

**MECHANISMS FOR THE MANAGEMENT AND RESOLUTION OF  
MARITAL CONFLICT BY NON-GOVERNMENTAL  
ORGANISATIONS IN IBADAN, NIGERIA**

**BY**

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## **CERTIFICATION**

This is to certify that this research, Mechanisms for the Management and Resolution of Marital Conflicts by Non-Governmental Organisations in Ibadan, Nigeria, was carried out by Modupe Oziofu ALA under my supervision.

.....

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.....

**Date**

**DEDICATION**

THIS WORK IS DEDICATED TO THE GLORY OF GOD.

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## TABLE OF CONTENTS

Title page	i
Certification	ii
Dedication	iii
Acknowledgements	iv
Table of contents	vii
Abstract	xi
<b>CHAPTER ONE</b>	
<b>INTRODUCTION</b>	
1.1 Background to the study	1
1.2 Statement of the problem	5
1.3 Research questions	7
1.4 Aim and objectives of the study	7
1.5 Study justification/significance of the study	7
1.6 Scope of study	9
1.7 Operational definition of terms	9
<b>CHAPTER TWO</b>	
<b>LITERATURE REVIEW AND THEORETICAL FRAMEWORK</b>	
2.0 Literature review	11
2.1 The marriage and family institution	11
2.1.1 Marriage and relationships	12
2.1.2 Family system and stability of marriage.	13
2.1.3 Natures of marriage	14
2.1.4 Trends in marital conflict	16
2.2 Conceptualising conflict	27
2.2.1 Perspectives in conflict	29
2.2.3 The concepts of conflict management and resolution	31
2.2.4 Mechanisms for conflict management and resolution	33
2.2.5 Introduction to conflicting parties	36
2.2.6 Opening statements	36
2.2.7 Summary of Parties' Views	37

2.2.8	Private sessions (caucuses)	38
2.2.9	Conceptualising conflict and alternative dispute resolution	38
2.2.10	Alternative dispute resolution mechanisms	53
2.2.10.1	Negotiation	54
2.2.10.2	Conciliation	55
2.2.10.3	Arbitration	56
2.2.10.4	Mediation	56
2.3	Non-governmental organisations and conflict resolution	58
2.3.1	History of women’s law clinic	62
2.3.2	History of international federation of women lawyers	63
2.4	Theoretical framework/conceptual clarification	64
2.4.1	Relationship between structural functional theory and mechanisms of NGOs in marital conflict	66
2.4.2	Gap in study	68
<b>CHAPTER THREE</b>		
<b>RESEARCH METHODOLOGY</b>		
3.1	Study design	69
3.2	Study area	69
3.3	Study population/ sample size	69
3.4	Sampling technique	70
3.5	Instrument for data collection	71
3.6	Procedure for data collection	71
3.7	Method of data analysis	71
<b>CHAPTER FOUR</b>		
<b>DATA PRESENTATION AND DISCUSSION OF FINDINGS ON MECHANISMS FOR THE MANAGEMENT AND RESOLUTION OF MARITAL CONFLICTS BY NON-GOVERNMENTAL ORGANISATIONS IN IBADAN</b>		
4.1	Findings	72
4.1.1	Research objective one: identify trends in marital conflicts that FIDA and the WLC handle.	72
4.1.2	Historical origin of the federation of international women lawyers	



	and the women’s law clinic (ngos)	72
4.2	Causes of marital conflict	75
4.3	Disposition of complainants	76
4.4	Research objective two: examined the way mechanisms were deployed for the management and resolution of marital conflict by FIDA and WLC (NGOs)	79
4.4.1	The concepts of management and resolution of conflict	79
4.4.2	The concept of mediation	81
4.4.3	Processes of mediation for the management and resolution of marital conflict by the international federation of women lawyers (FIDA) and the women’s law clinic (WLC), university of Ibadan	83
4.4.3.1	Principles of mediation	84
4.4.3.2	The principle of self determination	84
4.4.3.3	The principle of confidentiality	85
4.4.3.4	The principle of voluntariness	85
4.4.3.5	The principle of empowerment and education	86
4.4.3.6	The principle of impartiality	86
4.4.4	Introduction	87
4.4.5	Story-telling	88
4.4.6	Mediation/negotiation/conciliation	89
4.4.7	Settlement/agreement	90
4.4.8	Monitoring	90
4.5	Frequency of success	91
4.6	Research objective three: compare and contrast the approaches to mechanisms for management and resolution of marital conflict by FIDA and the WLC	92
4.6.1	Similarities	93
4.6.2	Differences	93
4.7	Research objective four: outlined some of the successes and challenges of mechanisms by the two NGOs in the management and resolution of marital conflicts	94

4.7.1	Successful interventions by the international federation of women lawyers	95
4.7.2	Successful interventions by the women’s law clinic	97
4.8	Challenges of ADR mechanisms	99
<b>CHAPTER FIVE</b>		
5.0	Reviewed complainant’s case notes	101
5.1	Tables of summary of events at the non –governmental organisations.	101
<b>CHAPTER SIX</b>		
<b>SUMMARY, CONCLUSION AND RECOMMENDATION</b>		
6.1	Summary	128
6.2	Conclusion	129
6.3	Recommendation	130
	References	131
	Appendix I	146
	Appendix II	144
	Appendix III	148
	Appendix IV	150

## ABSTRACT

Marital conflict is a major social challenge cutting across Africa, Nigeria, and prevalent in Ibadan locality. There are governmental and non-governmental mechanisms for its management and resolution, however complainants appear to prefer the services of Non-Governmental Organisations (NGOs); utilising Alternative Dispute Resolution (ADR) mechanisms which are *pro bono* (no charges) fast and appear effective. Existing studies have focused more on government mechanism (litigation) than the use of ADR. This study was, therefore, designed to examine the use of ADR mechanisms for the management and resolution of marital conflict by NGOs in Ibadan, Nigeria.

Theories of Structural-Functionalism and Human Needs provided the framework, while case study method was adopted. Purposive sampling was used to select two prominent NGOs, namely Federation of International Women Lawyers (FIDA) Oyo, and the Women's Law Clinic (WLC), University of Ibadan, whose core terms of reference are marital conflict management. Key informant interviews were conducted with the two leaders of the organisations, while in-depth interviews were held with 34 respondents: six volunteers/clinicians, 10 complainants and an administrative staff each from the two organisations. Secondary data were derived from newsletter publications supplied by the NGOs. Data were contently analysed.

The NGOs attend to all forms of marriage in Nigeria - statutory and traditional/*nikah*. Cohabitation emerged unexpectedly as a trend in the cases they intervened in; with ADR mechanisms of mediations, negotiation, and conciliation for conflicts caused by human basic welfare needs. The ADR mechanisms were preferred to litigation which is the traditional method because they provide options that reconcile couples without necessarily exposing the family to the tedious process of litigation while desired needs were met. The process of ADR mechanisms went through the stages of introduction, storytelling, mediation/negotiation/conciliation, settlement, and monitoring. The mechanisms are interwoven in application such that the choice of mechanism can be specific or a combination, depending on the nature or complexity of conflict. For instance, mediation was used to resolve conflicts caused by scarce resources such as financial support for mother and children. Negotiation was added in instances of value-based conflicts like custody of children and in-laws intrusion in order to appeal to the 'Ọmọlúàbí' (appropriate conduct) of the husband because NGOs have no legal power to impose the (recommendations) procedure. In other instances, when marital conflict had to do with psychological needs like sex and ego which sometimes brought about threat to life, mechanisms went beyond mere mediation to include negotiation and conciliation where complainants were counseled on temporary separation to defuse tension. Although NGOs do not encourage divorce, they would counsel separation when threat to life was involved. There was always an achievement of management or resolution at any intervention, although in infinitesimal instances parties truncate the process, and usually, where mechanisms proved abortive, couples were referred to court.

The Alternative Dispute Resolution mechanisms utilised by Non-Governmental Organisations in Ibadan have proven their effectiveness in marital conflict management, rescuing a number of marriages from adversarial end product like divorce. Government could empower mediators through legislation to prevent parties from truncating the process.

**Keywords:** Marital conflict, Alternative dispute resolution, Non-governmental organisations

**Word count:** 499

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Background to the study**

The institution of marriage has been bedeviled by conflict right from its inception, according to Haralambos, Holborn and Heald (2008), but efforts have not ceased in trying to minimise the scourge. Conflict generally occurs between two or more people when they disagree on an issue that threatens their respective goals, values or needs, it refers to a confrontation between individuals or a group resulting from opposite or incompatible ends or means. Conflict is intrinsic to human beings and there are formal and informal mechanisms for its management. It is a social necessity and an age-long phenomenon in human relations which is inevitable (Albert 2001). Nwolise (2004) agreed with Albert that the inevitability of conflict is proven by the fact that there is always a struggle over values and claims to status, power and scarce resource. Conflict has negative or positive implications in human relations; it forms an integral component in growth, progress, and development as it causes people to consider different ideas and alternatives no matter how conflicting they are to the status quo. Albert (2001) is of the opinion that conflict is not necessarily bad, as commonly perceived by most people; the right amount of conflict enhances mental and emotional functions and may lead to improved relationships. When conflict is perceived wrongly, it leads to physical and mental illness and damages human relationships. The outcome of negative conflict however, necessitates a third party intervention for the maintenance of societal peace. There are on daily basis, different types of conflict arising from various causes and sources confronting humanity such as intra-personal conflict; inter-personal conflict; intra-group conflict; inter-group conflict; and national and international conflicts. Whichever the type of conflict it is, it has potentials to be constructive (positive) or destructive (negative), depending on how it is managed. Destructive conflict according to him is usually characterised by violence, whether in its physical, psychological or structural connotation. A conflict is said to have become destructive when it exceeds the limits by societal consensus. In a destructive conflict, process of conflict escalation is towards mutual attacks and efforts to destroy each other; there is misjudgment and misperceptions and situational entrapment in which the conflict becomes unduly

magnified. Inter-personal conflict, such as is found in marriage is a conflict type ravaging the institution and there have always been efforts to manage or resolve such through various mechanisms.

Marriage is one of the most important institutions in human societies and it is not spared from the scourge of conflict. The marriage institution can be described as the coming together of two persons in love with the consent of parents, guardians and witnesses for the purpose of procreation and companionship. It is as old as the creation of man. It is expected to be “for better and for worse” but the current trend in marriage departs from these traditional assertions, as the marital union is today a mere association where rancor, conflict and savage mutual attacks are endemic (Dadi, 2004). According to God’s ordination, marriage is a union for love, affection, respect, and sharing between two adults according to Ayodele (1998).

Two major types of marriage exist in Nigeria: *monogamy* (marriage under the marriage Act) a voluntary union of one man and one woman and *polygamy* (customary law marriage including marriage under Moslem law) a marriage of one man to two or more women, this has been a prerogative in many societies; and *polyandry* (having several husbands at one time) which is not common, Nwogugu (2014). In most cultural groups in Nigeria, traditional marriage is usually an arrangement between two families as opposed to an arrangement between two individuals. In most Nigerian cultures, the man usually pays the dowry or bride price and is considered the head of the family. Monogamy is the only legal type of marriage permitted in the Western world. It is illegal to have more than one spouse at a time (*bigamy*), and most citizens comply with this rule. There are however a few exceptions. In the recent times, many gay-right groups have sought official recognition of same-sex relationships that would be comparable to marriage. In Nigeria, the types of marriages recognised are statutory, non-statutory and traditional marriages according to Nwogugu (2014) The marriage institution however, hit the rocks right from its onset when the first couple, Adam and Eve ate the forbidden fruit in the Garden of Eden (conflict of interest as regards instruction on forbidden fruit), and ever since, the institution has been afflicted by conflict, necessitating a third party intervention.

Marital conflict is a phenomenon in the world of marriage where couples fail to surrender their rights and interests for the common good of the marital relationship. In the opinion of Ayodele (1998), conflict is inevitable in marriage, and has been a great source of concern in societies all over the world. It is escalating at alarming proportions to the extent where the media reports on homicide linked to marital conflict virtually daily. Depending on handling style, marital conflict can be constructive or destructive as earlier mentioned. In Ibadan and perhaps, the world in general, it is evident that its occurrence is neither going to abate, nor disappear. A note by the United Nations estimated that ‘of all women who were victims of homicide globally in 2012, almost half were killed by intimate partners’, *The Punch*, (April, 2016) confirming the extent of damage marital conflict is doing to spouses. It is a global concern that this most essential of all human institutions survives. But, considering the increasing rate of unresolved marital issues, which usually culminate into marital instability, separation, desertion, single parenthood and divorce, this may presently be a mirage.

Marital conflict is an interpersonal conflict between husband and wife, defined as the state of misunderstanding or strife between marital partners as they try to carry out their marital roles. Such conflict has been generally known to result from causes like childlessness, children, abandonment, forced marriage, incompatibility, unwanted pregnancy, communication gap, interference by in-laws, finances, infidelity, sex of children, religious differences and lack of appreciation, according to Ayodele (1998) which could also be summed up as values, resources, and psychological needs. Marital conflict may result in unpleasant end products like divorce and death that obviously impact greatly on the children of the marriage leaving some of the children deeply traumatized throughout life.

Globally, efforts have always been made to de-escalate marital conflict through third party interventions, such as the traditional courts (litigation) Nwogugu (2014), usually formal and governmental in nature. But in typical traditional African society, Comaroff and Roberts (1981) noted that before the advent of conventional courts, there were hierarchical options for conflict management and resolution, which usually would start from disputants’ attempt to resolve the conflict by themselves, to seeking the assistance

of kinsmen, to the intervention of the headman of the neighbourhood and the local chief's intervention. Traditional rulers were the political, cultural, economic, and social administrators of the various domains. This lineage idea was subsumed by the modern traditional system of courts, which are usually overcrowded, inaccessible, time wasting and expensive (Albert, Awe, Herault, Omitoogun1995). The observed negative features of these legal courts led to the search for Alternative Dispute Resolution (ADR) mechanisms. It is using the least expensive methods in which parties are satisfied as well as preserving relationships after settlement has been reached. The ADR mechanisms include fact finding, in-depth research and case studies, facilitation, arbitration, negotiation, conciliation, mediation and brokerage Best(2006). Today, spouses in conflict can either turn to the legal (litigation) or ADR mechanism for a third party intervention in the management and resolution of marital conflicts.

To this extent, in Ibadan and Nigeria, the trend in marital conflict management and resolution is that either the customary (informal) court intervenes, when the conflict is between non-statutorily consummated marriages or the High (formal) Court intervenes in conflicts among statutorily consummated marriages. But there is also intervention in both statutorily and non-statutorily consummated marriages by NGOs using ADR mechanisms.

Pilot study in one of the local government areas in Ibadan (Ibadan North Local Government Area, Idi-Ogungun Grade C, Customary Court, in Oyo State) conducted by the researcher (21-08-2016) showed that marital conflict is on the increase and ADR mechanisms are the methods of intervention. According to the records, in 2010, two hundred (200) cases of marital conflicts were reported, eighty (80), that is 40% of the cases (marital conflicts) were dissolved, while one hundred and twenty (120), that is, 60% of the cases were resolved through mediation and counselling. By 2015, three hundred and eighty (380) cases, nearly a hundred percent increase on the 2010 figures were reported. Two hundred and eighteen (218) that is, 57.4% cases were dissolved, while one hundred and sixty two (162) 42.6% cases were resolved. Whereas the marriage institution is supposed to serve as mechanism for conflict resolution, Ovuede (2016) the observed trend in the increased percentage of dissolution confirms escalation

in destructive marital conflict. There is obviously a need for an adoption of the best method for stemming the menace of marital conflict, in the interest of peaceful co-existence and survival of the God ordained institution.

Meanwhile, with the noticed surge in the conflict spectrum, stakeholders in the management and resolution of conflicts at various levels kept searching for other options to complement government efforts. Hence, the emergence of a number of non-governmental organisations (NGOs) with interests in conflict resolution using the mechanisms of ADR. Some of these NGOs have been established to intervene in the resolution of political, economic, social, and religious conflicts using ADR mechanisms for faster administration of justice and *pro bono* (no charges) service. Since the use of ADR mechanisms in conflict resolution however, many scholars (Olaoba, O.B., Anifowose R., Yesufu, A.R., Oyedolapo, B. D.,2010: Midodzi and Jaha, 2011: Adekunle, 2015) have viewed it from different perspectives. But limited attention has been given to ADR mechanisms in managing and resolving marital conflicts by NGOs. Furthermore, NGOs approaches to the management and resolution of marital conflict have not been juxtaposed with existing literature to establish compliance to theory. It is against this backdrop that the study examined the processes of alternative dispute resolution mechanisms in the management and resolution of marital conflicts, through a comparison of the activities in two carefully selected non-governmental organisations (NGOs) that make use of alternative dispute resolution (ADR) mechanisms. It highlighted the successes and challenges of the mechanisms recorded.

## **1.2 Statement of the problem**

Various third-party mechanisms have been engaged in the management and resolution of different types of conflict. Conventional methods were the courts which were detested owing to delays and judgmental posture, Albert et al (1995). Alternative Dispute Resolution mechanisms became alternative and acceptable mechanisms for dealing with conflict worldwide. However, many scholars have worked on these mechanisms from different perspectives of conflict, talking about their effectiveness and other attributes Olagunju, (2007), Olaoba et al, (2010) but not much attention has been paid to their use in the management and resolution of marital conflict by NGOs theoretically. This is the



gap in literature that the study tried to fill. The recent killings of spouses during domestic conflicts showed that marital conflict is not abating and thus requires better and more efficient third-party intervention with the best mechanisms in operation. Ronke Sonde, Titilola Arowolo, Roseline Sourgie and Oyelowo Oyediran, *The Punch* (2016) to mention a few, are homicide cases that resulted from domestic conflict in marriage in Ibadan. According to existing literature, third-party intervention in colonial and post-colonial African communities was through the legal courts, Deutsch (1991) which is losing patronage. Therefore, Non-Governmental Organisations (NGOs) became involved in the intervention processes using Alternative Dispute Resolution (ADR) mechanisms of negotiation, conciliation, mediation and arbitration, Best (2006). The mechanisms are universally employed due to acclaimed efficiency in terms of cost, speed, and accessibility, Albert et al (1995). There is therefore a need to examine the mechanisms and the establishment of compliance to theory; through a comparison of the activities of two selected NGOs in Ibadan. This is another gap the study attempted to fill.

There is a plethora of literature on the subject of mechanisms for conflict management and resolution, but there are still gaps in the areas of marital conflicts. Marital conflict management and resolution mechanisms have been viewed from the perspectives of court processes of litigation, Nwogugu (2014) usually governmental in nature; and alternative dispute resolution mechanisms (ADR), usually by non-governmental organisations (NGOs). Existing studies (Adekunle, 2015; Chiwaridzo, 2012; Midodzi and Jaha; 2011; Olagunju, 2007) revealed that the method of ADR is preferred by many people compared to the traditional method of litigation Albert et al, (1995), so that ADR has been given prominence in recent times in the management and resolution of conflict by NGOs. In the same vein, literature abounds on intervention by ADR mechanisms in such conflicts as land, ethnic, religion, and conflict over inheritance according to Albert et al, by NGOs Midodzi and Jaha, (2011), but not much attention has been given to marital conflict. This situation has left a gap yearning to be filled in this area of knowledge. Therefore, this study attempted to advance the advocacy by examining the mechanisms for the management and resolution of marital conflicts by two prominent non-government organisations, namely: Federation of International Women

Lawyers(FIDA), whose acronym derived originally from Federacion Internationale De Abogadas and the Women's Law Clinic, University of Ibadan, Nigeria.

### **1.3 Research questions**

1. What are the trends in the marital conflicts that FIDA and the WLC (NGOs) handle?
2. How do FIDA and WLC deploy intervention mechanisms for the management and resolution of marital conflicts?
3. How do approaches to management and resolution of marital conflict by FIDA and WLC differ and how are they similar?
4. Why do intervention mechanisms succeed in some cases but have challenges in others as used by FIDA and WLC?

### **1.4 Aim and objectives of the study**

The study generally examined the mechanisms for the management and resolution of marital conflicts by FIDA and WLC (NGOs) through comparing and contrasting of both NGOs. However, the study specifically:

1. Identified trends in marital conflicts that FIDA and WLC handle.
2. Examined how the mechanisms were deployed for the management and resolution of marital conflicts by FIDA and WLC (NGOs)
3. Compared and contrasted the approaches to mechanisms for management and resolution of marital conflict by FIDA and WLC with recommendations.
4. Enumerated some of the successes and challenges of the mechanisms by FIDA and WLC in the management and resolution of marital conflicts.

### **1.5 Study justification/Significance of the study**

Marital conflict is a social problem with devastating outcomes that impacts society negatively and therefore requires serious attention. The need for more easily accessible mechanisms for the management and resolution of trending homicidal marital conflicts and the rate of separation and divorce today, make a work of this nature timely. Conflict

management and resolution has been viewed by scholars Adekunle (2015) Chiwaridzo (2012) Midodzi and Jaha (2011) Olagunju (2007), who have concluded that the ADR method is preferred by many people over the traditional method of litigation owing to the negative features of delay, cost, and congestion Albert et al, (1995) and Deutsch, (1991), so that ADR has been given prominence in recent times in the management and resolution of conflict by NGOs.

In the same vein, literature abounds on intervention by ADR mechanisms in such conflicts as land, ethnic, religion, and conflict over inheritance Albert et al (1995) by NGOs Midodzi and Jaha, (2011), but not much attention has been given to marital conflict in the field of conflicts management. The Alternative Dispute Resolution (non-adversarial) option has been in use by Non-Governmental Organisations and has become more popular with different types of conflict. The acclaimed nature of ADR mechanisms used by NGOs is that it is less expensive, fast, and accessible for management and resolution of conflicts. But not much attention has been given to marital conflict in its use; this study therefore identified trends in the marital conflicts and examined the processes in the deployment of mechanisms theoretically. The study is filling the gap by documenting the trends in marital conflicts and the mechanisms that are deployed for management and resolution by NGOs. It opened a new vista of opportunity for future researchers who may want to work on governmental (court) mechanism of intervention in the management and resolution of marital conflict. The comparison of the two elicited the strength, weaknesses, opportunities and the threats inherent in the mechanisms. So that those noted reasons responsible for the successes and challenges of the mechanisms would serve as a blueprint for other up-coming NGOs for best practices. Policy makers could empower practitioners of ADR mechanisms legally to be able to prevent parties from truncating mechanism midway, thereby rendering it ineffective. This document serves as a resource base for the education of indigent women who ordinarily would die in silence due to inability to afford justice via the courts. There is every need for the stakeholders in this issue to work together in order to benefit all and sustain the institution of marriage through non-adversarial intervention mechanisms of ADR.

## 1.6 Scope of study

There are several organisations involved in the management and resolution of marital conflicts in Ibadan that make use of ADR. There are Non-Government Organisations (NGOs), Faith-Based Organisations (FBOs), Professional Bodies (PBs), and Social Groups (SGs). It is practically impossible for a study to examine all such organisations in a single research. It becomes necessary to delimit which of the organisations to study. Therefore, the focus of this work was on two (2) carefully selected prominent NGOs, namely; International Federation of Women Lawyers (FIDA), and Women's Law Clinic (WLC), University of Ibadan. Respondents however included the director and president of the two NGOs, lawyers from each of the organisations who usually were part of the ADR mechanisms and some of the complainants who visited the organisations in the course of the study.

The study focused mainly on alternative dispute resolution mechanisms deployed by NGOs for the management and resolution of marital conflicts in Ibadan because no scholarly work has been done to cover the lacuna in academic knowledge. Ibadan was selected because the city is a point of reference on matters pertaining to social, cultural, political and economic activities of the Yorùbá. The organisations were chosen because their major area of interest amidst other endeavours is marital conflict management. The study identified the trends in the marital conflicts that these NGOs handled; it examined how the mechanisms were deployed, it compared the differences and similarities between FIDA and WLC, the two selected NGOs, and reviewed some of the conflicts that were handled, stating their outcomes.

## 1.7 Operational definition of terms

**Conflict:** Conflict occurs between two or more people when they disagree on an issue that threatens their respective goals, values or needs. It refers to a confrontation between individuals or a group resulting from opposite or incompatible ends or means.

**Mechanism:** The process of administering intervention in marital conflict. The structure of ADR processes used to manage or resolve marital conflicts.

**Conflict Management:** An attempt to prevent conflict escalation, to mitigate the negative effects of already existing conflict. It is an intervention in an on-going misunderstanding between two intimately related people in order to prevent a total breakdown of the relationship. It sets out to put a stop to abuse or violence.

**Resolution:** The outcome of intervention mechanisms, the course of action in the settlement of marital conflict.

**Alternative Dispute Resolution (ADR):** Other cheaper and less tedious mechanisms for settling disputes aside litigation.

**Marital Conflict:** A disagreement at inter-personal level, which occurs between two people that are intimately related. In other words, it is a disagreement between man and woman that are in marital relationship, which come to fore and cannot be tolerated by either party, due to differences in character or interests after solemnization in any form of marriage, that is, statutory or customary.

**Non-Government Organisations:** Organisations that do not form part of the government and are not profit oriented, using informal structures to intervene in social issues.

## **CHAPTER TWO**

### **LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

This chapter attempted to conceptualise and operationalise certain terms to enhance better insight of the subject. The concepts include marriage, marital conflict, conflict, conflict management and resolution, non-governmental organisations and alternative dispute resolution mechanisms.

#### **2.0 Literature Review**

##### **2.1 The Marriage and Family Institution**

Many social and political commentators in Western societies have expressed concern about what they see as the decline of marriage and family life. Many see this as a threat to the family, which in turn they see as the bedrock of a stable and civilised society. Almond (2006) believed the family is fragmenting. She argued that there has been a shift away from concern with the family as a biological institution based upon the rearing of children, towards the family as an institution which emphasized ‘two people’s emotional need or desire for another (Almond, 2006)

There is an increased emphasis on the needs of individuals and less emphasis on society’s need for the rearing of children in stable relationships. There is increasing social and legal acceptance of marital breakdown, cohabitation, gay and lesbian relationships and so on, all of which lead to the decline and fragmentation of families. Almond believes that the decline of the family is damaging to society, and steps should be taken to reverse the trend.

Another writer who believes that the family and marriage are in decline is Morgan (2003). She argued that factors such as increased cohabitation, declining fertility, the decline in the proportion of married people, the increase in single parenthood and childbirth outside marriage, the rise in the numbers living alone are all indicative of this decline. Like Almond, she sees this as harmful for society, for individuals and for children (Haralambos, Holborn, and Heald, 2008)

Marriage and family are two concepts that are interwoven and cannot be relegated when discussing marital conflict. Although it is difficult to separate the two concepts, they are not exactly the same. Nwoye (1991) claimed that it is important to dichotomise the two words for the purpose of simplicity and understanding. Martison (1960) argued that there is a kind of snail-shell relationship existing between marriage and family. He further contended that the arrival of a child in a marriage makes the marriage and family two social systems functioning as a subsystem of marriage and as a subsystem of the family. Consequently therefore, the two concepts are seen as inseparable and interchangeable, even though they possess features that mark them out as different. In other words, features of marriage as a heterosexual union of consenting adults cannot be said to be the same with family, which basically is a social grouping that has people who are either consequently or conjugally related or both ways related. Marriage and family vary from society to society and culture to culture. However, that the union of a woman and a man all over the globe involves sex may be contended. It is a legal union of a man and a woman as husband and wife.

### **2.1.1 Marriage and Relationships**

For effective symbiosis in life, every individual needs company for social existence. Most people have an implicit theory about how relationships work. Some people are more aware of or at least talk more about their viewpoint on relationships than others. Regardless of an individual's awareness or one's own theory of relationships, most people tend to treat their view of relationships as reality. This egocentric view of reality makes how one views self and others in relational contexts of fundamental importance. Marriage is a notion deeper than the mere living together of a man and a woman. In line with this assertion, Nwoye (1991) said marriage is a sacred and a permanent contract which is assumed to be enacted when two people decide of their own accord and in the presence of at least two witnesses to exchange the formal consent to live a life of vocation of love and sharing for the purpose of promoting their mutual growth and welfare as persons in their journey together through life. He therefore identifies permanence and sanctity in the institution of marriage.

### **2.1.2 Family System and Stability of Marriage.**

Denga (1982) in his research said there is much need for marital adjustments among couples in order to maintain stability in marriage and family cycle. Denga's research on marriage stability sees the term 'marriage' as a game of discovery which continues till death does the spouses part or breakdown comes due to the inability of the partners to adjust to each other's way of living and prevailing circumstances beyond their control. Family is seen as a continuation of marriage, which comes as a blessing to the marriage, but not the initial purpose of marriage, which is love-sharing and companionship among the married couples, which motivates people to marry.

#### **Marriage and Procreation**

Marriage is a statutory expectation in African traditional setting and is in fulfillment of our creator's prophesies. The expectation of couples shortly after marriage, especially in Africa is procreation that is, childbirth. This expectation, if not well managed, could lead to anxiety that may affect conception and create conflict and suspicion between spouses.

#### **Family and Economic Relationship**

Economically if two people are living together they need each other's assistance. It could be financially or otherwise, they tend to rely on each other for survival especially when they are husband and wife. Delphy and Leonard (1992) saw the family as an economic system. It involves a particular set of labour relations in which men benefit from, and exploit the work of women and sometimes that of their children and other male relatives'. The key to this exploitation is that family members work not for themselves but for the head of the household. Women in particular are oppressed, not because they are socialized into being passive, but because their work is appropriated within the family(Haralambos, Holborn and Heald, 2008).

#### **Marriage and Role Assignment**

Every family-based household has a social structure that involves two types of role. These are head of household and their dependants or helpers. Female heads of household are uncommon, the vast majority is men. The male head of household is different from



other members because he 'decides what needs to be done in a given situation' and assigns tasks to other members of delegate to them. The situation is also that when dependants, particularly wives, have paid job outside the home, they still have to carry out household tasks, or pay others out of their wages to do housework or care for their children. The type and amount of work family members have to do are related to sex and marital status. Female relatives have to do unpaid domestic work; wives in addition have to carry out 'sexual and reproductive work'. However, the precise allocation of roles varies from household to household, domestic roles remain a female responsibility (Delphy and Leonard, 1992)

### **2.1.3 Nature of marriage**

According to Nwogugu (2014), marriage is the act of being married, an agreement to marry, which is, the ceremony by which a man and a woman become husband and wife. In Nigeria, there are two types of marriage legally recognised, monogamous marriage which is under the Act and customary law marriage, including marriage under Muslim law. Monogamous or marriage under the Act as the case is in most other countries is a voluntary union for life, of one man one woman to the exclusion of all others until divorce or death. This definition of marriage may be disrupted by divorce or death of one of the spouses. Customary law marriage may be defined as the union for life of one man and one or several women. The essential characteristic is the capacity of the man to take more than one wife at a given time. Islamic law marriage sometimes referred to as Moslem law or the Sharia is partly written. It is a legal system based on the Islamic religion.

Marriage is a universal institution which is recognised globally. As an institution, marriage is founded and governed by the social and religious norms of society. It is a life-long covenant relationship between a man and a woman for the purposes of companionship and marital satisfaction, Denton Church (2015). It is inherently ordered to the bearing and rearing of children and the broad sharing of family life. Marriage is seen pre-eminently as the concrete, visible setting in the relationship between God and His people as displayed to the church and the world. This provides the ultimate rationale for seeing marriage as a permanent, exclusive and comprehensive union that is

inherently oriented to family life. In marriage, one is “leaving”, the primary bonds of mother and father and permanently “cleaving”, to a husband or wife. Marriage is designed by God to be enacted by a vow to this effect and by its consummation in a sexual union; in this way God makes the couple “one flesh.” Every marriage then is permanently binding under God’s authority.

But, the institution has deviated from the expectations to the level that the institution is perpetually characterised by conflict and threats from alternatives to marriage. In his book, Nwogugu identified three types of marriage in Nigeria, statutory, non-statutory, and traditional; however, cohabitation is one alternative to marriage that is increasingly becoming common. According to Morgan (2003), cohabitation used to be a prelude to marriage but increasingly, it is part of a pattern which simply reflects an ‘increase in sexual partners and partner change’ (Morgan, 2003).

According to Ayodele (1998), couples should be happily married as this is God’s ordination for them. He emphasised lack of counsel before marriage as being responsible for most of the separation and divorce that is encountered in many marriages today. He thinks where couples have been living a strained life together; it is often possible to ease the strain through simple understanding of each other. The book is also aimed at helping couples to understand their biological make up, whereby the goings-on in their bodies would be less of a puzzle and so individuals would be able to plan adequately for their health and welfare. Lastly the book addressed one of the most traumatic issues in married life which is infertility. The review of this book becomes relevant to this work because it touches on one of the key words which is marital conflict. This work intends to identify some of the causes of marital conflicts and mechanisms of management and resolution of which he has identified some causes as lack of understanding and infertility. He also mentioned counseling as a mechanism of preventing marital conflict.

In the same vein, Hughes (1997) defined marriage as an institution ordained by God for the increase of mankind, according to His will and for the mutual benefit of society, help, and comfort; that the one ought to have of the other, both in prosperity, and adversity, and that the homes might be ruled, and families trained in love, wisdom, and

piety. Marital relationship commences from the time the couples celebrate their wedding together according to both tradition, religious (church, Mosque, and others) and court doctrines (Edidiong, 2008). However, from that moment, it is, ‘till death do us part’ (Adedeji: 2012). Undiyaundeye (2000) asserted that marriage is a statutory expectation of a young man and woman who are supposed to pledge their love for each other to live as husband and wife under marriage ordinance. Where marriage is based on ‘free choice’, that is, parents and kinsmen play no role in selecting the partner, individualistic forces are accorded greater significance. By his definition, Cherlin (2004) claimed that marriage, culturally, is based on companionship through mutual social obligations and roles, transitioned to a greater emphasis on personal choice and self-fulfillment. From the foregoing, the current state of marriage is a clear contradiction of the founder’s plan and intention. The institution has been afflicted by several conflicts. Contrary to the opinion of the above scholars, the institution has deviated grossly from the original notion of compromise, love and ‘till death do us part’ Adedeji, (2012). The prevalence and trends of marital conflict has necessitated the search for how to minimise the scourge. This research work is therefore interested in the examination of mechanisms that are deployed for the management and resolution of these conflicts.

#### **2.1.4 Trends in marital conflict**

Marital conflict is an interpersonal conflict type, peculiar to the institution of marriage, which is a context for homicide in which more spouses are murdered by their partners more than anyone else. Today, evidence abounds on the negative effects of conflicts being experienced by married couples due to changing trends. The trends in marital conflicts vary from sources, causes to conflict styles. Kore (1995), Ayodele (1998), and Hines (2000) have identified sources and causes as scarce resources, values, psychological needs and management. The currently observed situation shows that marital conflict is not static but changing irrespective of culture.

Tolorunleke (2014) asserted that marital conflict is inevitable; notwithstanding, it can be managed when they occur, or prevented from resulting to partial or total collapse of homes. This will depend largely on the couple’s level of cooperation. Marital success

results from a lot of endurance, tolerance, patience and effective management of individual differences.

Elijah and Thomas (2013) observed culture and gender as factors influencing the style of marital conflict being experienced by married couples. They claimed that traditional values and cultural practices have great impact on marital conflict. Wives in most marriages would expect husbands to help with childcare and domestic chores because they now find themselves in paid employment and this raises questions about responsibility for family and housework. This has challenged traditional and cultural values, and greatly contributed to marital conflict. The trend in most societies as far as marriage is concerned is perhaps, that no single issue is of greater importance for families in Western culture than the one of marital conflict. Couples fail to successfully negotiate the emotional difficulties of their relationship, denying the existence of problem; this usually would lead to years of unhappiness within the marriage and eventually to breakdown of such and ultimately to divorce. The authors established the causes of some marital conflicts as culture, in agreement with Kore (1995) but they failed to acknowledge the effort being made towards the management and resolution by NGOs. This research study wants to identify ADR mechanisms that can be deployed in management and also assess the effectiveness of ADR mechanisms

In her opinion, Adedeji (2012) focused on the importance of marital vows and covenant, which she says is eroding fast in contemporary marriages. For her, many marriages have problems because they don't keep covenant, the principle of 'the two shall become one flesh' is no longer strictly adhered to, and so marriages break up! Couples don't understand the sacredness of covenant. The book identifies that communication is a core ingredient in a happy marriage. However while she dwells on the importance of resolving marital conflict through joint-problem solving strategy, she neglected the aspect of mechanisms that institutions like NGOs deploy to prevent marital breakdown.

According to Olivia (2012), marital conflict is inevitable and at the same time, it has the potential of binding marriage in spite of its negative nature. Allah created marriage for a reason, it can make or break a couple to the extent that it can give a taste of 'jannah' (Olivia: 2012). Differences in way of life are inevitable embers of conflict, and marriage

is not spared of this plague. Such differences can be related to faith, family, upbringing, culture, politics, intimacy or even food. To her, conflict helps in the acknowledgement of some of the shortcomings that contribute to the problems marriage passes through. Islam however encourages the need to focus on spousal needs and to meet 'rights and obligations' talk in marriage. The talk which advocates that men are to provide for their wife based on their custom. Meanwhile Olivia (2012) is of the opinion that taking care of marital conflict goes beyond mere meeting of marital needs, she thinks the focal point should be the establishment of a more structured approach to the understanding of marital conflict and its resolution, as marriage is beyond fulfilling technicalities. Her subsequent publications view marital conflict from time management, family, household responsibilities, and sexual intimacy, Olivia (2012) a very practical and an objective approach to marital conflict resolution from the perspective of 'self-change' rather than 'spouse change'. This is a divergence from other literature on the nature of marriage; it is more of introspection by spouses than retrospection. It makes for a different perspective of the nature of marital conflict.

Hines (2002), discussing the trend in marital conflict from the perspective of conflict resolution, mentioned three areas of resolving marital conflict as essential, otherwise death in various degrees may occur. Such deaths are; death of hope, self-worth, death of joy, death of motivation, and sometimes may escalate to murder and the actual death of a spouse. Persistent anger by a party in marriage may lead to many other issues like loss of interest in sex, extra-marital affairs, alcoholism and others. 'Sexually frustrated people are not nice people', and to understand how to resolve conflict that are primarily sexual, it is necessary to know what God says about sexual intimacy-

1 Corinthians 7:1-9:

It is good for a man not to touch a woman. Nevertheless, because of sexual immorality, let each man have his own wife, and let each woman have her own husband. Let the husband render to his wife the affection due to her, and likewise also the wife to her husband...it is better to marry than to burn with passion.

From the foregoing, sex belongs in marriage; sex is limited to marriage; sex is intended to be a good part of marriage; but where it is being afflicted by conflict, his recommendation is that an objective look should be taken at the problem. Usually, compromises can be reached, if couples would reach agreements on the noted differences. The second area of conflict that must be resolved by couples according to Hines is, conflict related to children. It is not in God's agenda that children should dictate for parents, or bring shame to them. A spouse's first loyalty must always be to his or her spouse, not to a child. Sometimes, the cause of conflict in marriage is because one parent has favored the child over the spouse. This gives the child opportunity to take advantage of the parents, hence it should not be allowed. Lastly, Hines (2002), in agreement with Ijagbulu (1992), identified money as related to conflict. His number one cause of marital conflict is 'not sex, not children, but money. Money is the most practical part of marriage, as it is said that 'romance without finance is a nuisance', couples should take control of their finances.

Kore (1995) viewed marriage from the perspective of culture and religion. He submitted that in social sciences, 'culture is all that in human society is socially rather than biologically transmitted'. He examined quite a number of pressure areas in the institution of family. Every family has its beliefs and practices that govern daily behaviour and conduct of its members. Sometimes, these beliefs and practices are strongly influenced by the power of culture which may or may not conform with the revealed word of God. Cultural practices that are contrary to scripture hinder the peace, harmony, prosperity and happiness of each family and also result in problems that cause marital conflict. For instance, couples in inter-faith marriage tend to have problems on the observation of marriage customs where the custom contradicts a spouses' belief. In some cases, where there are a few Christians or Muslims, a boy or a girl may be forced by pagan parents to marry a non-religious practitioner, so that religious marital conflict becomes inevitable. The issues in this work bother on perspectives that did not take care of management of conflict.

Poor communication and insensitivity may be issues in interfaith marital conflict as identified by Kore (1995) marriage between a member of the Catholic and a member of

the Pentecostal movement could lead to marital conflict except if there is a solid agreement prior to marriage, rarely would they worship together. He also sees 'childlessness' as one of the reasons for conflict in marriage. The book actually touched on some of the causes of marital conflict as the genesis of most marital conflict, however, there is no attempt to look into the mechanisms that can be put in place for management and resolution, whereas, the causes could be ameliorated. The book is therefore limited on the issues involved in marriage, the reason for further work on mechanisms for management and resolution which have been neglected.

Findings from other countries like Canada, according to Esere (2000) and Ambert (1995), indicated that there is high risk of marital conflict in societies of the world getting confrontational. According to them, spouses employ both physical and psychological forms of violence to resolve problems. Whilst husbands use physical violence as a show of might, wives adopt psychological abuse. Marital conflict is escalating to the level of confrontation that need not be if only the non-adversarial mechanism which is easily accessible would be deployed in management. This is a trend in marital conflict that helps to classify the forms of conflict in marriage, whether they are violent or non-violent.

Fincham and Beach (1999) asserted that marital conflict is an issue of concern in societies, it becomes inevitable in a world of marriage where varying interests and goals reign. Couples fail to subsume their rights and interests for the common good of the relationship. It is of interest to note that according to them, at the beginning of marriage, husbands and wives who have prayed tirelessly get into marital relationship on the basis of love, enter into marriage to start having issues from the next day. Couples employ both physical (confrontation) and psychological (avoidance) forms of violence to resolve problems.

In describing the trend of marital conflict, Fincham (2001) opined that marital conflict has implications on aspects of life such as mental, physical, and family health. This is associated with the onset of depressive symptoms, eating disorders, male alcoholism, episodic drinking, binge drinking, and out of home drinking. It is further said that marital conflict is associated with poorer health and with specific illnesses such as

cancer, cardiac disease, and chronic pain due to alterations in immunological endocrine, and cardiovascular functioning caused by hostile behaviours during conflict. The observed trend in marriage by Fincham helps in achieving one major objective of this research study. Fincham's work calls attention to the importance of the implications of marital conflict on such a critical issue as family health; but failed to suggest mechanisms or identify mechanisms that could be adopted in resolving marital conflict to ensure good health for people in marriage to guarantee marital bliss.

According to Ijagbulu (1992), conflict in marriage is power-based. Dominance within the marriage becomes a major problem because bachelors who having prayed thousands of prayers got married only to begin to dominate their wives who would often resist the act. On the part of the wives, who as spinsters, whether early married or late timers who have wept before God in ceaseless prayers get married on a Saturday, and by Sunday, they want to usurp authority over the husbands, hence the beginning of power struggle. Summarily, he identifies other factors responsible for marital conflict as money, education and culture.

According to Gottman (1999), marriage is a union between two individuals who bring their own opinions, personality quirks, family backgrounds, and value system together. It is no surprise therefore that even in supposed happy marriages, the husband and wife must deal with a host of marital issues. Some conflicts are mere annoyances, but others can seem overwhelming and hopeless. All too often couples find themselves engaged in conflict or have distanced themselves emotionally (avoidance) from each other as a protective measure. He asserted that all marital conflicts—from minor annoyances to all-out wars—fall into one of two categories. Either they can be resolved or they cannot. Gottman (1999) called these irresolvable conflicts “perpetual” problems. These conflicts will be a part of marital life forever, in some form or another. Once couples understand and identify their various conflicts, today, it is possible to develop coping strategies, depending on which type of conflict they usually have. The interest of this study is to examine and assess the effectiveness of some of the mechanisms deployed by third parties in the form of NGOs to alleviate the impact of marital conflict.



When conflict between married people is rightly used, it is not destructive; rather, it brings them to a point where they work together to make their relationship deeper and richer. In marriage, because two unique and different individuals with different tastes, habits, likes and dislikes, values and standards come together, conflict becomes a natural occurrence. But when the instruments are turned upon each other rather than the issue of offence that conflict becomes destructive, otherwise, it can be constructive. Marital conflict opens up doors to communication and increased intimacy; they help couples to know each other better, by bringing out bottled grievances, and realistic opinions about each other.

Looking at marital conflict from trend perspective, Fincham and Beach (1999) saw conflict resolution as a central task in the maintenance of marital quality for both husbands and wives (collaboration/joint-problem solving). Research has demonstrated a positive link between marital quality and constructive resolution strategies as illustrated by empirical data with European and American samples showing that compromising and collaborative behaviours are related to high marital quality, (Greef and de Bruyne, 2000; Marchand and Hock, 2000). In contrast, there is evidence of an inverse relation between destructive marital conflict styles (yelling, insulting the partner), which either escalate conflict or cause withdrawal from conflict, and negatively affect marital quality (Bradbury and Karney, 2004). With primarily European American samples, researchers found that conflict resolution strategies characterised by attacking, demanding, avoidance, or controlling behaviours are associated with low levels of marital satisfaction (Johnson, Cohan, Davila, Lawrence, Rogge, Karney, 2005). With a sample of South African couples, who had been married for at least 10 years, wives reported the lowest levels of satisfaction when they used conflict avoidance strategies (Greef and de Bruyne, 2000). For Mexican American couples, the connections between conflict resolution and relationship quality are unknown.

Researchers have been able to establish links between conflict resolution and marital relationship quality. It is anticipated that there is a positive association between solution orientation and the positive aspects of marital quality (marital satisfaction and love). Some important background characteristics (i.e., age, length of time married, and

number of children, family income, and poverty level) are related to conflict resolution and marital quality. Specifically, empirical data show marital satisfaction is lowest in middle age, conflict and negativity increase in middle-aged couples, and economic strain and number of children are associated with decreased marital quality, Bradbury and Karney (2004). The advocacy for marital conflict resolution in this study necessitates the assessment of ADR mechanisms' effectiveness for best options and increased awareness.

Omojola (1998) corroborated Ijagbulu that power struggle is a direction of marital conflict. He claims 'disagreement is normal and natural in the development of any relationship especially marriage', but conflict is not. He identifies conflict as disagreement between two people that leads to power struggle, contention, or personality clash. Conflict is not meant to be a normal event but where our 'individuality' comes in, marital conflict becomes inevitable. This opinion is equally shared by Hughes (1997), that as a result of man's effort to live independent of God, individual survival effort came to fore. The desire to have one's way at all cost or acquire what one wants without regard to whether others get hurt in the process or not and the desire to have something at the expense of other people are contrary to marriage vows and covenant. Adedeji (2012) saw this as the major problem of people in marriage; 'no more respect for marital vows and covenant' power struggle has taken charge of submission where dominance features.

Marriage generally is to be enjoyed and not to be endured, however, due to the established indicators of conflict in the institution there is a need to know the effective mechanisms of resolving these conflicts. Widespread variations in geography, socioeconomic structures, and culture, cannot conceal the common opportunities and challenges that have affected African families in the last ten years, since the International Year of the Family in 1994. The family as a unit of production, consumption, reproduction, and accumulation, has been profoundly impacted by the economic downturns that transformed the environment in which families make their decisions. These broader socio-political and economic environments provide the contexts for understanding changes in African family structures. Opportunities have

arisen from considerable socioeconomic changes that continue to alter the structure of the family away from traditional patterns to new ones generated by the expansion of education, health care, employment, and migration. Yet the same forces that engender significant vistas for families have also produced multiple constraints.

African families are embedded in political and socioeconomic circumstances that are characterized by long-standing domestic dynamics of economic fragility, debilitating poverty, poor governance and civil conflicts. Throughout the 1990s, the scourge of HIV/AIDS has put additional pressures on the sustainability of families and households. Similarly, the new demands unleashed by forces of globalization have had mixed outcomes for African families, simultaneously enhancing the chances of families to seize the opportunities for participation in larger economic exchanges while at the same time heightening their vulnerability to these forces. As a result, the state of African families is clouded by the competing strains of social regeneration and economic constraints.

Melgosa and Melgosa (2005) and Nadir (2003) argued that communication is the center of interpersonal relationships and also the manner in which messages are exchanged, thereby resulting in satisfaction and happiness or alternatively causing hurt and resentment. Tension abounds where there is no effective communication among couples, also, mistrust, less sharing, less intimacy, holding strongly to one's opinions and a sense of isolation take charge. There is a need for right and decodable signals to be sent and well received by both partners involved in the marital relationship. They claim that conflict can be prevented or managed in homes if communication style is taken care of. The existence of marital conflict necessitates a widespread of any scientifically proven mechanism in resolving it. Since this literature limited itself to communication as a mechanism; there is a need for other available mechanisms to be brought to the fore, hence the need for this research study.

According to Didar, Sitwat, and Yasin (2013), marriage is a phase of transition in life, it is also a source of fulfillment, just as there can never be perfection in any area of life, so it is with marriage. It is assumed by them, according to empirical evidences that conflict occurs in both satisfied and dissatisfied marriages. The findings of their study showed

the followings as the causes of conflicts among couples in dissatisfied marriages at the noted percentages; aggressive husband (80%), lack of cooperation (60%), in-laws issues (60%), children issues (20%), decrease in effective communication (40%). In the resolution of dissatisfied married couples' conflict, very few resolution styles used are; avoiding and competitive styles. However, other nascent styles are accommodating, collaborating, and compromising styles.

In his observation (Rainey 1989:3) opined, "Getting married is easy, staying married is more difficult". Marriage he says will overtime metamorphose into a state of 'isolation' except you lovingly and caringly nurture and maintain your marriage, you will see yourselves drifting, living together though, yet you will live alone due to unresolved conflicts and misunderstandings. Certain symbols have been identified to represent issues of isolation in marriage. They are; no trespassing, a ticking clock, crowded calendar, locked doors, excess baggage, the T.V dinner, the divided highway and blueprints (Rainey 1989:12). Since every marriage has its tensions, it is not a question of avoiding them but of how you deal with them.

There are six steps identified by Rainey (1989) to follow in dealing with marital conflict. The first step is to know, accept, and adjust to your differences. It is important to understand the differences and know that you are to complement each other. The second step states that resolving marital conflict requires defeating selfishness. We are all self-centered and we instinctively look out for number one which oftentimes, leads to conflict. The third step in resolving conflict requires pursuing the other person. Take the initiative to resolve a difficult conflict rather than waiting for the other person to make the first move. The fourth step is that resolving conflict requires loving confrontation, there must be genuine readiness by spouses to accept graceful confrontation; speaking the truth without hurting. The fifth step is that, in resolving conflict, forgiveness is a requirement. It is giving up resentment and the desire to punish, letting the other person off the hook. Finally, the sixth step requires returning a blessing for an insult in resolving conflict. This is done by way of stepping aside or simply refusing to retaliate if your spouse gets angry when you pursue peace, you are pursuing oneness, not isolation.

By the reason of the identified steps of dealing with conflict in marriage, there is a need to assess the ADR mechanisms to know what mechanism is best for which strategy.

Ati (1982) looked at the nature of marital conflict from the perspective of divorce in Islam. In the family structure in Islam, concerning the issue of marriage and divorce, a comparative analysis is done with some other human traditions and the conclusion is that marital conflicts which often lead to divorce is inevitable. Islam favours marriage, though it is not sacramental. It sanctions interfaith marriage with provision for dissolution in the event of irresolvable conflict, (Ati, 1982:59). However, in Islamic marriage, monogamy takes preference as the first choice. The belief is that when both parties adhere to Islam, the probability of mutual harmony is high, but it is not an absolute condition that mates are of the same religion. Muslims may intermarry with non-Muslims, such inter marriages are as valid and binding as intra-marriages are. The idea of inter-marriage as viewed by Muslim majority would only create some practical problems that may lead to eventual dissolution. Nevertheless, Islam does not make crucial publicity of the grounds for divorce (Ati, 1982:225). The acknowledged ground is when parties involved feel that they will not be able to observe God's limits or implement His law of marriage, a divorce may be negotiated. There are other situations that may warrant the granting of a divorce request by the wife in Islam, but they are not like natural day-to-day conflict issues in the cause of the marital life. In conclusion, divorce is allowed in Islam but it must be done in kindness by parties involved. This is a trend in marriage that is also indirectly related to this study, while the area of concentration is divorce in marriage; this study is dwelling on effectiveness of mechanisms of resolution.

Gottman (1993) summed up the findings of extensive literature on marital conflict in terms of a simple ratio; the ratio of agreements to disagreements is greater than 1 for happy couples and less than 1 for unhappy couples. He utilised this ratio to identify couple types. He observed husbands and wives during conversation, recording each spouse's positive and negative behaviours while speaking, and then calculated the cumulative difference between positive and negative behaviours over time for each spouse. Using the patterns in these differences scores, he distinguished regulated couples

(increase in positive speaker behaviour is relative to negative behaviour for both spouses over the course of conversation) from non-regulated couples (all other patterns). The regulated couples were more satisfied in their marriage than the non-regulated couples, and also less likely to divorce. Regulated couples displayed positive problem-solving behavior and positive effect approximately 5 times as often as negative problem-solving behaviours and negative effect, whereas the corresponding ratio was approximately 1:1 for non-regulated couples. The interest of this work is limited to couple's type and not conflict type. Marriage relationship involves more than personality behaviours, there is the big issue of personality clashes which can be triggered by any situation. The work is limited in this area of marriage; hence this research wants to advance the work to cover the areas.

In his opinion, Strauss (1973:9) concluded that the institution of marriage has come upon hard times. Psychiatrists, Psychologists, and Sociologists have said the foundations for stable homes have already been eroded and the whole institution is in 'danger of collapse'. Statistics seem to support this claim. Strauss puts sociologists' suggested reasons as the causes of breakdown in homes as mobility, the depersonalisation of human beings in our computerised society, sexual revolution, affluence, growing permissiveness in training children with couples, enduring until final collapse. Marital conflict is experienced by people who had hitherto vowed to be everywhere together, bound in love; now turn around to protest the above noted issues. In agreement with the author, the institution is in danger of collapse indeed. The book captures the trend essence of this research study, but failed to consider that marital conflicts do not necessarily have to end in divorce. The subject shall be examined by this research study from the angle of management and resolution, in which case it is possible to prevent marital conflict from ending in divorce.

## **2.2 Conceptualising conflict**

The term conflict is a derivative of the Latin word 'conflictus' means a contest, confrontation, battle, or struggle according to Nwolise (2004). The term has numerous, partly overlapping, partly conflicting definitions. Coser (1956), Nwolise (2004) have defined conflict as a clash between opponents over values and claims to status, power

and scarce resources, in which the aims of the conflicting parties are to assert their values or claims over those of others. Wertheim, Love, Peck, and Littlefield, (1998) perceived conflict as occurring when there are real or imagined differences in interests (wants, needs, fears, concerns) that cannot be simultaneously satisfied. This perhaps, explains the realities of conflict in marriage. Altogether, conflict is seen as a result of interdependent relationship between people competing for incompatible goals.

### **Types of Conflict in Social Relations**

**Inter-personal conflict** refers to a conflict between two individuals. This occurs typically due to how people are different from one another. We have varied personalities which usually results to incompatible choices and opinions. Apparently, it is a natural occurrence which can eventually help in personal growth or developing your relationships with others. In addition, coming up with adjustments is necessary for managing this type of conflict. However, when interpersonal conflict gets too destructive, calling in a mediator would help so as to have it resolved (Evans, 2013)

**Intra-personal conflict** occurs within an individual. The experience takes place in the person's mind. Hence, it is a type of conflict that is psychological involving the individual's thoughts, values, principles and emotions. Interpersonal conflict may come in different scales, from the simpler mundane ones like deciding whether or not to go organic for lunch to ones that can affect major decisions such as choosing a career path. Furthermore, this type of conflict can be quite difficult to handle if you find it hard to decipher your inner struggles. It leads to restlessness and uneasiness, or can even cause depression. In such occasions, it would be best to seek a way to let go of the anxiety through communicating with other people. Eventually, when you find yourself out of the situation, you can become more empowered as a person. Thus, the experience evoked a positive change which will help you in your own personal growth, Evans (2013)

**Intra-group conflict** is a type of conflict that happens among individuals within a team. The incompatibilities and misunderstandings among these individuals lead to an intra-group conflict. It arises from interpersonal disagreements (e.g. team members have different personalities which may lead to tension) or differences in views and ideas (e.g.

in a presentation, members of the team might find the notions presented by the one presiding to be erroneous due to their differences in opinion). Within a team, conflict can be helpful in coming up with decisions which will eventually allow them to reach their objectives as a team. However, if the degree of conflict disrupts harmony among the members, then some serious guidance from a different party will be needed for it to be settled, Evans (2013)

**Intergroup conflict** takes place when a misunderstanding arises among different teams within an organization. For instance, the sales department of an organization can come in conflict with the customer support department. This is due to the varied sets of goals and interests of these different groups. In addition, competition also contributes for intergroup conflict to arise. There are other factors which fuel this type of conflict. Some of these factors may include a rivalry in resources or the boundaries set by a group to others which establishes their own identity as a team, Evans (2013).

### **2.2.1 Perspectives in conflict**

Bob and Bronkhorst (2010) illustrated conflict from the perspective of climate and challenges of the environment. The change in climate, water quality and availability, air quality, are seen as the major points of challenge. The poor, usually the marginalized groups and especially women suffer the most from environmental degradation and conflicts. This is because they depend largely upon environmental resources for livelihood and energy. Several other conflicts are linked to environmental degradation from international to local levels. According to the authors, the research field has neglected the effects of conflict on the environment. Le Billon (2001) stated that resources not only financed, but in some cases motivated conflicts and shaped strategies of power on the commercialization of armed conflict. Conclusively Bob and Bronkhorst agree that environmental conflicts can affect nature and societal security if not prevented. The work of Bob and Bronkhorst is limited to the challenges of the environment as being responsible for certain types of conflicts which should be prevented. However the types of conflict do not include marital conflict. The work is limited in that conflict is only viewed from the economic perspective of the environment



but not marital. Marital conflict can also be a factor of the environment; hence this study wants to examine conflict from the perspective of marriage.

According to Abolurin (2010), there are ten different types of conflict, viewing conflict from the perspective of types. Among the ten are Relational; Interest conflict Value conflict (which is as a result of perception of or existence of incompatible belief system) among others. Notwithstanding the nature of the conflict, conflict has positive and negative implications and some of the positive effects of conflict for groups include group solidarity and cohesion; while negative effects include destruction of lives, properties and loss of cohesion. Conflict could bring about transformation, in his opinion. He says 'there is a philosophy in Peace Studies that conflict could serve as a transformative process for systems to bring about much needed positive change'. While identifying types of conflict in his work to establish the existence of conflict, there is a noted gap; the need to seek ways of management and resolution of conflict, since conflict has been acknowledged as inevitable the author failed to talk about management and solution.

Faleti (2006) perceived conflict from the perspective of theories and asserted that in spite of the shortcomings of theories, they offer useful perspective to the understanding of conflict. Theoretical understanding is of importance in dealing with any field of study. Therefore, this study is in agreement with Faleti (2006) on the exploration of theories, using qualitative methodology in peace and conflict studies. The work provides a theoretical base (structural-functionalism) for this study.

Viewing conflict from the perspective of work attitude, conflict as a result of attitude to work is categorised into five common types. The first being interdependence conflicts (when the progress of one person's job is dependent on another persons'). Failure on the part of one elicits conflict on the part of the other. The second is differences in styles; human beings differ in attitudes and approach to doing things. While one prefers that the work should be done quickly, the other wants to take it easy in getting it done. The third has to do with the differences in background and gender; this may affect the direction of the work. Such differences are education, ethnic background, experiences, and political

preferences. Fourthly, it may be differences in leadership. One leader may be more inclusive and another instructive.

Employees may get confused in such situations. Lastly, personality clashes may be a common type of conflict. Often times, wrongly perceived opinion (perception) on the motives and character of the other person may be a type of conflict. Research has it that there is a relationship between conflict and employee-employer. Usually when there is conflict between employer and employees, a good number of the workforce is lost, production is paralysed and sale is adversely affected, while employees lose their bonus at the end of the year. However, poor salaries and working conditions of service affect workers' productivity and efficiency. It is therefore recommended that organisations should always be prepared for the occurrence of conflict since it is inevitable, especially where you have people with different ideas on how to go about goals and achievement. The work concluded that no matter the type of conflict in a workplace, ignoring it would be costlier than resolving it. That is why this research work deems it fit to consider mechanisms for management and resolution of conflict.

### **2.2.3 The concepts of conflict management and resolution**

Having established the inevitability of conflict and some of the various perspectives to conflict, it is worthy of note that conflict is manageable and resolvable. Best (2006) explained conflict management as the effort to reduce the negative and destructive element of conflict through a number of measures and by working with the parties involved in that conflict. The term 'conflict management' is perhaps an admission of the reality that conflict is inevitable, but not all conflict is resolvable, thus management; which includes mediation, negotiation, conciliation, and facilitation. Many theories and research have been devoted to identifying ways in which interpersonal conflict may be handled. In conflict resolution, Miall, Hugh, Rasbotham, Oliver, Woodhouse, and Tom (1999) explained that it is expected that the deep rooted sources of conflict are addressed and resolved, and behaviour is no longer violent, nor are attitudes hostile any longer, while the structure or the conflict has been changed. From the point of view of needs, a conflict is only resolved when the basic needs of parties have been met with necessary satisfiers, and their fears have been allayed as conceptualised by Wertheim et al (1998).

Conflict has also been described as a crisis that makes people to recognize explicitly that life is with multiple realities and must negotiate a common reality. There are variables that are generally involved in conflict situations which affect the mode of restoration. These variables among others are; motives of people in conflict, the dimensions of the conflict, communication between the participants and their perception of each other, the negotiation tactics used, the behaviour of the other person in the bargaining situation and mediation by a third person. Since conflict has been adjudged to be necessary, resolution is not to eliminate the “fire” or have a “world fire” but to have a “controlled burn”. Conflicts have often been socially useful while conflict resolution has led to other issues that are of benefit to the parties involved. Two styles are important in conflict resolution- arbitration and mediation. The formula for resolving conflicts is to listen, and seek out the hidden causes of the conflicts. Other strategies of conflict resolution are identified as; withdrawal, smoothing, compromise, forcing and problem solving on integrative methods, editing, suppression, emergency, strategy, democratic process confrontation and locate a common enemy. In conclusion, negotiation as a resolution mechanism is examined, and on a daily basis, people do effective negotiation. Negotiation can help in the resolution of all types of conflicts in a more effective and mutually satisfying way (Olusade, 2011)

Albert (2001:6) noted in third-party intervention in conflict management and resolution that people respond to conflict in four possible ways, namely avoidance, confrontation, third-party decision-making and joint-problem solving. Avoidance refers to a situation where a group alleging injustice or discontent in one way or the other is literally ignored or denied recognition by those who have the capacity to remedy the situation. Avoidance is symbolized by preference for the conflict. Confrontation means that one of the parties chose to be aggressive. Third-party decision-making takes place when third parties acting on behalf of the larger society, for example, a court of law hands down mandatory terms of resolving the conflict. It is only in societies where the judiciary arm of the community has not been manipulated that this strategy works. As it were in most of the developing countries such as Nigeria, the judiciary has been a pawn in the hands of the military and the political class and members of the civil society do not have confidence in it. Confrontation has become the other of the day in situations where justice is swayed

in favor of some. Joint problem-solving involves the parties themselves coming to mutual agreement to resolve their problem. The issue of skill is appreciated, but the negligence of mechanisms of conflict resolution will be focused on by this research.

#### **2.2.4 Mechanisms for conflict management and resolution**

In all societies of the world, due to the inevitability of conflict, there are ways of resolving conflicts, for instance, De Bono (1985) identified four ways through which conflict may be resolved among two people. They may choose to *fight*, which has no benefit of any sort. This can only be useful in the law court where winning and losing is a by-product of the judicial process. Another option is to *negotiate* a settlement with the other party. This would need the role of a third party to arrive at some common ground for negotiation. Thirdly, they may choose the *joint- problem* approach in which case the cause of conflict is removed and situation becomes normal. Lastly, the conflict may be viewed as a situation rather than as a problem. It is referred to as *Design* which is what might be brought out of the conflict in which the third party is not just an umpire but an active participant. For the purpose of this study however, they were collapsed to two; *Adversarial* and the *Non-Adversarial* mechanisms.

According to Macfarlene (2007), the conventional court processes involves litigation which is adversarial in nature. According to Best (2006), the second way of resolving conflicts that are resolvable is the alternative dispute resolution which is non-adversarial. According to him, it is employing peaceful methods of settling disputes and resolving conflict situations using the least expensive methods, and in ways that satisfy the parties, as well as ways that preserve relationships after a settlement has been reached. It is meant to serve as an option to the formal conventional means of settling conflicts by the courts.

Although before the advent of colonialism, there was indigenous African Traditional Conflict Management and Resolution Mechanism. According to the United Nations (2007) indigenous or sometimes called informal conflict resolution mechanism is the ancient set of practices in almost all the societies in the world with an ultimate application of third party arbitration and mediation. Berhe (2012) noted that indigenous

institutions include structures, mechanisms, methods or techniques and practices that incorporate indigenous principles such as conciliation, discussion, negotiation, mediation and arbitration. Indigenous approaches cannot be compartmentalized into “political” or “juridical” or other, rather they are holistic; comprising also social, economic, cultural and religious-spiritual dimensions.

According to Adekunle (2015), mechanisms for conflict management and resolution were viewed from the viewpoint of customary arbitration, which is non-adversarial. He looked at the issues involved in customary arbitration such as the ingredients that make it work, conditions of its validity, and its effect on the state of the society with a view to making it work more effectively among the indigenes. He opines that customary arbitration aims at maintaining societal balance whenever it appears it is being shaken. Customary arbitration is a concept under the alternative dispute resolution method of conflict management and resolution. But like the other ADR mechanisms, it is not without its shortcomings. The proceedings could be abandoned midstream by either of the parties in the conflict and make the case inconclusive. In spite of the shortcomings, Adekunle (2015) concluded that customary arbitration be revitalised, eliminate the idea of withdrawal from arbitral proceedings by parties to conflict, and make it a veritable tool for settlement of disputes among Nigerian indigenous people. In relation to this study, the paper looks at arbitration as an ADR mechanism of conflict resolution among Nigerian Indigenous communities with specific tilt to customary law, unlike other scholars that view it from general perspective, which for this study is another divergence to the use of ADR mechanisms. But while this is a divergence from the general perspective, it failed to view its processes and compliance to theory from the point of non-governmental organisations, which is the thrust of this study.

Midodzi and Jaha (2011) added their voices to the advocacy on alternative dispute resolution (ADR) as alternative and acceptable mechanisms for dealing with conflict resolution in Ghana. They claimed it gained prominence in the last decade in Ghana. Their study investigated the effectiveness of the alternative dispute resolution in Ghana using the Alavanyo-Nkonya peace mediation. The aim of the research was to examine the reasons for the use of ADR in the protracted conflict cases. Their study also

examined the strengths and weaknesses of the method. The research relied on interviews as a data collection instrument. In all, eight (8) interviews were conducted among members of the various committees as well as members and leaders from the two communities. The research revealed that ADR was preferred by the two communities compared to the traditional method of litigation owing to the delays and judgmental posture of these traditional methods. The research recommended more education on the relevance of ADR in Ghana as well as a creation of alternative dispute resolution units in all districts and regional capitals. While this study viewed the effectiveness of ADR in the management of communal conflict, this work examined the approach to procedure.

Albert (2001) identified mechanisms of intervention in community conflicts and has little or nothing to say about marital conflict. The discussion of the book on negotiation and mediation helped to shed light on the details of the processes of negotiation and mediation as mechanisms of intervention in conflict management. Since this work was to examine the process of mechanisms for marital conflict intervention, this information is relevant to juxtapose the findings of the study in conformity by the organisations being studied. According to him, the processes come in stages and they include: Stage one: Introduction, two: Story-telling, three: Joint Problem-Solving and four: Formalising and Signing Agreement. Albert failed to look at intervention from the perspective of marriage and by NGOs, which is what this research did.

Albert et al (1995), Olaoba (2010) and Berhe (2012) all attested to the use of the indigenous mechanism to secure peace and harmony in African societies. They were of the view that conflict resolution from the informal, non-adversarial mechanism. The study carried out using qualitative methodology showed that informal channels are often the first choice of people who wish to solve their conflicts without going to a court of law. The study showed how alternative dispute resolution of conflict mechanisms are deployed in the management and resolution of conflict on such matters as land dispute, dispute in the family, and dispute over inheritance.

In the same vein, Olaoba (2010) discussed how in pre-colonial African societies peace and harmony reigned supreme and often produced unique atmosphere for peace to thrive and development became dynamic. Indigenous conflict resolution mechanisms stood

Africans in the vantage position of demonstrating their culture and according it a radiant splendor and flame. However, there is a growing resort to non-adversarial method of resolving conflict Berhe (2012). This study was interested in the use of the non-adversarial mechanisms that tend to be modern when compared with the indigenous mechanism. Alternative Dispute Resolution (ADR) mechanisms are non-adversarial (informal) and are similar to the indigenous Traditional African mechanisms.

Olagunju (2007) also focused on mediation. According to him, mediation is the ‘king’ of all ADR mechanisms and when people discuss about ADR, they are, over ninety percent of time, referring to mediation. His work becomes relevant to this study because it provided a springboard for the mechanism for conflict resolution and thus can be used to juxtapose the findings of this study. He saw the stages of mechanisms as thus:

### **2.2.5 Introduction**

Mediation should begin with the mediator creating an appropriate atmosphere. He may achieve this by

- Commending the parties for their conciliatory approach
- Reminding them that the purpose of the meeting is to look at the problem in dispute and understand how the other party sees the problem
- Reminding them that the ultimate goal is to regard the problem as a challenge and to regard each other as joint problem solvers
- Assuring them of confidentiality
- Inviting them to be open with him at private sessions with individual parties and assuring them that the private session will be strictly confidential
- Reminding them that anyone participating at the mediation who is dissatisfied with the progress being made is at liberty to leave the meeting

### **2.2.6 Opening Statements**

After the above introduction, the mediation moves on to the next stage, the opening statements of the parties. Each party’s statement should cover:

- The history of the relationship between the parties
- How the problem arose
- The feelings of each party
- The reason for feeling this way
- The result each party desires

The emphasis at this stage is on feelings and not demands. The mediator should:

- Ensure that parties express as much of their feelings as they can or want to
- Ask for permission to take notes
- Listen attentively to the parties
- Ensure mutual respect between the parties
- Allow for personal idiosyncrasies
- Relay the points made

Parties are made to feel well understood by relating their story after them before the next stage of the mediation because if they are not allowed to pour out their minds, it might be difficult to think out options for the way forward. Unfailing courtesy is essential at this stage as its absence leads to hostility and disrespect for the other party. During this stage, the mediator should:

- Defuse tension and aggression
- Listen attentively and empathize
- Think creatively
- Allow others to define and clarify
- Endeavour to build trust.
- Use his personality
- Be professional

### **2.2.7 Summary of Parties' Views**

At this stage, the mediator represents the views of the parties in such a way that the discourteous part of it is removed and clarity is brought to the essential concerns of each



one of them. After the summary, there is time for questions and clarifications to expose the real roots of the dispute.

### **2.2.8 Private Sessions (Caucuses)**

After the public discussions, the real mediation begins: the mediator tries to unite the needs of the parties through individual and private discussions, moving from one party to the other. It is of importance to note that the mediator may have his solution to the conflict; he cannot impose it on the parties, he can only guide them towards healthy options.

The session is expected to close when the mediator has ascertained that both parties have agreed to a common solution. The mediator calls everybody to a meeting. At the closing meeting, the mediator expresses to both parties what each of them has accepted in private sessions as the way forward. If both parties indicate that the mediator understands their new perspective, then an agreement has been reached. The agreement is reduced to writing and signed. Everybody shakes hands: the mediation has ended. The essence of this study was to examine what obtains in practice.

### **2.2.9 Conceptualising Conflict and Alternative Dispute Resolution**

Best (2006) described ADR (Non-Adversarial) as the result of searching for a method of settling disputes and resolving conflicts with minimal cost. The parties are expected to be satisfied as well as maintain good relationships after the resolution of conflict; it is an alternative to the litigation and court process of conflict management. The conflict resolution pattern is such that it is classified into two processes, namely; voluntary and involuntary processes. In the voluntary process, the parties have some measure of control over the outcome, and they are in-depth research and case studies, facilitation, negotiation, conciliation, fact finding, mediation and brokerage. The involuntary processes on the other hand are outside the control of the parties to conflict. Parties to conflict are kept under control and often would not be able to influence outcome. The third parties who broker the process deliver outcomes that parties to conflict have to accept either in principle or in law. These options include arbitration, adjudication and law enforcement, using the coercive state instruments

The approach to dispute and conflict resolution is affected by the diversity in African traditional setting, Best (2006). Generally the approach would tend to differ from the Western ADR in several aspects. Even then, in Africa itself, the approach may also differ from one culture to another. The universal religions of Christianity and Islam have also affected the culture. First as the conflict differs, the approach to resolve also differs. Generally speaking there were centralised authority and state systems headed by paramount kings and chiefs as far back as pre-colonial Africa. This was the order in places like Northern Nigeria, the Yorùbá kingdoms, the Ashanti kingdom of Ghana, the kingdoms of the East and so on. The second category of state system in pre-colonial Africa is classified as the segmented system otherwise called the equalitarian political system with the following elements in the process: setting, gender, process and openness.

Godongs (2006) opined that *mediation* is a special form of negotiation in which a neutral third party has a role. Such a role is to help the parties in conflict achieve a mutually acceptable settlement (*latosensu*: any activity in which an agreement on whatever matter is reached by an impartial third party, usually a professional in the common interest of the parties). Since direct negotiation between disputants is not always feasible, given their divergent interests, needs, and emotions, third party intervention becomes necessary in many conflicts. From this perspective, mediation is a veritable conflict management tool for the settlement of disputes and conflict situations. It is important to note the voluntary and non-visitant character of mediation because during such negotiations, there is no obligation on the parties to go further than they wish. The desired goal of mediation is an acceptable settlement through non-violent means between disputants.

Cooley (1992), in Godongs (2006) defined mediation as a process that has eight inter-related and inter-dependent stages. From his perspective, mediation provides an impartial intervener the opportunity of assisting parties in conflict to achieve a voluntary settlement of their differences through an agreement, which promotes their continued relationship.

Miller (2003) described conflict resolution as a variety of approaches aimed at terminating conflicts through the constructive solving of problems, distinct from management or transformation of conflict.

Emmanuel and Ndimbwa (2013) viewed conflict resolution mechanisms from the perspective of Tradition. In a case study, they examined traditional mechanisms of conflict resolution in Gorowa community, Northern Tanzania. According to them, traditional mechanisms have been shaped by the realities that are happening in every community. Among the Gorowa of Babati in Northern Tanzania, conflict and conflict resolution mechanisms have never been static. They have been changing gradually over time as influenced by the nature and dynamics of the socio-political and economic activities. According to them, as in most African societies, land is evidently of essence in the issues of social and economic development. While population is growing fast, land resource is stagnant and thus makes it obvious for conflict to arise. The importance of land has posed many challenges and has become a source of conflict in Africa. However, their interest was not in the stages of mediation which is the gap this work attempted to fill.

Emmanuel and Ndimbwa (2013) corroborating Yamano et al (2005) posited that, land is increasingly becoming a source of conflicts in Africa where land access has traditionally been characterized as relatively egalitarian. They posited that both modern and traditional mechanisms of resolving conflict are corroborating, posited that employed in Tanzania, with previous studies done on modern mechanisms such as arbitration, mediation, reconciliation, and adjudication.

There is an extensive range of conflict resolution mechanisms available to conflicting parties. These processes range from traditional court processes (Adversarial) to alternative dispute resolution (Non-Adversarial) third party intervention. The alternative dispute resolution (ADR) mechanisms have according to Fenn, Shea, and Davies (1998) recorded so much success globally that even the courts now modify their rules to suit such methods to be incorporated into their range of resolution options.

Albert et al, (1995) viewed conflict resolution from the perspective of informal channels in Ibadan, Nigeria. Conflict resolution is one of the major functions of the traditional political institutions in Yorùbáland; from the urban level to household level. These Yorùbá judicial processes are termed informal when compared with the administration of justice through the court system. These informal ways are more evident in Ibadan; each family is headed by a Mógàjí, usually the oldest male member of the family. Each quarter, which may include several family compounds is headed by a Baálé. Conflict resolution mechanism of adoption is mediation, that is, Alternative Dispute Resolution. Relating to this study, conflict resolution mechanism is ADR in family conflict by the Mógàjí or Baálè. When conflicts occur between co-wives within a household or in the compound occasionally, it is the responsibility of the Mógàjí to invite the disputants for hearing, at the end of which, he apportions blame accordingly and implores them to cooperate with each other. Often times this method would end up with a win-win outcome, as disputants are made to know that conflict is not a strange thing among human beings.

Alluding to conflict resolution through the formal channels, Albert et al (1995) identified customary courts, Magistrate courts, and the High court in Nigeria as the mechanisms. The lowest courts are the customary courts which can only administer customary laws and some statute laws such as bye-laws which are within the area of jurisdiction of local governments. They are inferior and graded A, B, and C customary courts. They are usually headed by lawyers and laymen depending on the category. The judges in these courts work under poor conditions and they are not adequately remunerated therefore it is possible for them to be bribed, Albert et al (1995). On the hierarchy, are the Magistrate court and the High court which resolve conflict through litigation, they are less patronized due to cost and tardiness of their procedure. The study however set the tone for this research by examining the various institutions of resolving conflicts, except that it failed to emphasize marital conflict among the conflicts mentioned, which is a task that this study took up, as well as an assessment of notable resolution mechanisms.

According to Abolurin (2010) conflict could be resolved on escalation, and can also be managed. Major conflict management styles are listed as Dominating and Competing, Avoidance/Denial; Accommodating; Compromising and Collaborating; Confrontation/Fighting; however, he did not examine their effectiveness.

In the same vein, Akanji (2005) opined that problem solving; dominating and competing style results in win-lose outcome; Confrontational approach results in win-lose or lose-lose, with others having a fair outcome that have no desire for status or positions of right or wrong (Akanji 2005), sometimes leaving the result of intervention inconclusive. In this context, the result of this study would reveal the form of mechanisms with the best outcome for disputants, especially in marital conflict.

Shamir and Kutner (2003) also acknowledged the practicality of conflict in human existence, but there have always been ways of resolving them. They talked about stories to justify how people from the earliest times have found peaceful solutions to various disputes. As bad as conflict may seem, it has potentials for producing creative cooperation in a win-win solution, if only participants would see themselves as joint-problem solvers rather than acting as adversaries. According to them, a mediator can play a value role in the process of seeking solution, facilitate a negotiation process which has come to a dead end, helping the parties concerned to focus on their essential interests rather than defend fixed positions. The authors articulate the principles of negotiation, interests and needs of the parties, the use of proper communication, and maintenance of a working relationship as an essential component for reaching a durable agreement. If there is goodwill however, the desire to avoid confrontation and embrace cooperation from a strategy of alternate dispute resolution approach will be pursued. The discovery by this work is that it is possible to have multiple choices in ADR mechanism in resolving conflicts.

Tillet (1998) believed conflict manifests when the needs and values of two or more parties are incompatible. Authors such as Moore and Tillet (1998) suggested conflict as occurring at various level of consciousness. They distinguished between latent conflict, characterized by underlying and sometimes unacknowledged tensions.

Laue, (1998) asserted that conflict can only be considered resolved if the following conditions are met:

- The solution jointly satisfies the interests and needs of the parties via joint agreement.
- The solution does not compromise the values of either party
- The parties do not repudiate the solution even if they have the power to do so, following the settlement
- The solution is fair and just and becomes self- supporting and self-enforcing

Conflict resolution is seen as a problem solving process which is designed to offer parties an opportunity to resolve their differences collaboratively.

Nicholson (1991) saw conflict resolution from the perspective of negotiation. The nature of conflict being discussed is industrial, where the workers want higher wages and management wants them to have lower wages. While waiting for the negotiation process, some aggrieved persons in conflict might not be well disposed to the process and could raise some conflict activities such as strikes in industrial situations, or war in international situations. He defines conflict resolution as the process of facilitating a solution where the actors no longer feel the need to indulge in conflict activity and feel that the distribution of benefits in the social system is acceptable. This may require a third party. The role of the third party might be as a consultant, trying to resolve a particular conflict. Conflict according to him could be classified into games by the school of rational choice modeling. Games are divided into two, zero-sum and non zero-sum games.

The primary goal of third party intervention according to Article 1 of the UN Charter is to 'maintain international peace and security and to take effective measures for prevention and removal of threats to the Peace and for the suppression of acts of aggression or other breaches of the peace' (Rioux and Boucher 2003:11-13). Conflict management according to the article, can be managed by violence, bilateral negotiation, or by the intervention of a third party acting as a mediator between the parties. Third

party intervention in a non-violent conflict is to help two actors in conflict to solve the problem of their relationship. The study of third-party interventions in conflict management is inexorably linked to the study of negotiation, and there is a rich body of literature on negotiation techniques and the role of third parties in conflict management. This literature spans all academic fields of study including, but not limited to, traditional political science and international relations (Zartman,1978), labour and industrial relations (Walton and Mckersie 1991), and management studies (Kissinger 1979;1982) case studies (e.g, Zartman 1989;1995) and rational choice-based approaches (Raiffa 1982). Thus, the issue of third parties and conflict management appear in many disciplines and methodological approaches. The research is basically about conflict resolution and collective security with a focus on African interventions. Three tendencies are demonstrated by the literature on conflict management in West Africa. Authors tend to adopt either 'legalist'; 'realist' or 'humanitarian' approaches in their analyses of conflict management organisations in West Africa. Where the literature under review focuses on third party intervention styles, this study deems it fit to examine the effectiveness of the mechanisms.

According to Kvitashvili, director, United State Africa International Development (USAID) conflict management was viewed from the perspective of gender. Emphasis was placed on the role of women in peacemaking. Many efforts of women at all levels in the management of conflict were highlighted, although, the conflicts were majorly armed conflicts. Women naturally show great interest in peace process because often times, they bear the brunt of conflict. In some war-torn countries such as Guatemala, Cyprus, Burundi, Bosnia and South Africa among others, women's peace coalitions have played a crucial role in helping to bring about peace in the area of wars. For instance the Mano River women's peace network made up of women from Guinea, Sierra Leone and Liberia and their roles in conflict resolution and management put forth an initiative to mediate between feuding heads of states in the region. Majorly, these women worked on the management of armed conflict, leaving a gap in the area of marital conflict which is inevitable as long as there were interpersonal relationships of husband and wife. The report also covered the effort of the Association of Female Lawyers of Liberia (AFELL) established in 1994 as a Non-profit, Non-Governmental

organisation to advocate for the rights and promote the advancement of women and children. However, the NGO did not deal with any conflict based on marriage whereas it is almost impossible that there were no such conflicts at the time. But it talked about their concern in campaigns to pass bills and sensitization on inhuman practices affecting women. In all that this report focused on women's involvement in conflict management, there is no mention of their involvement in any marital issues as women groups, giving an impression that there were no marital conflicts or that they were not important. Therefore, this study assessed the intervention of NGOs in marital conflicts and the processes of their mechanisms.

Deutsch (1991), viewed conflict resolution from the perspective of third parties' intervention (mediators, conciliators, process consultants, therapists, counsellors, and so on) and skills to constructive solution. According to him, there are four kinds of skills to be possessed by the third parties called upon to intervene in conflict, the first of which is effective working relationship with each of the conflicting parties, so that they will trust the third party regarding an orderly process for negotiations (Folberg and Taylor, 1984; Kressel, 1984; Kressel and Pruitt 1985). The second is the ability to establish a cooperative problem-solving attitude among the conflicting parties concerning their conflict. Thirdly, the ability to develop a creative group process and group decision making, such, is clarifying the nature of the problems being encountered by parties to conflict in order to expand the alternatives perceived to be available, facilitates realistic assessment of their feasibility as well as desirability and facilitates their implementation of agreed-upon solutions (Blake and Mouton, 1984; Fisher and Urry, 1981; Janis and Mann, 1977) Lastly is the fourth, which is that, it is good for the third party to be experienced on the issues in conflict. Essential experience may help with unknown solutions to the conflicting parties. He also suggests skills in mediation for whoever would be involved in constructive solutions to conflict. The skills involved in mediation are necessary for the achievement of cooperation, problem-solving relationship with the other skills.

According Deutsch (1991) it is possible to develop theories which can be applied to a wide range of conflicts with a trail of rhetoric such as 'are the theories theoretically and



empirically useful, for example, to discuss cooperative and competitive processes when considering interpersonal relations. He however, suggests three areas of high priority in research, summarised as having to do with conflict types and methodology of management and resolution. He said marital conflict could actually become malignant, if not well managed or resolved. The work of Deutsch made available a helpful research springboard for such research as this because, in his work, he made suggestions on high priority research areas and included this study area. Notwithstanding, his second suggested topic of high priority research, states that “there is an increasing reliance upon the alternative dispute resolution procedures because the courts are overcrowded, inaccessible and the cost is too high”. There is a sense that better resolutions of conflict can be obtained through the use of ADR resolution procedure.

Although, it was admitted that only few good research studies have been done on comparison of outcomes, between mediation and third party intervention such as high court. It suggested that the outcomes from mediation are more satisfactory than those obtained from courts. This study filled the gap by examining the processes of mechanisms.

In the same vein, Miller et al (2007) identified four main kinds of conflict that anyone in conflict management and resolution need to know, to work with conflict effectively. They are listed as; individual’s fault and weaknesses, unintended emotional injury, preferences and sin. These are conflict triggers that would equip people who are called to mediate in conflict as equally opined by Deutsch (1991), for better understanding and cooperation by conflicting parties. In relation to marital conflict management, it is imperative to relate with their work to achieve some of the suggestions of Deutsch in order to mediate constructively. The book however failed to mention strategies of conflict management as it is not enough to know how to identify types of conflict but to also know how to manage using any of the interventions mechanisms.

In the opinion of Simbini (1999), from the perspective of gender, the effort of women in conflict management has been relegated to the background. She admitted that conflict can be reduced or eliminated through such strategies as mediation, negotiation, abdication, and arbitration (ADR) mechanisms. But in relation to gender, ‘they are

conditioned to be acquiescent and dispassionate, reflecting traditional views on their status and role, attitudes still being held by highly educated women. Thus, the fear of not conforming to the subordinate traditional role assigned them can at times be so strong that women tend to belittle themselves’.

Albert et al (1995) also discussed conflict management and resolution from the perspectives of mediators and the media in Ibadan. The focus is on the operations of the three television stations as mediators in the light of conflict management and resolution. The stations are: The Nigerian Television Authority (NTA), the Broadcasting Cooperation of Oyo state (BCOS) and Galaxy Television. The work looked like a comparison, for example *Şó Dáa Bèè?* (is this a fair way of doing things?) Yoruba programme that queries bad conduct) follows strictly the principles of fair hearing so that unlike *Agborandun*, (Those who help others to solve their problem) which after three attempts to get the respondent to appear, would hear the case of the complainant and advise/judge the matter on the basis that what the complainant said is true, the *Şó Dáa Bèè* panel will not do this. Such matters are closed. In addition, *Şó Dáa Bèè* has only one panel. The methods adopted were very similar, but not all types of conflict are attended to. As far as this work is concerned, their mechanisms seem to have a lot of gaps in terms of procedure which perhaps is a justification for this study. The work did a lot of interrogation with findings that have made this study necessary.

Just like *Agbòràndùn*, the *òmólúàbí* (good conduct) philosophy underlies the *Şó Dáa Bèè* method of dispute resolution. The panel has no enforcement powers, similar to the status of the studied NGOs in this work, to order persons (respondents or witnesses) to appear before them. Indigenous conflict management and resolution mechanisms use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities.

Azebre et al (2012) surmised that, beginning from the 1980s, Ghana and the Northern regions in particular have witnessed the worst forms of intra/inter-ethnic violence. Efforts of resolving contemporary Ghanaian conflicts are proving futile. This is because, the efforts are largely top-down and conventional in nature. The applications of local traditional knowledge and procedures in conflict resolution have been very minimal as

many prefer the modern law court system. Therefore, their study investigates into the indigenous mechanisms of dispute resolution and how relevant they are in modern times among the Gurunis in Adaboya.

The study adopted qualitative methodological approach in obtaining data from the field. The study opined that conflicts such as dispute over land, marital disputes and witchcraft accusations exist in Adaboya and the mechanisms of resolving these disputes are mainly two: Kima and Posiga systems.

The study also found that indigenous practices of dispute settlement are cultural and community specific and are viable mechanisms of promoting peace in such societies. The study concluded that indigenous mechanisms are still relevant and should be included in all processes of conflict management, but this should be done in accordance with the value system of the specific community or people in question.

The study however found indigenous system of dispute settlement such as the rule of Kima and the use of Posiga as viable means of resolving interpersonal and communal conflicts inexpensive and flexible. They are participatory, and conflicting parties participate actively in deciding appropriate judgment; because indigenous mechanisms of conflict are based on the very values and tenets of the people, they maintain and protect the customs and traditions of the society's Indigenous mechanisms dispute resolution is based on truthfulness, trustworthiness, fairness and Impartiality. This enhances transparency, mutual accountability and collective justice. Given the fact that traditional societies have undergone some form of change and disintegration, the potentials of indigenous mechanisms of conflict settlement are limited and are only applicable in specific situations and societies. Though traditional approaches are not a panacea to all societal problems, their potentials can be maximized for conflict transformation processes in modern times.

In conclusion according to the study, traditional mechanisms of managing disputes have to be mainstreamed in all processes of peace building and societal development if the purpose and objective of achieving a society of peace and free of violent conflicts would be accomplished.

The traditional ways of settling disputes are context, community and ethnic specific and as such, they are only applicable in that society and cannot be transferred to another society. As in the case of Adaboya, the Kima and Posiga systems of dispute settlement are only used and applied among the Frafras of Adaboya. In this sense:

There has to be a re-introduction of cultural education in the educational institutions especially at the basic level curriculum activities so that the youth will be educated on values, heritage, as well as traditional ways of managing conflicts.

The study posited that a comprehensive assessment and review of indigenous mechanisms of conflict resolution should be done to identify their limitations and potentials so as to improve traditional ways of dispute resolution. Traditional conflict resolutions systems need to be formalized and documented as a way of complementing modern systems of conflict resolution and peace building. This research study is similar to what this study has done except that the focus is on NGOs and the mechanisms of resolution, it is in line with the agitation of Azebre et al except that because it is set to the above request to examine the processes of mechanisms for resolving marital conflict; which has been neglected in the literature.

A specific policy on traditional methods of conflict resolution will facilitate the understanding and application of traditional knowledge in resolving modern day complex conflicts. There are four basic conflict resolution skill sets useful to both participants in conflict and third parties. First are skills for establishing an effective, open, trusting working relationship between the parties, and any involved third parties. Second are skills for establishing a cooperative problem-solving approach to the conflict. Third are skills for developing effective group processes and decision-making processes. Fourth is substantive knowledge of the relevant issues.

Sharing views with Azebre (2012), Deutsch (1991) cautioned that conflict resolution training must emphasize the practice of skills, not just the getting of knowledge. Learning conflict resolution skills is different from learning other types of skills (physical skills, for instance). Everyone begins conflict resolution training with some prior experience of conflict. Students must begin by identifying their own pre-existing

attitudes toward conflict and its resolution. They must learn to solicit effective feedback about the practice. The exercise of conflict resolution skills requires sensitivity to the broader socio-cultural context in which they are being used. Lastly, Deutsch noted that the transfer of social skills from the training setting to real-life situations is more difficult than, for example, the transfer of physical skills from practice to a real game. In some cases the broader social context may work against the choice to use one's conflict resolution skills. Exercising conflict resolution skills may brand one as weak or disloyal. And so the effective use of conflict resolution skills may require further skill at distancing one's self from the social context, and at changing the social context.

Oke (2000) in Yakubu (2000) highlighted, some of the sources of conflicts and the traditional ways of resolving them before the interception of the modern legal system in Nigeria particularly in Yorùbáland. He addresses the reciprocal rights and obligations between the ruler and the ruled and the mechanisms for securing proper maintenance of accepted values and standards. Types of conflict are identified as socio-cultural, land matters and political. Customarily conflict resolution is guided by principles, summoning arrest and investigation; and failure to honour the summon could be treated as contempt or might spoil the case of the disobedient party no matter the genuineness of his grievances. Another noted principle of conflict resolution by Oke (2000) is adjudication. In the past, conflict resolution commenced from the family court or the court of the council of elders in a compound or street with the court of the *oba-in-council* as the Supreme Court is to customary court. This style of adjudication adhered strictly to the principles of natural justice. But unlike the “technical justice which might throw friends and members of family apart with the impression that you could not come back from court and be friendly, the traditional courts believe in reconciliatory justice”. Oke limited his work to types of conflict and processes of applying mechanisms of resolution but not necessarily the assessment of how effective the mechanisms have been.

According to Olaoba, (2010), conflict in African societies is inevitable and is cultural because society is guarded by culture. Conflict resolution in African Traditional Societies (ATR) has common features in the global space such as; performance stance,

usually staged managed by experienced elders, priests, age grade, chiefs, and kings. The setting in traditional adjudication included homes (as family court), markets, (as commercial court), streets (as open court) and palaces (as Royal courts). In African conflict resolution process, rules which were tailored towards equitable distribution of justice and maintenance of law and order were observed, while principles of Impartiality, Neutrality, and Transparency were used. Key ingredients were Fairness, Equity and Justice. Negotiation is another mechanism in ATR that has been in existence in traditional African societies. It is about positive perception of agreement resulting from cooperation, compromise and consensus among the individuals with a set goal of achieving the best for mutual relationship. Certain features were however associated with negotiation. They are: ability to listen to other opinions; objective appraisal of conflicting issues; capacity for shifting the ground of conflict in the nick of time.

In African conflict resolution style, mediation method usually prevailed, so that parties involved in conflict willingly submitted to a neutral third party who is seen to be interested in the good of all parties involved. Mediation was an art that ensures smooth relationship between parties in conflict after the intervention. Preservation of relationship was a core value, so that misunderstandings between parties were not allowed to destroy the societal fabric. Arbitration has a unique procedure compared to other methods of conflict resolution in ATR. It is the enabling will and power to decide and determine a course of action quite instrumental to decision making. Decisions in arbitration were not done in isolation of the supernatural that to a large extent influenced such decisions. Decisions were largely based on divine orders. Cooperation and consensus predominate in arbitration as well as with negotiation.

According to Chiwaridzo (2012), the traditional conflict resolution mechanisms that include mediation, compensation, negotiation and reconciliation have been in existence in Zimbabwe since the time of Great Zimbabwe and have been used to resolve conflicts through traditional justice systems led by traditional leaders. Although the systems have been manipulated by politicians since colonial time and post colonial era in their desire for despotic power, it has managed to survive even during conflicts because the vast majority of Africans continue to live in rural villages. The access to the formal state

justice system is extremely limited and the type of justice offered by the formal courts remains inadequate for the resolution of disputes between people living in rural villages. The study examines the role of traditional conflict resolution mechanisms in resolving conflicts using a case study of Zvimba rural area. The research explores the process communities engage in using traditional conflict resolution mechanisms and the social contexts in which each mechanism operates in Zvimba. The effectiveness of traditional conflict resolution mechanisms as a resource for building peace in area is explored.

The Ubuntu and Conflict Resolution form the conceptual theory to understand the relationship between traditional conflict resolution mechanisms and the institutions available in the community that are closely bound with the social and economic realities of everyday life in Zvimba. Ubuntu/unhu concept was relevant in the research because the traditional institutions are based on the living together and are deeply rooted in the culture and history of the community in Zvimba. The concepts of Ubuntu and Third Party Consultation theory have a common understanding of the role of mediators in conflict such as the conflicts in Zvimba. A case study is used in the research with a sample taken from three wards and a total of forty-eight respondents. The findings revealed that traditional conflict resolution mechanisms based on the customary law still exist in rural communities and the traditional institutions that implement them contribute significantly to the maintenance of social order in Zvimba. The extent of effectiveness of these traditional conflict resolution mechanisms depends on the legitimacy of the traditional leaders who implement these mechanisms. There is continued need and demand for the use of traditional conflict resolution mechanisms though the traditional leaders who implement them in their traditional courts are not immune from political manipulation and hence could become Partisan.

From the examples that exist across Africa and have been in existence before the coming of colonialisms, evidence revealed that traditional conflict resolution mechanism of resolving conflicts have credibility in rural communities and members of the communities tend to respect them. The study failed to mention anything about the marriage institution and mechanisms of conflict resolution, knowing that marital conflict

permeates human societies, however, it is a gap that has been observed and this study has deemed fit to address it.

#### **2.2.10 Alternative Dispute Resolution Mechanisms**

Former chief justice of India Mukharji (1990) has said an alternative to litigation should be found to resolve conflicts. We must develop a new theory of resolving differences through the intervention of neutrals (that is, ADR). The voluntary agencies and social workers are being motivated to the public for alternatives. Opportunities should be provided for youths, especially law students, to participate in legal services to the poor. The average fifty percent of the cases are civil miscellaneous petitions and family matters. Thus the court registry is overburdened by cases; there is therefore a need for alternative mechanisms.

Padmavathi (1990) researched in the field of domestic violence and indicated that family assault need the implementation of laws as well as private counseling which is under conciliation in what the organisations do. According to him, just as found out in this study, mediation recorded fruitful results in handling family violence. Therefore the establishment of family courts free legal aid like the *pro bono* services of the NGOs for counseling for young people who are trending cohabitation, a thriving platform for marital conflict.

Myneni (2004) explained the advantages and limitations of ADR in his book, 'Alternative Dispute Resolution Arbitration, Conciliation and Alternative Dispute Resolution Systems'. He explained that ADR can be used before filing for litigation, ADR offers better solution and at less cost, it is flexible and not time wasting. According to him, ADR is not partial, both parties have to agree to amicable settlement as in the area of this study- marital conflict. He claimed as concluded by this study that ADR is perfect in handling matrimonial cases.

Diva (2013) analysed mediation as very important in solving marital conflict where most decisions are overridden by emotions rather than reason. The reasons would usually be promoted by the entire family including the children, economic and emotional factors. The negative emotions such as ego, fear, hate, guilt, and bitterness are contributors to a



strained relationship. The lack of cooperation and emotional conflict results from lack of cooperation and emotional conflicts. Contrary to Diva (2013) verdict in his analysis, the reasons for conflict are not usually supported by all the actors, especially the children who usually are the most affected. However, that mediation is important is not disputed.

Sinha (2006) explained the stages of mediation as the first stage being that 'mediator makes lawyers and clients know what to expect and how to prepare. At second stage Mediators explain the process and procedural guidelines. At the third stage- problems are identified. At the fourth stage, Mediators assist for exploring the problem through values, needs, and interest. At the fifth stage Mediators and parties identify and evaluate options for resolving the conflicts. And at the last stage, confirmation of parties understanding and acceptance of the agreement and future responsibilities of the parties and acknowledge conclusion of mediation. The stages of mediation are not necessarily the same what this study discovered, however contents of all the stages are equally taken care of by the itemized stages of the study.

Since ADR mechanisms of conflict management and resolution subject matter, attempt was made to explain the different mechanisms under the approach.

#### **2.2.10.1 Negotiation**

Albert (2001) explained negotiation as an everyday exercise. People do it in their homes, in their work-places and even on the streets. But only a few people are familiar with how to negotiate in the professional sense of the word. It involves back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed (Fisher and Urry 1991: xviii). Negotiation is the most common way to reach a mutually acceptable agreement when disputing parties do not have third-party intervention. It is a voluntary bargaining process in which the disputants try to educate each other about their needs and interests with a view of shifting from the rigid positions which had hitherto hindered resolution through informal conversations (Moore 1996:8). Negotiation is also defined by Eisenberg (1976:650) as an infinitely flexible process as regards formality, time, party participation, focus and outcomes, though outcomes are sometimes influenced by legal

and social standards. There are also many different approaches and techniques which can be adopted in negotiation. Where negotiation takes place between the parties alone, it is referred to as *unassisted negotiation*, whereas, when it is assisted by experts, lawyers or when specialist negotiators participate in the process as partisan advisers and resource persons, it is called *supported negotiation*.

Again, Albert (2001) said there are two major procedures: positional bargaining and interest-based negotiation. “Position” is what people say in a conflict situation. This is sometimes different from what such a person really wants. The latter is known as “interest” (Golberg, Grusec and Jenkins, 1999) defined negotiation as communication for the purpose of persuasion, while Fisher (1989) defined it as a bargaining relationship between parties who have a perceived or actual conflict of interest. Albert (2001) defined it as back-and-forth communication designed to reach an agreement when you and other side have some interests that are shared and others that are opposed (Fisher and Urry 1991: xviii). For him, it entails a process in which the parties to the dispute discuss possible outcomes directly with each other. They exchange proposal and demands, make circumvents, and continue the discussion until either a solution is reached or a dead lock ensued. Negotiation is sometimes referred to as a primary dispute resolution process. This means that it cannot be reduced into constituent elements, and that it is itself an element in other dispute resolution processes, including mediation (Boulle and Nestic 2001:77). In principle there are two types of negotiators: the soft and the hard, but the third type which is known as principled bargaining is most suitable in the type of conflict being examined here. This is neither hard nor soft, but rather, both hard and soft; it is focused on having the conflict resolved based on fair standards independent of the will of either side in the conflict.

**2.2.10.2 Conciliation:** Godongs (2006) defined conciliation as the use of a trusted third party to provide an informal communication link between parties. The goal here is to help identify the major issues and to encourage antagonists to defuse tension by direct negotiation. Bryson (1990:136) defined conciliation as “mediation within a legal framework”, with the conciliator acting as “an advocate for the law while remaining impartial to the parties”. It is a third party activity, which covers intermediary efforts

aimed at persuading the parties to work for a peaceful solution. In other words, conciliation can also be seen as a form of assisted negotiation between two or more parties in which an additional person, the conciliator, intervenes in various ways with the object of facilitating a settlement between the parties.

### **2.2.10.3 Arbitration**

According to Henderson (1993:33-36), arbitration involve the submission of a dispute to an arbitrator who resolves it by making a decision, called an *award*. The award is normally binding on the parties: it can be enforced through the courts, and it is not subject to appeal or review, except where the arbitrator is under misconduct or has acted unfairly. The arbitrator is required to render a decision in the light of the facts of the case, and these facts are determined on the basis of evidence presented by the parties. The presentation of evidence can take place on an informal basis with few technical rules, or with all the evidential formality and procedural technicalities of court proceedings. After hearing the arguments of the parties or their lawyers, the arbitrator is required to base the decision on relevant legal rules and principles or, where the parties request it, on principles of equity and fairness. Arbitration can be triggered by an arbitration clause in an agreement, by the parties' mutual decision once a dispute has arisen, or through a court referral, on the application of the parties. Arbitration is similar to mediation, and close to adjudication, but different from both. By the time you get to arbitration, you are advancing to law; you are saying the third party is coming to take over your power on how the case should be settled. This is where mediation differs from arbitration.

**2.2.10.4 Mediation:** The term is derived from the Latin word “mediare” which means to “be in the middle”. Although there are many definitions of the word, according to Boule and Nestic it is generally agreed by scholars that it is a process that assists people in reaching a voluntary resolution of a dispute. It is therefore simply described as negotiation facilitated by a third party. A mediator emphasizes the cause of the problem and facilitates working on mutually acceptable solution. By their definition, a mediator in a traditional mediation plays an active role. He or she intervenes with the primary objective of restoring the ties of the parties, He or she may be described as an educator

of good social conduct and may chide the parties for their roles in the dispute, hence reinforcing standards of behaviour expected of upstanding members of the community. The mediator may also be described as a “guardian of community interests who reflects the collectivist as opposed an individualist culture”. From the foregoing, it can be concluded that the work of a mediator is to;

- Help to address the substantive issues in a conflict
- Help to establish or strengthen relationships of trust and respect between the parties
- Help to terminate relationships in a manner that minimizes costs and psychological harm

As mediation continues, there has been less consensus among scholars on what constitutes mediation, however, Boule and Nestic (2001) attribute the problem of definitions to the contrasts between private mediation on one hand and various forms of ‘institutionalised mediation’ on the other. Private mediation are well-resourced, have few time limitations, and are often, though not always, conducted by well-qualified mediators who can exploit the system’s potential to the full. Some forms of institutionalised mediation have none of these features. The golden rule of mediation is that whereas the power of a judge flows from the *law*, that of the mediator flows from *trust*. The mediator is accepted only when the parties have trust or confidence in him.

Other writers such as Folberg and Taylor (1984:7) and Chinkin (1992:61) agree that mediation is the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs.

Of all the instruments of peaceful settlement of conflicts, mediation is significant and has an increased application in the management of conflict situation at different levels beginning from the interpersonal to international (Godongs 2006).

According to Olagunju (2007), mediation is a forum in which an impartial person, the mediator, facilitates communication between conflicting parties to promote

reconciliation, settlement or understanding. It has also been defined as a private, voluntary and informal process where a party-selected neutral person, assists disputants to reach a mutually- acceptable agreement. Mediation is amicable, user-oriented, flexible, rational, voluntary, cost-effective, fast, fair to both parties, it is conveniently workable and reconciliatory.

There is no gainsaying that alternative dispute resolution is universally recognised and acceptable as a mechanism for conflict resolution. According to an international guide, it is defined as ‘a wide variety of dispute resolution mechanisms that are short of, or alternative to full scale court processes. Disputants are encouraged to negotiate directly with each other, rather than arbitration systems that look and feel like a courtroom process. Alternative dispute resolution according to the guide, cannot be a substitute for a formal judiciary system, but would compliment and support judiciary reforms. For ADR to be functional however certain criteria like; key preparation criteria – needs assessment and identification of goals, participatory process, and effective local partner are necessary.

### **2.3 Non-Governmental Organisations and conflict resolution**

Non-governmental organisation (NGO) has its origin in the United Nations (UN) in 1945. It entails organisations that do not form part of the government and are not for profit business. Whether NGOs are funded totally or partially by governments, it maintains its non-governmental status by excluding government representative from membership in the organisation. NGOs have been involved in conflict management and resolution as third-party intervention in different forms, such as political, economic, social, and religious.

In Nigeria to mention a few; there are Faith-Based Organisations (FBOs); Professional Organisations (PO); *Şó Dáa Bèè*; Neighbourhood Associations (NAs) and others, for the purpose of peaceful co-existence among citizens. This is to ensure settlement of any conflict without approaching the court for settlement which might take so long due to the delay in the government justice system (Albert, et al, 1995) However, they have been criticised to be interested in the easy options rather than the “needed risky work”.

In Nigeria, NGOs have been criticised to work at cross purposes and in an unnecessary and unproductive competition with one another whereas they can do a lot more. Indeed, in so many ways, a functional NGO can make a difference, particularly in Nigeria where so much is needed but lacking according to Onoche (2005).

Albert in Onoche (2005) defined 'a non-governmental organisation as a private establishment within the civil society that has chosen to provide for the society alternative support system, which the state is unable to provide in sufficient quantity or quality. They are expected to promote education, strengthen local capacities, exchange experience and collaborate with the government.' Most NGOs are accused of pursuing the agenda of donors and do not represent the community. They operate independent of the society and account upwards and outwards to fund providers and not to the community they serve in which case they disempower, rather than empower the community. The recent development in the institution of marriage shows a trend that marital conflict is not abating and requires better and more efficient third-party intervention with the best mechanisms of operations. Overtime, the tardiness of the process of government institutions in the management and resolution of marital conflict necessitated the intervention of NGOs.

Willetts (2011) from the City University of London defined NGO as 'an independent voluntary association of people acting together on a continuous basis for some common purpose other than achieving government office, making money or illegal activities. The World Bank defined NGOs as a 'private organisation' that pursues activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development. The orientation and level of co-operation determine the type an NGO is. It could be charitable orientation; service orientation; or participatory empowering orientation; the level of co-operation can be community-based, city wide, national, international.

According to Willets, (2011)two main types of NGOs are recognised based on the activities they engage in- Operational NGOs and campaigning NGOs. Operational NGOs are engaged in the implementation of projects while campaigning NGOs seek to achieve large scale change promoted indirectly through influence of the 'political

system' their defining activity is holding demonstrations. It is within the ambit of Campaigning NGOs to deal with issues relating to human rights, women's rights, and children's rights. They were intended to fill up a gap in government services, but there is a concern in the fact that in some countries today, they are gaining a powerful stronghold in decision making. Moreover, they take up responsibilities outside their skill ambit.

This rise of NGOs, since the 1980s within development policy has been extensively documented according to Lewis (2005). Today, NGOs remain as important and have recorded a large-scale presence in the current international campaign to make 'poverty history'; to the ongoing reconstruction efforts by outside and local NGOs still underway in Indonesia, India, and Sri Lanka after the Tsunami disaster of December 2004.

According to Anderson (2005), the philosophy of Western NGOs generally is that they operate on one or more of the following mandates; they may seek to provide emergency humanitarian relief; they may seek to promote long range economic and social development in impoverished nations; they may seek to promote respect for human rights and to monitor human rights abuses or they may seek to promote peace, often by encouraging nonviolent conflict resolution. These goals are increasingly recognised as being interrelated and interdependent. And so actions based on any one of these mandates tend to have repercussions throughout the recipient society.

Joseph (2003) claimed that the multiplication and escalation of conflicts at various levels underscored the need for governments, international organisations and non-international organisations to be involved in the resolution of conflict. There is an awareness that more resources and time need to be set apart for managing conflicts and that the work of peace has to be by harnessing the cooperation of several agencies at different levels. According to him, government by virtue of its rigid structure often fail to address adequately, questions relating to conflicts of delicate and complex nature. As a result of this, other tracks of conflict resolution and also resources to compliment government effort have to be sought. It resulted in the emergence of other tracks such as Education, Religion, Non-Government-Organisations, and more. Over the years however, there has been a tremendous increase in the number of NGOs, so also the variety of their activities

and their geographical spread. But in spite of Joseph's account of the role of NGOs, there is no mention of NGOs involvement in marital conflict, whereas they are equally active in the management and resolution of marital conflict. This is a noted gap to be filled by this research.

Anderson (2005) argued that humanitarian aid provided by non-governmental organisations (NGOs) often becomes intertwined with the forces that drive the conflicts that prompted the aid in the first place. Anderson described the basic missions of NGOs and the ways in which humanitarian aid can exacerbate conflicts. She described and evaluated strategies NGOs have used to avoid exacerbating conflicts, and closed with suggestions on how these organisations might better proceed in the future. Anderson only considered NGOs from the perspective of Humanitarian aid and not in marital conflicts or their mechanisms of resolving marital conflicts.

NGOs constitute an essential part in the civil society and; they have the potential to play key roles in resolving conflicts and restoring civil peace. NGOs act as mediators to bring consensus among different conflicting groups with the help of local peace constituencies. All (2003) suggested a number of roles that NGO's can play in the peace making processes but not much is said about NGOs in the resolution of marital conflict. There is a noted gap in the activities of NGOs and the resolution of marital conflict which forms the crux of this study.

Simbine (1995) emphasised the role of Nigerian women in urban conflict management. She identifies a number of social organisations (NGOs) such as the Young Women's Christian Association (YWCA) and professional groups like Federation of Women Lawyers (FIDA), which incidentally is one of the focused organisations in this study. In spite of her suggestion that women are seen as 'society's nurturers' and that their role in conflict management needs to be examined 'as a separate unique segment of society', she did not do an in-depth study on the involvement of these organisations or their effectiveness. The work is limited to only issues of gender, it does not take care of marital conflict and how NGOs have been involved in its management and resolution. This study is therefore interested in examining the ways of deploying mechanisms being used by selected NGOs in Ibadan in the management and resolution of marital conflict.



### **2.3.1 History of Women's Law Clinic**

The Women's Law Clinic (WLC) is a non-profit, Non-Governmental Organisation and a specialised Clinic set up primarily to offer pro bono (no charges) services for indigent and vulnerable women and to train law students of the University of Ibadan, Nigeria, so as to enable them put their theoretical legal learning and knowledge into practice. The women's Law Clinic (WLC) was established on 18 July 2007. The structure and composition of WLC is such that at the apex of the Clinic is the Director, who is a Clinician and a senior academic staff of the Faculty of Law of the University. There are the Clinicians who are academic staff and students of the Faculty of Law. There are also interns and volunteers of other related schools and disciplines. At the core of the day to day administration is the Clinic Administrator, a trained lawyer, who is charged with duty of supervising other administrative staff in the Clinic and works also as a Clinician. The Clinic focuses on indigent women in Ibadan and its environs. It provides free legal aid and counseling services to women, youth, couples, and children. It also educates women on their rights.

The Clinic encourages ADR mechanisms and therefore does not resort to the court of law. The Clinic remedies wrongs while maintaining peace between parties, harmony between married couple and upholding the integrity of the community. The Clinic embarks on regular sensitisation programmes to communities and markets, where the population size of buyers and sellers are large, thus reaching out to the clinic's target group. There are final year criminology students who participate actively in the clinic as Student-Clinicians. Also, the postgraduate students of Family Law are involved in the activities of the clinic and they help to guide the undergraduate students (Newsletter, 2015).

Yearly, the student Clinicians hold sensitization programmes around the university community and its environs. As part of the sensitization programmes, the clinic always marked the International Women's Day in order to further enlighten the public about the services offered by the Women's Law Clinic. Between 2013 and 2014, the postgraduate students visited the community heads of local districts within Ibadan and held sensitization programmes in those communities. Beside the activities in the Clinic where

students embark on outreaches and sensitization programmes, there are also Staff Clinicians that supervise students working in the clinic. These Staff Clinicians are members of the academic staff of the Faculty of Law, University of Ibadan. They help to inculcate in the students values; skills and knowledge that will greatly develop these students and create in them the spirit of social justice which strives to make them seasoned and well rounded lawyers in future. The Women's Law Clinic is a laboratory of learning which serves not only the University of Ibadan community as a whole but also reaches out to indigent people of the society within Ibadan and its environs. The Women's Law Clinic continues to fill the gap of access to justice, an area not adequately addressed by the government. The Clinic has ten (10) Staff Clinicians, male and female, who seek to ensure that these indigent women gain access to justice at no cost at all and on time. From 2007 till date, the Clinic has received a considerable influx of clients as a result of community outreaches sensitizing people about the services of the Women's Law Clinic (Women's Law Clinic newsletter, 2015).

### **2.3.2 History of International Federation of Women Lawyers**

The International Federation of Women Lawyers (FIDA) Nigeria on the other hand, with its acronym from 'FEDERACION INTERNACIONAL DE ABOGADAS', is also a Non-Governmental Organisation, founded in 1944 in Mexico by a group of women lawyers from Cuba, El Salvador, Mexico, Puerto Rico and USA, with the main objectives:

- To enhance and promote; the welfare of women and children, realizing that the happiness of the home and strength of the society depends on women and children's well-being.
- To promote; the principles and aims of the United Nations in its legal and social aspects.
- To proffer advice to; government in all cases of neglect relating to women and children.

FIDA was formed in 1964 by Mrs (Lady) Aduke Alakija in Nigeria. FIDA Nigeria is a member of FIDA international. To date, there are thirty-two (32) state branches in all the

geo-political zones of the country including the Federal Capital Territory, Abuja. About fifteen years ago, FIDA Oyo State branch was inaugurated under the chairperson of Mrs Funmi Roberts but has since changed leadership. FIDA actualises its objectives through rendering voluntary and humanitarian services such as free legal services to indigent women and children, advocacy, policy campaigns, and sensitisation activities on issues affecting women and children and the family in general, educating and training, walk- in free legal clinics, mediation and counseling services. They have partnered with both State and Federal Government agencies such as Nigerian Immigration, Nigerian Prisons, Nigerian Customs, and Nigerian Police. One of the issues handled by FIDA is mediating and counseling couples who are on the verge of nasty divorces and ensuring that the interest of the children of the marriage are taken care of. The centre offers its services pro bono even when they have to take the cases to court or hold a watching brief.

#### **2.4 Theoretical framework/Conceptual clarification**

The study was premised upon two theories. The Structural-Functionalism theory which has been worked upon by various functionalist theorists, but the version of Merton (1968) was adopted by the study and the theory of human needs by Abraham Maslow (1970). Comte (1798-1857), one of the founding fathers in Haralambos, Holborn and Heald (2008) saw society as a complex system, whose parts work together for the purpose of unity and solidarity. It is otherwise known as functionalism. It addressed society as a whole in terms of the function of its constituent's elements: norms, customs, traditions, and institutions. A positivist at heart, he posits that "the sciences followed an evolutionary pattern; one in which the highest order, and most complex of them, social sciences, emanates from biology. He argued that the way an organism relates to its environment, the interrelatedness of parts within its overall system, as well as how it goes about maintaining its overall system when balanced if disturbed could serve as a model for the study of society (Comte,1798-1857)

Another theorist, Spencer (1820-1903) also worked on Structural-Functionalism; he improved upon the work of Comte. He presented the parts of society as "organs" that work toward the proper functioning of the "body" as a whole. He however disagreed with several of Comte's theoretical principles. But they agreed that the structure and

functioning of society could be mapped to a biological model (Urry 1999). In Spencer's opinion, human organs perform functions deemed critical to the body's survival and in this sense; society's institutions perform similar roles.

In Haralambos, Holborn and Heald (2008), Durkheim (1858-1917) saw the Structural-Functionalist theory from an economic perspective of division of labour. The central concern of Structural-Functionalism is a continuation of the Durkheimian task of explaining the apparent stability and internal cohesion needed by societies to endure over time. Societies are seen as coherent, bounded and fundamentally relational constructs that function like organisms, with their various organs (or social institutions) working together in an unconscious, quasi-automatic fashion toward achieving an overall social equilibrium. All social and cultural phenomena are therefore seen as functional in the sense of working together, and are effectively deemed to have "lives" of their own. They are primarily analyzed in terms of this function. The individual is significant not in and of himself, but rather in terms of his status, his position in patterns of social relations, and the behaviours associated with his status. Therefore, the social structure is the network of statuses connected by associated roles.

Parsons (1902-1979) in Haralambos, Holborn and Heald (2008), further developed his sociological framework when any outward reference to communistic practices attracted government investigation. Parsons pitched his tent with the organic analogy and further expanded on the belief that adaptability to environmental changes was indeed critical to survival. For Parsons, Structural-Functionalism described a particular stage in the methodological development of social science, rather than a specific school of thought. The Structural-Functionalism approach is a macro-sociological analysis, with a broad focus on social structures that shape society as a whole (Parsons, 1902-1979).

The version of Merton (1968) was adopted for this study. Advancing the theory, he added that the functions are either latent or manifest in society. Manifest functions are those recognised while latent are unrecognised functions. It is assumed that some conditions define the ends or goals of the system. He criticised functional unity, implying that not all parts of a modern complex society work for the functional unity of society. Consequently, there is a social dysfunction referred to as any social pattern that may

disrupt the operation of society. He claimed that some institutions and structures may have other functions, and some may even be generally dysfunctional, or be functional for some while being dysfunctional for others. This is because not all structures are functional for society as a whole. According to Holmwood (2005), some practices are only functional for a dominant individual. There are two types of functions that Merton discussed: the "manifest functions", in that a social pattern can trigger a recognised and intended consequence. The manifest function of education includes preparing for a career by getting good grades, graduation and finding good job. The second type of function is "latent functions", where a social pattern results in an unrecognised or unintended consequence. The latent functions of education include meeting new people, extra-curricular activities, and school trips. Another type of social function is "social dysfunction" which is any undesirable consequences that disrupts the operation of society. The social dysfunction of education includes poor grades, a job. Merton states that by recognizing and examining the dysfunctional aspects of society we can explain the development and persistence of alternatives. Thus, as Holmwood (2005) stated, Merton explicitly made power and conflict central issues for research within a functionalist paradigm (Haralambos, Holborn, and Heald, 2008: 861-862)

Merton (1968) also noted that there may be functional alternatives to the institutions and structures currently fulfilling the functions of society. This means that the institutions that currently exist are not indispensable to society. Merton states "just as the same item may have multiple functions, so may the same function be diversely fulfilled by alternative items" (Holmwood, 2005:91). This notion of functional alternatives is important because it reduces the tendency of functionalism to imply approval of the status quo.

#### **2.4.1 Relationship between Structural Functional Theory and Mechanisms of NGOs in Marital Conflict**

The study identified with the perspective of Merton by using structural functional theory to understand the institution of marriage and the mechanisms of resolving marital conflict by Non-Governmental-Organisations (NGOs), knowing that no institution of the society such as marriage and government are indispensable. Corroborating Merton

(1968) and contrary to Comte, society would not always be at equilibrium, for instance, institutions such as marriage have been dysfunctional and have attracted the intervention of NGOs because government institutions(courts) have not been functional effectively enough to sustain the institution, the need for the NGOs became indispensable. While other theorists have viewed the theory from macro level of society, this study looked at it from the micro level of marriage and the influence of NGOs. This is because the institution known as the family is a product of marriage, which (family) also, is a part of the constituents that make up the society as the theory posits. Marriage is conducted and influenced by various cultural components (norms, customs, and traditions) and institutions which vary from society to society. Hence, any mechanism to resolve marital conflict would bother on the identification and understanding of whichever of these cultural components from which the conflict has risen. It could be as a result of a misunderstanding due to varying ideologies and values, owing to differences in cultural traditions on the side of the parties. It could also be as a result of an action or inaction of any of the other institutions of the society (government, religious institutions, the economy, educational institutions and others). For instance, marital conflict could arise from religious differences between the parties or their economic power.

The study juxtaposed structural-functional theory with the mechanisms for resolving marital conflict by NGOs. Non-governmental organisations were seen as alternatives to the dysfunction in government as an institution of society. The institution of marriage from which the family, a part of the body of the society is produced is seemingly abstract, yet integral. Therefore, trends in marital conflict and the processes of mechanisms for resolving marital conflicts were the focus of this study.

The second theory upon which the study was viewed is Abraham Maslow's (1970) Human Needs Theory, otherwise known as hierarchy of human needs. A need is something that is deemed necessary, especially something that is considered necessary for the survival of the person, persons or organisation. It is often contrasted with wants, that is, desires. In the theory of hierarchy of needs, consisting of five-tier model of human needs, Maslow propounded that human desires are innately given and exist in an ascending hierarchy. Basic psychological needs are food, sleep, protection from extreme

hazards of the environment must first be met. Then the needs for safety and security become paramount; certainty and structure in life are essential needs. Once these are met, the third need; to belong and to love comes to play. Fourth in the hierarchy is the need for self esteem from other people. When all these have been met the fifth and the highest need emerges; namely, the need for self actualization, or the desire to become everything that one can become. Going by the third position of needs in Maslow's theory, conflict is the bane of marriage, but love is *solution* and *satisfier* for it, therefore, it would take a mechanism that will help in the achievement of this requirement to be relevant in the management and resolution of marital conflict, hence the study is hinged on this theory to see how adopted mechanisms meet the dictates of the theory. Deficiencies within this level of Maslow's hierarchy- due to neglect and shunning can adversely affect the individual's ability to form and maintain emotionally significant relationships in general, as could be the case in a marriage experiencing conflict.

#### **2.4.2 Gap in study**

The menace of marital conflict and the inability of the traditional legal (courts) process of justice, otherwise known as litigation, to adequately satisfy the conflict management and resolution needs of couples in conflict made it imperative for other tracks of conflict resolution like Non-Governmental Organisations to be considered in the endeavour. Over the years, NGOs have intervened in political conflicts. Willet (2011) looked at NGOs in global governance and social conflicts. Nelson (2007) focused on NGOs in corporate social responsibility. Anderson (2005) viewed NGOs on Humanitarian aid intervention. Shah (2005) and Joseph (2003) saw NGOs on development and rehabilitation issues. The observed facts however dwell on the activities of NGOs and the dysfunctions of government. There is little or no study on the mechanisms for the management and resolution of marital conflict by FIDA and WLC.

## CHAPTER THREE

### RESEARCH METHODOLOGY

#### 3.1 Study design

Research was descriptive and case study design; descriptive design helped to describe the deployment of mechanisms for the management and resolution of marital conflicts by the two carefully selected NGOs.

#### 3.2 Study area

The study area is Ibadan. Ibadan was founded about 1829 (Albert et al, 1995) as a war camp after the fall of old Oyo, and became a city state. Two kinds of neighborhoods can be identified in Ibadan, Albert et al (1995), that is, the traditional, in the heartland and the new poor neighbourhoods scattered around the city. Conflicts occur regularly in these new neighbourhoods with landlords assuming the role of mediators, thus, cases hardly get to the formal courts because the disputants cannot afford the cost of litigation and they do not trust the organised system of justice. Preference is usually for out of court settlement for the reason of culture.

There are Governmental (formal) and Non-Governmental (informal) Organisations involvement in resolving marital conflicts in Ibadan. However for this study, the involvement of Non-Governmental Organisations was the focus. The activities of two selected Non-governmental Organisations; that is, International Federation of Women Lawyers (FIDA) and Women's Law Clinic (WLC), University of Ibadan were compared. While FIDA [s made up of women mediators, WLC is a combination of male and female Clinicians who function as mediators.

#### 3.3 Study population/ Sample size

Existing literature has neglected the aspect of marital conflict in the use of ADR mechanisms for the management and resolution of conflicts by Non-governmental organisations. Therefore, the study selected two prominent NGOs out of many organisations that intervene in marital conflicts in Ibadan, to examine the mechanisms



they follow in the interventions of marital conflicts. In this study, the selected NGOs are: International Federation of Women Lawyers (FIDA), Women's Law Clinic (WLC), University of Ibadan, due to their special interest in management and resolution of marital conflict amidst other endeavours.

Since they entertain only complaints from women, some of the complainants that visited the organisations while the study was on-going were interviewed. The volunteers/clinicians and secretaries that are directly involved in the counselling sessions by the selected organisations were also interviewed. The choice of sample size was informed by the need to get answers to the research questions from people that are either directly or indirectly involved in the subject matter.

### **3.4 Sampling technique**

The research adopted the purposive sampling technique. It involved deliberate selection of respondents for specific purposes. In this context, ten (10) complainants were selected from each of the two NGOs to give a total of twenty (20) respondents, for In-Depth-Interview (IDI). This is because they have used the services of the organisations and thus were able to give an opinion on the processes. Moreover, purposive sampling technique ensures that it is the experienced people in the subject matter that are being interviewed for authentic data. Therefore, the director of WLC, and the president of FIDA were purposively selected for interview as key informants (KII), while twelve (12) panel members (volunteers/clinicians) six from each organisation and two administrative staff (2,) one from each of the organisations, who usually, are involved in the counseling sessions were also interviewed purposively, bringing the total number of interviewees to thirty-six (36). Pilot study revealed that both selected organisations attend to an average of eight (8) cases in a month, which translates to about one hundred (100) cases annually. In this regards, 10 cases, representing 10% of the annual number of cases attended to were randomly selected by simple random technique from each of the organisation and were contently analysed.

### **3.5 Instrument for data collection**

The instruments that were used are Key Informant Interview (KII) guide questions for the director and president as key informants from the two respective organisations. In-Depth Interview (IDI) guide questions were used for purposively selected complainants and lastly observation; as the researcher observed the proceedings of management or resolution for authenticity.

### **3.6 Procedure for data collection**

The procedure for data collection in this study was qualitative through primary and secondary sources. The primary sources were Key Informant Interview (KII) with two (2) leaders of the organisations; and In-Depth- Interview (IDI) for the Clinicians/Volunteers that constitute the panel during counselling sessions and the complainants who were selected on accidental technique. Information generated from these sources formed the primary source of data. The authenticity of information from these sources is guaranteed because they are believed to have first hand information, having been involved directly and indirectly in the interrogation of issues on marital conflict. Participant observation instrument was also used for the purpose of hands-on experience of mechanisms usage by researcher. The researcher joined the groups under research as an observer, asking questions when necessary. Secondary source of data was concluded case-notes of complainants from the two organisations. Other information secured through newsletters from the organisations in the course of study fell under secondary source.

### **3.7 Method of data analysis**

Data collected were transcribed and contents were analysed descriptively. Clusters of similar opinions from sample were organised, supporting them with quotations from the transcript.

## **CHAPTER FOUR**

### **DATA PRESENTATION AND DISCUSSION OF FINDINGS ON MECHANISMS FOR THE MANAGEMENT AND RESOLUTION OF MARITAL CONFLICTS BY NON-GOVERNMENTAL ORGANISATIONS IN IBADAN**

**4.0** In this chapter, the findings and discussion of the study were presented. Thematic analysis was used to present the results of data through historical and descriptive as well as narrative styles. The findings were integrated to facilitate the discussion.

#### **4.1 Findings**

For the purpose of clarity and easy understanding, findings were presented alongside the study objectives. Observed relationships between the present study and extant literature were harmonised using historical and sociological explanations. Based on the theoretical framework of the study, appropriate deductions were made.

##### **4.1.1 Research Objective one: Identify trends in marital conflicts that FIDA and the WLC handle.**

##### **4.1.2 Historical origin of the Federation of International Women Lawyers and the Women's Law Clinic (NGOs)**

The importance of women issues in the international community necessitated resolution 1325 which specifically mentioned women's role in conflict prevention, management and resolution, Avose (2008). Women issues in Nigeria were identified among others as 'women as agents of peace and conflict resolution' (Nwagwu, 2009), subsumed under gender studies. Gender studies is the study of how the society views boys, girls, man, and woman. The definition includes how they are expected to behave, dress, speak, act and the work they are expected to do. The recent awareness has led to women development and involvement in various fields like the activities of Women's Research and Documentation Centre (WORDOC), established in 1987 in the Institute of African Studies, University of Ibadan. There are other organisations established for the same purpose of attending to women issues as non-governmental organisations, two of which this study examined. The women's Law Clinic (WLC) was established on 18 July 2007.

The Clinic focuses on indigent women in Ibadan and its environs. It provides free legal aid and counseling services to women, youth, couples, and children. It also educates women on their rights. The Clinic encourages ADR mechanisms and therefore does not resort to the court of law. The Clinic remedies wrongs while maintaining peace between parties, harmony between married couple and upholding the integrity of the community. The Clinic embarks on regular sensitization programmes to communities and markets, where the population size of buyers and sellers are large, thus reaching out to the clinic's target group. There are final year criminology students who participate actively in the clinic as Student-Clinicians. Also, the postgraduate students of Family Law are involved in the activities of the clinic and they help to guide the undergraduate students.

The first major objective of the study was to identify the trends in marital conflict that FIDA and WLC handle. To get information on this objective, the appropriateness of the selected organisations as non-governmental organisations was established. Non-governmental organisation (NGO) has its origin in the United Nations (UN) in 1945, it entails organisations that do not form part of government and are not for profit. Joseph (2003) claimed that the multiplication and escalation of conflicts at various levels necessitated the need for both government and non-government institutions to be involved in the resolution of conflict. According to him, government, by virtue of its rigid structure often fails to address adequately questions related to conflicts of delicate and complex nature,(which is the nature of marital conflict, the subject matter of this study),thus the preference of parties in conflict for alternative dispute resolution mechanisms. The NGOs for this study, International Federation of women Lawyers (FIDA) in Oyo state and the Women's Law Clinic (WLC), University of Ibadan, were both established in 2002 and 2007 respectively, to offer pro bono (free) legal services and aid to indigent women with marital issues, using ADR mechanisms. They are professionals, government and non-government workers with shared interest, but coming under the aegis of private individuals and forming a non government organisation to intervene in the management and resolution of marital conflict. This is in line with the principle of NGO as defined by the United Nations (1945) and also needed as a result of the ineffectiveness of government institutions (courts) in the management and resolution of marital conflict.

In examining the approach to the mechanisms, the forms of marriage handled by the NGOs, the triggers of conflict and the disposition of complainants were analysed as trends in marital conflict. According to Nwogugu (2014), two types of marriage are legally recognised in Nigeria; monogamous marriage under the Marriage Act and customary law marriage including marriage under Moslem law. Although there has been a contention that the term customary law includes the Islamic law, stating that ‘customary law is unwritten law recognised as law by members of an ethnic group, while Moslem law is written in the Holy Koran, but because this is not the focus of this paper, the researcher chose to go by the opinion of the respondents. The respondents (Volunteers and Clinicians) unanimously admitted to handling all forms of marriage such as marriage under the act (statutory), traditional/ Islamic (non-statutory) and cohabitation. Majority of the marriages handled according to respondents (Volunteers and Clinicians) were mere cohabitation as explained by one of the Volunteers when she said ‘*the trend is that many of these people are living together, (sic) they are co-habiting with children*’, (Volunteer, 2017) and another said:

All the different types of marriages, both the marriage under the act and also traditional marriage and even no marriage at all.(sic).We have cases of no marriage at all...(Interview with Volunteer, 2017)

This was corroborated by another respondent who said:

In Nigeria we have three major types of marriage; we have the marriage under the marriage act which we usually refer to as statutory marriage, then the second is customary law marriage and the third is Islamic law marriage. So, both marriage under the Act, statutory marriage, and customary law marriage, we are open to people irrespective of their faith. So a Muslim can marry under the act...(Interview with Clinician,2017).

The observed trend in the forms of marriage underscored *cohabitation*, usually referred to as ‘no marriage at all’ as the norm. Although according to the Nigerian law, the general law does not recognise nor confer rights or obligation on cohabiting couples. Nwogugu (2014), the attitude of the law reflects the strong opposition of religious groups to this practice which is regarded as encouraging promiscuity. Since it is a trend accepted by the

younger generation, NGOs, rather than wish away its existence, considered it more profitable to give serious thought to rational solution.

The deduction from this trend is that the same functional prerequisites may be met by a range of alternative institutions. In the case of marriage, statutory and non-statutory marriage have often been the norm in the institution of marriage but the result of findings in this research has contradicted it with the fact of cohabitation, which is *no marriage at all*, inferring that people do not have to go into any form of marriage to perform the functions of marriage. What this means is that cohabitation could be an acceptable 'functional equivalent' or 'functional alternative' in which case marriage is not necessary provided the functions are met in cohabitation.

#### **4.2 Causes of marital conflict**

Ayodele, (1998) put the rate of marital breakdown due to conflict at about 52% in Europe and about 55% in the United state of America, while in Nigeria, Abanihe in Ayodele (1998) said it is below 5% among the Muslim North and below 10% among the Christian South. Obviously the trend has risen beyond these figures considering the years of the publications. However, the sad truth is that the trend is rising at a faster rate today with varying sources and causes. Scholars such as Elijah and Thomas (2013), Melgosa and Melgosa (2005), Nadir (2003), Hines (2002), Omojola (1998) and Ijagbulu (1992) have identified causes as scarce resources, values, and psychological needs. Some of the identified causes are custody of children, money, domestic abuse, child welfare, sex, poor communication, and lack of love, lack of understanding, family intrusion and ego, lack of mutual respect, infidelity, abandonment and immaturity. However, the result from the field showed money at the top as majority listed it as a major cause of marital conflict apart from the aforementioned causes. Responding to the question on what the respondents think are the causes of marital conflict, some of them confirmed that:

Money, inadequate feeding allowances or none at all, little or no feeding allowance supplied to the woman to cater for her needs so most times the woman bears the burden of all the family needs and children's education, so the men are always aloof that's why most of them it's always the same trend. No money to take care of the kids, I'm the only

one... (sic). The burden is always on the woman (Interview with Clinician, 2017).

The issues that we have, custody of children, maintenance; that one is very rampant because it occurs frequently, that is the husband has left the house, cannot and is not willing to cater for the children, he's not willing to cater for their school fees, for the general maintenance of the children. That is very common (Interview with Volunteer, 2017).

The position of Human Needs theory as explained by Maslow (1970) is that all humans have basic human needs which they seek to fulfill and that the denial and frustration of these needs by other groups or individuals could affect them immediately or later, thereby causing conflict. Burton listed basic needs as food, shelter, sex, and reproduction and those individuals cannot be taught to accept practices that destroy their identity and other goals that are attached to their needs. Therefore, they are forced to react against the factors, groups and institutions that they see as being responsible for threatening such needs. There is near consensus among the needs theorists that to resolve a conflict situation or to even prevent it from occurring, the needs have to be met with appropriate *satisfiers*, those things that were denied them in the first instance. The observed activities of the NGOs sought to ensure that the 'pleas' (needs) of the complainants which are the causes of conflict were attended to.

With the above theory, it was deduced that as long as individuals will not accept practices that destroy their identity and other goals that are attached to their needs, conflict shall abound.

### **4.3 Disposition of complainants**

In conclusion on trends in marital conflict handled by the NGOs, most people see the formal channels (courts) for justice as being corrupt, time wasting and expensive (Albert et al, 1995) therefore they sought alternative means of resolving their conflict. The interview conducted with some of the complainants attested to the fact that they are well disposed to these alternatives (NGOs) because they operate *pro bono* (free) and are efficient, as confirmed by the words of a complainant from the field report. She said:

I am quite pleased with the intervention because it was at no cost and timely. Now I am at peace and unlike before, he no longer curses whenever he calls my phone...

(Interview with Complainant, WLC, 2017)

And another:

As they are settling our case now, if I embarrass my husband nobody will know and if FIDA embarrass (sic) my husband nobody will know, we will settle our case. But if it is family, they will say this is what the sister-law said, this is what mother-law said (sic) and that is how they will expand the scope.

The complainants interviewed seemed to be comfortable with the NGO alternative to the courts; which is in line with Merton's (1968) version of the structural-functionalist theory, Haralambos Holborn and Heald (2008) which argued against the postulate of indispensability. The study agreed with the position of Merton, that the same functional prerequisite (in this context, the courts) may be met by a range of alternative institutions (NGOs in this context). He suggested 'functional equivalents' or functional alternatives. Merton said 'not every aspect of the social system necessarily performs a positive function as postulated by 'universal functionalism' theorists. Responses to such question as 'what is the usual disposition of the complainants towards your intervention?' Confirmed that the NGOs are acceptable alternatives against the courts as affirmed by the opinion of the respondents, one of whom said:

Many of the complainants are persons who come to the clinic because they really need intervention (sic) most times they are the ladies. While things are happening in the home they are seeking third party resolution without really thinking of leaving or breaking the home, so to a large extent they and their families are very confident in what we do and more importantly in privacy because we uphold confidential information and we do not share it with third parties. We found that because of this we gradually win over the confidence even of the husband or the opposition family when they realize our position especially our professionalism (Interview with Clinician,2017)



Yes, they do and most of them are satisfied. We are able to say this by previous clients recommending the clinic asking (sic) others to come and they know that it is a relaxed atmosphere not like court so it is quite informal so everybody is just themselves and they know that there's fairness (Interview with Volunteer, 2017)

The deductions from the report then could be that people do not have to go into any formal marriage to perform the functions of marriage. What this means is that cohabitation could be an acceptable 'functional equivalent' or 'functional alternative' in which case marriage is not necessary, provided the functions of marriage could be met in cohabitation. Secondly, that all humans have basic human needs which they seek to fulfil, and that the denial and frustration of these needs by other groups or individuals could affect them immediately or later, thereby causing conflict. Moreover, individuals cannot be taught to accept practices that destroy their identity and other goals that are attached to their needs; because of this, they are forced to react against the factors, groups and institutions that they see as being responsible for threatening such needs. However, the availability of the NGOs and their intervention activities serve as option to the courts as a place for Complainants to pour out their hearts, and to have psychological relief as reiterated by a respondent (Volunteer)

One psychological fact we should not also overlook is the fact that they can pour out their heart, gives relief to some of the complainants',(sic) since what they (complainants) really need is not resolution of their marriage most of the time, but third party intervention.

This was affirmed by a respondent who said:

While things are happening in the home they are seeking third party resolution without really thinking of leaving or breaking the home (Clinician, 2017). This to a large extent we could conclude makes the activities of the NGOs necessary and laudable (Interview with Clinician, 2017).

#### **4.4 Research objective two: examined the way mechanisms were deployed for the management and resolution of marital conflict by FIDA and WLC (NGOs)**

FIDA and WLC are well situated in the definition of Non Governmental Organisations according to the United Nations. FIDA Oyo state was established about 15 years ago to intervene in all cases that involve women in Ibadan, especially marital conflict at no cost. The Women's Law Clinic (WLC) was also established on 18 July 2007 to perform the same function. The Clinic focuses majorly on indigent women that have marital issues in Ibadan and its environs. It provides free legal aid and counseling services to women, youths, couples, and children. In this report, the members of both organisations that participated in the research interviews are referred to as 'respondents'. They are professional lawyers that take up the role of mediators and are also referred to in the study as mediators.

The respondents from the Women's Law Clinic, University of Ibadan are lecturers in the Faculty of Law, University of Ibadan, while the respondents from FIDA are all female lawyers who have their private practices scattered all over the city of Ibadan. The focus of this study was on the effectiveness of the mechanism for the management and resolution of marital conflict. This was done through a comparison of the activities of two carefully selected NGOs in Ibadan. The concepts of management and resolution of conflict were clarified; while the concept of mediation and the processes of mediation mechanism in marital conflict were examined.

##### **4.4.1 The Concepts of Management and Resolution of Conflict**

Conflict happens when two (2) or more parties regard their interests to be incompatible (Nwolise, 2004). However, efforts are often geared towards either managing or resolving the conflict so that it does not escalate. Conflict management and conflict resolution are basic terms to understand in approaching the concepts since the focus of the objective is directly linked to them. Best (2006: 93-115) in describing conflict management said it is the process of reducing the negative and destructive capacity of conflict through a number of measures and by working with and through the parties involved in that conflict. Conflict resolution on the other hand is described by Miller (2003:8) as a

“variety of approaches aimed at terminating conflicts through the constructive solving of problems.

Mitchel and Banks (1998) defined conflict resolution to mean ‘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 in conflict; and any process or procedure by which such an outcome is achieved’. According to Best, in principle, conflict resolution means a sense of finality, where the parties in conflict are mutually satisfied with the outcome of a settlement and the conflict is resolved in a true sense. In this context, the identified process of reducing the negative and destructive capacity in marital conflict is ADR mechanism of mediation to achieve reconciliation. It is what Miller referred to as the ‘variety of approaches aimed at terminating conflict in conflict resolution’ and what Best called *satisfier*. Field reports showed that the respondents have a good understanding of these two concepts from their responses to the question ‘what in your opinion is the difference between marital conflict management and marital conflict resolution? According to respondents from the two organisations:

Success of resolution depends on management techniques employed. We do management because every strategy for resolution must be put into fruition through management techniques and through our own strategy for getting both parties to buy into the reconciliation or resolution, so don’t put the cart before the horse (sic). We have to manage first before we resolve and we found that a more frequently used method of bringing or achieving reconciliation between the parties than just saying resolution which is a means to an end, management’s end itself being of resolution. You frequently find management hoping that we’ll arrive at the final destination of resolution (Interview with Clinician, 2017)

Oftentimes the two concepts come to play; we try as much as possible to educate the woman on how to manage her home; we also try to resolve the issues responsible for conflict between the parties (Interview with Volunteer, 2017).

From the point of needs theory, a conflict is resolved when the basic needs of the parties have been met with necessary *satisfiers*, and their fears have been allayed. A satisfier according to Max-Neef (1991) is a way of ‘being’, doing, having (in the sense of social institutions) or being situated (in time and space) that people use to actualise their needs, food and shelter are not to be seen as needs but satisfiers for the fundamental need for subsistence. Therefore mediation is a satisfier that secures the needs of the people.

In the management and resolution of marital conflict, the respondents from the two selected NGOs unanimously confirmed that they use the combination of ADR mechanisms of mediation, negotiation, and conciliation. But majorly they concentrate on mediation as confirmed by the words of one of them:

What we do is mediation we mediate, that is, we try to have a form of conciliation to reconcile or to have the two parties together, because you know the Yorúbás (sic) will say that when you go to court you cannot come back as friends but with the ADR mechanism, we find out that its open doors. You know, these women are able to attain access to justice. They are able to get what they so much desire and so the WLC stands for women in Ibadan (Interview with Clinician, 2017)

Since mediation was identified as the king of all ADR mechanisms, it was used to represent the stages of ADR mechanisms.

#### **4.4.2 The Concept of Mediation**

Mediation is defined as ‘a process whereby a neutral and impartial third person acts to encourage and facilitate the resolution of a conflict without deciding what should be. It is also defined as informal and non-adversarial process intended to help conflicting parties reach a mutually acceptable agreement’ (Rule 10-210 Florida rules for certified and court-appointed Mediators). The role of the mediator is to reduce obstacles to communication of issues and explanation of alternatives and otherwise facilitate voluntary agreements resolving the conflict. The ultimate decision making authority however rests with the parties. Mediation has always been a system practiced in all cultures of the world even though it may not have been formally so called back then. As a matter of fact in Africa, as it obtains in Nigeria, our *Obas*, Chiefs, Elders, and

neighbours from time to time bring family members, neighbours, kinsmen and so on, who are in conflict together and aid them in settling their conflicts have all along been performing the role of mediators.

In this study the, the selected NGOs unanimously admitted that what they do is mediation according to the allusion of a respondent who said:

What we do is mediation, we mediate, that is, we try to have a form of conciliation to reconcile or to have the two parties together, because you know the Yorùbá (sic) will say that when you go to court you cannot come back as friends but with the ADR mechanism, we find out that its open doors. (Interview with Volunteer, 2017)

With mediation, effort is usually made to reconcile the parties by appealing to their conscience to give peace a chance in their marital issues. This is because it is open door and it eliminates the formalities of court proceedings. The focus of the NGOs is not litigation but reconciliation and maintenance of relationship after settlement. Quoted is one of the respondent's assertions to reiterate the point:

The focus is usually to reconcile and not to go to court, we try to re- focus the parties from their initial position, to disparate objectives, to trying to work out; or trying to identify or own up to their fault from the beginning of the conflict' (Interview with Clinician, 2017).

We found out that litigation (court action) is not encouraged because as Africans generally and Nigerians in particular, it would be found out that people are related in one way or the other especially when it comes to conflict issues. In the words of one of the respondents, 'you will find out that your uncle knows my aunty or my aunty knows the wife of your uncle'(Interview with Clinician, 2017), therefore if it is not settled and allowed to escalate to court, not only the couple will be involved but the family at large. It will affect the children, the in-laws; the scope will be over-stretched and would create enmity within the society. Moreover, there is a common Yorùbá (an ethnic group in Nigeria) maxim that '*aií tilé ejo dé wá ṣoré*' (You don't come back from court to continue friendship). The mechanism of mediation has a procedure that should be

followed for it to be effective. That is why the next sub-theme outlined the steps and stages in mediation as observed.

#### **4.4.3 Processes of mediation for the management and resolution of marital conflict by the International Federation of Women Lawyers (FIDA) and the Women's Law Clinic (WLC), University of Ibadan**

Mediation process according to extant literature follows virtually the same way at the two organisations. According to Albert (2001), corroborated by Godongs (2006) and Olagunju (2007), there are some common processes and principles that are expected to be followed by skilful mediators. Segun-Olakojo (2010) identified the skills to be possessed by a skilful mediator for effectiveness as good demeanour, good listening ability, ability to sensitize options, realistic settlement, ability to take charge of the proceedings, and proper closure system. The observed proceedings were however handled professionally, not as lawyers, but as 'mediators' whose interest was usually to reconcile the parties. In principle there are two types of negotiators in mediation, the soft and the hard, but the third type which is known as *principled bargaining* is most suitable in the type of conflict being examined here. This is neither hard nor soft, but rather, both hard and soft; it is focused on having the conflict resolved based on fair standards independent of the will of either side in the conflict. Therefore, they took time to listen to complainants; although in some few instances, probably due to time pressure, researcher observed that they were a bit hasty and did not allow parties to finish telling their stories before they interjected. Though sometimes parties were full of what may be considered as irrelevances, which for them (complainants) were of great importance. Once in one of the organisations during a session, there was an uncooperative respondent (complainant's husband), who provoked our respondent, respondent threatened to get the husband arrested by the security agent. This made the respondent (complainant's husband) furious and he walked out on the mediators seated, thereby bringing the session to an abrupt end. By and large, respondents were found to be on top of the mediation proceedings. This was only one deviant out of many observed others who cooperated.

Mediation fits very well into being a satisfier when viewed from the perspective of Best (2006) and the explanation of Max-Neef (1991) on what a satisfier is. According to Max-

Neef, a satisfier is a way of being, doing, having (in the sense of social institutions) or being situated (in time and space) that people use to actualise their needs. This concisely explains the bid of the NGOs when they intervene in the management and resolution of marital conflict via mediation. Complainants use the medium of mediation to actualise their pleas (needs) the role which the NGOs played host to as a result of the *ineffectiveness* of the traditional courts.

In line with Merton, this study viewed mediation from the perspective of being a 'functional alternative' to the courts. Merton disagreed with the 'postulate of indispensability' (Functionalists assumption) which stated that certain institutions like the courts (in the context of this study) are indispensable to society. Merton argued that the same functional prerequisites may be met by a range of alternative institutions such as role of the NGOs in the study. Therefore, in line with Merton, based on the evidences on ground, mediation may be a functional equivalent to the courts. However, this would only be done effectively if the NGOs would fulfil certain principles that were noted as prerequisites in effective mediation. The principles were viewed and discussed from the perspective of Albert (2001) on mediation in his book '*Introduction to Third-Party Intervention in Community Conflicts*' because there is a dearth in direct literature on the particular subject matter in mediation in this research; which actually is a justification for the study.

#### **4.4.3.1 Principles of Mediation**

#### **4.4.3.2 The Principle of Self Determination**

The principle of self-determination permits parties to either include or exclude any important issue (s) during negotiation. In effect, they determine what is or what is not discussed. To a very large extent, findings showed that the NGOs limit their mediation to only those issues brought up by complainants. There are forms designed to be filled by complainants and there is space for where the specific 'plea' of the complainant is expected to be stated. This was confirmed by a respondent:

we try to interview the persons, gain their confidence and obviously try to find out where it is they are at the moment

and where it is they want us to guide the dispute towards  
(Interview with Clinician, 2017).

So that right from the onset of intervention in the sessions observed and according to respondents, the complainants guide the mediators on where to come into the conflict.

#### **4.4.3.3 The Principle of Confidentiality**

The principle of confidentiality is geared towards boosting the confidence of the parties to discuss freely and truthfully amongst themselves without any fear that their positions, claims, defences or remedies being sought would be made public or available to other people who may not be directly involved in the conflict or negotiation. Compliance with the principle of confidentiality could not be established by the researcher at this point, since mediators could not be monitored to the extent of knowing the kind of discussions they engage in outside. However, one of the mediators had this to say in justification of their compliance to the principle:

While things are happening in the home they are seeking third party resolution without really thinking of leaving or breaking the home, so to a large extent they and their families are very confident in what we do and more importantly in privacy because we uphold confidential information and we do not share it with third parties. We found that because of this we gradually win over the confidence even of the husband or the opposition family when they realize our position especially our professionalism that is important (Interview with Volunteer, 2017)

It is only to the extent admitted by the respondents that the researcher can agree that the principle here is truly kept.

#### **4.4.3.4 The Principle of Voluntariness**

The principle of voluntariness gives parties protection against compulsion by anyone in any stage of the process; they could withdraw at whatever stage based on their own judgements. The responses from the majority of the complainants interviewed confirmed that they were not forced to choose mediation in the management of their conflict. Most of them visited on referral by either a colleague or a friend. However, the experience of



the mediators showed that oftentimes, parties to conflict would withdraw from the mediation process without informing the mediators until after a rigorous follow up is carried out to discover that they are no longer interested in the process. According to one of the responses, ‘one woman referred me to the place that their work is to help indigent women to secure justice’. (Complainant, WLC, 15/05/2017). At this juncture it was noted that some respondents (Complainant’s husband) through their verbal expressions were insubordinate to the mediators simply because they are NGOs and have no power to impose anything.

#### **4.4.3.5 The Principle of Empowerment and Education**

In the principle of empowerment and education, every mediation process should aim to empower and educate parties so that they can acquire an enhanced capacity to deal with their problems and handle conflict. The observed trend is that mediators tried to empower and educate parties in conflict in the course of sessions. They would always make parties see reason (s) why they need to mend their relationships even when their minds seemed to be made up. There were observed cases of reversal of decisions hitherto taken on position after being educated on what is happening to other married people.

#### **4.4.3.6 The Principle of Impartiality**

The principle of impartiality seeks to promote the ideals of justice and fairness of the mediator on all issues brought to the negotiation table. In the case of FIDA, because it is an organisation composed of only women, the expectation or tendency might be that of prejudice against the men (husbands) as imagined by a complainant who said:

I knew that it was women that are there so I knew they would quickly understand what I’m going through. And then I heard that they are peaceful in their dealings and negotiation (Complainant, WLC, 2017).

Of course to a large extent it is easier for them to ‘quickly’ understand what she’s going through because they are women, but that does not give her any edge over the man, as the principle of fairness was held in high esteem by organisations. The approach is not influenced by gender unless it involves violence.

In the literatures consulted, there are several common stages and steps in the processes of mediation. A typical outline of the stages from some of the scholars consulted include; Albert (2001)- Introduction, Story-telling, Joint-problem solving, Formalising and Signing Agreement; Godongs in Best (2006:130-143)-Initiation, Preparation, Introduction, Problem Statement, Problem Clarification, Generation and Evaluation of Alternatives, Selection of Alternatives, and Agreement. Olagunju (2007),-Opening Statement, Summary of Parties' views, Private Sessions (Caucuses), and Closing. However, from the observed trend in the stages followed by the two NGOs, typical mediation processes could be classified as below with findings and discussion with extant literature.

#### **4.4.4 Introduction**

According to Albert (2001) and Olagunju (2007), mediation should begin with introduction; but Godongs (2006) stated initiation and preparation before introduction. During the introduction, the mediator creates the appropriate atmosphere by allocating a seat to each party while he/she takes charge. The parties have to sit facing each other. This is necessary for facilitating effective verbal and non-verbal communication between the two during the mediation process. We found out that both NGOs actually follow the same steps. From the two, the sitting arrangement was however non-compliant; it was an arrangement whereby they sat next to each other facing the mediators rather than deliberately facing each other. This was probably so because NGOs could not imagine that the closeness in the sitting arrangement may pose any danger to parties where arguments get heated up and a party becomes violent. The sitting arrangement ought not to be taken for granted because of the imagined occurrence of argument that may lead to violent bumping.

The mediators in both organisations followed the due process of welcome and appreciation of the parties upon arrival, with the team leader introducing the organisation as a group of 'mediators' whose responsibility it is to ensure that their conflict is peacefully resolved with their profound cooperation. They would enquire what language is preferred by the parties and would engage such in communicating as communication is paramount in mediation. Usually, there would be ground rules. During the telling,

interjection from the other party was prohibited. The parties were made to consent to the ground rules before proceeding to the stage of storytelling. To a large extent, organisations can be said to comply with extant literature despite the few deviances as far as introduction is concerned.

#### **4.4.5 Story-telling**

Olagunju (2007) referred to this stage as opening statements; Godongs (2006), as problem statement and Albert (2001), as story-telling. They are all right as they all said the same thing about the expectations at this stage. Some of the contents at this stage are the history of the relationship between the parties; how the problem arose and the result each party desires. The emphasis at this point is feelings and not demands. The observed mediation was usually preceded by reporting, whereby the complainant (usually the woman) would have gone prior to the day of mediation to the office to tell her story (report) and obtained a date for the mediation. At the first visit, she is made to tell her story, after which she is given a form where she states her bio-data and her plea which sometimes could be child/children's welfare, battering, and sometimes death threat by the spouse. The two organisations have different days for mediation session. While FIDA meets on Fridays from 12:00 noon till about 5.00p.m and sometimes would adjourn discussion, WLC would give appointment for a date based on the availability of the complainant. (Please note that the organisations refer to the complainant's husband as respondent as well, so that there should be no mix up when the researcher refers to respondent).

On the set date, the session was started by the complainant with the agreement of the respondent (husband). The mediator is expected to ensure that parties express as much of their feelings as they can or want; effective listening is a very important tool for the mediator (Godongs 2006) at this stage. This usually was not the case all of the time as there were instances when complainants were stopped midway by impatient listeners (mediators). As observed in one of the organisations and at a particular time, a party was observed, through her body language to be dissatisfied with the time allowed for her story and was not quite happy with the position of the mediators. This is only a minority and not enough to discredit the enormous success of the particular organisation. The next

thing in this stage is to ensure that each party is well understood by a recap of stories told. Usually, there would be conforming and non conforming information; it was at this point that the mediators exhumed the point of convergence and the non-conforming facts that formed the issues for negotiation. Time was given for questions and clarifications to expose the real roots of the conflict and what direction negotiation should follow.

#### **4.4.6 Mediation/Negotiation/Conciliation**

Olagunju referred to this stage as *private sessions* (caucuses) while Albert referred to it as *Joint Problem-Solving*, and Godongs as *generation and evaluation of alternatives*, but according to findings, this is the real stage of mediation. Since the concept of negotiation was not the main focus of the study, the concept was minimally interrogated. Only when it appeared difficult to get the respondent to agree with the plea of the complainant, was that negotiation strategy engaged because mediators have no power to impose decisions. It is important to note that mediation is limited by the fact that nothing can be imposed upon anybody. If a respondent is not satisfied with the outcome of the process, he could choose to withdraw; hence the need to negotiate to avoid a gridlock. This is where the real work is done. The mediator attempts to appeal to the *omoluàbí* instinct of the parties. Observation revealed that this stage of the process was usually guided by the *omoluàbí* (a person of good character) philosophy; described in Albert et al (1995) as a belief among the Yorùbá that every person is an *omoluàbí* by instinct and that in a conflict situation, settlement can be achieved by appealing to the *omoluàbí* of both parties, which is believed to lie in the conscience of everybody. This probably is one of the bases for the choice of mediation mechanisms by the NGOs rather than litigation, even though they themselves are trained litigators. It is the duty of the mediator at this juncture to stimulate parties' minds to bring out healthy options for conflict resolution and to help them decide the best, the most holistic resolution, but one that strengthens the two sides individually and the one that shuts out antagonism in future interactions between the parties, leading to proper settlement.

#### **4.4.7 Settlement/agreement**

In bringing a mediation session to a close, Olagunju stated that the agreement by parties is reduced to writing without a specific mention of who does the writing. There seems to be a contradiction in the views of Albert and Godongs to this; While Albert (2001) claimed that it is the mediator that should put agreements into a formal document; Godongs (2006) said the mediator should not get involved in drafting an agreement for parties. He claimed *it is usually a joint assignment for parties who have been involved in negotiation*. However, from the studied organisations, the researcher did not witness the writing of an agreement at any point, either by mediators or parties but they did recognise the fact of having an agreement on the way forward at the end of session, but, it was not necessarily put into writing, there were verbal agreements.

#### **4.4.8 Monitoring**

In conclusion, a good mediator should set up a follow-up mechanism according to Godongs (2006) indicating the implementation of agreements reached. The two organisations were found to comply with this, because they both have monitoring teams that see to the effectiveness of what was done. This was corroborated by a respondent:

We monitor them for a while by making phone calls to them to know how they fare (sic) and if the report from them is that there's no problem at least we wait for a year or more before we can now say or remove that file from other files and keep it into a separate place as a file we have dealt with (Interview with Clinician, /2017).

The purpose of monitoring is to ensure that what was thought to have been achieved is not reversed. Again, the researcher encountered some of the parties whose cases have been brought to an end, the answers were in favour of the effectiveness of the NGOs, and therefore the mechanisms may be pronounced effective.

#### **4.5 Frequency of success**

The two NGOs make use of mediation for intervention and evidence abounds that by way of mediation (satisfier), NGOs have succeeded to a large extent in intervention in many marital conflicts. This is by way of reducing the negative and destructive capacity of marital conflict as opined by (Best, 2006: 93-115). In some of the cases, respondents did not actually succeed with resolution, but effort was put into the situation for management. It is obvious that respondents would do anything to discourage taking the case to court until their best has failed. According to a respondent on the frequency of success in management and resolution:

Our ideal goal is for people to come together and be living together as man and wife after our intervention but we're not always able to achieve that. At times we just try to manage the situation if a child is involved and put the best interests of the child in place. In which case, there is upkeep for the child or children; we see that as a significant achievement (Interview with Clinician, 2017)

There is always an achievement in mediation from the observed, though not always absolute, it could be given the necessary support for best practices. The opinion of some of the complainants was also sought to broaden the opinion base. A complainant attested to the effectiveness of the visited organisation when asked how her case was handled, she said:

In fact it was handled in a way that showed they have human feelings that even the person that brought the case would have peace of mind and be confident (sic) (Complainant from WLC, 2017)

Majority of the Complainants shared this view point and thus, it can be inferred that where resolution is not achieved, the organisations would still be satisfied with management as in the situation above. This is because the basic target of mediation is either resolution or management; in which case when either is achieved, the mechanism is adjudged to be successful going by the definitions of the concepts hitherto mentioned by extant literature. It was discovered that it is easier to achieve resolution when the conflict is need-based than when it is value-based. As a matter of fact, a respondent was

of the opinion that there is no way you can tell if intervention was successful when conflict is value-based, just as asserted by Best (2006) that '*conflict over values may be non-resolvable and can only best be managed*'. Evidence from the field affirmed this claim when a respondent said:

There are times that the woman will come and say, he's always beating me any slight mistake and we start quarrel and then we ask the man, why are you beating her? I mean if there's no reason or instances for beating her and he says anytime I say *óyá* ((sic) that means sex, she's always denying him of sex so he beats her. So we advised her, he's your husband, ensure that you cooperate, make sure he's happy sexually and all and so she agrees. And then you now call her to see how she's doing, even if she wasn't cooperating she won't tell you so, or she'll wrap it in a way that you won't get a negative response. So we can't always know for sure when we have succeeded (Interview with Clinician 2017)

#### **4.6 Research objective three: compare and contrast the approaches to mechanisms for management and resolution of marital conflict by FIDA and the WLC**

FIDA and WLC are organisations that do not form part of the government and are not conventional for profit businesses. The two organisations are involved in the deployment of mediation to manage and resolve marital conflict. In comparing the two organisations procedurally, there are not too many significant differences while there are similarities in the observed proceedings. Both organisations have a record of high rate of success in the cases handled. Their mediation goes through the processes of *Introduction, Story-telling, Mediation/Negotiation and Settlement/Agreement*, where conflict is resolvable. These stages have been earlier discussed in detail. Therefore, it will not be out of place to conjecture that mediation processes at both FIDA and the WLC are virtually the same. However, some structural similarities and differences were noted.

#### 4.6.1 Similarities

- The two organisations do not form part of the government and are not conventional for profit businesses.
- Both have the main objective of promoting the principles and aims of the United Nations in their legal and social aspects.
- Both organisations provide free legal aid and counseling services to women that have marital issues in Ibadan and its environs.
- Both organisations are made up of professional lawyers who volunteer to be involved in using the mechanism of mediation to manage and resolve marital conflict.
- The two organisations engage in the education of women on their rights through rallies, advocacy campaigns, TV programmes and community outreaches.
- They both provide free access to justice for indigent women.
- They both collaborate with other agencies in the same enterprise; for example, Social Welfare, Police, Juvenile Courts, U.I security outfit, and FIDA.
- They do not encourage divorce but counsel separation when threat to life is involved.
- Both organisations go through the stages of; *Introduction, story-telling, negotiation /mediation, and Settlement/Agreement* where conflict is resolvable.
- Both organisations do not get funding from any external funders and so are not accountable to any bigger bodies that would have expected reports of their activities and probably would have been in a position of influencing their actions. They therefore work independently of external influence.

#### 4.6.2 Differences

- The women's Law Clinic is an organisation that consists of both men and women lawyers, referred to as Clinicians.
- FIDA is a composition of women lawyers with the exception of the office clerk; they are referred to as Volunteers.



- The mediators at WLC are all lecturers in the University of Ibadan, who combine the service with their regular teaching schedule. The lawyers in FIDA have their private practices scattered all over the city of Ibadan and only volunteer their time for the NGO assignment.
- There is usually security personnel during sessions at the WLC, there is no security arrangement in FIDA.
- Counseling sessions hold as required in WLC, sessions hold on Fridays in FIDA except on special request by a respondent that does not reside within Ibadan.

#### **4.7 Research objective four: Enumerated some of the successes and challenges of mechanisms by the two NGOs in the management and resolution of marital conflicts**

The final objective of this study was to highlight some of the successes and challenges of the mechanisms for management and resolution of marital conflict. The purpose of the research was to examine the mechanisms for the management and resolution of marital conflict in Ibadan by NGOs. This objective formed the crux of the research. Therefore, in-depth interviews were conducted on this subject with categories of people that participate in the use of these mechanisms as ‘mediators’ and ‘complainants’. Results received showcased the relevance of the organisations and the people chosen. All sixteen (16) respondents that answered questions on this subject from FIDA and WLC, revealed that the mechanisms of the NGOs were effective as they helped in achieving peace through mediation and counseling of couples who were on the verge of nasty divorces, and ensuring that the interest of the children of the marriage are taken care of as confirmed in summary by the twenty (20) complainants interviewed. The complainants unanimously agreed that the NGOs handled their cases very well as reiterated by one of them when asked the question-how was your case handled? She said:

They did very well, they made me happy. It would be good if this type of thing can be going on in Nigeria, I believe Nigeria will be good and everything will be okay (Interview with Clinician, 2017)

This revelation further underscores the effectiveness of ADR mechanisms. The fact that this process brought two conflicting parties to dialogue and seek a common solution to their problem re-emphasized the need for the method to be used in the management and resolution of marital conflict cases especially in Nigeria. Below are some of the issues handled successfully by FIDA and WLC.

#### **4.7.1 Successful interventions by the International Federation of Women Lawyers**

A sample of ten (10) cases were randomly picked using the simple random method and reviewed to corroborate the effectiveness of the mechanisms in the management and resolution of marital conflict.

- A woman whose husband deserted her with three children was helped and the husband is now fully responsible for the children's upkeep through FIDA's intervention.
- A woman's husband locked up her shop over domestic issues. FIDA intervened and the husband re-opened the shop for her use.
- A woman who was deserted and neglected by her husband was reconciled with the husband through FIDA's intervention.
- A woman was denied access to her children. At FIDA's intervention, she regained access to her children.
- A woman married under the act but her husband divorced her at the customary court. FIDA wrote the customary court and attached a copy of their marriage certificate. The customary court however, proceeded and gave judgement to the husband. FIDA has applied to the High Court 11, for judicial review.
- A woman's husband tried to divorce her through the back door at the customary court. The husband went as far as making her the plaintiff in the customary court when indeed the woman did not institute any divorce. FIDA stepped in and wrote the customary court.
- A full-time house wife complained of neglect by the husband. The husband, according to the wife, has since changed after receiving a letter from FIDA.

- A woman left her polygamous husband and was ostracised by the community because of the husband's insistence that she was an adulterer. The community leaders almost forced her out of the community but for the intervention of FIDA, Oyo. As if the threat was not enough, she was maligned by a Radio presenter on a Yorùbá programme. The presenter wrote a letter of apology, after FIDA's intervention.
- Client A and husband have been legally married since 2011; she discovered in 2014 that he got married in the traditional way to another woman. She asked him and he confirmed it but said that it was not intentional and he apologized. She complained that he had since stopped being financially responsible for the children and the home generally. The husband is an optical doctor and the wife a business woman. FIDA intervened by inviting the man to come and tell his side of the story. The husband did not deny complainant's allegations; he explained that he is financially down presently. He promised to be giving #5000 per month for the upkeep of the home and that he would pay the balance of the month's school fees and the balance of the past term in instalments into the complainant's account. He promised to spend weekends with his family.
- A couple got married in 2000 and has three children. In 2007, the complainant noticed that her husband was dating a lady living on their street, and she confronted the lady. Since then, the respondent's attitude changed in the home, he reduced the feeding allowance and alleged that the wife is dating all her clients. He later confessed to his wife that he was dating the lady and apologized to his wife. The lady had a child that died eventually. Part of the complaint is that the respondent used to beat his wife and refused to pay school fees so that the children missed school for a whole term. He made the wife to take a loan from Lapo Microfinance outfit and refused to pay back.

The respondent admitted beating his wife but explained that it was as a result of frustration from her activities. He explained how he established her in business but that she mismanaged it. The parties visited FIDA and were advised to stop involving the children in their quarrels and to stop exposing them to issues they are not yet matured to handle. They were also advised to treat each other with love. The husband promised to

pay the loan and to pay the children's school fees. The complainant was advised to submit to her husband (FIDA Oyo, Journal, 2014).

#### **4.7.2 Successful interventions by the women's law clinic**

Client H came to the clinic to seek maintenance for herself and the child she was carrying in her womb from the father of the child. Client H has approached Mr P several times but he refused to listen to her. When the clinic intervened and had a round table discussion with Mr P to help him understand the situation of client H, he finally obliged her request and the case was amicably settled between them. Client H was very happy about the resolved issues and would not stop calling the clinic to thank everyone who helped out.

- Client J came to lodge a complaint of abandonment of the children and herself by Mr. O Client J said all efforts to reach Mr. O to take care of her and her children had proved abortive.

The Clinic wrote to Mr. O inviting him to the Clinic for a discussion, to which he obliged. Our client and Mr. O were able to express themselves freely. Mr. O eventually had compassion on them and obliged to our request to cater for his family and not abandon them anymore.

The Clinic agreed on a certain amount that Mr. O would be submitting to the Clinic as monthly contribution for his family and up till date he has been fulfilling his obligation. Client J is really happy about the development.

- Client R came to report Mr. I that he has failed in his duties as a father and husband over her and the children and has moved out to live with another woman.

The Clinic counselled Mr. I and the issue of moving back in with client R has not been fully resolved. However, the issue of monthly maintenance which client R initially came for has been resolved.

We are still hoping that the second leg will be resolved as well.

- The WLC is an organisation that is well needed and appreciated in Ibadan. I have benefited tremendously from the clinic. My husband and I have been in constant battle over the years, without resolving any issue between us. However, with the intervention of the Clinic, the matter is being handled and it is on the way to being resolved amicably. Mrs M.M
- My younger sister who is a lawyer recommended the WLC. I didn't go to a lawyer because I didn't want my family matter to be blown in the open. I was satisfied with the services to a certain extent. I didn't like the fact that my husband was questioned behind me. Locating the Clinic was easy because I work in the University. I know a lot of women suffering emotionally and otherwise out there who do not have access to such facilities as the WLC in the University of Ibadan. There should be more awareness at the University level and at other offices, in order to bring in more people to the Clinic. I would recommend people to the Clinic as it should be the first option to explore before seeking other options like child welfare and the rest of them. Mrs T.A
- I have lived within the campus before and during my stay I got to know about the WLC through a student. I came to the Clinic because I learnt that they settle marital issues peacefully. I came for peaceful settlement not because of financial constraints. They have tried for me but the other party does not seem to cooperate with the Clinic. The matter is still ongoing and I believe it will be settled amicably. E.D.
- A close friend recommended the WLC. I was fully satisfied with the manner the Clinic handled my matter. I will not mind coming for more solutions in case of any future problems. I would recommend the Clinic to anyone. I would have spent a lot of money at a law firm. I really appreciate the efforts of the Clinicians, and no money was collected from me. I was really satisfied with the way I was treated. I pray that God will continue to help you (Women's Law Clinic Publication, 2015, 2-11)

The functionalist theory of Merton (1968) argued against three postulates of the functionalists' analysis. Merton suggested the concept of functional equivalents or functional alternatives in which case; functional prerequisites may be met by a range of alternative institutions. The results of the thirty- six interviews carried out by this study revealed that the activities of the NGOs, fuelled by the ineffectiveness of the courts proved that there is no justification for assuming that institutions such as the courts are indispensable or necessary for the management and resolution of marital conflict. Ordinarily speaking, the above reviewed cases (20) would have been taken to court and would have been protracted if there were no option of the NGOs and mediation. Moreover, the people might have been denied justice due to financial constraint or some other limitations, but because of the 'satisfier' role being played by mediation through the organisations, they were able to get satisfaction. It definitely showed that the mechanisms are effective. Careful selection and application of mediation, negotiation, conciliation as deemed appropriate by the NGOs produces satisfactory outcomes of intervention.

#### **4.8 Challenges of ADR mechanisms**

Adekunle (2015) noted that ADR mechanisms are not without shortcomings. He said 'the proceedings could be abandoned midstream by either of the parties to conflict and make case inconclusive'. Similar situations were experienced by respondents at the two NGOs. When the question on whether as NGOs they have the backing of government to employ force on a recalcitrant spouse; virtually all the respondents agreed that the respondent may choose not to respond to the invitation of the NGOs. As confirmed by a respondent: '... No we cannot force them to show up. In mediation we try to reconcile and if one party is not cooperating, there's nothing you can do.' However when the situation involves abduction or violence, the police can be called upon. Usually this kind of attitude would show up only when the respondent is literate and knows that the organisations have no power of enforcement. It hinders the progress and is indeed frustrating. Sometimes complainant fatigue sets in and the process is aborted. Sometimes due to intervention of families or pastors, parties do not follow the process

through. Another challenge stated by one of the respondents is that the women do not know their rights most of the time. According to her:

One major challenge we have faced (sic) is that the women are not knowledgeable about their rights. Part of what I mean by not knowing their rights is the fact that a lot of times, until they get here, the women do not understand what kind of marriage they are in and what rights, duties and liabilities accrue to them in that marriage. Most of them think that a church wedding/going for church blessings equals a white wedding (which is statutory), until we explain it to them, and their legal position are explained to them. What happens most of the time especially in cases of desertion that we have handled is that a man takes one wife under customary law, and takes another under statutory law, and that kind of edges out the customary law wife (Interview with FIDA, 2017).

Also part of the challenges is that ADR could, in some spectacular cases, produce positive results; it could also crash under some other situations, it all depends on the competence of the practitioner as well as the readiness of the parties to allow their problems to be constructively dealt with.

The organisations lack funds to be more effective. For example, they need money for visitation to couples in order to follow up on their situation after settlement. They need the support of government because the meagre contribution that comes from members alone is not enough to carry out programmes on awareness and to do other things. Therefore, based on the foregoing, it is suggested that NGOs be empowered by legislation with the power of enforcement, be given some financial support to encourage more of such effort and lastly, organise capacity building programmes for better performances.

## CHAPTER FIVE

### 5.0 Reviewed Complainant’s case notes

In the fourth objective, there were highlighted cases of the successes and challenges of the mechanisms of ADR. Based on information from the pilot study, the organisations attend to about one hundred cases per annum. The research therefore proposed to review 10% of the annual number of cases that have been closed by the two organisations. Therefore this chapter is a compilation of closed cases between year 2007 and 2017 at the two organisations.

### 5.1 Tables of Summary of Events at the Non –Governmental Organisations.

#### 2007 – 2017 CASES AT THE NON-GOVERNMENTAL ORGANISATIONS REVIEWED

S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher’s Review
1.	CAS/005	24-09-2007	The client wanted full access to her five children and full custody of the last two who are four and five years. The husband denied her access because she was having psychological trauma and they thought she is incapable of handling.	The Organisation wrote to all parties concerned, setting the tone for mediation. The husband promised to give her access but not custody of the children. Eventually, she was at peace when her husband took all the children to the United Kingdom (UK) and she speaks to them frequently.	13-02-2013	mediation	As found out by the research, NGOs attended to basic human welfare, the Complainant found the organisation a convenient place to take her case to for justice. We discovered a peaceful resolution which is what the organisation was set up for and the satisfaction of the Complainant. ADR is effective even with the use of mediation mechanism alone



S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher's Review
2.	CAS/017	17-01-2008	Complainant came to The organisation because her husband instituted dissolution of their statutory marriage in a customary court to which she did not want to happen.	In the first instance, a letter was written to the Customary Court asking them to decline jurisdiction as it was not in the right Court of Law. Second, an invitation letter was sent to the complainant's husband for amicable settlement at the Law Clinic. After several meetings with both parties, the husband withdrew the case at the Customary Court and decided to opt for amicable settlement.	20-02-2013.	Mediation, Negotiation and Conciliation.	It is general knowledge that marriage cannot be dissolved by one party alone. This complainant's husband instituted dissolution of their statutory marriage in a customary court of which the customary court does not have the jurisdiction to do. By the time the intervention of ADR mechanism was secured and several meetings held in the form of mediation, negotiation and conciliation, the husband withdrew the case from the customary court and decided to opt for amicable settlement. Success on the path of ADR.

S/N	File No.	Date Opened	Complainant	Action of the organization	Date Closed	Mechanism	Researcher's Review
3.	CAS/037	25-02-2008	Complainant wanted the father of her child to be responsible for the maintenance of his child.	A meeting was held for both parties, the respondent claimed that he was not the father of the child. He also alleged that the complainant had been threatening him with military men and the likes. The organisation advised both parties to carry out a paternity test on the child to which they agreed to do. Case closed afterwards and parties settle amicably.	23-04-2008	Mediation and conciliation	This is a case of welfare that cannot be compromised. Respondent denied the paternity of child probably due to his financial incapability. Since education is one of the principles of mediation, an ADR mechanism, both parties were educated on the need for a paternity test to which they agreed. Result led to an amicable settlement of the case.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organisation</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
4.	CAS/081	30-03-2009	The client wanted her husband to take care of their only child and stop beating her.	Both parties came to the NGO to tell us that the family had intervened in their matter. Follow-up was made by the organisation to know if it is true but the complainant was not reachable.	19-12-2014	Mediation	Wife battery is now an offence according to Violence Prohibition Act, 2015 (Federal Act) in Oyo State. The woman asked for child welfare and stoppage of her abuse. As noted by Adekunle (2015) that family intrusion sometimes could bring intervention to inconclusiveness, both went to tell organisation that family had intervened in the matter. Subsequent effort by organisation to reach them for follow up was fruitless.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organization</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
5.	CAS/106	22-02-2010	The complainant came to the organisation for the maintenance of her children from their father.	The organisation sent a letter of invitation to the children's father. A meeting was held with both parties and an agreement was reached. The meeting yielded positive result as their father took up his responsibility over the children after negotiation	23-08-2016.	Mediation and negotiation	The request here is human basic need for the children as usual. Organisation sent a letter of invitation as the first stage of mediation mechanism to the children's father to which he responded. A meeting was held with both parties and an agreement was reached. The meeting yielded positive result as their father took up his responsibility over the children. Mediation and negotiation were engaged in this case.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organization</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
6.	CAS/139	07-01-2011	The complainant came to the organisation for help concerning the threat to her life from her in-laws who want to deprive her children and herself from inheriting her late husband's property.	The organisation invited all concerned parties for a meeting. Some attended while others could not. The matter was later concluded at the family level,sothe complainant asked the organisation to help draft a settlement letter as requested by the in-laws which we did.	02-11-2015	Mediation and negotiation	This is a situation that still fell under marital conflict because it emanated from marriage. A case of thereat to life by in-laws. Children were deprived of their inheritance from her late husband's property by her in-laws. The good thing about both NGOs is that their jurisdiction covered this type of situation. The organisation invited all concerned parties to the WLC for a meeting. Some attended while others could not. The matter was handled with a lot of negotiation and concluded at the family level. The complainant requested the organisation to help draft a settlement letter since any document that emerges from the organisation would be honored. This service the organisation rendered without any stress since their jurisdiction covers it.

S/N	File No.	Date Opened	Complainant	Action of the organization	Date Closed	Mechanism	Researcher's Review
7.	CAS/141	18-01-2011	The complainant needs the intervention of the organisation to stop the father of her children from taking the children away from her custody.	The father of the children was invited for a meeting at the organisation but failed to show up. Rather, he instituted dissolution of marriage at the Customary Court. The organisation sent a Post-graduate student to represent the complainant at the Court and the matter ended in her favour.	20-05-2015.	Mediation	One of the outcomes of marital conflicts is controversy in who takes the custody of children. This complainant wanted the organisation to stop the father of her children from taking the children away from her custody. In this situation, the husband (respondent) talked to respond to the invitation and instituted dissolution of marriage at the customary court. The organisation sent a post graduate student to represent the complainant at the court and the matter ended in favour of the complainant. This is a typical play out of the benefits of being able to use student clinicians, the intervention at that court level did not cost the woman money due to the pro bono service that the organization renders

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action the organisation</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
8.	CAS/142	01-02-2011	Complainant called for the intervention of the organisation to help her with maintenance and welfare for her only child from his father.	A meeting was held between the complainant and her husband where resolutions were reached as to how much he would be paying monthly on the son. He agreed and started paying in the money to the office which was in turn given to the complainant.	18-08-2014.	Mediation and negotiation.	Welfare has always been the reason for visitation to the organisations. Complainant called for the intervention of the organisation to help her get maintenance and welfare for the only child from his father. A meeting was held between the complainant and her husband through the mechanisms of mediation and negotiation. Resolution was reached on how much he would be willing to pay monthly on the son. He agreed and started paying into the office for onward transmission to the complainant. This situation confirmed the effectiveness of ADR mechanisms of mediation and negotiation compared to the rigidity of litigation that yields minimal result on cases that could have been resolved amicably without the adverse result of divorce.

S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher's Review
9.	CAS/143	01-02-2011	Complainant wanted the respondent to stop harassing her and be paying up his children's school fees and feeding allowance.	The parties were invited to the organisation for a discussion of issues on ground. Both parties aired their grievances and a decision was reached on the feeding allowance for the children. The entire family was counseled to live in peace and harmony with each other.	13-07-2015.	Mediation, negotiation and Conciliation	The organisations frown at threat to life and so would swing into action at any such complain. The complainant wanted the respondent (husband) to stop harassing her and be responsible for his children's school fees and feeding allowance. The parties were invited to the organisation for a discussion on issues on ground. Both parties aired their grievances and a decision was reached on the feeding allowance via negotiation for the children. Conciliation was engaged and the entire family continued to live in peace and harmony with each other.



S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher's Review
10.	CAS/184	25-01-2012	The complainant wanted the organization to intervene on getting maintenance from the father of her son. Also, the marriage went awry and she moved out of the matrimonial home. She wanted access to her belongings.	There was an invitation sent out to the complainant's husband for a meeting at the organization but he did not attend it. She instituted divorce proceedings in a Court of Law. The organisation still did a follow-up on the matter and she affirmed that, even though the matter is still in Court, her husband had started showing concern for their son and has started some responsibilities over him.	15-06-2015.	Mediation	Woman wanted the organization to intervene in the area of maintenance for her son. The marriage went awry and she moved out of the matrimonial home. She also wanted access to her belongings. As usual, the organization sent an invitation to the respondent complainant's husband) for a meeting, he turned it down. She now instituted divorce proceedings in a law court. There was a follow-up by the NGO where she confirmed that although the matter is still in the court but that his husband's attitude has changed towards their son and has started taken up responsibilities in the house. Mediation was enough for this particular man probably because he is still in love with his wife and only needed an external influence in his marriage.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organisation</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
11.	CAS/185	01-02-2012	The client wanted her husband to be fully responsible for the upkeep of their son. She has been the only one catering for him.	A meeting was called between both parties to which they both honoured. They agreed to be paying for the school fees and feeding allowance of the child. The father will pay fully for the child's school fees. Follow-up was done on the matter a few months later to ascertain the state of affairs.	24-06-2014.	Mediation	The woman here wanted her husband to take full responsibility of their son because hitherto, she has been doing it alone. Both parties were invited to mediation meeting. Both attended the meeting where they agreed to be paying for the school fees and feeding allowance of the child. The father will pay fully for the child's school fees. Follow-up was done a few months later and we were not given a negative report. The intervention of the NGO obviously contributed positively thus far and could be adjudged effective.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organization</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
12.	CAS/191	30-03-2012	The client wanted the Clinic to educate her Husband on the implication of wife battery as he beats her a lot.	The parties were invited to the organisation for counselling. Each party told his own side of the story. They were advised to learn how to tolerate and accommodate each other. They resolved between themselves to allow peace to reign in their home henceforth. Follow-up calls later showed that peace had been restored in the family.	13-02-2013	Mediation and conciliation	Incidentally part of the features of the principles of mediation, an ADR mechanism is education of parties. This complainant wanted the organization to educate her husband on the implication of wife battery as he beats her a lot. The parties were invited for counseling (conciliation). Each party told his side of the story, they were advised on how to tolerate and accommodate each other. They resolved between themselves to allow peace to reign in their home henceforth. Follow-up calls showed that ADR is working because peace had been restored in the family.

S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher's Review
13.	CAS/195	14-06-2012	The complainant wanted her husband to be fully responsible for the welfare of herself and her only child.	A letter was written inviting the husband for amicable settlement but he chose to ignore the invitation and instituted dissolution of marriage instead in a Court of Law. Since, ADR no longer have prevalence in this matter; let the Courts resolve the matter. On this note, The organisation closed the case.	23-07-2012	Mediation	The same welfare need came up here. Complainant wanted husband to be responsible for welfare. Procedure for the initiation of mediation was started, by writing a letter to him after the introduction of case by the complainant. Husband chose to ignore the letter and went for dissolution in a Court of law. This is one of those rare cases that ADR cases without a reasonable conclusion.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organisation</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
14.	CAS/206	19-10-2012	The complainant wanted her husband to be counseled on how to manage their home and to stop beating her.	The organisation called both parties for a meeting where they were duly counselled about how to tolerate each other. Follow-up counselling sessions were held until it was established that peace had been restored in their home.	26-07-2016	Mediation	Another incident of wife battery. The woman needed someone to educate her husband on wife beating because the husband beats her a lot. The organization called for a mediation meeting both responded. They were duly counseled about how to tolerate each other. Subsequent follow-up counseling sessions were held and it was established that peace had been restored in their home. ADR is considered effective.

S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher's Review
15.	CAS/228	21-03-2013	The complainant requested for the help of the organisation in the dissolution of her marriage - due to situation of things that are unfavourable to her.	The organisation invited the respondent for a meeting which he honoured. After several scheduled meetings with the parties, the complainant insisted on dissolution of the marriage. The organisation referred the parties to Court for divorce proceedings based on the decision of the complainant to end the marriage as the organisation does not encourage divorce.	05-07-2013.		One of the things the NGOs do not encourage is divorce. The complainant in this situation wanted the organisation to help with the dissolution of her marriage due to unfavorable situation of things. Mediation tone was set and he honored the invitation. After several scheduled meetings with the parties, the complainant insisted on dissolution of the marriage. Unfortunately, the Ngo referred the parties to the Court for divorce proceedings based on the decision of the complainant to end the marriage. Since the 'satisfier' she wanted is not within the jurisdiction of the organisations, she could not be helped.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organisation</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
16.	CAS/238	29-04-2013	The complainant reported to the organisation that she should be delivered from the hand of her husband who beat her anywhere and every time.	The complainant's husband was invited to the organisation following the report of the complainant. The respondent did not honour the invitation. Several calls were made to the complainant on the state of affairs between herself and her husband. She then stated that their church had intervened and the issue had been resolved and therefore the family was in a good state.	19-04-2017	Mediation	It was a cry for deliverance from the husband who beats her anyhow and every time. The respondent did not honour the invitation. Several calls were made to the complainant on the state of affairs between herself and her husband. It was then that the organisation realised that her church had intervened and the issue had been resolved and family was in good state. This is in line with Adekunle (2015)'s observation when he said parties sometimes truncate the process/. Mechanism should be given the authority to ensure compliance to process through to the end.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organization</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researcher's Review</b>
17.	CAS/275	17-07-2014	The client wanted the father of her baby to stop from inflicting grievous bodily harm on her.	A letter of invitation was written to the man and he signed an undertaking, never to beat, threaten or harass her again.	03-12-2014.	Mediation	The Complainant wanted the father of her baby to stop inflicting her with bodily harm. Mere mediation meeting letter was written to the man. He signed an undertaken upon a warning letter, never to beat, threaten or harass her again. Peace reigned ever since.



<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Review</b>
18.	CAS/29.1	15-09-2014	The client wanted access to her children.	Letter of invitation was issued to the father of the children. We counseled both parties and an agreement was reached where the client was allowed to see her children on weekends. The case was solved.	09-09-2015.	Mediation	The Complainant wanted access to her children. Letter of invitation was issued to the father of the children. The Clinic counseled both parties and agreement was reached where the complainant was allowed to see her children on weekends. The case was solved. People would not tend to conflict once their satisfiers are met.

S/N	File No.	Date Opened	Complainant	Action of the organisation	Date Closed	Mechanism	Researcher's Review
19.	CAS/293	03-10-2014	The client wanted protection from her deceased husband's family and friends, who are threatening to take custody of her children.	In collaboration with Welfare Officer, letters written to the late husband's bosses to inform them about the actions of the deceased's friends and family, as well as to the proprietor of the children's school, to ensure security for the children. Phone calls were later made to the client to enquire about the state of things she said there has been no further threat and everything is fine.	24-03-2016.	Mediation and negotiation	The Complainant wanted protection from her deceased husband's family and friends, who were threatening to take custody of her children. This is a situation where the collaborative effort of the organisations became manifest. At this juncture in collaboration with the Welfare Officer, letters were written to the late husband's bosses, to inform them about the actions of the deceased' friends and family, as well as to the proprietor of the children's school, to ensure the security of the children. Follow-up phone calls were later made to the complainant to enquire about the state of things, she said there has been no further threat and everything was fine. Mediation and negotiation mechanisms were engaged here.

<b>S/N</b>	<b>File No.</b>	<b>Date Opened</b>	<b>Complainant</b>	<b>Action of the organisation</b>	<b>Date Closed</b>	<b>Mechanism</b>	<b>Researchers's Review</b>
20.	CAS/299	04-11-2014	The client wanted her husband to stop assaulting and embarrassing her in public. She also wanted maintenance for herself and her child.	A letter of invitation was written to the husband which he honoured. Both parties were counselled by the Clinic and they agreed to give peace a chance in their marriage.	27-07-2015.	Mediation	The Complainant wanted her husband to stop assaulting and embarrassing her in the public together with maintenance for herself and child. As usual, the mediation meeting letter was sent to the man which he honored. They were both counseled by the organisation and they agreed to give peace a chance in their marriage. ADR worked for their situation.

**5.2 Tables of Summary of Observed cases at the two NGOs**

S/N	Date observed	Complain	Action of the organisation
1	20-11-16	A woman kept getting physically abused by her husband and even after moving out of his house she still got threatened by him. The woman wanted her child to be fully in her custody.	The organisation made necessary contacts with the husband through written invitation letters, also through phone calls. The couple finally came to the organisation and had a session with the paractitioners. After the meeting and deliberations, the couple stated that they would reconcile. A meeting was however supposed to hold in order to settle the differences between the man's father and the woman's mother. After, so much calls, they did not show up for subsequent meetings, eventually after being able to reach the wife, it could be seen that according to her everything had been settled and she deemed it unnecessary to continue with the matter.

S/N	Date observed	Complain	Action of the organisation
2.	29-08-2016	The complainant wanted the organisation to assist in counselling her husband to stop beating her. She equally wanted him to take care of their children and assist financially.	The Organisation wrote letters to the husband reminding him of his agreement to shoulder some responsibility or strict actions would be taken against him. He did not honour any of the letters. The complainant subsequently pleaded that the case be closed as she would continue to shoulder the responsibility. The organisation wrote a letter inviting the concerned parties to a meeting. The respondent sent a reply to the letter stating that the complainant had not explored the condition precedent which was to talk to an elder before seeking any form of legal action. After, a proper follow up, the complainant called The organisation that she was no longer interested in the case.

S/N	Date observed	Complain	Action
3	20-09-2017	The client came mainly for the upkeep of her child by her husband.	There was an invitation sent to the husband for a meeting. After, hearing both sides, an agreement was reached that a monthly sum will be paid to the organisation on behalf of the child. Subsequently follow-up through calls were made to ensure compliance.

S/N	Date observed	Complain	Action
4.	06-09-2017	The client wanted the organisation to intercede in her marriage.	The parties were invited to the organisation. Maintenance issue which was raised was addressed. Also, reconciliation was discussed and both parties stated what they wanted. There was an arrangement on visitation due to the fact that the woman wasn't convinced on reconciliation. At the last time of follow-up, the woman agreed to things going well as regards the agreement for visitation.

S/N	Date observed	Complain	Action
5.	01-08-2017	The client wanted her husband to take full responsibility of the children.	The parties were invited to the organisation to resolve the issue. Another invitation letter was sent to the husband. After, hearing both sides, the elder brother to the man insisted that he will make sure the matter is resolved. Also, the organisation advised our client to be patient. The interim conclusion was that both families of the wife and husband would converge at the organisation for further settlement.



S/N	Date observed	Complain	Action of the organisation
6.	09-08-2017	The client wants the father of her children to be responsible for their up keep.	The husband was invited to the WLC. They both started their cases and a decision was made. It was taken that the husband will meet the wife and also in the presence of the school principal to discuss the school fees, It was also agreed at The Organisation that the man will be solely responsible for the school fees. While their -mother will cater for their feeding.

S/N	Date observed	Complain	Action
7.	22-10-2017	The complainant told the organisation that she and her ex-husband had a divorce in 2010 and since then he has abandoned the entire responsibility of the children's welfare on the complainant. She came to the organisation, asking The organisation to get her ex-husband to start caring for his children. She however, also wanted to have an evidence of divorce, so she can be free to contract another marriage without any future problem.	The organisation sent a letter to the complainant's ex-husband. Which he ignored, another was sent, which also was ignored. The organisation however, sent a letter to his boss as well as his sister to make an appearance, which he eventually complied with. After much deliberation, The organisation was able to get an evidence of divorce for the complainant as well as an agreement from her ex-husband that he was going to start paying his children school fees as from third term, but only half of the fees and he would also give his children welfare personally by himself.

## CHAPTER SIX

### SUMMARY, CONCLUSION AND RECOMMENDATION

#### 6.1 Summary

This study was designed to fill an apparent void in the mechanisms for the management and resolution of marital conflict by NGOs. NGOs have been involved in the management and resolution of marital conflict using the tool of ADR for some time, but no known study has been done to examine the processes and theoretical stance. Therefore, the study carefully selected two NGOs, and compared and contrasted their activities in order to examine the processes of ADR as mechanisms for the management and resolution of marital conflict. The study discovered that Non-Governmental Organisations are strongly committed to the reduction of marital conflict through their intervention (ADR) mechanisms in the management and resolution of marital conflict. Their jurisdiction is not limited to only celebrated marriages but extended to even cases of *co-habitation which is referred to as no marriage*. In Nigeria, the general law does not recognise nor confer rights or obligations on cohabiting couples. The strong opposition of religious groups to this practice is regarded as encouraging promiscuity. But because it is a trend accepted by the younger generation, the NGOs chose to handle it as they would handle celebrated marriages. The suggestion is that rather than wish away its existence, society should be guided by its reality. The study discovered a strong commitment by NGOs to marital issues affecting indigent women who could not afford justice in seeking redress, through their pro bono operations.

Some causes of marital conflict were discussed from the perspective of Human Needs theory and it was found that when there is deprivation at any level of the hierarchy of human needs, people are forced to react against whatever factors, groups or institutions are responsible for the deprivation; consequently, there will be conflict. Some of the discovered causes are basic financial needs for the welfare of children. They are needs that would not be compromised and at the same time, going to court is not really desirable. That is why the option of ADR, offered by the studied organisations, was preferred.

Obviously from the evidence of findings, parties in marital conflict are well disposed to the system of the two studied organisations, because they were viewed as ‘functional alternative’, hence they keep getting referrals from previously *satisfied* complainants. The trajectory of ADR as mechanisms of adoption by the NGOs showed that ADR has always been a system practiced in all cultures of the world even though it may not have been formal then. Concepts in ADR were noted and stages itemised as: reporting, introduction, story-telling, negotiation, mediation, conciliation, settlement and monitoring. There were not many differences in the way mechanisms were deployed. Some highlights of successes and challenges were itemised.

## **6.2 Conclusion**

The effort to examine the ADR mechanisms for the management and resolution of marital conflict by NGOs resulted in the following deductions:

The study was able to establish that not all parts of the society work for the maintenance and integration of society as a whole. For instance, in line with the stand of Merton (1945) against the functionalists’ postulations, the revelation of cohabitation as the norm in place of celebrated marriage among the younger generation today is a confirmation that investigation is a needful instrument before any assumption should be made on the existence of functionality in any part of the system. It was found out that marriage does not necessarily hold society together as debunked by the manifest of marital conflict. Cohabitation has not disintegrated the society either.

The study also, in support of Merton (1945), established that not all standardised social or cultural forms have positive function as postulated by the functionalists. The courts for example are supposed to be government institutions for the management of conflicts such as marital conflict; what they do is divorce through litigation, society frowns at this, whereas NGOs do reconciliation through mediation, it is well accepted. Due to this rigidity of the courts, the NGOs emerged and have since been up to the task of marital conflict management positively, as found out by the study. Therefore, in agreement with Merton, it might be incorrect to assume that the courts perform positive function all of the time in the context of marital conflict management and resolution.

Finally, the postulate of indispensability stated that certain institutions or social arrangements are indispensable to society. Merton disagreed with this assumption. He suggested the idea of functional equivalents or functional alternatives. The study in agreement with Merton (1968) discovered that the prerequisites of both institutions of marriage and the courts can actually be met by a range of alternatives of cohabitation and the existence of the NGOs. Therefore there is no justification for assuming that institutions such as marriage and the courts are indispensable parts of the society.

### **6.3 Recommendation**

Based on the conclusions, the study recommends that the following measures, if adopted, would further help improve the effectiveness of ADR in the management and resolution of marital conflict.

There should be more vigorous education on ADR mechanisms for the management and resolution of marital conflict; the relevance of ADR in marital conflict can be spread through religious bodies and NGOs.

Government should encourage the activities of the NGOs by supporting them financially. There is Oyo State Mediation Centre Law of 2004. Section 14 of the law makes the terms of memorandum of understanding reached during the ADR proceedings enforceable in court. Effort should be geared towards achieving such law by NGOs as this would help secure agreements reached at settlement, because most of the time, agreements were not put in writing for further action at the observed sessions throughout the period of study. Human beings, (even from some of the findings of study) could be so unpredictable that when agreements are not backed up by any form of law, they can easily vacillate.

Also, to an extent, practitioners of ADR should be empowered to be able to prevent parties from truncating the process, thereby rendering mechanisms ineffective. Practitioners should be empowered to be able to enforce appearance by recalcitrant respondents, because when such fail to appear, there is a stalemate in intervention.

ADR mechanisms have helped to rescue a number of marriages from adversarial end product like divorce; every effort to expand its adoption should be encouraged.

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## **APPENDIX I**



**Mediation session at the Women's Law Clinic, 2017**



**Interview with one of the Clinicians, 2017**



**Interview with one of the Clinicians, 2017**



**Fig. 1: Interview with a Volunteer (respondent) with FIDA, 2017**



**Interview with the Director of Women's Law Clinic, University of Ibadan (Researcher and Professor Bamgbose, 2017)**

**APPENDIX II**  
**Tables of interviewees**

<b>S/N</b>	<b>Name of informant</b>	<b>Designation of informant</b>	<b>Place of interview</b>	<b>Date of interview</b>
1.	Anonymous	Director Women's Law Clinic.	Women's Law Clinic University of Ibadan	25/04/2017
2.	Anonymous	Chairperson International Federation of Women's Lawyers, Oyo.	NBA-Building, FIDA Office, Ibadan.	14/9/2017
3.	Anonymous	Clinician	WLC	25/11/2017
4.	Anonymous	Clinician	WLC	21/12/2017
5.	Anonymous	Clinician	WLC	20/12/2017
6.	Anonymous	Clinician	WLC	20/12/2017
7.	Anonymous	Clinician	WLC	28/12/2017
8.	Anonymous	Clinician	WLC	19/12/2017
9.	Anonymous	Administrative Staff	WLC	15/05/2017
10.	Anonymous	Volunteer	FIDA	29/11/2017
11.	Anonymous	Volunteer	FIDA	19/05/2015
12.	Anonymous	Volunteer	FIDA	19/05/2015
13.	Anonymous	Volunteer	FIDA	23/07/2017
14.	Anonymous	Volunteer	FIDA	23/07/2017
15.	Anonymous	Volunteer	FIDA	12/05/2017
16.	Anonymous	Administrative Staff	FIDA	29/11/2017
17.	Anonymous	Complainant	WLC	17/05/2017
18.	Anonymous	Complainant	WLC	13/06/2017
19.	Anonymous	Complainant	WLC	04/08/2017
20.	Anonymous	Complainant	WLC	22/08/2017
21.	Anonymous	Complainant	WLC	29/08/2017
22.	Anonymous	Complainant	WLC	29/08/2017
23.	Anonymous	Complainant	WLC	29/08/2017
24.	Anonymous	Complainant	WLC	29/08/2017
25.	Anonymous	Complainant	WLC	29/08/2017
26.	Anonymous	Complainant	WLC	29/08/2017
27.	Anonymous	Complainant	FIDA	22/05/17

28.	Anonymous	Complainant	FIDA	12/05/2017
29.	Anonymous	Complainant	FIDA	15/05/2017
30.	Anonymous	Complainant	FIDA	16/09/2016
31.	Anonymous	Complainant	FIDA	24/03/2017
32.	Anonymous	Complainant	FIDA	13/05/2016
33.	Anonymous	Complainant	FIDA	29/08/2017
34.	Anonymous	Complainant	FIDA	12/05/2017
35.	Anonymous	Complainant	FIDA	22/05/2017
36.	Anonymous	Complainant	FIDA	24/09/2017

**APPENDIX III**  
**INSTITUTE OF AFRICAN STUDIES (GENDER STUDIES)**  
**UNIVERSITY OF IBADAN, NIGERIA**  
**INTERVIEW GUIDE**  
**INTERVIEW GUIDE QUESTIONS FOR VOLUNTEERS/CLINICIANS**

**Interviewer**.....

**Date**.....

**Name of Interviewee**.....

**Designation of Interviewee**.....

My name is Ala, Modupe, Oziofu. I am a student of the University of Ibadan, conducting a research titled “The effectiveness of mechanisms for management and resolution of marital conflict by selected NGOs in Ibadan. I am interested in your opinion on this subject matter. Notes and recordings of the session will be taken, but I will like to assure you that the interview is strictly confidential and for academic purpose only. Thank you for giving me your time because I realize you may have a busy schedule.

**Objective 1: Identify the trends in marital conflicts that the two selected NGOs handle**

1. What are the forms of marriage usually involved in the conflicts that your NGO handles?
2. What are the common causes of marital conflicts being handled by your organisation?
3. What is the usual disposition of the complainants towards your intervention? Do they have sufficient confidence in your activities/intervention?

**Objective 2: Examine the way ADR mechanisms are deployed for in marital conflicts by FIDA/WLC.**

4. What ADR mechanisms of intervention does your organization normally employ for management or resolution of marital conflicts?
5. As an NGO, do you have the backing of government to employ force if there is no cooperation from a recalcitrant spouse in resolving conflicts? Which enforcement procedures do you employ in the use of ADR mechanisms/strategies?
6. Which is the more achieved intervention by your mechanisms of, management or resolution?
7. What is the frequency of success recorded in the management/resolution of marital conflicts by your organisation?

**Objective 4: Highlight the challenges and successes of mechanisms recorded by the two NGOs in management and resolution of marital conflicts.**

8. What are the challenges encountered in the course of intervention in marital conflicts?



## **APPENDIX IV**

### **INTERVIEW GUIDE QUESTIONS FOR COMPLAINANTS**

1. What do you know about the organization?
2. How did you know about the organization?
3. Why did you choose to bring your complaint to the organization?
4. How was your case handled?
5. What was the outcome of your complains

## APPENDIX V

### INTERVIEW GUIDE QUESTIONS FOR DIRECTOR/PRESIDENT

**Name of Interviewer**.....

**Date**.....

**Name of Interviewee**.....

**Designation of Interviewee**.....

My name is Ala, Modupe, Oziofu. I am a student of the University of Ibadan, conducting a research titled “The effectiveness of mechanisms for management and resolution of marital conflict by selected NGOs in Ibadan. I am interested in your opinion on this subject matter. Notes and recordings of the session will be taken, but I will like to assure you that the interview is strictly confidential and for academic purpose only. Thank you for giving me your time because I realize you may have a busy schedule.

#### **Objective 1: Identify the trends in marital conflicts that the two selected NGOs handle**

What are the forms of marriage usually involved in the conflicts that your NGO handle?

#### **Objective 2: Examine the way ADR mechanisms are deployed for management and resolution of marital conflicts by FIDA/WLC.**

1. What ADR mechanisms or strategies does your organization normally employ for management and resolution of marital conflicts?
2. Why did your organisation choose these ADR mechanisms/strategies as method of intervention? Do you engage more than one mechanism/strategy at every session? If you do, please explain why
3. How do you go about your intervention? What is your procedure for intervention in the management/resolution of marital conflict?
4. What in your opinion is the difference between marital conflict management and marital conflict resolution?
5. What is the frequency of success recorded in the management/resolution of marital conflicts by your organisation?

6. How do you bring about a final settlement on cases of marital conflict brought to your organization?

**Objective 4: Highlight the challenges and successes of mechanisms recorded by the two NGOs in management and resolution of marital conflicts.**

7. What is the level of prospects of success in the use of ADR mechanisms in marital conflict?