

## INDIGENOUS METHODS OF PEACE BUILDING AND CONFLICT MANAGEMENT (RESOLUTION) IN AFRICA

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### **Abstract**

*Traditional African societies and elsewhere are known to hold sacred peace-making processes locked in their own ways, formed from centuries of customs and traditions before the disruption of colonial administration, and introduction of arbitration and adjudication, which are antithesis to traditional method. These modern methods of peace building and conflict resolution are rather defective in dealing with the challenges posed by modern conflict in Africa. The objective of the study is to examine and explain the indigenous methods of peace building and conflict management among the of people Africa. The paper relied on secondary sources and is descriptive in nature. It found that the traditional conflict resolution method as practiced in African society is better than the modern adjudicative method of peace building and conflict resolution, because it is faster and non-adversarial. The paper therefore, recommend incorporation of to traditional method of dispute management and resolution in the modern system because it is cheaper and friendlier.*

**Keywords:** Peace building, Indigenous method, conflict resolution, Africa

### **Introduction**

Before colonial incursion into Africa, many African indigenous societies had a well laid down traditional process of conflict resolution. The various communities in Africa had various conventions aimed at mitigating inter-human and intra and inter-communal conflicts. These conventions were backed by taboo which must be observed for peaceful regulation of human activities, and relationship between couples and community (Woko, and Osagie 14).

The African are also known to have evolved a well-established traditional dispute resolution method that were peculiar to their own ways before the introduction of British rule. This traditional method was built on customs and traditions and was culturally effective for resolving conflict within their

communities and kingdoms. Such methods of dispute resolution indigenous to African flowed from the accumulation of information that was passed down from generation to generation.

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

### **Conceptual Clarifications**

#### **Conflict**

Conflict refers to any disagreement between two or more opposing parties, while conflict management refers to the method that is used to resolve and manage conflict between parties in order to avoid a reoccurrence. It is also the process of reducing the negative aspect of conflict, while increasing the positive aspect of conflict. Significantly, conflict management is the ability to be able to identify and handle conflict in a way that proffers a lasting solution to the problem while keeping relationship between the parties in conflict. The concept of conflict management is also synonymous with dispute resolution (Daudu 9).

#### **Conflict Resolution**

According to Wallenstein conflict resolution is a situation where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other continued existence as parties and cease all violent actions against each other (8). The presence of any conflict requires a state of reconciliation and resolution. People do not always like conflict, they activate their own provisions to resolve, transform or manage conflicts. The prolonged conflicts or even their occurrences can be intolerable in societies; hence, Otite and Ogionwo state that, in nearly all cases, quick steps are taken to resolve them (270). This is to avoid calamities in the course of the conflict. This view shows that, conflict is not usually desirable and requires quick steps taken to resolve them. However, some of the steps taken suffer a setback as most times; the delay in the timely resolution of the conflict usually results in intractable conflict.

Ramsbotham, Woodhouse and Mialls noted that conflict resolution is a more comprehensive term which implies; the deep-rooted sources of conflict are addressed and transformed (29). This work emphasises more on identifying the root causes of conflict in resolving conflict.

Miall points out that, by conflict resolution, it is demanded that, the profound root causes of conflict are addressed, and resolved, and character is no more hostile nor is attitudes aggressive to any further extent which the structure of the conflict has been changed (21). This view seems more elaborate as it reflects the consequences of conflict resolution, that, it brings calm to the warring societies. One can deduce from this that, in principle, as Best states that, conflict resolution connotes logic of finality where the parties to a conflict are communally contented with the result of a settlement and the conflict is resolved in a free sense (94). Miller conceives conflict resolution as a variety of approaches aimed at terminating conflicts through the constructive solving of problems (69). This work is precise as it considers the relevance of the traditional institutions in effective resolution of conflict which is the focus of this study. The state is a major agency for resolving conflict. According to Omobighe at other times, the state resorts to helpless proselytising. Thereafter, commissions and panels are set up whose results or reports do not constitute a basis for future remedial or even substantive solution (55). Similarly, Kayode points out that, besides, the tendency of the state to be used or appropriated for hegemonic purpose, groups tend the state towards partisan or partial actions which undermine its integrity as an umpire or mediator in conflict. Citing the Tiv/Chamba-Jukun conflicts, as an example. The Tiv progressive movement led by Paul Unongo in a letter to President Olusegun Obasanjo alleged that, the Tiv nation has resigned itself to a long war, because, they would not get justice from their conflict with the Chamba/Jukun that was being supported by the Federal government under the paramount influence of their big men in government (72). The implication of this analysis is the inefficiency of the state security and intelligence in the handling of conflicts. Thus Ikelegbe rightly posits that, these weaknesses and inadequacies of the state generate most of the conflicts, they also reduce the value status and integrity of the state to manage conflicts (465).

Traditional Conflict Management refers to those methods of conflict management that have been practiced for an extended period of time and have evolved within a people in a particular society, and used as a means of settling dispute. For instance, in Africans the use of the traditional council for management and resolution of various types of conflict has been practiced for

serious centuries. Traditional Institution refers to the native rules and native authorities that are used for dispute settlement. In this case the elders, chiefs and paramount rulers in traditional council represent the institution that mediates in to conflict at the informal or community level.

## Religion

Emile Durkheim defines religion as a unified system of beliefs and practices relative to sacred things that is to say, things set apart and forbidden—beliefs and practices which unite in one simple moral community called Church, all those who adhere to it (40). According to Durkheim religion is a unified system of beliefs and practices relative to sacred and organization collection of beliefs, cultural system, and world views that relate humanity to an order of existence (40). Many religions have narratives, symbols and sacred histories that are intended to explain the meaning of life and/or to explain the origin of man and universe. From their beliefs about the cosmos and human nature, people derive morality, ethics, religion, laws or a preferred life style.

This definition sees religion in terms of distinction between the sacred and the profane sacred for e.g. the cross in Christianity produces a sense of awe, veneration and respect whereas profane objects do not. The strength of this view of religion is that it brings out the functional role of religion in the society. It is thus relevant to the present study.

John Mbiti notes that, the word religion is sometimes used interchangeably with faith, beliefs system or sometime set of duties. Some people follow multiple religious or multiple religious' principles at the same time, regardless of whether or not the religious principles they follow trade tonally allow for syncretism (107). Mbiti's position on religion show the different ways people conceive religion but it does not however, brings out key aspects or religious practices which sacrifice is one of them.

Bolaji Idowu points out that, the term religion is derived from the Latin word *religio*, the etymology of which is disputed. Some scholars have tried to connect religion with other Latin words such are *relegere* (to Reread), *relingueie* (to relinquish) and *religare* (to relegate, to unite to bind together). The root word "*religare*", particularly when applied in the sense of persons being bound to God or to superior power has been the most common, or classical, understanding (21). While this understanding of religion brings out the derivations of the word

religion, it does not give a wholistic picture or idea of what religion is, thus limited.

Religion is also as a relatively-bounded system of beliefs, symbols and practices that address the nature of existence, and in which communion with others and otherness is lived as if it both takes in and spiritually transcends socially grounded ontologies of time, space, embodiment and knowing. This definition has the virtue of taking into account the emphasis in the literature on the relationship between the immanent and transcendent without treating it in modern way as a dualism of two separate worlds. There is no mention of 'God' or 'gods' allowing Buddhism, for example, to be considered a religion, to Idowu, religion is the means which God as spirit and man's essential self-communities (32).

Idowu further says that, religion explain itself in many ways as follows worship, beliefs, adoration, feeling, attitude and conduct. Thus, religion could be described simply as the belief in spiritual beings (21). It came into existence as a result of man's awareness of the divine who is the determiner and sustainer of his life. It is generally recognized that religion is inevitable as it permeates the whole of human life and activity. Every nation and people have been nurtured, raised and developed on the platform of religion. It is true that religion is a belief in spiritual beings as postulated.

Joseph Gbenda states that religion acknowledges the existentiality and the supremacy of the spiritual being and his interaction with mankind generally (23). This is true because, every religion and Tiv religion in particular has a Supreme Being as its subject and every religious activity or act including sacrifice is geared towards the spiritual being and his supremacy. In Earnest Anyacho's view, a supernatural development is combined with institutional aspect of religion. In Anyacho's definition of religion as an institution consisting of culturally postulated superhuman beings (23). This is true because, every culture has its religious world view and it is difficult to separate religion from culture.

For many people, religions are an organized system of beliefs, ceremonies practices and worship that center on supernatural reality or deity. For some others, religion involves a number of god's deities. Some people have a religion in which no God is involved. Afella Terna notes that, there are also people who practice their own religious beliefs in their own personal way, largely independent of organized religion but generally people who follow some religion believe in divine power, which is the source of this world and of our

lives (31). This view by Afella is true because, the idea of a divine power is key in every religion.

According to Ajiki religious ideas and practices orient billions of people everywhere at all times. Myths, doctrines, rituals, narratives, tales, legends, art, music, drama and dance all offer meaning and guidance to religious life (1). This view by Ajiki gives the basic idea about religion and shows many people are influenced by religious beliefs. It however, fails to point out in concrete terms the concept of religion.

Religion does not exist in a vacuum, but is one of the super naturals of the society. Albert says, religion involves beliefs, creed, laws, production, medical, education, technology, public relations, life security and others. These aspects of religion have made it impossible to separate it from the society. In other hand, religion and society work towards peaceful co-existence, economic growth, political development and nation building. Religion in particular has great role to play in the political reshaping and ethical re-orientation of any society (131).

This view is important because, it points out the fact that religion intended to promote the good of the society.

### **African Religion**

Idowu notes that, African traditional religion are the religious ideas that are indigenous among the African people. Some of the African traditional religions are those of the Yoruba, Serer and Igbo peoples. Also among the Ashanti, the Fon/Ewe of Benin, Ghana and Nigeria (134). These diverse religious ideas defined what is known as the African traditional religion. According to him, African Traditional Religion is a world view of the African. He expounds that, this worldview is categorized in areas such as the Supreme Being (God), the spirit beings, the deities and divinities, ancestral worship, magic and witchcraft, which functions in the life of Africans (10). This definition throws light on the key elements in African religion.

Africa encompasses a wide variety of traditional beliefs. Although religious customs are sometimes shared by many local societies, they are usually unique to specific populations or geographic regions. According to Omosade Awolalu, the "traditional" in this context means indigenous, that which is foundational, handed down from generation to generation, meant as to be upheld and practised today and forevermore. A heritage from the past, yet not treated as a

thing of the past but that which connects the past with the present and the present with eternity (7).

*Ray* says Africa regarded as their authentic religion which has been passed from generation to generation. It therefore forms the basis of the African existence and conditions of behaviour and reaction to external stimuli (9). The history of the religion is traced to the history of the origin of African continent. The founders of the religion were no less than the father (of blessed memory) of African in fact, it can be called the original religion and indeed the very first religion practiced in the continent before the advent of other religions especially Christianity and Islam.

African Traditional religions and Indigenous African religions are both common terms used to discuss the subject of indigenous faiths found within Africa. Each term is debated among scholars. Some challenge the word "traditional" and prefer "indigenous" since traditional can also include traditional African Islam and Christianity, and are established traditions in African societies. Some, such as Mbiti, contend that while using the singular "religion" a plural understanding is needed. While some like Parrinder, suggests that, these thousands of "religions" are only differing expressions of the same basic religion (23). However, many suggest this is problematic as there is no "genetic" relationship between these plural beliefs to create ideological homology, and the observed similarities can subjectively also be found outside of Africa. According to Parinder:

the "primal-indigenous" religions are primarily tribal and composed of pre-colonization peoples. While there is certainly overlap between this category and non-African primal-indigenous religious adherents, there are reasons for separating the two, best illustrated by focusing specifically on Yoruba, which is probably the largest African traditional religious/tribal complex. Yoruba was the religion of the vast Yoruba nation states which existed before European colonialism and its practitioners today - certainly those in the Caribbean, South America and the U.S. - are integrated into a technological, industrial society, yet still proclaim affiliation to this African-based religious system. Cohesive rituals, beliefs and organization were spread throughout the world of Yoruba (and other major African religious/tribal groups such as Fon), to an extent characteristic of nations and many organized religions, not simply tribes (23).

Practitioners of traditional religions in Sub-Saharan Africa are distributed among 43 countries, and were estimated to number over 100 million, although the largest religions in Africa are Christianity and Islam.

For Clark, God is often spoken of in the terms of a singularity, deliberate; yet conscious of the fact that Africa is a large continent with multitudes of nations who have complexed cultures, innumerable languages and myriads of dialects (145).

The disposition to attribute the breakdown of societal values to the incursion of a new or foreign religion (such as Christianity and Islam) is a major tendency among practitioners of the African Traditional Religion (ATR). Concerning ethics and moral values, African traditional religions have an elaborate system of morals and levels of discipline that are expected of different groups of people. For instance, priests of shrines are known to be 'different', and they are often believed to pursue rigorous ascetic existence which gives them disposition to encounter the world of spirits and transmit messages from the supernatural order to the material world. Just as ATR perceives continuity between the supernatural and the natural order, so it provides a repertoire of ethical prescriptions for everyday living.

The traditional beliefs and practices of African peoples include various traditional religions. According to Mbiti, generally, these traditions are oral rather than scriptural, include belief in a supreme creator, belief in spirits, veneration of ancestors, use of magic, and traditional medicine (134). The role of humanity is generally seen as one of harmonizing nature with the supernatural.

According to Olupona, "African traditional views in Africa present an affinity with postmodern worldviews. Because of Africa's predominant cultural heterogeneity, none could speak of a single worldview in Africa" (1). The heterogeneity aspect of Africa's traditional cultures and religions makes the integration of ethnic groups difficult, even impossible (35-36).

African traditional religion is Africa's own way of coming to terms with reality. According to Olupona and Nyang, "in the African experience all men are children of God. None is a child of the earth" (69). They further noted that, it is quite evident that African traditional religion plays an important role in shaping the character of African society and culture today" (Olupona and Nyang 1). This position is true about African religion because, African religion does not discriminate but sees everyone as a child of God and this thinking helps in shaping people's conduct in the society.

Gbenda defines African Traditional Religion as the religious tradition of the African peoples that is based purely on their culture. The religion was initiated by the ancestors of the present generation thousands of years ago and is still being practice today (4-5). This definition paints a clear picture of African religion as a religion that is indigenous about the African people. The definition is indeed relevant to the present study. Tiv religion is an example of African religion.

In speaking of African religion or African worldviews, this does not literally mean that every African (or even every tribe out of the hundreds of tribes in Africa) shares (or shared) a particular opinion. It rather refers to general trends or what *Kaphagawani, and Malherbe* refer to as what may reasonably be viewed as "generic features of knowledge" (206). If this is no longer a trend within a particular group, descriptive research must point this out and propose alternatives to the general description. The researcher has taken pains to "critically test" general opinions against current ones in conducting qualitative research among different groups in South Africa (some of these groups included people from other parts of Africa). The presence of differences and similarities is acknowledged, and the researcher therefore endeavours to work with great care in terms of the way he generalises and particularises.

Teffo and Roux use African philosophy to include many of the things which are usually included in the phrase African traditional religion (136). This is a general trend in an important collection of articles by Coetzee and Roux (1998). This phrase asks for a closer definition of what religion is. There are no clear margins where one could say: this has to do with spirituality and this not. What theologians might call African religion is, for instance, called African metaphysics or philosophy by philosophers (Teffo and Roux, 134-136. This is partly due to the holistic approach of most African people to life. The problematic feature is that African spirituality is usually integrated with everything that is done or thought. More accuracy in the use of terminology should receive serious attention, but it cannot be done here. This is why this study has opted for the new phrase "African traditional worldview(s)". The way in which a person sees and approaches his "kosmos" is thus the focal point.

What does the word "traditional" in the phrase "African traditional religion" signify? As Onyeidu states, Africa traditional religion "is a heritage of the primal society whose forebears could be regarded as the collective founding fathers of the religion" (20). He further points out that Africans do not "denominate their traditional beliefs", and therefore no special name is attached to their beliefs. It is

simply accepted as “the people’s way of life and part of their culture” (20). He also emphasises that, irrespective of the differences, African religion reflects a system in which objects, activities etc. form a coherent system (Onyeidu 12-13);. The different aspects of this system should be interpreted and understood in relation to each other. Inherent to this is the possibility of expressing oneself in different ways with different myths and folktales. Diversity was accepted as part of the religion which they speak of in the singular (Onyeidu 12-13). It is also called “traditional” because of the force of custom. “Traditionally, all beliefs and practices were not so much rationalized as justified on the basis of the customs of the fathers” (Onyeidu 24). As an oral culture, the “ways of the fathers” were transmitted as tradition, and this was a determining factor in the worldviews of people who belonged to these African groups.

The term or word traditional according to Anyacho is a belief, custom or way of doing something that has existed for a long time among a particular group of people, a set of these beliefs or customs. Thus African Traditional Religion can be described as the religion that was communicated to the African by their ancestors in other words; it is an indigenous religion, which evolved from the life and culture of the Africans and has been in transmission from generation to generation. It was not borrowed from any of the world religions. Rather it is a distinct religion with distinct features which evolved gradually through the years from the practices and experiences of the forebears (Anyacho 242). This view throws light on the source of African traditional religion as a religious practice that our forefathers practiced and passed it on to the present generation.

### **African Religion, Culture and Peace Building**

African Religion and culture in rich which beliefs and practices that can be explore in the process of peace building which is an important asset in the process of conflict resolution. Communalism and the law of kinship in traditional African societies allows the process of peace building and conflict resolution to be easy. This is a communal view of man and the world governed by the law of kinship. The African communal concept is close to that of the organic/holistic view of the world which has been treated above. Man is a community. The world is a community. The community is man in relationships: to the human world; to the world of nature and to the spirit world. Community is defined in terms of “how man in relationships relates to the world around him”.

Man is not an individual, that is, living in a state of independence, but he is communal, that is, living in a state of relationships and interdependence. This communal conception of man defines how: (1) he becomes a member of community/society; (2) he relates to other human beings in community; (3) he relates to the spirit world and (4) he relates to nature and the world. Man lives not only in terms of this communal relationship, but also in terms of his communal attitude towards them all. It is not human beings alone that are in community, but they are also in solidarity with the world of nature and of the spirits as well as the ancestors. Man as an individual does not live in terms of himself, but in terms of the human community and nature. Man is not independent, but dependent. Man does not claim personal rights and freedom, but fulfils communal obligations and duties. Van der Walt, has given us a satisfactory definition of African communalism. African communalism “stresses the human community “. Van der Walt listed the characteristics of African communalism as: “communal self-respect”; “interdependence”; “survival of the community”; “group assurance”; “co-operation and harmony”; “affiliation” and “shared duties”. He lists about 40 characteristics of African communalism in contrast with Western individualism (Van der Walt 29-44). These characteristics are what Steyne calls the “practice of community” and also “man understands community holistically”. But what is the basis of man’s communalism in Africa? What is the basis of man’s living in relationships to the world around him? The African concept of community or communalism is derived from kinship. Kinship in this context refers to family relationships rooted in a progenitor or an ancestor. The relationship is defined in terms of the physical and blood linkage to the progenitor or the ancestor. The community takes its roots or beginnings from this human origin (physical and blood source) and a network of relationships are built around this ancestral nucleus.

The unifying factor and the stronger bond of relationship of a given people is created by the fact of a blood-relationship. Having a common progenitor(s)/ancestor(s) or origin strengthens kinship/blood ties. This is what defines affinity, loyalty and obligations to a “blood-community” by all members. Social behaviour, attitudes and practices are derived from this closed-knit kinship or blood relationship. The integration of tribal groups into modern African states did not eradicate kinship but incorporated it.

### **Ways of Conflicts Management in African Society**

African society has ways and skills of managing conflicts and the Tiv in this case are not an exception. They have certain traditional institutions that administered justice, law and order in their land such as the *ijir* (Moot), *imongu* (open assembly), *ibumun* (oath) and *ikyuryan* (covenant making) with religio-cultural beliefs and practices binding them. Traditional institutions are usually understood as the instrument of social organisation, which have developed independently in the context of pre-modern societal structures and tested and practised over a considerable period of time. They constitute the roots upon which social changes occur.

The Tiv traditional institutions involve local actors in decision making mechanisms in resolving conflicts within and between communities. These institutions were the *mbatamen* (elders), *kwav* (age grade) which operated under four councils or levels of various lineages of socio-political units with traditional administrative functions: *ya* (compound), *iye ingyor* (kindred), *ityo* (clan kin) and *tar* (super clan) while the *Igba* (maternal) plays complementary roles. According to Torkula:

The Tiv practised gerontocratic system of governance (government by elders). It was a system of political organisation which is today described as stateless or segmentary. Both the executive and the judiciary were fused together under a council of village sub-units, kindreds: clans and super clans- of the same ancestry or root, each headed by the most elderly possessing witchcraft (*Tiv Cosmology 2*).

Therefore, the Tiv system of government was gerontocratic and operated through the council of elders and the relationship between the elders and the non-elders was one of status and not -class. The political power in traditional Tiv Society belongs almost exclusively to the elders. At each level of social and political organisation, government was carried' out through constitution between the representatives of each subordinate unit who were normally the oldest men in the society. Decision making was a collective affair which was based on their deep fear of *tsav* (witchcraft). Thus Torkula pointed out that, right from *ya* (compound) to *tar* (super clan) levels, the political organisation rests with the elders who are members of a kinship based on consanguinity (The concept, practice and colonial influence 38). In line with Torkula's view, Gaya rightly pointed out that:

Here, there is the absence of a centralised authority and decisions are taken at the family, clan and age grade levels. Councils of elders usually made up of the most elderly and senior members of the community may also exist to decide individual and community disputes. In this setting, dispute resolution is informal, with an air of democratisation in the process and outcome. The Community feels and owns the process (98).

Dzurgba states that, the administrative structure of *mbatamen* (the council of elders) is a quasi- representative government in which the members represent genealogical families that constitute a compound, a kindred or a clan as the case may be (126). The leadership was exclusively for old men that is, elders who by all standards qualified and were physically, intellectually, emotionally and religiously eligible to gain and use power to control the people and socio-economic activities (Dzurgba 127).

Old women and youths were not eligible to be part of *Ityo* (clan) council because of their sex, experiential knowledge, religious legibility or tradition and inability to keep secrets (Dzurgba 127). Therefore, the council of elders was made up of only men. This reflects the system of government that is run by old people or consists of old people (Dzurgba 126). The Tiv give great respect to age and the authority of elders was therefore maintained. The Tiv conceptualise the harmonious existence of their society in terms of physical, social and spiritual initiatives which was maintained through their traditional institutions of the elders (*mbatamen*), *kwav* (age mates), *igba* (Maternal kin), and *ityo* (paternal kin) which operates at various levels or tiers of their government and play religio-cultural, political and social roles using various traditional approaches such as *ijir* (moot), *imongu* (open assembly), *ibumun* (oath) and most especially *ikyuryan* (covenant making) in resolving conflict at the *ya*, (compound), *iye-ingyor*, (kindred), *ityo* (clan) and *tar* (super clan) levels. They recognized authority in the roles and status of their social orders (Tseayo 67). They conceptualize the object of politics as *tar soron* which literally means the repair of the land, of which conflict resolution is part of it. As Wegh states, "... *tar soron* is not just a physical activity but a social and spiritual initiative designed to ensure that, there is balance and harmony in the land" (65). The Tiv traditional institutions of the *mbatamen* (elders), *kwav* (age mate), *igba* (Maternal kin) and *ityo* (paternal kin) operate at various levels or tiers of their government and play religio-political and social roles in resolving conflicts at the *ya* (compound), *iye- ingyor* (kindred), *ityo* (patrilinear kin), *igba* (maternal kin) and *tar* (super clan) levels as can be examined appropriately.

## Elders and Compound

Traditionally, African societies live in compounds like seen in Tiv society where they live in a large settlement known as *ya* (compound) designed to accommodate many individuals with enough space in the centre for group activities such as dancing and meetings (Gbor 25). Occupants of the compound were members of the largely extended family, headed by eldest male member referred to as the *orya* (compound head). Occasionally, the compound included strangers who came as distant relatives or in-laws of some members of the extended family (Gbor 25).

The authorities of the compound head were rested on his personality and powers of persuasion. An autocratic action by an elder might lead to the breakup of the compound, with the offending elder being left to sit alone. The head of the compound did not sit in the council of elders as executive officials, but simply as spokesman. As Laura and Bohannan note, whatever their prestige, they are granted only influences and not authority (31). Apart from age the only qualification for leadership was valour or courage which was recognised by the people. The leader was given full backing until he was found wanting and denounced by his people. He was knowledgeable of jural customs and of the genealogical and personal histories of his agnates and the mastery of health and fertility granting *akombo* (divinities).

Conflict between his people and outsiders are referred to him for arbitration (Adega 81). According to Wegh, the *orya* is also vested with the powers to determine sites for new buildings, admit, entertain and expel visitors; distribute farm lands and identify burial positions. He also settled criminal matters such as minor theft within the compound, adultery and farm disputes (57). In case of punishment of errant compound members, the *orya* metes out a variety of punishment as pointed out by Makar:

A young offender was flogged for theft while his parent paid fine and returned the stolen goods. The fine was used for ritual reparation of the compound of the *orya* which the criminal act desecrated with the crime. For an offence violated both the code of good social behaviour as well as the spiritual welfare of the people. An adulterous woman had to undergo extensive ritual cleansing or else she becomes barren or her husband and offspring suffer untold hardship (24).

Moti corroborates this view as he maintains that, the motive for the fine and rituals; “Lies in the Tiv understanding and belief that, an offence committed in society violate both the traditional codes of good behavior and the traditional beliefs. And as a celebration, reconciles the members of the community, just as the religious ritual restores the harmony of natural order” (100).

The *orya's* ability to discharge his responsibilities could build or split the compound. The authority, of the compound head over his people is based on democratic principles; hence a compound head that is authoritarian would see his members move out and set up their compound leaving him all alone (Adega 81). The compound head therefore tried to be fair and firm in administering his compound. Issues beyond settlement by the *ya* council were taken to a higher level which comprised *uya* of the extended families with close blood ties called *iye ingyor* (Kindred).

### **Elders and the Kindred Council**

Elders of several compounds whose membership depended on close blood relations led by the most senior elder made up the kindred council. They had close family ties (Makar 25). Political, social and religious problems beyond the *orya* (Compound head) council were referred to *iye-ingyor* (Kindred) council. On the other hand, Makar states that, at this level, problems such as death, murder, gaining of mystery of an important *akombo* for example; *Ibamegh*, *twel*, *swem* and the possession of *indyer* (wooden drum) were all beyond the powers of the *iye ingyor* (Kindred) council, and were therefore, passed on to the council next in rank, *ityo* (clan) (Makar 25).

### **Elders and Superclan Council**

This is very useful in peace building and conflict resolution in Africa. The example of this could be seen in Tiv land. According to Hembe, the Tiv society is divided into lineages based on blood relationships and maintains that each member of the lineage segment is believed to be of the same blood as the rest and together, they occupy a territorially homogeneous area of land called *Tar* which is named after the founder of the lineage (62). According to Torkula the elders from *ya*, (compound) *iye-ingyor* (Kindred) and *ityo* group made up the *tar* (Superclan) council which is the apex council (39). The *tar* (Superclan) was the highest council and decision making body of Tiv land. Makar has stated that, it alone took care of warfare matters, internal and external. It settled inter-*ityo*

(clan) disputes by apportioning blames and punishment to the guilty party. The council settled farm disputes, discussed calamities: endemics such as small-pox or yellow fever, drought, famine. It also determined the qualification and sustainability of candidates for initiation into the highest *akombo* in Tiv land, such as *ibiamegh* or *poor* and the acquisition of *akombo* mystery. As rightly pointed out by Makar, quite often; duties of *tar* (superclan) council overlapped with and were delegated to the subordinate *ityo* (clan) and *iye-ingyor* (kindred) council (27). Torkula also affirms that, the apex council which is the aggregate of clans determines and initiates persons into *biamegh* and *poor* cult (39).

Generally, apart from performing various functions at the segments indicated above, the *mbatamen* (the council of elders) were heavily relied upon due to their expertise and wisdom of the tradition, religion and culture of the Tiv. Confirming the view, Torkula stated that, right from *ya* (compound) level to *ityo* (clan) level; political organisation rests with the elders who are members of the kinship based on consanguinity (38).

The role of the elders and their near indispensability in traditional conflict resolution among the Tiv can be reflected in Gluckman's view that:

... elders have it impressed on their minds that, their primary responsibility to their people is the prevention of strife between members of lineages and the prevention of deadly conflict in which people would resort to supernatural powers or open hostility, bloodshed and, destruction of property. This underscores the relevance of elders in traditional methods of preventing and managing conflicts (19).

### **Age Sets**

This was also a very useful institution in resolving conflicts in African society especially using the covenant approach between individuals and families as well as between particular section, or one clan and another. The age grade was constituted- on the basis of those born within the same age range. For instance, between twenty and thirty or thirty and fifty could form age grade as the case may be. Thus Torkula states that, usually, age group system among the Tiv comprises of persons within the same age-bracket in the society who' pursued common interest or goal that brought mutual benefits to them or boost their image and respect in the society (14).

Among the Tiv, an age set was formed when a particular age member identifies those who fall in the same age set and initiate a meeting on a given day. The organiser would entertain the members with food. Leadership positions were assigned to members based on district or clan as the case may be, *Tor u kwav* (head of the age grade) was selected and was assisted by the smaller *utor* (chiefs). From each *ipyaven* (segment) as the case may be. An elder who was very much older, knowledgeable and experienced in *kwav* practice, was selected as their teacher who was always with them. He was called *Igba kwav*.

Among the Tiv people, an age set member can marry the daughter of another member as Asenge in oral interview explained, when an *orkwav* sees that, his friend has no wife while he has a matured girl to give in marriage, he will, out of sympathy, give his daughter to the other *kwav* member as a wife out of sympathy. The wife knew all the age mates of her husband. Age mates supported themselves financially and as a result, they always have regular financial contributions among members which may be weekly or monthly (but mostly monthly). This organized contributions used to bear names like *adashi u kwav* (age grade contribution) or *amar a kwav* (age grade dance). They can say we are contributing *kwav* (age mates).

In periods of sickness, especially protracted, the *kwav* of the sick will call the *ityo* (paternal kin) composed of elders from various kindreds to inquire from them why their age mates were suffering from such protracted illness. If the *ityo* feigned ignorance, the *kwav* (age mate) will further go for inquiries *ken toho* (in the bush) that is they went to the soothsayer for direction. The outcome may determine whether their *orkwav* was at fault such as insulting, or fighting the elders, brother, commit adultery with his brother's wife or seen the sacred object of the elders. Whatever they see, they return to reconvene the *ityo* (elders at kindred or clan levels) and brief them about the outcome of their journey.

Due to the important roles played by the age grades, misunderstanding amongst age set was bad for the society. This is because such disputes degenerated into fighting which in turn disrupted cooperative and collective farming activities, dancing, compulsory-communal labour such as construction of roads and bridges and many members.

Traditional African legal anthropological research focused on differentiating between customs and law (Gibbs 63). For the most part, the absence of written codes or statutes in indigenous (pre-colonial) Africa was a major defining characteristic of custom - an immemorial traditional social order, largely immutable and closely linked to the cultural system (Uwazie, 94). The view of

simpler or indigenous societies dominated by integrated traditions of maintaining peace and order distinguished them from modern state with law (Bohannan7). Hence statutes or judicially declared rules or social control - deliberately, respectively, and rationally made by trained professionals- became the essence of justice in both colonial and independent African nation-states. However, persistent and serious problems in the present formal or official (modern) legal system throughout Africa have caused a type of “law nostalgia”, a search for rediscover and adaptation of traditional or indigenous African management systems (Nwazie12).

In Africa, there were various levels of conflict resolution; there were dispute resolution at the interpersonal or family level, the extended family level and village or town level where the Chief in Council presided. These tiers represented the political unit that makes up the community (Ajayi 14). Conflicts were effectively resolved at these various tiers because disputants considered themselves as part of a larger community which they must return matters have been resolved.

The Tiv like other African societies have their religio-cultural beliefs and practices that influence the resolution of conflicts. These approaches are the *ijir* (moot), *ikyuryan* (covenant), *ibumun* (oath), which emphasis consensus, reconciliation and communal unity. According to Zartman, conflict management practices are considered traditional if they have been practised for an extended period and have evolved within African societies rather than being the product of importation (7). Their religion and culture form the basis for local decision making and action in their various spheres of life, which includes the choice of crop rotation in agriculture, traditional medicine as evidenced in healthcare services and undoubtedly, conflict resolution. Thus, Otite and Ogionwo state that:

Africans have their indigenous, dynamic ways of settling disputes and resolving conflicts. An important aspect of disputes and conflicts settlement among them is dialogue, talking, negotiating, clapping, humour and even shouting are social therapies in conflict resolution. They can be described as curative social medicine in conflict resolution. They constitute interactive variables which skillful brokers, negotiators, and acclaimed local historians, philosophers and spokesmen apply to reduce tension and resolve conflicts through negotiated settlement. And when parties in conflict decide to take their case to indigenous court, the emphasis of the judges-elders is not on punishment or imprisonment. In African tradition,

the emphasis is placed on objective discovery of the truth followed by recompensation, restitution, and reconciliation, the focus is on the restoration of harmony and consensus while realizing the frequent occurrence of conflicts in the family, ward, town, or between section of polity or kingdom. It is probably right to prefer the indigenous and often ignored methods of conflict resolution, transformation or management (270).

However, the imposition of external conflict resolution mechanisms and initiatives has largely side-lined creative home-grown (indigenous) conflict resolution strategies.

Lebaron stresses that, many African nationalities have indigenous systems of conflict resolution that are presently extant and subsist. These systems rely on particular approaches to negotiation that respect kinship ties and elder's roles and the structures of local societies generally. This means that, many societies have developed techniques, tactics and mechanisms in resolving conflicts. For instance, conflict resolution in western societies is generally a formal affair with legally-binding agreements being reached through an impartial third party. However, in some societies, conflict resolution is not always identified or supported by formal institutions but are nevertheless binding in their own religio-cultural ways. Lebaron decried that, the state undermines the power of traditional social control systems (7). Lebaron's view on indigenous conflict resolution is a relevant contribution to this study as the religio-cultural approach to conflict resolution.

Abdul Aziz and Said Funk have noted that, one of the greatest barriers to open dialogue between major cultural traditions is the assumption that, a universally valid (and presumably secular) framework of knowledge for peace and the resolution of conflicts already exists (83). Paul Bohanan has discussed in detail how the *ijir* (moot) takes place among the Tiv. *Ijir* (moot) among the Tiv is an assembly of neighbours and kinsmen who decides disputes. It is therefore, a community activity. He distinguished the *ijir* (moot) which is made up of all the elders of the community from *ijir* which is called 'court' by administrative officers. The court in this sense is a formal organisation, with appointed and recognised judges and other officials. He points out that, *Ikyuryan* (covenant making) usually takes place following a successful completion of a moot and ritual is performed involving *swem* (the spiritual symbol of truth among the Tiv).

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

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

After invoking the gods of the land and the ancestors to punish any person (mediators) who might cause the husband and wife to sever their marriage and break up the family. Most of the males in the audience are given opportunities to question the disputants, but such questioning is only aimed at reconciliation. More importantly, the parents of the spouses must indicate their commitment at reconciliation and to keep the family together. At the end of the deliberation, the elder spills the blood of the chicken and pours the gin (Drinks) on the ground to appease the gods and goddesses of the land that may have been offended by the couple's quarrel. Additionally, the couple is asked to provide food for those who are present at the mediation session.

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

Despite the legal pluralism, most disputants in Africa rural communities are less likely to use the formal process to resolve conflict because the process of case adjudication is lengthy, time consuming, and involves a lot of money to retain a lawyer. Since most people in the rural communities are poor and cannot afford

the huge expense involve in a legal battle, they prefer using the traditional council because it is cheaper and much closer to them.

## **Recommendations**

The study recommends that:

- i. There is need for government and conventional institutions to recognize and encourage the role of traditional institutions in peace and conflict prevention and resolution efforts as a way of building and maintaining peace in African society. Traditional institutions should play honest roles of arbiters in resolving conflict thereby building confidence in parties entering into covenant in the course of resolving conflict.
- ii. There is need for the integration of positive African traditional approaches in school curriculum and the encouraging of ethical values in institutions of learning. If the indigenous African moral values and covenant making in particular should be taught in various stages of an individual's physical and moral development, the high rate of crimes and immoralities would be radically reduced and the need for rehabilitation centres eliminated.
- iii. Since the traditional methods of resolving conflicts are less expensive, simple, flexible, and easy to understand and apply, they should be encouraged and practiced.

## **Conclusion**

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

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