

Land Dispute Resolution Strategies among the Anioma/Asaba People of Delta State-Nigeria

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Abstract

Land disputes as they exist in the Nigerian Anioma ethnic group (Asaba in particular) consists of communities, families or individuals making claims and counter claims over the ownership of land. The aftermath of these land related disputes are better imagined than experienced. Land disputes, especially those involving the claim of original settlers, experiences of mythology and ethnology breeds bad blood. Many communities who had involved themselves in skirmishes over land disputes have suffered losses of lives and properties. Traditional conflict resolution existed in Asaba before the introduction of the use of the litigation in conflict and land dispute in the first quarters of the nineteen nineties. Up till date, the court is filled with many land dispute cases awaiting trials. In spite of the delays, waste of time and financial losses inherent in the court system, parties in land disputes still patronise the court system. The paper examines the land dispute strategies in use in Asaba and highlights the challenges and constraints inherent in them, especially in contemporary Asaba. Its methodology includes review of reports on land dispute resolutions that have occurred among Anomia/Asaba people, the use of questionnaire and oral interview. The data collected from these combined sources were analysed and the findings include one, that patterns of land ownership have changed in contemporary Asaba, two, that the traditional mediation and arbitration processes yielded much better results than the modern/recent ones, and three, land dispute in Anomia culture/Asaba now result in violence with many such dispute cases in the court and awaiting trial. Therefore, the paper primarily recommends that Delta State Government should incorporate aspects of Anioma/Asaba indigenous settlement strategies in its judicial process among the recognised Alternative Dispute Resolution (ADB) mechanisms as civilised means of resolving disputes.

Key Concepts: Conflict, Conflict Resolution, land dispute, Anioma Culture, Asaba.

Introduction

Conflict resolution in plural societies can be quite complex, principally because of the determined effects of culture and language symbolism (Akpomuvie and Forae, 2008: 111). Asaba the capital of Delta State is becoming more cosmopolitan as a result of influx of people from diverse cultures. Therefore, in resolving conflict, the diverse cultural differences and interest of these people should be taken into consideration.

As noted by Ogbuoshi (2004), conflict has numerous advantages such as promotion of consensus building, social bridge reconstructions, and the re-enactment of order in society. It energises and motivates social changes. However, it should be noted that the extent to which conflict resolution objective is achieved depends on the willingness of the actors to sit at a round table dialogue with mediators in order to alleviate the situation.

The Anioma people had before the advent of the arrival of the Europeans, settled dispute in the typical African manners. A little deterrence however, may be found in the resolution of disputes on both the pre-colonial and postcolonial era in the Anioma Nation. However, land disputes seem to have dominated the list of recorded disputes in the area and particularly Asaba. Justice Ogbobine (1988) succinctly captures this when he reported that 'the fact cannot also be disputed that in no other community in Bendel State are there so many land disputes as in Asaba'.

The situation however, has not changed even today. But because of the creation of Delta State with Asaba as its capital, the rate of influx of people into the new state capital made for a compulsory change in the manner of conflict resolution which had been known to the people. Before or at about the year 1928, the people of Asaba as against the typical traditional land dispute resolution method had added the use of litigation which as at the time in question had been accepted by them. The reason for this is not far-fetched and is revealed in Ogbobine (1988) thus:

“It is doubtful whether there is any other community in Bendel State where there are more highly educated people in different spheres of learning and disciplines than in Asaba. They took full advantage of their early contact with the European missionaries and merchants on the River Niger to enhance their educational position...” p.44

At the traditional level, the typical Asaba system allows for the application of what looks like the conventional court system because cases were introduced at the nuclear family level and provisions also have been made for appeal to higher and wider family levels made by tradition.

In the hierarchy the structure has at its 'topmost point the representative body which rules the entire town known as the “Asagba” in council, while at the base of the system is the “Umunna” or the family. Till date, the above method which has the following flow still applies and conveniently has resolved a lot of disputes: “Ogbe

Ebo Out-Ihaza Asagba” in council. From this flow an unsatisfied litigant may appeal to the next stage but like the Supreme Court no traditional litigation goes beyond the “Asagba” in council level.

Coser (1968) as cited in Ezekiel (2010:19) averred that conflict is a struggle by conflicting parties over values or claims to status, power and scarce resources aimed at gaining the desired values, and also intended to neutralise, injure or eliminate their rivals. Using this definition as a working tool, it would be observed that land is a scarce resource with limited access and dispute over it has led to struggle, neutralisation, injury, and in extreme cases the extermination of the opponents, In Asaba prior to 1991, the “Diokpa” of a village holds land on trust for the people; with a committee or representatives. The “Diokpa” oversees matters relating to land, therefore nobody can acquire or sell land without the consent or signature of the village head. Asaba in post 1991 has witnessed all manners of conflicts arising from the fact that this trust on the “diokpa” of a village has been grossly violated. Some greedy elders in the land committee in collaboration with some youths had taken advantage of the “diokpa” by plotting and selling out land to people, and efforts to challenge their authority have led to all sorts of negotiations and properties have been destroyed and lives lost in the process of such. It is in attempt to avert such extremity over disputable values, land in particular, in the distant past that Anioma people, Asaba as a reference point, instituted strategies for resolving conflict in case it emanates.

The paper is provoked by the fact that many land disputes cases are in court and that Asaba as a community does not have collective ownership of land. Rather, what is obtainable is ownership by different “Ebos” or quarters that constitute Asaba including villages, sub-villages, and family land ownership. It could be noted that the “diokpa” of each above named, holds the land on trust for the people. However, at creation of Delta State, the Land Use Act of 1978 vested the control and management of all lands in Asaba on the Governor. This has completely altered the pattern of customary land tenure in Asaba, in that it has virtually transferred titles to land held under customary tenure to the government.

The result is that no family or community can now claim a declaration of title to any land in Delta State, Nigeria, Asaba in particular, and all that can be granted to them is a statutory right of occupancy. Linked to this development, is the brutality and destruction of lives and properties that have permeated Asaba land disputes since its inception as the capital of Delta State. This is unlike what was obtainable

in the past as reported by Justice Ogbobine (1988:15), in his book that the bitterness and violence which characterised land disputes in some other parts of Bendel State and Nigeria generally, when these are proceeded by acts of trespass or forcible entry, are hardly known to Asaba area, they are quite matured enough to realise that the court is there to resolve their difference. Hence, the paper seeks to find out the settlement strategies that are being used in resolving land disputes in Asaba as an entity.

Clarification of Concepts

Conflict

The term conflict, constantly surface in daily existence as people strive for subsistence. The human nature is such that nobody will live entirely on his own without coming into contact with others. It is in a bid to make such contact by means of interacting with others for educational purposes, social, political and economic purposes that conflict emerged as a naked electric wire that reveals the difference in human attitude, interest, among others. Hence researches have defined the concept conflict in various ways. One widely acclaimed definition of conflict is the one defined by Coser (1956: 8) cited in Ogbuoshi (2004: 163) and corroborated by Chidera (2020). He sees conflict "as a struggle over value and claims to scarce status, power and resources in which the aims of the opponents are to neutralise, injure or eliminate their rival". From this conceptualisation, conflict is seen as a negation of negation, something that is triggered by the seemingly opposing interest of those in disputes.

Qawasmeh (2016) and Forum for Conflict Prevention (2003) cited in Sanubi & Ugbomeh (2008:22), argue that conflict is "present when two or more parties perceive that their interests are incompatible and express hostile attitudes, or pursue their interest through actions that damage the other parties". The Forum for Conflict Resolution (2003) insist that it is a situation in which at least two actors or their representatives try to pursue their perceptions of mutually incompatible goals by undermining directly or otherwise the goal seeking capability of one another (Sandils, 1986 in Sanubi & Ugbomeh, 2008). Further still, Sanubi & Ugbomeh opined that in every conflict there is a conflict realm which is the social environment in which the conflict resides, defined by both context and process. They gave an analogy that a conflict between two sons of a deceased father over inherited landed properties exists within the realm of the family but if such conflict

escalates in a way that lives and properties of the other persons in a community are threatened, the realm has grown from a family conflict to that of a community.

Conflict Resolution

The magnitude of conflict is heightened when it involves lives and properties. At this point the conflict is now out of hand. It is in an effort to prevent acute conflict that the notion of conflict resolution emerged. Every act of conflict always calls for settlement; attracting the attention of the conflicting parties to look sideways for alternative solutions to their skirmishes. Conflict resolution, therefore is a means though not an end in itself, but it has the capacity to bring the parties to commune with a third party whose main aim is to achieve a win-win agreement that establishes no victor, no vanquish living all involve with satisfaction. It is on this note that Miller (2003) cited in Akpomuvie and Forae (2008:111) sees conflict resolution as a variety of approaches aimed at terminating conflicts through the constructive solving of problems distinct from management or transformation of conflict. Also, Mitcher & Banks cited in Akpomuvie and Forae (2008) used conflict resolution to refer to: “an outcome in which the issues in an existing conflict, are satisfactorily dealt with through a solution that is mutually acceptable to the parties, self-sustaining in the long run and productive of a new, positive relationship between parties that were previously hostile adversaries; and any process or procedure by which such an outcome is achieved”. Conflict resolution therefore involves the various ways or processes which conflicting parties deal with and reach a peaceful resolution to their disputes (Wikipedia, 2020; Thomas, 2016).

The Anioma Nation

The Anioma Nation is an acronym for the four geopolitical and cultural quadrants of Aniocha, Ndokwa, Ika, and Oshimilui, The name Anioma was coined by Late Chief Dennis Osadebeyi, the founding father of “Anioma State Movement”. Anioma people according to Mohadama (2007), inhabit areas west of the lower Niger River, in today's constituted Delta State of Nigeria. From the perspectives of Nigeria's geopolitical Matric, Anioma is squarely within the South-South zone. In today's political dispensation, Anioma is designated as Delta North Senatorial District. To the east, Anioma, is bounded by Anambra State; to the southeast by Imo and Rivers State, to the south by the Bayelsa State; to the southwest by Isoko ethnic group, to the west by Urhobo ethnic group; to the Northwest by Edo State and to the North by Kogi State.

Theoretical Framework

The theory that provides the intellectual framework for this study is the mediation model. In the view of Kowalski (1990) as in Jones (2002: 51), mediation is the “process whereby the parties with the assistance of a neutral person systematically isolates the issues. in dispute in order to develop options, consider alternatives and reach a consensual agreement that will accommodate their needs”. In like manner, Thomas (2000:82; Thomas 2020) noted that sometimes when two parties cannot agree on a compromise they will use mediation. They will call in a party who acts as adviser and counsellor in helping the two parties each an agreement. This method actually helped to reduce land disputes/conflicts. The conflict resolution method known as ‘Igbandu Rite’ involves use of mediation. A third party with integrity wades into the dispute by winning over the parties involved in the dispute and often times, eventually issues are resolved and peace is established. This reduced to a large extent the list of unending land disputes. It must be noted however that many land disputes existing in Asaba today are in the court. This is mostly because the traditional method of mediation has become unpopular and the courts have taken over.

Methodology

The methodology for the study examines the available records and reports on cases of land dispute and conflicts that have occurred among Anioma/Asaba people, and their resolutions. This is complimented by the use of questionnaire and oral interviews with some Asaba indigenes who have knowledge of or who may have been involved in land dispute resolutions. The questions asked aimed at ascertaining the strategies used in resolving land disputes and conflicts in Asaba community. The data collected from the combined sources were subjected to statistical analysis and findings are as presented in the subsequent sector.

Findings

In the indigenous anioma culture, most land dispute were generally often resolved and did not generate to violence. The traditional methods of land dispute resolution were seen to be quite effective. However, with the advent of colonisation, modernization and the emergence of Asaba urban township as the capital city of Delta State, contemporary methods of land ownership and dispute resolution have increased land disputes that are unending and sometimes quite violent among the Anioma/Asaba people.

Traditional Methods of Conflict Resolution in Asaba

Conflicts existed as long as mankind and ever since then such conflicts have continuously been resolved. In the Anioma area of Delta State, Asaba in particular conflicts have been resolved through the following methods:

i. “Igbandu Rite”: In the normal course of the day to day interaction between persons and communities, misunderstandings (on land in particular) may develop. Such misunderstandings may linger and may lead to the affected parties not being on speaking terms. It may degenerate to the level of mutual suspicion between the parties, or one trying to harm or even kill the other and maybe sometimes by diabolical means. At the local level, a concerned third party may intervene through consultations with each party in a bid to get to the genesis of the misunderstanding and getting their proffered solution. Such third party must have integrity and must hold out ‘the olive branch; when negotiating with either party. He preaches love and forgiveness, backing such preaching with some native proverbs such as ‘when brothers are at table, one does not ask for a ‘lamp’ or ‘bitterness against a brother is only felt in the flesh, not in the bones’. If it gets to the bones, separation has crept in. If this mediator is able to create an atmosphere such as to bring the feuding parties together in the same venue, he has made the needed in road towards peace and reconciliation (Ndill, 2010).

In a community setting, a meeting is summoned and the feuding parties are given the opportunity to vent their grievances. At the end of the meeting which is summoned not to apportion blame but to restore goodwill and mutual trust between the parties, a decision is taken that the parties should perform the “Igbandu Rite”. This is, more or less a ,covenant between the parties to keep away from anything that can bring harm or death to the other As a follow-up to the performance of the “Igbandu Rite”, the parties are made to eat kolanut from one piece and possibly drink palm wine or gin from the same cup with the liquid content passing from one to another and back to one. This is the peoples way of dispelling the mutual fear the parties had for each other over possible harm of death, The rite is always performed early in the morning before breakfast on Eke, the first day of the native week (Ndill, 2010:155-156).

ii. Consultation of Shrines and Deities: This method was widely used in resolution of land matters where it became difficult to resolve by mere meditation and arbitration. Normally, a party to the dispute is made to swear to an oath affirming his ownership of the disputed property. Most times, the shrines consulted or by

which oaths are sworn are believed to be very efficacious shrines that could kill a liar within a space of days. The death of a party who took the oath indicates within the stipulated number of days automatically shows that the property in contention belonged to the other party. But if the converse happens, that is if he lives beyond the days stipulated then the land or property belonged to his family.

In corroboration with these activities, Ijeh (1981:20) states “in almost all cases where there is a dispute of ownership of property, the native courts had always insisted on the swearing of juju by the litigants”. Ijeh cited the court session interaction between Obi Nwokoio, Asagba of Asaba and president of Asaba Native Court and the Assistant District Officers Where Obi Nwokolo emphasised the potency of swearing juju over the settlement of land disputes to the Assistant District Officer and begged that the juju be produced by the defendant for the plaintiff to swear because it is customary to settle such matters finally with juju (cited in Ijeh 1988: 21).

According to Akpomovie and Forae (2008: 117) oath-taking is closely associated with traditional religion (whereby people are made to swear to the divinities/cult of ancestors) as a means of compliance with resolutions and exoneration from allegations. They further stated that the traditional formula which led to the peaceful resolution of the “Aguleri-Umuleri- Umuoba-Anam” War, involved oath-taking, declaration of “No more war” peace treaty and the performance of a cleansing ritual called “Iko mmee”. The implication of this is that oath-taking is not strange in African traditions and Asaba in particular, through its usage many conflicts that would have resulted into breaking oi limbs have been resolved.

iii. Compensation: This is another method of settling dispute among people. Depending on the size of the property in contention, a party to the tussle may be compensated with an equal piece of land in a different location so as to have the issues resolved. This has happened in situations where people erroneously developed the property of another or when a tort is committed on the property of another and the community in order to resolve the conflict that ensued, they compensate the aggrieved party with another property that is commensurate to the size of the land in contention.

iv. Summons, Arbitration and Fine: Usually, dispute resolutions are introduced in the form of summons, most trines to the immediate family who arbitrate to have the crises resolved. The family or the arbitrating party has the right to sanction a

party to the dispute from furthering into the disputed area. This is especially when it is clear that the offending party is applying force to take over the property of another. When this fact is established the arbitrating party could impose a fine on the offending party as a deterrent to those who may wish to venture into such in the future. However, an unsatisfied party has the option of appealing to a higher level as provided by the tradition.

Dispute Resolution in Contemporary Asaba

As humans continue to upgrade and advance in the World, they look for better ways through which they can relate with one another that is efficient, less time and less cost consuming. It is in recognition of this fact, that coupled with the limitations that fraught litigation procedures. such as delay; cost consuming among others that Alternative Dispute Resolution (ADR) was devised as a mechanism for resolving conflict among people in the' society. Oyesina (2010: 300) sees Alternative Dispute Resolution (ADR) as “a term generally used to refer to an informal way of resolving disputes in which the disputing parties meet with a third party who is mostly a professional who helps them to resolve their dispute in a less formal way. Such ways are more consensual than it is done in the courts via litigation, Similarly, Odiri (2004) notes that the term “Alternative Dispute Resolution” (ADR) is used generally to describe the method and procedures used in 'resolving` disputes either as alternative to the traditional dispute resolution mechanism of the' court or in some cases supplementary to such mechanism.

Arbitration

Oyesina (2010) and Ogbuoshi (2004), observed that arbitration involves a neutral third party. Oyesina (2010:30) wrote, that arbitration is a procedure for the resolution of disputes on a private basis through the appointment of an arbitrator, an independent, neutral third person who hears and considers the merits of the dispute and renders a final and binding decision called an “award”. This process Oyesina notes is similar to the litigation process as it involves adjudication. However; the parties choose their arbitrator and the manner in which the arbitrator will proceed (Eck, 2014).

Mediation

Oyesina (2010:30) noted that mediation is a process of dispute resolution that focused on effective communication and negotiation skills and is utilised in almost

every conceivable type of dispute resolution, it comes in various forms, However, generally, the mediator acts as a facilitator assisting the parties in communicating and negotiating more effectively, thereby enhancing their ability to reach a settlement, It is not the mediator's role to adjudicate over the issues in dispute and indeed the mediator has no authority to do so. He stated that it is not a process to force compromise, although compromise is an element of the process. Each party limitations are respected and a party is only expected to make a shift in its approach to the problem if it becomes convinced that it is reasonable to do so, The process has also been effectively adapted for multiple party dispute resolution with tremendous success. Wikipedia, 2020, Thomas, 2016 and Oyesina, 2010, identified, efficiency, privacy and practicality as some of the advantages of mediation

Nature and Form of Land Disputes in Asaba, Nigeria

Land disputes in Nigeria has come of age and its resolution has graduated from the traditional system to the current court arbitration and Alternative Dispute Resolution (Ijeh, 1988). Various forms of land disputes exist in Asaba, As a matter of fact disputes in Asaba have been noticed over a century ago. Suffice it to say that the people of Asaba embraced education early and its position as a head quarter (Administrative) office of Royal Niger Company and the sitting of the court in Asaba led to their patronage of conventional courts. The above fact, according to Ijeh (1988:18), was as a result of the early contact of Asaba people with the European missionaries and merchants on the River Niger. This made them the most intelligent and educationally advanced community in Bendel State. The people were indeed matured enough to the extent that they had almost always gone to the court to resolve all their differences particularly land cases. At no time, he added, had they resorted to violence which characterised land disputes in some part of Bendel State and Nigeria generally. This was also corroborated by Justice Ogbobine (1931:14) and Ndili (2010) in their books.

At the advent of the Europeans, different kinds of disputes had been settled Some of these include the dispute between the Ebos among themselves This could be found in the case of Francis Wemembu and 3 ors V Okediachi Jideaka 91939) WACA (unreported). Another is the matters between Idumus which could either go to court or be settled internally, see the case of Raphael Monye and ors V Okonji Ngvvo and ors (1596), See also the matter of Sunday Okolo and ors against Obi Mokogwu and ors. Apart from these, there could be disputes between indigenous

individuals among themselves and between indigenous individuals and stranger elements and among stranger themselves among the Community and the government This situation arises in defence of the section 28 of the Land Use Act of 1978. it should be noted that the early land disputes in Asaba sumas idumugbe Vs. Ogbeilo, over the Akwu-ose and Akwu-ulo land, first instituted in case No 12/28 in the Asaba Native Court; Idumugbe Vs. Umuaji over the Out-ogwu land instituted in case No. 11/1928 in the Asaba Native court among others were non-violent land dispute cases that went to court without skull breaking. However, today land disputes in Asaba has taken a different nature and forms unlike what was obtainable in the distance past. There is now a combination of several land disputes that range from non-violent to violent disputes; it will be noted that expansion into farm lands and rise in the value or landed property caused by increase in population in Asaba have triggered more greed and corrupt practises in land dealings that have resulted to violence

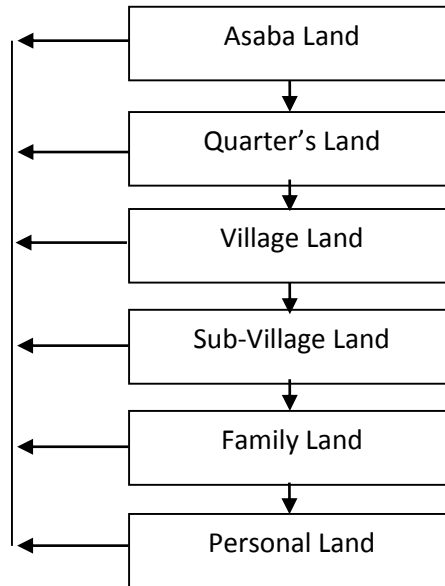
Land Tenure Ownership in Asaba

The system of land tenure or land ownership in Asaba has been changing overtime. In the very early times in the history of Asaba, no one person had ownership over any piece of land as a matter of right or personal exclusiveness. The land belonged to the community, however, with time, the descendants of “Nnebisi” began to grow in number and to expand over the land, but in the course of time, the people were invaded and Asaba had to devise some defence strategy. A larger number of the invasions came from the Western and Northern sides of the town. A few of the invaders came from the Eastern boundary. In recognition of the war powers of each quarters, Asaba people then decided that the descendants of “Ezenei” (“umuezei”) should police and defend the eastern flank. Those of Agu (umuagu) should defend both the northern and the western flanks. Those two quarters were to be assisted by “umuaji” and “ugbornanta” respectively. “Onaje” was not given such responsibility but was, as the youngest, put in the middle, shielded from the route of any of the invaders.

This was the beginning of separate- ownership of land by the different Quarters of Asaba. The quarters having gone their separate ways on the issue of land ownership based on who was keeping surveillance over a particular portion of the land, it was understandable that various villages within each quarter would lay claim over different portions of the land which the quarter watches over or defended, and it did not take long before the sup-villages (“idumu”) began to lay claim on different

portions of land which belonged to the village. As time went on, families (and later individuals) began to lay claim to parcels of land within the sub-village land.

Ndili (2010) described this process of land owning as Fragmented Devolution illustrated by the diagram below:



The Fragmented Devolution of Land in Asaba

As can be seen from the above diagram, the individual can get his personal parcel of land today, from any of the following authorities.

- i. The quarter
- ii. The village
- iii. The sub-village, or
- iv. The family

Another level of authority on the system of land ownership in Asaba is that of two quarters combining to own and exercise right over some parcels of land in Asaba. At the level of the quarters, village and sub-villages, the land is nominally vested in the appropriate “Diokpa” who must be aware of whatever is to be done with land (culled from Ndili; 2010:3-5).

Asaba Land in Post 1991

Prior to Asaba becoming the seat of government of Delta State, the town enjoyed its traditional land system that vested the power of collectively of land ownership on the diokpa of the various villages and sub-villages. However with the creation of Delta State the governor was vested with the statutory trusteeship that empowers him to control and manage land in the state, while the “diokpa” retained the radical trusteeship. This brought a new dimension in the town leading to a dual system where the modern land ownership lock horn with the traditional ownership. Eventually, the former sowed the seeds of its own destruction by not utilising the land for the purpose intended.

The Land Use Act Cap 1 of 1978 entrusted the governor of the state with the control of landholding and development on land. In line with this, Ndili (2010:41) states that the state government relying on the powers fasted on it by the Land Use Act (1978) acquired a very large chunk of what used to be Asaba farmland. He further commented that those quarters of Asaba that had land to the West of the built up area found that the farmers among them no longer had any land to freely cultivate. The implication of this was that the “feeding spoon had suddenly been removed from the mouth of the farmers.” Land, their means of subsistence, bestowed on them by their forbearers from generation to generation is now alienated from them. These people became automatic strangers and “criminals” in case of trespasses on the land. The land Act also created the new dimension in Asaba town of a dual system where the modern land ownership locked horns with the traditional ownership, Ndili (2010) observed: “As government made itself de jure and de facto landlord, the estranged owners found themselves sending delegations to government to negotiate for compensation for the land that was taken from them” (Ndili, 2010:11).

Eventually however, the government "sowed the seeds of its own destruction as the governor, its officials and their allies invaded the acquired parcels of land mapped out for the use of Delta State Government developmental and managerial purposes, and began to use them for other purposes including personal interest and aggrandisement side from the purpose originally intended (Ndili, 2010). As a result, disputes ensued between the people and the government over the lands. Different quarters attested took government to court when negotiation with the government was not yielding any fruit; although the conflict was later resolved out of court with the use of mediation. The government and the people reached a compromise, a win-

win situation in which both parties accepted the terms of the negotiation, and consequently, government de-acquired some parcels of land which were gazetted.

Some of the villages whose parcels of land were de-acquired and gazetted by government are presented below in a table with their date and gazetted numbers it could be noted that these parcels of land were not acquired at once neither were they de-acquired at the same time rather there was variation of time/date.

Village	Date Acquired	Date De-acquired	Gazetted Vol./Notice No.	Appendix
Idumugbe	10-7-2003	15-9-2005	9/16	E
Isieke	1-6-1996	15-9-2005	8/16	F
Umudaiké	8-10-1991	16-11-2009	9/20	G
Umuelibujor	8-10-1991	15-11-2007	44/18	H

Source: Ministry of Lands, Survey -and Urban Development, Asaba.

Furthermore, “Umuagu” land situated at the back of High Court and Government House was de-acquired in the year 2009. This is yet to be gazetted owing to the fact that some individuals who already bought land in this area from the Government Officials and had secured' certificate of occupancy are in dispute with the community. Hence, they took the matter to court with “Umuagu” village and Delta State Government as defendants. Today, the case is still pending in court.

Also, noteworthy at this point is the fact that with the creation of Delta State and its capital as Asaba the sales of land became the order of the day. As a result, the elders of the various communities constituted land committees to take charge of the sales of their land. Along the line, greed crept into the system and some of the committee members made move to perpetuate themselves in office as against the earlier plan of rotation consequently, some youths revolted and formed parallel committees to challenge the incumbents. They suppressed committees set up by their fathers and disorderliness took over. The youths emerged as land speculators and began to sell land on their own accord. This has caused a lot of problems in the town and as a result so many persons who are lucky not to lose their money may finally be reallocated to the slums or “Ani-Nida” or to areas not too sure to see development many years to come.

As reports of the criminal activities of these youths continually featured in the office of hte police in Asaba, they have become a part of associates of the land speculation

exercise. These land speculators also engage in collecting money generally tagged development levy, 'Diokpa goat', 'Ewu odundulu', student levy, surveillance fees, 'Ego-umuada' among others.,

It is also pertinent to note that up till date, vendors who bought land and refused/delayed to develop it stood the risk of losing their property to these boys. The land speculators are seen and feared to be members of killer squads or secret cults, and they are between the ages of 18 to 30 years.

Apart from the activities of these youths another group of speculators that have arisen in recent times sprang up from the ministry of Lands, Survey and Urban Development in Asaba. Consequent to the acquisition of some parcels of land in Asaba by the government, some top government functionaries in Asaba have seized the opportunity to allocate land to themselves with both real and fake names. These lands are later resold to people, who aspire to get such. However, because of the nature of the acquisition of those lands, the agents of these ministry officials sometimes sell a piece of land to more than two persons and that has generated a lot of problem pending both in court and in the ministry.

Constraints to Traditional Land Conflict Resolution in Asaba

The import of modern western life style to bear in Anioma culture and Asaba in particular has affected virtually every aspect of the town including its system of conflict resolution. According to Akponuvie and Forae (2008:115). It is not a misplaced statement emanating from the sad experiences of Africa societies today, to say that the abandonment of utility laden traditional methods of bargaining and conflict resolution for models, is largely responsible for the multiplicity of avoidable (violent) conflicts all over the continent. It could be observed that as far back as 1928, Asaba has adopted the use of litigation as a settlement strategy. An instance of this is that dispute over the only piece of Asaba land which the five quarters could have been said to collectively own, the cable point area of Asaba. That claim of joint or collective ownership was a subject of litigation instituted in February 1 1931 at the Old Provincial Court by "Ugbomanta", "Umagu", "Umuaji" and "Umuonaje" quarters as plaintiffs against "Umuezei" quarter as defendant. The matter dragged on to the West African Court of Appeal which, on 2nd November. 1939 ruled that cable point belonged to "Umuezei" (Ndili, 2010: 8). This has posed a huge challenge to its traditional settlement strategy up till now the story has not changed in fact, it has even become

worse as many upcoming generations (youths) are ready to trade off their traditions

Another constraint to conflict resolution in Asaba is lack of documented precedent. Given the fact that Asaba has a pseudo-court system with the “Out-Ihaza” and Asagba-in-council functioning as court of appeal and Supreme Court respectively. Also, given the fact that these courts work within the laid down traditions of the people, enforceability is always a problem because constitution in its unwritten nature is as inflexible as ever. This explains the fact that its manipulation and non-reliance on any precedent could be injurious to a good case. Greed and corruption is another challenge facing dispute resolution in Asaba. Most people who have very bad cases manipulate their way through by giving bribe and influencing the people who are supposed to make the judgement with some kind of mouth-watering gifts and at the end of it all, justice will be mis-carried.

It could be noted too that the educational level of the adjudicators and judges in conflict resolution militates against its success. Some members of a group appointed to resolve conflict cannot read or write and in many cases are not educated in the understanding of modern trends of events. This could lead to a non-logical treatment of cases and as a result the conflict is left unresolved. This could also affect documentation of resolved cases that are supposed to set precedence to other emerging conflicts.

Oboh (2008:73) states “In Nigerian Traditional Society, it is the Elders council that provides the leadership in every village setting in Nigeria. The decisions of the Elders-in-council are final on every issue in the rural area”. The above assertion is the reverse today. Youths have topple the day, as many youths now trample and walk on the decisions of the elders in many communities) Asaba in particular. Ndili (2010:18) captures clearly, the collapse of traditional authority thus: “the traditional system of keeping the youths in check had collapsed and the centre could no longer hold”.

Conclusion and Recommendation

The paper notes by way of conclusion that in the indigenous Anioma culture land disputes were hardly unending and hardly degenerated into violent conflicts. In contrast however, land disputes in the contemporary Anioma environ, Asaba in particular, are fraught with violence that have led to loss of lives and destruction of

properties. Social change has taken place in Asaba. Socio-cultural system through the processes of colonisation, trade and industry, globalisation, and Asaba becoming the capital of Delta State, thus resulting in population growth. The use of litigation in conflict and land settlement in the first quarter of the 20th century against the background of traditional conflict resolution methods has left the courts filled with many cages awaiting trials. However, inspite of the delays, waste of time and financial loss inherent in the court system, parties in land disputes still patronise the court system.

On the basis of the study carried out on conflict resolutions in Anioma culture and in particular, on land disputes in Asaba the paper recommends as follows:

Delta State government should incorporate Anioma/Asaba indigenous settlement strategies in its judicial order among recognised ADR as a civilised means of resolving land disputes.

The judicial system which is the interpreter of the law should interpret Asaba settlement strategy as an ADR capable of resolving land disputes and advise aggrieved parties to seek redress from it. Finally, owing to the complexity of the modern society, there is need for government agencies, non-governmental organisations, groups, individuals among others, who are well grounded in ADR to train and enlighten the people on the benefits inherent in ADR and to always use it to resolve their conflict.

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