



Alternative Dispute Resolution (ADR) as a Panacea for Community Security in Nasarawa State

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Abstract

Conflict is an expression of opposing interest occasioned by differences in values, needs and ambitions which often truncate community security. While Alternative Dispute Resolution (ADR) is a conflict resolution mechanism being used to ensue peaceful co-existence in the society. This paper examined how ADR can be applied to guarantee community security in Nasarawa State, Nigeria. The study was a desk review that made use of secondary sources of data. The paper revealed that, proper utilization and intense application of Alternative Dispute Resolution forms such as arbitration, mediation, negotiation and conciliation can curb conflicts and advance community security in Nasarawa State.

Key Words: *Conflict, community security, arbitration, mediation, negotiation and conciliation*

Introduction

Conflict is as old as man in the society. Both the theory of evolution and religious narrations on the origin of man captured the existence of conflicts. It is often said that, when more than one individual exists in a social milieu, conflict is inevitable. Dispute or conflict basically arise from discontentment and unavailability of resources to satisfy human's unlimited wants (Kabir, 2011). Man is a creation that has diverse forms of aspirations, such as political power, economic might, bilateral supremacy, elitist hegemony, procreation need, land for agricultural cultivation, family leadership, cultural and ethnic affinity, religious affinity, livestock ownership, migration, expansion and subjugation, etc. However, when these desires are not met due to scarce resources and the manipulations of significant others including Governments, conflict emerges (Nwaneri, 2011). Summarily, conflict is an expression of opposing interest in the physical, social, psychological, economic and political realm of man occasioned by differences in values,

needs, interests and ambitions.

Nasarawa as a State has been bedeviled with different magnitudes of these disputes or conflicts just as the larger Nigerian State (Okoli & Nnabuihe, 2018). This is strongly knitted to various ambitions of individuals, ethnic, tribal and religious differences within the aborigines and migrants. Some of these disputes has often taken the dimensions of farmers/herder's conflicts, cattle rustling, land grabbing, ethnic militias wars, religious crises, political leadership tussle and inter-communal clashes, etc (Okoli & Ayokhai, 2015). These has led to wanton destruction of lives and properties, strife and unrest, turmoil, fear, panic and uncertainties, and mass displacement of people from their ancestral homes, etc (Ugwu & Enna, 2015). It is common place to find Internally Displaced Persons (IDPs) in Nasarawa State particularly during farming seasons and electioneering years. In order to foster peaceful co-existence that will guarantee community security among the populace, there have been several approaches introduced to



address the issue of dispute or conflict. Among these approaches is the Alternative Dispute Resolution (ADR).

Objective of the Study

This study examined how ADR can be applied to guarantee community security in Nasarawa State, Nigeria

Methodology

The study adopted qualitative method with the use of secondary sources of data relevant to the research objective. Extant literatures were reviewed and analyses drawn to provide the nexus ADR and community security in Nasarawa State.

Conceptual Clarifications

Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) is an advocative process of applying distributive justice in which a mediator uses creativity to influence, encourage and persuade disputing parties to embrace a win-win situation (Nwazi, 2017). As stated earlier, humans cannot function optimally in isolation, hence the need to interact with others. These interactions typically generate misunderstanding, disagreements and intrigues. Conflict directly emanates from interpersonal, intragroup and intergroup relationships. The identities of "I" and "another", "we" and "others", ingroups and outgroups, etc, instigate mutual inconsistencies and incompatibilities that degenerate to conflict (Nwaneri, 2011). When conflict occurs, it is usually impossible for contending parties to come out on their own volition to foster a truce or permanent solution to their feud. It therefore, incumbent upon a third-party mediator to appreciate the willingness of contending parties, then suggest peace by bringing them to conflict resolution table (Kabir, 2011). It is sequential that, after every form of conflict, there is need for the advancement of peace. Sociologically, the most positive and important aspect of conflict is the resolution itself. Resolution is when conflicting parties momentarily sue for peace because of the

consequences of living in perpetual state of chaos, rancor and acrimony (Adogi, 2013). Conflict resolution entails the predisposition of starting anew with a progressive state of life. This means, disputing parties finally realizing the inexplicable purpose of settlements rather than being inundated in conflict. Third-party mediator or ADR is a conflict resolution process that absolutely commits conflicting parties into the advancement of negotiation, dialoguing and communication that will engender peace in the society (Nwazi, 2017).

The semblance of ADR is the aged-long traditional African method of settling disputes. Although, the credit on the origin of ADR is given to Professor Frank Sanders of Harvard School of Law who initiated a "multi-door courthouse" in 1976 when the American judicial system was gaining less popularity among the masses (Oni-Ojo & Roland-Otaru, 2013). The multi-door courthouse connotes several remedies to conflict resolution other than the regular court adjudication system which involves the search for proof and presentation of evidence. The idea of a multi-door courthouse as advanced by Sanders is not new to Nigeria because disputes were traditionally settled through dialogue, negotiation and compromise even before Africa was partitioned and subsequently colonized around 1884/1885. It is factual that, Africans believes in communal living based on consanguineous and conjugal affinities, and conflict is an integral part communal life. Therefore, there have been a morally based system of conflict resolution equal to the western multi-door courthouse that endeared peaceful co-existence among African aborigines right from time immemorial (Akanji, 2011).

However, the formal adoption of a multi-door courthouse in Nigeria was in the year 2004, put forward by the Negotiation and Conflict Management Group (NCMG) and situated in Lagos State (Onoja, 2014). In 2006, another multi-door courthouse emerged in Abuja, manned



by Justice Gummi (the then chief judge of FCT) who x-rayed the benefits to include less cost, time and protracted adjournments associated with conventional court processes (Adogi, 2013). The embracement of ADR in the form of multi-door court house in Nigeria was a reaction to the reformative attempt of the judiciary which is meant to enthrone a fast, cheap and humane approach of resolving disputes (Akanji, 2011). ADR helps conflicting parties to repel the psychological trauma of dealing with judicial defeats and reduces incidences of court appeals arising from dissatisfied court judgements. It is however assumed that, when ADR approaches are applied in settling several dimensions of disputes in Nasarawa State, it will enthrone community security and guarantee a serene, peaceful and better future.

Community security

Community security is very pivotal to the developmental expectations of any given society. One may just dismiss its meaning as, internal security architecture that will protect lives and properties including that of children, and military might that will repel any form of external aggression. According to Onoja (2014) community security is the absence of volatile threats and the guarantee of progressive existence for adult members of the community and children. A society is said to be secured when there is availability of basic and necessary social amenities, social justice, equality, equity and fairness, strong social institutions, good governance and above all, immense value for human lives, properties and excellent child protection (Oni-Ojo & Roland-Otaru, 2013). The absence of the above may constitute serious security threats emanating from strife, discontentment and bleak aspirations as well as societal extinction if children are not protected. In the words of Akanji (2011) a secured society must embrace religious tolerance, cultural and ethnic differences, and have the willingness to always provide for the vulnerable groups such as, the physical and mentally challenged, abandoned

street children, the aged and women. In such societies, there is emphasis on social security, human capital development, excellent educational and healthcare systems particularly for children, inter-city/community linkages through good roads, transportation system and communication facilities, etc (Kabir, 2011). In summary, community security is the relative perception of members of the society as being secure from political, economic, cultural, psychological and social fear.

However, most scholars have viewed community security to be utopian particularly among underdeveloped societies of Africa (Nwaneri, 2011). There is no society in these climes that can completely achieved all the tenets of a secured community. It is near impossible to have a perfect security architecture that will nip every threat or conflict from the bud. Hence, threats and conflict must erupt. Afterall, insecurity is functional in the society because, it provides employment opportunities for those who are yet to constitute any security threat such as, the police, correctional officers, military and paramilitary, as well as judicial officers (Onoja, 2014). Based on the forgoing, ADR is an unavoidable approach employed by various societies of the world to amicably address security threatening situations and conflict to attain the needed community security.

ADR as Panacea to Community Security in Nasarawa State

Nasarawa State is located in the middle-belt or central Nigeria. The State was created in the year 1996 and surrounded by Benue, Taraba, Plateau, Kaduna, FCT and Kogi States. The State has diverse cultural and ethnic populations which makes it one of the most heterogenous States in Nigeria. Some of the aboriginal groups includes, the Eggon, Alago, Koro, Mada, Mighili, Kambari, Tiv, Gwandara, Bassa, Egbira and the Fulani, etc. These numerous cultural cleavages and identities has made the State to be susceptible to conflicts and extreme vulnerability of children (Ajodo-



Adebanjoko, Okwudili, Okoli, Olaku & Iortyer, 2015). Okoli and Ayokhai (2015) rated Nasarawa State very high in inter-communal clashes and rural violence which usually materialize in the forms of farmer/herder crises, indigene/settler phenomenon, religious tension, political leadership tussle, etc. The indigene/settler brouhaha particularly, has often created a lot of tension to the point of generating a local slogan known as "Mudei Geri Mu" meaning "we and our town". This identity construct has generated a Faultline between the different ethnic groups and propagate conflicts that rears its ugly head during electioneering periods, farming seasons, employment opportunity periods and even during the provision of basic social amenities and most often compromises child protection (Ugwu & Enna, 2015). According to Okoli and Nnabuihe (2018) conflict in middle-belt and the entire Nigeria do not just emanate from primordial sentiments but from Faultline which is an imaginary segregation between groups based on communal and familial affinity or religious and ethnic identity. In Nasarawa State categorically, most of the conflicts within the rings of politics, economy, religion or ecology originate from incubating socio-cultural Faultline.

A chronicle of important communal conflicts in Nasarawa State by Okoli and Nnabuihe (2018), Ugwu and Enna (2015) shows that, the Eggon and Alago has often had land ownership disputes, Eggon and Kambari had always clashed on ethno-hegemonic struggle, Bassa and Egbira had been battling on chieftdoms, chieftaincy and land ownership, and several incidences of farmer/herder crises had arisen over time. Other disputes that have occurred are the Tiv and other ethnic groups crisis, Eggon and Fulani, Tiv and Fulani and the famous Ombatse crisis (Okoli & Atelhe, 2014). Most of these conflicts constituted serious threats on children survival and has been handled by using other contending approaches to dispute resolution without yielding any serious lasting result. Court adjudication particularly has created more animosity between feuding parties

(Nwazi, 2017). This is connected to justice for the highest bidder syndrome, telephone justice and total estrangement of the conflicting parties. In this process, conflict is seen as a property which is traded in court between the prosecution and defense lawyers excluding the contending parties (Adogi, 2013).

However, what may have attenuated some of these conflicts and enthrone community security in Nasarawa State is the Alternative Dispute Resolution (Ugwu & Enna, 2015). With ADR, a mere apology can ensue lasting peace and justice, unlike court processes that relies on the protracted search for evidence, uncountable adjournments that causes excruciating hassle of court appearances by disputing parties, and poor pronouncement of justice due to societal pressure and corruption (Nwazi, 2017). Sometimes, the agonizing enmity caused by partial court judgments has no difference from the spilling of blood experienced by disputing parties in the battlefield. The ADR as used by the successive governments of Nasarawa State, community and religious leaders in conflict resolutions ensures that, disputing parties are voluntarily involved in the process that will enthrone peace, conflicting parties are always made to have greater control of the procedure of resolution, there is usually emphasis on non-punitive restorative justice in the direction of no victor and no vanquish, there is absence of red-tapism and bureaucratic bottlenecks throughout the process of advancing for peace, feuding parties keeps a better relationship after settlement and reduces incidences of appeal arising from dissatisfied court judgements, and above all, this approach saves time, it is flexible and conflicting parties may not incur any financial cost unlike litigations (Oni-Ojo & Roland-Otaru, 2013). Nevertheless, some of these conflicts relapse because the truce or permanent settlements reached by feuding parties is not legally binding to them, the third-party mediator may have an ulterior motive unknown to the disputing parties and the process could be arbitrary manipulated during execution



because it is not open to public scrutiny (Ugwu & Enna, 2015).

The Use of ADR to ensue Community Security in Nasarawa State

Basically, the application of ADR that to ensure community security in Nasarawa State can take different forms which may include the following;

Arbitration

This is a process whereby feuding parties, handover their case or cases to a third-party arbitrator for resolution. In other words, it is a process in which a neutral person or persons try to resolve a dispute in a judicial manner but different from a formal court of competent jurisdiction (Nwazi, 2017). Here, contending parties enters into the process of conflict resolution voluntarily and are fully committed to the tenets of the proceedings, as well as the outcome of such settlement(s). Arbitration is either binding or non-binding. It is binding when parties agree from the onset of the process that the outcome will be final irrespective of whose pronouncement is unfavourable. According to Oni-Ojo and Roland-Otaru (2013) when disputing parties sought for an arbitrator other than the conventional court of law on their own volition, the law requires them to obey the proceeding rules and the award of the arbiter whether for better or for worse. Greg (2005) further added that, in binding arbitration circumstances, the law usually clothes such settlements with the "garb of estoppel per rem judicatam" which means, resolution is binding to parties. However, parties may seek for judicial relief if the arbitrator went beyond bounds during the process or breach the rules of natural justice or committed a blunder (Kehinde, 2005). In non-binding arbitration, the feuding parties do not see the outcome of their settlement to be final but rather, to give a persuasive direction towards ending the feud (Nwazi, 2017). Most conflict resolution practitioners usually reject non-binding arbitration because it only serves as a form of mediation which may relapse (Nwaneri, 2011). Generally, arbitration proceedings are

informal because there is no emphasis on the search for evidence and proof unlike court litigations.

In Nasarawa State, there have been usage of both binding and non-binding arbitration in advancing for peace and community security. Instances for such application of Alternative Dispute Resolution were; the converted mission schools struggle between the Catholic church and the Government of Nasarawa State; the political power tussle between Kambari and Eggon; pre-election and post-election disputes between candidates of political parties; farmland and rangeland crises between farmers and herders; etc. A concise and further analogy of application of arbitration as a form of ADR is depicted in the figure 1 below.

Mediation

This is a form of Alternative Dispute Resolution that is geared towards the facilitation of amicable settlement(s) between disputing parties usually carried out by a mediator (Nwazi, 2017). In another dimension, it is a process of interceding for peace between feuding parties through spiritual prayers and dissemination of homilies to religious adherents who may also be members of the disputing parties. Mediation is also voluntary, non-binding and parties are wholesomely involved in the process of brokering peace by a neutral mediator. Here, the function of the mediator is not to apportion blames or determine who is wrong or right but just to mediate the process and allow the parties to utilize the outcome of their settlement(s) (Ugwu & Enna, 2015). The mediator is different from the arbitrator because his or her role is to act as a catalyst by aiding feuding parties to locate and harness their concerns and interests in order to fancy the need for settlement and peaceful co-existence. The paramount duty of the mediator is to carry subtle information that will build and enhance the communication process between conflicting parties (Nwaneri, 2011). Generally, mediation is implemented covertly away from



public glare and scrutiny unlike formal courts litigations.

Mediation have been applied severally in the quest to enthrone peace and community security in Nasarawa State. Mediations have often been executed through the delivery of homilies in churches and mosques where feuding parties are used as themes. It is also done through arrangement of peace meetings with disputing parties and constituted authorities, such as governments at all levels and traditional leaders in the likes of Emirs and Chiefs. Evidence of mediation was seen during ethnic and religious contestations between Kambari and Eggon, Alago and Eggon, Christians and Muslims, during battles for economic sources of livelihood between different ethnic aborigines of Nasarawa State, and during indigenes/settlers' crises, such as all ethnic groups versus Kambari, and all ethnic groups versus the Tiv, etc. The concise analysis of the application of mediation as a type of ADR in advancing peace and community security is shown in figure 1 below.

Negotiation

This is the most used and familiar type of Alternative Dispute Resolution strategy (Nwazi, 2017). Negotiation constitutes an integral part of social interactions amongst humans in the society. Ranging from business transactions, government and private works to family life that involves two or more individuals, negotiation is indispensable. It is a kind of dialogue that portrays the interests and concerns of individuals with the motive of striking an agreement without necessarily involving a third party (Kabir, 2011). It is usually a settlement that is symbiotic and mutually beneficial to parties. According to Black's Law Dictionary, negotiation is "a consensual bargaining process in which the parties attempt to reach an agreement on a dispute or impending conflict". Negotiation is actually different from mediation and arbitration because of the absence of a third party, and contending parties are both the originators of the process and solution givers.

In this form of ADR, whatever settlement(s) that is reached, it remains binding to both parties since they are the architects of the resolution (Oni-Ojo & Roland-Otaru, 2013). However, there exist some professional negotiators in the society (Akanji, 2011). These individuals are well versed in specific areas of concerns, and as such display wealth of knowledge than others in conflict resolution. They are often called upon to lead negotiations exercises because of their acumen. They include, the religious and traditional leaders, lawyers, academia, government functionaries, seasoned civil and public servants, etc (Adogi, 2013).

As listed above, negotiation have been used in settling disputing parties during the tussles for political power at different levels or during pre-elections and post-election disputes in Nasarawa State. It is also applied during the battles for the leadership and control of the Emirate councils or Chieftaincy tittles. The feuding parties in these cases are usually candidates of political parties, traditional throne family lineages and all ethnic groups fighting for political and traditional hegemony. An illustration on the application of negotiation in ensuring peace and community security in Nasarawa State is depicted on figure 1 below.

Conciliation

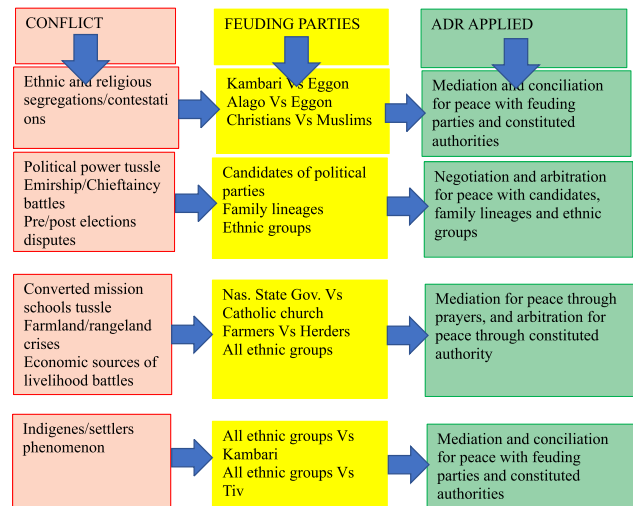
This is another form of Alternative Dispute Resolution that involves the bringing together of willing contending parties to a conflict resolution table. This process is usually initiated by a neutral third party called the conciliator who advocates for peace and settlement between conflicting parties (Nwazi, 2017). Conciliation & arbitration Act is formally recognized in Nigeria for settlements of disputes (Kabir, 2011). Section 37 of the Act states that, feuding parties can seek for an amicable resolution of their conflict through a conciliator other than conventional court litigations (Nwazi, 2017). Here, the conciliator



sometimes referred to as counselor primarily performs an advisory role by communicating with conflicting parties both separately and collectively in exploring opportunities and ways of finding a lasting solution to their conflict. By so doing, the conciliator only set the pace for parties to resolve their disputes themselves while he or she only act as a peace broker. The conciliator helps parties to establish meaningful communication engagements, iron out misunderstandings, erase negative emotions and enthrone mutual trust that will lead to cooperation and subsequent settlements (Nwaneri, 2011). The conciliator does not seek for evidence, apportion blames or even make his or her own decision on the matter at stake. Rather, the authority of proffering solution through mutual agreements lies with the feuding parties. Generally, conciliation is very pivotal in resolving lingering discontentment that usually degenerate to a full-blown conflict (Onoja, 2014).

Conciliation have been applied in settling preliminary issues that could have escalated to very devastating conflicts in Nasarawa State. This form of ADR has been employed during indigene/settler's phenomenon, and during ethnic and religious segregations and contestations. The feuding parties in these situations are all ethnic groups versus Kambari, all ethnic groups versus the Tiv. Kambari versus Eggon, Alago versus Eggon and even between Christians and Muslims. A concise illustration on the application of conciliation in settling disputes to ensure peace and community security in Nasarawa State is shown in figure1 below.

FIG. 1: An illustration on the application of different forms of ADR for the advancement of community security in Nasarawa State



SOURCE: Authors construct, 2023.

Summary And Conclusion

Conflict has become the bane to development in Nasarawa State (Ugwu & Enna, 2015). It is factual that, States created within the same period with Nasarawa such as Gombe, Ekiti, Ebonyi, etc have achieved more developmental strides. Nasarawa State should have even done better than these States given its endowment in mineral resources, massive land for mechanized agriculture and proximity to the Abuja, the Federal Capital Territory. But, agricultural productivity for instance has been scuttled by the persistent farmers/herders' conflicts. Ethnic hegemonial contestation and religious segregation has created severe distrust and discords, as well as propagate lack of cooperation that would have ensured economic and social developments.

However, the remote and immediate causes of conflicts in Nasarawa State includes, migration of stranger elements to settle with the aborigines, existence of multifarious ethnic identities, presence of two polar religions of Christianity and Islam, climate change and harmful environmental practices such as deforestation and unplanned urbanization, proliferation of small and light weapons distributed to political thugs during electioneering periods, population growth



leading to the expansion of human settlements that have limited the rangelands, political and ethnic hegemony and lack of conflicts resolution mechanisms. The position of this paper on how to curb these conflicts and advance community security in Nasarawa State is the proper utilization and intense application of Alternative Dispute Resolution as discussed.

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