

CONFLICT RESOLUTION THROUGH AFRICAN INDIGENOUS INSTITUTIONS: A STUDY OF THE ESANS IN EDO STATE, NIGERIA

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Abstract

African societies have unique ways of managing conflict before the advent of colonialism. The methods stressed the need of fostering a spirit of peace and mutual respect for both individuals and groups, in times of peace and in times of conflict. This was effectively ensured through the institutions of the council of elders and age-set organisations in Africa. However, various forms of conflict have become more pronounced in the post-colonial era in the past few years. These conflicts include gender-based violence, land related conflicts, family conflicts and value-based conflicts, among others. The study therefore analysed the prospect of indigenous methods of conflict resolution in dealing with the aforementioned glitches using the Esans as a case study. The paper adopts historical research design with the application of both primary and secondary data. The Primary data was obtained from archival sources and oral interviews from respondents. Secondary data was obtained from published textbooks, journal articles and internet. The study established that indigenous institutions were important to peace building and conflict resolution but were truncated by the coming of the colonial masters. It was therefore recommended that the government and other stakeholders should as a matter of necessity, place more emphasis on the use of indigenous institutions in conflict management and resolution in Africa. This will ensure and further promote peaceful co-existence which Africans are known for.

Keywords: Esanland, Traditional Institutions, Conflict Resolution, Indigenous Africa.

INTRODUCTION

Before the coming of the colonialism, African societies had well-established mechanisms for peace education, confidence building, peacemaking, peace building, conflict monitoring, conflict prevention, conflict management, and conflict resolution. These institutions and methods were effective and highly respected and their decisions were binding on all the parties concerned. This is corroborated by Nwolise (2005) when he pointed out that, the Traditional African societies were known to maintain peace in their domains through their customs and traditions before the disruption of colonial administration.

African conflict resolution model was anchored on the dramatization of the issues involved in conflicts. The performance level of conflict resolution in African societies enabled participants in the ensuing drama to further understand and depreciate that custom and norms bequeathed to them by their ancestors. Olaoba (2010) opined that, the performance had always been stage managed by notable dramatic personae, which included experience elders, priests, age – grades, chiefs and kings in African societies. The stage as set for the drama of adjudication included homes (as family court), markets (as commercial court), streets (as open court) as Palaces (as royal court). Today, the stage now includes the media houses (as public court) and colonial court of heritage (as customary courts). Besides resolving the conflict, a vital aspect of the features of conflict resolution in indigenous African societies, was the education of all and sundry (present at the scene of resolution) about the cultural heritage of the society viz respect of personalities at the scene of conflict resolution, reverence to the supernatural, cross examination of evidence and interpretation of the cultural norms towards persuading the parties to the conflict, witnesses and the audience (especially on the amount of explanation turreted with the truth of the matter).

To Africans therefore, there is recognition of the importance of relationship and harmony in the community. The process of resolving conflict in traditional African societies, certain rules were observed by all participants in the drama of conflict resolution. The rules were tailored to equitable distribution of justice and the maintenance of law and order. Thus one of the officers involved in the conflict resolution (a character on the upper stage) was responsible for announcing to other dramatic personae of the commencement of the action on stage. Such announcement signaled to the participants (parties to the conflict, witnesses and audience) of the

serene atmosphere which should be adhered to (Olaoba, 2010). The African indigenous methods of conflict resolution places emphasis on the community and parties to the conflict, as opposed to the individuals in conflict. It is also less expensive and based on the principle of maintaining relationship. Thus, the goal of traditional mechanism was on restitution rather than retribution (Nwolise, 2001 in Mezie-Okoye, 2017).

The justification for this paper therefore is to explore the role of traditional methods of conflict resolution in Africa using the Esans of Edo State as a case study. This is because; the Esans are also known to have evolved well-established traditional mechanisms for conflict management and resolution which were peculiar to their own ways before the introduction of British system of government Osimen, (2017). This traditional method was built on customs and traditions and was culturally effective for resolving conflict within their communities and kingdoms. This was effectively ensured through the institution of the council of elders and age-set organisations. Okeke, (2006) opined that, the elders played an important role in defusing conflicts within and between societies. They were able to manage and counterbalance the aggressiveness and military orientation of the youth. Conflict was viewed as a communal concern. From the comments of scholars listed above, it can be stressed again, that there is the urgent need to re-discover the methods of conflict resolution that proved effective for Africa in the past. But it has to be stated from the outset, however, that even though the need to rediscover the time-honoured indigenous modes of conflict in African communities is hardly shared by scholars of peace and conflict without some disagreements, or sometimes, pessimism.

ORIGINS OF THE ESANS

Different accounts have been rendered by different Esan groups as to their individual origins. These accounts range from a myth of their dropping from sky to one saying that they came out of the ground. Thus while, the Opoji, Ewohimi, Ewu, Uromi and Egoro people believe that their ancestor came from the sky and was conquered by the Oba of Benin, who gave him a wife and the title of “Onogie”. It is interesting however that very few of these myths of origin speak of the existence of an indigenous Esan People Before the wave of immigration from Benin, Nupe and other groups of people. By far the most popular and common account of the origin of the ancestor of the Esans is that they immigrants from Benin, the Bulk of which came in the middle of the 15th century during the reign of Oba Ewuare 'the great' or “the selfish”; as some people would rather call him. Some other chiefdoms in Ishan were also said to have been

founded by immigrants from ife and ifeku. The Onogie of Ekpoma is said to be made up of immigrants from “Tapa” a place known as “Ado Udo” in Nupe kingdom, in the current kogi state. The Onogie of Uromi and the Okaigun of Igueben were said to have been sent by the Oba of Benin to oversee his interests in these places. No exact date has been suggested on when the chiefdoms and since the people Igueben and Uromi clamied that the warriors who followed the Oba of Benin, to fight his war against Idah, were the founders of the cheifdoms and since the Idah War took place from 1515-1556, the assumption could therefore be that some chiefdoms in Esan land were founded in the early sixteenth century. Omonkhodion, (2012) however believe that is possible that there could have been a community of people already living in these areas before this period and that simply happened after the Idah war was that a defined leader emerged for each of these areas and the various chiefdoms were formally created and recognized by the Oba of Benin. Records also show that the population of Esan people was periodically augmented by immigrants from Benin and other areas which gave rise to the various chiefdoms being composed of people with heterogeneous origin. Okogie, (1960) however argues that “practically all the ruling houses of Ishan” came directly from Benin, 'to rule the people they found, in many cases, already firmly established. The implication of this is that the ruling houses were originally imposed on the inhabitants, but over the century they became institutionalized and accepted, since the system of the inheritance both within the ruling houses and the other families in Esan as a whole is 'traditionally' from father to son; a strict patrilineage (Omonkhodion, 2012). Thus, apart from a few preliminary problems with succession by some ruling houses or a few individual Onogie, the pattern of inheritance has been smooth and unproblematic. In very few cases, where an Onogie, has had the problem of ascertaining which of his two sons born on the same day, by two different wives is the older son, that there are usually more than one contestant to the throne.

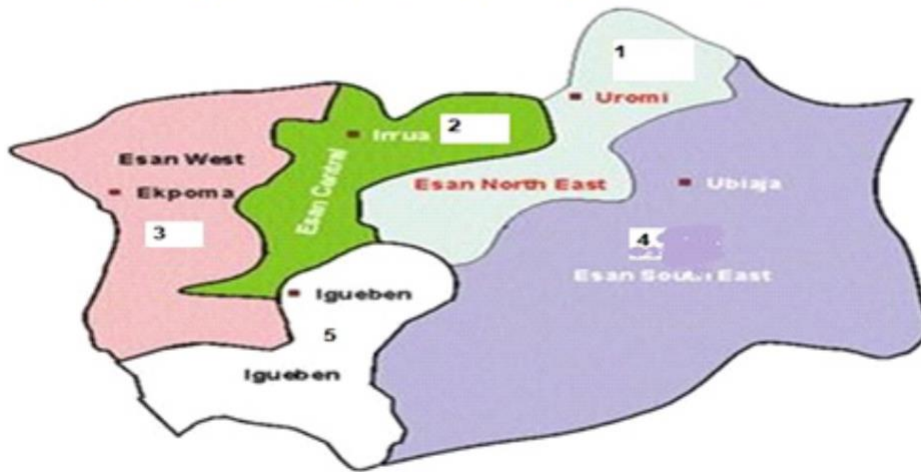
GEOGRAPHY OF THE ESANS

Esanland is bordered to the south by Benin, to the south-west by Agbor, to the north by Etsako, to the east by River Niger. From the central town Ewu to Benin City, the Edo State capital, is 100kmThe original occupations in Esanland are mainly farming, hunting and trading. However, today, many Esan people have thrived in various professions such as teaching, law, medicine, engineering, military, architecture, banking, aviation, and politics and so on.

FIGURE 1: MAP SHOWING THE EIGHTEEN L.G.A IN EDO STATE



ESAN LAND MAP SHOWING ALL FIVE LGA AND HEADQUARTERS



- 1 2 3 4 5
- The autonomous clans/kingdoms in Esan land are currently administratively arranged as follows under the current five local government areas:
1. Esan-North-East LGA, Uromi: Uromi, Uzea
 2. Esan Central LGA, Irrua: Irrua, Ugbegun, Okpoji, Ido, Ewu
 3. Esan West LGA, Ekpoma: Ekpoma, Iruokpen, Ogwa, Urohi, Ukhun, Egoro
 4. Esan South East LGA, Ubiaja: Ubiaja, Ewohimhin, Emulu, Ohordua, Eboato, Okhuesan, Orowa, Ugboha, Oria, Illushi, Onogholo
 5. Igueben LGA, Igueben: Igueben, Ebele, Amaho, Ebhosa, Udo, Ekpon, Ujorgba, Ugun, Okalo

SOURCE: esanlandnigeria.blogspot.com

There are now 36 major clans in Esanland each of which is headed by a king called 'Onojie'. The major towns in alphabetical order are as follows:

1. Amahor 2. Ebelle 3. Egoro 4. Ekpoma 5. Ekpon 6. Emu 7. Ewatto 8. Ewohimi 9. Ewossa 10. Ewu 11. Idoia 12. Ifeku 13. Igueben 14. Ilushi 15. Irrua 16. Iyenlen 17. Ogwa 18. Ohordua 19. Okalo 20. Okhuesan 21. Onogholo 22. Opoji 23. Oria 24. Orowa 25. Ubiaja 26. Udo 27. Ugbegun 28. Ugboha 29. Ugun 30. Ujiogba 31. Ukhun 32. Uroh 33. Urohi 34. Uromi 35. Uzea. 36. Ebudin*

* Though, there is controversies surrounding Ebudin community be regarded as an autonomous clan due to her relationship and historical antecedent with Ugbegun community.

Esan-land today is divided into five local government areas namely;

Local Government Area	Headquarters
Esan West	Ekpoma
Esan Central	Irrua
Esan North-East	Uromi
Esan South-East	Ubiaja
Igueben	Igueben

FORMS OF SETTLEMENT OF THE ESANS

Esan people are mostly urban by nature, but the reasons for the comparatively absence of large towns as exist in Ibo and Yoruba areas are surplus of land which is free and communal, the comparative tranquility since the advent of the British, the proud trait of each Esan man wanting to be king in his own house or holding as an inalienable right of each man to go to hell in his own way, and a strong belief in witchcraft. If a man loses one or two children and suspects that someone in his village has been after him, he shifts to a cottage in the bush where he believes he can blossom. One good result of the armed burglary that swept Esan land in the post-war years of 1949 - 1953, is that many of these isolated cottages were abandoned. The inhabitants forgot their fears for witches and returned to swell the population of the growing towns and villages. Okojie, (n.d) opined that, the absence of any big river and any special industry also contributed to the existence of myriads of settlements with far

too many Enijie. During the devastating tribal wars each settlement was surrounded by a moat or ditch (Iyala), while the actual settlement was situated in a belt of uncleared forest. Such a settlement consisted of several compounds with the men in front and the women's houses built behind and in the compound.

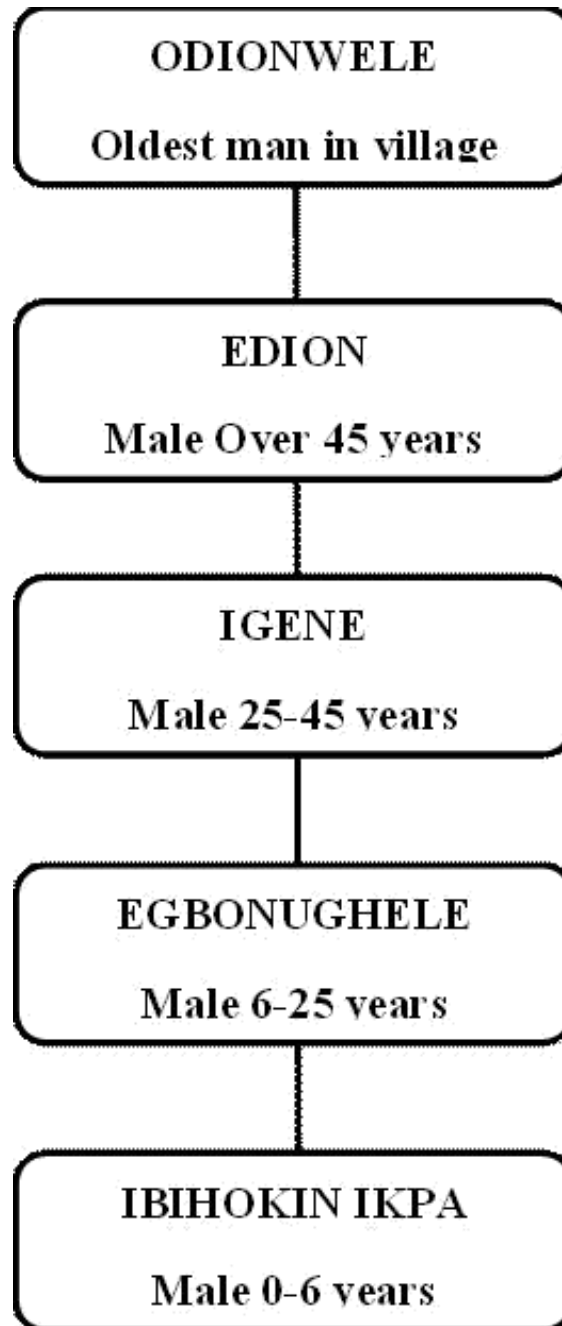
STRUCTURE OF LEADERSHIP IN ESAN TOWNS AND COMMUNITIES

To the average Esan man or woman, seniority and deference to elders is usually held in reverence Omonkhodion, (2012). In any Esan household, first male child is the head of the family. He is thus the head of the special type of family called "UELEN" This smallest family unit in Esan is actually a type of an extended family. This family type consists of a man, his wife or wives, his children younger brothers, unmarried sisters, his mother and house servant if they have any. If this is the smallest family unit in Esan, the impression one gets therefore one gets therefore is that there is really no nuclear type of family in Esan. The smallest family unit in Esan is the extended family type.

The head of the extended family unit who is usually the oldest male member of the unit, is usually referred to as OBHIJOGBE, this man is also the custodian of the ancestor shrine and usually acts as intermediary between his brothers get married and have children within their individual nuclear families, the OBHIJOGBE is still the overall head of these families and thus he is the one who gives names to all the children born to his brothers and his sons. He is thus the sole authority who can give out the hands of his sisters, daughters and his brothers' daughters in marriage. Usually his instructions are supposed to be binding on all member of the extended family (including his own mother).

A large number of UELEN forms an IDUMU while many IDUMU make up what is usually referred as EGBELE who are all descendants of a common ancestor. The implication of this is that it is considered as an incestuous act for members of the same Egbele to contract a marriage because they are supposed to be related by blood. Omonkhodion, (2012) however argued that, with modernisation and possibly westernization, the definition of incest is now limited to only know direct ancestral connection, beyond which inter marriage is allowed. Sometimes a number of EGBELES can come together to form a village, even when they have different patrilineages. In this case inter marriages allowed.

I. ODIONWELE: The ODIONWELE, who usually the oldest man in the village, is the accepted traditional head of any village. He is supposed to be the custodian of the village shrine and to act as an intermediary between the villagers and their ancestors. This title is usually only reserved for the natives. The implication of this is that even when a non-native who has lived in the village becomes the oldest man, he cannot become the ODIONWELE, until after he has been in the village for many generations and therefore become absorbed. The ODIONWELE is also in charge of settling disputes among the villagers and between husband and wives. He also speaks on behalf of the villagers in return the villagers pay homage to him from their products. Thus while the hunter will usually send him the choicest part of the animal they kill, the farmers send him very good tubers of yam from their farms and the palm wine taper sends him very good wine from their products. The ODIONWELE is usually held in reverence and everyone seeks his prayers especially on longevity. All small village meetings take place in his home while the larger one affecting the whole village is usually done in the village hut called OkOOGHELE. It is of note here to mention the fact that the quarrel settling power of the ODIONWELE is limited to only minor quarrels and squabbles as he is usually powerless to settle problems involving serious offences like murder, rape etc.



These types of quarrels are usually sent to the ONOGIE who is the traditional ruler of series of villages under his domain. It must be noted that the Esan are a strong patrilineal, patrilocal and patrifocal society. Everything revolves around the men while the patriarchal type of authority is practiced and irrespective of the position of a male child in a family unit, he is still the “boss” of everyone within the UELEN.

- i. EDION: As has been said already the ODIONWELE is the overall boss of the village. Next to him are the EDION who are the leaders of the village. They advise the ODIONWELE. To become an ODION in a village, the individual has to perform the ILODION ceremony. It is a very elaborate and expensive ceremony, which involves the wearing of white dress by the new ODION and the traditional acceptance of the new entrants into the society of ENEDION. Also this ceremony entitles the individual to a proper and elaborate burial ceremony when he dies. All the people in this category are usually exempted from public duties like communal labour. It is interesting to note that any man who is an OBHIJOGBE who has already completed the final burial ceremony of his father and has performed the IRUEN or clothing ceremony is usually regarded as an elder irrespective of his chronological age. The native priest and doctors (Ebo) sometimes are exempted from the age limits too, because of their special roles in the community.
- ii. IGENE: This is a very active age grade. They performed the hazardous and more energy sapping tasks of the village like digging of the OGHODO (village pond). They bury the dead and lead communal house construction and roofing of building through communal labour of the village members. They can be called upon for any problems within the village. Whenever there is a call to duty and any one of them does not turn up, depending on the importance of the duty, a chicken or a goat is usually caught on behalf of the defaulter. Thus, this defaulter is compelled to pay owner of the animal the cost of the “kidnapped” animal. This is expected to serve as deterrent to future defaulters and make them realize the utility of communal labour. The Igene are usually in their most productive years of their lives, hence the importance with which they are seen in the village. They are all usually between the ages of 35-50 years of age, after which they will retire into EDION group.

- iii. EGBONUGHELE: A literary translation of the word Egbonuhele is “those who sweep the street” Their duties include ensuring the cleanliness of the big open spaces, which are usually customary with many villages (i.e. UGHELE). When there are trees to be felled in the village, the Egbonughele people are also the ones who are usually called to perform this duty. They are also the in charges of the major part of any communal manual labour in the village. The IGENE only come to their assistance if the work is too much for them.
- iv. IBHOKHAN IKPIA: This simply means male children. This is a special category this paper wishes to introduce into the culture and tradition of Esan considered them “classless”. This is because there are initially no defined duties for them and thus, the process of their socialization is purely a family bases, the nuclear and the extended families. In fact, the word IKPIA (men or males) is not usually used in references to children in this category by some villages and towns in Esan. Rather they are usually called OMOE (friend) and only become qualified to be referred to as IKPIA after the attainment of the EGBONUGHELE status.

It is worthy to be notes, thus in every Esan town, the ONOGIE is the overall traditional boss of a town and its villages. The traditional head of every village is the ODIONWELE [usually the oldest man in the village]. Next to the ODIONWELE are the EDION [elders] followed immediately by the IGENE. The EGBONUGHELE are the next groups to the IGENE while the youngest groups are the babies who I have chosen to call IBHOKHINIKPIA.

THE NATURE AND SOURCES OF CONFLICT IN ESAN COMMUNITIES

The causes of conflict in human society vary (are many and various). Conflicts in human society can derive from one or a combination of sources. Albert (2001:4-5) has identified, among others, competition for resources, manipulation of information, psychological needs and contradictory value systems as major sources of conflict in human societies.

The Esans like other indigenous Africans are subject to the influence of all natural and generally accepted theories on the causes of conflict such as differences in perception, needs, values, power, desires, goals, opinions, and many other components of human interactions. While this is true for most human beings, the sources of conflict in Esanland are mostly land, chieftaincy position, sex matters (in relation to wife or daughter), family property, honour, murder or positioning, matrimonial fall-outs

(maltreatment of wife). These are the main sources of conflicts in Esanland. Beyond the unexplainable sources of conflict and also do lay the desirability of conflict from the generational point of view. Thus, conflict derived from diverse sources in African traditional societies. These included the family, economy, chieftaincy, social and religion as well as breakdown of deplumation relations and personal annoyance over behavioural pattern (Olaoba, 2010). According to Tsuwa (2014:23):

It is significant to note that the derivatives of conflict in traditional African societies were germane to the cultural activities of the people. Hence, peace and conflict are indices of culture allied to governance and social engineering in indigenous African societies. Conflict derived from the family's level even though it has been considered as the basic unity of African political culture. The individual in the family had the right of protest showcasing annoyance over many things. This could be over property inheritance, interpersonal relations and marital situation/matter. Wade (1956:308) and Max Gluckman (1956:101-105) have demonstrated, in their works, how conflict originated from the family.

PROCESS OF THE ESANS INDIGENOUS METHODS OF CONFLICT RESOLUTION

The process of conflict management, prevention and conflict resolution was in the hands of the elders which were effectively ensured through the institution of the council of elders or kings. The belief of Esan people sheds light on the importance of peacemaking and peacebuilding through the principles of reciprocity, inclusivity and a sense of shared destiny between peoples. It provides a value system for giving and receiving forgiveness. It provides a rationale for sacrificing or letting go of the desire to take revenge for past wrongs. It provides an inspiration and suggests guidelines for societies and their governments, on how to legislate and establish laws which will promote reconciliation and peace-building (Murithi, 2006).

Esan Communities preserved conflict resolution and peacebuilding mechanisms which also served as institutions for maintaining law and order within communities. These mechanisms pre-dated colonialism and continue to exist and function till date. They place a high value on communal life, and maintaining positive relations within the society is a collective task in which everyone is involved. A dispute between fellow members of a society is perceived not merely as a matter of curiosity with regard to the affairs of one's neighbour; but in a very real sense an emerging conflict is seen to belong to the whole community. According to the conception of the Esan People, each member of the community is linked to each of the disputants, be they

victims or perpetrators. If everybody is willing to acknowledge this (that is, to accept the principles of togetherness), then people may either feel a sense of having been wronged, or a sense of responsibility for the wrong that has been committed. Due to this linkage, a law-breaking individual thus transforms his or her group into a law-breaking group. In the same way a disputing individual transforms his or her group into a disputing group. It therefore follows that if an individual is wronged, he or she may depend on the group to remedy the wrong, because in a sense, the group has also been wronged. Esan People established mechanisms for resolving conflict and promoting reconciliation and peacebuilding with a view to healing past wrongs and maintaining social cohesion and harmony within the communities. Consensus building was embraced as a cultural pillar with respect to the regulation and management of relationships between members of the community.

In principle, disputes in the various quarters or communities are brought before the quarter elders but their jurisdiction was limited to the arbitration of minor civil disputes between members of the same quarter. If the case was of any importance, or was too complicated for the quarters elders, the case was referred for settlement in Onogie (the king) at the village Meeting. Also any person, who was dissatisfied with the decisions of the elders, could take his case to the Onogie in the Village meeting. The elders in all quarters set purely as civil arbitrators and there was no machinery for the enforcement of their decision Omonkhodion, (2012). The elders were strictly forbidden to deal with all criminal cases. The sole judicial body was the Village Meeting, presided over by the Onogie in consultation with the Odionwele. The composition of the village meeting was the same for judicial as for administrative purposes. If a crime had been committed or if a civil dispute had arisen which was too important or too complicated for the quarter's elders, and in which one or both of the parties had refused to accept the arbitration of the Elders, the matter was immediately reported to the Onogie by the Odionwele of the quarter through the Senior Titled Man of that quarter. The Onogie would then appoint a day for the hearing of the case and the parties will be informed by the titled men of their quarters concerned. Each titled man also informed the Odionwele of his quarter of the day appointed by the Onogie for the hearing of the case.

In this case of a crime, the accused was brought before the Onogie immediately at the orders of the Odionwele of the quarter concerned. The Senior Titled Man of the quarter was responsible for bringing the accused before the Onogie, and men accused of crimes were detained in the Onogie's house till the day of the trial. Criminal cases were always dealt with as quickly as possible after the accused was brought before the

Onogie. If a party to a civil dispute refused to obey the summons of the Senior Titled man of his quarter or if an accused offered resistance when the Senior Titled Man went to take him before the Onogie, who then detailed the leader of the Otuleha to go to accompany the Senior Titled man and effect the arrest of the recalcitrant person and to bring him before the Onogie by force. Omonkhodion, (2012) believed that, the Otuleha were thus the police force of the community. The Village Meeting assembled outside the Onogie's palace. Anyone who wished to come to the meeting as an observer is usually allowed to attend. The full court consisted of the Onogie in consultation with the Senior Odionwele assisted by the entire elders and the Titled Men. The presence of at least one elder preferably the Odionwele and one Titled Man from Quarter or quarters from which the parties to the disputes came, was essential. If the Odionwele of a Quarter to which one of the parties belonged were unable to attend, he sent the Senior Titled Man accompanied by one of the junior elders to represent him and state his opinion before the Meeting. The Senior Titled Man always acted as spokesman for the Odionwele while the other elders who accompanied him, seem to hold a watching brief for the Odionwele and sees to it that the Odionwele's opinion was correctly interpreted to the Onogie.

Both parties state their case before the meeting and call their witnesses. The Onogie's chief adviser was the Senior Odionwele but before announcing his decision the Onogie always took care to ascertain the opinions of the body of the elders, and difficult cases would be discussed with them at length. The person whose opinion was most sought after would in most cases be the Odionwele of the quarter concerned or if he were absent the Senior Titled Man who represented him. The Onogie could always ask for the opinion of any titled man for his advice on judicial matters; though this seems to have been less frequently sought than when administrative matters were under discussion. The function of the Title men was primarily that of messengers “between the Onogie and the Odionwele of the various quarters who were responsible for the appearance of the parties, and it was only as representative of the Odionwele of his quarter that Senior Titled man's opinion, seems to have been often consulted. In a domestic conflict situation or family conflict, it is first reported to the most senior member of the family or elder, usually a male. He assembles the disputing parties as well as other members of the family to his house where the conflict is resolved amicably between the parties. The scene is usually inside the family's thatched-roofed house or outside under a tree in the family compound. There, the parties sit opposite each other on a seat made of mud at two extremes of the house. Younger people are allowed to watch the proceedings but not to speak. The proceedings start with the family head welcoming everybody with a gin (locally called Ogogoro) and kola nut.

After his welcome remarks, he sets the ground rules by advising parties not to use abusive or offensive languages against one another. He admonished those gathered not to take sides but reconcile the parties. He stresses that there is no need to decide guilt in spousal cases, only to reconcile the husband and wife because of the sacredness of marriage (Gbenemene, 2018).

The following offences were regarded as crimes: murder, manslaughter, larceny and arson; while adultery was regarded both as a criminal and civil offence. The crime of kidnapping was apparently unknown and no penalty was fixed for it. Rape was not considered a crime but religious offence which could be expiated by sacrifice to the offended juju. The method of dealing with the various offences is given below;

- I. Murder: The murderer was sold to one of the neighbouring villages as a slave.
- ii. Manslaughter: The man found guilty of manslaughter was forced to replace the man he had killed or be enslaved himself. The record of persons killed, point to the fact that most of the victims were hunters who were servants or slaves. The people had no record of titled men; being accidentally killed.
- iii. Larceny: The penalty was restoration of the stolen article or its equivalent value and fine of 6/- in cowries but it has been upgraded alongside with civilizations.
- iv. Arson: The penalty for this offence, if no one was killed, was a fine in cowries. The amount is uncertain but it was heavier than that for larceny. This crime appears to have been very rare.
- v. Adultery: The adulterer had to provide a goat and fowl for purificatory sacrifice and to buy a new cloth for the woman. He also paid a fine of 6/- in cowries (it has been upgraded).

The enforcement of all the above penalties rests with the Otuleha, who is in turn assisted by the rest of the Igene (age-grade). The collection of fines was carried out also by the Otuleha, by the seizure of livestock and moveable which the accused is usually forced to pay for. The amount realized from fines for any negative act is usually divided amongst the Edion age-class.

In the context of peace building in various communities, conflict would be resolved through mutual consent and consultation of various mechanisms which served as a group mediation and reconciliation forum (Nomonde 2000). This reconciliation forum is communal in nature in the sense that the entire community is involved at various levels in trying to find a solution to a problem which was viewed as

threatening the social cohesion of the community. In principle, the proceedings would be led by a Council of Elders and the Chief or, if the disputes were larger, by the King himself. The process of ascertaining wrong-doing and finding a resolution included family members related to the victims and perpetrators, including women and the young. The mechanism therefore allowed members of the public to share their views and to generally make their opinions known. The larger community could thus be involved in the process of conflict resolution. In particular, members of the society had the right to put questions to the victims, perpetrators and witnesses as well as to put suggestions to the Council of Elders on possible ways forward. The Council of Elders, in its capacity as an intermediary, had an investigative function and it also played an advisory role to the Chief. By listening to the views of the members of the society, the Council of Elders could advise on solutions which would promote reconciliation between the aggrieved parties and thus maintain the overall objective of sustaining the unity and cohesion of the community. The process usually involves different stages (Murithi, 2006);

- i. Firstly, after a fact-finding process where the views of victims, perpetrators and witnesses were heard, the perpetrators – if considered to have done wrong – would be encouraged, both by the Council and other community members in the reconciliatory forum, to acknowledge responsibility or guilt.
- ii. Secondly, perpetrators would be encouraged to demonstrate genuine remorse or to repent.
- iii. Thirdly, perpetrators would be encouraged to ask for forgiveness and victims in their turn would be encouraged to show mercy.
- iv. Fourthly, where possible and at the suggestion of the Council of Elders, perpetrators would be required to pay an appropriate compensation or reparation for the wrong done. (This was often more symbolic than a repayment in kind, with the primary function of reinforcing the remorse of the perpetrators). Amnesty could thus be granted, but not with impunity.
- v. The fifth stage would seek to consolidate the whole process by encouraging the parties to commit themselves to reconciliation. This process of reconciliation tended to include the victim and his or her family members and friends as well as the perpetrator and his or her family members and friends. Both groups would be encouraged to embrace coexistence and to work towards healing the relationship between them and thus contribute towards restoring harmony within the community, which was vital in ensuring the

integrity and viability of the society. The act of reconciliation was vital in that it symbolised the willingness of the parties to move beyond the psychological bitterness that had prevailed in the minds of the parties during the conflict situation.

The process was not always straightforward in principles and practice, and there would naturally be instances of resistance in following through the various stages of the peacemaking process. This was particularly so with respect to the perpetrators, who tended to prefer that past events were not re-lived and brought out into the open. In the same way, victims would not always find it easy to forgive. In some instances forgiveness could be withheld, in which case the process could be held up in an impasse, with consequences for the relations between members of the community. However, forgiveness, when granted, would generate such a degree of goodwill that the people involved, and the society as a whole, could then move forward even from the most difficult situations. Murithi, (2006) further opined that, the wisdom of this process lies in the recognition that it is not possible to build a healthy community at peace with itself unless past wrongs are acknowledged and brought out into the open so that the truth of what happened can be determined and social trust and solidarity renewed through a process of forgiveness and reconciliation. A community in which there is no trust is ultimately not viable and gradually begins to tear itself apart. Therefore, the guiding principle of Esanland was based on the conception that parties need to be reconciled in order to re-build and maintain social trust and social cohesion, with a view to preventing a culture of vendetta or retribution from developing and escalating between individuals and families, or in the society as a whole.

CONCLUSION

The administration of justice in Esans was aimed at resolving conflicts rather than pronouncing judgments. Conflict resolution was tailored towards the restoration of peace and enhancement of harmony in indigenous African societies. Emphasis was placed on reconciliation and restoration of social harmony than on punishment of the conflicting parties. The administration of justice was made an open affair where all adults freely participated as observed in the study. There were no in-camera trials as court sessions as the processes were held in the open with the parties in conflict being freely cross-examined. Truth was the object of the delivery of justice. Most conflict management was left in the hands of the elders and Kings who liaise with the ancestors. Hence some conflicts are resolved by taking of Oath. The essence of

conflict resolution in indigenous Africa society includes usually includes;

to remove the root-causes of the conflict; reconcile the conflicting parties genuinely; to preserve and ensure harmony, and make everybody involved in the resolved conflict happy and be at peace with each other again, and this required getting at truth; to set the right milieu for societal production and development; to promote good governance, law and order, to provide security of lives and property and to achieve collective well-being and happiness.

Therefore, the rejection or outright adulteration of those traditional methods of conflict resolution has led to violence, instability and retardation of development in African communities. The abandonment of utility laden traditional methods of bargaining and conflict resolution for foreign models is largely responsible for the multiplicity of avoidable conflict all over the continent of Africa. African methods of conflict resolution are more effective and efficient than the imported methods. This is justified by the fact that most Africans still prefer, and in fact, resort to the traditional methods of conflict resolution because modern methods have become faulty and inadequate in many conflicts in Africa. The whole-sale adoption of western methods of conflict resolution which do not reflect the cultural realities of the societies of Africa was discovered as one of the major problem promoting the escalating of conflicts in Africa. Africa has been adopting those aspects of western culture which are not productive or developmental and are seldom relevant for conflict resolution. The analyses of the conflict situations in Africa should be deepened and expanded to reflect the objectives peculiarities of the conflict configuration of the communities of Africa. As revealed in the study, the application of theories and methodologies of peace research and conflict resolution in Africa has largely neglected the simple fact that Africa had well developed and tested indigenous approaches and methods of conflict management, resolution, pacific settlement of disputes and peace buildings. It becomes necessary therefore, to peep into the cultural resources of African's rich past to discover the strategies that minimized conflicts and promoted peaceful co-existence among Africans.

Though, the study was not without shortcomings; one of the major weaknesses in the traditional methods of conflict resolution is the visible or considerable gender bias in the model. Men play dominant, almost exclusive, roles in the traditional methods of conflict resolution. Elders in conflict resolution are usually males. Chiefs and kings who resolve dispute are men-folks. Masquerades and vital societies which influence

dispute resolutions resolve around men. Deities and shrines which serve as objects and venues of conflict resolutions are propitiated by men. Even cross-examinations of witness are largely conducted and provided by men. What is particularly disturbing about traditional reconciliation practices is (that) the office holders are, almost universally men. In addition, where there practices have been seen to work, they normally exclude women from active roles, and tend to be about peace building between men. Women needs tend to be completely marginalized and excluded. Although many scholars like Zartman calls for “an urgent need to mainstream gender in all future peace- building processes in Africa”, the focus of this study in different. The focus is not on gender issues in conflict resolution. It is about the role of indigenous methods in conflict resolutions in Africa using Esans in Edo State as a case study.

Finally, the paper therefore, highlights how African value systems and institutions of conflict resolution remain relevant and worthwhile towards promoting peace and harmony on the continent. It is hoped that the lessons to be drawn here will inform academic, policy makers, national and global discussions on the role of traditional institutions in dealing with conflict, justice, development, governance and peace. Certainly, traditional institutions will continue to shape the African landscape of conflict resolution.

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