
| RESEARCH ARTICLE

Beyond the Courtroom: Exploring Indigenous Mechanisms for Resolving Land Disputes Among the Igbo of Southeastern Nigeria

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| ABSTRACT

This paper examines indigenous mechanisms for resolving land dispute in rural communities in South-East Nigeria. Relying on decolonizing methodologies as a theoretical framework, the study questions the ascendancy of Western epistemological and methodological orientation that have long devalued African indigenous knowledge systems . It examines different indigenous channels for addressing land disputes and how compliance is secured without reliance on coercive state authority. In addition, this paper will also highlight how legitimacy is constructed and how verdicts are secured through collective memory and consensus. The author argues that despite years of marginalization and devaluation, indigenous dispute resolution mechanisms remain relevant in rural Africa. The paper concludes that integrating indigenous jurisprudence into mainstream legal frameworks is essential for developing land governance systems that are inclusive, accessible, affordable, and trusted by local communities.

| KEYWORDS

Igbo indigenous conflict resolution mechanisms, Decolonizing methodologies, Land dispute, Indigenous jurisprudence, indigenous knowledge systems

Introduction

At the turn of the nineteenth century, African societies witnessed one of the most bizarre forms of systematic violence that is intensely different from other forms of aggressions previously known in their milieu (Schaller2010). This new form of violence was unmatched in both shape and scale (Fletcher 2022; Freudenburg, 1992). It surpassed the normal form of clannish infractions seen in intergroup relations. It took the form of forceful invasion by

mercantilist marauders whose motive was beyond economic gain to strategic state interests and imposition of colonial rule (Bolt 2023; Aregbeshola & Adekunle, 2024). This imposition disrupted long-standing social structures and indigenous institutions. It undermined pre-existing mechanisms for social order and introducing novel forms of governance and social organisation that were alien to local norms (Akena, 2019; Merry et al., 1991). This violence was characterized by the suppression of resistance, the reconfiguration of political boundaries, and the use of force to impose new economic hierarchies, challenging indigenous forms of authority and community cohesion (Ahmed, 2024). As a result, the social configuration of many African societies was irreversibly altered, thereby marking the beginning of an era in which violence became central to both political domination and the transformation of social life.

Rodney (1972) argued that colonialism was not just about the seizure of land and labour rather they came to reshape the very cognitive frameworks through which colonized peoples understood their world. The repudiation of African history and culture to validate enslavement and white superiority nurtured in blacks what Samuel DuBois Cook branded as a tragic historical consciousness (Cook, 1960). Justifying this violation, Max Weber, a well-known European scholar, once asserted that all forms of indices for civilization existed in Europe namely arts, music, architectures, printing, science, politics and other aspects of human endeavour. He asserts that it is only in Europe that science has reached its pinnacle of evolution.

Prior to this criminal episode of socio-cultural genocide championed by European marauders, the Igbo people of southern Nigeria had well-established systems and social organization which was characterized by accessibility and inclusiveness. Among the Igbos, land is seen as a sacred resource anchored in ancestral relations and communal obligation. Customary arrangements placed ownership within the lineage (Umunna) instead of individual hands, with elders acting as caretakers.

However, the advent of colonial rule commodified land and introduced new legal categories and land policies that reframed these indigenous conceptions. Colonial administrators brought concepts of individual ownership, formal registration, and statutory adjudication that clashed with customary norms. This colonial distortion and new arrangement generated a lot of tension related to land tenure administration.

The Igbo system, though decentralized, relied on kinship networks, councils of elders, women's associations, and age-grade institutions to manage land access, resolve disputes, and enforce moral conduct. Within this framework, land was governed through collective deliberation and customary norms, ensuring social balance and community stability. (Ogugbuaja & Nworie, 2024). Social order was maintained by norms, taboos (*nso ala*), and sanctions that guided people's behavior (Okoro, 2023; Isichei 1976).

What truly made these systems effective was its alignment with Igbo values, worldview and principle of "Udo ka ma," meaning "Peace is supreme" (Achebe, 1958; Okafor, 2017). Decision-making was not exclusively reserved for a select few, rather everyone participated in Igbo community life and decision-making process. According to Afigbo (1972) the Igbo society was highly egalitarian, and this allowed people to engage directly in decision making. Ezeanya-Esiobu (2019) posits that this consensus-based system kept power in check and prevented tyranny and despotism in Igboland.

This classic egalitarian governance system was short-lived. With the intrusion of the uninvited pillagers indigenous institutions underwent significant decline. First colonization and later, Christianity emasculated and weakened African traditional jurisprudence through the introduction of foreign judicial system based on courts, which prioritize punishment over reconciliation thereby exacerbating conflict. Within this new judicial framework, the police and appointed chiefs assumed responsibilities that had once been managed by village elders and family heads.

The inadequacy of formal dispute management and resolution techniques characterized by prolong adjournments, inaccessibility, elite capture and cultural dissonance has necessitated the use of indigenous mechanisms by rural populace in Africa (Adegbite 2022). These native dispute resolution mechanisms which are deeply rooted in local culture, accessible and have proven to be more effective in resolving disputes than the imported formal legal systems. Indigenous mechanisms are not only cost-effective and tailored to the needs of the community, but they also provide socially cohesive alternatives that align with local conceptions of justice and equity (Ezeani & Ezeibe 2023). Empirical studies confirm that where traditional mechanisms are actively integrated into justice delivery, they yield higher rates of compliance, satisfaction, and durable peace than their imported counterparts (Uwakwe &

Nwankwo 2024; Ezeani & Ezeibe 2023). Again, Okafor et al. (2018) affirms that indigenous conflict resolution mechanisms are indispensable to the maintenance of the corporate cohesiveness of our people, especially or Ibo people. Despite the significance and widespread use of indigenous conflict resolution mechanisms in African especially in rural communities in de-escalation of land conflicts, armchair Eurocentric development theorists have undervalued and overlooked the relevance of these systems. Regardless of these setbacks, the respect for traditional institutions has grown increasingly, especially among rural populaces.

This exploratory paper seeks to highlight the various traditional mechanisms adopted by rural communities across South-East Nigeria in resolving land dispute. It interrogates how legitimacy is constructed, how truth is established, and how compliance is guaranteed without use of coercive state power. By so doing, the article contributes to ongoing debates on legal pluralism, indigenous knowledge systems, and land governance in Africa. It posits that understanding and engaging with indigenous mechanisms is crucial not only for resolving local disputes but also for developing land policies that are socially grounded and culturally legitimate.

Theoretical Framework

This exploratory study is anchored in Decolonizing Methodologies, a theoretical orientation associated primarily with Linda Tuhiwai Smith (Smith, 2012). The framework kick against the ascendancy of Western epistemological, and methodological traditions that have over the years downgraded indigenous knowledge systems and governance. It promotes an alternative method that repositions indigenous perspectives and knowledge systems as legitimate sources of theory, method, and interpretation, rather than as peripheral or supplementary data within Eurocentric scholarly models. Within African contexts, colonial legal frameworks dislocated or delegitimized indigenous institutions in land related dispute resolutions and maintaining of social order. Decolonizing Methodologies therefor offer a critical framework for recovering and validating these indigenous practices on their own terms.

When applied to this study, this framework will help to reposition Igbo indigenous land dispute resolution systems as vibrant social institutions rather than left over alternatives to state courts. It draws attention to that fact that while Igbo epistemologies historically treated land as a sacred, ancestral, and communal trust embedded within kinship and moral

obligation, colonial and postcolonial legal structures reframed land as a commodified asset subject to statutory adjudication.

Igbo Indigenous Pathways to Conflict Resolution

The customary method of resolving land disputes in Southeast Nigeria as mentioned earlier involves more than just one channel. Igbo Communities depend on a multi-tiered structure made up of several institutions' units and agencies namely- Family and Lineage, Community-Level agencies and Supernatural Entities.

The Family and Lineage

The family is the basic unit in Igbo democracy. It is the function of the family to bring up their children in conformity to community value and norms. When it comes to intra-family land disputes, family meeting presided over by the Okpara" (eldest male) are the court of first instance.

The Okpara who is the head of the family, holds the Ofo of the family and performs all duties attached both to his leadership position. All the family members recognize and respect him because he holds the Ofo which is the symbol of authority passed on by the ancestors. It is the duty of Okpara to represent his family at Umunna level. He makes sure that his household is not shortchanged at Umunna gathering. He brings back all the due share for them, pays their levies and protects their interest. Land related disputes ranging from land use rights, boundaries, or inheritance were first handled within the family unit. Decisions were guided by oral history and genealogical memory. Any dispute that cannot be settled within this unit is taken to Umunna.

Umunna (Kindred Assembly)

The Umunna simply means, children of the same father is the basic and strongest administrative institution in Igbo land which has been noted to be very successful in the land dispute resolution in Igbo land. The Umunna Assembly is composed of all adult male members and is headed by the eldest male in the kindred. This assembly adjudicates sundry matters especially land and inheritance related issues which cannot be settled by the extended family. Individuals in the community are conditioned to avoid behaviors that can bring shame to their fellow citizens. Under this framework, the adjudication process mirrors modern litigation practices, although with a distinct cultural flavour. Here, the litigants can

approach the Umunna Assembly with the keg of Palm wine and kola nuts. These symbolic tokens serve as a litigation fee to initiate the process of litigation. Thereafter, the parties involved are invited to present their case. Upon invitation, the litigants engage in a structured legal procedure that involves the examination of evidence, witness testimonies, and cross-examination. The Umunna act as judges who carefully consider the arguments presented by both parties before reaching a decision.

Throughout the litigation process, the emphasis is not only on resolving the immediate dispute but also on restoring harmony and peace within the community. Resolutions here are grounded in consensus, moral authority, and collective responsibility. Any decisions taken by Umunna are binding on their members and there are punishments and penalties for going against such decisions and collective resolutions. It is important to state here that although the role of the Umunna in land conflict resolution is crucial, not all land disputes are brought before them are resolved. If a disputant disagrees with Umunna's decision, that individual is free to move to community level or other instruments or ways to prove their innocence. These instruments may include "Arusi" (shrine), "Ndi-Mgbafa" (Diviners), "Ndi-Mmanwu" (masquerades) etc.

Community-level agencies

When a dispute cannot be resolved within the family, it can be brought before other agencies such as age groups, women groups, masquerade groups, or traditional rulers. Throughout the community, these organizations are respected and are regarded as authorities, and they can resolve conflicts amicably. As a result of their respect and authority, these bodies are able to make decisions that everyone is willing to agree upon, and they provide a safe environment for community members to discuss and resolve issues. Furthermore, these organizations are motivated to find a resolution that is acceptable to all parties as they have a vested interest in maintaining peace and harmony in their communities.

Umuada (Igbo Women Agency)

Igbo women agencies occupied a pivotal and recognized position in community governance in precolonial Igbo society. Among these women agencies is the umuada which comprising of all daughters of a lineage whether married within or outside the community. These women are well respected and exercise great moral authority in the mediation of land disputes. Although women in Igbo land do not own land, but their interventions in any land dispute is

carries significant weight, particularly in cases involving injustice or abuse of power by male relatives, or protracted conflicts that had resisted resolution. Umuada is different from “Ndinyom” (married wives) Igbo women are generally grouped into these two groups within Igbo social organization. Umuada weighs the power of finality in issues concerning women in the family, community and in conflicts where men are unable to settle them.

The power Umuada wields in Igbo society is based on their special status and distinctive positionality within the lineage. This special status in society allowed them to mediate in disputes without being seen as interlopers or biased actors. This role of mediation is ingrained within the wider dual-sex socio-political system which characterized precolonial Igbo society (Obasi & Nnamani 2015).

Igbo gender relation is complementary in nature, rather than hierarchical. Women were neither downgraded nor marginalized instead, they usually operate parallel institutions where they exercise autonomous political and judicial functions (Uchem, 2001). Their involvement positions and matters usually reduce tensions, obliging warring parties to reconsider their positions, and restore fractured relationships. In land-related disputes, umuada usually denounce wrongdoing and demand restitution thereby strengthening community cohesion and reconciliation.

Umuada operated independently but could also act jointly with their male counterpart during critical deliberations affecting the community. Beyond formal meetings, women exerted social sanction and pressure through organised protest. These protests are very symbolic and take performative forms. In the case of protracted land-related conflicts, or where there is a stubborn offender who refuses to comply with verdict issues by women. Women usually resort to protest to enforce compliance. They start the protest by first gathering at the village square before marching to the offenders house armed with tree branches, singing satirical songs to publicly shame and call attention to wrongdoing. Such actions served as powerful moral sanctions, and social control mechanism in Igbo communal life. The persistence of these collective actions makes it difficult for offenders to ignore their demands.

Eze in Council

This body represents the highest traditional authority in Igbo community. This body is made up of the traditional Ruler who is known as Eze or Igwe or Obi and his cabinets. This council

functions as an appellate court when lineage and village-level mechanisms fail. The Eze in-council superintends and adjudicates matters that affect multiple lineages or threaten communal stability. Its legitimacy lies in customary law, precedent, and collective deliberation. Its decisions aim to preserve peace and social order rather than impose punitive judgments, reflecting the restorative orientation of Igbo justice systems (Afigbo, 1981; Okoro, 2023).

Supernatural Entities

Apart from human establishments, the Igbos acknowledge the potency of supernatural entities such as spirits, deities, and ancestral figures. There is a widespread belief among the Igbos that these entities play a vital role in controlling and overseeing human affairs. Hence these entities frequently consulted in land dispute resolutions since they are viewed as authoritative figures with a wealth of information and influence.

Oracles and Deities

In Igbo worldview, supremacy of Chi-Ukwu who is seen as the most powerful spirit in the Igbo cosmos and the sole deity over the entire earth is a settled reality. He is also known as Chi-na-eke, the spirit of creation, because no other creature can "create" in Igbo philosophy (Nwoye, 2011). This appellation also distinguishes this personality from the other spirits who inhabit the spiritual dimension of the Igbo tribal cosmology. In the settlement of land disputes, the Igbos periodically uses extra-judicial entities such as oracles and deities. Notwithstanding the spread of Christianity and modernity, many individuals and communities in rural Ibo land still seek assistance from oracles in everyday issues. These oracles are thought to have extraordinary abilities by their followers and so played a vital part in the dispensation of justice (Ezenwoko & Osagie, 2014; Nwachukwu, 2020). The oracles may be compared to the present-day Supreme Court, since they are the only legal entity with appellate power over the citizens. Their admirers regard the oracle as an unbiased judge of all mundane affairs, which is why conflicts were only taken to them as the only hope for resolution. Only grave cases were sent to the oracles for final adjudication after other traditional conflict resolution channels such as the village council or "Umuada" had failed to resolve them (Oltenbert, 1971).

Each community had its own oracle, with some believed to be more powerful than others. Priests at the oracle's shrine administer oaths and make judgements. Despite the absence of visible executive apparatus, this agency held regulatory capacities capable of compelling

individuals who disregarded or questioned their rulings to conform (Umezurike, 2016; Nwachukwu, 2020). The "Igwe K'Ala" of Umunoha "IbiniUkpabi" of Arochukwu, and "Kamalu Ozuzu" of Owerri were all important oracles and deities among the Igbos in the past, and their shrines became the final court of appeal in Igbo territory. Outside these popular deities, there exist village deities in every village (Uchendu, 1965).

Conclusion

The study reveals that traditional land dispute resolution mechanisms is widespread among rural populace in South-East Nigeria. This framework is grounded in local values, moral authority, and collective responsibility. These mechanisms function through established community institutions that value reconciliation and social stability over adversarial outcomes. Although this jurisprudence was disrupted and marginalized by these arrangements that placed formal law and individual ownership over communion ownership and local legitimacy. This paper shows that indigenous practices offer articulate principles for establishing truth and enforcing decisions without coercive force. Engaging these systems offers great opportunity to rethink land governance beyond courtroom centered approaches. A serious recognition of indigenous mechanisms does not imply rejection of statutory law but calls for a more balanced legal framework where local knowledge and authority are taken seriously. Such an approach holds promise for resolving land disputes in ways that are culturally grounded, socially acceptable, and sustainable within affected communities.

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