

## **Justice System and Conflict Control Mechanism among Esan People of Edo State, Nigeria**

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### **Abstract**

Conflict is inevitable in human relationships and society; it breeds bad blood, rancour, and acrimony. However, traditional African communities evolved strategies to ensure peaceful coexistence using traditional conflict resolution mechanisms that accounted for the peace and equanimity experienced by our forebears. The Britain subjugation of Nigerians and the introduction of Western-style justice system truncated the harmonious relationship that hitherto characterized Nigeria communities and led to the erosion of core Africa values. This paper asserts that the neglect of African culture and the justice system it espoused is responsible for soaring crime rate, disregard for values and sanctity of life in contemporary Nigeria. The work advocates a legal framework that integrates traditional justice system with its modern counterpart to deepen conflict resolution and strengthen the justice mechanism in the country.

### **Introduction**

Recourse to elinmin-ancestors dominates the cultural space of *Esan* People. This practice is as old as the people. Which means it predates colonialism. Through the ancestors, *Esan* people are able to checkmate all forms of carelessness in their domain, manage disputes and resolves conflicts effectively within family cycle and in their various communities. The ancestors are invisible but are active; they are impartial in their adjudication of justice. The truth can never be hidden from their ever-vigilant eyes. A Careful observation shows that they reveal and pass judgment on the most secret of crime. A good example is the act of adultery, the use of the power of witchcraft to inflict injury or to cause havoc on others in the community, as a matter of fact, the fallout from colonialism was the introduction of the British legal system that substituted core Africa Justice system, which the westerners described as barbaric, inhuman and uncivilized. There after Africa core values were tactically eroded. This in effect has led to the soaring of all types of criminality in the society. Sadly, the western justice system is galvanized with ambiguities, partiality and inconsistencies in the process of justice delivery. It is generally characterized with black market judgment, the elite's syndrome and the Nigeria factor. These negative factors have pervaded our entire legal system and has carefully created a lacuna for the guilty to escape the wrath of the law. While the innocent suffers unjustly for crime they never committed. Thus, our correctional centers have turned into warehouses for innocent Nigerians. This ought not to be. The judiciary is the nation's super structure. It is supposed to be the last hope of the common man. The law should be a two-edge sword, impartial, fearless and fair in adjudication, it is only by so doing that its original purpose can truly be accentuated. Dramatically, the reverse is the case in contemporary Nigeria. The current justice system has so deteriorated that the maxim, equality before the law appears to be honored more in breach than in its observation (Nwachukwu, Alala and Olua 2019), which implies that in Nigeria today. The judicial system has a lot of short comings, it is easily manipulated to favour the bourgeoisie at the detriment of the proletariats i.e., the downtrodden, who are usually not buoyant enough to pay for the services a lawyer to represent them in a court of competent jurisdiction.

### **General view and causes of conflict in the society.**

Conflict arises as a result of contestation in relation to personal or group interest, it could also be when one party perceives that one or more goals or purposes or means of achieving a goal or preference is being threatened by the activities of one or more parties (Cosser: 1959:8). In a

related development, Igwe asserted that conflict is the destructive, unwarranted actions of a group (Okpalaobi: 2014:38). The opposite group or individual will act on the contrary to defend their/his interest. Hence conflict. Ross Stagner posited that, conflict could be caused by frustration in a relationship or in a group interaction. However, it could be agreed that frustration spur individual or group of individuals to behave aggressively. This could make another set of people to react. This counter reaction could result to conflict.

Empirically, conflict could be birthed from a strain in human relationship. This could be individualistic, collective or even at the level of super state structure. Conflicts have the potential to slow down socio-political-economic development of a country.

The mono economic nature of Nigeria creates room for people to divert state resources for personal use, which leads to corruption that snowball into unemployment, dilapidated infrastructure, industrial unrest. Thus, the government could initiate repressive and insensitive policies to mitigate the situation. This again left much to be desire, as it could further aggravate a conflict situation.

Significantly, conflict could arise when the government is careless or are insensitive to the plight of Indigenous people that are endowed with abundant natural resources. The people could be agitated and even clamour to have control over the resources that is naturally deposited in their domain. Government refusal will lead to chaos and conflict. Example is the Niger-Delta agitation for resource control.

Conflict could be caused by political manipulation of the masses, usually by political gladiators. This could be instigated by rigging, use of thug, snatching of ballot boxes, falsification of election results, double registration and most recently, vote buying.

Notwithstanding the above, ethno-religion and religious extremism could fuel conflict in a country, an instance is the brutal murder of Deborah Daniel Yakubu, a 200 level, Home Economics Student of Shehu Shagari College of Education Sokoto (Adebayo: 2022). As well as the gruesome murder of 40 people and injuring more than 80 others, in Saint Francis Catholic Church Owo, on the 5<sup>th</sup> of June 2022. These killings could spark reprisal attack that is capable of plunging the country into unimaginable crisis.

Again, conflict situation in Nigeria gave rise to the emergence of ethnic agitation, which snowballs into the formation of various groups of ethnic militias. These have complicated Nigeria political landscape. Some of these militia groups are demanding for equitable distribution of resources and opportunities, such as political power, economic resources and even sovereignty (Okpalaobi: 2014:40). Adejumbi claimed that these groups were fueled by marginalization, unemployment, corruption in high places, police brutality, lack of trust in the law enforcement agencies, as well as a holistic dissatisfaction with the structure of the Nigeria State (Adejumbi: 2002). Examples of these militia groups in Nigeria, includes *Odua* People's Congress (OPC), an arm of *Afenifere*, a Pan Yoruba socio-cultural group that was forceful in the agitation against the annulment of June 12<sup>th</sup>, 1993, general election, which was purportedly won by M.K.O Abiola. Their influence is majorly felt in Nigeria South-Western states. In the South-East, we have the movement for the actualization of sovereign state of *Biafra* (MASSOB) headed by chief Raph Uwazurike. It was established in the year 2000. *Ohanaeze Ndigbo*, Indigenous People of *Biafra* (IPOB) and *Igbo* People's Congress (IPC), that was formed in 1999. In Northern Nigeria, there is the *Arewa* People's Congress, which appears to have been formed to checkmate the incessant attack launched against Hausa/Fulani population in western Nigeria by OPC. Another powerful group in the North is Northern Elders Forum. In

the South-South geo-political zone, there are the *Egbesu* boys formed in 1989, Movement for the survival of *Ogoni* People (MOSOP). The *Ijaw* National Congress (INC), Pan Niger-Delta Forum (PANDEF), coalition of *Urhobo* Youths (CUY). While the Middle belt Geo-political zone have the Coalition of the Movement for the Liberation of the Middle Belt (CMLMB).

Conflict can be witnessed in group relationship, socio-cycle, corporate organization, marriages and family cycle etc. There will always be conflict among humans. The ability to manage it makes the difference. Moreover, conflict management techniques differentiate man from animal.

### **Methods/Management of Conflicts by Africans in their Cultural setting and needs for conflicts Resolution.**

**Mediation:** It is characterized with high level secrecy, completely devoid of coercion, but achieves its objectives through a third-party persuasion, aimed at the restoration of conflict. This is majorly associated with traditional societies. The guilty and other party or parties in a conflict is often blamed. The third party is often an elder with impeccable character and sterling qualities, full of experience and wisdom. He must hail from the community of the personalities that are involved in a conflict situation. The role of the third party includes pushing parties in a conflict to tell the truth, assesses report, make reasonable suggestions to the parties, states the rules, societal norms and re-echo the arrangement already put in place for the resolution of conflict. (Bright, 2001:8-11).

**Adjudication:** This involves a meeting, comprising all disputants in a conflict. They usually gathered in the compound of *Omo odion*-head of family quarters or palace court. The process enables conflict to be resolved through dialogical dialogue (Olaoba, 2005). The tool of cross examination is easily deployed. The process promotes consensus building, as well as the re-enactment of acceptable social norm. Thus, *Esan* people hold that: *Irunnu otoupkia guezor*-You should not judge a case after listening to one person or a group. The system must be balance and there should be no compromise.

**Reconciliation:** This occurs after the disputants must have been convinced to allow peace to reign in their domain. Under this arrangement acceptance of olive branch usually ends dispute. This is often based on the platform of give a little and gets a little, which means disputing parties must try to shift ground, afterwards a mini party is organized to celebrate the compromised or settlement reached by the parties. The process is championed by an influential member of the community, who has the acumen and integrity to seal an agreement between the disputants (Ajayi & Buhari: 2014). This method is the most viable and fundamental conflict resolution method in traditional societies.

**Negotiation:** It has to do with recovery of a social deviant to the right place in the society or family. The process enhances peace and communal integration. It is the imputation of value consensus and communal cohesion, so that the management of conflict could favour the parties involved in a conflict (Ajayi & Buhari: 2014). Among *Esan* people the steps taken to resolve conflict, usually creates room for social interaction, which makes negotiation a reality for achieving this objective; apology is tendered to the offended/aggrieved. The entire process is presided over by a respected elder, head of family or a highly placed individual in the family or community.

### **Conflict resolution creates room for the following:**

- Peace and harmony in the society\family.

- It deepens relationship among individuals in the society and strengthen bond between occupants of communities/society/family.
- The resolution of conflict in the society gives credence to the relevance of the position of the elders.
- Resolution of conflict heals the wounds of members of the society/communities/family.
- Resolution of conflict prevents wanton destruction of lives and properties, genocide or fratricide. For example, *Ife-Modakeke*, *Hutu-Tutsi* of Burundi and Rwanda (Punier,1995)
- Conflict resolution bridges gaps and foster understanding among people in the Communities/society/family.
- Conflicts are sometimes resolved among *Esan* people through the invocation of divinities like *Avan*-the god of thunder, *Idigun*-the god of Iron, *Otor*-the god of the earth etc. Oaths are sometimes taken in ancestral shrine. This shows the relevance or the importance of African culture in the resolution of conflict.

### **Judicial Setting among Esan people**

*Esan* people occupy *Edo* central senatorial district. It comprises five local government area, which includes *Esan West*, *Esan Central*, *Esan North-East*, *Esan South- East* and *Igueben*. *Esan* is an *Edo*-subgroup that is believed to manifest the closest cultural and linguistic affinity with the *Benin* people of the state (Oseghale, 2003:1). The administration of a community among *Esan* people revolves around the *Onojie*-king who resides at *Eguare*-capital. He ruled his people in conjunction with these chiefs the *Oniha*, *Iyasele*, and *Ezomon*. While the *Ekhaemon*- tittle chief acts as the go between in the relationship between the various villages and the king. Meanwhile, the village administration is the responsibility of the council of elders, headed by the *Odionwele*-village head, usually the eldest in the community. the *Ekhamon* could leverage on their relationship with the King to loot and humiliate the *Odionwele*- village head (Okojie, 1960:85). However, the King control the Whole district, maintain relationship with neighboring communities, collect revenue, train and maintain the military, adjudicate justice as it pertains to capital offences, such as murder, stealing, adultery with the King's wife etc. The villages through the council of *Edion*-elders, see to their internal affairs. In the traditional setting, the executive and judicial powers are vested on the King. Thus, he was only checked by his conscience. The only group that was nearly as supreme as the King was the *Inotu*, whose strength lies in their unity. They could stage trials, punish, loot or sell an accused into slavery. This is usually after fair trial (Okojie, 1960: 85-86). It was painful that an autocratic King usually misuses his authority and power. He reigns above the law, none of his subject dare oppose his decision. Other villages pay tributes to the Him. However, he is currently confirmed to the law of the land. Today, he is a mere symbol of the traditional institution that helps to maintain peace, order, uphold and interpret the culture of his people.

### **The implication of traditional judicial system to modern society**

Some greedy elders in *Idumabi-Irrua* started abusing the imposition of fine to elicit compliance, by asking a guilty person to pay as much as eighty to one hundred thousand naira for a minor offence, some people in the community summoned courage and reported the case to the king of *Irrua*, the king assembled *Idumabi* elders in his parlance and interrogated them, the culprits were asked to sit on the floor, they were later cautioned to desist from such act. The intervention of the king resolved the growing tension between the elders and the people of the community.

The implication of this for the larger society is that once there is conflict, the parties involved should endeavor to listen to those that voluntarily decided to mediate. These mediators could help to resolve conflicts that could have generated tension and disturbance of the peace in the

society. However, the warring parties must also be ready to let peace reign. When this is done a lot of problems would be settled and the society will be a better place to live. This process will help to sustain relationship among people in the society, unlike the court that recommend imprisonment for one party while the other will go home, after the jail term, relationship between the parties would have been destroyed forever, Thus, the western legal system is characterized with 'a winner-takes-it-all' while the traditional judicial system is laced with 'give-a-little-get-a-little'.(Olukayode, 1997;3). Which means relationship among people can still be maintained after the resolution of conflict in the traditional sitting. The relationship could be of immense benefit to the parties in the future. This is a fundamental difference in the resolution of conflict in the modern and traditional sittings.

### **Conclusion and, Recommendations**

Traditional system of justice administration practiced by the *Esan* people of Edo state is still viable and relevant today. Modern judicial practitioners can under study the traditional judicial systems, tap from its vitality and introduce same to modern justice administration; this will surely enhance and strengthen justice delivery in Nigeria. It will serve as a needed impetus to current judicial system, because the present system with its provision to settle a wide range of issues, is bed wetted with so many short comings, like judicial technicalities, use of money to induce judgment, adjournment, delay judgment, corruption, inconsistencies, all these are attributed to the infusion of the 'Nigeria factor' which is accentuated through the maxim that 'equality before the law appears to be honored more in breach than in its observation' is now a visible feature of Nigeria judicial system, which resulted into 'black market justice system' that has aided the miscarriage of justice, unnecessary administrative bureaucratic bottleneck, manipulation of the judicial system and so on. These factors have spur money bags to commit crime and walk freely on the streets, while the innocent languish in jail for a crime they never committed. Thus, Nigeria correctional services are unjustly, warehousing those that are expected to be considered innocent by the law of the land. Functionally, the harmonization of a 'euro-afro-centric judicial system, will restore the much-needed public confidence on Nigeria Judicial system, because it will serve as a parameter that will bring about the equality of all before the law.

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