

## CONFLICT TRANSFORMATION IN NASARAWA STATE: THE ALTERNATIVE DISPUTE RESOLUTION (ADR) OPTION

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**ABSTRACT:** *The concept of conflict is not novel in scholarship, as we live in a society that constantly faces disputing circumstances. However, different approaches to a problem determine the strength of the drive of its resolution. In the midst of varying ethnicities in Nasarawa state, there has always been intra and inter-ethnic clashes among the people. Since conflict most times begins with local agitation, the urgency of non-conventional method is preferred in certain situations. In the final analysis, we aver that channeling of conflict through transformation will guarantee a positive reordering of the state.*

**KEYWORDS:** Conflict, Transformation, Conflict Transformation, Alternative Dispute Resolution, Nasarawa State.

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## INTRODUCTION

Conflict is inherent in society; so are mechanisms for dealing with it. The decline of traditional authority and its role in conflict mediation has contributed to the development of large-scale conflict in countries such as Liberia, Somalia, Sudan and our case study, Nasarawa state, Nigeria. Characteristic of many conflicts in the middle belt region of Nigeria, the Nasarawa state conflicts have degenerated to a critical level. It has so far defied possible explanations, receding development back to Hobbesian state of nature where life is solitary, poor, nasty, brutish, and short. The state at present is in a dire situation of unrest, continual suspicion, perpetual fear of violence and death. In this condition, there is little place for industry; because the fruit thereof is uncertain and worse of all, continual fear, and danger of violent death.

The situation is so threatening and demands urgent attention beyond the conventional conflict resolution mechanism where the militarizing agencies of the State are employed to intimidate or suppress the inhabitants. It is also evident that the level of abiding poverty and illiteracy under which most of its population live, translates to their incapacity to go through court process. Thus, they frequently resort to unconventional and fetish modes to sort themselves out of both real and imaginary conflicts. This work exposes a new way of reasoning and living amidst their lacks, scarcity and relative deprivation which always lead to conflicts. We hope to achieve this by considering their structure of local governance and its efficacy in conflict transformation and resolution. We shall equally cite few examples where such structures have yielded successes in conflict transformation resulting in socio-economic and political development.

## CONCEPTUAL DISCOURSE

### The Concept of Conflict

Conflict has been conceptualized differently by scholars. Thus, it is seen to be: a fluid and infinitely elastic concept which can be twisted into different shapes and has become an issue over which scholars find themselves in sharp disagreement with their colleagues.<sup>1</sup> Conflict is an inevitable part or process of social life; a continuing reality of social existence. Necessarily, conflict involves two or more parties that have, or perceive incompatibility in either interests or values, or in strategy of achieving the ends desired. It is a strain in a relationship that goes with emotion. Thus, conflict occurs even in the best of human societies. The key words in a conflict are ‘hostility,’ ‘disagreement,’ ‘incompatibility,’ ‘competition’ and ‘misunderstanding.’ In summary, the term refers to a situation where incompatible interests between persons, groups, organizations or nations lead to a struggle between them. The notion of a clash of interests presupposes something more than what is typically implied by such terms as *disagreement* or *controversy*. This clash is an evidence of a gap in communication.

The use of force and armed violence in pursuit of incompatible interests and goals produces armed conflict. The worst forms of armed conflict include mass murder and genocide against unarmed civilians. Conflict may be either manifest or latent, in which case it remains dormant for some time, as incompatibilities are unarticulated or are built into systems or such institutional arrangements as governments, corporations, or even civil society.

Within the field of international relations, there are three general forms of conflict: interstate, internal, and state-formation conflicts. Interstate conflicts are disputes between nation-states or violations of the state system of alliances. The international community, however, has become increasingly concerned with the rise in frequency and intensity of internal conflicts, which are contributing to the expanding nature, sophistication, and, at times, legitimization of interventionist policies. Internal conflicts which could also be regarded as state-formation conflicts refer to armed fighting between or among different groups within the same State. Examples abound of internal and state-formation conflicts and they include civil and ethnic wars, anti-colonial struggles, secessionist and autonomous movements, territorial conflicts, and battles over control of government. Today, attention has also focused on ‘global conflicts’, where non-state groups combat international and regional organizations.

### Causes and Patterns of Conflict

Conflict resolution scholars argue that conflict has an ontological basis in human needs; hence many factors can cause conflict ranging from personal differences and animosities, to competition for scarce resources.<sup>2</sup> Different explanations have been given as causes of conflict. Faleti<sup>3</sup> corroborating Neibuhr<sup>4</sup>, noted that some who believe that violence or aggressive behaviour is genetic, trace interpersonal and inter-group violence to some kind of

<sup>1</sup> Faleti, S.A., Theories of Social Conflict in S. G. Best, (ed.), *Introduction to Peace and Conflict Studies in West Africa* (Ibadan: Spectrum books limited, 2006) p.36.

<sup>2</sup> Faleti, S.A., Theories of Social Conflict in S. G. Best, (ed.), *Introduction to Peace and Conflict Studies in West Africa* (Ibadan: Spectrum books limited, 2006) p.35.

<sup>3</sup> Faleti, 2006:46.

<sup>4</sup> Neibuhr, R., *Christian Realism and Political Problems* (New York: C. Scribner & Sons, 1953).

biological determinism. Others propose that experiences of frustration produce a tendency to attack other people.<sup>5</sup> In contrast with psychological interpretations, basic needs theorists attribute protracted social conflict to dissatisfaction of both physical and psychological needs.<sup>6</sup> The denial of elements required in human development is inherent to many oppressive societies, and conflict often derives from a malfunctioning system. Sources of group violence can be attributed to a lack of security, suppression of autonomy and identity, and an unequal distribution of life opportunities and resources.

The satisfaction of basic human needs and some other economic needs, minimises conflict,<sup>7</sup> but it will not go away so long as there are interpersonal relationships ranging from that of husband and wife to other associations involving persons. Conflicts need to be resolved for people to make head way. Ugwu, et al.<sup>8</sup>, noted that conflict in terms of competition can bring about increased productivity. Conversely, conflicts can be destructive; and are more likely to be destructive when people come into them harbouring past resentments rather than remaining conscious of each other's positive conducts. Conflict graduates in phases: (a) early conflict indicators (b) conflict resistance (c) explosive/exhaustive conflict, and (d) terrorism – a deadly spiral and highest level of violence.<sup>9</sup>

### **The Concept of Conflict Transformation**

The term 'conflict transformation' is a relatively new invention within the broader field of peace and conflict studies. During the early 1990s, the term was not in common use among peace and conflict theorists, as it had not been a core construct of the field. However, it has a number of meanings, including transformation of individuals, transformation of relationships and transformation of social systems.<sup>10</sup> Conflict transformation is a prescriptive concept. It suggests that left alone, conflict can have destructive consequences. However, the consequences can be modified or transformed so that self-images, relationships, and social structures improve as a result of conflict instead of being harmed by it.<sup>11</sup> Transformation involves changing the way conflict is expressed. It may be expressed competitively, aggressively, or violently, or it may be expressed through nonviolent advocacy, conciliation, or attempted cooperation. Activism is important in early stages of a conflict to raise people's awareness of an issue because it uses nonviolent advocacy to escalate and confront the conflict. Once awareness and concern are generated, then mediation can be used to transform the expression of conflict from mutually destructive modes, towards dialogue and interdependence.

Conflict transformation draws on familiar concepts of conflict management and resolution. It is a process of engaging with and transforming the relationship, interest, discourses and, if necessary, the very

<sup>5</sup> Anifowose, R., *Violence and politics in Nigeria: The Yoruba and Tiv experience* (New York: Nok publishers, 1982) p.6.

<sup>6</sup> Burton, J., *Human Needs Theory* (London: Macmillan, 1990); Rosati, J., Carrol, D. and Coate, R., "A Critical Analysis of the Power of Human Needs in World Society" in J. Burton and F. Dukes, *Conflict: Human Needs Theory* (London: Macmillan, 1990); Azar, 1994.

<sup>7</sup> Okoli, A. C. & Atelhe, G. A., "Nomads Against Natives: A political Ecology of Herder/ Farmer Conflicts in Nasarawa state, Nigeria", *American International Journal of Contemporary Research (AIJCR)* [2014, Vol 4(2)] p.82.

<sup>8</sup> Ugwu, A. C., Orinya, S. and Abdulahi, S. G., *Peace Studies and Conflict Resolution* (Lecture Mimeograph, Federal University, Lafia, 2012) p.10.

<sup>9</sup> Ezirim, G.E. (n.d). Summary notes on the basic concepts and theories of peace and conflict (Lecture mimeograph, University of Nigeria, Nsukka) p.5.

<sup>10</sup> Ibid, p.15.

<sup>11</sup> Best, S. G., (ed.), *Introduction to Peace and Conflict Studies in West Africa* (Ibadan: Spectrum books limited, 2006) p.95.

constitution of society that supports the continuation of violent conflicts.<sup>12</sup> It recognizes that conflicts are transformed gradually, through a series of smaller or larger changes as well as specific steps by means of which a variety of actors may play important roles. It was in this regard that it has been argued that conflict transformation must actively envision, include, respect, and promote the human and cultural resources within a given setting. This involves a new set of lenses through which we do not primarily see the setting and the people in it as the problem, and the outsider, as the answer.<sup>13</sup> We understand the long-term goal of transformation as validating and building on people and resources within the setting. Non-violent theorists have also contributed to the debate on transformation. They argue that a non-violent campaign can transform conflict by detaching the props sustaining it, such as groups resisting land reform, and harnessing them to support social alternatives.<sup>14</sup> Thus, conflict transformation entails the coming into being of new situations involving conflict issues, perceptions, relationships and communication patterns. Conflict transformation takes place at different levels and has a number of dimensions. At the personal level, it involves emotional, perceptual and spiritual aspects of change desired for the individual. It also affects relationships touching on communication between parties that need to affect structures that generate conflict through deprivation, exclusion and other forms of injustice.<sup>15</sup> It also seeks to understand cultural patterns and values of parties. A very good quality of this strategy is what Best,<sup>16</sup> describes as the continuity element. This means that parties and interveners resolve to work on problem areas to achieve continuous change.

### Typology of Conflict Transformation

This detail as contained in Best,<sup>17</sup> and Ezirim,<sup>18</sup> is meant for better clarity and also to enhance the process of handling conflicts. They are not typified as chronological steps, since all the categories could be happening simultaneously.

**Context transformation:** This refers to changes in the historical background of conflict that may radically alter each party's perception of the conflict situation, as well as their motives. It is undeniable that all African countries had their histories ante colonialism and up to the colonial period. These are empirical in terms of migration, citizenship, settlement and so on. Since people define who they are by the basic elements of nationalism, it is not strange that often times, such are seen as the basis for conflict with others.

**Structural transformation:** This refers to changes in the basic structure of the conflict. It includes the set of actors, their issues, incompatible goals and relationships, or to the society, economy or state within which the conflict is embedded. Asymmetric conflicts cannot be transformed, without changing the unbalanced and contested relationships that lie at their roots. Many conflicts in West Africa have been difficult to be transformed because economic interests that fueled the conflicts, were ignored.

<sup>12</sup> Ezirim, nd, p.16.

<sup>13</sup> Miall, H. Ramsbotham, O. and Woodhouse, T., *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflict* (Cambridge: Polity Press, 1999) p.22.

<sup>14</sup> Lederach, J. P., *Preparing for Peace: Conflict Transformation Across Cultures* (New York: Syracuse University press, 1995) p.67.

<sup>15</sup> Ibid.

<sup>16</sup> Best, op cit.

<sup>17</sup> Ibid.

<sup>18</sup> Ezirim, op cit. p.16.

**Actor transformation:** It is always the case that every conflict involves two groups at least on each side. These groups are referred to as the primary and secondary, or 'shadow', parties. The former, due to their direct link with the conflict, is usually known, unlike the latter, which is hardly identified in the conflict process. This does not mean it is of less consequence; in fact, it is so powerful and the failure to identify and attend to it forecloses the realization of any sustainable peace. Transformation here concerns the reformulations of positions that parties take on key issues at the heart of the conflict, as well as the way in which, parties redefine or reframe those positions in order to reach compromises or resolutions.

**Personal changes of heart or mind within individual leaders or small groups:** This is a kind of personal transformation that affects attitude, memory, behaviour and relationships.

## THE MEANING AND NATURE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

Alternative Dispute Resolution, otherwise called **ADR**, refers to 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.<sup>19</sup> Asogwa,<sup>20</sup> offered his own definition when he described ADR as non-adversarial, and processes designed to manage community tension and facilitate community development. ADR is less formal and often more consensual than is done in the courts. The most common forms are mediation and arbitration. Other forms include judicial settlement conferences, fact finding, ombudsman, special masters, etc. ADR is sometimes mandated by the courts which require that disputants try mediation before they take their case back to court in the event of failure.

The variant of this mechanism in Africa is referred to as the African Traditional Dispute Resolution (ATDR), which according to Njoku,<sup>21</sup> has been greatly influenced by culture, religion and social formations. This mechanism became a desideratum owing to the negative existential realities in the various sanctuaries of modern justice. Many African citizens have lost faith in the ability of their nations' courts to provide timely or just closure to their grievances.<sup>22</sup> Describing the character of ATDR, Obi (2007) and Asogwa (2009) in Njoku<sup>23</sup> noted that this strategy is unique for its informality, equity, direct participation and communication between disputants. This African strand of search for peace encourages community ownership of the conflict resolution where traditional rulers and their cabinet, council of elders, family members, town unions, age grades and women groups have unique roles and significance. The strategic position of women in resolving disputes in South Eastern and Niger Delta parts of Nigeria has been given a deserved attention by Umoh<sup>24</sup>.

The conflict resolution and transformation spectrum, according to Best, consists of:

<sup>19</sup> Best, op cit., p. 96.

<sup>20</sup> Asogwa, F.C., "Emerging trends in conflict management in the modern society: The Alternative Dispute Resolution Approach", *Journal of International Politics and Development Studies* Vol.5, Nos. 1 and 2 (2009) pp. 95-96.

<sup>21</sup> Njoku, C. C., "Strategies for Managing Conflicts and Crises for Nigeria's Development". *Journal of International Politics and Development Studies*, Vol.7 (2011) p. 56.

<sup>22</sup> Uwazie, E., "Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability", *Africa Security Brief*, No. 16. (2011) p. 1.

<sup>23</sup> Njoku, op.cit.

<sup>24</sup> Umoh, B. D., "Failure of Force of Arms in Managing the Niger Delta conflicts: A case for the Traditional Mediating Roles of Women", *The Nigerian Journal of Development Studies*, Vol. 6, No. 2, (2008) pp. 71- 83.



...a range of options employable for non-violent management of conflict. Such options include the voluntary and the involuntary processes. In the former, the process is under the control of the parties but in the latter, the parties are not in control even though the process may still be non-violent. The third parties who broker the process in this case may hand down outcomes which the parties must accept either in principle or in law. This case is mostly related with arbitration, adjudication and law enforcement using the coercive apparatus of the state.<sup>25</sup> These are western strategies and have largely come into use in virtually all parts of the world, but when inappropriately adapted to different climes, can lead to more security challenges.

### **The Tenets and Processes of ADR**

ADR is widely used in America to settle disputes in institutions like the family, churches, schools, the workplace, and government agencies. In Nigeria, the use of ADR in this sense is relatively new, but it is gaining acceptance as a process of conflict resolution especially in families and religious bodies. ADR is usually employed when conflicts seem to have become ready for resolution. This sometimes happens when the conflict reaches a hurting stalemate – a situation when it becomes clear that neither side can continue the struggle yet, they are being substantially hurt. Arbitration and negotiation have become common ways of resolving difficult international business disputes.<sup>26</sup>

It is important to note that mediation and arbitration are now commonly used to settle labor-management disputes that usually seem intractable. International mediation has also been used to resolve difficult international and ethnic conflicts, with varying degrees of success. Consensus building has become a popular process for dealing with public policy disputes, especially intractable environmental disputes.

### **Merits of ADR**

Advocates of ADR, including Best,<sup>27</sup> Umoh,<sup>28</sup> Ezirim,<sup>29</sup> Njoku,<sup>30</sup> for many reasons, believe that it is superior to lawsuits and litigation for the following reasons, despite the pitfalls also enumerated below.

1. It is generally faster and less expensive. It is based on more direct representation by the disputants rather than being run by lawyers, judges and the state. The disputants are involved in outlining the processes to be used and also define the substance of the agreement. This enhances people's satisfaction with the outcome as well as their compliance with the agreement.
2. It is based on an integrative approach. They are more cooperative and less competitive than court based methods like litigation that are adversarial. It tends to generate less escalation and ill-will between parties. Participating in an ADR process often ultimately improves, rather than worsen the relationship between the disputing parties. This is a key advantage where the parties must continue to interact after settlement is reached in cases such as child custody or labour management.

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<sup>25</sup> Best, op. cit., p.97.

<sup>26</sup> Ezirim, op. cit., p.2.

<sup>27</sup> Best, op. cit.

<sup>28</sup> Umoh, op. cit.

<sup>29</sup> Ezirim, op. cit.

<sup>30</sup> Njoku, op. cit.

**Demerits of ADR**

1. A major drawback of ADR is that it encourages compromise. It can be a good way to settle some disputes, but it is not good for others. In serious conflicts of values and cases of intolerable moral differences, compromise is simply not an option.
2. ADR settlements are usually private and not in the public record or exposed to public scrutiny. This could be a cause for concern as it could easily be manipulated. For instance, using ADR to settle out-of-court cases involving a defective product that harms consumers, without a court ruling that forces the company to fix all problems associated with the bad product, could be problematic.

**ADR AND THE PROSPECT OF EFFECTIVE CONFLICT RESOLUTION**

In a paper, Bob-Manuel Ineba laments that for more than a decade, and especially since the end of the cold war, Africa has been torn apart by extremely intense conflicts. These conflicts have resulted in thousands of deaths, and the internal displacement of millions of civilians.<sup>31</sup> The author notes that the use of western methods of conflict resolution has failed. Peacekeeping operations, which have been conducted in the last few years under the auspices of the United Nations, have allowed for the establishment of peaceful processes only in very few countries, for example, Mozambique. More often than not, there have been resounding failures, recent examples are: Somalia, Rwanda and Angola. This, she claims, is mostly because the political, military and sociological realities of these countries were not fully appreciated and comprehended.

Today's predominant pattern of conflict in Africa is proving resistant to the available and accepted tools of conflict management. Bob-Manuel's observations have been advanced by Uwazie,<sup>32</sup> calling for a new range of flexible and adaptable instruments that can take the more subjective, complex and deep-rooted needs and interests that underpin these conflicts into account. This is because the western method, especially the courts, has the tendency to resolve conflicts but may miss the underlying catalyst. Based on this background, it is important to state that it is only when potential and actual conflicts in Africa are understood in their social contexts, that they can be solved. Values and beliefs, fears and suspicions, interests and needs, attitudes and actions, relationships and networks have to be taken into consideration. Origins and root causes of the conflicts need to be explored, so that a shared understanding of the past and present is developed. It appears that the gradual erosion of the values that existed within the traditional African societies and the replacement of these values by foreign ones introduced systematic problems for Africans because they were unable to adapt to the new system of political power.

At this juncture, this work attempts to explore possible answers to the following questions: Are there techniques in the indigenous political cultures of Nasarawa that can contribute to the experiences needed to weather the conflict challenges? This is pertinent, more especially as we know that during the years of traditional leadership in Africa, various conflicts caused by different issues attracted various approaches to their resolution. Most conflicts and their resolution methods at that time were predominantly indigenous. Conflicts were between individuals, villages, communities or tribes who lived in the same or adjoining areas. Those who intervened were often local elders and /or tribal leaders.

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<sup>31</sup> Ineba, B-M., p. 17.

<sup>32</sup> Uwazie opt. cit. (2011) p. 5.

***The Traditional Values from Africa***

The concepts of “warp” and “weft”, which are two basic and interwoven elements, have been used from the very beginning of weaving through to date. The concepts denote that even if the most complex of designs are woven into a piece of cloth, the basic structure is formed by two interwoven sets of thread, traditionally called the warp and weft. The concepts are evident in the conflict transformation system of Africa. One of the two basic elements – the warp – is the tradition of family or neighbourhood negotiation, which is normally facilitated by elders. The other basic element – the weft - is the attitude of togetherness in the spirit of humanhood (kparakpor). “Kparakpor” is a Yoruba word for humanhood; “ubuntu” in the Zulu language of South Africa; “ujamaa” in Kiswahili denoting – a family feeling of togetherness. The concept emphasizes association and relationships, as well as a collective goal, which is peace.

***African Conflict Transformation Methods***

All over Africa, people have deeply rooted cultural commitments, and in many of the conflicts in Africa these cultural heritages play a decisive role. Family ties and community networking are constantly respected, maintained and strengthened in Africa. When there is a dispute between different parties, priority is given to restoring the relationships. During the dispute settlement, which would normally involve supporters of the disputing parties and the elders meant to talk the matters through, relationships are given prime attention. The relationships are viewed according to the past, and the tense or current conflict, and then the aim would be to improve future relationships. Indirect relationships are analyzed along with direct ones to see cross-stitching potentials. For example, if each of the disputing parties happen to be musicians, this commonality may be utilized as a converging factor. The fear of sorcery or divine punishment is also used to show what the breach of peace would bring upon the society and the conflicting parties. We now attempt to understand the conflict in Nasarawa state.

**NASARAWA STATE: THE CASE STUDY**

Nasarawa state, in the North- Central geo-political zone of Nigeria, was created on 1<sup>st</sup> October, 1996 with Lafia, a fast urbanizing town along the Northern Benue valley as its state capital. The state has an area of 27,117 square kilometers, an estimated population of 3.1 million with thirteen Local Government Areas and sixteen Development Areas. It shares a boundary with the Federal Capital Territory, Abuja. This proximity to Nigeria’s fast- growing capital has steadily guaranteed a fast-moving market for various agricultural crops and products from the state and has facilitated the pace of the state’s economic growth. However, the corresponding influx of people has put enormous pressure on the available social infrastructure. It has about 35 ethnic groups, with Christianity and Islam as the two main religions. The state has vast agricultural resources and is richly endowed with large deposits of solid mineral, such as coal (with good cooking properties), barites, limestone, kaolin, salt, and marble. Expectedly, Nasarawa state is referred to as the “Home of Solid Minerals”. Export of agricultural products to other parts of the country is a major activity that has now been broadened with regular shipment of large quantities of a special breed of yam overseas. The state’s rich natural endowments are complemented by a large reservoir of human resources. In spite of all these, the people have remained impoverished and underdeveloped. The state is one of those classified by the Federal Government as being educationally disadvantaged.

**THE CONFLICT IN NASARAWA STATE**

The euphoria that greeted the creation of the state, an expression of the dreams of the people for a state that would ensure harmony and fast-track their migration to a modern developing state, was soon to be



drowned in orgies of violence. Few months after the creation of the state, there were bloody clashes between the Igbira and Bassa in Toto local government over chiefdoms and chieftaincy.

Months later, there was another bloody and violent conflict between the Tiv and some ethnic groups in Awe, Keana, and Obi Local Governments of the state. This led to the gruesome beheading of the Sarkin Azara, Alh. Musa Ibrahim on the 12<sup>th</sup> of June, 2001. Thereafter, the first civilian Governor of the state had this to say:

...our state has been convulsed in an orgy of inter-ethnic violence. Friends and neighbours have suddenly become enemies. Men, women and children have been slaughtered in cold blood. People were not just killed; they were butchered. Movable and immovable properties of our own brothers and sisters have been destroyed or looted. Hundreds of people have been turned into hapless and hopeless displaced people in their traditional homes. This crude and senseless violence has neither rhyme nor reason. This explosion of bottled fury and frustration threatens to set us back and retard our progress in the development of the state.<sup>33</sup>

As statesmanly and grave as the above speech is, no government has systematically delved into the underlined core issue in a systematic and sustained way to reverse the conflict. Ten years on, the conflict has only grown deadlier, bloodier and threatens the existence of the state itself. Attacks and counter-attacks between the Tiv and Fulani in particular, remain regular and bloody in the state, leading to mass killings and destruction. Many villages have been ransacked and totally obliterated leading to the internal displacement of persons. Communities have had to relocate after camping in schools and churches following the aftermath of attacks and invasions. Farm produce and cattle have been rustled, destroyed and or, torched.

As a result of the foregoing, women, children and vulnerable groups have been exposed to epidemic, hunger and famine leading to deaths that have geometrically increased the yoke of child labour and prostitution. It goes without saying that sexual harassment and violence were perpetrated during these conflicts. In 2013, there was a violent clash that claimed many lives and properties. The Judicial Commission of Inquiry puts the number of people killed at 667 while properties worth over ₦2.3bn, were destroyed.<sup>34</sup>

Nasarawa state became a notorious global conflict spot, when news broke that about 74 officers and men of the Nigerian Police, as well as other security agents were killed during an operation in Alakyo village. This condemnable tragedy, was however:

only the climax of unreported killings, invasions, murders, arsons and intense bloody ethnic conflicts between and involving the Eggon, Alago, Tiv, Mighili, Mada, Gwandara, Bassa and Fulani.<sup>35</sup>

A major factor responsible for conflict in Nasarawa state is the relationship between farmers and the Fulani herdsmen who migrate largely these days as a result of climate change. Climate change effect in the far North has assumed such magnitude that the minimum vegetation cover in Katsina, Sokoto, Zamfara, Kebbi, Jigawa, Bauchi, Yobe, Maiduguri, Taraba, and Adamawa states respectively have fallen below

<sup>33</sup> Text of Broadcast by Gov. Abdullahi Adamu, on Ethnic Violence in the State, Nasarawa Broadcasting Corporation, Lafia, July 2, 2001.

<sup>34</sup> Nasarawa State Government, (2014) pp. 87, 89.

<sup>35</sup> Enna, D.M., "Resurgence of Ethnic Minority Identity through Performance". Paper presented at the African Theatre Association International Conference held in the University of Legon, Accra, Ghana 9<sup>th</sup>-12<sup>th</sup> July, 2014. p. 13.

10% as against the ideal requirement of 25% ecological cover recommended by the UNDP. Therefore, desert encroachment, as a result of climate change has affected the ecology of Northern Nigeria in terms of inadequate productive land for food and cash crops. This has caused declines in green pasture for animal grazing, and availability of water. Below is a table that captures Fulani grazers and farming communities' conflicts in the state.

#### **Selected Incidents of Fulani/Farmer Clashes in Nasarawa State, 2011-2013**

<b>S/N</b>	<b>Month/ Year</b>	<b>Place</b>	<b>Immediate Cause(s)</b>	<b>No of people killed</b>	<b>Other effects</b>
1	20-11-2011	Akpanaja, Ondori Rukubi in Doma Local Govt. Area	Trespass into Agatu, Tiv and other farms by the Fulani herdsmen	4	Houses were burnt, farm produce destroyed and people deserted their homes
2	10-2-2011	Udeni-Gida Nasarawa Local Govt. Area.	Killing of Fulani cows by AFO farmers	1	Houses and farm produce were damaged by both parties; girls were raped
3	17-4-2011	Border communities between Doma Local Govt. of Nasarawa state and Guma LGA in Benue state	Killing of the Fulani herdsmen by the Tiv community	30	Damage of property, injuries of varied degrees; population displacement
4	13-1-2012	Doka, Kwara and Ungwan Yaran mada in Keana and Doma LGAs	Fulani herdsmen alleged stealing and killing of their cows by the Tiv/ Mada/ Migili communities	10	Damage of property, population displacement
5	24-3-2012	Yelaw (Igbabo) in Ekye Dev. Area of Doma LGA	Enchroachment on Eggon farmland by the Fulani herdsmen	10	Destruction of property, people displaced
6	24-7-2012	Kotsona village in Tunga, Awe LGA	Fulani herdsmen grazing on Tiv farms in the area	About 35	Property were destroyed
7	5-1-2013	Agbashi town in Doma LGA	Chopping of a young Agatu	5 (Fulani)	Houses were destroyed in

			man's hand in his farm and rapping of women and girls in the farms by the Fulani herdsmen		Fulani camp; people were displaced
8	6-1-2013	Agbashi town in Doma LGA	Reprisal attack Fulani herdsmen over the killing of their people	16 (Agatu)	Houses and property were destroyed
9	17-3-2013	Ambane-Egga, Laddi Ende in N/ Eggon LGA	Fulani herdsmen attacked claiming reprisal for killing two of their own	5	Houses and property were destroyed
10	4-8-2013	Kuduku, Ajo Villages in Keana LGA	Reprisal for killing Fulani herdsmen for trespass	20	Houses and property were destroyed

**Source:** <sup>36</sup>

The many conflict-threatening situations in Nasarawa state are clear from the foregoing. Okoli and Atelhe,<sup>37</sup> who viewed the conflicts and their unfolding dynamics of degeneration lamented that the conflict has reached a critical threshold whereby the prospect of resolution largely appears precarious. This is because the current stage of the conflict is characterized by pathological hate and vindictive vendetta. The above picture has further exacerbated the economic hardship of the largely agrarian Nasarawa state population as agricultural activities have been in the decline due to fear of attacks. The political quest for which ethnic groups have political dominance have remained undiluted as the political atmosphere is always tensed when any decision is to be taken in the state. Our major concern is what has been or could be done to ameliorate the impending cataclysm. This is the focus of the next sub-theme.

## THE STRATEGIC UTILITY OF ADR IN NASARAWA STATE CONFLICT

In post-conflict and fragile contexts, where societal tensions are already high and justice systems typically do not function, the need for prompt resolution of disputes is particularly critical. Without timely, accessible, affordable, and trusted mechanisms to resolve differences, localized disagreements or crimes can degenerate into broader conflict. This contributes to cultures of violence and vigilante justice.<sup>38</sup> This to a great extent aptly describes the situation in Nasarawa state and Nigeria in general.

The former Chief Justice of Nigeria, Justice Modibbo Alfa Belgore, in his valedictory speech, condemned how the Presidency [under the Obasanjo's administration] picks and chooses which rulings of the court is

<sup>36</sup> Okoli, and Atelhe, op. cit.

<sup>37</sup> Ibid, p. 83.

<sup>38</sup> Uwazie, op. cit. p. 1.

convenient for it to obey.<sup>39</sup> Disregarding decisions of a sacred institution as the judiciary is dangerous for the future of Nigeria. It is a clear invitation to anarchy and the beginning of the end of the institution, which serves as the pillar of Nigeria's young democracy. This abundantly depicts how seriously the modern or conventional justice system in Nigeria is taken.

The Nasarawa state conflict has attracted the attention of the court also, but not with meaningful results. Concerted efforts by both the Federal and state Governments (though well meaning) have been unable to effectively mediate the Nasarawa crises. Two panels of inquiry have been set and the implementation of their findings appears to only ignite further conflicts. There have also been heavy security presence and semi-state of emergency declared by the state government at different times in conflict and post conflict periods. As institutions formed by political processes, political actors and stakeholders in the state have succeeded in pitching the Federal and state Governments against themselves. In this face of palpable cross-road, it is noteworthy to recall that one of the panels strongly recommended the ADR option and strategies.<sup>40</sup>

At this juncture, we propose that in promoting access to justice, a modern civil justice system should offer a variety of approaches and options to dispute resolution. Citizens should be empowered to find a satisfactory solution to their problem, which includes the option of an alternative dispute resolution or appropriate dispute resolution (ADR). Traditional mediation is effective in dealing with interpersonal or inter-community conflicts. This approach has been used at the grassroots level to settle disputes over land, water, grazing-land rights, fishing rights, marital problems, inheritance, ownership rights, murder, bride-price, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts. Grassroots mediation depends on an existing tradition of local conflict management mechanisms, even if these are currently dormant. Credible local people must be willing and empowered to undertake the role of traditional mediators to bring the Nasarawa state crisis to a peaceful end. There are cases such as those we discuss shortly which could be likened to the Nasarawa state scenario except that they have been improved with indigenous initiatives. The cases are adapted from "Indigenous Conflict Management Mechanisms", accessible through [www.creativeassociatesinternational.com](http://www.creativeassociatesinternational.com).

### ***Past Practice***

Somalis within the Horn of Africa for instance turned back to clan and subclan structures to meet basic needs, including security after the disappearance of the state and subsequent breakdown into warlordism with its dire consequences on the socio-economic and political life of the people. The re-ascendency of clan politics in Somalia, it is argued, has encouraged certain patterns of conflict. It is also to be noted that the revived traditional mechanisms have been efficacious in resolving interclan conflicts over resources and also stopping interclan killings. Lineage elders, who led smaller units within the clan, returned to prominence and the mediating authority of Akils—heads of lineage groups—was reestablished. Their functions expanded into the vacuum left by the collapse of the national government. According to an online source, a survey of traditional local structures commissioned by the UK-based NGO ACTIONAID, such structures have enabled Somalis in some areas to break the momentum of war.<sup>41</sup>

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<sup>39</sup>Supreme Court of Nigeria, 2007

<sup>40</sup> Government of Nasarawa state, (2014). p. 127.

<sup>41</sup> <http://www.creativeassociatesinternational.com/toolbox4.html>

***Peace Conferences***

In many areas, residents have achieved agreements to end fighting through local peace conferences. These peace conferences brought together and were guided by the elders of interdependent subclans. The conferences dealt with immediate concerns, made local leaders responsible for interclan fighting, and helped identify appropriate representatives for clan concerns. Once such local agreements were secured, it was possible to repeat a similar process at a higher level with a wider set of clans. These processes included a reliance on elders, lengthy oral deliberations, creation of a forum or assembly of elders, and negotiations over access to resources and payments for deaths between clans.

Clan elders-authorized peace conference agreements and other traditional leaders, politicians, military officers, religious figures, and poets have played crucial roles in the peace process. Religious figures such as sheikhs, pastors, priests and wadaads (Islamic scholars) have peacemaking responsibilities, with authority based on the esteem with which they are held as spiritual leaders. Spiritual leaders are seen as ideal, neutral arbiters who have allegiance to universal Islamic and Christian values that transcend clan loyalties. They do not settle disputes themselves, or sit in judgment; this is done by councils of elders. The responsibility of religious figures is to encourage rivals to make peace. Delegations of renowned holy men and women participated in all major peace initiatives between clans in Somaliland and if so can also effectively work in Nasarawa state. The state is abundantly blessed with traditional leaders with great wealth of experience, holy men and women of repute in traditional, Islamic and Christian religions. Thus, it is arguable that though the state is riddled with conflicts it has all it takes to be restored to its former state of tranquility, serenity and socio-economic development.

In the bid to realize this objective in Nasarawa state, involving outsiders' efforts to identify national or ethnic leaders, or convene peace conferences creates only a superficial structure instead of a process which builds on what we might term Nasarawa traditions and structures. This mistake was the case in Somaliland before the UN political affairs division belatedly shifted from its earlier concentration on a top-level national peace process for Somalia. They returned to a more bottom-up method, including efforts to establish local and regional councils.

In May 1993, elders from numerous sub-clans in the economically and strategically critical Mudug region of the central Somali rangelands undertook a peace initiative. UNOSOM was not involved and chose not to recognize or support the conference, fearing that General Aidid had hijacked the process. The conference involved community and religious leaders, businessmen, students, and factional representatives and produced a largely successful ceasefire. The agreement involved the return of property, the withdrawal of militias, and the opening of roads. After over six months, a national (Somaliland) peace charter was agreed upon, and basic provisions for law and order were formulated.

Other examples of this process were implemented in the northwestern region, known as Somaliland, which seceded from Somalia in 1991. All clans in Somaliland and some of the large sub-clans, as of late 1993, had their own Supreme Council of Elders, known as "guurti".

Two elders' conferences in Boraama and Sanaag brought together communities and their leaders from northern Somalia in early 1993 to address conflicts in those areas. The Boraama conference created a national security framework for Somaliland, developed an interim constitutional structure, and facilitated a peaceful change in government. The Sanaag conference managed to keep the peace in Erigavo at least two years despite major external pressures.



John Lederach<sup>42</sup> identifies ingredients that were critical to the success of the Boraama meetings: a series of local clan meetings preceded the conference, the meetings were initiated and conducted by clan elders, and the process was rooted in the place of conflict. The Boraama conference cost roughly \$100,000 for five months, a minute fraction of the weekly cost of the UN's mediation efforts in Mogadishu, Nairobi and Addis. The Boraama conference received international support, as did the follow up conference in the Sanaag region. However, most other successful clan conferences in the north were financed by the community.

### ***The case of Sudan***

**The Ikotos Conference.** The Eastern Equatoria province of southern Sudan is a melting pot of ethnicity, including the Lotuko, Didinga, Boya and Toposa. Historically, cattle rustling is endemic in the region and goes beyond Sudan's borders into Kenya and Ethiopia. Intercommunal conflict had increased in the Lotuko areas following the SPLA split in 1991. This has also led to constant clashes for control of certain areas, the rise of banditry and large-scale cattle raiding. In response, the two major Christian churches of the region, the Catholic and African Inland Church, joined together to write a Pastoral Letter which was read during Christmas ceremonies in 1994. The Letter emphasized the local Lotuko concept of "emwara" (reconciliation). Leaders of the Catholic Diocese of Torit began visiting villages to discuss the "emwara" concept. In January 1995 the Diocese hosted a peace conference in Ikotos, involving roughly 7,000 participants, including chiefs, teachers, youths, and SPLA leaders and members. The conference resolved many issues. For instance, escalating dowry prices were a reason for increased cattle rustling, so the conferees agreed to reduce the dowry from thirty to ten cows. Those caught raiding would be fined double their take. Compensation for wrongful death was set at 22 cows. Traveling outside one's home village with guns was disallowed, with confiscation of the weapon the penalty. Soldiers would not be allowed to visit villages without specific orders from their commander. As of mid-1995, the agreement was holding for the most part.

**The Akobo Conference.** The Akobo Peace Conference was called to address serious intra-tribal fighting between the Jikany and Lau sections of the Nuer in Eastern Upper Nile, Southern Sudan. The Akobo Conference followed a tradition of conferences which from the 1940s codified and subsequently modified Nuer traditional law. The conferences served to maintain Nuer culture and steer the community's response to new challenges. The Conference sought agreement over the use of resources which had been the cause of violence. Pasture land, water, and fishing areas all had been subjects of conflict because the civil war had cut off traditional grazing and fishing areas for many Nuer. Squeezed onto shrinking lands, access to resources had become an increasingly troublesome process as more communities fought over a steadily reduced pool of resources. It set forth provisions regarding sharing water, grazing lands, fishing points and the maintenance of peace and security. Any violator of the agreement was to be apprehended. The covenant was sealed by the sacrifice of two bulls, rituals conducted to demonstrate divine support, and violators were cursed.

What the above conference sets out to discuss were not quite different from the causes of conflict in Nasarawa state. Okoli and Atelhe, analyzed the conflict from the political ecology perspective.<sup>43</sup>

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<sup>42</sup> Lederach, J. P., *Building peace-Sustainable Reconciliation in Divided Societies*. Tokyo: United Nations University Press, 1994.

<sup>43</sup> Okoli and Atelhe, op. cit.

## SUMMARY AND CONCLUSION

The overall idea that gave birth to this work is the need to redirect the state from a culture of violence to a culture of negotiation towards sustainable empowerment and development. This calls for possible alteration of power or elite structure within the state which has always rendered all efforts towards resolving this conflict abortive. The political and local power elites have severally hijacked any process geared towards resolving the lingering conflict. The change of structure as advocated by this work involves a lot of enlightenment and civic awareness with specific focus on gender issues, the youth, and the disadvantaged groups who must change their myopic or utopic values for reality. The situation is so dire that prompting the extreme which entails allowing leadership from bottom-up in the peace process will equally be modest so long as it allows peace to return. It is time to let the masses evaluate and reevaluate their relationship and contract with their political and local leaders. This paper strongly recommends the ADR option for the Nasarawa State endemic and deep-rooted conflict.

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