

**LAND DISPUTE AND FAILURE OF TRADITIONAL MECHANISMS IN IKWO
LOCAL GOVERNMENT AREA OF EBONYI STATE:
A CRITICAL REFLECTION**

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Abstract

The study is set out to unearth the inadequacies of traditional mechanisms to resolve the upsurge of land disputes which promote violent, indifferences, loss of human and material resources etc. in Ikwo. The study interrogates why traditional mechanisms exist in various communities, and there are astronomical increase in land disputes. Data for the study was collected from primary and secondary sources. The study used the following methods of data collection questionnaires and observation from primary sources. As such, data collected from secondary sources such as published materials, documentaries and internet etc. were also used for the study. The frustration aggression theory was adopted. Qualitative and quantitative methods of data analysis were applied with descriptive and inferential statistics. The results were represented in tables, percentages and bar charts. The study discovered that there is a strong nexus between failure of traditional mechanisms and upsurge of land dispute in Ikwo. It as well unveiled the inadequacies of traditional mechanisms in the area. The study recommended among other things that the government should constitute judicial of inquiry to try offenders that disobeyed verdicts of peace committee find to be unbiased by the people of the community. The elders need to be trained to acquaint them with the new trends of modernization. There is need to establish archives for documentaries of community land histories and allow youths and women to actively participate in decision making on land issues.

Key words: land, Dispute, Traditional Mechanisms, Resolution, Ikwo.

Introduction

Land is a viable economic asset, a vital tool for sustenance of livelihoods and a centre for community mobilization especially in agrarian society. It is a concrete platform for cultural identity, trace of historical antecedents and for societal development (Nwoba, 2017). These special valuable attributes placed land in contestable and enviable position and struggle for ownership has exponentially multiplied like a fire which has threatened not only the unity of the state but the health of various communities.

The varieties of disputes surrounding land in the area include; families, division of inheritance, limitations of land, displaced persons, land use, farmers/farmers, inequitable access for cultivation to boost social and economic status etc. The unending quests among members of communities made land disputes settlement very difficult and a compounded the problem for traditional institution to address the teething challenges posed by the scourge.

Ikwo origin is traceable from historical myth of Enyi Nwegu who settled at Amegu Izhi with a son called Ekuma that had three sons Ezekuna, Noyo and Nodo. The sons dispersed and Noyo migrated to Ekpeli where he founded Ikwo clan (Kelechi, 2017). Ikwo, is one of the legendary enclave known as Abankeleke, located at Northeastern, Igboland (Echiegu, 1998). Ikwo is located in South-eastern flank and has boundaries in the North with Izzi (North-East and North-West), Ezza in the West, Abaomege in South-West, Cross River State in the South-West, South-South and South-East. The physical features include; arable lands, flood plains and forests with estimated three-quarters of the land in the area uninhabited (Kelechi, 2017). The arable land in the area has upland and swamp that are fertile for cultivation of cash crops such as: rice, yam, cassava, cocoyam, potato and vegetables etc.

The people's consistent struggle for ownership of the fertile land and cultivation of cash crop ignites land dispute. The agrarian nature of the area results to trespassing and regular encroachment associated with claim and counter-claim of ownership that exists among them and their neighbours. The resources in the area mostly in the boundary are also traceable to the genesis of the land dispute till today. The area is also characterized by the indigenes' diverse interest and competitive struggle to survive and sustain livelihoods. The land disputes that rock the area include; Ofunakpa Inyimagu/ Nsobo, Adadama Abiin Cross River/Ochienyim Amagu in Ikwo, Enyibichiri/Nnoyo Echi-Alike and Enyigba, Ndiegu Enyibichiri in Abakaliki, Inyimagu/Ekpa-Omaka and other intra and inter village/community disputes such as Ezeke-Ibom/Inyimagu, Epelu/Enyimagu, Amagwuru/Ezeke-Ibom etc. The relations with their close neighbours are also nothing to write home about because of their own land disputes for example; Osopong, Obubra/Cross River and Izzi, Ukelle, Yala/ Izzi and host of others. However, customarily, land is acquired in the area through the following means; original settler (first settler and conquest) and by derivative (sale of land, pledge, absolute or conditional gift, and borrowing etc.).

For peace to reign traditional mechanism which is people oriented and existed before the colonial era were used as the benchmark to settle and restore peace in various communities. These mechanisms include; oath taking, covenant, informal consensus, arbitration, mediation or conciliation, negotiation, local assembly legislation through dialogue, and reconciliation et cetera (Eziani, 2000). The process encourages fully participation and decision taking that is not hidden to the warring communities.

Scholars, analysts and commentators are worried over the misfortune, land dispute is causing unabated. Despite the existence of traditional mechanisms as an alternative dispute resolution mechanism to build peace, reconcile broken and damaged relationships in various communities. The study is poised to unearth the challenges faced by the mechanisms and expose the inadequacies vis-à-vis upsurges of land dispute in Ikwo local government of Ebonyi State. The study raises the following questions:

1. Do inadequacies of traditional mechanisms responsible for increase in land dispute in Ikwo local government of Ebonyi State?

2. Do challenges face by traditional mechanism accounts for increase in land dispute in Ikwo local government area?

Conceptual Clarification

Tradition

Daudu (2013) defines tradition as an established idea, customs, knowledge and principles transfer from generation to the other for a very long period of time. Daudu states that tradition is unwritten norms, mores, values, practices and rules transmit to a particular people from generation to generation which is recognized and widely accepted as their own way of life in society. He as well notes that tradition is adapted to changes and dynamic though very slowly in its transformation internally. Alluding to this fact of slowness in change in peoples tradition Omah (2012, p.213), asserts that "traditions are relatively more enduring and resistant to change rather than simply permanent and unchanging". In this regard contributing to the concept of tradition Osaghae, in (Omah,2012, p. 214) states that:

the search for traditional strategies of dispute management then looks for the past in the present-day social formations that can be applied to modern disputes, and stresses the indigenous content. The essence of this is to separate practices and institutions that may have crept into the legacy of the past from external influences such as Islam, Christianity, capitalism, and other western influences from those left that are essentially autochthonous. Such indigenous formations, which can rarely be found in pure form, will as much as possible, be emphasized in characterizing the tradition.

People of the same community make reference to the traditional practices in accordance with identified customs and norms. The established way of doing things become point of references, values preferences which in their wisdom draw inspiration judgments from them because of divine and commonly shared identity.

Traditional Mechanisms are developed in an area based on some specific conditions, experiences on indigenous population of communities, villages in a particular location and within the Nigerian society context (Zartman, 2000). The nature of Nigeria diversity is based on different historical inclinations, evolutions and experiences. These conditions deny one particular traditional method to be dominant or possess national coloration in terms of acceptability and applicability. The mechanism has political, meditational, judicial and customary structures. These structures are used to resolve many land disputes as peace builder in various communities before, during and after colonial era. For example, Aguleri-Umuleri in Otuocha, East Local government of Anambra State, a land dispute of over 70 years was resolved by oath-taking and covenant (Nwolise, 2005), Inyimagu/Igbudu in Ikwo, Ebonyi state land dispute was resolved by elders through win-win approach by elders mediation etc. (Nwoba, 2017).

Contributing further Zartman(2000, p.34), "defined traditional mechanism dispute as those methods practiced for an extended period and have evolved within Nigerian societies rather than being the product of external transplantation". Adding his voice, Braimah (1999) sees traditional method as indigenous, endogenous, native, local, cultural, Nigerian and African.

Braimahas well added that tradition is a long established accepted customs, values or methods of procedures which are practiced and have become immemorial in usage, in a particular community. However, George(2000) advocating further in a similar way defined traditional mechanisms as those processes or procedures practiced for long period of time and have continually evolved within the Nigerian societies. It is not the product of external but internal forces.

He further acknowledged that the congeries of the procedures have differences and similarities based on community identities and acceptances. It emphasis lies on the identity of oneself as indigene of various ethnic cleavages, tribes, community and clan etc. Adding that communal land inheritance of the people is bounded by the identity of culture, custom, mores, values and traditions. These special qualities possess by the mechanisms, ensured peaceful, harmonious living and relations among the people in the society. However, Fred(2005, p.1) asserts that “capability of social norms and customs hold members of a group together by effectively setting and facilitating the terms of their relationship”. Every effort by the members of the community is based on how to sustain and facilitate not only collective common actions but to achieve mutual beneficial ends for either sell fish or parochial interest. For example, in Nigeria, I am Hausa man, Fulani man, Igbo man, Yoruba man, Nigerian Man and African Man etc. (Golwa, 2013). These tendencies of commonality and shared interest make mobilization easier for taking action which may make or mar the society.

Land, the daily lives of people from develop and developing nations depend largely on land. It is by nature static, fixed socio-economic wealth and asset to the owner (Abegunde, 2011). Yamano (2005) in his view notes that land is increasingly becoming a source of disputes in Africa. Land dispute is as a result of confrontations that arise from incompatible interests of opposing parties (Goldstein *et al*, 2006; Mpangala, 2000). It provides food security, income, shelter and social identity. Iroegbu (2015, p.3) succinctly puts that, “dispute is part of human and community lives and relationships”. Homer-Dixon (1999) affirms to this assertion that land dispute is a driving force of environmental, social and political change in the 20th century. Therefore, the crucial roles land play to the social economic development of any country cannot be overemphasized. These mechanisms are spiritual, holistically domestic and community value oriented (Avruch *et al*, 1991; Walker, 2004; Galtung, 1980; Quinney, 2002).

Theoretical Orientation

The theory used for the explanation of this study is the frustration aggression theory. The theory argues that aggression is the result of blocking, or frustrating, a person's efforts to attain a goal. The theory is associated with the works of scholars such as Dollard & Doob, *et al* (1939); Miller, (1948); Berkowitz, (1969); (Zillmann, 1979) and Tucker-Lad, (2013), etc. Tucker-Lad(2013) notes that, anger implies feeling mad in response to frustration or injury while aggression refers to flashes of temper to react to unpleasant situations.

Put differently, the frustration aggression theory states that aggression is caused by frustration. Many people displaced by the land dispute in the area continue to show

aggression by engaging in upraise of land dispute in the area. The frustration aggression theory is very apt for the study. This is because the theory not only graphically explains the essence and focus of the study but exposes the complexity of the persistent incessant increase of dispute in the area with deprivation tendencies on social economic and other political benefits. The disagreement that results from frustration fuels land dispute which act as an invitation to an unending dispute in the area.

Inadequacies of Traditional Mechanisms

The Boege (2000) identify some inadequacies of the traditional mechanisms:

1. Termination of Dispute in Short Term. The traditional mechanisms for resolving land dispute does not stop dispute for a very long period of time. According to Boege (2000) the chances of recourse of disputes are very high. He notes that the possibility of dispute re-occurrence in future cannot be ruled out. He further asserts that the permanent peace accord cannot be achieved as obtained in the modern state. He is worried that legitimate monopoly of use of force and command cannot be possible in the context of traditional mechanisms. The traditional system is highly ritualized. The process of violence control is perceived as not disobeying the rules and regulations but normal as a process which is integral part of the social order. It is indispensable in the society in order to achieve a social harmony and tranquility. For example, fighting can be viewed as an acceptable means of restoring peace and harmony in the society.

He vowed that the mechanisms are not in tandem with universal standards of human right. The gerontocracy rule by elders is against the tenets of democracy and anti-human rights laws and conventions. It has membership and participation limitations as council of elders and young men and women are excluded in decision-making which speaks badly for the mechanisms, but in most cases are the victims of disputes. Again, women and young girls always fall victim of customary laws and applications e.g rape, young girls are used as a gift for compensation, social pressure (torturing contradicts human right, stepping on toes of the people such as violation of personal respect and integrity etc.) make the mechanism barbaric and archaic.

2. Applicability and Acceptability. The context of applicability and acceptability of traditional mechanism is limited. It has relative small village or community approach to resolving land dispute. It lacks national applicability as no one particular mechanism is acceptable to other multi-tribal communities in Nigeria. The community depends on their belief, custom, values and norms that are acceptable to them through the traditional political institutional structures.

The family, kindred, clan, village and community resolve land dispute on their own accepted modality in a similar culture. Though, in some cases the variation may not be much as there are some atoms of similarities. The boundaries of the groups are not fixed because of frequent changes. The mediators are members of the community such as elders, family heads, title holders and influential personalities etc. These actors are known to the disputants as non-indigenes, state authorities, mercenaries, external actors and multi-national enterprises are excluded in the traditional resolution processes. The process has a great difficulty to wider

applicability and acceptability because of difference in tradition, belief and norms of the people, even in a similar culture in the contemporary society.

3. Problem of Modernization. The quest for ownership and accumulation of wealth rooted in capitalism and urbanization have greatly undermined traditional mechanisms. The mediators face the challenge of taking bribe to compromise the traditional values. Again, the application of the mechanism on dispute transformation is also dashed. The serious impact of the power of capitalism has changed some specific conditions of traditional structures. The current situation has raised several unanswered questions from the traditional system approaches. Do people still value their tradition and norm and see it as legitimate? Are they ready and willing to respect their own custom and abide by the rules and regulations in the face of new religion and advanced technology?

The eroding influence of modernisation becomes a cog in a wheel of progress of the traditional mechanisms in the various communities in resolving land disputes. This relates to unequal treatment of communal groups and patrimonial political systems perpetuated by state as some groups are organized based on communal identity (Fjelde, 2009; Ikpe, 2009; Jackson, 2002; Le Billon, 2003). The government reward or taking side with a group during incompatibility between communities causes more land palaver (Allen, 1999).

4. Residence of the Members of the Community. There are some members of the community looking for greener pasture that live their own communities for other places for the two ends to meet. The migration and urbanization contribute to relatively loose of ties in their people way of lives such as politicians, warlords, businessmen and travelers etc. They live their own original homes to other places and abandon the ideals of their culture.

The wide gap created as a result of alienation from the community for a long period of time makes it very difficult to reintegrate them to the norms and values of the community. They see their culture as barbaric, out dated that needs to be discarded and create a new cultural window as a synergy for modernization to thrive.

5. Traditional Preservative. The central focus of the traditional mechanisms is geared towards maintaining the traditional status quo of the community. This is to be achieved by protecting, restoring of peace and order in the various communities. The confinement of the framework on a particular community is problematic and its application to other community is reasonably hindered. It therefore, has conservative characters and very rigid to western influences. The modern values and interest such as profit making, taxation, human rights and statutory law inherent in capitalism make it difficult to tangle effectively with the modern time.

6. Slow Pace of Change. Another issue is anchored on the relative slow pace of change and experience inherent in the custom that gives room for its adaptability and passing from one generation to another. The system is opened to abuse by the mediators. The new trend of bribery and corruption and relatives influences have changed the game as traditional rulers, council of elders, Ozo title holders consistently abuse their traditional roles and authorities for personal and parochial gains at the detriment of their subjects.

This attitude short changes the purpose of achieving social harmony of the institution as the hallmark for social justice. Their behaviours make the traditional custodians to shy away from the customary responsibility and create negative impact for the survival of the weak members of the community. The colonial historical experience of cultural imposition added insult to injury. In addition, the failure of the state in keeping security and maintenance of peace and bias nature of some elders, Ozo title holders, chiefs, influential personalities that take decisions worsen the matter etc. This action is merely motivated by greed, legitimize by culture, tradition and value system prevalent in the society.

Challenges of Traditional Mechanisms

1. Documentaries. Then on-existence of archives in some rural communities posed a great challenge to records up date in the society. The level of illiteracy was very high in the olden days and very few people were formally educated and enlightened. The documentation of records of events and land ownership historical antecedents suffered a great set back in the community, even till today. The evidences of some claims and counter-claims on original ownership, conquest, sale, gift, settlers of land are based on oral evidences only in most cases.

From generation to generation some reputable icon in various communities passes without dropping their wealth of knowledge and experience in the area on white and black which is not only dangerous but tantamount and unhealthy to the various communities' peace building process and harmony.

2. Lack of Training of Elders. The elders that are the major actors as mediators are mostly illiterate. The traditional mechanism has no provision for training elders on the need to improve and adapt with the new trend of things within the community. The traditional system lacked avenue where the young ones learn the history of their community collectively. The folk tellers approach and evening family story tellers on compounds capacity method is not sufficient to cope with the current days realities of globalization and modernization in the society.

3. Corruption. The bad governance and lack of political will to deliver dividends of democracy and quest for quick wealth coupled with greediness and poverty fuels bribery and corruption among the custodians of culture. The traditional rulers are used by the government to reach to the grass-root. They are appointed by their masters that blow the pipe and dictate the turn for them. They play partisan politics openly. The magnitude of hunger in the society is also the driving force for them to soil their hands. Some of them involve in short changing issues and engage in sharp practices in resolving land disputes which thwart efforts for peaceful co-existence and inhibits peace process in the area.

4. Globalisation and Modernisation. The present reality in social economic engineering and transformation in the advanced technology and modernity is inconsistent to traditional approach to issues. The rapid changes turning the world to a global village is opposite of the ideals of the mechanism that is highly rooted on community orientation. The non-wide acceptability and applicability limits its scope. The external actors are total excluded in the resolution processes.

5. Colonialism. The history of Nigeria vis-à-vis colonialism worsens the matter. The British imposed land tenure system to facilitate their economic exploitation and stealing which made

them to look at our traditional system as unproductive and barbaric. The colonialists altered and tried to transform almost every aspect of the peoples' culture to their own favour.

6. Legislation. The 1999 constitution as amended signed no constitutional function to the traditional rulers. This constitutional gap helps to erode the traditional influences as they can bark but cannot bite. The authority to command and enforce compliance becomes a big challenge. Most verdicts passed during land dispute resolution are put under the carpet as implementation becomes very difficult because in some cases the party or parties involved vehemently oppose(s) it. The use of social pressure to ensure compliance is inadequate and weak in face of modern advanced technology, transformation and development.

7. Religion. The controversy that goes with religious believers of different denomination is always very difficult to reconcile. The Christians and traditional worshippers clash on modality to take oath, covenant and come to a common agreement on land verdict of land dispute. This cog causes havoc and ignites further debate on whether the practice is fetish or not. It further questions whether the people are under compulsion to abide by it?

Methodology

The study adopted mixed methods of both quantitative and qualitative methods in carrying out its investigation. In qualitative method data employed for the study were gathered from secondary sources such as public and private libraries, internet materials notably relevant articles were also carefully gathered. However, content analysis and narrative analytical techniques involving data reduction were utilized for the analysis of data. In addition, information sequence employed for analysis of data were extracted carefully from numerous logical chains of evidence available in periodic papers, magazines, journal papers, conference papers, documentary materials such as peace committee reports, security reports, committee meetings, edited book and so on.

On quantitative analysis of numerical values statistically, the study employed inferential statistics, simple percentage frequency tables, histogram and chi-square was used for the test of hypothesis and used cross-sectional survey design because of endogenous and exogenous variables to be measured which requires the respondents that have cognate experiences and relevant information concerning the variables under study. The justification is that the sample sizes are scattered among other groups in different locations outside the study area. Primary sources employed includes; questionnaire instrument and observation. The population of Ikwo is 214,604 people (NPC, 2006). Probability sampling techniques was applied. The stratified and simple random sampling techniques were also used. Ikwo local government was grouped in line with the existing five strata; Unweka, Alike, Mgbabu, Echara, and Okpintumo in accordance with the five principal communities in the area.

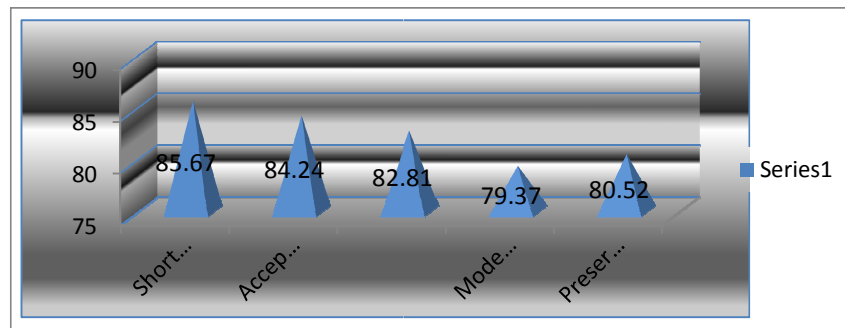
In each stratum, a total of eighty (80) questionnaires were randomly distributed to the respondents. With the total $80 \times 5 =$ four hundred (400) questionnaires distributed in all the strata in the area of the study. Simplified formula for proportions was used to determine the sample size of the respondents that were administered questionnaires during the field survey study. Yamane (1967, p.886) "provided a simplified formula to calculate sample sizes". Content validity and Test-Retest Reliability was adopted and it enabled the researchers to

obtain a measure of reliability by administering the same test twice over a period of time to a group of respondents using the same sample size. The percentage was calculated based on ‘Yes’ or ‘No. It was represented with bar charts for easy understanding and interpretation.

Presentation of Data: Research Hypothesis 1: Inadequacies of traditional mechanisms are responsible for increase in land conflict in Ikwo local government area of Ebonyi State.

Table 1: Responses of the Respondents

S/N	Items	Total No.	Total %	Y	%	N	%
1	Short Time	349	100	50	14.33	299	85.67
2	Acceptability	349	100	55	15.76	294	84.24
3	Residence	349	100	60	17.19	289	82.81
4	Modernisation	349	100	72	20.63	277	79.37
5	Preservatives	349	100	68	19.48	281	80.52



Nwoba’s Field Work (2017). Respondents that said ‘No’ or ‘Disagreed’

From the table 1 above, the five indicators measured showed that; short time 50 (14.33%) respondents said Yes, with 299 (85.67%) said No, Acceptability 55 (15.76%) said Yes, while 294 (84.24 %) said No or disagreed. 60 respondents of (17.19 %) said Yes or agreed for residence but 289 (82.81%) respondents said No or disagreed. The respondents that accepted moderisation as a problem, 72 (20.63 %) but 277 (79.37%) did not accept. lastly, on preservatives 68 (19.48 %) respondents agreed, but 281 (80.52%) disagreed.

From the analysis of data above it is clear as indicated above that the respondents rejected the arguments against traditional mechanisms termed inadequacies and believed that traditional mechanisms is still strong in resolving dispute in Ikwo. The high rate of rejection from the five indicators ranging from 80% to 86%, while the respondents acceptance ranging from 14%-21% showing that despite the inadequacies of the traditional mechanisms the people still believed and use it to resolve land disputes in Ikwo. The percentage of the respondents that said yes or agreed is represented in bar chart above for easier and more understanding.

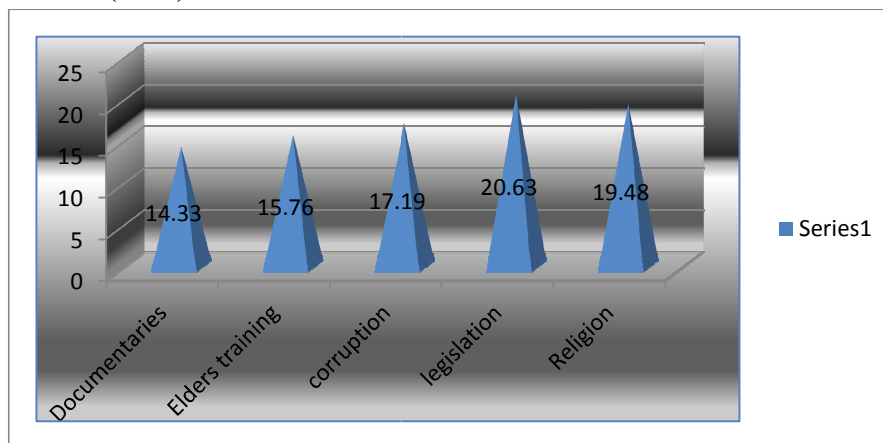
Presentation of Data: Research Hypothesis 2

1. Challenges faced by traditional mechanisms is responsible for increase in land conflict in Ikwo local government area of Ebonyi State.

Table 2; Responses of the Respondents

S/N	Items	Total No.	Total %	Y	%	N	%
1	Documentaries	349	100	259	74.22	90	25.78
2	Elders Training	349	100	267	76.50	82	23.50
3	Corruption	349	100	271	77.55	77	22.45
4	legislation	349	100	282	80.80	67	19.20
5	Religion	349	100	286	81.94	63	18.06

Nwoba (2017). Field Work



Nwoba’s Field Work (2017). ‘Yes’ or agreed Respondents

From the table 2 above, 349 were the total questionnaires retrieved back from the respondents out of the four hundred 400 questionnaires distributed as the sample size. The five unit questions of measurement show that; documentaries 259 (74.22%) respondents said Yes, with 90 (25.78%) No, elders training 267 (76.50%) said Yes, while 82 (23.50 %) said No or disagreed. 271 (77.55 %) said Yes or agreed for corruption but 77 (22.45 %) respondents said No disagreed. The respondents that accepted legislation were 282 (80.80 %) but 67 (19.20%) did not accept. lastly, religion 286 (81.94 %) respondents agreed but 63 (18.06%) disagreed.

From the analysis of data above it is very clear as evidenced that challenges of traditional mechanisms accounts for land disputes in Ikwo local government of Ebonyi State. The high rate of respondents’ acceptance from the five indices ranging from 63% to 82% shows positively. The respondents rejecting it ranging’s from 18%-25% indicating low non-acceptance. The percentage of the respondents that said yes or agreed is represented in bar chart above for easier understanding and interpretation.

Conclusion and Recommendations

The challenges of traditional mechanisms are responsible for increase in land dispute in Ikwo local government of Ebonyi State. It further examines the inadequacies of the traditional mechanisms such as termination of dispute in short term, applicability, acceptability, modernization, and preservatives of the mechanisms in the area. The challenges were also unveiled such as documentaries, lack of elders training, corruption, legislation and religious influences.

The study further, discovers that challenges face by traditional mechanisms accounts for increase in land dispute in Ikwo. The study discovers that despite the inadequacies of traditional resolving mechanisms. The people of various communities still hold their traditional mechanisms very strong and high in resolving land disputes. The large numbers of the respondents that accepted as the results indicated above were represented in the tables and bar charts for easier understanding and interpretation. The study recommends thus:

1. The elders need to be trained to acquaint them with the new trends of modernization, communities to establish archives and document their land histories and allow youths and women to actively participate in decision making on traditional land dispute resolution processes to surmount these inadequacies.
2. The government should develop the political will and constitute judicial of inquiry to try offenders that disobey verdicts of peace committees seen to be unbiased, as endorsed by Ozos, elders/traditional rulers and allow actors to be guided by their religious believes.

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