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ALTERNATIVE DISPUTE RESOLUTION STRATEGY AND COMMUNITY DEVELOPMENT IN ETCHE LOCAL GOVERNMENT AREA

Michael C. UZORKA

Department of Sociology
Ignatius Ajuru University of Education, Nigeria

Ikemefule B. ADIELE

Department of Sociology
Ignatius Ajuru University of Education, Nigeria
adieleikem@gmail.com, ikemadiele@yahoo.com

ABSTRACT

This paper critically reviews Alternative Dispute Resolution as a non-judicial mechanism for the resolution of community disputes in Etche Local Government Area of Rivers State. The alteration of the traditional arbitration and obligations of the English legal system of dispute resolution has adversely impacted on many traditional societies in Etche ethnic nationality. Mere disputes are now tried in the court of law. Sometimes, these cases stay for years before judgments are pronounced by the trial judge. This delaying judgment and other challenges such as exorbitant legal fees, a backlog of cases, and a limited number of judges, have constituted a hiccup to achieving justice within the best possible time leisure in the law court. Ordinarily, disputes whether in a community or otherwise are resolved through court processes, but due to delays, costs, publicity and technicality associated with litigation, alternative dispute resolution (ADR) mechanisms evolved. There are several bitter complaints from the victims of dispute in Etche Local Government Area that the courts, conventionally, the last hope of the common man has not lived up to expectations in environmental litigations thereby justifying their recourse to Alternative Dispute Resolution as a better option. A significant number of community cases were lost on flimsy reasons. This paper ragged that Etche traditional adjudication is fast and less expensive. Second, the parties involved are given a fair hearing based on truth, which sometimes is premised on Etche religious belief. This paper recommended judicial reforms to include Etche's traditional arbitration as part of the justice administration in Nigeria.

Keywords: Alternative, Dispute Resolution, Community Development, Disputant, Conflict.

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INTRODUCTION

Etche Local Government Area is an ethnic nationality located in the northeast of Rivers State. It is bound in the east by Abia State, in the north by Imo State, in the west by the Etche Local Government Area, and in the south by the Obio/Akpor Local Government Area. The land mass of Etche comprises of 97,500 hectares with a population estimated to be about 600,000. Etche is nestled in two Local Government Areas of Rivers State – Etche and Omuma Local Government Areas (making up a National Assembly Constituency). The Etche heritage is easily discernible in her distinct language, culture and tradition, with her symbolic ethnic head anchored on the stool of the paramount ruler OnyiIshi-Etche. In order to avoid confusion as to her relationships with other areas, it is important to note that Etche is neither Oyigbo nor Ibo. Additionally, it should not be viewed as part of the Ikwerre. On the contrary, these areas are Etche's neighbours; having existing cordial and intense relationships with Etche. Ikwerre and Etche LGA's are located in the northern fringes of Rivers State, with Obio Akpor and Emohua Local Government Areas as closest LGAs.

According to Ogele, (2020), the traditional justice system has gained prominence in recent times. Historically, the global recognition of alternative dispute resolutions dates back to the 1970s in the United States of America as a result of the backlog of cases, decrease in the required judges, the cost of paying legal services, delay in ending the matter, among others. On September 13th, 2007, the United Nations General Assembly endorsed an informal justice system to facilitate the rule of law in traditional societies.

Most countries have domesticated informal dispute resolution in their judicial system. Kerrigan, (2009) argued that informal judicial system "in the present context is used to denote any alternative to court trials in settling disputes between individuals. ...It includes forums and processes through which community members help resolve disputes between other persons from their area, including many family matters that may have very important implications for how women and children are treated by a community and their human rights."

Nevertheless, the practice of traditional judicial arbitration is not a recent phenomenon in Africa and the world at large. Dispute resolution is a universal issue. Every race achieves it in its peculiar way since the law, in the real sense, is a reflection of how people live. Francis (2006) noted that "Africa had developed rudimentary and in most cases, sophisticated political, socio-economic and political institutions, and with developed approaches to conflict management, resolution and peace building" before the emergence and imposition of imperial rule. The traditional judicial institutions in Africa are very strong, less expensive and quick in dispensing justice in the manner that disputants get satisfaction and peace restored. Ogele, (2020) cited in Waindim (2019) opined that: With the slave trade and colonization, these indigenous institutions were largely weakened and even destroyed in many societies, especially as the colonial masters introduced law courts, which came to pronounce judgments.

The structure of traditional judicial institutions varies from one ethnic nation to another in Nigeria and Africa at large. These cases are resolved based on their culture, morals, norms, and values that form part of their tradition. The Etche ethnic nationality is geographically situated in Rivers State, Nigeria. The Etche ethnic nationality has been in existence before the emergence of the English legal system in Nigeria. The Etche traditional institution handles all disputes irrespective of how intensified the conflicts are. Eboh (1997,) noted; co-existence is coeval with society. As coexistence is inevitable, a peaceful way of living together has been devised. And if it has to be achieved, then, the development of some mechanisms for a peaceful resolution of

disputes between village members agnates, affine, etc., must remain a goal of the highest priority. ADR processes have a number of benefits and advantages. They are flexible, cost-efficient, time-effective, and give the parties more control over the process and the results. Parties who resolve their disputes through ADR are generally more satisfied because they may directly participate in working out the terms of their settlement

Major areas of conflicts among Etche inhabitants include quarrels emanating inheritance or land boundaries, slander and libel, breach of contract, larceny, marital misunderstandings, adulterous affairs, allegations of bewitchment, a misunderstanding over a succession of chieftaincy stool, damage to property, and other incidents common among human beings.

In Etche ethnic nationality, “the customary law is generally unwritten and seen as the acceptable norm within a community. Resolution and reconciliation is still a common way to solve disputes in Africa. Elders or the chief would assume the role of an arbitrator and resolve matters with the peace of the community in mind” (Dickson, 2012). The traditional dispute resolutions are usually tied to Etche traditional religious belief to ensure that disputants are truthful in their submissions. This is anchored on the fact that Etche tradition encourages strong family bonds as applicable in most African societies. The dispute resolutions in Etche ethnic nationality are categorized in different phases starting from the smallest unit (Umunna) where the family head and the family chief resolve disputes. Others include the town council (Amala), Age group, head of families (Ofor- holders), oracle (Amadioha), and paramount ruler (Ochie of Echie).

The disputants bestowed with the right to appeal to higher authority in the traditional hierarchy arrangement if not satisfied. Crook (2012) noted that “the customary dispute resolution sought consensus and socially sanctioned compromise referred to the inspiration for ADR is the meeting under a tree where disputes are resolved through community consensus and restorative justice.” Therefore, this paper tries to describe the use of Alternative Dispute Resolution in resolving judicial arbitration in Etche and its impediments.

CONCEPTUAL CLARIFICATION

The idea of Alternative Dispute Resolution (ADR) is about the search for, and application of, “non-conventional” peaceful methods of settling dispute and resolving conflict situations using the least expensive methods, and in ways that satisfy the parties, as well as that preserve relationships after a resolution might have been reached. Alternative Dispute Resolution is specially meant to serve as an alternative to the official conventional means of settling dispute, mainly through litigation and the courts, but with preference for non-violence.

According to Miller (2005), alternative dispute resolution is a process “adopted to address conflicts in political and international affairs, civil and human rights, corporate and commercial interests, and community and family issues.” For this paper, the alternative disputes resolution is viewed as a process through which prominent individual(s) or traditional institutions such as family heads, chiefs, kings, among others make peace among the disputants in African traditional system using African unwritten code at the local levels without the involvement foreign legal codes. Brock-Utne (2001) noted that “the fear of sorcery or divine punishment is also used to show what the breach of the peace would bring upon the society and the conflicting parties. “Modernization of the courts has diminished the power of the traditional court system” (Price, 2018, p. 295).

Concept of Community Development

Community Developments are generally concerned about improvements in the quality of life, but community development may not be restricted to rural areas alone. Community development is about self-help development efforts from members of the community (Agiobenebo, 2017). Thus, an urban community that identifies a need for a transformer in its locality and takes initiative to raise the required funds and other resources with which to provide for itself is actually undertaking community development. Similarly, community development can also occur in the rural areas. In fact, many rural communities are often found with one form of community development project or another. These include community roads, markets centres, village squares among others. In point, whereas rural development is all about the transformation and improvement of welfare in rural areas, irrespective of the source of development, community development is specific (Otto, 2001). It is development that is 'self-started' or self-engineered within the community. For example, a community in Etche as Local Housing Estate around Umuechem community may choose to install additional electricity transformer to meet the increased power needs of that community. In fact, around the Igbo area in Etche, several roads were worked on in terms of resurfacing or other repairs by members of the community themselves. These are examples of community development programmes in urban areas.

Community development is not a creation of modern times; it is as old as mankind when the family was the central focus of any activity. Community development is an age long movement that has been in practice in various communities even before the advent of colonialism. Before colonization, leadership was rooted in the culture and tradition of various people and decision making was part and parcel of rural development. Rural development has always been equated to community development from immemorial to date; the two words are used interchangeably (Chukwuezi, 2000).

Community development is a strategy or approach for improvement that is directed towards a specific field of social development requiring action on the part of the people to improve their condition of living, whether social, economic or cultural. Its effect in the field of social development is socially conditioned, since it brings about awareness and the improvement of relationships between individuals, groups, communities and organizations to ensure a sustained development. In this light, from a humanitarian perspective, it may be seen as a search for community, mutual aid, social support and human liberation in an alienating, oppressive, competitive and individualistic society. In its more pragmatic institutional sense, it may be viewed as a means for mobilizing communities to join state or institutional initiatives that are aimed at alleviating poverty, solving social problems, strengthening families, fostering democracy and achieving modernization and socio-economic development

Community development has been a universal concept applied to National programmes for Development. The concept and practice of community development has never been a new phenomenon in Nigeria especially Etche LGA specifically or in the old generally. This was reflected in Ugwu (2009) who stated that community development is not new, but that its principles were in fact applied by a multitude of individual government offices and others, to such a term as community development. This is true in every real sense, community development as we recognize it today is based on and had been an indigenous mechanism and techniques employed by many rural communities in solving their problems. Ajayiin Ugwu (2009) observed that community development is a social process by which human beings can

become more competent to live with and gain some control over local conditions and the changing world.

Onwuamalem (2014) opined that community development is significantly related to the traditional democratic theory of development and self-help approach of community development. This is why we lay emphasis on self-help approach to community development. One important element that runs through all the above postulation conceived by scholars is the people's initiatives to find lasting solutions to their individual and common problems, relying on their own resources as much as possible and assistance from outside the community if any. As stated earlier, Etche Local Government has not been left out of the wheel of community development.

Challenges of Community Development in Etche Local Government Area

Communities and government at all levels desire development in every facet of human endeavour. No matter how development is defined, carrying out community development project is seen as an approach that is most practical, since results are visible and measurable; such project being it the development and maintenance of infrastructures, education and so on, to continue to serve the present and future beneficiaries, also provides practical method for planning and implementation which ensures that programmes are in line with the norms of indigenous society and guarantees the involvement and participation of the people, such planning leading to a better balance between socio-economic and human resource development, is the basis of assessment of a country's sustainable development.

Community development in Etche Local Government is disrupted by the approach of government. The inability of the past government, to mobilize and carry local communities along with it, to transform them. Similarly in the same vein, Leonard (2012) identified institutional problem, which could arise if there is no proper classification of line authority, responsibilities and working relationship among the community development project teams and Community Based members and organizations.

Problem of Finance; this happens when procedures and schedules for securing manpower, supplies and equipment etc. necessary for carrying out project activities have not been adequately organized or delays in implementation results in additional costs, or project could have been under estimated for example, when there is a change in price for a product as a result of competition or other possible market factors.

Problem of improper financial analysis; Analysis of finance is very important in a community development programme or project, no matter the type, sufficient fund is needed for the completion of the programme or project. Most community development projects usually requires counterpart funding, when one or more parties to the funding fails, the resulting effect will be insufficient funds, and the development project will fail and abandoned. Adewumi (2003).

ALTERNATIVE DISPUTE RESOLUTION STRATEGIES AND COMMUNITY DEVELOPMENT IN ETCHE LOCAL GOVERNMENT AREA

Traditionally, Etche people have four days' circle in a week. The names are, Eke, Orie, Afor, Nkwor. Similarly, English days such as Sunday – Saturday. The Eke is a sacred and holy day for

Etche people. The Eke day is a set sacred day, a day set aside to appease the ancestors. On the Eke no burial and marriage rite is performed. No corpse is laid to rest on the Eke day. Anyone caught in the act violates Etche tradition, and will be compelled to appease the gods. The elders sit under the shade of a tree where they adjudicate all matters. The fact is that all matters are adjudicated on the Eke day. Hence, it is believed that the truth will be told by the disputants so that justice will prevail.

In the Etche judicial system, matters are not handled the same way. Some of the matter is resolved through (Idu-Ishi) oath-taking to prove ownership/ exonerate from oneself from the accusation in case adultery, theft, among others that only the invisible knows the truth. Nobody compels any disputants to take oath or bet, rather it is the one involved that will say give me the oath to prove the truth or the other party will say I will give you the oath to justify your claims.

The Etche traditional judicial system arrangement is likened to the American jury system. The judge is the person that pronounces judgments after deliberation by the jury. In Etche system they must call few persons to sit down deliberate the issue. Each person in that izuzu will narrate from the angle he viewed the matter. The head of the family will be part of it to ascertain if what he presented at the time during the ituomu was the same thing you presented in the public, because the plaintiff may depart from the initial prayer at the time of summoning. Hence, the idea of passing judgment is tied to one person, but after a critical review of each party's narrative that will determine how the matter will be settled. The entire family gathers most times the relatives of the disputants will be present. The judgment does not rely on the head of the family, or the chiefs, or group of chiefs or Ofor holders, but the entire people. It is pertinent to note that before arbitration commences, certain items are provided such as local gin (aka kai-kai), Kola nut (Eji), a keg of palm wine, among others.

It is imperative to note that there a saying that "justice delayed is justice denied". One of the criticisms of the English legal system is a backlog of case files as a result of a limited number of judges or industrial actions; hence, cases that are supposed to be disposed of one day or weeks have been continuously adjourned for years or decade(s), particularly in land-related cases or chieftaincy matters. One of the comparative advantages of Etche traditional judicial arbitration is that matters are disposed of on time with little or no financial commitment. However, there is a need to review common features in Etche tradition arbitration concerning some of the recurrent cases among Etche people.

Land Related Matters: The Ofor holders are the first in the line of authority. The chiefs' institution is a recent development, the cluster of Ofor holders constitute the highest authority in the village. For instance, Etche people consider land as sacred, they believe that land is their sources of strength and power, ancestral heritage, sustains the livelihood, hence, at the beginning of the farming season, a ritual is carried out to appease the gods in charge of harvest to look after their crops from theft, intercede, among others that may impede a huge harvest. Land belongs to the entire family that should be passed from one generation to the other that are yet unborn. The Ojiofor is the custodian and not the owner of the land. Even though the land is shared with members of the family, the title of the land has not changed but remains the property of the family. Hence, the family has the power to retrieve their land if they desire.

Several cases involving land matters are settled amicably by the Etche traditional arbitration. During land adjudication, if the third party must visit the scene, individual disputant shall provide a goat. The disputant in giving the historical perspective of the land shall mention witness who shared boundaries with him. Those witnesses will be invited to answer one or two

questions concerning their foreknowledge about the land under dispute. There are two ways of arriving at the judgment. One is to give judgment based on the overwhelming evidence before the elders. Second, if there is doubt or suspected conspiracy, the party will compel the other to take an oath indicating that the land belongs to him. Oath-taking in Etche tradition is a way of been vindicating the accused from any allegation. The oath is procured from any oracle. The oath would be administered for one year. However, if the accused survives the oath, the plaintiff is compelled to shave his hair, which was not touched for one year, the land goes to him. On the contrary, if the person dies, the land in question goes to his opponent.

Theft: The Etche people live a communal life; hence, they share things in common. Stealing is a grievous offence in Etche land. What many may be tagged as stealing might not be the same among Etche people. For instance, if a man or woman goes another person's farm and harvest little vegetable consumption is not stealing, particularly if the person notifies the owner thereafter or the cassava left behind after the owner had concluded her harvest for about a year and is currently harvesting in another place, anybody can harvest the left over. The point I am trying to make here is that what is categorized as stealing in the Kafanchan might not be theft in Etche's traditional belief. In Etche land, yam and cassava are major crops cultivated in their farms. The yam farmers have yam deity, in the yam barn that protects their yams from the thieves. If anyone is caught stealing, he or she is brought to the council of elders. They will ask questions and show empirical evidence to prove the allegation. The moment the allegation is proved. The elders will compel the youth to embark on **Igba-Otulo** activity (humiliation which involves striping the culprit naked, and decorate him or her with the item she stole if portable), they will take the culprit around the community, particularly to a market square where the culprit will be dancing by the crowd, before proceeding to the final destination which is usually the culprit's residence.

Libel and Slander Character defamation is a serious issue that requires critical investigation before actions are taken. Usually, when a person an accusation is made, the plaintiff goes to the ofor holder's to lay a complaint (ituomu). The head of the family will send a message to the defendant. However, if it is a simple matter that might be settled by the head of the family, he can look into it and apportion blames or compel the offender to apologize to his neighbour. The point I want to make here is that matters can be settled without involving the large family or taken to the village square for the council of elders to settle. However, if the head of the family could not settle it, he has to inform the large family. The disputants will perform some traditional rites that are required in such matters. They include a local hot drink, keg of palm wine each, money for the sermon to justify that he or she is telling the truth. The disputants narrate their stories and they will cross-examine each other. The elders will ask the disputants and their witness questions, in the end, the head of the family will appoint those that will go for izuzu (jury), and a critical deliberation based on individual observations will be analyzed, they will conclude. They will reconvene, then, one of the men that went for the izuzu will disclose their judgment based on what they observed during the session. The judgment is pronounced (IkpeIkpe). It is pertinent to note that, the primary aim is to make peace among the disputants. Sometimes, they may compel the defendant is found guilty to ask for forgiveness. The elder can as well as ask the culprit to make a restitute for labeling the plaintiff. Thereafter, the elders will carry out a ritual referred to as Nriko (the covenant between the two parties that shall deter any party from thinking bad or carry out an evil plan against the other). Nriko is very important after

disputes settlements in the Etche judicial system. It enhances peaceful coexistence after the quarrels.

Divorce: Divorce is not very common in Etche land. Traditionally, it is believed that the bride is married for life. However, disagreement between cannot be ruled out, especially when it has metamorphosed to physical violence and molestation. The wife may complain to the relatives of the husband or the head of the family before going to complain to the father or brothers. Usually, the laws on both side will come together to make peace, maybe if there is a threat to life or accusation of unproven adultery made by the husband against his wife, the family may compel covenant between the two parties that deter any party from thinking bad or carry out evil plan against the other to enhance peaceful atmosphere in the family. But when this fails, the father of the wife will have no choice than to return the bride price on the women to dissolve the marriage to avoid disaster. The bride price is usually handed over to a respected man in the family or elsewhere. It is imperative to note that not all that was spent during the traditional marriage will be returned, but a token paid as bride price shall be returned, all the expenses for entertainment which is usually huge such as drinks, food, clothes, among others are not returned.

Adultery: The case of infidelity is a very grievous offense in Etche culture. It is not tolerated in any family. It is not just viewed as mere illicit sex between a wife and another man; it is forbidden and could lead to the husband dies or weaken him spiritually. The same act could lead to pregnancy, thereby resulting in mixed-blood into the lineage of the families. Hence, it is considered as a taboo for a married woman to be involved in an affair with another man. When such accusation comes up, the elders will meet to adjudicate on the matter. The husband reports his suspicion to the head of the family, especially when they are not caught red-handed. The hand of the family interrogates the husband who came to report his wife first because it is a very serious matter in the family, particularly when it has to do a member of the family. Thereafter, the head of the family sends a message to the accused. The head of the family calls other elders in the family for adjudication. Usually, the matter ends up in oath-taking if denial.

Murder Cases: The cases of poisonous murder or manslaughter are grievous offences. This kind of matter is not handled with kid glove. Murder is a serious matter among Etche people. The punishment is usually banishment. The entire community sits outside the hut because it is an abomination. The accused is informed by the head of the family what they brought against him. This kind of case also involves oath-taking by the accused. However, if the accused survives the oath, which is usually a year, the plaintiff is compelled to shave his hair, which was not touched for one year. Although rare, the elders in the family are careful in handling this kind of matter because it tires family apart. The culprit may be banished or sent on exile in the case of manslaughter, which was considered not deliberate.

Chieftaincy Tussle: Chieftaincy is alien to Etche people. The Etche people practice an egalitarian system of living anchored on gerontocracy. Decisions were jointly taken by the elders in the village square. The most recognized at the traditional hierarchy is the Onyi-Ishi Agwuru and the head of families that jointly decide on behalf of the entire village. Chieftaincy was unknown to Etche people before the emergence of the imperialist system of governance in Nigeria. The creation of the chieftaincy institution led to chieftaincy tussle in Etche ethnic nationality. At present, the majority of the villages in the Etche have one challenge or the other

linked to chieftaincy tussle. However, since the chieftaincy stool is not our cultural heritage, it becomes difficult to ascertain whom the rightful owner of the stool is. The case of chieftaincy tussle is rarely concluded at Etche traditional judicial arbitration. The tussle usually ends at the Supreme Court after a protracted legal battle.

Fighting and Quarreling: Fighting and quarrel are common matters handled by family or peer groups in the village. Adjudicating this kind of matter is centred on restoring peace between them. Most times, the individuals are asked to explain what led to the quarrel. Thereafter, the two persons may be asked to excuse them for critical deliberation over their various submissions on how to come up with ways of restoring peace among the disputants. The third-party will apportion blames, may ask the individual that was found guilty to apologize, thereafter reconciliation takes place.

Advantages of Alternative Dispute Resolution

The major advantages of ADR especially arbitration are considered below:

Costs: According to Anderson (2014), the embrace of arbitration will reduce the costs of the projects in many ways. Sometimes, malpractices and numerous atrocities are done in the execution of projects. For instance, projects involving technology transfer sometimes get done shoddily transferring no technology. When a dispute arises, the foreign contractor may simply file suit in its own country or another country, the defense of which the host country (or the state organ or entity that is involved) may not be able to sustain or pursue, Knowing of this handicap, the contractor may even make some very spurious claims. Brown, (2015). Normally, if the dispute is arbitrated and is properly handled, such claims not only fizzled out but proper penalties (damages) for the atrocities may be awarded, saving money for the host country.

Michael, (2016), the use of arbitration also reduces costs by making the dispute resolution process itself cheaper for the parties and, therefore, more affordable. In international transactions, which most of the execution of such projects normally are, a resort to litigation for dispute resolution is very expensive the litigation system is expensive because the lawyers bill or charge on hourly basis as against the generally low fees charged by lawyers in most developing third world countries .when the dispute resolution pressing is thus not affordable, most developing nations are constrained to abandon the pressing of their rights. The projects in question get abandoned as a matter of course even as the relevant contractors go away with funds already paid to them on the projects.

In litigation, relevant pieces of evidence and witnesses may be scattered in different regions of the world and would have to be moved to the locus of the court since the court, even if it were to be favourably disposed to adjourning to different venues just to view evidence or testimony of witnesses, cannot adjourn to a venue outside the shores of its country. National Courts have no jurisdiction, geographical or legal, outside the confines of the country in which they sit.

Avoidance of Delay: Delay has become an abiding problem of litigation even in developed countries. Economic projects to which they relate are therefore subjected to longer periods of inaction and inflation of costs. In the undeveloped countries, the delay is of a scandalous

dimension. By the time a case over an economic project is determined, the projected has either completely lost in relevance and has become a white elephant or the cost would have become prohibitive so as to compel its abandonment Brems, (2010)..

On the country, arbitration can pride itself in brevity of proceedings or at least in faster proceedings than litigation. While arbitration can sit at any time of the day including nights and on any day including weekends and public holidays, the courts cannot. While an arbitration or a tribunal may not have so many cases to handle, a court will normally have very many cases to handle. Therefore, while the judge cannot do so, an arbitration tribunal is not subject to the authority of any other one while a court, except the apex court of the country, can have its proceedings halted by a higher court in the hierarchy by a higher court in the hierarchy of courts. Legislation facilitating speed of proceedings in arbitration are effective in application but legislation and policies to enhance speedy proceedings in court are unconstitutional.

Confidentially and Cordiality: Akomolede (2015) trail of commercial and investment cases in court are full public hearings form which nobody lawfully conducting himself can be barred. Documents used, evidence given and decisions reached by the courts are all public documents certified copies of which practically any member of the society can procure from the court registry. If a party's trade secret such as a unique technological formula or procedure (which may be the reward of years of research funded by that party) is given in court it can hardly remain a trade secret thereafter. On the other hand, arbitration is in the main a private affair. No member of the public can assert any right of access to arbitral proceedings, documents or evidence or award related thereto. The parties' lawful secrets remain secrets. For this, parties are more favourably disposed to having their disputes arbitrated and would strictly shy away from litigation if they have trade secrets which could come into the open in the course of the proceedings Kenneth, (2001). As they so shy away, the dispute is not settled and the related project ultimately suffers abandonment.

Quality of Proceedings and Acceptability of Outcome: In litigation, the state appoints the judge and the parties will have to take whichever judge their matter is assigned to or abandon the suit. As a result, in arising out of international transactions if the proceedings take place in the domestic court of one of the parties the other party would be hesitant because of the home advantage syndrome. The syndrome is not always a myth. Some judges unnecessarily find it difficult to hold the scales evenly where one of the parties is a national of the country in whose courts they sit (their own very country in most cases) and the other is an expatriate.

Challenges of Alternative Dispute Resolution

There are problems or challenges associated with ADR. The following are some of them:

Delay: Though ADR proceedings may be quick, smart and slim, there may be situations when the dreaded court delay could occur. Where a party objects to an award or the court sets aside an award, and a protracted litigation ensues, the savings of time and money made by the use of ADR will be lost. This also happens if no resolution is reached for the dispute.

Relationship with the Judiciary: An important question to ask is whether judicial attitudes and the legal culture in the country are friendly to ADR. This has meant that judges have been skeptical about and resistant to the implementation of ADR practices as part of the court systems.

Lack of Precedents: ADR systems are tools of equity rather than tools of law. They seek to resolve individual disputes on a case-by-case basis, and may resolve similar cases in different ways if the surrounding conditions suggested that different results are fair or reasonable according to the local circumstances. Furthermore, ADR results are private and rarely published. ADR systems, therefore, cannot be expected to establish legal precedents or implement changes in legal and social norms. However, ADR systems can complement and support judicial reforms.

Negative Attitude of Lawyers: ADR is not the preserve of lawyers, but many lawyers are involved in ADR practice. The typical lawyers' adversarial disposition breeds avoidable technicality and ego trips sometimes, seriously curtailing the peace and friendliness that ordinarily ought to characterize ADR. Lawyers should be part of the vanguard for ADR, but some lawyers put a negative attitude and deride ADR lawyers as weak and ineffective in litigation proceedings.

Lack of man-Power: The success of the ADR system depends on the quality and reputation of the ADR providers. Although there exists some institutes to provide training for ADR practitioners, the number of qualified and reputable ADR providers is still grossly inadequate. To meet the challenge of using ADR as a dispute resolution tool, there must be a large reservoir of neutrals from which service providers may be chosen.

CONCLUSION

In the pre-colonial era, the Etche traditional judicial arbitration was strong, powerful and facilitated social cohesion among Etche people. The Etche judicial system operates on village democracy anchored on gerontocracy. The Etche judicial style is likened to the United State of American jury system where the judge pronounced judgments after critical deliberation by the members of the jury. Though some of the punishments prescribed for offenders are crude and brutal for minor offences relative to English legal code, the essence is to ensure deterrence, restore peace, protect the weak and enhance social cohesion. The Etche judicial system is less expensive and quick dispensing justice.

Recommendations

The following recommendations are made:

- There should be judicial reforms in the justice administration to accommodate greater flexibility in conflict resolution by facilitating alternative dispute settlement methods to reduce conflicts and enhance peaceful coexistence and social cohesion among Etche people and Nigeria at large;
- The English court system should provide a training manual for in-service courses for the customary court magistrate, high court judges and traditional experts on the methods and

relevance of the traditional judicial system, which will enable them to make a positive contribution to the advancement of alternative dispute settlement

- Governments at all levels need to encourage the communities to partake fully in all issues concerning their development, morally, financially or otherwise. The local governments should provide enabling environment to communities to initiate, plan and execute projects that will be beneficial to them.
- The judicial reforms should include the traditional judicial system as a division of the Judicial arm of government in the Constitution of the Federal Republic of Nigeria

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