



Negotiation and Mediation as Method of Conflict Resolution: A Study of Akataka-Ekpa-Omaka and Omege-Echara Ikwo, Ebonyi State, Nigeria

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Abstract

This study investigated the process of negotiation and mediation as an alternative dispute resolution. It focuses on the implication of corruption to Land Dispute Resolution in Akataka-Ekpa-Omaka and Omege-Echara, Ikwo. Negotiation and mediation have played very significant roles in peace building in the globe, particularly in the developing countries such as Nigeria. Unarguably, the trend is reversing as a result of corrupt practices arising from the stakeholders of conflict resolution. It is against this backdrop that, the study examined the nexus between corruption and negotiation/mediation as an alternative dispute resolution in resolving Land Dispute. The data used for this study were gathered from both the primary and secondary sources. The primary sources include; questionnaire and observation, while secondary sources include; internet, journals, textbooks, magazines etc. The narrative and trend analytical techniques were also employed in the qualitative data analysis. While descriptive analytical technique tools such as tables, percentages, and histograms were also used. The theoretical frameworks used for the study are structural functionalism and social conflict theory. The study averred that corruption is an evil wind that blows no one any good as it distorts the peoples traditional and cultural values, and ignites further land conflicts. The outcome of corrupt practices is that, it results to community economic woe, leadership tussle and loss of lives and property. The study recommended among other things that neutrality of stakeholders in the constitution of peace committees and ex-communication of defaulters of land corrupt practices in various communities shall serve as a deterrent to others.

Keywords: Negotiation, Mediation, Alternative Dispute Resolution, Land Dispute and Corruption.

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Introduction

Land, as one of the major sources of production, is always the centre of most disputes in Nigeria and Ebonyi State in particular (Nwolise, 2005). The struggles for land ownership have cost the people of Akataka Akpa-Omaka/Omege Echara villages in Ikwo, Ebonyi State huge human and material resources for over 61 years. The two sister villages (Akataka Akpa-Omaka/Omege Echara) co-existed for a very long period of time without land problem and lived close to the South-Eastern Bank of Ikwo, Ebonyi River in Ebonyi State that has boundary with Cross-River State. These two villages originated from the same ancestral descendant called *Noyo*, the father of Ikwo (Eze, 2011).

The land in contention is a vast area that stretches from Obubra road to the river bank east wards. The Inyimagu people in the area occupied the longest region of the land along the bank of the river from Akataka Inyimagu through Akahu Inyimagu to a village called Oforekpe. The two villages (Akataka Akpa-Omaka and Omege Echara) have not refuted the claim of ownership of the bank of the river by the Inyimagu people. In the area, neither the people of Akataka Akpa-Omaka nor Omege Echara lived to the river called *Enyimu*. (Aloh, 2009). This proves the saying in the Ikwo local parlance that only *Mgbubu* people among the five principal communities in Ikwo, drinks water directly from the river (*Enyimu*).

Ebonyi State, since 1999 has witnessed an increase in inter-communal land disputes for example, Agila/Ngbo, Ishiagu Ivo/Lokpanta Umunochi, Ochieniym-Amaga/Adadama in Cross-River. Ishinkwo/Abaomege, Benue/Ebonyi etc. The five principal communities in Ikwo namely: Umuaka, Mgbabu, Okpiutumo, Alike and Echara have all witnessed inter-communal land disputes with other communities at different times of the area show that there are numerous inter/intra-village land disputes both resolved and unresolved.

The resolved communal land disputes in Ikwo include: Orona Amagu/Amagu, Inyimagu/Igbudu, Inyimagu/Akataka-Ekpa-Omaka, Amagwuru/UmuAwoke, Inyimagu/Amaore IbomEzeke, Ndiagu-Ocheinyim/Opkiutumo, Abi/Ikwo, Obubra/Ikwo, Inyimagu/Nsuobo-Bikobiko, Ohatekwe/Ndufu Umota Enyigba/Noyo and Enyibuchiri/Obubra. The unresolved land disputes include: Ocheinyim/Amagu,



Ikwo/Adadama Cross River, Akataka Ekpa-Omaka/Akataka-Omege Echara, and Enyigba Izzi/Enyibuchiri Alike etc.

The people of Ekpa-Omaka/Akataka-Omege Echara falls among unresolved land dispute in the area. The two villages, since 1960 have been into litigations upon litigations. The verdicts of the oath and covenant administered by elders of the two villages in 1960 favored Ekpa-Omaka village but were rejected by the Omege Echara people in 1961 (Araka, 1974). The vehement rejection by the Omege Echara people resulted in the challenge of the verdicts from county court to magistrate court and finally to the appeal court in 1975, until 1980 when it was ruled in favour of Omege Echara village (Araka, 1980). The people of Akataka Ekpa-Omaka felt very aggrieved by the judgment of the court that ceded the land to Omege Echara village and filed an appeal in 1981 to challenge the judgment (Elom, 1982).

The last straw that broke the camel's back was the claims and counter-claims in 1961 of the rightful owner of the part of the land called *Uda Ofom* (fertile swamp) which is in contention. The bone of contention was that Omege Echara people have not been able to defend their claims that they gave the land originally to the Akataka Ekpa-Omaka people which was their reason for insisting that the land must return back to them (Elom, 1982). The area had no access road; the road that stretched from Ngamgbo Uguru Atuma to the *Enyimu* River was single handedly constructed by Akataka Ekpa-Omaka not as a boundary but a route which Akataka people use to go to their ancestral home in a place called *Nchonu* in Ikwo (Aloh, 2009, Nwigberi, 2008).

The fraternal relationship existing among the people of the area was distorted by unending acrimonious struggle for ownership of the piece of land. These villages were engulfed by physical fighting for ownership and possession of the ancestral land. The tussle, since 1961, has led to loss of lives and property worth millions of naira in the area. The dispute witnesses the use of crude local weapons and arms such as: cutlasses, sticks, cudgels, though with minimal casualties. Their actions and inactions continued unabated, hence, widening the gaps between the two villages. The rancor was fully blown out in 2007/08 with more destructions of property worth millions of naira, and losses of innocent lives, which critically hampered the socio-economic development and



growth in the area. The land in question was originally occupied by Aborigines called *Okum* people known as immigrants with expanded population that lived beyond the Ebonyi Riverside.

The original occupants were driven out by warlords from Akataka-Ekpa-Omaka/Omege Echara villages. The state, local government and communities in an effort to protect lives and property, promote peace building and eschew violence applied various alternative dispute resolution mechanisms such as negotiation and mediation to resolve the land dispute but to no avail. Firstly, negotiation where the concerned people with interests in the case intervened severally but, the two parties failed to agree on the true boundary and true ownership of the land.

Secondly, the use of mediators, where the third party was involved, but the land conflict continued unabated. The state and local governments set peace panels, Gov. Elechi set a peace panel in 2008, but the committee failed to resolve the conflict. The membership of the committee comprises; clergymen, traditional rulers, Ozo title holders, elders, Academia and Politicians and other stakeholders but to no avail. The members of the two communities pointed accusing fingers on the peace committee and some of the land witnesses selected in the two communities as saboteurs because of corrupt practices. To achieve the set objective, the study is sub-divided into six major parts namely; Introduction, Conceptualisation, Theoretical Framework, Methodology, Data Presentation and Analysis, and Recommendations.

Research Questions

1. Is bribery responsible to the failure of negotiation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.
2. Do corruption contribute to the failure of mediation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.



Objectives of the Study

1. To examine how bribery is responsible for the failure of negotiation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.
2. \to x-ray how corruption contributes to the failure of mediation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.

Research Hypotheses

1. Bribery is responsible for the failure of negotiation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.
2. Corruption contributes to the failure of mediation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.

Conceptual Elucidation

Mediation

There is no universal accepted definition of mediation; it varies according to author's socio-cultural background and field of study (Adeola, 2015, Banaji 1979). Mediation is as old as the society. Goldberg, Sander and Rogers(1992, p.6)define“mediation as an assisted and facilitated negotiation carried out by a third party”. Chong &Zin 2012, (p. 430) defines, “mediation as an Alternative Dispute Resolution (ADR) method in which a neutral third party, known as the mediator, seeks to resolve a dispute between the parties in conflict”. Brown & Marriot, (1993, p. 291) note that, “it is used in other sectors of the economy which include: commercial, family, interpersonal, civil, labour, community, complex public disputes, environmental cases and other disputes in the society”.

The definitions above are pointing at two issues about mediation, that is, third partyand sectors that make use of it. The issue of third party differentiated mediation from negotiation, the parties concerned is in agreement and willing to assist in reaching a settlement of the dispute. The mediator or mediators when agreement is finally reached provide the parties with an evidence of written agreement that is legally binding after



endorsing by parties concerned (Ramsden, 2009). Chong & Zin (2012) and Bollen, Euwema & Muller (2010) are of the opinion that for mediation to succeed, it depends largely on fairness with the cooperation of the parties during the mediation process.

Therefore, mediation is a process of using a neutral person called third party to resolve a dispute without settling the dispute in the court. It is an alternative to the litigation in the court. The outcome of the result of the settlement is theirs which make them happier (Davis,1994).The parties may seek for the assistance of lawyer for the preparation of the proposed facts and issues, if the person deemed it necessary. The method of mediation is used domestically and globally to resolve conflicts.

The scholars view in the conceptualization of mediation did not factor the fact that many of the mediators are bias during proffering solutions that invalidate their neutrality as a result of sharp practices called corruption. The corrupt practices weaken their positions which further ignite conflicts in many communities.

Features of Mediation

- Promotes communication and cooperation
- Provides a basis for you to resolve disputes on your own
- Voluntary, informal and flexible
- Private and confidential, avoiding public disclosure of personal or business problems
- Can reduce hostility and preserve ongoing relationships
- Allows you to avoid the uncertainty, time, cost and stress of going to trial
- Allows you to make mutually acceptable agreements tailored to meet your needs
- Can result in a win-win solution

Negotiation

Negotiation is one of the type of Alternative Dispute Resolution methods and most commonly used. Scholar such as Chong & Zin (2012) argue that negotiation is the most commonly used Alternative Dispute Resolution method for resolving disputes. They affirm that the method is informal and used as a preventive measure to avoid completely



fledged disputes between incompatible parties. Adding his voice in this direction Wang (2000) insists that the simplest way of settling disputes is by means of negotiation. He as well argues that negotiation created opportunity for parties concerned to know the strengths and weaknesses of their own cases themselves (Chong & Zin, 2012).

Fisher, Ury & Patton (1991, p.6) define negotiation as “a basic means of getting what you want from others”. This assertion is supported by Ramsden (2009, p.2) who says “it is a process whereby parties attempt to reach a settlement without involving an independent third party”. The important virtue of negotiation in Alternative Dispute Resolution made it a key to other types of Alternative Dispute Resolution. It is found in other Alternative Dispute Resolution such as mediation and conciliation being a technique general used for reaching an understanding which is mutually acceptable for the parties involved.

Therefore, mediation and conciliation involved the tool of negotiation. It refers to the process where one of the parties sits down with the other party in a dispute to discuss and agree with the outcomes. It also means to bargain and confer to the main purpose of mutual agreement. Zăpârțan (2007) buttresses further that negotiation as a tool for dispute settlement is used to designate a way of achieving good relationship. He further asserts that through the means of discussions, and exchange of opinions, ideas, and values, settlement of dispute is achieved as opposed to conflict and violence in the process.

Thuderoz (2002, p.12) concludes that negotiation has “natural biological roots in the relations between subjects, because it is a way by which persons manage disputes and search, by means of dialogue, solutions which express a mutual agreement”. Goldberg, Sander, and Rogers (1992, p.6) align to this assertion when they define negotiation as communication for the purpose of persuasion, “Negotiation is a process in which parties to a dispute discuss possible outcomes directly with each other. Parties exchange proposals and demands, make arguments, and continue the discussion until a solution is reached, or an impasse declared”. Negotiation means that the parties involved in dispute make efforts to resolve the dispute without the intervention of the third party. The lawyer of the parties may negotiate for the interest of their parties’ interest or through the



personal relationship (Taiwo, 1997). It has two strategies, namely competitive and collaborative negotiation. Competitive negotiation means win-lose strategy. It is an attempt to make your opponent agree in your position. In this process your opponent sees your victory as a loss to him/her. It is adopted when the party that wins shall not have future dealing with the loser.

Collaborative negotiation is also a problem solving strategy. The two parties focus on achieving solution that is acceptable to them. It is used when the two parties are willing to work together and also have dealings in the near future. Negotiation is mostly used in settling trade and labour disputes, commercial agreements and post-divorce settlements. Put differently, negotiation is the mother of other alternative dispute resolution as it forms the bedrock of other dispute resolution mechanisms with the willingness of the concern parties to work and reason together to achieve result.

Approaches to negotiation

Ury et al. (1993) state that there are three approaches to resolving dispute with negotiation, each with a different orientation and focus. These include: interest-based, rights-based, and power-based approaches which result in different outcomes. The three approaches are reviewed below for further clear understanding:

Interest-based negotiation

Interest-based negotiation approach is when the negotiators shift the focus of the discussion of incompatibility of warring parties from positions to interests to enable them resolves the dispute. The shift becomes necessary as a result of the fact that there are many interests underlying any of the position, the difficulty associated with the position makes the negotiators to opt for a discussion based on interests. This shift will not only open up a range of possibilities but create a series of options to resolve the dispute between the parties. The positions when difficult to reconcile, lead to a dead end of the matter. The available option is to make use of dialogue on interest which must be transparent to the parties in order to arrive at an agreement that will satisfy the needs and interests of the parties. Even though, interest-based negotiations pose the potentials of



leading to the best outcomes in reconciliation of dispute between incompatible parties, the parties may still disagree on certain outcomes.

Rights-based negotiation

Rights based negotiation approach. The failure of interest-based negotiation approach between parties' results in the adoption of rights based negotiation approach or power base approach. The rights-based negotiation enables the parties involve to resort to what they considered as their rights by appealing to the court (local, national, or international). In this situation, a legal process of law becomes dominant feature of the procedure to resolve the dispute.

Power-based negotiation

The process of resolving dispute between in compatible parties when it resort to threat or even violence as a way of communication for the purpose of persuasion is called power-based approach. It is pertinent to note that rights-based and power-based approaches are used when parties are not willing to resolve their differences through interest-based approach.

However, despite views of some scholars on relevance of negotiation on resolving disputes in the society, negotiation in some cases does not always guarantee success when attempting to settle disputes between incompatible parties. Pretorius (1993) supporting this assertion, attributed the failure of negotiation to resolve some disputes as a result of lack of knowledge and parties concerned being too subjective and also emotionally involved to make rational decisions in the process.

The scholars did not take into cognizance the fact that the failure or success of negotiation depends largely on the peoples knowledge, degree of awareness of negotiation as a mechanism of conflict resolution which differs in various communities of developing and developed world.



Empirical Review

Corruption and Negotiation/ Mediation as a Method of Conflict Resolution

Nwazi (2017) Assessing the Efficacy of Alternative Dispute Resolution (ADR) in the settlement of environmental disputes in the Niger Delta Region of Nigeria using qualitative method of data collection and content analyses. The study is worried that the court which is supposed to be the last hope of the common man has failed to live up to expectation in environmental issues thus, the option of ADR as a better alternative for conflict resolution mechanism. The study averred that ADR enhances public' confidence over litigation, lamented at the problems associated with court conflict resolution, even though ADR is not without its problems. The study recommends that including the ADR in the University Curriculum and making mandatory for every profession to have the background knowledge of ADR will it stronger over litigation in the court. Although, the study supports the relevance of ADR over litigation, the problematic on the side of conflict of interests was not addressed, and there is no theoretical framework that anchored the work. In related a study, Nwankwo, Obikeze and Akam (2012) on alternative dispute resolution the psychological facilitators. The study after enumerating the motive and reasons for the choice of alternative dispute resolution mechanisms using secondary method of data collection and content analysis discover that the subject matter of the dispute include; urgency, finance, consequences, methodology, parties and relationship. These often constitute basic influencing determinants of the choice of choosing alternative dispute resolution in resolving and managing dispute. People choose the option because it is flexible, convenient, adaptive cheap, dignity protecting, less time and consuming friendly and so on.



Oji and Nwoba (2014) writing on Communal Disputes in Nigeria: An Examination of Ezillo and Ezza-Ezillo Dispute of Ebonyi State, (1982-2012). The study was carried out with a view to establishing the range of issues involved in the protracted character of the fifty-two (56) year Ezillo-Ezza-Ezillo Communal dispute. The study also underlined the systemic and overlapping cyclical nature of the dispute in terms of its causes.

The study employed quantitative method and uses Marxist and pluralism theories as a theoretical framework of argument. The study after investigation discovered that to establish the hostile relation usually inherent in societies is driven by differences ownership of material resources, existence of groups and subgroups in the society. It also unveiled issues such as indigenship, land ownership, cultural denigration, competition for resources and government measures for resolving and managing the disputes accounted for the violent dispute. The study discovers that the government interest in the dispute accounted for the failure of the mechanisms applied.

The study did not take into cognizance that the nature of the communal dispute in Ezillo and Ezza-Ezillo Dispute of Ebonyi State demanded the collection of data with instrumentalities of questionnaire and Focus Group Discussion. This method will enable the researchers to get more information from respondents that have cognate experiences to complement data from content analysis. The study did not recognize that the corrupt nature of Nigeria system also affected the land dispute.



Theoretical Framework

The theoretical frameworks that anchored this study are structural functionalism model and social conflict theory. The structural functionalism is associated with the works of Spencer (1903); Durkheim (1917); Parsons(1951); Turner and Maryanski (1979) and Wallace and Wolf (1999). The central proposition of this theoretical perspective is that the society is a complex system of interrelated parts working together to maintain stability(Parsons 1951; Turner and Maryanski 1979).It is the study of the social structure through organic analogy anchored on evolutionary laws (Spencer, 1898).

In this context, the various parts of human organs in the body such as head, leg, mouth, ear, fingers, stomach, and blood etc which work together to keep the entire body system functioning and regulated, in the same vein, the functioning of the body system is equated withthe system of society(the economy, the polity, health care, education, etc.) which work together to keep the entire society functioning and regulated. Spencernot Charles Darwin, discovered the similarities in the body and the system, and coined the term, “survival of the fittest” (Stolley, 2005).

The central prepositions of structural functionalism are; (1) a social system’s parts are functioning interdependently; (2) the system has a “normal” healthy state of equilibrium, analogous to a healthy body; and (3) when disturbed, the system parts reorganise and readjust to bring the system back to a state of equilibrium (Wallace and Wolf 1999). The proponents of structural functionalism maintain that any changes that occur in the society are structured in the evolutionary ways. They argue that the society not only influences human actions but something exists beyond the individuals. They further affirm that laws, values, morals, religious beliefs, customs, fashions, rituals, and the myriad cultural and social rules governing social life, saw this system of social facts as making up the structure of society(Durkheim, 1964). The focus was on the how these social facts functions and relates to each other to manage the stability of the society to remain stable or change (Parsons, 1979).

Contributing Stolley, (2005, p. 24)asserts that ‘structural-functionalists also recognize that as one part of the system changes, other parts of the system have to readjust to



accommodate the change that has taken place elsewhere. A change in one part of the system may have manifest, latent, and dysfunctional consequences”.

In the application, the theoretical perspective is apt for this study because the entire system works together to maintain stability and peace. In Nigerian context, the entire system is corrupt and both the principal (government representatives like governors, commissioners, local government chairmen, community leaders, village heads, family heads and the agents such as representatives from state, local government, public and civil servants, religious body, traditional rulers, Ozo Title Holders, and elders etc which are constituted to make up the peace panel or committee to resolve the land dispute in the area as mediators derail from their mandates for personal interests or gains.

The mediators at the beginning of the resolution process traditionally according to the custom of the area are made to take an oath not to soil their hands or engage in any corrupt practices with the promise to maintain neutrality and keep to the peace committee’s consensus. The committee peace panel and some other conflict resolution actors go out of the rules of the game to receive bribes which in turns ignite further land conflict that disrupt the area instead of keeping to their mandates to build peace and maintain stability in the disputed land. This action concurs with the fact any change in one part of the system manifest, with latent or dysfunctional consequences. The failure of mediation and negotiation in the area indicts the negotiators and mediators as lives and property are further destroyed, laws are thwarted, both traditional values, morals, religious beliefs, customs are relegated to background, fashions, rituals, and the myriad cultural and social rules governing social life are defaced as a result of corrupt practices in the resolution processes in the area understudy.

Social Conflict Theory

The social conflict theory focuses on competition between groups whereas functionalists focus on balance and stability within a social system. The concern of the conflict theorists such as Weber 1946; Lorber 1998; Collins,1986 and Chafetz 2001 etc on social conflict theory is that society comprises of social relations characterized by inequality and change. Stolley (2005), “According to conflict theorists, groups are constantly competing for unequally distributed resources, such as wealth and power, with each



group seeking to benefit their own interests. In this scenario, one or a few groups control these resources at the expense of others’.

The two parties of Akataka-Ekpa-Omaka and Omege-Echara, Ikwo are the two groups struggling for land resources that are unequally distributed in their areas. The competition is motivated by the inherent wealth accruing from the land for sustenance of livelihoods as the benefits. Put differently, one group in control of the benefit of the land resources shall be the expense of the other group.

Methodology

On quantitative analysis of numerical values statistically, the study employed inferential statistics and used cross-sectional survey design because of endogenous and exogenous variables to be measured which requires the respondents that have cognate experiences and relevant information concerning the variables under study. The justification is that the sample sizes are scattered among other groups in different locations outside the study area.

Primary sources employed include questionnaire instrument and observation. Sample Size determination: the estimated population projection of Ikwo of Ebonyi state is 320,200 (National Population of Nigeria and National Bureau of Statistics, 2022). According to Yamani (1964), to determine the sample size from a population =N

$$1+N (e)^2$$

Where n= sample size

1 = constant

E^2 = margin of error $(0.05)^2$

n =320,200

Therefore, sample size which is

n = 320,200

$$1+320,200 (0.05)^2$$



$$n = 320,200$$

$$1+320,200 \quad (0.0025)$$

$$n = 320,200$$

$$1+414.0475$$

$$n = 400.0362548864$$

∴ n = 400 approximately

Sample Technique

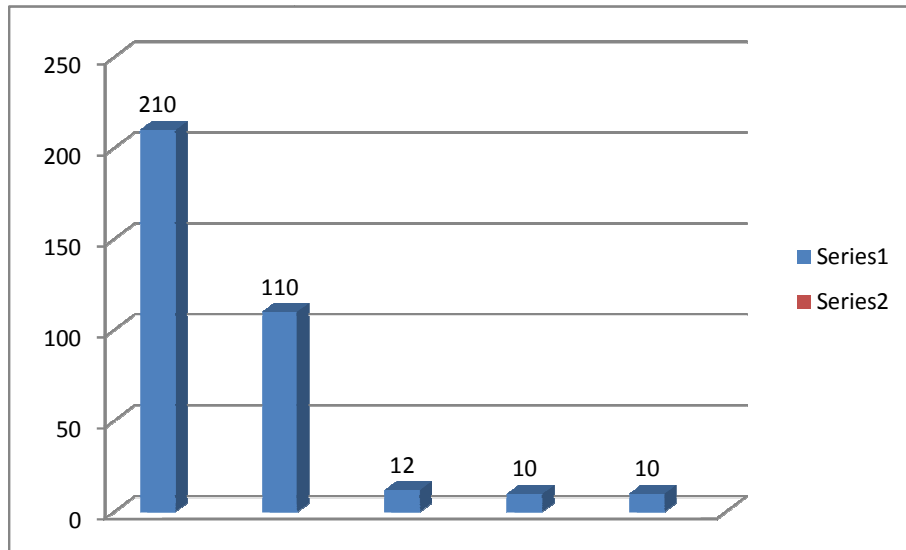
The sampling technique adopted for this study is simple random sampling technique. A total number of 400 copies of the structure questionnaire were distributed to the respondents. 352 copies were completed and returned. This means that a sample size of 352 (three hundred and fifty two) was used for the study.

Data Presentation and Analysis

1. **Hypothesis 1.** Bribery is responsible to the failure of negotiation as a method of conflict resolution to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.



Figure 1: Responses of respondents on whether traditional rulers receive bribe to take side during the Inter-Communal land dispute resolution process



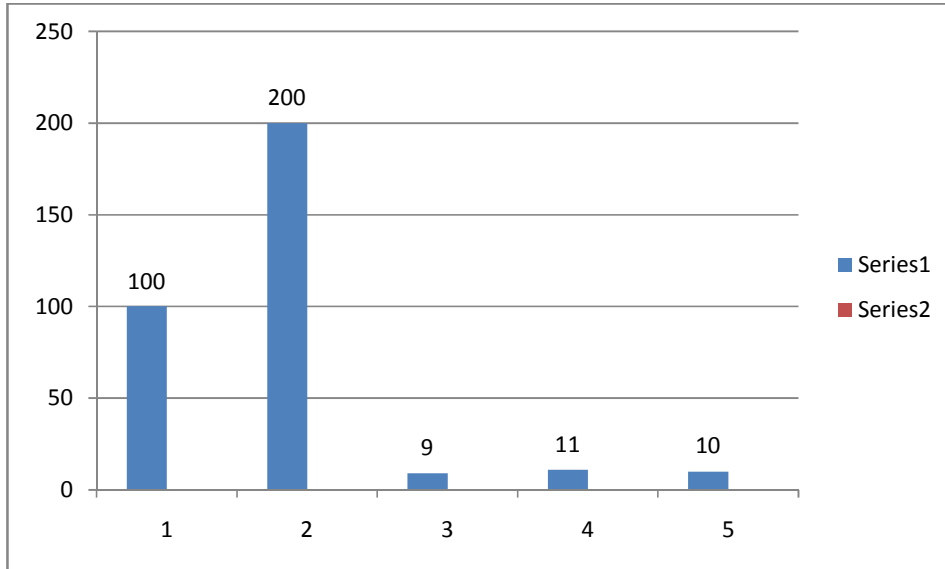
Source: Nwoba's Field Survey, 2022

The result of item 1 indicates that out of 352 respondents, 210 of 59.7 strongly agree, then, 110 of 31.2% agreed, 12 respondents of 3.4% undecided. While 10 respondents of 2.8% strongly disagreed, and 10 of 2.8% disagreed. The result of item 1 shows that 320 respondents of 90.9% agreed while 20 respondents of 5.6% disagreed. The percentage of the respondents accepting item 1 is more than those rejecting it.

The result affirms that some traditional rulers receive bribe during the land resolution process in the area.



Figure 2: The responses of the Respondents on whether some Members of the Resolution Committees take bribes to thwart Laws guiding the local process of Dispute Resolution in the area.

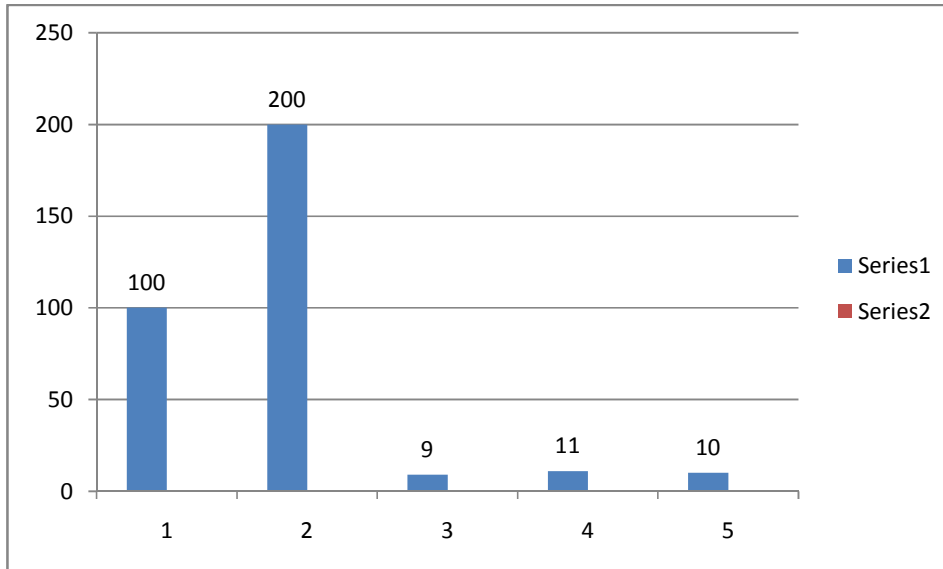


Source: Nwoba's Field Survey, 2022

The result of item 2 indicates that out of 352 respondents, 200 of 56.8% strongly agree, then, 122 of 34.6% agreed, 10 respondents of 2.8% undecided. While 10 respondents of 2.8% strongly disagreed, and 10 of 2.8% disagreed. The result of item 2 shows that 322 respondent of 91.4% agreed while 20 respondents of 56% disagreed. The percentage of the respondents accepting the item 2 is more than those rejecting it. From these responses, the study discovers that greatest percentage of the sampled respondents affirmed that some members of the resolution committees take bribe to thwart laws guiding the local process of resolving land dispute in the area.



Figure 3: Responses of Respondents on whether activities of Saboteur are responsible for the failure of negotiation and mediation in resolving land conflict in your area.



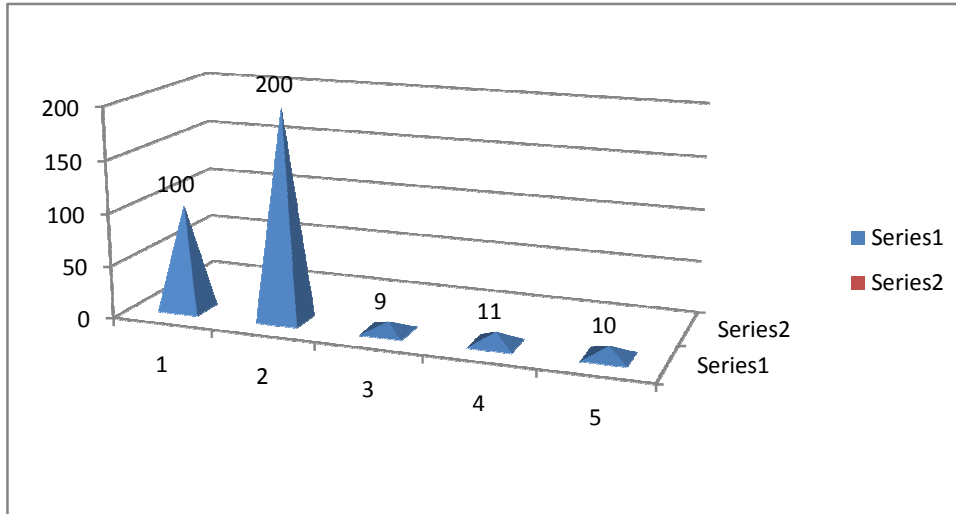
Source: Nwoba's Field Survey, 2022

The result in figure 3 shows the following responses: strongly agreed 208 of 59%, agreed 112 respondents of 31.8%, undecided 11 of 3.1%, disagreed 10 of 2.8 % and strongly disagreed 11 of 3.1% on the questionnaire item three. This shows that larger proportion of the respondents agreed that activities of saboteurs are responsible for the failure of negotiation and mediation to resolve the land dispute in the area.

Hypothesis 2: How do corruption contributes to the failure of mediation to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.



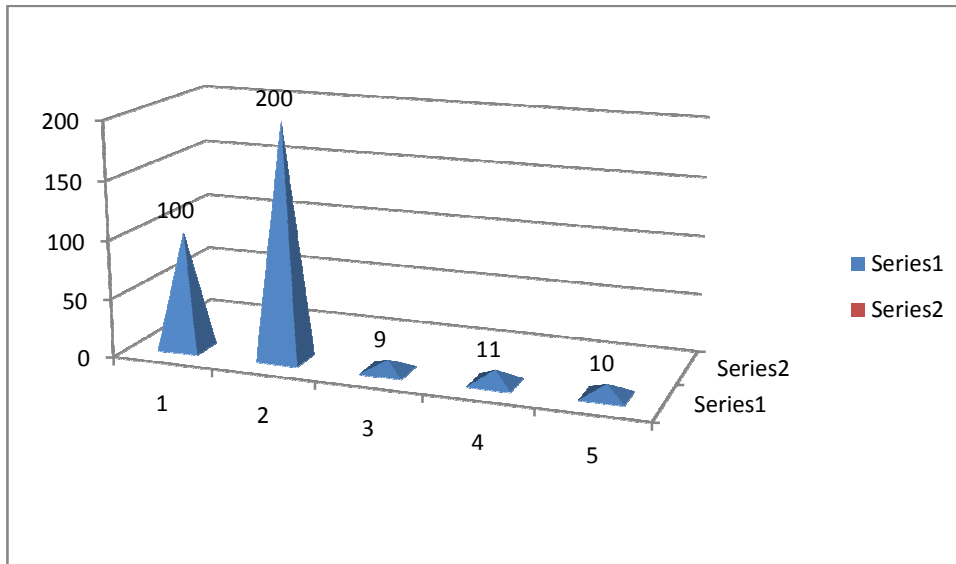
Figure 4: The Responses of Respondents whether some Members of the two Communities take kick back to bear false witnesses on real land owners and boundaries.



Source: Nwoba’s Field Survey, 2022

The result of item 4 indicates that out of 352 respondents, 211 of 59.9% strongly agree, then, 111 of 31.5% agreed, 10 respondents of 2.8% undecided. While 10 respondents of 2.8% strongly disagreed, and 10 of 2.8% disagreed. The result of item 4 shows that 322 respondents of 90.4% agreed while 20 respondents of 5.6% disagreed and 2.8% undecided. The percentage of the respondents that accepted item 4 is more than those who rejected it. The result affirms that some members of the two communities take kick back to bear false witness on real land owners and boundary in the area which is also is responsible for the failure of negotiation and mediation to resolve the land dispute in the area.

Figure 5: responses of respondents on whether elders tell lies on their historical experience on the land dispute in the area.



Source: Nwoba's Field Survey, 2022

The result of item 5 indicates that out of 352 respondents, 100 of 28.4% strongly agree, then, 200 of 56.8% agreed, 9 respondents of 2.5% undecided. While 11 respondents of 3.1% strongly disagreed, and 10 of 2.8% disagreed. The result of item 5 shows that 300 respondent of 83.2% agreed while 20 respondents of 5.6% disagreed and 2.8% undecided. The percentage of the respondents that accepted the item is more than those rejecting it. Therefore, the result affirms that some elders tell lies on their historical experience contributed for the failure of negotiation and mediation to resolve the land dispute in the area.

Data Analysis

The study examines corruption to ascertain whether it is responsible for the failure of negotiation and mediation to resolve land disputes between Akataka-EkpaOmaka and Omege Echara. Corruption has a very strong statistical evidences and keen support from the analysis of data collected and hypothesis one tested in this study. The data from the large proportion of the respondents administer structured units questionnaire from 1-5 admitted that corruption contributed to the failure of negotiation and mediation to address the long age land dispute in the area.



Gebreyesus (2014) study on the popularity of dispute resolution mechanisms in Ethiopia: emphasizing on the Trends, Prospects and Opportunities. The study reveals that stakeholders in the Ethiopia judicial system acclaim the application and harmonisation of disputes through traditional resolution mechanisms. The study indicates that serious challenges have confronted traditional mechanisms such as; corrupt practices; legitimacy of the informal traditional mechanisms, absence of clear policies and laws, administrative application, the non-interconnectivity with formal judicial system, lack of sponsoring and funding of financial transactions needed to facilitate it.

The result is in tandem with the argument on legitimacy of traditional institution by Osaghae (2000) that whenever the modern role of leaders and traditional rulers differ that there is every tendency that a perversion of custom is very imminent with corrupt intents. He notes that the perversion will weaken the legitimacy and discredit traditional authorities/mechanisms. This will result to frequent unregulated and uncontrolled disputes with devastating effects and making dispute a re-occurring decimal in such society.

This study agrees with Chapman (2009) writing on similar study on resolving disputes using traditional mechanisms in the Karamoja and Teso regions of Uganda. The study discovers that elders are marginalized by political actors. The influxes of small arms in various communities affected the role of elders in the communities. The study also unveils that traditional mechanisms blamed the entrenchment of elitism and paternalism in various dimensions in the society that aided corruption as a stock in trade for the stakeholders. The study equally affirms that corruption and poverty reduce the status quo and autonomy of the elders and most cases they cannot take independent decisions on their own for fear of threats.

The study's finding on corruption which was admitted by large proportion of the population where questionnaires were administered show that some of traditional institutional structures or actors such as the mediators, conciliators, council of elders, saboteurs, native and administrative elite soil their hands by collecting bribe and cutting corners. The collection of bribe by some elders cause unnecessary compromise that delayed the resolution processes in the area. The result agrees with result of the study



conducted by the Roger et al (2006) on the Interim Report presented by United Kingdom Department for International Development in Nigeria. The survey research was conducted at four Emirates of Kebbi States. The researchers conducted interview in the two Emirates field work, Gwandu and Argungu respectively.

The study notes that some district heads play double standard and aligned with crop farmers at the detriment of the pastoral farmers. The corrupt tendency the study unveils causes the suspension of district heads by the emirs as checks and balances and a big lesson for the culprit. The result of observation was not different as most of the tradition resolution actors cannot go to equity because of unclean hands. Obi (2010) argues that traditional rulers are highly corrupt in performing their roles. Example abounds; Igwe Cornelius Nومه that hails from Oraku Village of Nkanu East in Enugu State conspires with Ainbogu Chukwunonso, Eze Friday and committed crime. In the kidnapping bid of Azubuike Ifeoma they demanded the sum of N100m (one hundred million naira) as ransom. Ifeoma is a medical student schooling at University of Nigeria, Nsukka (Obi, 2010).

Osagie (2013) states that H.R.H Eze Nnaji Martin host Community of NIGERCEM Nkalegu, H.R.H Eze Agbo Michael traditional Ruler of Amaeze Community, Prince Onwe Benjamin of Umuhuali and Prince Augustine Okwor of Nkalaha both regents of their communities. The traditional rulers were sacked by Gov. Elechi of Ebonyi State to immediately vacate their stools for playing politics with abandoned cement factory in their area. Boege (2006) supports the assertion that the quest for ownership and accumulation of wealth rooted in capitalism and urbanization greatly undermines alternative dispute resolution mechanisms of negotiation and mediation. The mediators or actors in some cases take bribe to compromise the traditional values for personal aggrandizement and parochial interests.

The result of observation also indicates that many lives and property were lost and many indigenes left homeless without any portion of land for economic and social survival and possibility of losing their cultural identity tailed with the investigation carried out by Sing'Oei et al (2011) report on the Minority Rights Group International. The study discovers that many communities were at the verge of losing their cultural identity as



land is symbol of identity. Apart from this, many lives and property were lost in the communal dispute induced by corrupt practices.

The communities accuse some members of the Traditional actors of collecting bribe and price of community assets sold are inflated for personal gains such as land, tress etc. to compensate themselves and affirms that some of them have died. The collection of bribe has made some members of the resolution committees not to be sincere in the process of resolving the dispute over the years. Elders were also involved in receiving material gifts and money to bend their statements on their historical experiences and knowledge on the land matter. The finding also shows that activities of saboteur were also responsible including sabotaging youths and women in the resolution process. The town union executives were also accuse of lack of accountability in finances generated to resolve the land dispute all these facts contributed for the failure of negotiation and mediation of traditional mechanisms as an alternative dispute resolution to resolveland dispute in the area.

Conclusion

Corruption is a disservice to the country. Some elders and stakeholders collaborate with different governmental agencies to sabotage the efforts to resolve land conflicts through corrupt practices. The lack of political will to support the peaceful resolution of communal conflicts in different communities not only causes lack of trust in governance but the re-occurrence of further conflicts in the area. The government should do the needful and be neutral to avert the corrupt tendencies in the area.

Recommendations

1. The government should be proactive and allow the defaulters to be punished through oath taking and other customary means in the various communities.
2. The communities in their various community development union constitution in line with their traditions and customs should enshrine methods of land resolution mechanisms that are fair and just to avoid injustice during land conflict



negotiation and mediation in the area not to create room for sharp practices or bribery to emerge as a winner.

3. There is need in this modern time to blend the customary and court punishments for defaulters of corrupt practices in facing the wrath of the law and elders ex-communication process in the various communities as a deterrent to others.

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Appendix 1

Sample of Questionnaire

- Hypothesis 1.** Bribery is responsible to the failure of negotiation as a method of conflict resolution to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute.

Table 1: Responses of respondents on whether traditional rulers receive kick back to take side during the Inter-Communal land dispute resolution process

Table 2: The responses of the Respondents on whether some Members of the Resolution Committees take bribes to thwart Laws guiding the local process of Dispute Resolution.

S/N	Questionnaire item	Total No of Respondents	Strongly Agree		Agree		Undecided		Strongly disagree		Disagree	
			No	%	No	%	No	%	No	%	No	%
2	Some Members of the Resolution Committees take bribes to thwart Laws guiding the local process of land Dispute Resolution	352	200	56.8	122	34.6	10	2.8	10	2.8	10	2.8

Table 3 :Figure 3: Responses of Respondents on whether activities of Saboteur are

S/N	Questionnaire Item	No. of Respondents	Strongly Agree		Agree		Undecided		Strongly disagree		Disagree	
			No	%	No	%	No	%	No	%	No	%
1	Traditional rulers receive bribe to take side during the Inter-Communal land dispute resolution process.	352	210	59.7	110	31.2	12	3.4	10	2.8	10	2.8



responsible for the failure of negotiation in resolving land conflict in your area.

S/N	Questionnaire item	Total No of Respondents	Strongly Agree		Agree		Undecided		Strongly disagree		Disagree	
			No	%	No	%	No	%	No	%	No	%
	The activities of Saboteur are responsible for the failure of negotiation and mediation in resolving land conflict in your area.	352	208	59.	112	31.8	11	3.1	11	3.1	10	2.8

Hypothesis 2: Corruption is contribtes to the failure of mediation as amethod of conflict resolution to resolve Akataka-Ekpa-Omaka and Omege-Echara, in Ikwo land dispute

Table 4The Responses of Respondents whether some Members of the two Communities take bribe to bear false witnesses on real land owners and boundaries in the area

S/N	Questionnaire item	Total No of Respondents	Strongly Agree		Agree		Undecided		Strongly disagreed		Disagree	
			No	%	No	%	No	%	No	%	No	%
4	Some Members of the two Communities take bribe to bear false witnesses on real land owners and boundary in the area.	352	211	59.9	111	31.5	10	2.8	10	2.8	10	2.8



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Figure 5: responses of respondents on whether elders to tell lies on their historical experience on the land dispute in the area.

S/ N	Questionnaire item	Total No of Responde nts	Strongly Agree		Agree		Undecided		Strongly disagree		Disagree	
			No	%	No	%	No	%	No	%	No	%
5	Elders take bribe to tell lies on their historical experience on the land dispute in the area.	352	100	28.4	200	56.8	9	2.5	11	3.1	10	2.8