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RHETORIC OF CONFLICT SETTLEMENT IN YORUBA TRADITIONAL SOCIETIES

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Abstract

The modern justice system in Africa is clearly overwhelmed by the number of cases in the courts because of population explosion and inadequate resources to sustain the system. This trend has necessitated a fresh look at the traditional conflict settlement system and its potential to complement and relieve the modern justice system. Even though it has been playing large roles in conflict management at the grassroots communities in settling civil cases and supporting peaceful co-existence among the people, the system has not received adequate official recognition and hence its contributions has been limited. The paper explores the traditional conflict settlement system in Yoruba communities of southwest Nigeria and the procedures and rhetoric that sustains it. The potentials to complement the modern justice system towards achieving a sustainable peaceful society are discussed and suggestions are made on how the inherent benefits of traditional conflict settlement system in Yoruba communities could be maximally exploited if granted official recognition.

Keywords: Conflict settlements, Yoruba communities, Elders, Justice System, Rhetoric

Introduction

Conflict is a constant social phenomenon. It is experienced at the individual level, at the interpersonal level and at the communal level. Conflict is one of the tonics of life without which some individuals may never progress and some societies are also likely to be stagnant. Chinyere Okam notes that “conflict thus helps people learn how to recognize and benefit from their differences” ((2018: 55). That’s why it is a common saying in the Yoruba traditional society that *Bi eniyàn o le nkan, nkan ni lati maa le eniyàn* (if something is not pursuing someone in life, they must be pursuing something), which speaks to the constant presence of conflict in a typical individual’s life in order to achieve success. However, perception of conflict varies among different individuals. While some people see conflict as a phenomenon that could be destructive and that should not be allowed to happen, others see it as an opportunity to improve certain things and to improve their lives (Albert, 2001). In effect, conflict is not necessarily a negative phenomenon, but it is how a conflict is handled that will determine whether the outcome will be positive or negative.

This reality often influences the way Africans perceive conflicts and this perception of conflicts often determines how it is handled at individual levels. Naturally, in every conflict, there is always a positive and negative ingredient. There is always an opportunity to exploit and there is also the possibility of failure or loss. The golden rule, however, is that when individuals involved in a conflict focus more attention on the positive aspects of the conflict, there is always the tendency that the conflict could be transformed in order to extract its positive aspects. Conversely, when the focus is more on the negative aspect, there is always the tendency that there will be a negative transformation of the conflict with the proclivity for destruction on the parties involved, on the society or in the physical environment within which it is happening.

Every society, traditional or modern, experiences conflict. The inherent ability of societies to manage conflicts and transform them for the development of the people often determines whether the society will go into extinction or not. The Yoruba society in the southwestern part of Nigeria, is an ancient society which has survived and thrived on oral history and rhetoric for many centuries

(see Mabogunje, 1962). The various sub-ethnic groups within the general Yoruba ethnic group which extends from the south to the north and from the east to the west of western part of Nigeria had survived for centuries before colonisation. They did so based on traditional governing system, resilient socio-cultural values and enduring conflict resolution system. Indeed, in the Yoruba cultural system, it is realized that conflict is inevitable in every society and this thought is embedded in the philosophical saying: "*Are maja kan ko si, aja mare kan ko si*" (There is no relationship without conflict and there is no conflict that cannot be settled). This philosophy informs the kind of care and attention given to conflict settlements in most Yoruba societies because conflict is often seen as a temporary phenomenon which should not affect future relationship among groups and individuals. In essence, enduring relationships among people in communities are perceived to be more important than temporal occurrences of conflicts. As much as possible, therefore, efforts are made to settle disputes through informal rather than formal channels in many Yoruba societies. This method is explored through the exploitation of the advantages of the various social institutions that nurture every society. Such institutions are used to mobilise social consents for conflict resolution procedures and they have endured for centuries.

The objective of this paper is to explore some of the conflict resolution and conflict management practices of the Yoruba traditional societies and the rhetoric that sustains them in order to see how it can benefit contemporary societies. Even though there is no doubt that there are some negative tendencies in the Yoruba traditional justice system, just like in any other traditional society, it is strongly argued that the positive potentials are enormous if identified and well exploited. More attention will be focused on the positive aspects of the system and how it can be blended with the modern justice and conflict resolution method to best impact the modern conflict resolution procedures.

Modern Yoruba administrators are beginning to explore the traditional system of conflict management because the contemporary modern conflict resolution practices appear not to be sufficient for the administration of justice in current Yoruba society that has expanded in population. Hence, the adage that says "*A kii ti kootu dele pada wa se ore*" (You don't come back from court to become friends) embodies the philosophical explanation of the kind of revulsion the indigenous Yoruba people have for the modern justice system, which is predicated on the western "Win-Lose" model and considered as alien to Yoruba societies. Apart from the difficult procedural contexts, the system is also difficult to access by commoners because of prohibitive costs and cannot accommodate the high number of grievances that needs to be attended to in communities from time to time. By going back into history and exploring the traditional administration of justice procedures in the pre-colonial Yoruba system, it is believed that many lessons could be learnt from the traditional system, and when blended with the modern system, could certainly benefit the contemporary justice administrative mode. That is why other modern institutions such as the media (Television specifically), for instance, are now engaging in peacemaking processes through various programmes that facilitate peace negotiations and reconciliation among the audience in southwestern Nigeria.¹

Conflict Management in Pre-colonial Yoruba Societies

Conflict management in the pre-colonial Yoruba societies followed the pattern of the traditional hierarchical administrative system. It began at the family level and terminated at the top-most echelon of the traditional administrative system, which was the palace of the traditional ruler. The role of the elders and the traditional ruling class was very pervasive in the traditional conflict resolution system. At the lowest level, the head of the individual family is saddled with the responsibility of maintaining order and decorum in his family. He is expected to settle disputes among members of his household and he is expected to collaborate with the head of other families in resolving disputes that involve members of his household and members of other households.

Such collaborative system is rooted in the traditional social belief in the wisdom and experiences of a male adult who is expected to be mature enough and demonstrate the ability to be able to manage a family before venturing into marriage and raising a family.

Such experience and maturity would be demonstrated, honed and observed through the individual's participation in communal activities to enshrine peaceful interactions and due processes among members of his community. It is believed that any man who is not able to demonstrate this function effectively is not fit to be the head of a nuclear family and should rather stay out of marriage until such a time that he has acquired the experiences and maturity to embark on such endeavour. In any case, the intellectual capacity of a man and the extent to which he is able to display maturity in matters that concern the community will determine his upward mobility in the social hierarchy of his community to eventually become part of the traditional ruling elites. Thus, at the lower family level, it is expected that disputes such as ones involving women, among siblings, between neighbours and other domestic varieties should be settled at the family level and on no account should such disputes escalate to the extent that it would come to the notice of the top traditional ruling class. If it got to that level then such family head was considered as irresponsible.

Role of *Mogaji* Institution in Traditional Conflict Resolution

There are some disputes that may be difficult to address and be resolved at the nuclear family level. Such disputes are referred to the compound head, who is known as the *Mogaji* in the traditional Yoruba urban settlements, especially in Oyo Yoruba areas. In rural settlements, they are often addressed as *Baale*. The *Mogaji* is the head of a group of family units, who share the same ancestral origin. In essence, *Mogajis* are selected from among individual family heads who share the same compound. Sometimes, age, experience and involvement in family matters over a fairly long period could be the yardstick for appointing a *Mogaji*; but also, possession of material wealth could count towards such selection. It is expected that part of the responsibility of a *Mogaji* after his appointment is to sit at the head of meetings of family heads to resolve conflicts that involve members of his extended family or with outsiders. In essence, constant availability to attend to extended family matters is also an important requirement for appointing a *Mogaji*. In many cases, conflicts such as the ones over land, inheritance, marital issues and related matters are settled through this forum. According to Oyebo (2012), other varieties of conflicts handled by the *Mogaji* institution include conflicts over environmental issues, accusations of witchcraft and sorcery, inter-lineage disputes, chieftaincy conflicts, conflicts over religion, etc. Most of the time, civil cases are commonly resolved at this level of the society. Criminal cases are often handled at the top level of the traditional administrative hierarchy. Conflict resolution events in many of the contemporary Yoruba indigenous settlements have demonstrated that the *Mogaji* institution for conflict management is still very potent as many family cases don't usually feature in common courts.

Practical methods of conflict resolution practices involving *Mogajis* include persuasion, negotiation, mediation, facilitation and reconciliation in the traditional sense. Furthermore, Oyebo (2012) contends that elements of spirituality, legality and morality constantly reflect very much in the conflict resolution processes involving *Mogajis*. Underlining such process is the need to bring about peace and continuation of relationships among contending parties in conflicts. Thus, at the basic level, the *Mogaji* embarks on persuasion and pleading the common identities which bind the conflicting parties so that they could subject themselves to the resolution procedure. In essence, no element of force is applied to subject contending parties to the process beyond appealing to them to recognise their common ancestry along the lineage and respect the relationships that had existed among their fore-fathers through the ages. It is believed that a truly legitimately born individual in any family would respect these identity linkages, which should be strong enough to persuade him to submit to this traditional conflict resolution processes.

After the conflicting parties have volunteered themselves to the traditional peacemaking process, the first line of action taken by the *Mogaji* is to encourage the conflicting parties into initial negotiation over the contending issue. He encourages the parties to go into discussions over the contending issue with the spirit of giving and taking, recognising the common links that bind them. Having invoked the spirit of their common ancestry, it is expected that the parties should be ready to recognise the need to concede certain things to the opposing party for peace to reign and also should be ready to receive some concessions from the other party. If for instance, the conflict is over land, it is expected that all the parties should recognise the centrality of land use to the survival and existence of all parties involved and therefore should be able to acknowledge the need to concede some of the land in contention to the other party who also needs to survive in the same community through land usage. If the bargaining process is effective, it lightens the burden of the *Mogaji*, who merely approves the agreement between the contending parties at the end of the negotiation.

Sometimes, it may be difficult for the contending parties to settle their disputes amicably through two-party negotiation. At such times, the *Mogaji* may have to take an active role of supervising the discussion process, which now becomes mediation in the traditional sense. When the issues in contention are so difficult, the *Mogaji* invites the parties in dispute to his residence or to a preferred location to facilitate discussions among them. He acts as a neutral arbiter in this situation and his credibility could be at stake on such occasion. As such, he should not be seen to support any of the contending parties but to be on the side of truth. In the facilitation process, he draws the attention of the feuding parties to facts that could enhance quick resolution of their conflicts and helps them with information that may not be at their disposal at that time but known to him in his privileged position as the head of the family lineage. Such information often helps in quickening conflict resolution in Yoruba societies since they contain historical facts on which many thorny conflicts could be predicated. Sometimes, a combination of historical accounts from *Mogaji* and from other elders in the immediate or extended families could provide sufficient precedents to accelerate quick conflict resolution processes.

The *Mogaji* also play the role of a conciliator in certain conflicts. In such conflicts, the contending parties may not be willing to sit together to jointly find solution to contending issues because of past experiences and events. At such times, the *Mogaji* would have to embark on shuttle diplomacy to persuade the parties in conflict to come together for the resolution process to take place. On such occasions, he may have to assure the conflict parties of their safety during talks. He could go further to provide the resources for the process and to provide the platform for the peace process to take off, even though the eventual agreement reached during the process depends largely on the consent of all the parties. This reconciliatory role is often very crucial to maintaining family unity and coherence of actions among contending parties. However, the reputation of the *Mogaji* and the extent of his influence on his family members may loom very large in this role of a conciliator. This task is easier if a *Mogaji* is a charismatic leader and if he is highly respected in the family circle. Many of the difficulties in the procedure are removed if he has the support of other family elders in his quest to facilitate the conflict resolution.

In some conflicts, the elements of spirituality may have to be brought into the resolution process especially if the issues involved are value driven. A lot of emotions are attached to value-driven conflicts and sometimes the parties involved in such conflicts may even be ready to sacrifice their lives in the course of agitation. For example, if the issue involved is over land or religious matter, the conflicting parties may take a hard-line position and consider the conflict as non-negotiable. At such times, the *Mogaji* may have to invoke the spirit of the family god or the spirits of the family ancestors for the settlement of the conflict to take place (Olaoba, 2005). He may have to exploit his leading position to persuade the priests of the relevant gods in the family to invoke spirits in the

settlement process, which may eventually persuade the contending parties to soften their positions on the conflict.

The spiritual dimension may also involve offering sacrifices to family gods to crave their support for the conflict resolution process. The *Mogaji* may sometimes be responsible or call for supports to procure the needed resources for such sacrifices in order to maintain peace in his family. Apart from these sophisticated spiritual processes however, in the original traditional Yoruba setting, breaking of kolanut, sharing of bitter kolas and distribution of alligator pepper are done in some communities, and they are regarded as spiritual foundation for resolution of conflicts. When all of these ingredients are present and are shared by the parties in conflict either before or at the closure of the conflict settlement process, it is believed that there is a spiritual seal to the agreements reached at the conflict resolution, symbolised by the sharing of the edible materials. In some communities, such conclusions are marked by feasting which may involve killing of goat and provision of food and drinks for everyone involved, including extended family members and neighbours.

The legal elements are sometimes brought into the traditional conflict resolution processes when the issue in contention involves some criminality. Sometimes, when there is evidence of infringement on the rights of the parties involved in a conflict or when evidence is available of physical harassment of any of the parties involved, the *Mogaji* may take steps to address the legal implications of the issues in contention by bringing in law enforcement agents. If it is about deprivation, the *Mogaji* may insist on some form of compensation or a redress for the losses that have been incurred by the parties in conflict. He may insist on equitable distribution of justice to ensure that all parties involved in the conflict are not deprived and are truly satisfied with the conflict resolution processes.

Elements of morality also feature prominently in traditional conflict resolution processes involving the *Mogaji* institution. As a custodian of morality in the family, the *Mogaji* owes the family a duty of ensuring that traditional moral standards of the society are upheld in the family even when there are disagreements. For example, the cherished values of respect for elders, desisting from desecrating the environment, respect for marriage institution, respect for lives of humans and even animals, personal integrity, good name, honesty, trustworthiness, etc., are all upheld in conflict resolution processes when they feature. During the process, it is expected that every individual involved will respect and uphold the noble moral tenets in dealing with others, with the belief that they will contribute to solidifying relationships even after the conflict is resolved and normality is brought back into interactions among family members. The family elders are the custodians of family values; as such, when there is a desecration of the values, they bring such incidents to the attention of the *Mogaji*, who is expected to take steps to address the situation in order to preserve the family name and reputation. When such incidents involve an individual from a different family lineage, it is expected that the *Mogaji* will have to liaise with the *Mogaji* of the family of the other individual to address the situation, as all families are often intricately linked within communities.

Rhetoric that Sustains Yoruba Traditional Conflict Settlements

As contributors and facilitators in traditional peacemaking and conflict resolution processes, family heads and traditional rulers are expected to be very familiar and knowledgeable about the rhetoric that sustains and nourishes the system. The rhetoric is embedded in proverbs and anecdotes which hold deep meanings with their interpretation providing insight into resolving knotty issues in traditional conflict resolution processes. There are obviously tens, if not hundreds of such rhetoric. Few examples of such rhetoric are discussed in this paper.

Ara ile eni o seni, eeyan mi oseeyan, a o le fi we alaroo lasan! (No matter how bad the character of a relation, he cannot be compared with an outsider!) This statement speaks of the filial love that

necessitates conflict resolution in the family and at the community level. Conflicts among siblings are a constant phenomenon, but it must always be settled because family relationship cannot be compared with relationship with outsiders. This statement is often uttered to encourage forgiveness especially in disputes involving members of the same family or lineage.

Bi ika ba r'oyo, ika ko ni yoo da! (If a wicked man states his case at the place of justice, the judge on the matter is unlikely to be as wicked). This is speaking of the place of fairness in dispute resolution and assuring that community platform is always credible in dispensing justice. It is basically to assure that elders constantly value their credibility and are unlikely to take side with the wicked in communal dispute adjudication. The consequences of an elderly person in a Yoruba community dispensing an unfair judgement in a dispute are ominous and no serious elder will want to compromise his integrity.

Eni ba fe je ogunkogun yio pa itankitan. (He who is interested in undue inheritance will always come up with untrue tales) This anecdote is used when the elders in a case are observing the direction of statements of parties in disputes and it is clear that an incredible tale is creeping in. This statement is made to discourage such tendencies and compel the disputants to make true statements. The implication of this is that the elders who sit over adjudications are often familiar with communal narratives to the extent that they sometimes recognise it when history is being twisted in cases involving community members.

Iso ti yio ba tabuku eniyan, bo ti wu ki a fundi mo to, yio gba s'ale yo. (The fart that would embarrass one will surely find its way out no matter the attempts to stop it.) This saying is made to whip uncooperative participant in a dispute resolution into line. When such individual is displaying some uncontrolled tendencies, such is detested through this saying so that the individual would not continue to disgrace himself openly.

A kii gbejo enikan ka so opa nu. (It is an abomination to listen to a side of the story and give judgement without hearing the other side). This also speaks of fairness in the justice system. It is an anecdote to recognise the importance of hearing from all sides in a dispute before a decision is reached. In fact, this value holds strongly to the extent that any elder who refuses to listen to any of the sides in a dispute is considered as wicked. This is a value on which the traditional justice system solidly stands.

A kii fa ori lehin olorin (We don't shave a head in the absence of its owner). The implication of this is that in any conflict resolution process, all the parties involved must give their consents to the process and must be physically present to narrate their cases. Anything short of this in a conflict resolution or peacemaking process could render such process invalid in the traditional sense. In effect, all parties are empowered to be in charge of the process in order to validate the outcome.

Eke ni p'eru, Epe ni p'ole, ile dida ni p'ore (A slave dies by embarking on deception, a thief dies as a result of curses, a friend could die as a result of betrayal). This is a warning (curse) against betraying an agreement. The implication of this is that if an agreement has been reached among friends or in a dispute resolution process, all the parties who have consented to stand by the agreement must not renege because of the negative consequences. The saying is meant to encourage disputants to implement terms of agreements after a peace process.

Jogunjogun ko to eni ti ogun o gbe (The one who inherits is not as worthy as the one whom the inheritance would favour). This is another saying to warn against greed, especially when it comes to rigging inheritances, which is a common source of communal disputes in Yorubaland. It is used in conflict resolution processes to warn participants about the consequences of rigging the process.

Even though the rigging may favour an underserved individual, it may not be beneficial to such individual at the end.

The Courts of the Traditional Ruler

At the head of the conflict resolution system in Yoruba traditional society is the court of the traditional ruler or the King as the case may be. Civil cases that are brought to this level must have defied resolution at the lower level of the administrative justice system of the community. Any civil case that gets to this level must necessarily be resolved irrespective of the personalities involved because of the reverence accorded the traditional symbol of the king as the representative of the ancestors who must be obeyed under whatever condition (Olaoba, 2005). Also, criminal cases are addressed at this level. It is at this level that decisions on capital punishments could be meted as none of the authorities at the lower string of the traditional justice system has the power of adjudication for capital offences.

The traditional ruler or his appointee, who must be one of the local chiefs, sits at the head of the conflict resolution or the judicial panel at this level. The processes and judicial decisions at this level are often based on the wisdom of the elders who are regarded as the custodian of culture and tradition. Such decisions are based on the need to maintain sanctity of life, human dignity and mutual respect among individuals in communities. The goal of this traditional conflict resolution system is towards bringing peace into the society and not necessarily to punish offenders. Therefore, even when the conflict involves loss of lives, means are explored to mitigate the consequences of such situation on the living through encouragement of win-win attitudes among disputants. This is often at the heart of the traditional conflict resolution system, to the extent that the traditional ruler does not have absolute power to determine the outcome of cases but must base his judgement on the advice of the chiefs and elders, the needs of the disputants and the consideration of the social implication of the judgement on the community.

Since traditional chiefs live among the people and are representatives of the people, they are more familiar with root causes of conflicts in communities and the peculiarities of individuals involved in conflict at the lower and upper levels of the society. Therefore, their judicial decisions are based on the needs of the disputants and the socio-welfare of their communities. Complicated cases such as those involving land issues, farm boundary demarcations, stealing, murder and such other disputes are addressed with wisdom and experiences at this level in concert with the traditional ruler. When the issues are very difficult, spiritual dimensions could be introduced in conflict resolution by invoking the spirits of the gods or of the ancestors of the town or community. Even when wars have been fought and blood has been spilled, it is believed that appeasement of the ancestral spirits could bring consolation and forgiveness among the disputants and bring restoration of relationships into the community.

Role of Professional Groups

Professional associations and vocational groups sometimes play very big role in conflict resolution in the Yoruba traditional societies. The Hunters' guild, Herbalists guilds, Blacksmiths guilds, Farmers associations and other such groups play very crucial roles in conflicts involving their members. It is believed that part of the responsibilities of such trade and professional guilds is to ensure peaceful co-existence in society, conflict resolution among their members and welfare of their members. They are therefore involved in providing the platform for settling professional or domestic disputes involving members of their associations or between their members and other people outside of their associations. Most of the time, conflict resolution involving professional groups are hinged on the professional ethics, morality and norms of the various associations. Part of their functions is to watch out for any breach of the ethics and conventions of the various

associations by members, while modalities are established for correcting or punishing members for non-adherence to the established norms of the various associations.

For example, the hunters' guild has already established rules and regulations that could address stealing of members' kills during hunting expeditions. Likewise, farmers have established methods of addressing encroachments on farmlands or stealing of crops among their members or when such occurrences involve other members of their community. Many of such associations or bodies within the Yoruba traditional communities could address such conflict issues without necessarily bringing them before the community traditional administrative elites. They also have established framework to enforce decisions taken within the mechanisms of their associations and their members are often not willing to breach their professional standards because of the potential consequences. This form of social control goes to a large extent in sustaining peaceful co-existence among all professional cadres in the Yoruba traditional communities.

Other Institutions for Peace-building and Conflict Resolution

There are many other institutions for conflict resolution in the traditional Yoruba societies. Conflict resolution activities take place during festivals, ceremonies, during rites of passages, social events, etc. Traditional festivals and cultural events are formidable occasions where friendships are renewed and commitments to peaceful co-existence are made among groups and individuals in communities. At such special occasions, every member of the community who is encouraged to converge to celebrate cultural events or practices, some of which are often spiritual in nature, is encouraged to ventilate their disputes. Such events usually provide a platform to bring into fore contending conflictual issues among members of communities. For example, during the annual *Egungun* festivals in some Yoruba communities, it is believed that the ancestors usually come down to reconcile people and restore peace back into communities. Usually, in many communities, it is a taboo to end such festivals and disperse the people without settling outstanding conflicts involving members of the community. The elders and traditional institutions often consider it as a responsibility to settle such outstanding issues before the next festival so that the ancestors will not be angry with them and their communities.

In some communities, members of peer groups settle disputes among themselves. Usually, membership of such groups consists of people who were born during the same period and who are expected to hold themselves together and monitor their individual progress. Whenever it is noticed that any member of the group has a problem with another member or with another individual outside of the group, other members make conscious efforts to intervene and attempt to bring settlements among the feuding parties. Invariably, the bonds of the same identities are invoked during such settlements, even when it is taking place outside of the community.

Conclusion

The traditional conflict management and conflict resolution method has serviced the traditional Yoruba communities very well for ages. Such methods rely heavily on and are sustained by age-long rhetoric which has provided a formidable means of social control and served as mechanism for peace-building. In the contemporary times, even though it is often not acknowledged officially, the elements of traditional justice system have relieved the modern court system of the burden of provision of justice for communities that have grown beyond what the modern administrative system could cope with in terms of population. In essence, it has remained a treasure to be refined and tapped to improve the African contemporary society, especially in environments where morality, legality and traditions are being constantly eroded. The challenge to modern administrators of the justice system is to borrow from this rich tradition of justice administration to nourish the present to provide formidable foundation for future peacebuilding and development of the African society.

One way to begin is to fashion out mechanisms for integrating the traditional system into the current justice system by recognizing community intervention in cases that are brought into the courts. Such interventions should be considered in dispensing judgements in civil and criminal cases. This will provide incentives for patronage of the traditional justice system by the people and strengthen the system to contribute more to peace making and peacebuilding at the grassroots.

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