

REVISITING INDIGENOUS METHODS OF ARBITRATION FOR PEACE BUILDING IN THE CONTEMPORARY YORUBA SOCIETY

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Abstract

This study focused on the indigenous method of arbitration and peace building in order to show how effective it was in the maintenance of law and order as well as social equilibrium in the pre-colonial Yoruba society compared to our modern day society. In traditional Yoruba societies, peace was not an abstract poetic concept, but rather a down to earth and practical concept. In Yoruba indigenous religious institution, peace is conceived, not in relation to conflict and war, but in relation to orderliness. It is a religious value in that, the peace in the universe and society is believed to be divinely established and the obligation to maintain it is religious. It is also a moral value since good conduct is required of human beings if peace and order are to be maintained. The study was descriptive and qualitative relying on secondary data sources. It found that the Traditional models provided for a win-win arrangement relying on collective wisdom of the society while the involvement of native gods compelled compliance with resolution terms for fear of non-compliance. The study concluded that the relevance of the ancestors, community leaders and the gods are largely limited to intra-ethnic conflicts while it has been perverted by political elites but do not imply that they are no longer relevant. The study recommended that government must pay attention to early warning signals to minimize direct violence and develop strong political will to confront the issues of conflict. Finally, the indigenous methods of arbitration and peace building models concerning the intervention of the ancestors, community leaders and the gods could be combined with Western models where practicable as they cannot stand alone.

Keywords: Arbitration, Indigenous Methods, Peace building, Ancestors and Religion.

Introduction

The pre-colonial Yoruba society was largely traditional and preliterate but had political, social and economic structures, social control mechanisms, idea of law, sense of justice and fair play, as well as broad judicial system comprising adjudicative, arbitative and mediative methods of conflict resolution that were not really documented. Odusote¹ noted

that during colonialism, the traditional legal system and the custom on which it was built was highly influenced by colonial imported laws and its institutions had to pass through the tests of validity. The result of the so-called validity tests is that so many traditional institutions for dispute resolution were outlawed, restructured or functionally and operationally reorganized. All the allegations, imputations and insinuations of barbarism and savagery on customary law were meant to discredit and dislodge it and substitute it with the English types. Today, from a purely numerical view-point, the preponderance of customary law over statute and English law is not in doubt².

One of the fundamental challenges that has confronted man in social history is that of the inevitability of conflict and disagreement in human relations. Fayemi³ maintained that the reality posed by the challenge of conflict has more often than not, resulted in social problems, especially, when such conflicts are not well and properly managed before degenerating into violent confrontations. History is replete with records of conflicts and armed conflicts at various strata of human relations. Whether at the inter-personal, intergroup, intra-group, intra-national or international arenas, conflicts have been found recurring in social relations. Nigeria, in recent past, has witnessed wanton wave of bloody conflicts, which had taken millions of innocent lives and other inestimable valuables materials. Millions of people are currently displaced and suddenly turned refugees in their own country. Violent conflicts in Nigeria (and elsewhere in the world) have disastrous consequences on social stability, peace, development and harmonious human existence. For these and other related reasons, scholastic concerns have been high in Nigeria (like elsewhere) in understudying the origins, nature, rate, causes and effects of conflicts, as well as understanding the efficient modes of resolving conflict and engendering peace in the contemporary society.⁴

The study aims at serving as a reminder of what the Yoruba people lost by forgetting their heritage, to re-assess Yoruba values and to admonish that it is not too late for Yoruba people to re-traced steps for a better development of the Yoruba society. Yoruba rural areas, therefore, serve as the mirror for understanding the indigenous method of arbitration and peace building in this paper.

The dual or parallel legal systems (received statutory laws and customary law) created through the introduction of the Western models of state, laws, administration and conflict resolution patterns led to further conflicts and confusion in Nigeria. These conflicts grew with time in sophistication and style. Social discontent is still on the increase and the society's peace is the worse for the resultant social, political and economic conflicts. Today, assassinations, labour/industrial unrests, family and communal clashes, religious polarity, succession, inheritance and marriage disputes, juvenile delinquencies, claims of human rights abuses, fraud, secret societies and many more expressions of disenchantment, civil disobedience, violence and vengeance are common in the Nigerian Yoruba society⁵.

In Yorubaland of the 21st century, too much dependence has been placed on modern and formal channels of conflict resolution such as the judiciary, military and paramilitary,

civil society, the press, arbitration centres and administrative panels. It is obvious that these channels alone have not and cannot effectively deal with the rising rate of social and political conflicts in the society. In fact, formal channels' responses in some cases have aggravated the conflict situations. The rising number of cases in our law courts attest to the fact that the approaches hitherto adopted in conflict prevention and management are not enough to solve the problem. Visits to customary, magistrate and high courts show that these courts are bombarded with civil, domestic, business and criminal cases which could have been settled amicably through the indigenous methods of arbitration⁶. Informal alternative dispute resolution on radio and television with mediation centres also continue to entertain more cases. In spite of all these, conflicts of various types continue to be on the increase. Interpersonal lineage and inter-lineage conflicts have not abated. One conclusion that can be drawn from the rampant conflicts in Yoruba society is that the modern day conflict management methods are insufficient. Corroborating the above, Zartman⁷ observed that, the persistence of violent conflicts in Africa indicates that modern methods are also defective in facing the challenges. The methods are often faulted for their foreignness and non-African nature and for ignoring the wisdom of traditional African conflict management practices. Alluding to the foregoing, Minneh⁸ discovered that, ever since the introduction of the colonial (statutory) courts, some persistent problems have clogged their administration of justice like the undue delay before the courts' decisions are reached, resulting from adjournment and technicalities involved.⁹ While some have argued that the ritualistic adherence of the statutory courts to the cosmetic procedural technicalities fuels instead of resolving conflicts. Thirdly, the cost of litigation in the courts is prohibitive such that many are unable to afford and ultimately, adjudication in the courts tends to widen the misunderstanding between the parties as against the reconciliatory approach of indigenous arbitration. These weaknesses have led to a near-total loss of confidence in the statutory courts, therefore there is a corresponding increasing resort to the recommendations of indigenous arbitration for the society. Hence, the need for this paper to find out and account for the sustained interest in the indigenous arbitration.

The picture of indigenous methods of arbitration presented above requires serious attention. This study was embarked upon to achieve some objectives related to peace building in indigenous methods of arbitration adopted in Yorubaland in the context of modernity. Therefore, the primary objective is to examine peace building in indigenous methods of arbitration in the areas of successes which needed to be strengthened. In doing this, the work examined the degree at which stakeholders in the administration of peace building in indigenous methods of arbitration are responsible in Yorubaland. This involved identifying their official and unofficial responsibilities in the indigenous method of Arbitration. The study will serve the purpose of filling the vacuum created by the prevalent oversight of the activities of people in the Yoruba communities over time underplaying the roles played by family heads, elders, *mógàjis*, *baales*, and the religious leaders by bringing out succinctly the strength, weakness, opportunities and the challenges facing the peace building in indigenous methods of arbitration and peace building mechanism in Yorubaland which has hitherto received scanty attention of

scholars in the formulation of the mechanism for peace and conflict resolution. Moreover, the research tried to identify some lapses in the peace building and indigenous methods of arbitration which need to be corrected so as to guarantee more success of indigenous methods of arbitration that could enhance the possibility of integrating into the contemporary ways of conflict resolution in Yorubaland. The failure to identify these factors in the past made it impossible to have a blend of indigenous peace building and modern methods of conflict resolution.

This paper is a descriptive but qualitative research investigating the involvement of ancestors, community leaders and the gods in the issue of arbitration and peace building. The paper relied on secondary data sources consisting of relevant textbooks, journals, Internet sources and documentary evidences. The data obtained were content analyzed.

The theoretical framework adopted for this work is the indigenous theory propounded by Ake¹⁰ which claims that justice is attainable through the exploration of African culture and tradition for the rebuilding and development of Africa. He described peace building and justice as the cardinal ideals of every religion and society which involves social and moral obligations of every member of the society; and it is the symbolic representation of natural law, which might or might not correspond with temporal or man made law. He explained that the function of natural law is to direct what is good and what is evil. He further explains that natural law is nothing else than the rational creature's participation in eternal law. It has been generally accepted that the notion of natural law has been conceived as the ultimate norm of right and wrong, as the ideal pattern of life both visible and invisible according to God the Supreme Architect of the Universe who is above nature as the law discernible to reason and distinct from positive law as contained in codes established by the state or any other human organization.

Religious Beliefs in Indigenous Arbitration

By peace and religious beliefs, we mean morality inherent in indigenous principles and practice of African people; that is, African traditional religion. This religion according to Nabofa¹¹ has no historical founder or literature. However, its ethics according to Abimbola¹², are derived mainly from oral traditions such as wise sayings, *Ifa* literary corpuses, fables, folktales, proverbs, songs, music, legend, taboos, myths and so forth. The oral traditions, according to Dzurgba¹³, can be described as Yoruba oral ethics. The oral traditions express the mind and thought of African people about what constitute right or wrong, correct or incorrect actions in their traditional milieu. Traditional (Yoruba) religious ethics according to Idowu¹⁴ has its source in God (*Olodumare*). In fact, the general assumption of traditional African people is that traditional morality rests upon the commandment of the deity because God is the overlord of the society. Corroborating this assertion, Opoku¹⁵ opined that generally, morality originates from religious considerations and so pervasive is the religion in Yoruba culture that the two cannot be separated from each other. Thus, we find what constitute the moral code of any particular Yoruba society: the laws, taboos, customs and set forms of behaviour all derive their compelling power from religion. Thus, morality flows out of religion and through this,

the conduct of individual is regulated, and any break of the moral code is regarded as evil and punishable. This system has one desirable ideal-social harmony and peace for the good of man and society¹⁶.

Arising from the above thesis is that God, according to Idowu¹⁷, is the ultimate source and guardian of human morality. This is possible because God himself is a moral being and also made man with some qualities in him. One of these qualities is the sense of moral values implanted in him since he was created. This manifests itself in conscience which Yoruba people call *Ifa aya* (the oracle of the heart) or *eri okan* (conscience). It is this conscience that informs a person what moral action is right or wrong at every given situation. In other words, conscience is the guardian and regulator of human actions on moral matters. Because conscience is a moral instrument in man, man stands face to face with the question "what should I do?" at every moment. And each time the question comes, everybody is bound to listen to the voice of conscience. As a result of this, man's duty as a moral being is to obey the will of God for his wellbeing. Man's position is that of a tenant living in God's created earth. This view, Idowu¹⁸ confirmed when he said: Man is the tenant on God's earth and therefore, must not undertake anything without divine sanction.

It then follows that man is punished whenever he violates God's ordinances. The violation of the divine will occur when we engage in the following acts: theft, murder, hatred, dishonesty, disloyalty, wickedness, falsehood, hypocrisy, disrespect for parents and elders, adultery, fornication, patricide, breaking covenants, breach of contracts, greed, selfishness, robbery, lying, cruelty, covetousness, violence etc. All these constitute not only sins but also crimes in traditional religion. The punishments for violating divine will are in varying degrees but such punishments may include the following: diseases, drought, tornadoes, calamity, crop-failure, failure in business, epidemics, bad luck in social activities such as business, hunting and courtship. Other forms of punishment include high mortality rate, snakebite, childlessness, breakdown of societal harmony, solidarity, unity and brotherhood and even untimely death¹⁹. On this note, God requires every person to live a virtuous and pure life in both private and public places. Individuals and the entire society are to apply the following virtues in their daily activities. The ethical values include: love, honesty, dedication, humility, faithfulness, accountability, responsibility, discipline, cooperation, loyalty, justice, obedience, friendliness, compassion, self-control, orderliness, patience, endurance and sincerity. All these values according to Yoruba constitute *iwa* character, which refers to man's physical self and totality of what an individual person is.

According to Awoniyi²⁰, *iwa* is manifested in respect for old age, loyalty to one's parents and constituted authority, honesty in public and private dealings, devotion to duty, readiness to assist the needy and being sympathetic. In a traditional Yoruba society, there are various visible and invisible agents who are responsible for inculcating and articulating traditional religious ethics. The invisible agents (which appear to be more powerful than the visible) are divinities, ancestors, and spirits. The visible agents consist

of magic and medicine men, priests and priestesses, elders, parents, diviners, seers and prophets. Regarding the invisible agents, the divinities that are always at the services of God have duties of rewarding or punishing those people who obey or disobey divine rules respectively. For example, certain divinities such as *Sango* (the Yoruba god of thunder) and *Ogun* (the Yoruba god of iron) abhor stealing, sexual immorality, injustice, covenant breaking, dishonesty etc. Therefore, they have the capacity to punish whoever is guilty of violating the ethics of the society. As a matter of fact, Yoruba people of the past and present do fear the said divinities. Thus, through them, God gives society cohesion and peaceful co-existence. The ancestors, like the divinities are also regarded as guardians of social ethics. The ancestors, whom Mbiti²¹ described as “the living death”, are the dead members of society, whose names still linger in the memories of the family left behind. Though they are dead, they are still living in a spiritual world where they have power to oversee the affairs of members of their families left behind on social, political, economic and moral matters. More importantly, because the ancestor had lived a transparent life while on earth (in fact this is one of the attributes that qualify them to be ancestors) they are concerned with effective discharge of moral obligations. The general belief of the Yoruba about the ancestors is that the present ethics, norms, customs and traditions constitute the sayings and deeds of “our fathers”. Therefore, any deviation from such tradition and ethics is to incur the wrath of the ancestors. It is on this ground that they always guard the morality of the society. Mbiti amplified this assertion when he wrote that:

...the ancestors are the guardians of family activities because they are still “people”, the living dead, are therefore the best groups of intermediaries between and God; they know the needs of men; the full access to the channels of communicating with God directly or, according to some societies indirectly through...²²

From the above, it is obvious that the ancestors are concerned with moral affairs of their family and therefore are also concerned with enforcing public morality for the benefit of the society. Apart from the divinities, the spirits who do inhabit in drinking wells, streams, rivers, seas, forests, lakes, trees, and caves are also guardian of traditional ethics. The spirits are taken as invisible social beings that live in communities²³. They are capable of changing themselves into any form; consequently, people have psychological fear for them. This fear has positive ethical implications. For example, in the traditional Yoruba society, commodities for sale were displayed along village roads and paths for prospective buyers to buy. The prices of the commodities were indicated with amount of cowries or stones put beside them. Nobody dared to steal the commodities, fail to pay, or steal the money and the commodities. The reason was that the spirits of sky, earth, trees, where the commodities were displayed, and the spirits of money and the commodities themselves were capable of seeing the thief and punishing him or her severely even when the owners of the commodity could not identify the thief. This belief instills into individuals, the spirit of benevolence, self-control, honesty, and impartiality, especially in

dealing with the unknown person(s). It is on this ground that Dzurgba argues that a belief in spirits enforces moral consciousness²⁴.

The visible agents earlier mentioned complement the work of invisible agents. For example, the diviner who serves as an intermediary between divinities and men could identify persons through divination. The fact is that when a person offends divinities by breaking public morality, the offender, according to Idowu²⁵, will experience severe punishments like those mentioned earlier. This will make him contact diviners in order to appease the divinity responsible for the misfortune. In the process, the diviner may refuse to perform propitiation rituals or sacrifices to remove the punishment. At times, diviners, priests and priestesses may be called upon to invoke the wrath of gods upon person or persons guilty of breaking the ethics of society. In the same vein, magic and medicine men also could take punitive measures against a person who errs morally by invoking bad magic on him or her. Therefore, magic and medicine could be used to prevent people from immoral acts such as stealing, adultery, fornication, armed robbery etc. For example, a specific magic known as *magun* (thunderbolt though translates literally "don't climb") can be placed on a woman so that whoever has sexual affair with her may die instantly or later. Magic could also be placed on properties so that whoever steals them would die or become insane immediately. In other words, magic and medicine cause psychological fear for African people²⁶.

The Role of Elders in Indigenous Methods of Arbitration

Elders and parents are taken as custodians of societal ethics and traditions. They are also agents of inculcating traditional ethics. In the Yoruba society, respect for elders is one of the most important aspects of Yoruba ethics. The Yoruba child grows up in a community where all elderly men and women are fathers and mothers. The term "parents" in Yoruba society does not refer to the biological parents alone. It embraces all elderly persons in the society. Respect for parents and elders are regarded as both sacred and moral duties. Elders are valued as indispensable for being the recognized source of wisdom, strength and guidance. Arising from the status of parents and elders in traditional society is the fact that they are to guide moral behaviour of the young people. Hence, the Yoruba proverb "*Agba kii wa loja, k'ori omo tuntun wo*" which translates "An elder should not be in the market place and allow a child's head to hang"²⁷.

Thus, without the elders, the affairs of the state would run into chaos. Hence, the saying, "*Agba ko si, ni ilu, ilu bajẹ. Baale ile ku, ile d'ahoro*" meaning, when an elder is not around, the town gets confused. For the above reasons, elders could flog, scold, and adopt several other punitive measures upon the young people who err morally. They exercise this authority without anybody objecting to it. The impression is that whoever disobeys elders will never attain old age and if he does, young people under him will also disobey him. We gathered from the above discussion that the Yoruba community as a whole is responsible for the enforcement of the ethical teaching in traditional societies²⁸. Moral decadence is viewed as a social problem. In fact, the welfare and solidarity of the people

are not separated from the moral actions of individuals. The actions that contribute to the welfare of the society are said to be good, while those actions that do not make a positive contribution to the welfare of the community are deemed to be bad actions. The norms of Yoruba community are based on public experiences, convictions, good judgments and consensus in which the individuals participate.

Significant Methods of Resolving Conflicts in Traditional Yoruba Societies

Arbitration had been one of the significant methods of resolving conflicts in traditional Yoruba societies. It has been adjudged a unique way of producing an arbiter who comes up with special decisions which the parties to the conflict must submit themselves. Arbitration also produced the venue from where such decisions were arrived at and executed. Thus, there had been arbitral courts, tribunals and proceedings in the Yoruba society through the ages. The operational model of arbitration had been couched in contentment of the Yoruba authorities, condescending interest of the parties to the conflict (the disputants) and the working schemes of the Yoruba customs and norms, which we must understand, gave arbitration an unconditional backing and implementation in the process of conflict resolution. Considering the operational motifs in arbitration, this paper focused on the indigenous arbitration as means by which justice is administered in Yorubaland and as it influences the institutionalization of peace and harmony in pre-colonial Yoruba setting. It also examines the dynamic power wielding mechanisms of the arbitrators towards developing agenda for promoting peace and initiating goals of harmony in the society by examining the issue of justice in the mechanism.²⁹

Arbitration can be simply defined as the enabling will and power to decide and determine a course of action quite instrumental to decision making. The level of reaching out to a decisive and prompt action characterized arbitration. This simple definition will enable us to understand Yoruba will-power to engage in the absolute control of conflict resolution in their environment. Such a will-power must be understood by us to generate a process leading to development in the society. Arbitration functioned well in traditional Yoruba societies³⁰. The process of arbitration in Yorubaland differed markedly from those of the western societies as the differences were unfolded in the previous discussion.

Arbitration methods had produced great levels of trust, confidence and mutual understanding in traditional Yoruba societies. As the judges, arbiters or arbitrators had lived up to their expectation of being impartial and had interpreted the customs and norms creditably in situations of conflict handled in the arbitral proceedings. The juristic tradition anchored on arbitration had made it possible to yield positive results³¹. The implementation of the arbitral decisions of the arbitrage practically fitted into the dynamics of cultural heritage, which had been bequeathed to the Yoruba by their forebears. Arbitration, therefore, had a long history of existence in theory and practice in pre-colonial Yoruba societies.

Concept of Truth

Truth was yet another axis upon which arbitration revolved. Even the supernatural required elements of truth to design and implement judicious decisions. It is interesting to note that the parties to the conflict (disputants) had to embrace truth and honesty of purpose to allow for positive and speedy arbitrage. No one was excused or excluded from hallowing and respecting the truth in the context of fruitful and functional arbitration in traditional African societies³².

Decision in arbitrage revolved around duties and responsibilities and not rights. Obligatory sanctions functioned adequately well in traditional Yoruba societies. Indigenous arbitration recognized humaneness of disposition and discharging normal responsibilities to one's neighbour, kith and kin. Thus, Allott submitted that:

In western (or at least English) legal procedure, litigation is often treated as a sort of game, with the judge as umpire holding the whistle, blowing when one party gets offside, and awarding the victory to the side which scores most goals. The contrast with typical African procedure is a sharp one...³²

Yoruba justice often has the qualities of being arbitral and consensual, of simplicity and publicity. The law and procedure are intelligible and acceptable to the people, and the *vox populi* often gains a hearing, not least when bystanders join in and give their opinions on the merits of a case. In brief, judicial procedure reflects the common African principle that government and decision are ultimately by popular consent. The foregoing description aptly linked indigenous arbitration with the process of conflict resolution in pre-colonial Yoruba societies distinguishing it from the western model. Moreover, it is significant to observe that the notion of cooperation and consensus still predominate in indigenous arbitration as with negotiation. The nature of indigenous arbitration and the approach of the arbitrator to truthful disposition of decision were anchored on arbitral proceedings in traditional Yoruba societies. Thus, the arbitrators must be above board to design workable decisions acceptable to a greater majority in the crowd of audience listening and watching the proceedings.

The Use of Cross Examination

Cross examination was an important mechanism employed in the process of conflict resolution in traditional Yoruba society. It was a means of weighting evidence through cross checking and corroborating of the facts of the conflict.³³ In the Yoruba maxim, a good sense of justice is associated with cross examination which is expressed as follows: *Agbejo enikan da, agba osika -wicked and iniquitous is he whose judgement is based on the evidence of one party to a case)*

The Use of Extra-Judicial Methods

Consequently, in traditional Yoruba societies, in the method of arbitration, undue favour to the disputants was discouraged while extra-judicial methods were employed. These took the form of ordeals and the invocation of supernatural forces to expose all sides to the conflict. Olaoba has shown quite clearly that oath taking which was one of the extra-judicial methods usually assisted the judge or adjudicators to locate areas of weaknesses in the conflict. Apart from the iron object (sacred to the *ogun* the god of iron) used for oath-taking, the Yoruba also use royal shrine or religious sanctuaries and other traditional religious emblem of *Sango* (god of Thunder), *Yemoja* (goddess of river) and *Ayelala* (guardian of social morality) to ascertain the veracity of the story told by disputants³⁴

Adjudication

In traditional Yoruba society, adjudication involves bringing all disputants in the conflict to a meeting usually in the chambers or compounds of family heads, quarter heads and palace court as the case maybe. Dialogue was linked with the adjudicatory processes in indigenous method of arbitration³⁵

Reconciliation

This was the most significant aspect of conflict resolution. It is the end product of adjudication. After the disputants have been persuaded to end the dispute, peace was restored. This restoration of peace and harmony was always anchored on the principle of give a little and get a little. This idea buttresses the idea of the disputing parties to give concessions. A feast was usually organized to confirm the readiness of the conflicting parties towards reaching points of compromise³⁶

At least, as characteristic of Yoruba traditional society, conflict resolution method is the use of arbitration. The reconciliation function is practiced by an authority figure that mediates between conflicting parties but is empowered to make binding judgments. The purpose is not to render a judgment in law but to reconcile the conflicting parties and its norms. The relationship between the authority and the community is cushioned by community representatives who advise authority³⁷

Negotiation

Negotiation, the secret is to harmonize the interests of the parties' concerned. Thus, even when the conflict involves a member against his or her society, there is an emphasis on recuperation and reinsertion of the errant member back into its place in society. The recovery of a dissident member can just as well be seen as the restoration of the harmony and integrity of the community, as the assertion of value consensus and social cohesion, so that the management of the conflict favours the concerns of both parties³⁸. In traditional Yoruba society, peace was negotiated. Apology for wrongs done to individuals and the entire community was a feature of negotiation. Such apology was channelled through Yoruba elders, compound heads and chiefs of high calibre in the society. It is

done on the representative level or quasi-representation. The *Babāogun* (patron) played the role of a representative in the sense of conflict resolution³⁹.

Indigenous Arbitration and Peace Building

Indigenous arbitration and peace building were inherent in the methods of conflict resolution in traditional Yoruba societies. It produced arbiters, judges and arbitrators whose radiant interests were to reinforce a popular decision that enhanced harmonious relationship in the society. The arbiters operated at the level of curiously applying Yoruba customs and norms with a view to making them drivable and workable. The functional implementation of the decisions which African arbiters designed was anchored on the influence of the deities. Effective communication towards making the arbitral proceedings enduring was quite engaged in the process of conflict resolution in traditional Yoruba societies. Both the arbitrators and the parties to the conflict had the singular choice of mutual understanding through functional communication of interests and decisions across board⁴⁰. This was necessary to ascertain the acceptability of the designed decisions for implementation and programming. No one engaged in indigenous arbitration lacked the proper understanding of the intent and purpose of the decision reached and concluded upon towards the advancement agenda piloted through conflict resolution. In outline, indigenous arbitration was effective and functional towards facilitating peace and enhancing harmony in pre-colonial Yoruba societies.

The talking point of this section centered on the dynamism of indigenous arbitration as one of the methods (though very old) engaged in traditional Yoruba societies to enforce useful decisions promotional to peace and harmonious relationship. The ground for effective indigenous arbitration laid on accessing Yoruba customs and norms without let or hindrance. This was a way of preserving the cultural heritage and advancing development agenda and programming. Although, certain qualities were desirable of the arbitrators as well as the parties to the conflict (disputants), such qualities were instrumental to the outcome of indigenous arbitration in the context of conflict resolution. It was also emphasized that the supernatural had greater grip and influence not only on the designing of decisions in the arbitrage but also on the implementation for steering the ship of social justice and harmony. This was the spectacular difference noticeable in Yoruba indigenous arbitration but conspicuously absent in western arbitration.

Recommendations

Government should encourage the effort of traditional rulers and chiefs who devote their time to peace-making, peacekeeping and conflict management within their locality. There should be a re-awakening of the cultural norms that have been neglected by the people. This can be done by using electronic media, write-ups in the dailies etc. In view of flagrant abuse of the modern judicial processes, extra-judicial processes of old should be encouraged to get at the truth.

Government at Federal and State levels should be mindful of early warning signals as smoke leads to fire. Government should try to nip in the bud situations that are likely to

degenerate to conflict situations as no conflict resolution mechanism is totally effective. Therefore, prevention is better than cure and this will minimize the time and huge resources expended on managing direct violence with avoidable loss of lives, properties and the psychological trauma suffered by the victims of conflicts.

Yoruba community is replete with stories of cheating, disrespect for justice and fundamental human rights as well as character assassination. Yet, Yoruba people pretend to adhere to the principle of social engineering. A little caution on how rumours are being spread and hearsay must be taken. Through indigenous arbitration and peace building, the society can easily get rid of misgiving, in-fighting and disputes. Yoruba indigenous institutions for arbitration which had significantly upheld peace and harmony should be resuscitated and made functional again, though there might be the need to upgrade such practices to meet current realities.

Conclusion

A society which neglects the instructive value of its past for its present and future, cannot be self confident and self-reliant; and will therefore lack internally generated dynamism and stability⁴¹. Moreover, the essence of arbitration in traditional Yoruba societies include the removal of the root-causes of the conflict; the reconciliation of the conflicting parties genuinely; the preserving and ensuring harmony, and making 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. These are different from what is obtainable today where nobody cares about the truth. If Yoruba society in particular and Nigeria in general have to put the falling apart together, her original values must be revisited. The study concluded that the relevance of the ancestors, community leaders and the gods are largely limited to intra-ethnic conflicts while it has been perverted by political elites but do not imply that they are no longer relevant. The study therefore recommended that governments must pay attention to early warning signals to minimize direct violence and develop strong political will to confront the issues of conflict. Finally, the Yoruba indigenous methods of arbitration and peace building models concerning the intervention of the ancestors, community leaders and the gods could be combined with Western models where practicable as it cannot stand alone.

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