestors are made against these ugly happenings. Violators always meet with mysterious, severe and untold happenings to them. The goddess of the land and the ancestors are highly respected. No one tries to ignore invocations or libations made to them.

They are also invoked to seal the judgment and pronouncements. These are ways of ushering in peace in the land. Moreover, just like in the conventional courts, the both parties equally avail and themselves of the presence and opportunities of witnesses who adds pep and colour to the case.

Moreover, when the ad-hoc committee that was set up because of the particular case to the seat of the court, complete their assignment and all are back they are received or welcomed back by the chiefs elders or judges. Before pronouncement of judgment or final decision, both parties are addressed. They are asked if they will be satisfied with the decision and judgment that will be pronounced without taking offence. They will also ask them whether any of the parties to the conflict have any thing to say. For there could be out of court settlement just as in the conventional court. This were there is similarity between the Traditional Court and the Conventional one.

When they have answered in the affirmative, the final judgment or decision is pronounced on both parties by one appointed by the chiefs, Owhor holders and elders. If the atmosphere is tensed up, they may decide to postpone the pronouncement of the judgment till a more suitable date and time when they feel that tension has been reduced.

When an accused person is found to be innocent, he is cleared of all the accusations. But if otherwise, he is made to comply with the terms of judgment.

In our example, if Mr. Nyeche is cleared of all accusations levelled against him have to go justified. But if investigation reveals that charges against him are correct/true, he is fined or penalized. Some in a Land case Men of the community will be assigned to adjust the boundaries in accordance with the judgment pronouncement. It must be mentioned here that, not all the cases

that goes to the local court are treated with the aim of allotting punishment. Some cases might call for tendering apology. This is to be understood within the basic knowledge that, peace and harmony in the community/group is paramount than rancor and hatred. Peace making and peace building facilitate mutualism which anchors on communalism (Oyeshola; 2005: 149).

- 11. Sealing of covenant of peace:** In order to ensure that non of the parties denies or break the terms of agreement or judgment, a covenant of peace is sealed between the two parties in the presence of all witnesses. It sometimes involves exchange of pleasantries or sharing of common drinking, water, or libation to signify acceptance of judgment and willingness for peaceful coexistence.

Conclusion/suggestions

From our study so far, we have been given the opportunity to understand the way that men settle their disputes in Ikwerre land. The study also provided us with background knowledge of the history of the people.

The justice system is dominated by the men themselves although in few cases, women have to handle their own issues themselves which are very exceptional and peculiar to them as females without interference by men.

It is therefore no gain saying that the settlement of disputes among the men of Ikwerre ethnic nationality is highly traditional which is one great inheritance acquired from their ancestors. It is still credible up till date. It exposes at a glance the rich cultural heritage of Ikwerre people despite the influence and presence of conventional settlement of dispute.

Suggestions

1. From the on-going, it is suggested that, despite the advent of the conventional peace settlement, the Traditional Dispute Resolution should be kept alive. Since, it is not everybody that will want to follow the conventional means of settling disputes.
2. We all know that litigation through the courts takes a longer time. It is not only time consuming but it is equally expensive. Each day of the court case, you pay either ₦3,000 Naira (Three Thousand Naira only) or ₦5,000 Naira (Five Thousand naira) as the case may be for transportation of the barrister. And with many adjournments, you do not know when the case will end.

3. It is said that justice delayed is justice denied. It is advisable to adopt Alternative Dispute Resolution as it is less expensive and time consuming, especially at this period of dwindling financial resources.
4. Since conventional dispute settlement can last up to twenty years, it is better to go for Traditional Settle of Disputes than to wait indefinitely. One who is not lucky enough may not be alive to see the end of the case. In the society where majority are poor, it is better to go for the alternative settlement of dispute that is less expensive and not time consuming and could be time bound.

References

- Achebe, C. (1970). *Things fall apart*, London: Heinemann.
- Akintunde Dorcas and Labeodan Helen (2002). *Women and the culture of violence in Traditional African*. Ibadan: Sefer Books Ltd.
- Alagoa, E. J. (2004). "Conflict Management Models from Pre-colonial times to the Present in the South-South Zone", A paper for conflict on Nigeria. Abuja, Nigeria: National War College.
- Allan B. D. (2011). *Fundamental issues on peace and conflict studies*. Lagos: Bits and Sons Publishers Co.
- Brock-Utne, Birgit (1996). Peace Education in Post Colonial. *Africa Journal of Education*. Vol. 71. No 3. Pp 170-190.
- Burton John (1990). *Conflict Resolution and Prevention*. London: Macmillan Press.
- Chaturvedi, A. K. (2006). *Dictionary of Political Science*. New Delhi: Academic (India Publishers). Divided Societies (United States, Peace Institute, Washington D.C. 1997).
- Dokun Oyeshola, O. P. (2005). *Conflict and Context of Conflict Resolution*. Ile-Ife: Obafemi Awolowo University Press Ltd.
- Gaya Best Shedrack (2006). *Introduction to Peace and Conflict Studies in West Africa: A Reader*. Lagos: Spectrum Books Ltd.
- Gnanadason Aruna and other women (1996). *Violence and non-violent change*. Uppsala Sweden: WCC Publications.

- Jaja, Osai, J. & Ogoloma F (2011). *Peace and Conflict Studies: An Introduction*. Port Harcourt: Ulemba Publishers.
- John Paul Lederach (1990). *Building Peace; Sustainable Reconciliation in Montville Joseph, Conflict and Peace Making Multi-Ethnic Societies*. Lexington Mass.
- Nabudere, Dani (1997). *The Contribution of African Traditional Learning to Mutual Understanding*.
- Okai, M. O. (n.d.). *Religion and Social Conflict Management (The case of the Niger Delta Region of Nigeria)*.
- Okajile Augustine Woji (2009). *A Handbook of Language study in Ikwerre*. Port Harcourt: CHEMOR.
- Olaoba O. B. (2002). *Yoruba Legal Culture*, Ibadan: FOP Press.
- Osai, O. J. (2006). *Governance at the Grassroots in Nigeria: An Experimental Explication*. Port Harcourt; Ulemba Publishers.
- Suberu, R. T. (). *Ethnic minority conflicts and Governance in Nigeria* Ibadan: Spectrum.
- The Holy Bible. King James Version* (2003).
- Uwechue Raif (1971). *Reflections on the Nigerian civil War: Facing the Future*. Paris.
- Vilefield (ed) (1986). *Conflict Behaviour and Linkage Politics*. N.York: University of Maryland.
- Zartman, William (ed.) *Traditional Cures for Modern Conflicts: Africa Conflict Medicine*. London: Boulder Lynne Rienner Publishers.
- Zartman William (1989). *Ripe for Resolution: Conflict and Intervention in Africa*. New York: Oxford University Press.