



EDITED BY:

JOAN UGO MBAGWU

ADEWALE A. OLUTOLA

RUTH OORE - OFE OGUNNOWO

DORCAS TATENDA CHITIYO

AMAABI NELSON OSUALA

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I. Mbagwu, Joan Ugo
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IV. Chitiyo, Dorcas Tatenda
V. Amaobi Nelson Osuala

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Foreword

Africa's soul is storied, its wisdom etched not only in ancient manuscripts or modern research but also in lived experience, oral traditions, rituals, rhythms, and relationships. In a world captivated by the rapid churn of globalization and digital revolution, the silent wisdom of indigenous knowledge too often goes unheard, yet it is precisely this wisdom that holds the keys to restoring balance, justice, health, and harmony in our societies. *African Indigenous Knowledge Systems* is more than a book; it is a bridge between the wisdom of the ancestors and the aspirations of the future. This book is a bold, necessary step toward amplifying those ancient voices, reclaiming cultural dignity and exploring the intellectual wealth embedded in Africa's diverse traditions.

For centuries, African indigenous knowledge was dismissed as inferior, informal, or irrelevant by dominant global narratives. Yet, these systems rooted in community, spirituality, ecology, ethics, and innovation have sustained civilizations, resolved conflicts, cured diseases, governed societies, and cultivated creativity long before the advent of Western paradigms. With scholarly precision and deep cultural insight, the contributors weave a powerful narrative that transcends disciplinary boundaries from the talking drum to the courtroom, from village dispute settlements to restorative justice, from herbal medicine to sports diplomacy. Each chapter illuminates the ways in which indigenous systems are not relics of a forgotten past, but living, breathing frameworks of knowledge capable of addressing today's most pressing challenges. This book boldly reclaims that legacy. In doing so, it not only affirms the legitimacy of African ways of knowing but also demonstrates their vital relevance in addressing contemporary global challenges.

The stage was set with a compelling introduction on the urgency of indigenous knowledge awareness. From there, the journey unfolds in six parts: the expressive depth of African arts and logic, the evolving terrain of criminology, restorative and criminal justice rooted in fairness and Ubuntu, traditional approaches to health, culturally embedded conflict management systems, and the overlooked arena of sports and diplomacy. Through this literary work, we are reminded that indigenous knowledge is not static; it evolves, adapts, and speaks anew to each generation. It does not belong to the past, it belongs to all time.

This collection invites readers to rethink the paradigms of knowledge, to question whose voices have long been excluded, and to consider how the wisdom of the ancestors might inform a more just and humane future. It is a tribute to resilience, creativity, and the enduring relevance of African thought. As we grapple with the fractures of the modern world, this book invites us to reimagine education, policy, and research through a lens that honours the sacred, the communal, the intuitive, and the wise. It calls us to listen more closely to the land, to our elders, and to the untold stories that pulse through our histories.

Let this book be a spark to ignite curiosity, provoke dialogue, to restore dignity, to guide us toward a future built not on erasure, but on inclusion and respect. and above all, renew our collective commitment to preserving and promoting indigenous knowledge not as nostalgia, but as necessity.

Professor Oyedunni Arulogun
Vice Chancellor
Chrisland University, Abeokuta, June 10, 2025

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INTRODUCTION:

Why is Indigenous Knowledge Awareness Important?

Why is Indigenous Knowledge Awareness Important?

Professor Joan Ugo Mbagwu

Department of Criminology and Security Studies
Chrisland University, Abeokuta, Ogun State, Nigeria
jmbagwu@chrislanduniversity.edu.ng, joanmbagwu@yahoo.com
Phone/WhatsApp: +2348085265322

Introduction

Learning is coming a full circle with academia going back to Indigenous Knowledge (IK). There is an increase in understanding how people lived in traditional non-western communities, but more importantly is the awareness created by the COVID-19 pandemic in that indigenous medicine came to the rescue of the Africans as the western nations have predicted a bleak outcome for the continent because there are no advance medical services. However, how wrong they were as we looked inward and the story was different. The need to explore IK in today's learning can never be overemphasized as people need to celebrate their histories for two important reasons: - to stop the loss and to grow their cultures. Celebrating their history invigorates pride in being indigenous in their existence. IK helps in the preservation of cultures, protocols, spirituality, traditions, and languages. However, most importantly, human beings gather knowledge basically for survival and development, and this is why IK is important as it will aid survival and development of the African continent.

What is Indigenous Knowledge?

The term "Indigenous Knowledge" (IK) is now widely used worldwide, although it has been interpreted differently depending on the context, however, in general, it is thought of as indigenous people's local or traditional knowledge that they have carried with them from past eras through oral tradition. In general, indigenous knowledge (IK) refers to the information that local people employ to survive in a certain context (Warren 1991). The concepts of indigenous technical knowledge, traditional environmental knowledge, rural knowledge, local knowledge, and farmer's or pastoralist's knowledge are all used to refer to this idea in the subject of sustainable development. "A body of knowledge built up by a group of people through generations of living in close contact with nature" (Johnson 1992) is another definition of indigenous knowledge.

In general, this kind of knowledge develops in the local context, being uniquely tailored to the needs of the local populace and circumstances. In addition, it is imaginative and exploratory, continuously fusing internal and external innovations to adapt to changing circumstances. Thinking of indigenous knowledge as "old-fashioned," "backwards," "static," or "unchanging" is typically incorrect and false.

In the context of Africa, working descriptions of indigenous knowledge are:

- Indigenous systems are African systems that have been locally adapted over a long period of time. They are represented in the languages of the area and are based on local knowledge systems.
- Indigenous systems would have been impacted by innovations that emerged from inside them, from other indigenous systems, and from national and international systems.
- Generally speaking, indigenous systems would have been seen as being in balance with the local environment or would have sought such equilibrium. Still, despite the fact that they may have alien features, they remain fundamentally African in nature, Matowanyika (1994).

Warren (1987) described indigenous knowledge as local knowledge that is unique to a given culture or society. Indigenous knowledge is the systematic body of knowledge that local people have gathered through life experience, unofficial research, and careful observation of their surroundings within a given culture, according to Rajasekaran (1993). Indigenous knowledge, according to Haverkort and de Zeeuw (1992), is the actual knowledge of a certain group that combines experiences rooted in tradition with more recent encounters with modern technologies. Warren (1987) defined indigenous knowledge as 'local knowledge that is unique to a given culture or society'.

Sometimes, some scholars' think that western science is better because it is very dependent on the selection of the data it is asserted, however, that indigenous knowledge systems are "high context" systems, which are designed to include very high amounts of contextual information specific to a certain place and therefore very rich. For example, Native American knowledge systems are not unified; rather, "each group has a system specific to their locale." Indigenous knowledge systems can therefore be very different from one another (Warren 1993).

Characteristics of Indigenous Knowledge

According to Gordon (2023) there are five components or the characteristics of Indigenous Knowledge that are important to know concerning practice, programming, research, evaluation, and training and technical assistance with Indigenous children, youth, and families, and they are:

Indigenous knowledge is preserved through intergenerational transmission.

Many years of observations provide the foundation of indigenous knowledge as data collected over thousands of years of observation support indigenous knowledge. These insights have been preserved for decades in Indigenous Peoples' stories, songs, place names, values, and languages, and they have been transmitted to children and teenagers through intergenerational transmission. This teaches children and connects them to their ancestors and future generations. Generation after generation of Indigenous Peoples have continued to collect and refine their knowledge via life experiences.

Indigenous knowledge is rooted in place and time.

Since indigenous knowledge has been gathered over many generations, it contains temporal and spatial elements that help explain how things have changed over time. Having this knowledge is crucial for survival adaptation. For example, the Arctic's sea ice has changed throughout time, making it less safe to travel on for both transit and subsistence. In addition to helping Indigenous people adapt, Indigenous knowledge provides a timeline of climate change-related changes in the Arctic and tracks changes across millennia. Indigenous people's knowledge is also spatial because they are land-based and based on their observations of their surroundings.

Indigenous knowledge is alive and well.

Because it is founded on observation and evidence from multiple generations, indigenous knowledge is dynamic rather than static. As people observe and learn, their body of knowledge grows, and they modify their behavior to reflect the new knowledge. A vast range of subjects could be covered by this information, including harvesting seasons for plants and animals, the number of eggs that should be taken from a bird nest, and technological breakthroughs. That being said, knowledge does not necessarily grow in a linear fashion, but multi-linear as Native Americans consider all aspects of life to be interrelated.

Kinship is the foundation of indigenous knowledge.

The Indigenous view of relationality holds that nothing is objective or isolated. Everything, including people and the natural world, communicates with everything else. On the other hand, many Western and/or capitalist cultures exhibit human exceptionalism, which separates humans from the natural world. Kinship and the understanding that plants, streams, trees, lands, and animals are relatives and ancestors rather than separate beings are how Indigenous Peoples understand relationality. This perspective, which extends beyond relationships to encompass stewardship, is essential to an Indigenous caring approach to land and water management: Without putting any specific life in jeopardy, it promotes a sustainable existence for all life. The Haudenosaunee Confederacy is one Indigenous group that views this tactic as is based on the idea that individuals living today must leave the earth healthy and well so that it can sustain the next seven generations of children to come. Haudenosaunee Confederacy argue that human exceptionalism has led to an earth stripped of resources for economic gain, with daily stories of massive fires, floods, and other disasters; in this context, it is vital to listen to Indigenous Peoples and their Knowledge regarding land and water stewardship and climate change adaptation and resilience so that future children can have a place to live.

Indigenous knowledge is all-encompassing.

The specific cultures, languages, customs, and beliefs of indigenous peoples influence their knowledge. These are based on each people's methods of knowing, their ideas about the natural world and human existence, and the moral principles, ethical systems, and values they have accumulated through many years of cohabitation and survival. Indigenous knowledge explains

how kinship ties exist in the natural, metaphysical, mystical, and divine domains. It is holistic and profoundly spiritual. These are the ways it arranges the world. Indigenous people take part in daily spirituality through their kinship relationships to all things, which brings them a sense of well-being and spiritual fulfillment. Another way to be spiritual and to connect with the natural world, the spiritual world, numerous gods and goddesses, and the Creator—and with each other—is to practice ceremonies through a variety of methods (e.g., sweat lodges, prayer, dances, singing, tales, potluck/potlatch). Name-giving is one of the earliest rituals that children and their families participate in in many Indigenous cultures as these names connect kids to their ancestors, the land, and their identity. Indigenous Knowledge(s) are transmitted via storytelling,

Indigenous Knowledge Global Significance

According to Durie (2005), applying common sense to integrate indigenous knowledge with global science because of their strong linkages, has shown that indigenous wisdom has helped local communities endure generations of challenges brought on by change. The dynamic features of the local cultures are a result of the original inhabitants' attempts to adapt to the current environmental conditions. One important distinction between modern science and local cultures is that the latter (local cultures) are driven by human interaction and experimentation, whereas the former (modern science) are impacted by nature and the environment. While indigenous knowledge depends on the natural environment, modern science creates man-made technologies that mostly depend on human labor. Some people mistakenly believe that traditional, indigenous, or local knowledge is out-of-date, antiquated, and unchangeable; unfortunately, the riches of creation was destroyed by human exploitation and manipulation.

The indigenous philosophy is developed through the argumentation of opposing ideas; a philosophy can never exist as a single thought; the resolution of contrasting ideas ultimately becomes a principle or theory that serves as the basis of field investigation or verification of a particular knowledge. He further argued that the indigenous knowledge system adheres strictly to reason and logic, just as modern science does. For instance, an indigenous idea can never come before a concept because an idea can never exist without a concept. Complex machines alone cannot sustain modern science. Complex machines serve as knowledge markers. The framework and structure of Indigenous Knowledge definitions, concepts and applications, which includes concepts, ideas, philosophies, and principles that are also employed in scientific processes, are intrinsically related to modern science, so, IK and modern science are related and none is superior to the other.

Additionally, Durie (2005) said that the confirmation of practical reality through the senses of hearing, seeing, touching, smelling, tasting, feeling, and moving is essential to the global scientific understanding. Indigenous knowledge can exist on the limited resources of nature, while modern science relies heavily on extremely expensive and sophisticated gear to function - (sophisticated apparatus on the basis of human conscience). Therefore, it is evident that the fundamental link between indigenous knowledge and modern science is common sense.

Significance of Indigenous/ Traditional knowledge

Scholars like Olaitan, ZM & Oloruntoba, SO. (2023), Dondolo, L. (2005) Fataar, A., & Subreenduth, S. (2016), Emeagwali, G. (2020) Ndlovu, M. (2018). Dei, G., Hall, B., & Rosenberg, D. (2008) who wrote on the importance of traditional and indigenous knowledge argue that it is straightforward and useful. IK connects the entirety of nature and the components that sustain life to the survival of every human being. It gives people real-world examples of how communities interact with their surroundings and offers workable answers to their issues.

They further argue that people's worldview is defined by indigenous or traditional knowledge, which also offers guidance for their social, economic, political, and spiritual existence. It describes how cultural habits evolved as a result of people's attempts to adapt to their surroundings. In situations where people have been unable to solve specific issues, it has given them the chance to better comprehend human circumstances.

Indigenous and traditional knowledge are important because they help individuals become more capable to comprehend the universe in the same straightforward way that one understands oneself. People have existed for generations since the beginning of time, which is a straightforward explanation for why this type of knowledge cannot be disregarded. Simple yet useful education, economics, politics, religion, and indigenous societies' sciences and technology are all covered under indigenous or traditional knowledge. Even though this knowledge is fundamental, it offers a solid foundation for the advancement of contemporary civilization.

Challenges of Managing Indigenous knowledge with Other Knowledge Systems

Ikechukwu, K. & Ejikemeuwa J. O. Ndubisi, E, J.O (2020), Munyaradzi Mawere (2014), Mbagwu, J.U (2016), Naamwintome, B. and Millar, D. (2015) identified the following challenges of indigenous knowledge systems in Africa:

Limited Formal Documentation: Indigenous knowledge may not have official written documentation because it is frequently passed down orally. Over time, this restriction may result in the loss of important data, particularly when older generations die off. Traditional farming methods that depend on oral tradition, for instance, can be at danger of disappearing.

Resistance to Change: Adaptation to new technology or changing environmental conditions may be hampered by the resistance of certain indigenous knowledge systems. The adoption of more sustainable practices can be hampered by aversion to change, even when a community's traditional fishing methods may be less effective than contemporary ones.

Lack of Standardisation: It may be difficult to use indigenous knowledge consistently across various contexts due to its lack of standardisation. For instance, various indigenous communities may have diverse traditional medical practices leading to inconsistencies in treatment approaches.

Gender Biases: Certain knowledge or abilities may be prohibited depending on a person's gender under traditional knowledge systems. This restriction may make it more difficult for knowledge to be shared fairly. For example, women may be excluded from some farming practices since men may be the only ones who know how to use them.

Limited Integration with Formal Education: Formal education institutions frequently fail to incorporate indigenous knowledge. A gap between traditional knowledge and current scientific understanding may result from this lack of integration. For instance, school curricula might not include traditional ecological knowledge regarding regional ecosystems.

Vulnerability to External influences: Globalisation, climate change, and cultural assimilation are a few examples of external influences that may affect indigenous knowledge systems. For instance, shifting climatic trends could make conventional farming methods less successful, putting indigenous communities at risk of food insecurity.

Insufficient Intellectual Property/Copyright Protection: Indigenous knowledge is occasionally used without due acknowledgement or profit sharing. For instance, without getting the informed agreement of the indigenous tribes or paying them fairly, pharmaceutical companies may extract medicinal ingredients from plants utilised in indigenous medicine.

Ethical Issues in Research: When indigenous knowledge is used in research, ethical questions about power dynamics, informed consent, and cultural sensitivity may arise. Researchers looking into traditional healing methods, for example, could unintentionally take advantage of the people who possess the expertise or distort the cultural background.

Loss of Cultural Context: Traditional knowledge's cultural context may be lost as indigenous populations experience cultural changes. For instance, when younger generations get older, the importance and purpose of some rites or traditions may be lost less connected to their cultural heritage.

Dependency on Empirical Evidence: In situations where scientific validation is highly valued, traditional knowledge may be vulnerable to scepticism due to its lack of empirical support. For instance, meteorological data may be used instead of conventional weather forecast techniques.

Recognising and using indigenous knowledge requires a sensitive approach, respect for cultural uniqueness, and a dedication to resolving these constraints through fair and cooperative collaborations with indigenous populations.

Conclusion

The relevance of IK can never be overemphasized because it is an important African knowledge that will continue to define the continent and keep showing that a sustainable Africa, is an Africa that looks inward to survive and acknowledge the importance of its indigenous knowledge in development of human and material resources in the global community. A careful analysis of the different areas of study, from science to agriculture to education, climate change and justice and crime control, arts and logic and peace and conflict resolution show that IK is both important and useful and must be vigorously pursued.

However, it is important to know that like every other knowledge system out there with its advantages and disadvantages the IK has both advantages and challenges. So, African scholars and western Africanists who are passionate about IK must research into how to resolve that challenges facing IK and find solutions to the challenges.

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PART ONE:
ARTS/MUSICAL CULTURE AND LOGIC

The Cultural and Gender Dynamics of the Talking Drum in South West Nigeria

Moses Ojewumi (PhD Candidate, University of Ibadan)

Phone/Whatsapp: +2348165723092,

Email: ojewumimoses4@gmail.com

Abstract

Talking drum is one of the major traditional instruments in West African societies. Its uniqueness lies in its capabilities to entertain, enlighten and communicate. This paper examines the stated drum's core functions, particularly the conveyance of messages through sounds and its role in maintaining oral traditions, promoting social inclusion, and supporting identity formation within Nigeria and West Africa societies at large. It also evaluates the involvement of women in the male dominated space and contests the age-long belief that excludes women from drumming, particularly in Yoruba communities. Emphasis is placed on the renaissance of women in breaking the drumming barriers. It interrogates modern efforts to infuse the talking drum into popular culture while upholding its traditional values. This research underscores the significance of preserving the communicative value of the talking drum while acknowledging how it is evolving in contemporary society.

Keywords: Culture, Talking Drum, Yoruba, Women, Music

1. Introduction

As the name suggests, the talking drum is “thought to mimic languages by closely imitating the rhythms and intonations of the spoken words” (Ushe, 2013:94). The rhythms can be altered through different levels of arm compression and the dexterity in striking the membrane. For communication, for which the drum is originally known for, the membranes of the drum need to be loose or slack on the resonator. However, when the drum has not been used for a while, its membrane shrinks and becomes tightly held to the resonator. To make the drum usable for communication, it is tuned by using a taut rope to compress the tension cords for at least 4 hours. The taut rope can be made from leather or wool (Akinbo, 2021). The drums vary in size and name between different cultures, but tend to be fairly small. For instance, among the Yorubas, the smallest type of talking drum is called a *gan gan* and the largest is called the *dun dun*, meaning “sweet sound”. They are known by different names such as; *gangan*, *dundun*, *atumpan*, *donno*, *kalangu*, *dodo*, and *junna* (Idowu, 19730). Beaten with a curved stick, while suspended over the right or left shoulder and hanging under the armpit, the talking drum is a popular musical instrument across West African societies such as Ghana, Senegal, Burkina Faso among others.

Table 1: Traditional names of Talking Drums

Ethnic Group/ country	Names
Hausa of Northern Nigeria, Niger, Northern Ghana, Benin and Cameroon	Kalangu
Wolof of Senegal	Tama
Yoruba of Nigeria and Eastern Benin	Gan gan, Dun Dun
Akan of Central Ghana and Cote D'Ivoire	Dondo
Songhai and Zarma of Mali, Burkina Faso and Niger	Doodo
Dagomba of northern Ghana; Mossi of Burkina Faso	Lunna
Akan	Atumpa

The talking drum is believed to be sacred in many West African societies, and it is said to be forbidden for women. Many reasons have been given for this belief. While some believe that women are not physiologically and anatomically built for the rigours of drumming, others assert that the spirit behind the talking drum would be polluted by women's menstrual cycle. However, there are exceptional cases, such as the Emure women - *olori* and *Airegbe* groups and the women's Apiiri musicians all in Ekiti State, who have challenged the taboo that excludes women from drumming (Omojola, 2003). Aside from these traditional female drummers, there are also modern women drummers, such as Ara and Ayanbinrin, who have held their own and carved a niche for themselves in playing the talking drum and singing alongside. They have challenged the traditional inhibitions and shown there are no repercussions for any female who aspires to play drums, particularly the talking drum, which is considered sacred. However, Samuel (2018) notes that the taboo is not strictly applicable to all social or commercial drumming, especially as it applies to the dundun ensemble, but is rather connected to drumming for religious performances.

Origin of the talking drum in West African empires.

The talking drum family is ancient. The musical instrument is believed to have been introduced by a man called Àyànágalú, a native of Ibarapa, a town in Oyo State, southwestern Nigeria. He is referred to as the progenitor of all Yorùbá drummers (Bankole et al., 1975). Though he was an outsider, Àyàn taught Yoruba families the art of drumming and was venerated as a god of music following his demise (Elufowoju, 2018). The drumming legacy has been passed down from generation to generation and is celebrated to this day. Àyàn's legacy has also been sustained with

the name “Àyàn” used as a prefix—Àyànwale, Àyàndelé, Àyànwolù, among others. They can be found mostly in Oyo town, Ibadan, Ekiti, Osun, and among the Igbomina people. In fact, the name Àyàn now signifies that the bearer is from a drummers’ lineage. However, it is also believed in some quarters that the talking drum originated as a divine instrument from Oyo town (Ibisankale, 2010).

Talking drum as a tool of communication

The most crucial function of any form of communication—whether indigenous or modern, exogenous or endogenous, verbal or non-verbal, interpersonal or group—is to ensure the delivery of vital messages or the dissemination of important information (Oluga and Babalola, 2012). Meanwhile, Gerson and Gerson (2012) note that informing the target audience of known facts is one of the fundamental goals of communication. The talking drum is no exception, as it can encode messages that are decodable by anyone who understands the tonal language conveyed.

The *gangan or dundun* is a cultural artifact of the Yoruba people that simultaneously entertains and communicates. This dual quality is exemplified in how any reputable king ensures that drummers, particularly talking drummers, are present in the palace to inform the monarch of any visitor. In the palaces of Yoruba kings—such as the Orangun of Ila, Alaafin of Oyo, Ooni of Ife, and other prominent rulers—drummers are always present, not only to enliven the atmosphere and relieve the king of boredom but also to inform him of any stranger in the vicinity (Iyanda, 2022). The drummers possess knowledge of the town's history and are skilled in singing the king's panegyrics. In some palaces, they use the talking drum and dundun to wake the king. The primary message conveyed at this point is the eulogy of the king's forefathers. It also conveys crucial messages to the monarchs. According to Famugbode (2016), it tells an Oba that someone has died or that something very important has happened or about to happen.

This messaging role of the talking drum is not unique to the Yoruba alone. Among the Tiv of North Central Nigeria, the talking drum is an indigenous method of communication used to announce looming danger, births, deaths, marriages, forthcoming hunts, or wrestling matches. For example, among the Tiv people, the talking drum was played at the death of an important political leader to announce, issue special alerts, or signal to community members regarding the news of such a death (Ushe, 2013:51). He further exemplifies the role thus:

Any Tiv person of adult age who heard the mystical drum (Indyer/Ilyu) played this tone understood that death had occurred in the society. It was a solemnized passionate appeal to the great ancestor of the Tiv (Takuruku) that another spirit of a dead member of the Tiv is on its way to the ancestral world (Adomoku). The drum also helped the Tiv to invoke the ancestors and to make others aware of the fact that the Tiv traditional religion contains the idea of the after-life.

The Talking Drum is also linked with African deities. Nkwi (2020) traces the sacredness of the drum to the slave trade era when slave traders were threatened with the way the drum was used to

communicate in tongue unknown to them. It was more befuddling to them that the drum could travel at the speed of one hundred miles per hour.

The use of maxims, aphorisms, proverbs, metaphors, and popular or general sayings form some of the sounds the talking drum conveys especially in ceremonial functions. Some of them are:

<i>Kaabo se daa daa lo de</i>	<i>You are welcome, hope you have arrived safely”</i>
<i>ki le n f’Oba pe Oba o Oba alase Oba the supreme king</i>	<i>How are you regarding the king? The King, the ruler,</i>
<i>Bó bá se pé è mi ni wò ni ni wo ni</i>	<i>If I were you</i>
<i>N’ba fi apá jó fapa jo fapa jo</i>	<i>I would dance with my hands</i>
<i>Bó bá se pé mi ni wo ni ni wo ni</i>	<i>I would dance with my hands</i>
<i>N’ ba fese jo fese jo fese jo</i>	<i>If I were you, I would dance with my legs</i>
<i>Bó bá se pé mi ni wo ni ni wo ni</i>	<i>If I were you,</i>
<i>N’ ba fi gbogbo ara gbo ninininini</i>	<i>I would have danced with my entire body.</i>

However, besides communication role, the Talking Drum does have a plethora functions as highlighted by John (2015):

- Information use of the Talking Drums
- Cultural use of the Talking Drums
- Religious use of the Talking Drum
- Extra-Mundane use of the Talking Drum
- Commercial occupational use of the Talking Drum
- Proverbial use of the Talking Drum

Gender in drumming

African musical ensembles are predominantly phallogocentric or patriarchal in nature. This is evident in the dominance of men in this field. Even in the Àyàn family, which is widely renowned for drumming, women do not have much leeway in drumming. Drewal (1992:172) observes that more restrictions are placed on women in performances organized by men than in women’s performances. This position is not peculiar to the Yoruba people. Studies by Locke (2005), Mullins (2003) on the Ewe of Ghana, Tang (2007) on the Wolof of Senegal, Nannyonga-Tamusuza (2005) on the Buganda of Uganda, and others reveal that gender imbalance in drumming is pervasive. Based on his experience with Bakisimba, a traditional dance form originating from the Baganda people of the Buganda Kingdom in Central Uganda, Nannyonga-Tamusuza, as cited in Omojola

(2009:49), states that gender roles are clearly defined: 'Boys were restricted to drumming, and girls controlled the dancing arena. Whenever I tried to “beat” the drums, my teachers outwardly told me “women do not beat the drums, they are dancers”’.

All the above examples point in one direction: gender roles in performative traditions, in this context drumming, are clearly distinguished. As Drewal (1992) observed, African performances and rituals have been constructed along gender lines, and this tradition has been passed down from generation to generation.

Why Can't Women Drum?

A number of myths are responsible for the exclusion of women in drumming in West Africa. One such myth is that drumming could make a woman sterile, as the vibrations caused by the drum were believed to shake the uterus and ovaries, resulting in sterility if the drum was played between the legs (Mullins, 2003). Another long standing reason stems from the belief that the sacredness of the drum can be polluted by women’s menstrual cycles.

Drums used to be considered sacred as sometimes even worshipped as Gods. If a woman were to touch the drum then she would cause harm to the drum and make the drum lose all of its power. Therefore, she was not permitted to touch the drum. (Mullins, 2003:16)

One of the fears was that playing the talking drum would prevent women from having children. Aralola Olamuyiwa, simply known as Ara, a foremost female talking drummer in Africa, claims that the taboo, which now appears to be a myth, almost discouraged her because men were skeptical about teaching her, so she learned it on her own. Today, Ara has a child and believes she has broken the jinx, if one ever existed. On this note, Samuel (2018) claims that the belief forbidding women from playing Yorùbá drums is not strictly applicable to the dùndún, as the dùndún ensemble is more connected to social than religious performances. Interestingly, neither Ara nor Ayanbinrin is from the Àyàn family, yet they have made their mark in promoting the Yoruba cultural drum. Their success has emboldened other women to join the growing league of female talking drummers. However, another traditional reason for excluding women from drumming stems from the Iwori Igosun verse of the Ifa corpus (Sesan, 2013):

iwori gosun gosun

Gogi gogi aya oni goosun

O looko nile oba

Oun gun ogi o si n rise

Okoko ri oju gogi gogi mo

Nitori o ti lowo lowo

Okoko re ba bere si gun ogi bi ti iyawo

Pe ki oun naa o le lowo
Sugbon ko ri se
Igba to pe, o di fa
Won ni a o fi ise ton se ran an
Nitori owo obinrin ni

The Iwori that pounds camwood
The one that makes pap paste, the wife of Onigoosun
She married a husband from the ruler's lineage
She produced pap paste and became prosperous
The husband did not enjoy her anymore
Because of her new wealth
The husband began to make pap paste like his wife
In order for him to be rich like his wife
But he was not rich
After some time, he consulted Ifa priests
They told him that he was not destined to do the job he was doing
Because making of pap paste belongs to women

The above Ifa corpus indicates that less stressful professions, such as trading, are preferable for women, while rigorous activities or professions are better suited for men. The passivity of women in very rigorous professions is also linked to their anatomical and physiological structure. For example, 'while women work in clay, men specialize in wood, metal, and beads' (Drewal, 1992:172). On the flip side, in the Okanran-Meji verse of the Ifa literary poetry corpus, the breast was originally part of the chest of men, but the rigorous activities of men sapped it of the milk found in women's breasts. As a result, the breast consulted Ifa priests (Sesan, 2013). The verse (Okanran-Meji) is below:

Okanran kan nihin-in
Okanran kan l'ohun-un

Okanran di meji odo oduro l'ododo
A difa fun Omu nigba ti n lo isaluaye

Won ni ko'rubo

Ko korubo

O dele aye, o so si aya Okunrin
Okunrin a gun igi, won a lo jagun
Omu ko ni isinmi O n wa ifokanbale

O gba oko awo lo

Babalawo ni ki o rubo

O gbo riru ebo o ru

Obinrin o ni igi gun, beni ko ni ogun ja

Ni omu ba ri ifokanbale

Nigbeyin, omu ri aponle ati iyi

One Okanran here

One Okanran there

Okanran becomes two

It became droppings in the truth

Divined for breast when coming to earth

Breast was told to offer a sacrifice

Breast refused to offer the sacrifice

On the earth, Breast went to chest of men

Men climb trees and fight wars

Thus, breast found no rest

Breast consulted Ifa priests

It was divined that Breast should offer a sacrifice

Breast hearkened to the divination and offer the sacrifice

Breast now moved to the chest of women

Women do not climb trees nor fight wars

Breast found peace

Eventually, breast found honour and respect

The above reveals that in Ifa parlance, men's stressful and risky endeavors hinder the ability to breastfeed. Even a Yoruba saying supports this: "Aja jo ti o je ki omo okunrin l'omu," meaning the challenges that prevent a man from having breast. Thus, drumming is classified as one of the rigorous professions due to the energetic movement of arms and legs, and according to the Ifa literary corpus, drumming is considered unfit for women. In a traditional Yoruba setting, the role of Iya Onilu (female drummer) is rare, while the name Baba onilu (male drummer) is more common.

Exception to the drumming phallocentrism?

Contrary to the taboo forbidding women from playing Yorùbá drums, the artistry of women like Aralola Olamuyiwa also known as Ara, Tosin Olakanye, simply known as Ayanbinrin, and others who have made careers out of playing the talking drum shows that it is possible for women to engage in playing traditional drums, particularly for entertainment purposes. Samuel (2018) argues that urbanization, modernity, and westernization have contributed to the increased involvement of women in drumming.

In his study of Emure women, Omojola (2009:55) notes that two female groups, Olori and Airegbe, challenge certain perceptions of Yoruba performance.

Emure women performers' attitude to the use of the drum serves to neutralize this power of the drum and the way in which its use might privilege the male gender. In the *olori* ensemble, women simply assume responsibility for the playing of the drum, ensuring that men are kept away from their ensemble. In *airegbe* music, the drum is prohibited altogether, foreclosing any potential basis for male participation.

The all-female ensembles demonstrate that despite the rigors of drumming, the physiological and anatomical differences between males and females have no impact on women's ability to drum. While women take charge in the *Olori* ensemble, men are forbidden from participating in the *Airegbe* music. However, Omojola (2009:6) argues that the formation of all-female ensembles is not a deliberate effort to undermine men's power; rather, it is "symbolic of the desire of these women to take control of their lives as they see it, rather than as it might be dictated to them by any other social category in the community."

Similarly, in Ekiti, women play the Apiiri drums. Apiiri is a membrane drum used in the Apiiri ensemble and also the name of a musical genre in Ekiti. It is one of the membrane drums in Ekiti (Abiodun, 2019). Apiiri was originally dominated by men, and Ekiti women were not seen as performers of Apiiri music. They were only allowed to perform other genres such as Ailegbe and Alamo (Omojola, 1989). With no written or unwritten law preventing women from participating, Adepeji became the first woman to venture into Apiiri music in 1964. Since then, the involvement of women in Apiiri music and drumming has continued to grow (Abiodun, 2019).

The previously secret men's Apiiri music performance was transmitted to women not by consensus but conspiracy arrangement in a secret-open transparent jury. Till today in Ekiti community, the jury is still out on women's performance of Apiiri drums. People do not yet ask questions why women play Apiiri drums nor apportion blame on women for playing the drums. While they were not treated equally on performance status, yet no physical limitation is played on women's performance of Apiiri music. The performance by women does not require approval by men. However, discrimination persists, as women are not given equal treatment when it comes to performance status. Men are still considered master drummers, while women are seen as pretenders.

Now that women play on Apiiri drums, some women maintain the original performance technique, others varied them and some innovated new technique with popular music flavor. Even now that women play Apiiri drums, the old Apiiri drumming patterns are still around in the community and MEN are still the master drummers. It has remained a constantly shifting arts pattern where men pride themselves. (Abiodun, 2019:73)

Modern women drummers: Case study of Ara and Ayanbinrin

In addition to the traditional setting, cosmopolitan female talking drummers like Ayanbinrin and Ara have incorporated dùndún or gan gan with Western-European musical instruments such as the electronic keyboard, rhythm guitars, and bass guitars. However, these talking drummers are primarily entertainers with limited knowledge of the performing speech and signals. In an interview with V-World, Ara confirms that her drumming is just one aspect of her overall performance.

My drumming is about just 30 - 40% of my performance, depending on the song, because it's not all my songs that I drum. Singing and dancing take a major part.

Samuel (2018:166) describes them as double aggressors for venturing into a male-dominated profession:

Their incorporation of the dance mode (àlùjò) is to make up for their limited knowledge of the performing speech and signals. The two icons of popular female dùndún drummers, Àyánbinrin and Àrà, could be labeled as double

transgressors; for venturing into a profession stereotypically classified as the exclusive province of men, and because neither of them was born into the Àyàn family.

Nevertheless, Yoruba traditional male drummers do not regard the likes of Ara and Ayanbinrin as authentic drummers. They believe they are mere pretenders when it comes to Yoruba traditional drumming. To them, being born into an Ayan family is the only qualification for becoming a traditional drummer. Members of the Ayan family, as explained by Samuel (2018), assert their authority as the custodians of the Ayanagalu musical legacy. Despite this, these female drummers have received considerable support from the Yoruba traditional institution. For instance, on May 20, 2016, the Ooni of Ife, Oba Enitan Adeyeye, appointed Ara as the cultural ambassador in recognition of her role as a good custodian of the Yoruba tradition.

Collaboration with Digital Media:

The talking drum is one of the ancient drums that is not at risk of extinction. However, the communication aspect of the drum is fading, as the younger generation is not as enthusiastic about using it as a mode of communication. Musicians such as King Sunny Adé, Ebenezer Obey, Yusuf Olatunji, Ayinla Omowura, Lagbaja, and other Juju and Apala musicians have successfully infused the talking drum into their musical instrumentation. This, in a way, has ensured that the talking drum stands the test of time (Elofowoju, 2018).

In recent years, there has been a significant renaissance in Nigeria's art and culture. Despite economic hardship, the entertainment industry—particularly the music industry—has continued to blossom. Afrobeat, one genre in particular, has received global accolades, with the likes of Burna Boy, Wizkid, and Tems winning Grammy Awards, which was a rarity years ago.

Therefore, the melodic aspect of the drum is being explored by Afrobeat music producers, who are incorporating the talking drum sound into their beats and influencing other musical traditions around the world. This influence is a testament to the power and universality of African drumming traditions. Varner (2013) notes that the percussion contribution of the talking drum to Fuji and Juju music has made it a go-to musical element for pop music. This is particularly relevant at a time when the West is looking to Africa for insights into how to improve their sounds (Elofowoju, 2018). According to Famugbode (2016), infusing a talking drum into Afrobeat produces a deeper, jazzier sound, closely related to pop music.

Conclusion

The talking drum holds a unique cultural and historical value in the West African societies particularly among the Yoruba in Nigeria. The study has demonstrated how the drum is preserving oral traditions, serving as both sacred and ordinary means of communication and used for entertainment purposes. The communicative value of the talking drum holds a significance value, particularly in the cultural and the traditional settings.

The function of the Yoruba talking drum extends beyond entertainment. While the traditional religious and cultural functions of the talking drums in most cultures exclude women, the commercial occupational use has been embraced by some women folks with no recorded repercussion. The Emure women - Olori and Airegbe - and the women involved in Apiirii music, all from Ekiti, serve as classic examples of contesting drumming gendering.

The reason for exclusion differs across cultures and West African societies. Some believe the spirit of the talking drum does not align with women due to their ability to menstruate. In some quarters, the physiological and anatomical frame of women cannot handle the rigours involved drumming; thus, while men drum, women should dance. However, women drummers have shown that their exclusion stems largely from systemic patriarchy and phallocentrism that tend to dictate the task or profession women should undertake due to their assumed fragile or emotional nature.

Meanwhile, aside from the traditional women drummers, the emergence of women drummers such as Ara and Ayanbinrin have emboldened more women to pick up the stick and drum commercially. Just as the acceptance and the attention any gender will receive when engaging in an occupation dominated by the opposite gender, Ara and Ayanbinrin have enjoyed the support of men and women and traditional rulers in the course of their careers. Their infusion of drumming with western music has also shown that talking drums can collaborate with digital media or western music in sound production. The successful incorporation of talking drums into the instrumentals of old musicians such as Yusuf Olatunji, Ayinla Omowura, Barrister Sikiru Ayinde, Lagbaja among others has opened a potential global acceptance. The use of talking drums by Nigeria's afrobeat musicians in their instrumentals has the potential to incorporate the drum into global music genres for regular use, unite cultures and innovations and resonate with audiences worldwide.

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An Exegesis On Innocent Asouzu's *Ibuanyidanda* (Complementary) Logic

Amaobi Nelson OSUALA
Department of Political Science
Chrisland University
Abeokuta.

&

Conversational School of Philosophy
University of Calabar
oamaobi@chrislanduniversity.edu.ng &
nelsonosuala1@gmail.com
<https://orchid.org/0000-0001-6221-2349>

Abstract

In this chapter, I deploy the methods of conceptual analysis and critical exegesis to examine the nature of Innocent Asouzu's *Ibuanyidanda* logic which I will argue is a multi-valued African intuition. The multi-valent character of this logic endorses multiplicity of methods based on complementary conjunctive reasoning, CCR. My first task will be to discuss the historical background of complementary logic. Thereafter, I will explain the two basic principles of complementary logic. The first is the principle of integration, which is metaphysical and states that 'anything that exists serves a missing link of reality.' The second is practical and is called the principle of progressive transformation. It states that we should 'allow the limitations of our being to be the cause of our joy'. Put differently, that all actions are geared towards the joy of being. I will show how these two principles influence the two main inferential modes: Conjunctive Reasoning (CR) and Disjunctive Reasoning (DR). Although Asouzu discloses the importance of CR and DR, he observes that they cannot map reality fully from their respective vantages due to their marginal presentation of reality. He argues that the disjunctive inferential mode may not be bad in itself, but it has unfortunately remained the main source of errors in reasoning that plague social relationships, such as ethnocentric reduction, divisiveness, fractured interpersonal relationships, stereotyped philosophical discourses and even unchecked reproduction of logics of Geographical categorization, LGC. Asouzu contends that this mode of reasoning proceeds directly from a divisive two-valued logic formulated and promoted by Aristotle. It grounds ambivalent interest and the tendency to exalt our own unique perception of reality to an absolute instance thereby inferiorizing those of others. Thus, he develops complementary logic as a better framework for grounding social relationships through complementary conjunctive reasoning as against binary opposition.

Keywords: *Ibuanyidanda* Logic, Method Pluralism, Conjunctive mode, Disjunctive mode, Complementation, Multi-valued, Asouzu

Introduction

This essay will focus on Innocent Asouzu's *ibuanyidanda* (complementary) logic. My task will be to take you on a journey towards understanding the fundamental principles and nature of *Ibuanyidanda* (complementary) logic. First, will entail a cursory look at Asouzu's biography as well as how from his intellectual ingenuity and cultural influences, he was able to weave a robust philosophical method, to wit, *Ibuanyidanda* (complementary reflection) which as he will argue is a method and logic of complementation, harmonization and inclusion. Before we delve into the mainstreams of this paper, it is important to establish that I will be employing the Igbo concept of *ibuanyidanda* interchangeably with its near English word, complementarity except where otherwise stated. Asouzu's *ibuanyidanda* (complementary) logic is that which takes root from the African ambience and stems from the African traditional *Igbo* ontology.

Igbo Ontology of Anonymous Traditional African Philosophers

Asouzu in his attempt to accord honour to who deserves it' did acknowledge his indebtedness to those he describes as the unsung heroes and heroines of African traditional Igbo decent. In his words, "the concept *Ibuanyidanda* draws its inspiration from the teachings of traditional Igbo philosophers of the complementary system of thought" (2007, p.11). Also, in his (2004, pp.132-34) he further affirms that "Complementary ontological reflection is built on the foundation of the general ontology of traditional African philosophers of the complementary direction." To these anonymous Igbo philosophers, the idea of Complementary is inferred from observing a species of ants called *danda*. These ants (*danda*) have the capacity to carry loads that appear heavier than themselves. What this implies is that they can unanimously surmount very difficult tasks when they are in mutual dependence to each other for the complementation of one another's effort.

Hence, these anonymous traditional Igbo philosophers insists that *ibuanyidanda* (no task is insurmountable for *danda*). This is therefore what informs the idea of mutual dependence and interdependence in complementarity. Beyond this understanding, Asouzu in bringing a philosophical tincture to this idea of complementarity argued that his own idea of *Ibuanyidanda* is a composite word made up of the following three parts as drawn from the rich epistemologies of the traditional Igbo philosophers. These parts are:

ibu= Load

anyi= Insurmountable

danda= A species of Ants

Uniting the concepts, we have *ibu*+ *anyin*+ *danda*= No load is insurmountable to (danda) the specie of ants. It is premised upon the foregoing elucidations that Asouzu would therefore contend that, 'the orthographic style *ibuanyidanda* instead of *ibu anyi danda*' is that which has been adopted in the articulation of his *Ibuanyidanda* mode of thinking otherwise known as complementary logic or philosophy. It is this same sense of *Ibuanyidanda* that all the extant literatures on the discourse have hitherto been couched.

Similarly, it is also from this critical import and modification of the earlier thought systems of those traditional Igbo philosophers that Asouzu hopes to inculcate to his readers and to all first comers, the nature of Ibuanyidanda (complementary) logic.

Innocent Asouzu: his birthplace and influences

Innocent Izuchukwu Asouzu is a Nigerian Igbo Catholic Priest and Philosopher born in Aba, a commercial city in Abia State on October 13th 1952. He is a Native of the popular Aro-ndizuogu Clan in Ideato north LGA of Imo state. He had his basic education at Christ the King School Aba-Nigeria in 1959-1965 and his post primary education at Immaculate Conception Seminary, Umuahia in 1966-71 and passed his O/Levels and A/Levels. He studied philosophy at Birgard Memorial Seminary Enugu from 1972- 75 graduating top of his class. He later proceeded to further his studies at Leopold Franzen University Innsbruck, Austria. After which he also studied Theology in Austria during which he stumbled on the writings of Paul Tillich- whose method of correlation he admired greatly and the works of Wolfhart Pannenberg-a renowned German Theologian and Religious philosopher with heavy Hegelian leaning. It was perhaps the influences of the duo that informed his German Master's thesis in theology translated in English as: *The Relevance of Christology of Faith in the Theology of Wolfhart Pannenberg and Paul Tillich* (Asouzu, 2011, p.72)

Observing his critical prowess, he was encouraged by Prof. Vladimir Richter SJ, a Wittgenstein specialist, to study the basic presuppositions of the then budding Erlangen school of philosophy, which endeavoured to give a practical reconstruction of human actions based on a new understanding of Kant's categorical imperative. This counsel later constituted his M.A Thesis in philosophy titled in English as *Rational Steps for the Understanding of Social Action* (Achu, 2014, p. 47).

Determined to study philosophy, Asouzu toed an interdisciplinary research study combination approach and transferred from Theology to studying philosophy and sociology as majors in the faculty of humanities, University of Innsbruck. His critical attitude made him disagree with the basic ideas of the dominant Erlangen School of philosophy which he had believed in all those years. He took a departure and wrote a Ph.D. thesis on the title: *Practical Regulation of Social Conflicts: A critical consideration of Constructivism*. His thesis was a bombshell! An audacious critical departure cum presentation from a budding African philosopher in the making which later earned him an incontrovertible excellent distinction in his doctorate exams in philosophy and sociology as he then graduated in 1982 from the University of Innsbruck. Ever since then, Prof. Asouzu has taken a permanent employment in the University of Calabar and has dedicated his research into the theoretical preconditions of mutual coexistence between units within a framework. This is what has crystallized into a system and method of investigating reality known as Ibuanyidanda philosophy (Asouzu, 2011, pp. 63-65).

On the basic principles of Complementary Logic

There are basically two principles that undergird the ibuanyidanda logic. These principles are: (1) the metaphysical principle of integration: It states that 'anything that exists serves a missing

link of reality (Asouzu, 2004, p.273). This principle is what is implied in the Igbo aphorism as *ihe di nwere isi na odu*. As a principle of integration it refers to a theory of rational praxis which in union with its equivalent principle of progressive transformation, gives birth to the imperative of Complementarity.

On the other hand, is the practical principle of progressive transformation: It states that all human actions are geared towards the joy of being. This principle, Asouzu argues, specifically addresses the theory of all human actions. It is upon these two principles that the complementary paradigm (*Allow the limitation of Being to be the cause of your Joy*) subsists (Cited in Osuala, 2018, p.55).

Eze F.Chibueze captures it better, when he posited that:

The varieties in our socio-political lives and conducts as well as our religious and cultural dichotomy are seen (within the complementary imperative) as missing-links that should be geared and tailored towards the joy of our being especially on the condition that our mind can allow them exist even as limitations and eminent fragmented realities that should consequently lead to the cause of our joy (Chibueze, 2014, p.15).

On the above, one may be inclined to ask what does Asouzu mean by *missing- links* and what role does it play in our understanding of ibuanidanda logic? It is this pertinent question that we shall elucidate in the next subsection of this work as we hope to shed some light on the nature of missing links.

On Asouzu's notion of Missing links

The notion of missing links is that which permeates ibuanidanda philosophy. It is that upon which the principle of ibuanidanda imperative is anchored. For Asouzu, Missing links refers to those diverse units that make up an entity within a framework of the whole as they are complementarily related (2004, p.273). It refers to those parts that are although disjointed and discreet but are without doubt indispensable, serving as necessary complement to the other. Put differently, they are those aspects or things that are missing which are equally necessary and indispensable in a complementary framework of reality.

How then do entities serve as missing links?

Asouzu maintains that there are two basic ways in which entities serve as missing links, they are: *By Abstraction*: this can be captured as a situation in which we abstract things from the whole and view them as separate, isolated and discreet units as though they are from onset independent and non-related units. The other, is simply *by Relation*: unlike abstraction, here the mode of the mind brings the fragmented units together in relationship or closely to themselves so much so that they are all knitted or fused after which they are then examined to see the nature of their servitude to one another in relationship to the whole (Osuala, 2018, p.58).

We can cite an instance of abstraction and relation from our notion of *being*. As regards the notion of Being, Asouzu avers that the concept of abstraction is that which makes us assume that: Mmadu i di (*to be*) bu (*means*) Ka so mu di (*to be or exist alone*). While the principle or

method of relation is that which is informed in our consciousness, where in, we become aware that: Mmadu i di (*to be*) bu (*means*) Ka so mu adina (*to be or exist in a mutual complementation with others*). It is premised on the notion of relation that Asouzu argues that within the complementary logic, everything that exists does so in relation to one another.

On the nature of Asouzu's Complementary logic

It is important to punctuate that complementary logic deals with relations in that it projects a form of relationship between all existent realities to each other in the manner of mutual service (Asouzu, 2004, p.304). In complementary logic, there is such possibility for seemingly incompatible opposites and contraries to co-exist. For Asouzu, the co-existence of these incompatible opposites and its contraries is only possible when:

...the mind concedes to the co-existence of opposites and tries to see how they can be related to each other in non-contradictory ways. In the resolution of the incompatibility posed by opposites, we are offered the possibility towards extracting the harmony that unifies them towards eradicating all forms of disharmony. Through the determinations of the reasons for incompatibility between opposites, we can create room for their compatibility (Asouzu, 2004, p.304).

Asouzu on the Logic of Geographical Categorisation (LGC).

In his 2007 publication titled "Ibuanidanda: the new Complementary Ontology", Asouzu informs that there are as many forms of logic as we have diverse peoples and their worldviews. This is simply because the ways people experience their world are subject to diverse conditions, mechanisms and circumstances that determine these experiences. This however does not mean that Asouzu is arguing for regional or geographical logics for he contends and criticizes such as that which is evoked by ethnocentric, reductionist and exclusivist tendencies.

For Asouzu, the LGC presents special difficulties to logic due to its inherent disjunctive, divisive and exclusivist character. It is this disjunctive character of the mind that have informed such nomenclatures as "western science, African science, Chinese medicine, American Medicine, Western logic, African logic, Igbo logic, Bantu Logic amongst others (Asouzu, 2013, p.24). He criticized the foregoing as having the tendency to bifurcate reality from the vantage point of our disjunctive fragmentary mode of reasoning.

Complementary Logic as 'Method Pluralism'

For Asouzu (2013, p.24), it is within this context of method pluralism that the earlier LGC's seem to create the erroneous impression that there is no way thinking, thought, cognitive acts can be consummated except in tune with geographical categorizations (Chimakonam, 2017, pp.114-115). This is why for Asouzu, philosophical inquiry can take many approaches from bivalent to multivalent logical systems. He therefore favors what he calls *method pluralism* which in my thinking is akin to a multi-valued system, wherein the idea of discrimination and lopsidedness is whittled down.

The modes of Ibuanyidanda Logic

Asouzu sees *Ibuanyidanda* logic as an operational logic. By this, I mean, a type of logic that necessitates human action. This means that it is an action-driven logic which consciously should affect the way in which we conceptualize and respond to realities around us. For such logic of action to be operational, we (our mind) must first be purged of what in Asouzu's words is the *mkpuchi anya* (that which beclouds reason/impairs vision). For it is only then that 'we can be aware of other alternatives so much so that in our open mindedness we can give others a chance' (Asouzu, 2004, p. 350) at life, experience, interaction, communication, expression.

He further maintains that the *ibuanyidanda* logical operation is neither single valued, 2-valued, 3-valued, quadruple and many others; but affirms that 'ibuanyidanda mode of operation is simply a method pluralism' which in my thinking is just another nomenclature for multi-valence. The reason for this choice for Asouzu is because it is not limited to the LGC in that each missing links are considered as inclusive fragments of reality from the vantage point of the conjunctive complementary mode of reasoning.

The modes of complementary logical operation

The first mode of *ibuanyidanda* logical operation is called the *disjunctive logical reasoning*. This is that which makes us approach reality from a rather short circuited standpoint wherein we tend to see things only in black and white as they are presented to us from limited angles. This DLR is akin to Beverly Flaxington's notion of *filters* which are reflected in the form of biases, tribalism, sentiments, etc (Flaxington, 2009, pp.4-6). In committing to dictates of this DLR, we tend to see the world in a disjointed mode where only one or two given alternatives are admissible.

The DLR has the tendency to render world immanent realities as absolutes in a manner that makes complementarities difficult due to the fact that it is occasioned by the *mkpuchi anya* (phenomenon of concealment). While the *conjunctive logical reasoning* on the other hand, makes it possible for missing links to be grasped within a mutually related and complementary framework. For Asouzu, the CLR is a viable option compared to DLR in that it helps to mediate and reconcile effectively conflicting and contending alternatives, between the necessary and the contingent, universal / particular, what is mine and what is thine, indigenes and strangers etc.

Complementary Logical Reasoning

What we call reality is a composite of positive and negative missing links. In order to ensure CCR, there must be a way in which the mind will reconcile those aspects of reality that are disjunctive with those that are conjunctive. Although the former, DR can impair and impede our efforts to steer a genuine complementary course, it can also contribute to improving the way we relate to the totality of reality-if only indirectly (Asouzu, 2013, p.90).

With such knowledge of the nature of ambivalence in our mode of reasoning concerning our conjunctive and disjunctive faculties, Asouzu says, we can then be able to checkmate and quell such tension in such a relationship. Whereas, our conjunctive faculty helps us to be more accommodating, our disjunctive reasoning tends to resist the same and thus contributes in

restricting the way we relate to the world. Whereas, our conjunctive faculty impels us to relate to the world in the mode of “not only this but that thing or in the mode of: “this as well as that thing”, our disjunctive faculty pegs or restricts us to “either this or that thing. It is therefore in this way that both faculty shares in the ambivalence that characterize our being (Asouzu, 2013, pp.90-91).

The Joy of Being: a product of the Complementary Conjunctive Reasoning

Complementary Conjunctive Reasoning, CCR entails that we are honest and open-minded as we relate with other people in the world. This honesty is a product of what Asouzu calls *Mmadu ima Onwe Onye* interpreted in English as “the joy of Being”- (authentic experience of Being) which refers to the act of knowing who we are, what our limitations are, as well as what is expected of us without contradictions and biases. The CCR is a conscious way if treated with a carefree attitude, it would amaze us to discover that ‘within all existential contexts that are ambivalent, what it takes to be conjunctive is likely the same thing it would take to subvert the disjunctive mode and vice versa.

The Logic of Noetic Propaedeutic

In his attempt to elucidate what according to him is the *noetic foundation of Ibuanyidanda philosophy nay logic*. Asouzu admits that one of the greatest difficulties that the complementary system of thought faces is how to show insightfully that its principles and imperatives can be justifiably relied upon towards addressing those basic issues involving the organization and conduct of human affairs as individuals and as groups (Asouzu, 2007, p.312).

According to him, the problem of exclusivism which is at the root of every conflict is traceable to the *noetic* disposition of our disjunctive faculty through which we view and contemplate reality. It is therefore through the invocation of the logic of *noetic propaedeutic* (an education of the mind) that such categories as ‘fragmentation’, ‘exclusion’, ‘disunity’, ‘rancor’ and a list of others can be diffused and also help resolve our ambivalence tension which have truncated the individual consciousness. This noetic propaedeutic therefore, is for Asouzu, a pre-education of the mind and human reason with a view to overcoming what he calls “the broken unity of human consciousness” which is triggered by the challenges of our human tension-laden existential situations and the *ihe mkpuchi anya* (phenomenon of concealment), (Edet & Chimakonam, 2014, p.111) which impairs our thoughts, will and actions and drives us towards a negative disjunctive modes of thinking.

Noetic propaedeutic becomes a pedagogical and psycho-therapeutic dimension of *ibuanyidanda logic nay philosophy* that ensures that the mind is trained to view units as complements rather than as fragments. It is that education of the mind that is geared towards ensuring that the mind sees beyond the limitations of narrow mindedness, polarization, discrimination and division into it being more receptive of others and open to sincere comprehensive and totalizing dialogue and communication (Edet, 2014, pp.126-127).

Creating a pathway with the logic of Noetic Propaedeutic

It is on the afore premise as well as this sense of invoking the logic of noetic propaedeutic that we can rid our mind of those exclusive, disjointed, fragmented and divisive modes of thought, all of which are often being encoded to our disjunctive faculty of reasoning as they present us with such irreconcilable cognitive view of reality.

It is pertinent to punctuate that Asouzu's complementary logic and its method of complementary reflection are no strange bedfellows. What this means is that, *ibuanyidanda* logic has a close link with its method. As a method of philosophical inquiry and a type of logic of valuation, complementary reflection becomes basically a frame of mind, a mindset, a disposition or thought pattern which considers realities in the universality and comprehensiveness of their composition. It is about viewing isolated units of reality, not as disjointed irreconcilable fragments but as complements, in view of harmonizing disjunctive, discrete world immanent experiences in a manner that conveys authenticity to them (Edet, 2014, p.110).

Although Asouzu did not state categorically that the logic of *Ibuanyidanda* system of thought is multi-valued, one is not in error to argue that it is so. This is premised upon the fact that in almost all his numerous essays and treatise, Asouzu has always laid emphasis on his notion of *missing-links* as well as on his idea of conjunctive logical reasoning. The latter which according to Mesembe Edet (a notable and thorough bred disciple of Asouzu) serve as the springboard and foundation of *ibuanyidanda* philosophy which for Edet is implied by a process known as implicate comprehensiveness or implicate wholeness.

In Edet's words:

The conjunctive logical reasoning and the process of implicate totality, espouses a method that admits of the mutual complementation of all forms of logic that abhor exclusivist, bifurcative tendencies. In this regard the operation of *Ibuanyidanda* logic is neither single valued, double valued, triple valued, quadrupled or multi-valued. I have labeled it a logic of implicate comprehensiveness or implicate totality (Edet & Chimakonam, 2014, p.111).

In an attempt to elucidate and clarify what he meant by this logic of implicate totality, he further maintains that:

Within this context of implicate comprehensiveness or totality, truth is not unidirectional. It is neither in the affirmative direction nor in the negative direction. Rather truth is to be found in the complementation of both affirmation and negation. Thus, when we affirm that "anything that exists serves a missing link of reality", the logic of implicate totality considers the harmony of difference as priority (Edet & Chimakonam, 2014, p.111).

Insightful as the above might seem, it raises some pertinent questions: Is this “implicate comprehensiveness” not implied in the notion of a multi-valued (complementary/integrative) inclusive logic? Is it not the case that the implicate totality of Edet is just a different way of alluding to and explaining the same thing? Is it not also true that Edet’s notion of an *implicate totality* is to say the least, a matter of semantics and adjectival qualification? (Osuala, 2018, p. 69-70)

To critically engage this position of Edet will be outside the scope of this present paper, it however creates room for further research. But in order not to over flog this matter, what must be noted as Edet also agrees is the fact that Ibuanyidanda philosophy is constituted in a complementary, comprehensive future related logical mode in which case its truth value is contextual or conditional and consistent. Validity or otherwise is determined by the contexts and conditions of all the possible missing links that enter into the constitution of any reality” (Asouzu, 2014, p.111).

On the Notion of Super-Maxim and Boomerang effect of Ibuanyidanda Logic

For Asouzu, the major challenge that inhibits seamless human relationship and co-existence with other missing-links in a complementary harmonious living has always been the attempt to overcome what for him, is the negative super maxim crystallized by the disjunctive divisive mode of reasoning, implied and grounded in the Igbo aphorism, *uche ka so mu di* (the tendency or mindset that propels one towards bifurcation). To this, Asouzu says that they are the dogmatic canons that plague our day-to-day interaction. He contends that a maxim is a “law-like dictates” He writes that, “All maxims can be reduced to what I call a *super-maxim*, which states: the nearer, the better and the safer” (Asouzu, 2007, 318).

Within this context, Asouzu avers that the super-maxim is that which subsists at the foundation of all our relationships wherein we often and most of the time, tend to give preference to those we think share similar traits and filial relationship to us as against those that are far removed from our nearest kin. The negative formulation of this super-maxim as posited by Asouzu is that which makes us deny others of the same opportunity we gave those of our near kin, as we treat them with disdain presenting negative and unhealthy energies towards them some of which could be implied in outright verbal abuses and statements or elicited through actions and inactions (Asouzu, 2007, pp. 318-319). It was for this reason that Asouzu concludes that all conscious acts directed against the interest and wellbeing of others ends up as boomerangs on the long run, premised upon the fact that all humans share the same horizon of being (*ibuanyidanda*) on account of which all acts directed against any stakeholder ultimately rebound on all. What this means is that, we must at all point purge ourselves of the disjunctive mode of reasoning in so doing, we will rid ourselves of the super-maxim so that we can ultimately lead a harmonious life in mutual complementation with others without rancor.

Summary and Conclusion

In this paper, I have examined the nature of Asouzu’s Ibuanyidanda (complementary) logic by taking a historical trajectory into the fundamental principles upon which Ibuanyidanda logic takes credence. I argued that Asouzu’s complementary logic is founded on two basic principles, that is,

the principle of integration which is a metaphysical principle and a practical principle of progressive transformation which posits that we should allow the limitations of our being to be the cause of our joy. I showed how these two principles influence the two main inferential modes, that is, the conjunctive and disjunctive reasoning as well as how they cannot map reality fully from their respective vantages due to their marginal presentation of reality. As a spokesperson for Asouzu, I argued that complementary logic is a better framework for grounding social relationships through complementary conjunctive reasoning as against binary opposition and other forms of LGCs.

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PART TWO:
CONFLICT MANAGEMENT

Conflict Management and the use of Indigenous Dispute Resolution Approach: A case study of Egba Complaint Alternative Dispute Resolution, Idi Ere, Ake, Abeokuta, Nigeria.

¹**Oluwafunmilayo F. Adeyanju**

Lecturer and Law Clinician, Department of Public and International Law, College of Law, Chrisland University, Abeokuta, Nigeria, +2348038201782, folafunm@gmail.com, oadeyanju@chrislanduniversity.ed.ng

²**Opeyemi M. Adebari**

Lecturer and Law Clinician, College of Law, Chrisland University, Abeokuta, Nigeria, +2347063228319, opeyemiadebari03@gmail.com, oadebari@chrislanduniversity.ed.ng

Abstract

This chapter explores conflict management and the use of indigenous dispute resolution approaches, focusing on the Egba Complaint Alternative Dispute Resolution (ADR) system in Ake, Abeokuta, Nigeria. It highlights the inevitability of conflict in human interactions and the importance of effective management to prevent escalation. Indigenous conflict resolution is emphasized as a culturally rooted, community-centered approach that prioritizes reconciliation, relationship restoration, and social cohesion over punishment or retribution. The study contrasts indigenous methods with modern litigation, noting that the former is more effective, less adversarial, and better suited to preserving relationships. It also underscores the historical and cultural significance of Ake, the Egba people's ancestral headquarters, and the role of traditional leaders in upholding justice and governance. The study concludes that indigenous conflict resolution techniques have significant potential for promoting harmony in multicultural societies like Nigeria and recommends their integration into broader conflict management frameworks.

Keywords: Conflict Management, Traditional Approaches, ADR, Egba, Yoruba, Relationship

1.0 Introduction

Humans live in communities in confined spaces where they interact, associate, and socialize with one another, as well as explore and utilize their environment to further their goals and make money. But as they interact and relate to one another, disagreements, debates, conflicts, and fights threaten their harmonious cohabitation. Because "no man is an island," conflicts result from disagreements, struggles, and disputes that arise from frictions in social connections. (Familugba & Adedayo, 2020). Conflict is typically seen as unavoidable. When there is no conflict, it is assumed that either no action is occurring or that conflict is being repressed. In all aspects of our lives, conflict arises naturally and is a normal part of human activity (Omisore & Abiodun, 2014). It can occur in almost any social context at the individual, community, national, or international levels. In human civilization, conflicts may arise from a single source or multiple sources. According to Albert (2001:4-5), competition for resources, information manipulation, psychological demands, and conflicting value systems are some of the main causes of conflict in human civilizations.

Nigeria has had the greatest rate of violent conflicts in Africa in the past (Conflict Watch list, 2023), arising from wars of liberation to ethnic divisions, resource control, and land disputes, among others. Periodically, the loss of access to important resources, land tenure, state administrative systems, international borders, drought, settlement, population expansion, water development, insecurity, and the deterioration of traditional institutions all contribute to an upsurge in conflict, societal obligation to promote community harmony and stability (Mussa, Teka, and Aliye, 2017).

Regretfully, Nigeria's current predicament is not so much the actual occurrence of conflicts and crises as it is how to settle them in a way that keeps the ones that have already occurred from happening again and keeps the ones that are currently occurring from getting worse or turning into full-scale war. Nigeria, as part of African society, had evolved dispute resolution procedures before colonization arrived (Uwa & Aisedon, 2021). Nigeria's indigenous cultures have a variety of conflict resolution strategies, all of which are based on the idea that peace is more about mending connections than it is about putting an end to hostilities or resolving a conflict. In many regions of Africa and the developing world at large, the culture and knowledge systems of indigenous people and their institutions offer helpful frameworks, concepts, guiding principles, processes, and practices that can be used as a basis for successful endogenous development options for reestablishing social, economic, and environmental stability. Therefore, it is imperative that our conflict resolution mechanisms embrace the indigenous dispute resolution approach.

This study examines the strategy used by the Egba Complaint Alternative Dispute Resolution, Idi Ere, Ake, Abeokuta, and evaluates the efficacy of indigenous dispute resolution procedures. The study assesses the obstacles faced by indigenous approaches in modern times as well as their efficacy in managing conflicts.

2.0 Conceptual Framework

2.1 Conflict

Conflict is a struggle between individuals or organizations over incompatible objectives, limited resources, or the power to obtain them. Conflict can be defined as a situation in which at least two parties share a positional or resource-related issue and there is a behavior (or threat) intended to control or benefit one party at the expense of the other using power. It is a condition of dispute on substantive or emotional matters and can be brought on by mistrust, rage, or personality clashes (Umana, 2019). People's perceptions of authority, wealth, and goals also influence rivalry, and these beliefs can vary widely from person to person (Avruch, 2009). Depending on its purpose and management style, conflict can either be beneficial or detrimental (Sev et al., 2016). Lundy, Collette, and Down (2022) divided conflict into four distinct categories—economic, legal/judicial, political, and sociocultural/interpersonal. Indigenous conflict resolution techniques most frequently co-occur with sociocultural conflicts.

2.2 Conflict Management

Conflict management is a process to guarantee that members of a community live in peace and order. It is the process of keeping disagreements from turning into crises or of settling a crisis before it begins. Managing conflicts entails putting methods into place to reduce their negative features and raise their positive aspects to a level that is at least as high as the conflict itself (Alper, Tjosvold & Law 2000). Helping to resolve disputes and retaliation amicably is the goal of conflict management. Whether a conflict escalates depends on how it is handled after it has already happened (Rahmawati et al., 2020); hence, the perceptions, expectations, and values that individuals bring to the interaction must also be considered because conflict is an interpersonal process.

2.3 Indigenous Conflict Management

Indigenous conflict resolution procedures are a component of a well-organized, historically validated social framework that aims to maintain and strengthen social ties and promote reconciliation (Familugba & Adedayo, 2020). Indigenous procedures are less formal and so less frightening. They also help users feel more comfortable in a familiar setting. Indigenous conflict resolution techniques employ local actors as well as customary community-based judicial and legal decision-making techniques (Lowry 1999, cited in Familugba & Adedayo, 2020).

Before the coming of colonialism, African societies had well-established mechanism for conflict resolution (Uwa & Aisedon, 2021) The approaches to conflict resolution available within Africa's indigenous communities are not monolithic; underlying the approaches is the principle that peace is not only about the ending of hostilities or settling of a conflict; it is more about restoring relationships (Malan, 1997; Komuhangi, 2006). This approach is rooted in the indigenous and traditional approaches to conflict prevention, resolution, and peacebuilding. It places a strong importance on community life, and everyone participates in the collective effort to maintain good relations within the society. In a very real sense, a conflict that is developing among members of a society is seen as belonging to the entire community, rather than just being a question of interest about the affairs of one's neighbour (Izugbara and Ukwayi, 2003).

Indigenous conflict resolution approach is the practice of indigenous people that have been passed down through the generations (Eke and Ike, 2013), which have helped indigenous people to manage their natural resources and the ecosystems that surround them, including plants, animals, rivers, seas, and the natural environment, as well as to organize economically, culturally, and politically.

Lundy & Njonguo, 2019 characterized the indigenous peace-making process into twelve: obligatory; truth-seeking; collective accountability; elder participation; storytelling; spirituality; sacred relationships; shared objectives and community identity; equality among statuses; forgiveness and admission of wrongdoing; restoration of damaged relationships rather than exacting punishments; and rituals. Similar lists have been developed by other scholars (Adebayo

et al., 2014; Adebayo et al., 2015; Kemp and Douglas, 2004; Mac Ginty, 2008), such as the approaches being conciliatory, low cost, dialogic/public, cooperative/egalitarian, context sensitive/localized, and flexible. When taken as a whole, these pieces demonstrate the importance of compassionate and group processes to promote reunification, reintegration, and relationship restoration to the satisfaction of primary and secondary stakeholders.

3.0. Comparative analysis of Indigenous conflict approach with modern dispute resolution techniques

The indigenous approach to conflict resolution is more effective and timelier than modern litigation, as many court cases that have been pending for a long time are withdrawn to be resolved at home through conventional means. Umezuroke claims that “the Igbo justice systems are based on the significant value of peace-making and reconciliation,” in other words, the indigenous approach is more results-oriented than the modern litigation settlement in court. (Umezuroke, 2016).

An honest appraisal of the issues at hand is essential to the successful management of conflict. The indigenous mechanism aims to discover the truth and places greater emphasis on the veracity of each statement than on the strength of the argument. This encourages sincere reconciliation and trusted intimacy, which play a significant role in bringing a cohesive trust-based community (Wanyoike *et al.*, 2018).

Peace and reconciliation are the primary goals of the indigenous approach, not restitution and punishment, which are regrettably the goals of the contemporary approach (Akano & Bamigbose, 2019). It is predicated on mutual communication rather than punishing disputing parties, which could foster unity and camaraderie. Conflict resolution through stakeholder discussion dispels misconceptions, gives parties a sense of control over the disagreement and its resolution, and teaches participants strategies and tactics for resolving future conflicts.

People are empowered by their structures, nature, and cultural strength as it begins to constructively address the conflict situation to change it into communal harmony (Olowu, 2018). Its symbolic processes and rituals (Abraham, 2019) improve situational adaptation (Mbih, 2020), invention, creativity, and sustainability (Appiah-Thompson, 2020), establishing leadership (Worku, 2021), a cohesive, trust-based community (Wanyoike et al., 2018), and the restoration of justice (Tesfaye, 2021). It is simpler and quicker, and the parties involved in the dispute resolve their own issues and manage their business in a manner that is comparatively more acceptable to them (Mussa, Teka, and Aliye, 2017). It highlights the value of people's reintegration into the community, the relationship between the private and public spheres, and the reconciliation of parties in order to resolve conflict; justice is a crucial component of this process, "but as a compensation for loss, not as a retribution for offense" (Zartman, 2000). Instead of being a competition where the victor takes all, as is the case with the adversarial trial system popular in contemporary states, an indigenous system trial aims to bring the parties together. No one is completely guilty or innocent (Okogeri & Oaikhena).

Formal conflict resolution is based on a set of laws; it is unlikely to consider the long-standing social and economic ties that exist within a community. Additionally, because the primary goal of government legal systems is to administer justice by imposing agreements, they frequently result in a zero-sum (winner-take-all) outcome. On the other hand, indigenous conflict resolution and management result in win-win scenarios. The parties to the dispute agree that they stand to gain and lose in the end (Mussa, Teka, and Aliye, 2017).

When settling disputes between people, formal approaches to conflict management frequently overlook or fail to take into consideration problems that are pertinent to indigenous communities; peaceful cohabitation and reconciliation are never their goals (Kelemework, 2011).

4.0. Contextual Background of Egbaland

Prior to the early nineteenth century, the Egba people inhabited a region that extended from the Ogun River in the northeast to a location near Oyo. In the past, their territory encompassed communities such as Ibadan, Akinmorin, and Awe, which are now located in Ibadan and Oyo Province, according to one of their most renowned historians (Biobaku, 1957).

The Egbas, a Yoruba-speaking community, are currently situated in the central regions of Ogun State. Until 1914, the Egba people maintained their formal independence from British rule after settling in Abeokuta as refugees in 1830. Before 1914, political power was distributed among the *olorogun* (war chiefs), *ogboni* (civil chiefs), *ode* (hunters), and *parakoyi* (trade chiefs) at the more decentralized level of the township (Fenske, 2010).

The Egba, like other Yoruba communities, established themselves in agricultural towns. It is asserted that there were up to 300 of these towns, although there are grounds to suspect that the actual number was somewhat lower. The towns were structured into three provinces: Egba Ake, Egba Oke-Ona, and Egba Gbagura, however, the extent of governmental coordination within this provincial arrangement remains unclear (Mabogunje, 1961)

Ake is a historic town and the ancestral headquarters of the Egba people, located in Abeokuta, Ogun State, Nigeria. The town has a rich cultural heritage, dating back to the 18th century when the Egba people migrated from the ancient Oyo Empire (Biobaku, 1957). Ake was founded by Sodeke, the legendary leader of the Egba people, who is credited with establishing the Egba Kingdom. The town is situated on a rocky outcrop, which provided natural protection and defence for the early settlers (Smith, 1988). The name "Ake" is derived from the Egba language, meaning "under the rock" or "beneath the stone." This refers to the town's unique location, nestled beneath the Olumo Rock, a massive granite outcrop that dominates the landscape (Smith, 1988).

Ake is home to the Alake of Egbaland, the paramount ruler of the Egba people, who resides in Ake Palace. The town is also famous for its historic sites, including the Olumo Rock, the Ake Palace, and the Centenary Hall (Researcher 2024)

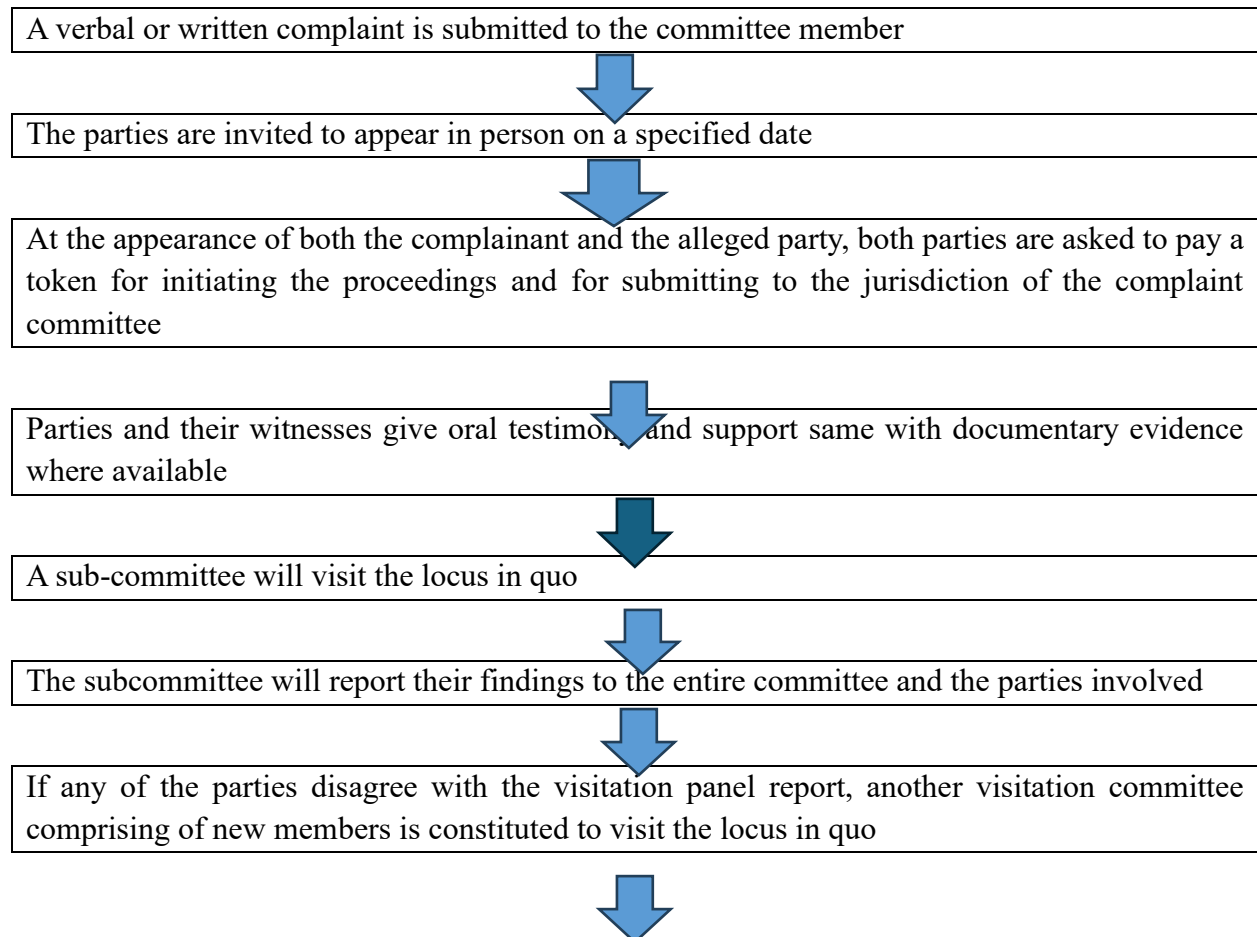
4.1. Nature and mode of conflict resolution in Idi Ere, Ake.

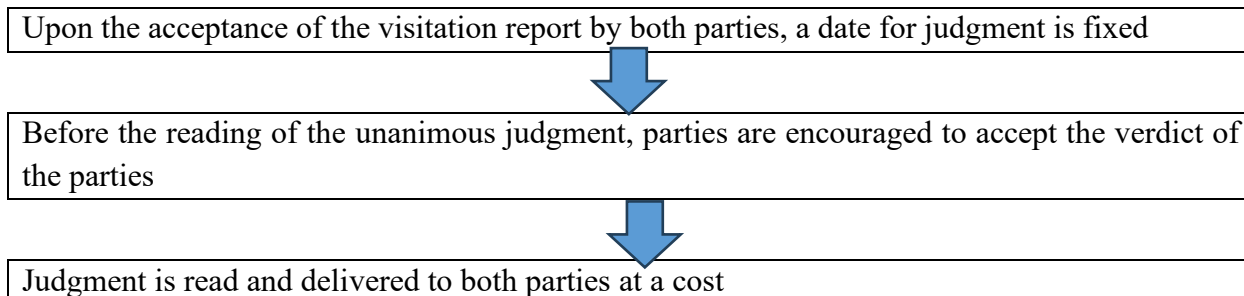
Historically, land conflicts, particularly encroachments on land borders, are the most common sources of conflict in Egba land, Ake. The area's rich soil and advantageous position render land a highly sought-after asset. Consequently, conflicts regarding land ownership, boundaries, and usage are prevalent. Encroachment is a considerable issue, as individuals and communities want to enlarge their landholdings, frequently to the detriment of their neighbours (Frenser, 2010).

Deeper social, economic, and cultural elements intensify land disputes and encroachment. A complex network of familial and communal interactions underpins Ake's traditional land ownership structure. Inheritance, succession, and land distribution issues can result from this arrangement. As people and companies buy land for development, the region's land commercialization has caused new issues.

Other sources of conflict in Egba land, Ake, include chieftaincy issues and marriage matters. Nevertheless, the most pervasive and contentious issues are land disputes and encroachment. The repercussions of these conflicts can be severe, resulting in economic hardship, displacement, and violence.

The complaint flow charts are as listed





Source: Adeyanju & Adebari findings from the field

4.2.1. Key Stakeholders in Dispute Resolution

The orogun (war chiefs), ogboni (civil chiefs), ode (hunters), and parakoyi (trading chiefs) shared political power at the more decentralized level of the township. The Egba complaint committee consists of about 26 members from Egba Agbeyin, Egba Ekuu, and Egba Arin, comprising the Ogboni, Parakuyi, Olorogun, Ologun, Ode, and Erelu. According to Egba customs and traditions, it is required of the Obas and Baales, particularly the Ogbonis, to support the reigning Alake of Egbaland in upholding the rule of law and promoting good governance within the kingdom.

The Idi Ere (Egba's Complaints Committee), a traditional dispute resolution process that is held in the Ake's Palace, has been in existence since 1852. The complaints committee meets Monday through Friday all year long. Although the Egba population is highly literate, both educated and illiterate members of the community embrace the indigenous courts, as judgment delivered by the indigenous courts if contested and jettisoned is always and like the regular courts' decision. Thus, both literate and illiterate, rich and poor members of the Egba community believe that going to the conventional formal courts is a waste of time, money, and energy because they can obtain the same justice at the palace.

5.0. Findings and Discussion

The results show that disagreements can be transformed into positive circumstances depending on the mechanism of resolution adopted. The usual belief that “*a kin ti kotu de ka tun se ore*” meaning litigants do not return from the court and remain friends, is an exception in the indigenous Egba approach to settlement, as matters are resolved amicably and seen as private affairs between the disputants on the one hand and the complaint committee on the other hand.

Although the rules or procedures are not written, indigenes and residents (strangers) are aware of the committee's methods of operation. A disputant confirms this and says, "I did not read about the procedure, but I know the usual practice as I grew up to hear reports about the Ake proceedings from elders in my community.”

Restoring a cordial relationship and peaceful coexistence between disputing parties is the aim of the Ake indigenous conflict resolution techniques, not punishment. The tactic has enormous

unrealized potential for preserving social cohesion in a multicultural and multiethnic nation like Nigeria, where intercommunal disputes are common.

The complainant is given the opportunity to present her case, and the defendant or defendants are asked to politely address each accusation the complainant makes. Both sides' witnesses are asked to provide their knowledge of the submissions made to the committee. The procedure is simple and symbolic, free from the technicality of the modern approach. Witnesses take oath by pointing to the first Alake as shown below



Findings on the field

In terms of the subject matter, civil-related cases such as land matters, matrimonial disputes, chieftaincy, and communal disputes are within the Egba complaint committee's purview, but criminal-related cases and matters pending before the court (*jus pendis*) are not allowed.

In terms of the procedure, disputants appear in person, and once the petitioner reports, the respondent is notified and requests to show up on a specified date. The notice is usually short, leading to a speedy trial.

The committee usually visits the locus in quo, particularly when it is a land dispute, to ascertain the boundary mates and the history of the land by interrogating occupants or owners of the adjoining land to the land in dispute. This procedure promotes truthfulness as members of the Egba complaint committee engage in a fact-finding mechanism to have a fair judgment based on truth and nothing but the truth. The judgment is unanimously given by members of the committee who represent each of the 26 districts that constitute the three sections of Egba, namely, Egba Agbeyin, Egba Ekuu, and Egba Arin.

The dispute resolution committee is accessible to all without any discrimination as to age, status, sex, or whatsoever. Females and strangers or non-indigenes who are residents within the Egba community can initiate proceedings before the resolution committee. An individual or a group of people can also initiate proceedings against their chiefs (Baale), and if the chief is found guilty, he can be deposed by having his bead returned to the King who beaded him.

The resolution committee can sit as a court of first instance or an appeals court. A party dissatisfied with the findings from “Ile Ogboni” can appeal to the Idi Ere complaint committee and, if also dissatisfied, can appeal to the palace directly and have his imperial majesty the Alake of Egba land give the final verdict.

6.0. Challenges of the Egba Complaint Alternative Dispute Resolution, Idi Ere, Ake, Abeokuta, Nigeria.

The King's Court in Alake's palace faces numerous challenges that impede its effectiveness, according to a key informant. Principal among these challenges are financial constraints, transportation difficulties, and enforcement issues.

6.1. Finance

Financial limitations provide a considerable challenge, as the King's court is predominantly dependent on revenue derived from fees imposed on individuals who present cases before it. The constrained financial resources hinder the court's capacity to function effectively and deliver high-quality services. The chiefs who seat over matters do not have any official remuneration. They rely on the fees charged to the parties for their seating allowance and transportation, which can be as low as 300 naira per chief, as reported by the key informant. This is unlike litigation, where lawyers, judges, and paralegals are remunerated for the services they offer. Although dispute resolution services in the King's court are as good as free, there must be a good financial structure to ensure the proper running of them.

6.2. Transportation

Transportation shortages exacerbate the court's difficulties. The lack of dedicated vehicles for official duties, such as attending to cases, conducting site visits, and performing administrative tasks, compromises the quality of work produced in the King's court. With the nature of cases attended to in the King's court, it is of necessity that there are dedicated vehicles to ensure proper

mobility of the Chiefs and other administrative workers for investigations and enforcement of judgements.

6.3. Enforcement of judgement

The enforcement of judgments is a considerable difficulty, and it is necessary to exercise a certain degree of strictness to guarantee that parties comply with the decisions made by the court. There is a significant problem with the court's ability to properly enforce its judgments, which influences the integrity of its decisions. Although the key informant mentioned that they have good rapport with executive agencies like the police, they still face some issues with strict enforcement of judgment, unlike formal courts.

7.0. Conclusion and Recommendation

Conflict is an unavoidable but potentially productive part of human behaviour. When managed effectively, conflict can lead to satisfaction with goals attained, and enhanced commitment to relationships. The essence of government is to maintain peace and order within the society by prohibiting anarchy and curbing judicial frustration that can make disputants result in self-help. The Idi Ere, Ake alternative dispute resolution like most indigenous conflict management mechanisms is quick forestalling the frustration embedded in delayed trial associated with modern litigation, free, fair, and affordable, and for age long immemorial has been resolving conflict that could otherwise have resulted in self-help or even escalated to communal war.

Considering the effectiveness of this approach, it is apposite that the effort of the committee members who sit tirelessly should be rewarded by providing them with certain benefits in the form of allowances and/or salaries. Thus, the ministry of special duties and inter-governmental affairs, as well as the ministry of local government and chieftaincy matters, should have a harmonized budget for the committee through the state government, and the palace treasury should cater for their peculiar needs, particularly vehicles for the Olopa Ileke (the Sherifs) and the visitation panel who visits the locus in quo.

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PART THREE:
CRIMINOLOGY

African Criminology: The Post-Pandemic Paradigm in Crime and Victim Studies

Professor Joan Ugo Mbagwu

Department of Criminology and Security Studies

Chrisland University, Abeokuta, Ogun State, Nigeria

jmbagwu@chrislanduniversity.edu.ng, joanmbagwu@yahoo.com

Phone/WhatsApp: +2348085265322

Abstract

The COVID-19 pandemic is one of the global events of the 21st century, which has redefined the way the world looks at life. It brought such a dramatic change that strategic thinkers are forced to review what tools they have and how effective they are. Fortunately, the global community have come to realise that a change of approaches or paradigm shift is necessary, even in crime and victims studies. The response of Africa to the COVID-19 pandemic by looking inward to explore African medical sciences, which was very successful, has shown that, other aspects of our lives could dare to look inward for solutions, and criminological studies is not an exemption. Therefore, the paper is a call for revisiting African indigenous knowledge in crime and victims studies in the post pandemic era, as it is the right way to go. African criminology is adoption of African perspectives and philosophies in both the study and practice of criminal justice in Africa. This is not a call for total abandonment of the Western approaches, but a call to mainstream African indigenous knowledge in the development, studies and practice of criminal justice in Africa. This paper further argues that it is important to acknowledge the challenges of mainstreaming these African views into the contemporary system of justice. However, mainstreaming can be made possible by deconstructing and reconstructing some of the traditional beliefs and practices to fit into the present realities.

Keywords: COVID-19, Africa, Criminology, Indigenous, Crime, Victims

Overview of the COVID-19 Pandemic Period

Crime and Victim Studies: Post-Pandemic Developments is a call for paradigm shift to move away from the former global thinking and perspectives to thinking and acting locally and inwardly. It was very clear that the western communities predicted doom for Africa, but the opposite happened because we dared to look inward and took our fate in our hands and ran with it. One good thing that came out of COVID is the boldness we dared to exhibit and it paid off for us. The African Union 11th High Level Retreat on the Promotion of Peace, Security and Stability in Africa, ‘The Future of Mediation in Africa: Towards Silencing the Guns: Lessons and Opportunities from the COVID-19 Pandemic’ at which I was a lead consultant, majored strongly on the need to go indigenous because that is the way to go.

The period of COVID-19 pandemic of 2020 is definitely one of the most significant global events in recent time as it affected cultures, crime, and government ways of doing things, economics, politics, and social interactions for the predictable future. One thing particularly unique about the COVID crisis is the global governments’ reactions in issuing legal stay-at-home instructions in an attempt to slow down the spread of the virus, although the orders varied, both in degree and timing, from country to country. Initially, people were encouraged to self-isolate

voluntarily; but with an increase in the magnitude of the spread, governments began to legally mandate citizens to stay-at-home to reduce the transmission rate of the virus. However, workers on essential duties like medical, finance, public safety, food production, transportation, and in other miscellaneous industries personnel continued to work.

Consequently, the entire world significantly reduced day-to-day travels; working from home was the new normal. Leisure activities, shopping trips, social gatherings, the ability to dine out, and more were eliminated. According to Washington Post-ABC (2020), one poll in late March found that 90% of Americans, including essential workers, were ‘staying at home as much as possible’ and this altered lives of billions of people in human history around the world. One positive outcome of these changes is the dramatic reduction in crime (Fattah, 2020).

According to Tade (2022), COVID-19 lock-downs in Nigeria brought the fear of crime closer to home as gang groups attacked communities in different parts of the country. The ‘Million Boys’ were operating in Lagos, and other gang groups were in Ibadan. The nature of criminal activities changed as criminals knew that everyone was home, and if individual criminals went out to rob, they would be caught. Therefore, they changed their strategy to go in mass. Many of them would go to a community armed with iron cutters, hammers, clubs, machetes and whatever they could use to carry out their operations.

The Governance, Public Safety, and Justice Survey, 2020/21 (GPSJS) data released by Statistics South Africa (SA), revealed that due to the COVID-19 pandemic, strict measures were implemented. Levels of crime experienced by households and individuals in SA over the 2020/21 period dropped, as there was a decline in the experience of housebreaking, theft of motor vehicle and murder. The decline in crime rate or occurrence led to increased feelings of safety as about 85% of adults aged 16 years and older felt safe walking alone in their neighbourhood during the day, while about 40% felt safe walking alone in their neighbourhood during the night. Although more women felt unsafe walking alone at night in their neighbourhoods compared to the men. However, more rural dwellers felt safer walking alone in their areas when it is dark than residents in urban areas.

Crime and Victims of COVID Pandemic

Just like other countries, South Africa recorded a great decrease in the number of homicide victims in April 2020 although the reduction in the number of victims was short-lived. (ISS, August 2020) For example, property crime like robbery, theft and burglary constitute a considerable share of all crime experienced by the people around the globe were reduced due to shutting down of regular economic and social activities as COVID-19 quickly spread.

Available data from October 2019 to August 2020 from 22 countries revealed decline in property crime. Robberies declined by 58 per cent from February to April, burglaries by 58 per cent and theft by 72 per cent. However, these data should be interpreted with caution since this may be due to different dynamics including decline in the commission of the crime; decline in the reporting of the crime by residents; and decline in the recording and detecting of the crime by the authorities.

However, the compulsory stay-at-home measures adopted as parts of efforts in checking the spread of the virus also mean that the most vulnerable—women, children, the elderly, people with disabilities/chronic illnesses, and refugees—are more defenseless than ever. (Aborisade, 2020)

Women and girls faced more sexual abuse as there was an upsurge in cases of Sexual and Gender Based Violence (SGBV) as recorded in Nigeria and other countries. Consequently, the United Nations Entity for Gender Equality and the Empowerment of Women, (UN Women) to refer to the rise in the gender-based violence as a “shadow pandemic”. The Nigeria Police Force reported that 717 rape cases were recorded between January and May 2020, (The Guardian, 2020) a remarkable increase compared to reported 223 cases over the same period in 2019 (Sahara Reporters Limited, 2020). Even more situations are tragic where victims did not survive to tell the stories of their ordeals; for example, in the month of June, 2020, a 22-year-old female university student Uwavera Omozuwa, was raped and murdered in a church in Benin City, Edo State (Egbejule, 2020). Another female student, 18-year-old Barakat Bello, was raped and killed in her home in Ibadan (Punch, 2020a) and even a minor Favour Okechukwu, an 11-year-old girl was reportedly gang-raped to death in the Ejigbo area of Lagos (Premium_Times, 2020).

Pandemic Criminological Theory

In analysing the criminological theories that can explain the crime structure in pandemic, it is important that the review examine the possible impact of the COVID-19 pandemic on crime on short-term and a long-term perspective. The **Criminological Opportunity Theory** suggests that lockdown measures can potentially reduce the possibility of committing crime because of the restrictions imposed on mobility and social interaction. When people do not have the opportunity to commit that crime as was noticed during the lockdown, crime was less. For example, because people are home, breaking into private homes is very limited and the social-distancing measures which impose restrictions in public gatherings like bars, restaurants and shops, have significant impact on interpersonal contact that led to less crime being committed.

While the **Strain Theory** argues that socioeconomic strains that affect a larger population, especially the most vulnerable groups, (poor, women and children) have the potential to create an atmosphere of pressure that drives individuals to commit crime. Therefore, theoretically, lockdowns and restrictions can trigger different dynamics, depending on a variety of factors like the socioeconomic support provided by Governments to overcome the challenges and preexisting conditions in terms of crime and governance. For example, the ‘Million Boys Gang’ in Nigeria was created by the strain of the poverty and no government support during the pandemic.

Need for Paradigm Shift: Why Indigenous Knowledge (IK)

Conscious efforts are being made to find the way forward in medicine, agriculture, education just to mention a few. For the sole goal of preserving peace, stability, and good relations in the society, crime and punishment in original African civilizations were defined by flexible unwritten norms and procedure thought to have arisen from divine inspiration. When compared to

the imported western style of criminal justice currently used in our courts, the African indigenous criminal justice system is less expensive, informal, quick, and devoid of technicalities; and justice is executed by the people. In IK system, the cost of hiring counsel is not borne by the parties because they are not required to do so. The parties do not need to transport themselves to a remote venue for the hearing because the proceedings take place in the community. All parties, eliminating the requirement for an interpreter, hold the sessions in understandable local dialects. The proceedings are free of legal jargon and are carried out in a way that is clear to everyone, including community members. It is a known fact that Nigeria's traditional criminal laws are no longer in effect, and judges are only authorized to inflict punishments outlined in a written statute and this is wrong.

African scholars including Alemika (2009) Olutola (2014), and Mbagwu (2016) have unanimously agreed that for peaceful resolution of disputes in African communities, the preferred approach is African indigenous systems 'prescribed by the institutions and values of the community' Best (2006). Our present day Alternative Dispute Resolution (ADR) and the practice of Victim Offender Mediation (VOM) are familiar practices in traditional African societies in resolving disputes by individuals trying to reach a compromise by negotiation on their own. Nwosu (2011) argues that the West merely copied traditional African disputes settlement approaches, 'rebranded' and refined it by expanding the skills, and re-introduced it to Africa as ADR. Traditional African justice systems were based on the restorative approach as they have featured variations of third-party arbitration and mediation.

With the advent of COVID and the response Africa made by looking inward for survival contrary to the expectations of Western nations, it is imperative for Africa to revisit the justice system. There is a need to begin to interrogate the relevance of the heavy reliance on Western models of criminal justice systems that have not been of great benefit to us, considering the increased criminal cases and the congested courts and prisons. According to Baffour, F. D. et al (2024:1)

The Kumasi prison is too congested, and effort is not made to reduce the population. . . now, I will describe the situation as above the threshold of describing it. The prison has a current population of almost 2000 inmates, whilst it is a facility that should accommodate not more than 400 inmates (Officer Baker).

The Indigenous Theoretical Framework - Platinum Rule/Theory

The Platinum Rule/theory postulated by LeBaron (1993) suggests, Treat Others How THEY Want to Be Treated because we need to act toward people in a way that benefits them, instead of the Golden Rule that believes on the adage "Do unto others as you would have them do unto you". Culture is a crucial component of conflict and conflict resolution because it acts as an invisible river that flows through people's lives and interactions, sending messages that influence how they perceive the world and how

they perceive themselves and others (Koyuncu, & Chipindu, 2019; Bedigen, 2020). Even if cultures are strong, they are frequently unconscious, having a subtle impact on conflict and attempts to overcome it. If we want to deal with individuals successfully, we need to understand how their cultures operate because when they don't live up to our expectations, it's frequently a sign that our cultural norms are different. Because common sense is also culturally based, what is common to one group may look weird, counterintuitive, or incorrect to another, it is easy for us to perceive differences between others and ourselves as evidence of ill faith or a lack of common sense on the side of others.

Because cultures influence how we name, frame, assign responsibility for, and attempt to manage conflicts, there is a significant relationship between cultures and conflicts as they are imbedded in human interactions. Because it depends on cultural views, the existence of any conflict is a cultural question. Therefore, culture is a factor in conflict whether it has a major impact on it or just impacts it. However, it is primarily submerged like an iceberg and moves delicately and silently. In our studies and initiatives, it is crucial to consider culture, as unrecognized icebergs can be risky, especially if we don't know where they are or how big they are, making decisions regarding them impossible. Thus, recognizing culture and applying cultural fluency to conflicts can assist all types of people in making more deliberate and adaptable decisions.

Therefore, LeBaron (1993) proposed theory on culture and conflict in which she contends that cultural awareness prompts the use of the Platinum Rule rather than the Golden Rule because the Platinum Rule is even more considerate and peaceful than the Golden Rule. Peace will ultimately arise from treating others as they would like to be treated, and this can only be accomplished when others are aware of the core values that each person's cultural affiliation.

Features of Indigenous Laws and How They Are Relevant Today

Indigenous law is the aspect of the indigenous knowledge that guides and regulates the interaction and relationship of the people of that particular community. It is based on the customs and culture of the people and therefore could be referred to as the customary law of a people as it consists of customs accepted by members of a community. In linking customary law to indigenous law, Obaseki JSC said:

Customary law is the organic or living law of an indigenous people of Nigeria regulating their lives and transactions. It is organic in that it is not static. It is regulatory in that it controls the lives and transactions of the community subject to it. It is said that custom is a mirror of the culture of the people... *Oyewunmi & Anor. v. Ogunesan* (1990) 3 NWLR 18 at 207.

Okany (1984) opines that the customary law of a community is a body of customs and traditions which regulate the various kinds of relationships between members of the community, and Ojiako (1991) describes customary law as the rules of conduct that govern the legal relations

of an ethnic community as established by custom and usage. The Imo State Customary Courts Edict No. 7 of 1984 defines customary law as:

...a rule or body of customary rules regulating rights and imposing correlative duties being a customary rule or body of customary rules which obtain and is forfeited by established usage and which is appropriate and applicable to any particular cause, matter, dispute, issue or question.

Finally, Hon. Justice M.B. Ardo in support of previous scholars opines that customary law derives its source and roots from the tribe or ethnic group among whom it operates. According to him, customary law is indigenous and diverse and applies to particular ethnic groups as separate systems; accepted as obligatory and recognized by the members of the ethnic group.

The definitions of indigenous law have a lot of takeaways that shows its relevance in today's criminal justice system and its even part of the criminal justice system as customary laws. Our criminal justice advocates for interactions that is not injurious to anyone and in case there is any altercation, punishment will follow. In the indigenous law, which is also seen as customary law, also regulates behaviour and transactions.

According to Uwazie (2000), the indigenous legal system typically relies on oral, unwritten, and flexible precedents or rules, is less bureaucratic, and involves native or lay participation, also, Salacuse (1985), made a statement that native law and custom is unwritten, indigenous law; the only law that existed in the land that is now known as Nigeria before the entrance of the British. It is a reflection of common practice and the social attitudes and customs of many ethnic groups, and it receives its legitimacy from the community it controls.

- ***Social Harmony***

The goal of achieving societal harmony serves as the foundation for dispute settlement.

Promoting societal harmony is the mediators' only goal in resolving disputes between parties. It is not intended to punish the offender; rather, it is anticipated that making the guilty pay for crimes done will bring harmony and peace back to the community. Conflict is viewed traditionally as an undesired disruption of interpersonal interactions within the community (Faure, 2000).

Therefore, the goal of traditional dispute resolution is to bring back societal harmony and order. Future cooperation between conflicting parties needs to be ensured. Therefore, traditional conflict management is focused on the future. Therefore, the question at hand is not the punishment of offenders for acts committed in the past, but restitution as a foundation for peace. Reconciliation is required for the community's social harmony to be restored in general and for the social interactions between the parties to the conflict to be repaired in particular. It is to:

...not to punish, an action which would be viewed as harming the group a second time. Re-establishing harmony implies reintegrating the deviant members ... The ultimate matter is ... restoring good relations" (Faure 2000:163).

This is why traditional methods typically adopt a restorative justice philosophy rather than (modern, western-style) punitive justice. It is important to understand restorative justice "as a compensation for loss, not as a retribution for offense" (Zartman 2000b:222). Relationship restoration is the ultimate goal of conflict transformation. Dealing with the past is not excluded

by a future-focused mindset. Restitution, reconciliation, and the restoration of harmony and relationships, on the other hand, can only be based on a shared view of what went wrong in the past. As a result, conflicting parties must establish a consensus over how the past should be interpreted. This is an extremely time-consuming endeavor. It is necessary to establish the truth and establish the relevant facts. When there is agreement a consensus has been reached on the truth and the facts, and both parties can now acknowledge their mistakes, ask for forgiveness, and accept the apologies of the other party. Depending on the cultural context, such processes frequently result in the exchange of material commodities as recompense, whether it be "blood money" or other gifts. Cattle, goats, pigs, garden products, or shell money are a few examples.

The significance of this transaction resides in the transformation of reciprocity; the reciprocity of gifts takes the place of the revenge-based, "pay back," or "tit-for-tat" reciprocity that is a defining feature of conventional disputes and that fuels violent cycle of violence. Violence is replaced by compensation:

conflicts are settled by compensation of a symbolically equivalent amount, which then is recognized to have restored order to the community. That recognition is two-sided: acceptance by the aggrieved party depends on acceptance – that is, atonement – by the aggressor. (Zartman 2000b: 222).

According to Huyse and Salter's (2008) research, specific conflict transformation efforts are carried out in accordance with customary law, which is the full range of orally transmitted norms, values, and practices that guide community daily life and are sanctioned by entities that exist outside of the human realm, such as the gods, the spirits of the dead, or other supernatural beings.

● *Participatory Justice Delivery.*

African communities use a participatory approach to resolve conflicts. Contrary to the west, non-central participants to the conflict can take part in the administration of justice. Elias (1956) said that the Ibos of Nigeria have a proverb that reads, "A case forbids no one." Even in their initial statements, the mediators stated that they wanted those with accurate information about the case to come forward and share it or they would be viewed as assessors of crime.

The parties to the issue can negotiate directly to end the conflict and find a solution, or they can ask a third party to mediate. In either event, the process is open to the public, and participation is entirely optional. It is carried out by social groups (extended families, clans, village communities, tribes, brotherhoods, etc.) for the benefit of social groups; people are seen as belonging to a (kin) group, and they are responsible to that group for their actions, as is the group as a whole. Zartman (2000).

The victim, the offender, and the judges are typically involved in complicated relationships outside of court in African indigenous criminal processes; hence, depending on the seriousness of the offense, emphasis is placed on maintaining the current positive relationships if possible. The victim and the accused are parties to proceedings under the indigenous law system. The ultimate goal is to promote peace between the parties in order to reestablish social cohesiveness within the society.

- ***Gerontology***

Another premise used in African justice systems / conflict resolution techniques is gerontology. The significance of seniors in the community is emphasized. Africans feel that because they are older, wiser, and the keepers of cultural traditions and laws, they are most suited to contribute knowledge. They also think that as the oldest family member is typically held accountable for wrongs perpetrated by other family members or community members, it is their obligation to mediate disputes. The elders are more knowledgeable (wiser) about traditional laws and customs and can therefore untangle the complexities that led to the dispute, give the best judgment, and recommend the best deterrent for the future, allowing peaceful coexistence. This is typically done through legal representation.

- ***Oaths and Spirituality***

There is a widespread view in Africa that taking an oath to settle a dispute is crucial because it forces the parties to be honest with one another. Additionally, many people invoke the spirits of the deceased as mediators because it is thought that they are a part of the living. Conflict participants are persuaded to believe that telling lies could result in their death or other damage from the ancestors who were present when the conflict was settled. When a solution is reached, according to Nwoli (2004), it is sealed using elaborate rituals. These ceremonies include exchanging wealth, praying, and offering sacrifices to gods, gods' children, and ancestor spirits.

African Indigenous Law Proof of Crime

In an effort to prove a crime has been committed in customary judicial processes, the customary courts do receive hearsay evidence so long as those giving evidence have vital knowledge of the facts of the case. The nature of evidence in most conflicts is simple and the witnesses must be honest, concentrating on the adjudicators' ability to resolve the disagreement (dispute) quickly. According to Elias (1969:21)

“The customary judicial process in Africa recognizes the right of everyone in the community to participate in any proceeding before the court. The judges presiding encourage all those who have vital evidence in relation to any case they are hearing to come forward and assist the court by tendering it; they often exercise the right to cross examine such volunteers with a view to satisfying themselves as to the authenticity of their testimony. Where necessary, corroborative evidence from others present are often invited. Individuals mentioned by the parties to a case who may not be present at the hearing are usually sent for by the court to give evidence on relevant points”

Indigenous Punishments in Africa and Categories of Penalties

Punishment in indigenous Africa is understood within the philosophy of social harmony where the social cohesion of the community is the main objective of resolving conflicts. When community members disagree and one is hurt by the behaviour of another; meting out punishment is with the intention of disciplining the offender and restoring the relationship for the peace of the community. For this reason, customary legal procedures in prescribing punishment decisions are never made in isolation from the social and cultural context of the specific community.

According to Alan Milner, specific punishments were not predetermined for various offenses of differing seriousness; instead, they were determined by the facts of each individual instance. The Nigerian Penal System, by Milner Alan, op. cit., note 84. Opolot supports this claim by arguing that, in contrast to the classical school of criminology, the conventional criminal code is more practical because there are hardly any fixed sentences for fixed offenses. The categories of penalties are thus:

- ***Capital offense***

Throughout the history of customary rules, it had been legal to execute people via hanging, beheading, stoning, drowning, burying them alive, and other similar methods. For the most heinous crimes, such as murder, sacrilege, and other magico-religious offenses, the most usual form of punishment is death.

- ***Banishment***

Banishment is a form of punishment that involves forcing criminals to leave their home nation either permanently or for a set amount of time. It imports a forced loss of one's nation and is associated with exile or deportation. One of the punishments used in pre-colonial African communities was exile. Serious offenses like murder and witchcraft may result in such a punishment.

- ***Fines***

One of the dispositional strategies used by traditional African communities in their criminal justice system is the fine. Fines are imposed with the intent of punishing offenders and preventing future offenses. The chief required payment of the penalty.

- ***Physical Restraint***

The Bantu are a group of people who inhabit Kenya and the entire southern region of the African continent south of the fourth degree of latitude. The villagers are invited to watch the administration of corporal punishment in public in order to play on their concerns and make them fearful of acting in ways that could result in such a consequence. Social offences are subject to physical punishment in Yoruba legal culture, including flogging, lashing, binding, placing in stocks or a yoke, lacerating wounds, exile, castration, or emasculation.

- ***Penalties for Reparation***

African indigenous justice takes the condition of the victim of crime seriously. It makes an effort to place the victim of the crime in the same situation that he was in before to the crime being committed. As a result, it uses restorative justice as its basis for punishment.

- ***Restitution and Compensation***

The main goals of traditional adjudication are to restore social harmony and, whenever feasible, to bring the parties together. In order to restore the status quo, the sanctions therefore primarily emphasize restoration or compensation rather than punishment.

Women Peace Making Roles in Traditional African Societies

In traditional African society, women are not only assigned domestic duties but also promote social harmony through peace-making and peace-building. They play a vital role in conflict prevention and peace sustenance, highlighting their unique contributions to society rather than being seen as war victims or agents. Helsinki (2009) emphasises the importance of investing in women for peace and sustainable development, while George-Williams (2009) argues that women's roles must be studied within societally acceptable traditions.

- ***Motherhood: Peace Making Strategy***

Motherhood is a crucial role in peace-building and peacemaking in Africa, as it involves the mother as a mother, guardian, and educator. This role positively impacts a child's view of life and teaches them values of peace. Women often demonstrate discipline and love, teaching children how to approach life for a conflict-free society. Peace is not born but made, as per African tradition, which emphasizes responsible upbringing and socialization. Scholars like Nwoye (2007), Nzomo (2002), Helsinki (2009), George-Williams (2009:59-72) cited in George (2012), Alao (2012) all argue that these perspectives are present in African mythology and teachings.

Ntahobari and Ndayiziga (2003:18) notes concerning the people of Burundi in respect of women and mothers as peace educators in traditional Africa, that:

It was primarily the mother that had responsibility for the upbringing of the children. Children, especially when very young, remained with their mother, who would look after both boys and girls until they reached a given age (for boys, until the time when their father took over the responsibility). There were strict rules to be complied with on how to dress, speak, eat and even walk and sit (especially for girls).

Lihamba, (2003:115) particularly reveals that:

Tanzanian women have always played a critical part in maintaining equilibrium in their society by bringing up their children as responsible members of the community. Women taught their daughters and sons, proper behaviour and the ethos of society, and impressed on them the importance of such values as honesty, uprightness and the necessity to compromise. As such, women have always been active promoters of harmony in the community, which can be referred to as a culture of peace.

According to Ntahobari and Ndayiziga (2003: 16) study in Central African societies, when

war breaks out among the Zande

...the oldest women of the clan would go to meet opposing clan, and to interpose themselves between the fighters in order to make them see reason. When words proved fruitless, the women would threaten to expose their nakedness or to go down on their knees. In either case, the gesture signified a curse for those who bore the responsibility for such grave acts. Because of the respect that the enemy soldiers had for the women, they would usually put down their weapons before the fateful acts were accomplished.

The term "Nneka" in Nigeria and Somalia refers to the mother as the most valuable school in life. Women in African societies play a crucial role in peacekeeping and healing relationships. Mothers teach values like patience, tolerance, honesty, respect for elders, and compassion. These values are incorporated into Somali customary law. In Cameroon, the Magne (mothers of twins) are considered special blessings for peace, and they are responsible for reconciliation during conflicts.

- ***Women as Peace Informant***

Women possess qualities like listening and patience, making them valuable informants in their communities. In Kenya, Luo women engage in preventive diplomacy, peacemaking, peacekeeping, and post-conflict peace building by engaging in conversations and reporting back to their men. In post-conflict situations, women have been instrumental in stabilizing societies. Marriages between communities, as seen as neutral, help in peacemaking. In Cameroon, Mazake or old women keep watch over the community, promptly summoning actors, meditating between them, and following up until peace is restored.

- ***Inter-Marriage: Peace Strategy***

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Marriage and intermarriage in African tradition have significantly served a source or agent of peace among warring factions, and women play great roles in marriage as peace-maker and peace-builder as mothers and wives of the combatants. They know that wars can lead to their being childless, widow, refugees or captives of war; therefore, they see the need to be committed to peace. Inter marriages encourage cultural diffusion and sense of oneness that assist greatly in achieving harmony in the system. Because African tradition respect the position of an in-law and

it is unimaginable to start waging war against your in-law realizing that such action may consume the grandchildren. That is why older people, particularly women are invited as mediators to calm the tension and reconcile the combatants.

In Somalia, according to Mohammed (2003) when clans fight and there is death, steps are taken to organize the 'collection and payment of blood money' via marriage involving the two warring parties where surviving closest relative is given a wife from the opposing clan. The aim of the marriage is to mitigate the wounds and to cement the agreement/settlement reached by the two parties. It is believed that the children from this marriage will fill the gap created by the death of the actors in the war and bond the two groups, and minimize the possibility of another round of hostility. This practice in Somali that is called 'Where blood is shed, it must be soaked with birth fluids'. Sometimes, during conflicts a group of young, unmarried women called *Heerin* from one of the warring clans often visit the opposing clan without the knowledge or consent of their families. They also offer themselves to be married by the opposing side just to make peace possible. This practice is not limited to the Somalis alone, but practiced in the South-Eastern Nigeria as well among the Igbos who gave out a young female in marriage as reparation to end conflict as reported by Achebe (1958).

- ***Women as Peace Agents***

Women traditionally play a significant role in peacemaking and peace-building in African communities due to their differing moral views and belief in the universal need for compensation and care. In Nigeria, paternal aunts or lineage daughters (Umuada) are responsible for resolving conflicts. Women's involvement in conflict resolution. Onyesoh, J. (2021)

Luo women in Kenya and Yorubas in South-Western Nigeria play significant roles in peacemaking, peacekeeping, and post-conflict resolution. Elderly men often consult female elders for conflict resolution. Women often stand between men to prevent war and create peaceful relationships. In Yoruba history, women like Moremi in Ife and Queen Amina of Zaria, Nigeria, have played significant roles in peace-making, demonstrating the importance of women in promoting peace and harmony within their communities. Anweting and Ogar (2018).

In African tradition, women play a crucial role in peace-making through their music and oral poetry. They reflect society's mood and often compose music to reflect acceptable and unacceptable practices. Female poets like Faduma Qasim Hilowle and Zeinab Hagi Ali use their art to seek peace in their countries. In Nigeria, female musicians encourage peaceful co-existence. Women also play a strategic role in spiritual healing of war wounds, such as purification and cleansing of blood-guiltless.

Challenges of Indigenous Knowledge and Culture Deconstruction

It is very true that every coin has two faces and therefore, it will be academic dishonesty to only argue the benefits of indigenous knowledge without mentioning the challenges of it. Studies have shown that the indigenous knowledge have downsides that must be addressed to improve on its easier usage. Culture is very dynamic and accommodating changes and present realities and if we have to use indigenous knowledge as we are advocating, we need to do a

thorough review of the system, find out areas that need change, effect the required changes so that they can be easily adopted into the criminal justice system. For example, customary court judges, however, both confirm and invalidate some components of the indigenous legal regimes, creating a new set of legalities, according to post-independent socio-legal research on the interaction between the state legal systems and the diverse forms of indigenous justice.

Inter-generational challenges in applying traditional approaches. These are usually more accepted by the older generation - the rituals are performed by elders to make durable peace but sometimes rejected by the younger generation. Challenges that are usually faced in the effort of working in harmony between traditional and state mechanisms is “ensuring justice issues”; meaning that, there are cases where traditional mechanisms may not bring the perpetrators to justice for strict law enforcement. Whereas, the reverse is true in the case of the state whereby strictly need to bring perpetrators into the justice process. Thus, to overcome such challenges there must be a strategy to convince the community in this regard.

In the setting of widespread political crimes, in particular, informal conflict resolution methods may require some degree of revision to make them more responsive to modern needs. For instance, Rose and Ssekandi (2007:110) claim that the hotly contested ILT of Uganda, the *matoo*, was not intentionally designed for mass political atrocities like rape and wanton slaughter occurring in armed conflicts. This necessitates the institutions of ILT being modified in light of current requirements. Huyse has similar worries, contending that without the necessary reform that should make these institutions responsive, the effectiveness of ILT would be less significant. to the problems of the present (Huyse 2008:185).

The reform agenda will best achieve its goals if distributive justice ideas, which are also widely believed to be more applicable in African communities, are used to supplement the limits of restorative justice. The participation of women and younger people in the procedures may also be part of the reform (Ingelaere 2008:48–49; Schotsmans 2009).

However, as was evident from the Rwandan experience, too much meddling with the design and operation of informal justice mechanisms runs the risk of weakening their core principles. The primary goal of traditional justice processes is the restoration of peaceful relations through mostly symbolic and restorative actions that seek to make amends for wrongs rather than punish offenders’ overly intrusive government. This core goal might be supplanted by a solely retributive desire, undermining the foundation of conventional justice notions. While traditional justice calls for a culturally sensitive approach, formalized justice may necessitate a narrow legalistic approach (Ingelaere 2008:53).

According to Ingelaere (2008:51), this essential component was not adequately captured in the new *gacaca* courts of post-genocide Rwanda, which differ from the old *gacaca* courts in that they are state-sanctioned bodies as opposed to the old *Gacaca* courts, which were sanctioned by tradition.

General Recommendations

- Our courts should allow Indigenous storytelling as oral statements that includes Indigenous cultural practices and understandings of justice. These mechanisms have to be supported by legal frameworks and need a policy. For example, in Canada, there is a hybrid dispute resolution approach that combines Indigenous peacemaking practices and mediation. <https://adrchambers.com/news-articles/uncategorized/anishnabe-noon-da-gaaziwin-an-indigenous-peacemaking-mediation-nexus/>
<https://somhub.org/research-report/ddg-engagement-of-somali-customary-justice-institutions-in-justice-programs-establishing-a-knowledge-base/>
https://www.clingendael.org/sites/default/files/2018-04/PB_Malian_customary_justice_international_human_rights_standards.pdf
- The need for African think tanks/academic institutions, universities to engage in deliberate effort and study on the indigenous criminology mechanisms in Africa giving due attention to gender and human right perspectives. The studies should spotlight the advantages of integrating indigenous mechanisms with international modern instruments and its impact to sustaining peace in Africa. Regional Network / International organisation multilateral institution support the call for integration and research on the African indigenous mechanism
- Acknowledgment and recognition of African indigenous conflict resolution mechanism , mediation mechanism an in-depth reflection and study on women role in those mechanisms including the informal story telling peace education efforts by mothers and women elders in the society that goes beyond addressing the crises but also build relationship social harmony and create sustainable peace in Africa. Encourage use of art and other visual methods to preserve the culture.
- Just like traditional medicine is elevated and taught in many parts of non-western cultures in western cultures, so should our traditional peace approaches be elevated and taught in African schools. School curricula should reflect our peace modes and philosophies. These identified and adopted approaches should be part of the schools and colleges curriculum content for peace studies in the continent as one way of introducing the concepts to our youths.
- Awareness creation should be another prominent agenda for youths who are not in schools to show case the effectiveness of the approaches and why it should be adopted for conflict resolution

Conclusion

While not arguing for a complete return to native criminal procedure, this paper argues that our current criminal justice system would benefit if it were modified to incorporate some elements of our native criminal procedure, particularly in the areas of quick justice delivery, lower cost of obtaining justice, informality, and the removal of technicalities. African criminology mechanisms are inexpensive and flexible, participatory, and ensure that conflicting parties participate actively

in deciding appropriate restorative justice measures based on the very values and tenets of the local people, as they maintain and protect the customs and traditions of the society. As academic activists, we should push for an Indigenous Criminology that rejects theories, research approaches, crime control programs, and interventions that maximize the exploitation and repression of the masses being propagated by Western criminological expertise. What can be done to address the unfair social institutions that have been used to support genocidal practices for millennia is the emphasis of African criminology.

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Social Control in Issele-Uku: An Exploration of Indigenous Practices.

Chineyemba, Lydia. Isioma.

Department of Criminology and Security Studies,
Chrisland University, Abeokuta, Ogun State, Nigeria.
isichiney2005@yahoo.com

Abstract

This article discusses the traditional mechanism of social control practiced by the Issele-Uku people of Delta State, Nigeria. The paper demonstrated that fines, ostracism, ridicule, shaming oath taking and banishment are some indigenous methods the community utilizes to ensure compliance with communal norms and values and maintain social control. These methods are consistent with social learning theories, particularly Braithwaite's reintegrative shaming, which proposes that punishment should be rehabilitative, implying that sanctions should be geared towards reintegrating offenders rather than permanently excluding them. Adopting the qualitative method, primary data was sourced through participant observation, in-depth, and key informant interviews. The study revealed that Christianity, urbanization, and modernity have reduced the application of traditional mechanisms, affecting the maintenance of social order and crime control. The paper suggests integrating formal and indigenous approaches for effective crime and social control in Issele-Uku.

Introduction

Durkheim (1947) asserts that crime and deviance are inherent in society, but they hamper social relationships and order; therefore, there is the need to establish social control to deter crime and sanction deviance in the interest of social order, which Durkheim noted is indispensable for the continuous existence of society. Therefore, societies institute structures, rules, laws, norms, beliefs, values, mores, and behavioural patterns that guide measuring conformity (Aguene, 1998). To effectively regulate behaviour, different groups devise mechanisms that are indigenous or exogenous to them. Many rural communities adopt traditional or informal mechanisms of crime control. In America, for instance, Weisheit and Donnermeyer (2000), Wells and Falcone (2008) observed that rural-based policing differs significantly from urban-based policing. Similarly, Tede and Olaitan (2015) stated that in Nigeria, rural dwellers tend more to traditional mechanisms of crime control compared to their urban counterparts, who are more inclined to report crime to the Nigerian police. However, the inclination to adopt informal social control is not only because of the rural-urban dichotomy or geographical location but also because it is efficient, stems from belief systems, and reflects cultural values and communal ties. This method is swift and inexpensive, contrary to formal crime control, which scholars have observed to be slow, ineffective, and insensitive to cultural values (Onyeozili and Ebbe, 2012; Owumi and Ajayi, 2013).

The rising insecurity in Nigeria, despite increased defense and security budgets—N966.4

billion in 2021, N1.2 trillion in 2022, N1.383 trillion in 2023, and N1.647 billion in 2024 (PLAC, 2024)—further attests to the ineffectiveness of formal crime control and the growing interest of scholars in autochthonous social control. This paper complements such efforts by examining indigenous social control mechanisms in Issele-Uku. The aim is to describe the common techniques of social control in Issele-Uku, analyze their effectiveness, and highlight the lessons they provide, with the intention of recommending a combination of traditional and official social control mechanisms for improved crime prevention and security in Issele-Uku.

Brief ethnography of Issele-Uku

Issele-Uku, the traditional head and indigenous home of the Ezechima clan and the headquarters of the Aniocha-North local government area of Delta State, is strategically located along the Agbor-Onitsha express road, about 35 km away from Asaba, the state capital. Historically, Issele-Uku, originally called Isi-Ile-Uku, traces its ancestral origin to Bini (Benin City), the capital of Edo State. Ogie Uwadiei, a Benin prince and the second son of Oba Eweka 1, established Issele-Uku in 1230 AD, when his father appointed him to expand the Bini empire to the east to prevent invasions from the River Niger (Akeh-Osu 2016).

Issele-Uku has a rich historical and cultural heritage bequeathed to them from their ancestral origin, Benin. Their kingship and chieftaincy traditions, exquisite costumes, festivals, customs, arts and crafts, artifacts, royal “*ada*” and “*apani*,” and the symbolic bronze mask sculpture of Oba Esigie (1504–1550) gifted to Obi Oligbo of Issele-Uku by Oba Esigie. Obi Osemene III displayed the symbolic mask during FESTAC 77. It has remained a totemic emblem communicating Issele-Uku’s historical linkage with Benin. Other cultural representations include royal regalia, the typical red or white attire, and the rich coral beads worn around the neck, wrist, and ankles or woven into a rich beaded outfit worn by the Obi during the festival or special occasions. Aside from the Obi, Issele-Uku people have a unique way of dressing in the native akwa-ocha attire. Indeed, Issele-Uku is fondly called Oligbo, Akwa-ocha, meaning the people of white cloth. Akwa-ocha symbolizes Issele-Uku’s values for purity, transparency, integrity, and impeccable honesty, which explains their disenchantment with deviancy.

Issele-Uku people are predominantly Christians, hosting many churches, both orthodox and Pentecostal. Prominent among them is the Catholic Church, with Issele-Uku as the diocesan headquarters. There are several other denominations ranging from Orthodox to Pentecostals in the town. There are people who practice syncretism, combining Christianity with traditional religion that they hold tenaciously. Yet, there are others who have retained the traditional religion. They believe in the power of the supreme God, *Olise Obuluwe*, whom they worship through other deities and spirits like *Mpitime*, *Nze Issei*, and *Ani Issei*, among others. Like most African communities, they believe in ancestors (*Ndinmo*) who, though dead, exist as ancestral spirits watching over their living relatives. The living is conscious of their existence and their obligatory responsibility, so they invoke their presence through prayers, incantations, sacrifices, ritual offerings, and libations to witness or assist them in resolving matters and guide or warn them of impending dangers. Suffice it to state that the belief in the existence of ancestors is not uncommon in many African

societies. Vizenor (2008) alludes to their guidance and "sense of presence over absence." Mbiti (1985) described ancestors as the living dead. Using oxymorons to describe ancestors highlights the belief in their dual existence and roles. *Though they are physically dead, they continue to exist as Ndinmo (spirit beings); they actively participate in and intervene in the affairs of their living relatives, exerting decisive influence over them through guidance of customs, ethical norms, and family affairs (Ogbujah, 2014).* The belief in the presence of ancestors serves as social control, as behaviours are moderated knowing that the ancestors can punish offenders, and the people indeed fear their wrath.

Politically, Issele-Uku operates a centralized monarchical system led by the Obi. The administrative structure of Issele-Uku is highly organized and stratified based on title or age. The ten quarters (Ogbe) that make up Issele-Uku are Idunu-inei, Ishiekpe, Ukpai, Ogbe-Owelle, Ogbe-Ofu, Ogbe-Utu, Ogboli, Ogbidibo, Ogbe-Nti, and Idumu-Ahaba. These quarters have similar administrative structures and are subject to the Obi. The Obi administers the town with titled men—*Ikpala and Onotu*, who constitute the town council. The *Ikpala*, headed by the *Ogbelani*, and other titled chiefs, headed by the *Onishe*, constitute the administrative council, while the *Onotu*, headed by the *Iyese*, constitute the military. *Ikpala, Onotu, and Ndi Omu* (in cases involving women) make up the judiciary. These constitute the central body that administers Issele-Uku (Akeh-Osu, 2016).

At the *Ogbe*, the council is headed by the *Diokpa*. *Diokpa* is a word used generally to address elderly men, and since old age is revered in Issele-Uku, the *Diokpa* commands respect. At the *Ogbe*, the *Diokpa* is the helm of affairs. The *Diokpa* holds a position of grave responsibility, which they must discharge with honesty, integrity, and justice. The *Diokpa* presides over the meetings and serves as the chief spokesperson of their *Ogbe*. *Men legislate and administer the affairs of their respective Ogbe*. They make laws and settle disputes relating to land, adultery, and stealing among members of their *Ogbe*. Severe cases and capital offenses like murder are transferred from the *Ogbe* (village council) to *Izu-ani* or *Izedibie ani* (town council) for trial and adjudication.

Next to the *Ogbe* is the *Idumu* (wards); the *Idumu* is the basic unit of the community comprised of various extended families. *The eldest man, either by age or Okpala title, heads the Idumu*. Social relationships are organized around the *Idumu*. They settle inter-family civil cases like quarreling, assault, theft, adultery, fornication, and criminal victimization. Depending on the age and nature of the offense, they settle civil matters amicably, punishing offenders with reprimands, floggings, or fines. Cases of criminal victimization require guilty parties to retribute or compensate the victim. Major offenses arising from the *Idumu* are transferred to the *Ogbe for hearing and settlements*.

Next is the family council, which comprises members of the extended family, headed by the eldest man (*Diokpa*) in the family. They have ties of consanguinity and trace descent to a common ancestor, whose name becomes a unifying tie binding them together. They live patrilocally and uphold a close-knit network of relationships. The extended families share a family name, which is significant in crime prevention and control as individual members strive to

maintain and uphold a positive family image and reputation. Therefore, people avoid any act or behaviour that brings disrepute or shame to their family name, which they hold in high esteem. They understand that individuals do not bear their shame or disgrace alone, but that the mess they bring rubs off on the extended family because they operate on the principle of collective responsibility. So, the family takes measures to correct or sanction members when they err. Thereafter, they are restored to save the family name and image, as individuals' actions and family image are intricate, complex webs. Tede and Olaitan (2015) affirm this, pointing out that kinship and the extended family system are the foundation for social control in traditional society.

Issele-Uku is patriarchal, so men take on administrative and decision-making roles, while women support men by enforcing their regulations or decisions. The *Otu Omu* and *Umuada* are the most visible women's groups. *Otu Omu* is led by the *Omu*, a titled woman with authority and influence over the community's administrative and spiritual concerns. The *Omu* represents the women's voice in the town council; she serves as a judge and a mediator in women's affairs. As the custodian of culture, she maintains communal norms, values, and moral standards. The *Omu* and her group (*Otu Omu*), consisting mainly of women and a few men, control and establish social order in the market. They also have spiritual functions; they perform ceremonies and sacrifices to placate the deities and ancestors, hoping for blessings and protection for the community. The *Omu* supervises cultural rites and rituals, ensuring their proper observance.

The *Umuada* are the daughters of the kindred; they represent the female network. Every household or quarter has its own *Umuada*, who has a strong cultural identity and plays important roles in preserving communal standards and values. They complement the *Omu* group in enforcing social control and sanctioning deviance. They promote moral integrity and traditional values among women in the community. *Umuada* enforces standards by disciplining social deviances such as infidelity, wife-battering, domestic violence, and child abuse. They promote conformity through coercion, sanction, and punishment. *Umuada* provides support and aid to women who are experiencing a various challenge.

Indigenous knowledge and its application.

Bruchac (2014) defined indigenous knowledge as a network of knowledge, beliefs, and traditions aimed at preserving, communicating, and contextualizing indigenous relationships with culture and landscape over time. Warren (1987) defined it as local knowledge exclusive to a particular community or culture. Banuri and Apfell-Marglin (1993, pp. 13–18) listed five characteristics of indigenous knowledge: (i) it comes from a specific community; (ii) it is specific to the situation; (iii) it is based on collective values rather than individual ones; (iv) it does not make a distinction between subject and object; and (v) it is dedicated to the local setting. It thus implies that indigenous knowledge is culture, space, and context specific. Oral traditions, social encounters, ritual practices, performances, and symbols transmit and perpetuate this knowledge, which depends on communal norms and values. Unlike scientific knowledge, which is objective and evidence-based, indigenous knowledge is intentionally subjective and rooted in belief systems, as Warren (1993) noted is because it presents the culture and lived experiences of the people from

their emic worldview. Therefore, indigenous knowledge is unique, holistic, collective, adaptive, context, space, and culture specific.

Anthropological interest in and knowledge of indigenous people have long existed. Archaeological evidence attests to long-time investment in indigenous people. Anthropologists typically utilize an ethnographic approach to study, report, and project the knowledge and experiences of indigenous people (Berlin 1992). Prominent early anthropologists include Bronislaw Malinowski, who studied the Trobriand Islanders (1915-1922); Radcliffe-Brown, who studied the Andaman Islanders and other Australian tribes (1922); and Evans-Pritchard, who studied the Azande and Nuer of Southern Sudan (1940).y projected the cultures, rituals, landscapes, and practices of indigenous peoples to increase awareness and improve the accuracy of indigenous reporting (Berkes 2012).

Interest in indigenous knowledge has grown significantly following the declaration of 1993 as the International Year of Indigenous Peoples (Carrin 2024). Many Practitioners actively promote indigenous knowledge and practices. For instance, development professionals now adopt a participatory approach, integrating the opinions, needs, and sometimes technologies of indigenous people into projects intended for them. Development projects often fail when they treat beneficiaries as passive recipients, undermining their culture, experiences, and needs during implementation (Modo, 1998) Warren (1991) corroborated this, adding that development projects require the knowledge of local people to achieve sustainable solutions.

In many academic disciplines, indigenous knowledge is gaining wide acceptance. In medicine and other medical sciences, emphasis is placed on alternative medicine, incorporating traditional medicine and herbal treatment to complement orthodox medicine. An outstanding achievement in herbal medicine was its successful application in the management of the COVID-19 pandemic in Africa, which had been predicted to suffer the most from it due to inadequate medical and infrastructural development. Contrary to the prediction, Africa achieved some success in managing the pandemic, relying more on herbal treatments and thus increasing the credibility of indigenous knowledge.

In agriculture and food production, there is a growing focus on indigenous methodologies and an increasing demand for locally grown organic plants and food. In judicial and justice systems, the emphasis is on integrating restorative justice, which is largely indigenous, to complement the existing formal justice system. Similarly, sociologists have continued to highlight the effectiveness of traditional social control in mitigating crime and insecurity in Nigeria (Igbo and Ugwuoke 2013, Owumi and Ajayi 2013, Tade and Olaitan 2015, Ayuk, Owan, and Uyang, 2019). Therefore, the indigenous knowledge system is fast becoming the hallmark of contemporary scholarship because it is holistic, incorporating different layers of consciousness to validate knowledge.

It is pertinent to state that indigenous knowledge has come with some challenges. Controversies and skepticism have greeted the inclusion and adoption of indigenous knowledge in many areas. Scholars (Apffel-Marglin 2011; Augustine 1997; Smith 2012) have noted that questions of objectivity, authenticity, scope, qualifications of community experts, and relevance

of indigenous knowledge have emerged. These challenges underscore the need for continuous engagement on discourses of indigenous knowledge to decolonize orthodox knowledge through better analysis of indigenous knowledge, as Bruchac (2014) opined.

Theoretical explanations of social control.

This paper hinges on social control for theoretical explanation. It employed two distinct perspectives of social control. Hirschi's social control theory and Braithwait's reintegrative shaming (1989) were adopted. Like Thomas Hobbes, Hirschi observed that humans are inherently inclined to deviance. He explained that when people develop social bonds with society, it tends to deter them from being involved in criminal or delinquent activities. Conversely, deviance results when an individual's bond to society is weak. He argued that the quality of the bond of attachment, commitment, involvement, and belief individuals develop will determine their level of conformity or deviance. Therefore, it is not the fear of the repercussions of sanctions that compels adherence to rules; rather, compliance reflects an internalized bond to society.

Hirschi's theory explains social control in Issele-Uku with an ardent belief in culture, a high sense of communality, and a kin-knit network of relationships. In Issele-Uku, individuals' adherence and commitment to communal norms and values are integral for full participation in the community. Similarly, attachment and involvement guarantee group support to individual members. This communal spirit reflects African communitarian philosophy as captured in Mbiti's axiom, "I am because we are, and since we are, therefore I am" (Mbiti 1970, 141). This statement underscores the importance of involvement, commitment, and engagement based on an individual's sense of belonging in the community, which forms the basis for societal bonds and conformity to its norms. Therefore, Hirschi's theory of social control applies to Issele-Uku. However, it only emphasizes individuals' actions- bonds as a deterrent to deviant behaviour, it does not explain how the fear of sanction compels adherence and social control. Therefore, we turn to John Braithwaite's (1989) reintegrative shaming for further explanation.

Reintegrative shaming theory looks beyond individual bonds to the community and societal actions as the basis for social control. It explains that the way society sanctions deviant behaviour will determine how people engage in delinquent or criminal acts. The theory employs shaming to explain how societies establish normative expectations and how the communication of social disapproval influences crime outcomes. He identified two types of shaming—reintegrative and disintegrative shaming. He observed that reintegrative shaming reinforces group membership by restoring the offender's status in the community; it thus serves as a corrective measure and prevents offenders from adopting deviant master status (Becker 1963), which refers to the acceptance of others' perceptions or evaluations of oneself. Braithwaite opined that to achieve reintegrative shame, people and communities should uphold love and respect during the disapproval process. Shaming targets the evil of the act rather than the individual, so disapproval is within the context of being considered appropriate by the community, and forgiveness or ritual nullifies deviation.

Disintegrative shaming, on the other hand, aims to stigmatize and separate the offender; it does not make room for acceptance or reintegration; instead, it treats the offender as an outcast and evokes rebellion rather than repentance and deterrence. He added that stigmatizing shaming encourages deviance, as violators develop subcultures that become antagonistic to others (Braithwaite, 1989).

Braithwaite's theory effectively explains social control in Issele-Uku, where sanctions aim to correct, deter, reform, and reintegrate offenders, whom the family/community sees as an important part and whose contribution is valuable and essential for the community. Again, this reflects African communalism as elaborated by Mbiti. The complementary relationship and interdependence between individual members and the community promote growth, survival, advancement, and continuity for the community. Therefore, in sanctioning non-conforming members, the community must prioritize its existence because the alienation of others is the alienation of the self. Since one is intricately linked to the other in a reciprocal relationship, the reintegration of repentant members is crucial for the continued existence of the community. This consciousness informs the use of integrative sanctions in Issele-Uku. Only extreme cases utilize disintegrative shaming because the group or community perceives the individual's continued existence as a threat. The community often resorts to sanctions like banishment in such cases, as they do not want the individual present. Their exclusion is beneficial because the community prioritizes collective interest over the individual's pleasure.

Methodology

As a study based on indigenous knowledge, we utilized ethnography because it presents and interprets data based on an emic perspective, which implies presenting information from the viewpoint of the subjects. This guarantees a reduction in interpretative errors. A qualitative research design was used; participant observation, in-depth, and key informant interviews were used to gather information from residents of Issele-Uku. As an indigene who grew up in Issele-Uku, over the years, I witnessed the use of various social control mechanisms: oath-taking, fines, shaming, ostracism, and banishment, understanding the rationale underpinning the practices. In-depth interviews were conducted with ten (10) indigenes who are residents of Issele-Uku, because, as scholars opined, interviews offer researchers the opportunity to elicit relevant data that can fully address their research questions (Minichiello, Aroni, & Hays, 2008). Two key informants were also interviewed—a male and a female. They are elderly indigenes of Issele-Uku with relevant knowledge and experience. They *understand the culture, norms and values, and enforce social control as the Aada and Diokpa in their communities*. All participants were purposively chosen because they know the subject matter; as scholars stated, the interpretative paradigm requires knowledge-based rather than statistical samples (Lincoln & Guba, 1985; Teddlie and Tashakkori, 2009). Therefore, indigenous knowledge and experience of social control were required. Information relating to the use of indigenous mechanisms of social control, its effectiveness, and its use in contemporary times, given the rising reports of crime and insecurity in the community, among others, was elicited through in-depth interviews. Unstructured interviews based on question

guide were used to allow informants to express their views and provide additional information that may have been missing in the question guide but could be beneficial to the study. Their participation proved rewarding as they shared some information that was very relevant to the study. The opinions and views of key informants were sought to explain some observations, clarify and authenticate information elicited through in-depth interviews. The data was analyzed using narratives based on recurring themes. The analysis followed the principle of coding, categorizing, and concept identification.

Common offenses and social control in Issele-Uku

Crime and deviance are inevitable in society. However, acts and behavioural patterns that constitute crimes in Issele-Uku are mostly unwritten, unlike the codified legal system. But they are embedded in communal norms, values, and ethos acquired through socialization and communicated through schemas such as folklore, oral traditions, songs, proverbs, stories, and riddles. Others include festivals, ritual practices, and social encounters like ceremonies that convey indigenous knowledge, cultures, customs, values, and morals.

Since deliberate efforts are made to convey acceptable behavioural patterns, deviations and violations of norms and values attract sanctions, which could be minor or severe depending on category the offense. Igbo and Ugwuoke (2013) studied Igbo societies and found that offenses are categorized based on the targets. They noted there are offenses against individuals, the community, and the gods or the ancestors. They identified offenses against individuals to include assault, theft, murder, adultery, and rape (Igbo and Ugwuoke 2013). Similar categorizations exist in Issele-Uku, where Ake-Osu (2016) observed that there are offenses against the Obi and the throne, which are considered grievous and may result in capital punishment. They include *Ibuhali Obi Onu* (abusing the Obi), assaulting the Obi's wife, or dishonoring the throne by drawing royal marks on walls other than the palace. Ake-Osu (2016) hinted that such offenses are sanctioned through *Igba-uko Ndichei*.

Offenses against the community are acts that violate collective conscience, defilement, or desecration of the land. Such offenses are considered grievous because they violate the collective ethos and sense of communality, which the Issele-Uku people strongly believe in. Offenses against the community range from sabotage to incest, suicide, conspiracy, and acts of vandalism like *Iwa ugba* and *Igbu ife akuku* (Ake-Osu 2016). *The community considers them Nso-ani and sanctions the perpetrators, fearing the dreadful consequences they could bring.* Sanctions may include fines or excommunication, depending on the gravity of the offense. Minor offenses include violations of observances, such as *Ibanzu*, a period of seclusion that the Obi observes during traditional festivals. People refrain from disturbance and observe silence, peace, and tranquility during these times. Other minor infractions include bringing new yam(s) into the market before the new yam festival and entering the market with mourning clothes (for widows undergoing mourning periods). Minor infractions can attract warnings, fines, or other sanctions, which can intensify based on the violator's remorselessness or attitude.

Offenses against ancestors or gods constitute the third category. People consider these categories of offenses as sacrilege, believing they carry dire consequences for the perpetrators and the community. Consequently, they sanction offenders and take drastic measures to appease the gods/ancestors. These offenses include the desecration of land or sacred places, the theft of totems or the killing of animals dedicated to deities or shrines, and the defilement of the land through bloodletting, among others. Such offenses are punishable by severe fines, ostracism, or other sanctions, in addition to offering sacrifices to appease the gods or ritual cleansing and purification of the land to avert the wrath of the ancestors or gods.

Rising incidents of crime and the need for effective social control

Recently, Issele-Uku was in the news for various reports of crime and insecurity, despite security initiatives like community watch, vigilante groups and joint force of the Nigerian police are the vigilante adopted by the community to strengthen security. Cases of armed robbery, kidnapping, snatching of motorcycles, violence, jungle justice and other crimes are on the increase. For instance, the Punch Newspaper reported the arrest of eight suspected kidnappers in Issele-Uku in 2020. A Premium Times report revealed the abduction of a Catholic priest and three workers from a farm in September 2020. In 2021, a dastardly bank robbery incident claimed many lives, including that of a police officer and the head of a vigilante group (Punch newspaper, April 1, 2021). In 2023, youth vigilante groups tracked and arrested three armed robbers in Issele-Uku.

Mr. Omonigho of the Daily Post reported a murder case in which a boy stabbed his father after confronting him for harvesting his crops without permission (Daily Post, October 15, 2022). Similarly, in October 2024, frustrated youths hijacked two suspects accused of stealing a motorcycle from the police and lynched them in Issele-Uku. The report further stated that Mr. Uge, the president general of the Issele-Uku Development Union (IDU), lamented the heinous act of lynching and bloodshed and expressed the need for a ritual cleansing of the town to rid it of the consequences of the bloodshed. These reports evidenced the upsurge of crime, violence, insecurity, and the general breakdown of law and order. The jungle justice by the youths is perhaps a protestation against the ineffectiveness of formal social control and the yearning for crime control system that works in the wake of heightened criminality in Issele-Uku.

Social control is the tie that bonds society together. It defines the acceptable way of behaviour and prescribes sanctions for deviation. Social controls are crime-desistance tools within society (Cooley et al. 2017). Schaefer (2002) defined social control as techniques and strategies for preventing deviant behaviors in any society. Mechanisms of social control have been variously categorized to include conscious and unconscious, positive and negative, formal and informal. Positive and negative relate to rewards and punishment, while the dichotomy between formal and informal hinges on the agents that control it. Formal mechanisms are regulations prescribed by the law or constitution and monitored by the government through agencies of the criminal justice system to prevent, control, or punish individuals who violate the law. Informal social control, on the other hand, refers to the indigenous, non-state mechanisms that the natives devise or adopt to prevent and control crime. It also encompasses methods of sanctioning those who violate

communal norms and values. Informal social control is often unwritten and prescribed by communal norms and values of a community or social group. It is also referred to as traditional methods of social control.

Traditional mechanisms of social control in Issele-Uku.

There are several mechanisms of social control used in Issele-Uku; they include fines, ostracism, shaming, mockery/radicle, oath-taking, and banishment, among others. This paper discusses some of these mechanisms.

Ida-nha (Fines).

In Issele-Uku, fines are the most common form of sanction. It entails imposing financial or material penalties on offenders. Both male and female groups in Issele-Uku use fines to sanction offenders. The use of fines occurs after an individual undergoes a trial and receives a guilty verdict. Fines could range from money to material items like drinks, chicken, goats, heads of tobacco, or other material items demanded from an offender. Depending on the situation, the people may accept money instead of the material items, insist on meeting the material demands, or demand both money and material items from the offender. The goal is to impose an economic burden that functions both as a penalty and a corrective measure, thereby discouraging the offender from committing further crimes. Failure to pay the fine could lead to weightier sanctions like ostracism/excommunication, demonstrating the community's commitment to compliance. However, even when the community applies harsher sanctions like ostracism, it creates a path for the offender's reintegration, as they receive forgiveness or restoration of all rights and privileges after paying the fine. It thus aligns with Brathwaite's reintegrative theory, which advocates for sanctions to discourage or penalize deviance yet emphasizes the restoration and acceptance of offenders in the community. The collective responsibility behind fines reinforces the idea that an individual's wrongdoing affects the entire group; thus, the community has a stake in both the punishment and the rehabilitation of offenders.

Nsupu (Ostracism/excommunication)

Ostracism, or excommunication, is a more severe form of punishment that often serves as a second option when fines or other sanctions prove ineffective. When an individual, disgruntled with an earlier judgment, refuses to comply with previous sanctions, such as fines or oath-taking, is a repeat offender, or the community finds their attitude disturbing, disgraceful, or life-threatening to the collective image of the community, they resort to ostracism. Ostracism involves excluding or isolating the offender from the community or participating in community activities for a period. In this situation, the community instructs the offender to avoid any interaction with them. This includes not visiting or receiving visits from members of the *Idumu*, attending their meetings or social events, or inviting the *Idumu* to events organized by such individuals, even

though they remain part of the community. The aim is to inflict psychological pain, which will make the offender realize the gravity of his actions. Ostracism is an effective mechanism of crime control in Issele-Uku because it excludes the individual from social interactions and communal involvement, which are the basis of attachment and engagement in the community, as Hirschi's theory stated. Ostracism alienates people, portraying them as outsiders who lose attachment, commitment, and involvement in the community. Since humans are relational beings, people detest ostracism and avoid acts or behaviour that may lead to it, thus making it an effective mechanism of social control in Issele-Uku, where people place high value on social connectivity. Furthermore, people's involvement and participation in community life ensures access to communal resources and support, leading to a willingness to conform to the group's norms and values. This buttresses the findings of Onyeozili and Ebbe (2012), who noted that the fear of communal sanction serves as a powerful social control mechanism. Labeling theorists assert that the fear and danger of exclusion can lead to the formation of deviant careers, further alienating the offender. Thus, individuals are quick to comply with communal norms. Like other forms of punishment, ostracism in Issele-Uku exemplifies Braithwait's theory because it allows individuals ostracized from the community to regain full membership and participation in the consanguineous community upon meeting prescribed conditions.

Mfete or Imuamu (Mockery and Ridicule)

Issele-Uku also uses mockery and ridicule as a social control mechanism. Ridicule could be used among peers to mock people who deviate from expected behavioural patterns. One prominent use of ridicule is during *the Inne* festival. *Inne* is one of the major annual festivals that attracts indigenes and residents of Issele-Uku together. One highlight of *the Inne* festival is the use of satire to expose the ills and atrocities committed during the year. Typically, people gather in groups during the festival, singing and dancing, chanting songs of derision ridiculing people who violate societal norms or commit offenses like stealing, adultery, teenage pregnancy, insubordination, pre-marital sex, disobedience, or those that manifest cruel or malevolent acts, or other behavioural misconduct that falls below societal expectations. People eagerly anticipate the festival as it unveils the identities of perpetrators and exposes the offenses committed within the year—even those that were concealed. This public pronouncement of individual misconduct is disgraceful because it causes reputational damage; thus, people fear public disgrace and avoid deviant behaviours. This, in turn, deters others from engaging in actions that could lead to public shame.

Ifeifele (Shaming).

Closely linked to ridicule is shaming, mostly used to sanction offenses like stealing and sexual misconduct- adultery, pedophilia, incest, and other behavioural incongruities that violate communal norms. Shaming involves parading an offender publicly to humiliate them. When someone apprehends a thief for stealing, they may strip the thief naked or half-naked, forcing them

to carry the stolen item around the town while people sing and chant mocking or abusive songs. The idea is to shame the person publicly, and that serves as a deterrent to others. Since individuals bear family names, their actions have implications for members of their extended family, so the reproach or shame individuals bring rubs off on their family reputation. Therefore, people try to avoid actions that will ruin their family name and reputation through shame.

Another area where shaming is applied is when people engage in sexual misconduct, which is taken seriously; measures are taken to sanction promiscuity and reward sexual chastity among females. For instance, when young brides retain their virginity, they and their parents receive praise and honor. The bride's family receives gifts, including tubers of yam, kegs of palm wine (*Mmanya nwagbo*), and a goat (*Ewu nwagbo*). On the contrary, when a young bride is reported to have lost her virginity, the tubers of yam sent to her family will be cut off at the tail, and the keg of palm wine will not be full (Ake-Osu, 2016); this symbolizes incompleteness, indicating that the girl has lost her virginity and dignity. In the past, the husband's family could return the young bride back to her parents on account of her deflowered status. This brings shame and disgrace to her and her family. However, if the husband decides to retain her, she will have to make confessions, a practice known as "*Isia ifi*." If the bride mentions a close relative, the community will force both the girl, and the boy involved in the immoral act to eat the ear of a slain goat (*Ita nti ewu*). This is a disgraceful act and underscores the community's disapproval of premarital sex.

*In Issele-Uku culture, the Umuada is often consulted to perform Ife-aha (a cleansing ritual) on adulteresses, as shaming primarily serves reintegrative purposes. Ife-ahu entails waving a chicken over the head and body of the adulteress to ward off the evil of the offense and the accompanying consequences of the act. Umuada will remove and burn the clothes she wore during the confession as a mark of cleansing. Every case of adultery, whether the perpetrators are related or not, involves the cleansing ritual, as adultery is generally considered an abomination. When a woman is involved or reported to have committed adultery, she will be required to undergo a ceremony known as *Isia ifi* to reduce the potential harm that could befall her or her family members because of her misdemeanor. It is believed that concealing adultery could result in detrimental consequences ranging from sickness to death for the husband or children of the adulteress. Therefore, upon suspicion or confirmation of adultery, both the husband and children of the woman refrain from consuming any food she prepared. The husband or any member of his family will report the adulterous act to the Umuada for necessary actions and sanctions. There are two methods of sanction, both of which involve shaming.*

Once the Umuada receive a report, they will contact the woman to confirm the allegation. Upon confirmation, they will impose a fine on her, which could include money, drinks, cola nuts, a hen, and other items necessary for conducting a cleansing ritual or purification (*Ife-ahu*) on her. She is solely responsible for funding the cleansing ritual, as her husband and children are not expected to contribute, as it is believed that their contributions could harm them. Once the woman is ready with the items on the agreed-upon date, the Umuada will compel her to confess her atrocities and then wave the chicken, which she bought, over her head, as well as that of her husband and children. The wave of the chicken is to ward off the evil that will befall her and

members of her family because of her involvement in adultery. The *Umuada* will then sprinkle a solution of Odoh, a leaf believed to have a soothing effect on her, her husband, and her children as a symbol of peace and reconciliation. After the cleansing ritual, she will remove the cloth she wore and give it to the *Umuada* for burning. The *Umuada* will share all other items collected as part of the fine. Subsequently, she will prepare a meal, known as *Nni-nligba*, for her family as a symbol of reconciliation. Following this, she can freely interact with her family and other community members. While this is performed on a low key, it involves shaming, as the offender becomes the subject of gossip in the community.

The second practice of shaming involves the processes described above, in addition to the public parade of the adulteress. *Umuada* will gather in her house on the agreed date, strip her naked or half-dressed, and parade her around the community, chanting songs of derision and raining insults and abuses for the disgrace and dishonor her act has brought to womanhood. Following the parade, they return her to the house for the ritual of *ife-ahu*, as explained above. While adultery involves both men and women, it is important to note that only women face public parade and *Isia-ifi*. Men only pay fines, while women are subjected to various forms of shaming: *Isia-ifi* (public confession), ridicule, gossip, and *ife-ahu* (ritual cleansing). This selective discrimination buttresses the position of labeling theory that many people are involved in crime or deviance, but only those deemed scapegoats are labeled. In a patriarchal society such as Issele-Uku, sexual offenses mark women out as scapegoats while men are exonerated or ignored. The reason remains unclear, perhaps due to women's role as moral custodians who are expected to uphold and instill moral and sexual chastity in future generations.

Therefore, the above-described act of shaming serves to uphold moral standards concerning sexuality, especially for women. It also serves as a deterrent against sexual misconduct as people avoid acts that could lead to shaming. Despite criticism for its stigmatizing effect, the widespread adoption and use of shaming underscore its significance as a social control tool. Furthermore, scholars have asserted that shaming involves a collective role that can foster a bonding relationship, thereby strengthening social solidarity (Scheff, 2000). The effectiveness of shaming in Issele-Uku follows the trajectory of collective identity and communal culture, where an individual's actions impact the collective image. Therefore, when individuals engage in behaviours or acts that bring shame and disgrace, they damage the reputational image of the family and community and negatively impact group or collective identity and relationships (Ferguson, Brugman, White, & Eyre, 2007). Suffice it to say, that the shaming practices engaged in by Issele-Uku are mostly rehabilitative shaming, as Braithwaite (1989) tagged it. Rehabilitative shaming, as the name implies, focuses on correction and acceptance of the offender; it is thus reintegrative and restorative because members understand that the offenders remain valuable members of the community whose interest and well-being matter to others.

***Ndupu* (Banishment)**

In extreme cases, when the offender has crossed the threshold of pardon, they use banishment. It requires that the offender leave the town or community permanently. It applies to

offenses classified as *Nso ani*, such as treasonable felonies that impact the entire community or when an individual's actions significantly jeopardize the community's security. The highest court, *Izu ani or Izu dibie*, adjudicates cases leading to banishment. In some instances, *Ndi Omu* implements the sanction. The use of banishment as a sanction is rare in Issele-Uku. One notable incident the author witnessed occurred in the 1980s, when a man, enraged by a land suit judgment against him, planned and engaged a native doctor to kill some elders in the community. Thankfully, the native doctor halted his plan, reporting it to the community due to doubts about the veracity of his claims. Once the secret plan came to light, *Izu dibie ani* heard the case and sentenced him to banishment. The offender and his immediate family faced banishment due to the severity of the offense.

Ndi Omu and *Umuada* implemented the sanction. On the day they were escorted out of town, *Ndi Omu* led him and his family out of town shamefully, laying curses on him. People generally fear curses because they bring calamities, death, or sicknesses to those who commit *nso-ani*. *Nso-ani* is any act that brings defilement to the land. His atrocity brought defilement, necessitating ritual cleansing of the town, which *Ndi Omu* ultimately performed to ward off the wrath and evil associated with his intended act. Banishment is an example of stigmatizing shaming; it signifies the community's protective stance over its members and its commitment to social harmony.

Ikwu-iyi (Oath-taking)

Beyond the above-mentioned mechanisms, which basically involve humans, oath-taking is another mechanism of crime control. It involves non-humans, utilizing symbols—*ofor*, *osisi*, *ikenga*, *idigwu*, *ohai*, *ani*, deities, and shrines, consultation with ancestral spirits, among others. Issele-Uku consists of different quarters, and some quarters have their own deities or shrines that people swear to. However, there are common ones like *Ani Issei*, *Nze Issei*, and *Mpitime*, among others, that people can swear to. Oath-taking is used for various reasons: solidarity, resolving allegations, ascertaining the identity of an offender, and proving guilt or innocence of an accused (Igbo and Ugwuoke 2013). It is effective because people believe in the potency and efficacy of Oaths in enforcing solidarity. For example, it was a common practice in those days to subject married women to the oath of loyalty. At such instances, they were required to come along with their kitchen utensils like a knife, pestle, cooking spoon, or any other cooking tool typically used by women, to *Ishu-ani*, to take an oath not to harm one another or inhibit the progress of another person in any way. It is pertinent to state that oath-taking is not restricted to any gender; however, swearing this oath of loyalty is particular to women.

The reason for this selective treatment is not entirely clear; however, it points to the broader discriminatory practices in the obstinate patriarchal town. Other areas of gender marginalization include widowhood rites and practices, land use, and property and inheritance rights that disproportionately affect women in Issele-Uku. This stems from the assumption of gender roles, which see women as custodians of morality; the expectation is that they live above boards in matters relating to morality; therefore, they are subjected to harsher treatments having engaged in

double deviance—broken rules or norms and deviating from societal expectations—buttressing the evil women approach (Tillyer, Hartley, & Ward, 2015). Suffice it to say that man and women offend, but in a situation where both sexes engage in same offences as in the case of adultery, and women are singled out and subjected to *isia ifie*, and *ife-ahu*, it is a clear indication of selective discriminatory treatment that violates moral ethos, undermine global advocacy for gender equity, and contravenes regulatory frameworks like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), The African Charter on Human and Peoples' Rights, and in Nigeria, the National Gender Policy (Revised) 2006-2021, and other guidelines and action plans like the sustainable development goals (5 and 10) that emphasize gender equity, geared towards eliminating gender inequality.

Back to oath-taking, studies have shown that other communities in Nigeria also utilize oath-taking (Igbo and Ugwuoke 2013, Tade and Olaitan 2015). In Issele-Uku, people also use oath-taking to resolve conflicts and maintain social order. For instance, when social equilibrium is threatened, like when mysterious events happen and there is no clear cause or evidence, or when people are in doubt as to the identity of a perpetrator of a mischievous act, they may resort to *Igba-iyi* (laying of curses), like *Igi'Ohen*, (Festival of curses), among Benin people. *Igba-iyi* involves invoking supernatural forces or the spirits of the ancestors. The living is conscious of their presence over absence (Vizenor 2008) because they are believed to possess the power to dictate perpetrators of evil acts.

Ancestral spirits are the spirits of departed forebears who are believed to be watching over the living. Ogbujah (2014), described them as invisible police, sanction offenders and ensure social control. It is worth noting that the belief in ancestors is widespread in many communities. The Ibibio people of southern Nigeria, for instance, have a saying that buttresses the point— "*Ekpo akpaanyi, ikpaha utong*"—the dead hear, though their eyes may be closed. Even though the ancestors' eyes are closed in death, they bear witness to the testimonies and mediate in the affairs of their living relatives through their spiritual powers. As spirit beings, ancestors are believed to be strong and effective agents of social control, whose role and influence is widely acknowledged and accepted in most African societies; for instance, the Kamba people of Kenya, the Akan people of Ghana, and the Nso people of Cameroon, among others, believe in the existence of ancestors.

Besides, there is also the belief in *Debie* and *Igba-afa* as means of identifying offenders. *Ndi-debie* are native doctors or medicine men who are believed to possess spiritual powers to see beyond the ordinary. They are believed to possess powers to communicate with spirits and can reveal mysteries through *Igba-afa* (divination). Similarly, the Nuer of southern Sudan believe in people with spiritual powers like the leopard skin chiefs and the man of the cattle (Modo, Okore, Ekeh, and Chineyemba, 2019). These individuals can lay causes on offenders; therefore, they are agents of social control, and people fear them because of the spiritual powers they possess. In all, Issele-uku people believe in the efficacy of oaths and fear swearing falsely because the consequences can be dire, resulting in sickness, insanity, or death. In fact, the impacts extend beyond the individual concerned to affect the entire family, especially in the case of the laying of curses.

Evaluating indigenous social control and the lessons embedded in it.

The indigenous social control mechanisms of Issele-Uku form a coherent system based on the people's norms, values, and cultural beliefs. These processes establish a framework for regulating behaviour and addressing deviance in ways that are consistent with the community's sense of collective responsibility. In Issele-Uku, indigenous processes were found to be highly effective. The efficiency and effectiveness of these processes were obvious in the low crime rate, as attested to by the district police officer (DPO), Mr. Onyeka Ezekiel, while lamenting the increase in crime and insecurity in the previously calm community. Indigens and residents of Issele-Uku recalled with nostalgia the peaceful community they once enjoyed. They attribute the increase in crime and insecurity currently experienced in the town to the erosion of indigenous social control, which they unanimously agreed was effective because of its swift response to crime. Traditional social control applies prompt sanctions upon apprehending an offender, whereas the formal control system often delays justice, which makes it ineffective (Owumi and Ajayi, 2013). People blame the delay in the formal control system on insufficient evidence, the burden of proof, adjournment of cases, and other bureaucratic bottlenecks that delay justice processing, confirming the axiom that justice delayed is justice denied. The lynching of the okada theft suspects hijacked from the police demonstrates the desire for a quick response to serve as a deterrent to others.

However, this rapid response does not create room for thorough investigation; consequently, it may result in the use of jungle justice, as witnessed in Issele-Uku; it could also result in false accusations and unjust victimization of innocent people. One drawback of traditional mechanisms is the phenomenon known as jungle justice. The jungle justice experienced in Issele-Uku shows how indigenous knowledge and its justice system have been abused. Issele-Uku typically decides cases in several steps. As earlier discussed, the elders use their wisdom and experience to handle cases, or they seek help and guidance from supreme beings when they are not sure what to do. So, when youths took laws into their hands, it was a clear indication of the decline in the use of traditional social control, which many regard as superstitious. To forestall this, it is expedient to incorporate some aspects of formal systems with indigenous mechanisms. Example: A thorough investigation that is a hallmark of a formal mechanism can be integrated into indigenous social control to eliminate bias and jungle justice that undermine informal social control. Similarly, we can leverage the reintegrative and quick dispensation of justice in traditional social control to enhance the formal system. This will help eliminate stigmatization and remove the bureaucracy that causes delay, rendering the formal justice system undesirable and ineffective.

Another reason for its effectiveness is the collective consciousness, which shapes the community's worldview. Adages and proverbs express common values, beliefs, acts, and interactions in Issele-Uku. For example, a popular proverb is "*ofu-aka deli mmanu, odegbama*" (when one finger touches oil, it spreads). This axiom emphasizes collective responsibility and accountability, which promotes compliance and conformity. Understanding the effect of an individual's action on the community compels compliance. The Mbiti's statement, "I am because we are, and since we are, therefore, I am," encapsulates collective consciousness in African communitarian ideology. The understanding that individuals do not exist for themselves alone

creates a demand for accountability. Further on accountability is the use of restorative justice, which seeks to repair harm by involving all stakeholders—offenders, victims, and the community—in the process of resolving conflict. Restorative justice resolves conflict for all aggrieved parties in a dispute, making harmonious settlements and social cohesion in the community possible. By using restorative justice in the formal system, we can change the impersonal and inhumane system that encourages rebellion instead of repentance (Braithwaite 1989). This will restore justice to the legitimate owners-victims and offer healing to both victims and offenders, resulting in a peaceful resolution of conflict.

Furthermore, the numerous tiers of trial (family, *Idumu*, *Ogbe*, and Obi's court or town council) ensure that justice is accessible and equitable. It also provides for an appeal process in an event where an individual disagrees with the ruling, offering them an opportunity for appeal, thus forestalling judicial misconduct. This increases trust that makes sanctions acceptable in informal mechanisms, as Braithwaite's theory stated. This can serve as a valuable lesson for formal mechanisms, as it will make justice accessible, affordable, and trustworthy.

Again, the reintegrative nature of punishments in Issele-Uku contributes to the efficiency of indigenous social control. As previously said, communality and collectivity define social interactions; thus, each member's value as an integral component of the community is clear. This emphasizes the reintegrative nature of punishments. Indeed, there is a common proverb that when you beat a child with the right hand, you bring her in with the left. This explains that sanctions are purposely for correction, not permanent exclusion.

Total isolation and stigmatizing shaming are only used in rare circumstances of banishment, when the safety of individuals and the community's collective life are at stake, because it is common knowledge that life is a core element on which everything—human and community existence—rotates, therefore drastic measures had to be taken to sanction any act that threatens life. Apart from the context of banishment, where disintegrative shaming applies, all other mechanisms aim to decertify deviations and facilitate the offender's rehabilitation and reintegration into society. Formal social control and the criminal justice system can learn from this to enhance the implementation of the Nigerian Correctional Service Acts 2019, which prescribe rehabilitation of offenders rather than retribution that characterized the administration of criminal justice in Nigeria. The reintegrative nature of the indigenous system, if properly applied, can eliminate stigmatization and recidivism that undermine formal control by increasing crime.

Resonating indigenous social control in Issele-Uku.

While traditional social control remains desirable in the community, it is regrettable that some of these practices are dwindling, resulting in increased crime and insecurity in Issele-Uku, as previously discussed.

Despite the effectiveness and wide acceptance of indigenous social control in the past, it is facing serious setbacks in contemporary times. These reports evidenced the upsurge of crime, violence, insecurity, and the general breakdown of law and order. The fact that Uge called for ritual cleansing shows the desire to return to indigenous social controls, which have suffered

serious setbacks because beliefs are shifting, norms are waning, and values are deteriorating due to modernity urbanization, and Christianity (Chineyemba, 2022), all of which have weakened indigenous social control. The sense of communality and collective responsibility that once characterized members of the community is gradually diminishing as people become more individualistic (Modo & Chineyemba, 2015). This weakened state of collective responsibility contributes not only to poor socialization and internalization of norms and values but also to the enforcement of sanctions.

While fines, oath-taking, mockery, and ostracism are still in use, the application of shaming as a sanction for theft and sexual immorality has considerably decreased, and banishment has become rare in modern times. Urbanization, Christianity, modernism, technological advancements, and the changing nature of crime all contributed to their decline. Issele-Uku, as a local government headquarters, has undergone significant growth and development, leading to the creation of job opportunities and attracting numerous migrants seeking better opportunities in the town. This urban migration contributes to the increase in crime rate, corroborating criminological studies that show a relationship between urbanization and an increase in crime.

Also, Christianity contributes to the decline of indigenous social control in Issele-Uku. With increased conversion and adherence to the Christian faith, some traditional practices are treated with superstition and skepticism. This has reduced the use and practice of indigenous social control, like oath-taking and other practices that involve ancestral spirits that are demonized as idolatrous.

Modernization: Some people perceive indigenous practices as archaic and out of touch with modern realities. Therefore, modernity and globalization pose a threat to indigenous knowledge and practices that are limited in space. Also, technological advancement has influenced crime and the pattern of offending. With access to the internet and information and communication technology (ICT), people engage in cybercrime and other "faceless" crimes across geographical boundaries, which makes it difficult to physically apprehend offenders. This changing nature of crime also contributed to the dearth of indigenous social control in Issele-Uku. The consequences of this decrease are clear: increased violence, crime, and insecurity in the town. For instance, one informant hinted that *Yahoo yahoo* has become very rampant among youths in the community. Respondents stressed that this development is worrisome, creating a generation of youths with divergent values that undermine integrity and the dignity of honest labour that the community upholds. These discrepancies explain the yenning of the people as indicated in the report, Mr. Uge, president of the Issele-Uku Development Union (IDU), advocating for ritual cleansing of the town in response to the bloodshed caused by jungle justice and the murder of Okada theft suspects, indicating the people's belief and desire to return to indigenous approaches to social control. The call for ritual cleansing of the land/town is significant for a variety of reasons.

First, the belief and reference to the sacredness of land demonstrate the people's faith in its power and integrity; they swear to it to authenticate claims, vindicate the innocent, and punish the guilty. People also refer to land as the home of their departed ancestors, whom they revere and believe are guardians of the living. Offense against land is equivalent to offense against the

ancestors, who dwell therein. Such offenses are punishable because they harm the perpetrator and the community. People also refer to land as a source of life, personifying it as "Mother Earth." The attribution of motherhood to land represents its nurturance and providence. Like a mother, it is the source of life (livelihood) for most of the inhabitants of Issele-Uku, who are predominantly farmers and largely depend on land for agriculture and food production. Therefore, any acts of defilement on the land, such as murder and bloodletting, can jeopardize their survival by reducing crop yield, leading to famine and hardship. The call for the cleansing of the land is therefore a proactive measure to forestall the danger ahead. Typically, ritual cleansing of the land/town is a routine occurrence during the annual festival or in adverse conditions like drought, famine, and hardship because the community attributes calamities to the defilement of the land and the wrath and vengeance of the ancestors who dwell there. For appeasement, *they turn to Ndi Omu to perform the cleansing rite, which they believe restores sanctity, peace, and order to the land/town.*

Conclusion

In conclusion, this paper on indigenous knowledge examined social control in Issele-Uku, describing the many mechanisms used—fines, ridicule/mockery, ostracism, shaming, banishment, and oath-taking. It revealed that they played significant roles in crime prevention and control, serving specifically correctional and deterrent roles, and enhancing social order and cohesion in the town. These strategies focus on offenders' rehabilitation and reintegration while promoting communal values and collective accountability. However, modernity, technological advancement, Christianity, and the inevitability of change pose a threat to the sustainability of indigenous mechanisms in Issele-Uku. However, the response of the youths, evident in the lynching of the suspects in police custody, is indicative of the disgruntlement and concern about the ineffectiveness of formal social control, buttressing the position of Owumi and Ajayi (2013). To address this critical concern, this study highlighted the lesson that could be drawn from indigenous mechanisms and pointed to the need to combine both mechanisms for effective crime control and maintenance of social order. It is pertinent to state, however, that focusing on indigenous social control limits the scope and the application of this study.

Also, focusing pointedly on social control undermines the broad area that indigenous knowledge of Issele-Uku people encompasses. There is therefore the need to extend the frontier of indigenous knowledge and social control generally. Notwithstanding the limitations, this paper offers a valuable contribution to the understanding of African indigenous knowledge systems; integrating it into contemporary discourses on crime prevention and control is apt in the wake of national and global insecurity.

Recommendations:

To improve social control and ensure the preservation of indigenous knowledge, this paper recommends the following:

- ❖ There is the need to integrate indigenous social control with formal crime control mechanisms. This way, the strength of one will compensate for the lapses of the other, ensuring efficient and effective crime control and the maintenance of social order.
- ❖ Document, communicate, and disseminate indigenous knowledge through writing and publication; promote indigenized curriculum by incorporating ethnographic methodology; and organize field trips, symposiums, and exhibitions that showcase indigenous arts and crafts. This will enable sharing of indigenous knowledge within and across communities to strengthen cultural understanding.
- ❖ Establish programmes that focus on indigenous practices like traditional legal systems, indigenous dispute resolution, indigenized farming, indigenous medicine to transmit and preserve indigenous knowledge.
- ❖ Integrate indigenous knowledge in a didactic process of socialization and social interactions through storytelling, oral traditions, proverbs, folklores, cultural performances, dance and festivals to inculcate morals, norms and values in indigenous knowledge.
- ❖ Promote public engagement to increase awareness of indigenous cultural practices to counteract myths that vilify and designate cultural practices as superstitious. This will help to preserve community-based practices and Issele-Uku's strong cultural identity while adapting to modern changes.

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Returning and Improving Traditional Collective-Collectivism Principle as Alternative Strategy for Curbing Youth Involvement in Deviant Behaviour/Crime Among the Yoruba in South-western, Nigeria

Ogunmefun Folorunsho Muyideen
Criminology and Security Studies
Chrisland University Abeokuta,
Ogun State Nigeria.

folorunshoogunmefun@gmail.com

&

Jibowo Damola Timothy
International Relations and Diplomacy
Chrisland University, Abeokuta
Ogun State, Nigeria

damolajibowo@gmail.com

Abstract

The study is centered on the adoption of traditional method of curbing delinquent or criminal activities among youths in Nigeria. Evidence gathered from extant publication indicated that the western method of curbing youth involvement such as police, court and prison were superimposed over the traditional method such as oaths, principle of collective-collectivity in the nurturing of children from infant to adulthood's which direct and control their behavior towards conformity. Extant western publications reviewed for this paper indicated that the traditional method of curbing youths involvement in delinquent or criminal activities were less or under researched due to the over imposition of modern forms of collective-neutrality Talcott Parsons theoretical explanation of pattern variable was adopted for the justification of the needs for the development of researches along the traditional socialization procedure rather than relegation of the method (collective-collectivity principle). The research paper was concluded stating the needs for the improvement and adequate researches into the adoption and integration of the principle of traditional collective-collectivity to support the modern forms of directing and controlling youth involvement in delinquent or criminal behaviour in Nigeria. More so, the over reliance on the police, courts and prison as means of reducing, correcting or controlling youth involvement in violent activities seems like reactive technique compared with the traditional technique which stand as proactive method. Therefore, the paper recommended the integration of collective-collectivity with modern-traditional technique to reduce youth involvement on violent actions, delinquent or criminal activities in Nigeria. The family, community elders and religious leaders should adequately embark on the communal socialization spirit to guide and control the behaviour of the youths from their infant to adulthood stage in Nigeria

Keywords; Collective-collectivity, Collective-neutrality, Criminal-activity, Delinquency, Principle

Introduction

Extensive studies consulted as empirical evidence to this study indicate that there is bipolar demarcation between the traditional and modern methods of curbing youth involvement in deviant behaviour or criminal activities from the cradle before getting to self-formative and reliance stage (Haralambus and Holborn, 2016, Giddens, 2010). Recently most published articles within the purview of Global North failed to acknowledge needs to develop, advance and research extensively on the initial traditional method adopted by some countries in the Global South such as African countries for curbing antisocial behaviour before the adoption of western technique. This is because the traditional culture and knowledge of collective-collectivity in naturing and nurturing child or children are not globally accepted compared with the Western method which involved the use of criminal justice system such as the police, court and prisons (Iguisi, 2012; Hofstede, 1991). The above statement shows that the traditional method (Collective-collectivity principle of curbing youth involvement in deviant or criminal behaviour were not universally accepted by some of the Western scholars (Dugan (1998); Hofstede (1990) due to negating condition associated with African cultural relativity. Cultural relativity is one of the conditions adopted as key point for negating the issue around African method of socialization of child or children towards their adulthood responsibility. These Western scholars, also neglect researching into ways by which Africans use their traditional socialization of nature and nurturing their children from cradle to adulthood for peaceful coexistence.

Before the advent of modernization and industrialization, it is a known fact that Africans have their own tradition, belief system and traditional training of offsprings towards conformity through the use of societal norms and value for maintaining peaceful coexistence among members. For Ezenibe (1999) and Mbagwu (2016), there are several approaches by which African societies maintain, correct, control, reform and cleanse immoral activities which include oaths making and spirituality, typing of palm front, the use of affective-affectivity principle, rubbing of charcoal among others. The above mentioned are some of the adopted Africans accepted ways or traditional method of curbing youth menace. Traditional method of training children stands as a unique practice for maintaining peaceful coexistence passed down from one generation to another. The method (tradition of controlling delinquent or criminal behaviours were maintained from the cradle by some agents designed and accepted by the societal members as agents of social control such as community elders, family heads, Councils, Chiefs (Mbagwu, 2016).

History shows that African societies have their own indigenous norms, value, principles, and mechanisms for addressing their social problems or challenges (Gluckman, 1956). Studies have also shown that the colonial legacy were later superimposed on Africans and various African institutions. This is in spite of the high level and total acceptance of modern method of controlling crime or delinquent behaviour among the youths by some African-colonial experts in most of the newly reformed African institutions due to acceptance of colonial doctrine in Africa. African societies still recognize, accept and practice their indigenous methods of controlling youth involvement in maladjusted behaviour through the principle of collective-collectivity that preserved their harmony and maintain peaceful coexistence. There are needs toward developing or advancing the traditional method of curbing maladjusted behaviour among children and youth in African societies which needs more and extensive priority (Box 1987; Dambazzau, 1994; Ezenibe, 1999, Mbagwu, 2016) However the main goal of this study is not really centered on exposition of deviant or criminal activity among youths from their cradle stage but to espouse the need for the revival and huge number of researches into traditional method of curbing deviant or

criminal activities among African children before they get to self-reliance stage for maintaining peaceful coexistence in Africa. This can be done through the adoption, acceptance and use of collective-collectivity principle as mode of operation and resolving any societal problem associated with children due to several menace recorded on a print media and other electronic reports on youth involvement in criminality or delinquent activities in Nigeria

The Paradigm Shift from the Adoption of the Principle of Collective Collectivity to Collective Neutrality Increase the Rate of Youth Involvement in Deviant or Criminal Activities in Nigeria

The advent of civilization and industrialization connotes two different meaning. To the modernization scholars the introduction and adoption of industrialization create an avenue for positive impact because it gives rooms for the following

- (i) Change in condition of Labour,
- (ii) Introduction of machines or technology,
- (iii) Urbanization,
- (iv) Transformation of land as properties and
- (v) Development of codify rules and regulation among others

The dependency scholars perceived the period from negating impact toward human and societal development leading to:

- (i) Eroding sociocultural values of Africans,
- (ii) Widening gaps between the rich and the poor,
- (iii) Displacement,
- (iv) Impoverishing and retrogressing economic growth and development among others.

The above indices were drawn from the studies conducted by Ninalowo (2000) Ninalowo (2004) Mbagwu (2016), Osaghae (2000) among others. Likewise, Mbagwu (2016) argued that peace is the most vital ingredient needed for security and development in African societies but all efforts adopted to use traditional method for sustaining peace in African societies are neglected, constantly challenged and under researched for development opportunities by the Western scholars (Mbagwu, 2016; Iguisi, 2009). Furthermore, Mbagwu (2016) argued that before the advent of western philosophy and imposition of colonial power over Africans, history acknowledged and demonstrated how powerful some of the African strategies for curbing youth deviant activities such as oath making for installing morality for correction and socialization of children through the principle of collective-collectivity or affective-affectivity

Parson in Haralambus and Holborn (2016) identified two different pattern variables in every human society (Pattern variable A and B) with bipolar attributes, features and characteristics. The first society identified as pattern variable is the traditional society (Rural) while the second society is modern (Urban). Parsons in his juxtaposition still acknowledged the role of traditional and modern mode of operations for child or children socialization. He explained that the pattern variable as A is characterized by affective-affectivity while variable B is characterized by affective-neutrality). The pattern variable A represents a rural society characterized by agricultural economic activity such as farming, fishing, gathering of fruits and hunting for animals, bounded by accepted and integrated societal norms and value with mode of operation and training of offsprings on collective-collectivity or affective-affectivity. Pattern variable B represents urban society characterized by complex organization with economic activities such as extraction,

manufacturing, production, distribution and consumption, codified rules and regulations, that direct and control mode of operation due to adoption of the principle of collective neutrality or affective neutrality (Haralambus and Holborn, 2016; Giddens, 2019). Parsons's explanation indicated and acknowledged the importance of the spirit of collective-collectivity principle which is the major principle for naturing and nurturing African child or children towards their adulthood stage in their life developmental stage. The principle of collective-collectivity shows how crime or deviant acts or behaviours are factored into socialization procedure for every African child which guides and shapes their behaviour from the elementary till they get to the adulthood. The collective spirit in African societies is mostly unwritten as part of our cultural belief and systems which directs, controls and guides our future behaviour towards conformity. The adoption and acceptance of the principle of collective-neutrality over collective-collectivity eroded the African spirit of socialization due to the total dependence of Africans of the training method adopted from the advent of urbanization in African society.

Scholars such as Mbagwu (2016), Mutithi (2004), Osaghar (1998) and Dugan (1998) argued that the colonial culture was superimposed as modern value on Africans which has progressive and retrogressive development impact on African traditional cultural practices. For example, among the Yoruba speaking people of the Southwestern part of Nigeria, the spirit and principle of 'OMO LUABI' is a typical representation of collective-collectivity because it is believed that a child does not only belong to himself nor the parent alone rather it is believed that the growth and development of a child or children in the African society belongs to the family and community members. Any problem or negating issue caused by any child or children stands as negating) image to the entire community members and their families because it is confirmed that the problem of one is the problem of all members of the community. The above statement shows that there is a need for Africans to return to their traditional mechanism for controlling, correcting and integrating moral norms and value to the children to maintain morality and peaceful coexistence since the modern mechanism is proven to be abortive in curbing or eradicating youth involvement in delinquent or criminal activities in African societies.

Consequences of Shift from Collective-Collectivity Principle to Collective-Neutrality in Nigeria

The paradigm shifts from the principle of collective-collectivity to collective-neutrality is associated with lots of negating consequences or contribution. Although, there are also positive contributive impact from the adoption of modern technique for socialization but the total reliance on such technique negates the progressive impact due to its effect on human and societal development. Hofstede (1990) explains that the cultural orientation of African society reflects the larger or complex interaction of the values, attitudes and behaviour displayed by its members. The adoption or over imposition of modern principle of collective-neutrality has eroded the African norms, value and tradition of child socialization. Boon (2005) explains that there is a gradual transformation of the sub-Saharan African societies from a purely collectivist society to a mixture of collectivist and individualists' orientations in the process of training infants to adulthood in African societies. However, Cameron (1975) emphasized that changes in traditional mode of socialization by western scholars gradually contributes to the increasing number of western trained Africans aiding the change in communal orientation. Moreso, the western orientation adopted by trained experts contribute to the reduction in the spirit of collectivity; leading to other antisocial behaviour such as;

- (i) Thefts,
- (ii) Prostitution,
- (iii) Cybercrime,
- (iv) Corruptions,
- (v) Kidnapping,
- (vi) Terrorism,
- (vii) Banditry,
- (viii) Violence, among others in Nigeria.

In Nigeria, urbanization procedure detached and reduced the social network of interconnectedness in terms of social relationships and moral lifestyles. For Dia (1996), the view of urbanization and industrialization negates and erodes communal ways of African social network of interaction based on community efforts of training children, to isolation principle which contributes to an ever-increasing nature of youth involvement in violent activities and high crime rates in Nigeria (Ogunmefun and Okuneye, 2020, Ogunmefun, 2021) Likewise, Kponhassia (1997), argued that African culture greatly shows the need for care and preservation of their ecosystem by constantly researching in traditional technique for the training of children to prevent the menace associated with individualistic orientation. For example, the Yoruba people of the southwestern part of Nigeria are known for training their children with the principle of togetherness which from the point of socialization erased the concept of greediness from their lifestyle from infant stage to adulthood stage. However, the continuous training and socialization practices of openness and collectiveness were passed on from one generation to another through story telling (Folklores). In Nigeria, there are established and generally accepted means of social control, information and moral character development which serves as instruments of corrections and social justice (Ezenibe, 1991).

Prospect of Advancement in the Traditional Technique of Socialization of Nigerian Children Towards Conformity

Researching into the traditional method of socialization stands as a proactive technique that intends to integrate African norms, values, tradition and morale into infants from the elementary stage to their formative adulthood stage. Before the adoption and superimposition of modern value of policing, court system and prison service as corrective measure reducing rate of crime and promoting peaceful coexistence in Nigeria. The African culture of OMO LUABI connote collective and communal socialization process which is reciprocal in nature. The traditional societies in Africa in the past were acknowledged to operate on the communal socialization of children by the family heads, community heads and the religious leaders. This is because once any child or children are found engaging in maladjusted behaviour such as delinquent or criminal activities, such societies are stigmatized and labeled which may reduce advancing quality relationship, communication and interaction in terms of economic activities among others with other communities among the Yoruba speaking people in Nigeria.

The oaths making is a collective or communal principle associated with affective-affectivity because it is another way to create and instill fear in the mind of the children and make them know that any good behaviour perpetuated is associated to their personal identity, family image and community stigmatization. These are collective training passed from one generation to another to guide and shape the moral uprightness around the behaviour of children till their adulthood stage by the traditional agents of socialization generally accepted to carry out the tasks.

Another factor is creating the importance of family name to every child or children in the community. It is well structured that behaviour either good or bad is rooted in the family name and image. Bad behavior carried out by any child or children will rub on their family status and image which will reduce their mode of community respect, interactions and communication in terms of relationship and economic advancement. In addition to family name and image, once any child or children demonstrate good character or behaviour in any community the family names and image are advanced through good behaviour and respect toward promoting the family image. Finally good behaviour demonstrated by any child or children stand as progressive image to the community members which attract more business and relationship value to the community but reverse is the case when bad behaviour noticed in any child or children which will lead to isolation and deteriorated relationship and image of the entire community member.

The traditional socialization procedure which is based on training children on the reality of collective-collectivity has proved to successively advanced human and societal development in African societies in the time pass before over reliance on the western ideology or strategy for controlling or correcting child or children maladjusted behaviour which is considered as reactive technique rather than adopting and advancing the proactive method from the traditional strategy of socialization of children from infant to adulthood stage in African societies which mostly had proved to be more effective and efficient in directing, correcting and controlling behaviour towards conformity

Summary, Conclusion and Recommendations

This paper intends to demonstrate and show the beauty of the traditional method or technique for maintaining moral growth and development of African children from infants to adulthood stage. Despite the fact that submission of some western scholars underrates the acceptance of traditional method of training children from infant to adulthood stage because of the problem of cultural relativity in the mode of operation and socialization. Moreso, few researches were done to improve the traditional form of conformity or socialization procedure of African children compared with the modern form of social control of human behaviour among mankind in African societies. The impact or role of the African trained modernized scholars in the practice contribute to continuous relegation of the traditional technique or principle of training of African children from the communal spirit to the adoption of individualistic form of training available in the urban centers. This adopted and superimposition of modern form of maintaining training contributes to the ever-growing nature or persistence in the social vices regularly experienced in Nigeria which needs tremendous researches to advance and improve knowledge of traditional method of training African children towards societal conformity.

The study concluded that the over reliance on modern forms of controlling and curbing delinquent or criminal activities through the use of Nigeria Police, Court system and Prisons has shown as a practice that eroded the African proactive technique of training African children. The African collective-collectivity principle is considered as proactive technique because it installs moral principle and control child or children behaviour from infants to adulthood stage compared with the criminal justice system which is considered as reactive technique because delinquent or criminal activities will have been recorded before correctional measure can take it effect. Today African societies considered the reactive modern form of socialization has the factor that contribute to the prevalence of delinquent and criminal activities among the Youth in Nigeria In African societies precisely Nigeria studies consulted has shown great needs towards developing the African uniqueness in the training of their children so that it will be a bit difficult for them to

deviate from the societal expectation in terms of their relationships, interactions, communication among others in the society.

Therefore, the paper submitted the following as the recommendations drawn from the research inquiry conducted from the secondary review of publications

- i) The traditional mode of training the youths from the cradle to adulthood needs to be revived due to problem posed by the adoption and total reliance on foreign methods.
- ii) The Government needs to work towards empowering the family, religious leaders and community elders towards having and devoting adequate time for training their children like what was obtainable in African societies before the advent of industrialization.
- iii) The idea of collective-collectivity should be researched extensively to meet universal acceptance since it remains a unique strategy adopted by Africans to instill fears, control, correct, monitor and direct human behaviour toward conformity from infant to adulthood stage.
- iv) African scholars should purge themselves out of over reliance on foreign strategy for maintaining peaceful coexistence among Nigerian Youths but concentrate more on how to advance the indigenous strategy for effective and efficient positive socialization of infant to adulthood stage.
- v) Family welfare center should develop different techniques to support the adoption of indigenous forms of child socialization process in African than over reliance on reactive techniques adopted from modernization scholars
- vi) The Educators should develop curriculum along traditional forms of training which must be taught across citadels of learning in African societies as part of civic education.

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**The Role of Tradition in Crime Control:
A Study of the Yoruba People of South Western Nigeria**

Oluwatomisin Adesunmbo Adebayo
Department of Criminology and Security Studies,
Chrisland University, Abeokuta
Email: aoluwatomisin61@gmail.com

Abstract

Crime has continuously plagued the human society as the submission of different scholars avers. This study examines the role of tradition in crime control particularly among the Yoruba people of Southwestern Nigeria, highlighting how indigenous mechanisms complement modern legal systems. While Nigeria continues to grapple with increasing crime rates and insecurity, traditional societies such as the Yorubas have historically relied on cultural practices to prevent crime and maintain social order. This research explores various traditional mechanisms including satire and public shaming, banishment, age grade systems, analysing their effectiveness in addressing both social and spiritual crimes. Despite their perceived effectiveness, this study found critical drawbacks, including the severity of sanctions, potential violations of human rights, weak collaboration with formal legal institutions. Hence, the study concludes that instead of abolishing these practices, they should be restructured and integrated into contemporary crime control frameworks to ensure human rights compliance and stronger cooperation between traditional rulers and state institutions. This integration will ultimately provide a holistic approach to crime prevention and control in Nigeria.

Keywords: Crime control, Yoruba, Social order, Justice System

Introduction

Crime is a social reality that has plagued the human race for ages. While it has been around for a long time, the dynamism, prevalence, and security challenges it poses recently have become a burning issue in Nigeria. The Nigerian society is plagued with different types of crime and criminality, and the methods deployed by the government in combating it seem insufficient, as it continues to spread like wildfire. Given the foregoing, various societies have put in place different measures to address and combat the issue of crime. As Sabo (2020) stated, other nations have adopted different means to contend with crime based on the nature of the crime and the extent to which it affects such nations. For example, some adopt community policing, specialized units, surveillance, forensics, profiling, and public awareness. However, as Ogbonna et al. (2023) posited, the narrative is quite different in many African societies, as the means of controlling and preventing crimes are shaped by a combination of cultural and traditional practices and modern law enforcement strategies. To this end, this study intends to give an overview of the conventional mechanisms of crime control among the Yoruba people of the Southwest.

Conceptual Clarification Crime

Crime has been defined in different ways from various perspectives, scholars, and schools of thought who engage in this discourse. Crime, as defined by the Oxford English Dictionary, is an act of omission that constitutes an offence and is punishable by law. This implies that crime could be the performance of an action or the failure of an individual to act. The Oxford Dictionary of Sociology provides a more encompassing definition of crime as an offence which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to which legitimate punishments or sanctions are attached, and which requires the intervention of a public authority. This definition draws attention to the act and the law, and whose interest it seeks to protect. While these are valid, criminologists look beyond these and offer a strict legal definition of crime. The most often quoted definition is that of Criminologist Paul Tappan (1947), who defined crime as an intentional act or omission in violation of criminal law, committed without defence or justification, and can be sanctioned by the state as a felony or misdemeanour. This means that for an act to be termed 'crime', certain factors must be in place; it must be an act or inaction, committed in violation of the laws of the state or society, it was done without defence, and it is punishable by the society or state.

Traditional Mechanisms of Crime Control

Traditional methods, often called informal methods, refer to primitive and ancient crime control methods peculiar to every culture (Sabo, 2020). They refer to customary practices, institutions, and processes that communities have put in place and used to manage conflicts, resolve disputes, and maintain social order with little or no reliance on formal systems. These mechanisms are often rooted in the community's cultural, social, and religious traditions.

Studies have revealed that aside from the immediate importance of these traditional means, which is crime control, they also serve other purposes in society, such as maintaining social control, interpreting community values, serving as a means of mediation, and strengthening societal bonds and relationships. Owing to those above and many other pivotal roles that these traditional means play, this chapter intends to unravel the traditional mechanisms of crime control among the Yoruba people of South-western Nigeria.

Nigeria, an African country with about 223.8 million people (World Bank, 2023), is a multinational state inhabited by over 250 ethnic groups who speak 500 distinct languages. Of these, there are only three major and largest ethnic groups: the Hausa in the north, Yoruba in the west, and Igbo in the east, together constituting over 60% of the total population of the country.

Traditional Mechanisms of Crime Control among the Yoruba of South-western Nigeria

The Yoruba people are one of the largest and most significant ethnic groups in Nigeria. They are domiciled in the south-western part of the country and occupy Ekiti, Ondo, Osun, Oyo, Ogun, Lagos, and some parts of Kwara and Kogi states. Yoruba people are known for their hardworking, accommodating, industrious, and resourceful traits. This is evident in the giant

strides they are making across the world. As Oke (2021) emphasized, they affect every aspect of any society they find themselves in, including political, social, educational, and economic growth and development.

Like every other society, crime has always been a part of the Yoruba society, and in response to these crimes, different strategies have been designed to address them. Aborisade (2016) identified two major crimes recognized in the traditional Yoruba society: spiritual and social crimes. Social crimes are: lying, fighting, stealing, adultery, and others. Spiritual crimes incur the fury of the gods and goddesses, and individuals and the community are often afflicted by the consequences. Crimes such as unmasking masquerades, murder, suicide, incest, killing sacred animals, amongst others, all constitute spiritual crimes (Balogun, 2009). Hence, the mechanism of crime control in traditional Yoruba society largely depends on the crime category that has been committed. Some of these mechanisms include;

Satire and the Culture of Shaming: Satire refers to the use of humour, irony, exaggeration, or ridicule to denounce crime and folly among individuals within society, while shame refers to a painful feeling of humiliation. Oke (2021) explained that these two cultural practices are found in traditional Yoruba societies, where members of the society join forces to express their discontent over a person, group of people, or family that has done something considered an anomaly. This mechanism can be used to address crimes, deviant behaviours, or any other actions they deem contemptible. Such acts may include insubordination, impersonation, adultery, street fighting, and theft. Society members go to the offender's house with objects they can find: brooms, bottles, stones, tree branches, and the like. It is also important to note that while satire and a culture of shaming are used to address deviant behaviours, good conduct is praised and encouraged. This balance, in turn, helps maintain social control and conformity.

Elders' Council: Dispute resolution and enforcement of social control are often managed by the elders (*Igbimo Agba*) councils in Yoruba land. This group often consists of elderly men who have profound knowledge of customs and traditions (Oluwadayisi, 2023). These elders adjudicate cases, mediate conflicts, and impose sanctions and fines where necessary. This justice system emphasizes the collective well-being of society, thereby prioritizing restitution and restoration of harmony over punitive measures.

Banishment: This is expelling or evicting an offender from his community for either a long/short period. In Uguwoke's (2005) view, he explained banishment was a way of expelling notorious offenders in society, as it gives either a temporary or a permanent relief to society. Oftentimes, banishment in traditional Yoruba societies is used to address spiritual crimes as identified above. Banishment could either be short-term or long-term. Short term for offences as persistent stealing, repeated cases of adultery, sexual relationship with a widow, long term for offences as murder, suicide, poisoning. Banishment in traditional Yoruba society was usually dreaded as it not only affected the offender but also brought shame and disgrace to his relatives.

Age grade system: Age grade associations, often called '*egbe*', play an essential role in controlling crime and criminal activity in traditional Yoruba society. Here, individuals are grouped by age and assigned communal responsibilities, including monitoring members' behaviours, enforcing social norms, surveillance, and control. A typical example is the age grade group in Ijebu land of Ogun State. The age grade, collectively called '*regberegbe*', is subdivided into 37 different groups based on individuals' birth years (Adepoju, 2023). Some of the groups are: Mafowoku (1845-1848), Bobajolu (1849-1852), Bobasete (1853-1856), Gbobaniyi (1857-1860), Oriyonte (1861-1864), Majobate (1865-1868), Bobasanya (1869-1872), Erobuyo (1873-1876), Obagbuyi (1877-1880), Obaneye (1881-1884), Obayori (1885-1888), Obase (1889-1892), Obabeko (1893-1896), and Obalolaiye (1897-1900). Members of these groups are often held accountable, and deviant behaviours are corrected collectively.

Trial by ordeal: Olagunju (2023) defines trial by ordeal as a severe, dangerous, and unconventional means of inquiring and establishing the guilt or innocence of a suspected person. It is a traditional judicial practice in which the innocence or guilt of a person is ascertained by exposing them to a dangerous or excruciating test. In conventional Yoruba societies, trial by ordeal was believed to be divine. Anyone who escapes the test was believed to be innocent; if otherwise, the person is believed to be guilty. Some examples of trial by ordeal in traditional Yoruba societies are: ordeal by hot iron, ordeal by hot water, ordeal by cold water

Drawbacks of Traditional Mechanisms of Crime Control

Severity: While traditional mechanisms of crime control have been effective in addressing crimes in traditional societies, in most cases, they are too severe. The attendant punishment for crime is often expected to be in direct proportion to the crime committed; however, with traditional mechanisms of crime control, it becomes herculean to measure.

Human rights: Some traditional mechanisms of crime control infringe on individual fundamental human rights. For example, the Criminal Code Act in Nigeria criminalizes trial by ordeal. Section 207 of the Criminal Code prohibits unlawful trial by ordeal, including using sasswood, boiling oil, fire, water immersion, or wild animal exposure. Section 208 of the same law makes it an offense to be present at or make poison for an unlawful trial by ordeal, Section 211 makes it a felony for a chief to permit, promote or encourage an illegal trial by ordeal while Section 212 of the same law makes it an offense to destroy a place where an unlawful trial by ordeal takes place.

Lack of collaboration: Most traditional societies often have difficulty collaborating with law enforcement agencies, which can, in turn, limit the effectiveness of these traditional mechanisms of crime control.

Lack of modern expertise: Since societies and law enforcement agencies collaborate little or not at all, modernizing these traditional mechanisms becomes a herculean task.

Lack of judicial precedence: Judicial precedence means that like cases should be decided alike. It is a court decision that serves as a basis for other courts to determine similar or identical cases.

As earlier stated, many of these traditional mechanisms are not codified like the present legal system. Hence, this makes judicial precedent impossible and unattainable.

Conclusion

Despite the advent of modern and legal strategies, traditional mechanisms remain relevant. Rather than abolish them, policymakers and law enforcement agencies should integrate these mechanisms into contemporary legal frameworks and restructure them to fit modernity. This integration will offer a holistic crime control approach in modern times. Given the foregoing, the following recommendations are prescribed:

Recommendations

Law enforcement agencies and human rights personnel should modify the traditional mechanisms of crime control across all societies to align with individuals' human rights. Anyone who does not fit in or align with individuals' human rights should be abolished.

Lawmakers and enforcement agencies should ensure that traditional crime control mechanisms are proportionate to the crimes committed.

Traditional rulers are custodians of society's norms and values. Hence, effective collaboration between them and law enforcement agencies should be encouraged. This will help effectively discharge the traditional mechanisms of crime control and prevent infringement of human rights.

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PART FOUR:
HEALTH

Indigenous Knowledge of *Garcinia Kola*, An African Priceless Seed

Ebenezer Olatunde Farombi^{1,2*}, King Ayanfeoluwa Ibileye², Folashade Bukola Famuyiwa², Taibat Damilola Onipede², Aanuoluwapo Dunni Adebisi²

¹Department of Biochemistry, College of Natural and Applied Sciences, Chrisland University, Abeokuta, Nigeria. ²Drug Metabolism & Toxicology Research Laboratories, Department of Biochemistry, College of Medicine, University of Ibadan, Ibadan, Nigeria

* Correspondence to:

Professor E. Olatunde Farombi, Department of Biochemistry, College of Natural and Applied Sciences, Chrisland University, Abeokuta, Nigeria. Phone: 234 8023470333, Email: olatunde_farombi@yahoo.com

Abstract

Africa, the cradle of humanity, is home to a rich cultural heritage and a vast array of indigenous knowledge systems that have been passed down through generations. One such treasure is *Garcinia Kola*, also known as bitter kola owing to its bitter taste, is a wonderful seed that has been revered for centuries across the African continent. Traditionally, it is used by African folk healers who believe that it has purgative, antiparasitic, and antimicrobial properties. The seeds have been employed for centuries in treating and managing liver disorders, bronchitis, throat infections, colic, head or chest colds, and cough and consumed to enhance libido and improve reproductive health. Chewing the seed is said to help clean the mouth and prevent halitosis. This 'priceless seed' is not only a vital component of traditional African medicine, but also plays a significant role in various cultural and social practices, including marriage, naming ceremonies, hospitality, chieftaincy, rituals and coronation ceremonies and spiritual worships as symbol of purification and cleansing and it is on these indigenous practices and knowledge that this short review is based.

1. Introduction

Garcinia kola (Heckel) which belongs to the Clusiaceae or Guttiferae family, is a revered flowering plant native to the tropical rainforests of West Africa. It thrives in the dense, humid forests of Nigeria, Liberia, Ghana, Ivory Coast, Guinea-Bissau, and the Democratic Republic of Congo. For centuries, this remarkable plant has held a place of honor in African traditions, symbolizing hospitality, respect, and spiritual significance (Orogun and Koenig, 2024). It is deeply interwoven into the fabric of many indigenous cultures, where it plays a central role in ceremonies, rites of passage, and sacred rituals. Bitter kola is more than just a plant, it is an emblem of unity and social connection. In many West African communities, offering bitter kola to guests is a sign of goodwill and respect, often accompanying important discussions and communal gatherings

(Unya, 2021a). The seeds are commonly shared during marriage negotiations, dispute resolutions, and other significant occasions, reinforcing bonds of trust and understanding. Additionally, bitter kola is used in spiritual practices, where it is believed to possess protective and purifying qualities, making it a staple in traditional rituals and ancestral worship. Beyond its cultural and spiritual importance, bitter kola is highly regarded in folk medicine, where it is considered a universal remedy for a wide range of ailments. Traditional healers have long used various parts of the plant such as the seeds, bark, and leaves to treat conditions such as coughs, fever, digestive issues, and infections (Ashu Agbor and Naidoo, 2015). The plant's natural bitterness is believed to have purifying properties that cleanse the body of toxins and restore balance to the system (Ashu Agbor and Naidoo, 2015). Modern scientific research has begun to validate many of these traditional uses, confirming the bioactive compounds in bitter kola that contribute to its medicinal properties. Studies have demonstrated its antimicrobial, anti-inflammatory, antioxidant, and hepatoprotective effects, supporting its role in the treatment of diseases such as respiratory infections, liver disorders, and metabolic conditions. Bitter kola has also been recognized for its potential in managing diabetes, improving cardiovascular health, and enhancing cognitive function (Farombi *et al.*, 2019; Ajani *et al.*, 2008). The enduring relevance of bitter kola in African societies reflects the deep wisdom embedded in indigenous knowledge systems (Emmanuel *et al.*, 2022). As scientific research continues to explore its vast potential, bitter kola stands as a bridge between traditional healing practices and modern medicine, offering valuable insights into the therapeutic power of natural remedies. Its rich cultural and medicinal legacy underscores the need for further study and conservation, ensuring that future generations can continue to benefit from this remarkable plant (Emmanuel *et al.*, 2022).

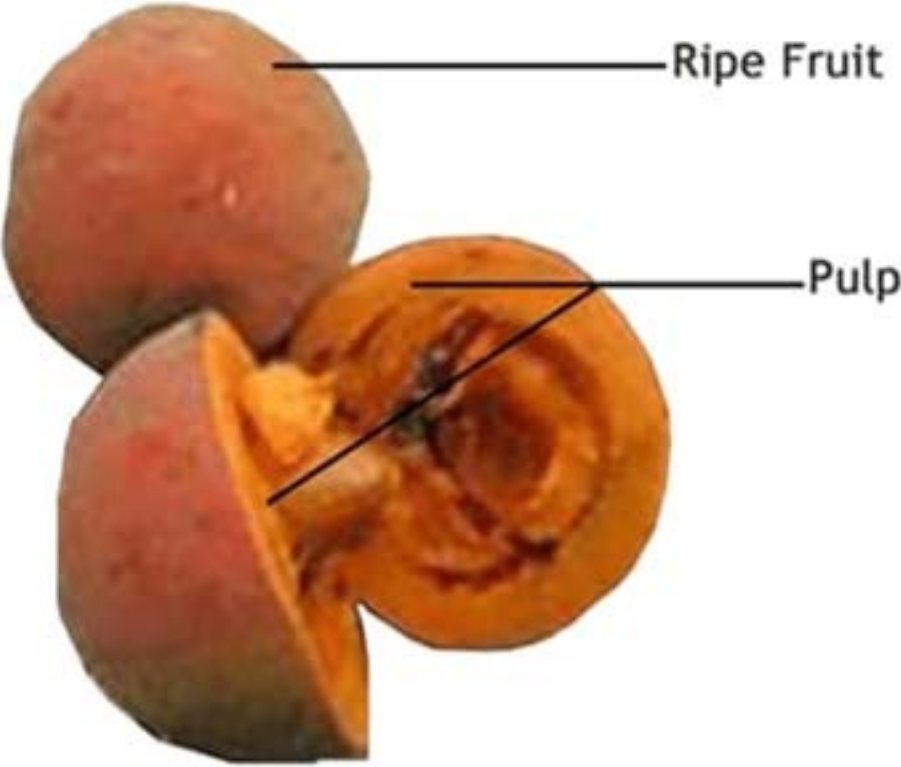
2. Botanical and Ecological Overview of Garcinia Kola

Garcinia kola Heckel is a tropical, medium-sized evergreen tree (Fig 1) that thrives in the humid forests of West and Central Africa. It typically reaches a height of 12 meters within 12 years and has a well-branched canopy. The tree bears broad, elongated, leathery leaves with visible resinous canals and about ten pairs of lateral veins running parallel to the leaf margins (Agwu *et al.*, 2020). The flowering cycle occurs in two phases: male flowers appear between December and March, while female flowers emerge from May to August. The female flowers are yellow and fleshy, whereas the male flowers are smaller and characterized by distinct stamens. *Garcinia kola* follows a consistent fruiting cycle, producing fruit annually (Ajayi, 2024). The fruits are round, reddish-yellow, and contain two to four oblong, brown seeds encased in fleshy orange pulp (Akintelu *et al.*, 2022).(Fig 2).



Fig 1. Source: Hiobson - Own work, CC BY-SA 4.0,
<https://commons.wikimedia.org/w/index.php?curid=64428530>

FIGURE 2: Image of Garcinia kola fruit and pulp (Akintelu et al., 2022).



The fruiting period falls between July and September, and mature fruits naturally drop from the tree when ripe (Fig 3). Seeds are typically extracted by cutting the fruit lengthwise. *Garcinia kola* produces recalcitrant seeds, meaning they lose viability quickly and must be sown immediately after extraction (CABI, 2019). To break dormancy, seeds are traditionally placed inside a banana or plantain stem that has been partially slit, where they remain for about 56 days before germinating (Eyog -Matig, 2007). The preferred sowing medium is forest soil, and seeds achieve a germination rate of 80–90%. Seedlings require complete shade and regular watering, and after approximately one year, they are ready for transplantation into shaded, moisture-retaining environments (Ajayi, 2024)



FIGURE 3: *Garcinia kola* fruiting (Ajayi, 2024).



Fig 4. Source: T.K. Naliaka - Own work, CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=38086959>

3. African Geographical Distribution of Garcinia Kola

Garcinia kola is predominantly found in the humid lowland forests of West and Central Africa. Countries where the tree is commonly found include Nigeria, Ghana, Cameroon, Gabon, Liberia, Ivory Coast, and the Democratic Republic of the Congo. In Nigeria, it is widely cultivated in the southern regions, particularly in states such as Cross River, Delta, Edo, Enugu, Imo, Ogun, Ondo, and Rivers, where it thrives under warm, humid conditions. (Matig *et al.*, 2006). In Ghana, it grows particularly in the southern regions where humid conditions favor its growth. It grows abundantly in forested areas in Cameroon, while in Democratic Republic of Congo it thrives in the tropical rainforest zones and it is cultivated on small farms and found in the wild in Sierra Leone and Liberia (Mañourová *et al.*, 2022).

The plant typically grows in moist forests, secondary woodlands, and sometimes as an understorey plant in cocoa and kola plantations. Although primarily native to Africa, *Garcinia kola* has gained global recognition due to its economic value, and efforts have been made to introduce it to other tropical regions worldwide. However, its growth remains limited outside its indigenous range due to specific ecological requirements and slow maturation rates. (Iwu *et al.*, 1999).

4. Tribes That Use Garcinia Kola

The utilization of *Garcinia kola* varies among different ethnic groups in Africa. Some of the prominent tribes known for their use of the seed include:

The Yorubas, spread across Nigeria, Benin, Togo, use bitter kola as a traditional stimulant and an essential part of cultural rites, especially during weddings and chieftaincy ceremonies. The Igbos in Nigeria commonly use bitter kola in traditional medicine and as a welcome offering to visitors. The Hausa-Fulani in Nigeria, Niger, Chad make use of it in herbal remedies and as a social commodity in gatherings. The Akan tribe in Ghana incorporates it into herbal preparations and they believe it possesses certain spiritual benefits while the Bakweri in Cameroon use it for treating infections and boosting immunity (Tauchen *et al.*, 2023).

5. Indigenous Cultivation of Garcinia Kola

Garcinia kola is predominantly cultivated in forested regions and requires specific conditions for optimal growth. It thrives best in tropical Rainforest Climates and requires high humidity, moderate rainfall, and well-drained loamy soil. Young *Garcinia kola* plants also grows better under the canopy of taller trees. Temperatures ranging between 25-35°C is optimal for seed germination and plant growth.

Garcinia kola is primarily cultivated through seeds, though vegetative propagation techniques such as grafting and budding have been explored to enhance germination rates. *Garcinia kola* seeds exhibit *recalcitrant dormancy*, as they lose viability quickly and require immediate planting after extraction from the fruit. The seeds take between 6–12 weeks to germinate under optimal conditions. Germination rates can be improved by scarification (scraping off part of the seed coat) or soaking the seeds in warm water for 24–48 hours before planting. The ideal planting depth is approximately 2–3 cm in well-moistened soil and requires partial shade in the early stages but thrives in full sunlight as it matures.

Garcinia kola is a slow-growing tree, often taking 15 years or more to reach full maturity and produce fruits. In Africa, Indigenous people believe that those who plant the seeds may not live to eat the products due to the number of years that takes to fruit. Fruiting occurs between July and October, with each mature tree yielding an average of 100–200 fruits per season. Seeds are harvested by collecting mature fruits, which are then broken open to extract the seeds for immediate use or drying.

5.1 Barriers to Cultivation

Despite the socio-economic importance of *Garcinia kola*, cultivation of the species is limited. Factors that have discouraged farmers from growing *Garcinia kola* include difficulties in germination that reduces seedling availability. Most productive trees were left in the wild when farmers cut plots out of the forest. Researchers have studied the germination problems of *G. kola* seeds and suggested various means of breaking its dormancy. However, there is still a need to investigate simple and practicable methods that farmers could easily adopt with low technological input. In farming systems, high genetic diversity could be the key to increasing crops' resilience, helping to deal with emerging challenges such as climate change

G. kola seeds have both seed coat dormancy and physiological dormancy probably imposed by the chemicals in the seed. Seed coat dormancy of *Garcinia kola* can be reduced by removing the seed coat before sowing, while physiological dormancy can be reduced by soaking in water for 72 hours. Removal of the seed coat, soaking in water for 72 hours, placing inside air-tight transparent polythene bags and sprinkling water on the seeds when needed for constant moisture gives an early germination period of two weeks, while the combination of freshly harvested seeds, pierced minimally and tied in black nylon reduces the germination period to between five and seven days as the piercing or nicking procedure makes for quick availability of water and oxygen to the seed embryo. (Okonkwo *et al.*, 2014).

6. Indigenous Harvesting Practices

Garcinia kola fruits are left to drop naturally from the tree. In many communities, women and children traditionally gather the fallen fruits, ensuring minimal damage to the seeds. The fruits are then carefully opened lengthwise to extract the seeds, which must be planted immediately due to their short viability (Ngansop *et al.*, 2024). The harvesting of *Garcinia kola* bark and roots is primarily carried out by men and hunters. Harvesters reported traveling distances ranging from approximately 1.5 to 30 kilometers to gather different parts of the plant from the forest (Adebisi, 2004). According to all respondents, the collection of bark and roots occurs year-round, whereas the fruits are typically harvested during two main periods: from February to March, aligning with the long dry season, and from June to October, coinciding with the long rainy season (Ngansop *et al.*, 2024).

7. Indigenous Processing and Preservation of Bitter Kola

Traditionally, various methods have been used to preserve *G. kola* (bitter kola) seeds (Fig.4), including wrapping them in polythene bag sheets, enclosing them in fresh or dry plantain leaves, and burying them in the soil. The seeds of *Garcinia kola* (bitter kola) are highly valued for their medicinal, nutritional, and commercial importance. To maintain their quality and extend their shelf life, proper processing and preservation methods are important.

Garcinia kola fruits are either plucked directly from the tree or collected after naturally falling to the ground, the fully ripe fruits are identified by their reddish-yellow or orange color, and are selected for processing. Overripe or damaged fruits are discarded to ensure high-quality seeds.

The outer fruit pulp is removed to extract the seeds. This can be done by manually peeling the fruit or allowing it to soften before carefully separating the seeds. The seeds are then washed to remove any remaining fruit residues. After extraction, the seeds are rinsed with clean water to remove dirt and unwanted particles. To prevent fungal growth, they are air-dried under "shade" rather than direct sunlight, which can cause excessive moisture loss and damage their viability. Drying typically takes several days, depending on humidity levels.

In some cases, the outer brown skin of the seeds is removed to improve storage quality, especially if the seeds are intended for consumption or medicinal use. Peeling can be done manually or mechanically and it is optional. Once processed, Garcinia kola seeds need proper preservation to maintain their viability and medicinal properties. Different preservation techniques have been explored, including traditional and modern methods.

Traditionally, bitter kola seeds can be preserved by various methods:

The seeds can be wrapped in Polythene Bags. The seeds are placed inside polythene sheets or plastic bags to reduce moisture loss and prevent insect infestation. This method is useful for short-term storage but may lead to mold if moisture is trapped inside. Sometimes, tender or dry plantain leaves are used to wrap the seeds to provide natural insulation and maintain their freshness. The leaves help regulate moisture levels and protect against environmental factors. In ancient times, indigenous farmers bury the seeds in the soil, in the belief that the underground environment would help to retain moisture and prevent excessive drying. This method is mainly used for short-term preservation before planting.

Modern Preservation involves cold Storage (Refrigeration). Storing Garcinia kola seeds in a refrigerator at temperatures between 4°C and 10°C helps slow down microbial growth and prolongs their shelf life. Refrigeration is especially useful for preserving seeds intended for medicinal use. Also Fully dried seeds are stored in sealed glass jars, plastic containers, vacuum-sealed bags or any airtight Containers to prevent exposure to air and moisture. This method helps maintain the seeds' quality for an extended period. Some modern preservation techniques involve the application of edible coatings such as honey or vegetable oil to the seeds to reduce oxidation and moisture loss.

8. Traditional Medicinal Uses

Garcinia kola, commonly known as bitter kola, has long been utilized in ethnomedicine across West and Central Africa for treating various ailments (Ogwu *et al.*, 2024). Traditional healers use different parts of the plant such as seeds, bark, and roots to address conditions such as diarrhea, bronchitis, bacterial infections, cough, hepatitis, laryngitis and liver and gastric diseases (Ashu

Agbor and Naidoo, 2015; Farombi *et al.*, 2013; Daramola & Adegoke, 2011). The seeds, however, are the most widely consumed part due to their potent medicinal properties. The seeds are used specifically for liver disorders, bronchitis, throat infections, colic, head or chest colds, and cough. It is also used as a chewing stick. (Maurice *et al.*, 1999). Bitter kola seed is commonly consumed to enhance libido and improve reproductive health. (Abdulrahman *et al.*, 2022). Chewing the seed is said to help clean the mouth and prevent bad breath.

Bitter kola seeds are typically eaten raw, possessing a sharp, bitter taste that gradually mellows into a mild sweetness. In addition to direct consumption, extracts from the seeds are often incorporated into local remedies and beverages found in African markets. The plant is also valued for its tonic, stimulant, astringent, decongestant, antioxidant, anti-inflammatory, and lipolytic properties (Farombi *et al.*, 2013; Farombi *et al.*, 2019; Nazari-Serenjeh *et al.*, 2024).

9. Ceremonial and Cultural Significance

Garcinia kola serves as a major source of income for rural farmers and traders in African markets due to its high demand in traditional medicine and pharmaceutical industries. (Iwu *et al.*, 1999). The seeds and bark of the plant have been used for centuries in [folk medicine](#) to treat ailments from coughs to fever. According to a report from the Center For International Forestry Research, *Garcinia kola* trade is still important to the indigenous communities and villages in Nigeria for various uses. (Yakubu *et al.*, 2014). Many indigenous communities chew the seeds as a stimulant to stay awake and alert, especially during long journeys or late-night work, similar to how kola nuts and coffee are consumed for alertness. Its natural caffeine content stimulates the nervous system, helping to reduce drowsiness (Okoye and Ekpo, 2015).

Beyond its medicinal benefits, bitter kola holds significant cultural and spiritual importance. In Ghana, for instance, it is used in traditional rituals and spiritual cleansing ceremonies (Ogwu *et al.*, 2024). In various African communities, bitter kola is believed to offer protection against spiritual harm and is often deployed in spiritual warfare to suppress negative forces. The COVID-19 pandemic led to a surge in the consumption of Bitter Kola (*Garcinia kola*) in certain African communities, particularly in Sunnyside, Pretoria. This increase was largely driven by spiritual beliefs rather than psychological factors (Orogun and Koenig, 2024). Due to limited access to and the high cost of medical healthcare, many Africans turned to traditional remedies, with Bitter Kola being perceived as a protective and healing agent. A study conducted in Sunnyside, Pretoria, explored this phenomenon using mixed research methods. It involved 16 qualitative respondents, including sellers, herbalists, and clergy, as well as 75 quantitative respondents under probability sampling. The results demonstrated a strong link between consumers' spiritual motivations and their response to the pandemic (Orogun & Koenig, 2024). Findings indicated that 60.9% of respondents were influenced by spirituality, and between 25–72% used Bitter Kola for COVID-19 symptoms. Additionally, 87.5% of qualitative respondents reported relying on indigenous spiritual knowledge in their consumption of the plant (Orogun & Koenig, 2024). These findings

highlight the role of spirituality in shaping health responses during crises and suggest that traditional beliefs continue to influence medical choices in many African communities. The study also examined the benefits and limitations of this spiritual influence on Bitter Kola consumption in the post-pandemic era. The indigenous knowledge and traditional beliefs on the use of bitter kola in addressing COVID-19 pandemic has now been corroborated by several modern research findings justifying the role bitter kola plays in viral infections such as influenza virus and COVID-19 (Awogbindin et al., 2017; Farombi et al., 2022). Studies with human cell line shows that *Garcinia kola* could suppress SARS-CoV-2 spike glycoprotein S1-induced hyper-inflammation and that *Garcinia kola* seed is a natural product which may possess pharmacological/therapeutic benefits in reducing cytokine storm in severe SARS-CoV-2 and other coronavirus infections (Olaide *et al.*, 2021). Furthermore, Molecular docking studies reveal bitter cola constituents as potential inhibitors of SARS-CoV-2 main protease and RNA dependent-RNA polymerase suggesting that constituents of bitter cola could be obtained as safe pharmaceutical intervention for the COVID-19 challenge (Oluyori *et al.*, 2023)

Bitter kola is often used in spiritual cleansing rituals to ward off evil spirits and negative energy. In Yoruba tradition, it is believed that chewing bitter kola before engaging in important activities offers divine protection. It is also placed at entrances during ceremonies to prevent malevolent forces from entering sacred spaces (Burabari and Grace, 2023). During ancestral worship, bitter kola is placed on altars or included in offerings to honor the spirits of the departed. It is believed that spirits recognize and accept bitter kola as a sign of respect and remembrance (Unya, 2021a). In some cultures, bitter kola is presented during marriage negotiations as a gesture of goodwill and unity between families and exchanged as part of dowry payments, chieftaincy rites, (Unya, 2021b). It is believed that the bitter taste of the seed signifies the challenges of marriage, while its medicinal value represents good health and prosperity (Adebayo and Oladele, 2017). It is also given to newborns in naming ceremonies as a blessing for strength and longevity (Unya, 2021b). Traditional rulers, chiefs, and community leaders receive *Garcinia kola* as part of their installation ceremonies. It plays significant role in chieftaincy and coronation ceremonies as it is seen as a symbol of wisdom and strength, and its presentation signifies loyalty and respect for authority. In most of the tribes in Africa that use Bitter kola, it is essential socially in hospitality and welcoming of visitors. *Garcinia kola* is shared among guests as a sign of friendship and acceptance. Offering bitter kola to visitors is a way of showing warmth, respect, and goodwill.

9.1 Traditional beliefs about Bitter kola

It is believed that bitter kola has inherent protection against witchcraft and evil spirits. Many believe that bitter kola has protective powers against evil spirits, bad omens, and witchcraft. People carry it in their pockets, place it in homes, or use it in spiritual baths to ward off negative energy. In addition, it is believed that the seeds carry dominion and certain powers. Thus those who eat the seed regularly are believed to be very strong and their words and utterances come to

pass as declared. It is believed to serve as snake repellent. Farmers and hunters carry bitter kola seeds to ward off snakes, as traditional beliefs hold that its bitter taste deters reptiles.

10. Conclusion

Garcinia kola or bitter kola remains an invaluable plant in African ethnobotany, bridging the gap between tradition and modern medicine. *Garcinia kola* is more than just a medicinal plant, it also plays an important role in cultural, religious, social, and economic activities. Its wide distribution across tropical Africa, coupled with extensive indigenous knowledge on its uses, makes it a plant of immense cultural, economic, and pharmaceutical significance. Despite its slow maturation rate, efforts in biotechnology and sustainable cultivation are paving the way for improved propagation methods, ensuring that future generations can continue to benefit from this priceless African seed. Modern research by several investigators especially on the seed have alluded and confirmed the indigenous knowledge on bitter kola and have recommended it in the treatment and management of several diseases. On account of its various medicinal benefits and cultural values, this priceless seeds merits further investigation and investment by investors to showcase its value and place it among the league of agents with benefits to humanity.

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IS INDIGENOUS PREGNANT CARE A BARRIER FOR INITIATION OF ANTENATAL HEALTH CARE FOR INDIGENOUS PREGNANT WOMEN?

*** OYINLOLA Oluwafunmilayo Adedoyin Ph.D**

Department of Psychology,

Ladoke Akintola University of Technology, Ogbomosho, Oyo State .

oaovinlola@lautech.edu.ng +2348057978391

and

SUNMOLA Adegbenga. M. (Professor)

Department of Psychology, University of Ibadan, Nigeria

and

AMOSUN Olawoye Ifaleke

Department of Yoruba

Federal College of Education, Ogun State, Nigeria

***Corresponding Author**

Abstract

Indigenous pregnant care is a critical aspect of healthcare that requires attention and improvement, particularly in the context of adequate healthcare initiation for the family. Despite the importance of prenatal care, many Indigenous pregnant women face significant barriers in accessing timely and quality healthcare services. These barriers can have far-reaching consequences, not only for the health and well-being of the mother and child but also for the entire family. Literature suggests that Indigenous women are more likely to experience poor health outcomes, including higher rates of infant mortality, low birth weight, and pregnancy-related complications. These disparities are often attributed to systemic and structural barriers, such as lack of access to healthcare services, cultural insensitivity, incompetency, and racism. Additionally, some reports revealed that the healthcare system lack cultural competency and understanding of Indigenous values and practices leading to inadequate care and poor health outcomes.

Cross sectional survey approach was used to select 303 pregnant women purposively and randomly with an interview method and structured questionnaire from a government hospital in Ibadan. The respondents' age was 29.8 ± 6.6 years and 95.0% were married. Two hypotheses were tested using logistic regression and macro process regression model respectively. First is to see the influence of indigenous cultural barriers on initiation of antenatal care, secondly is to show the moderating role of husband education between indigenous cultural barriers on initiation of antenatal care. Result showed that indigenous cultural barrier is not significant barrier for ($P > 0.05$) initiation of

adequate health antenatal care by pregnant women in Ibadan, Oyo state. It was also revealed that husband education is a significant factor. Because husbands who were educated encouraged their pregnant spouse to initiate antenatal health care. Therefore, our culture should be allowed to thrive for the betterment of the health care system by increasing the number of Indigenous healthcare providers, providing cultural training and education for non-Indigenous providers, and developing community-based healthcare programs that are tailored to educate men and boys generally. By prioritizing the needs and values of Indigenous families and communities, we can work towards reducing health disparities and improving health outcomes for Indigenous mothers and children.

Key words: Pregnant Women, Perceived Indigenous/Cultural barriers, Initiation of antenatal health care.

INTRODUCTION

Pregnancy is a critical period in a woman's life, requiring comprehensive healthcare to ensure the well-being of both mother and child (WHO, 2014); therefore, pregnant women should seek care. However, Indigenous women in many countries face significant barriers in accessing adequate prenatal care, posing serious risks to their health and that of their families (Adelson, 2005; Browne et al., 2016). These barriers are deeply rooted in historical and ongoing systemic inequalities, including cultural insensitivity, linguistic barriers, geographical remoteness, and others (Tadele et al. 2022, Reading & Wien, 2009; Smylie et al., 2010). The consequences of inadequate antenatal care for Indigenous women are far-reaching, with higher rates of maternal and infant mortality, low birth weight, and pregnancy-related complications (Kelly et al., 2019; Larson et al., 2017). Furthermore, the lack of culturally responsive care can lead to mistrust and disengagement from the healthcare system, perpetuating intergenerational health disparities (Benoit et al., 2018; Hampton et al., 2017).

This paper aims to explore the influence of indigenous/cultural barriers to antenatal care uses on adequate initiation of antenatal health care for Indigenous pregnant women and their families. By examining the existing literature and research, this study seeks to identify the key challenges and opportunities for improving prenatal care for Indigenous women, ultimately contributing to the development of more effective and culturally responsive healthcare strategies. Indigenous pregnancy care is a vital aspect of healthcare that requires attention and improvement. The health and well-being of Indigenous mothers and children are critical to the overall health and well-being of Indigenous communities. However, many Indigenous women face significant barriers in accessing timely and quality healthcare services, which can have far-reaching consequences for the entire family (Obioha, 2023). These barriers can include geographical isolation, limited access to healthcare providers, and cultural and language barriers.

The literature suggests that Indigenous women are more likely to experience poor health outcomes, including higher rates of infant mortality, low birth weight, and pregnancy-related complications. These disparities are often attributed to systemic and structural barriers, such as lack of access to healthcare services, cultural insensitivity, and racism. Furthermore, the historical trauma and ongoing discrimination experienced by Indigenous communities can lead to mistrust and skepticism towards the healthcare system, making it even more challenging for women to seek care.

Statement of problem

The health care disparities faced by Indigenous pregnant women are alarming. Compared to their non-Indigenous counterparts, Indigenous women are 2-3 times more likely to experience pregnancy-related complications and mortality (WHO, 2023; Kelly et al., 2019; Larson et al., 2017). It should be noted that pregnant care is the initiation of health care for the family. Therefore, if the pregnant care, also known as maternal care, is not adequate, it would likely affect the family as a whole (Lincentto, 2010). Meanwhile, globally, Nigeria is second after India in maternal and neonatal deaths. The Sustainable Developmental Goal 3 (SDG 3) aims to reduce maternal deaths to 70 deaths by 2030. But most sub-Saharan countries, which include Nigeria, are mostly the drawback (Lawn, et al 2015, WHO, 2018). Studies have identified factors such as poverty and logistics (Adeoye et al., 2022; Ibebuike et al., 2021; Tadele et al., 2022) as reasons why pregnant women do not initiate adequate health care. Thus, access to Antenatal Care (ANC), income level (Adeoye et al., 2022; Ekpeyong et al., 2019; Muhwava, 2016), occupation, and educational level (Obioha et al., 2023; Oyinlola et al., 2018) are suggestible factors that affect the use of health care for women. Fagbamigbe and Idemudia (2015) have identified rural and religious factors and included cultural factors as reasons why pregnant women do not initiate adequate antenatal health care, such as women having to take permission from family, cultural, and religious leaders. Obasohan et al., (2019), revealed that preference for traditional birth attendants is a major sociocultural barrier to non-seeking health care. Gopakumar (2013) also viewed that indigenous traditional beliefs of the people, and their perception of the female gender, especially in patriarchal societies, are reasons why pregnant women do not seek adequate health care. Ohaja & Murphy-Lawless, 2017, revealed that women showed preference for the use of indigenous medical care (also known as traditional birth attendants) because of the compassionate care they receive from the indigenous caregivers. Meanwhile, a recent study by Oyinlola (2023) revealed that culture is not a barrier to pregnant women's inability to seek health care. Another recent study by Oyelakin (2023) reported that the Yoruba indigenous medicines are potent, which helped in the outbreak of Covid-19 and saved most Africans. They are also very accessible for pregnant women care and cure. Therefore, there are inconsistencies in literature and there is need to investigate the cultural indigenous practice so as to know why pregnant women do not adequately initiate health care, which is a 75% solution for maternal death (WHO, 2023)

Furthermore, Indigenous practices cannot be ruled out as reasons for low health care turnouts, because most Indigenous infants are more likely to be born preterm, have low birth weight, and

experience higher rates of infant mortality (NDHS 2018; Browne et al., 2016). These disparities are not solely the result of individual or community-level factors but are also deeply rooted in systemic and structural inequalities (Mbagwu, 2016). The historical and ongoing colonization and marginalization of Indigenous peoples have led to inadequate funding and resources for Indigenous healthcare (Adelson, 2005; Reading & Wien, 2009). Additionally, the lack of cultural competency and safety in healthcare settings contributes to mistrust, disengagement, and poor health outcomes (Benoit et al., 2018; Hampton et al., 2017). Geographic and linguistic barriers to healthcare access further exacerbate these disparities (Mbagwu, 2016). Indigenous women often live in remote or rural areas, making it difficult to access healthcare services (Browne et al., 2016). Language barriers also pose a significant challenge, as many Indigenous women may not speak the dominant language of their country (Obioha et al., 2023). Addressing these disparities requires a comprehensive approach that acknowledges the impacts of colonization and marginalization on our indigenous people.

Theoretical Frame-work

The theory of socio-cultural learning by Lev Vygotsky (1978) posits that culture evolves from time to time as a result of interaction in our social environment. Culture is not static, as it changes over time as people evolve, explore, and learn. Education, knowledge, and getting informed are ways culture and indigenous practices evolve. It is expected that the indigenous people should develop and grow their own capabilities to strengthen their own system and solve their own problems (Mbagwu 2016, Obasohan et al., 2015). The indigenous herbal drugs require adequate funding and relevance (Oyelakin 2020). The ideology about the indigenous system as barbaric is going to extinction (Ohaja & Murphy-Lawless, 2017) because after the covid-19 experience in 2020, it is clear to the world that the indigenous herbal drugs, which were the saviour for the so-called ‘developing countries,’ cured and reduced the death toll in African communities. This therefore indicates that our own herbal drugs are capable, potent, and sufficient to heal our medical situations (Oyelakin 2023). Therefore, by working together in pregnant care, we can reduce the health disparities faced by Indigenous pregnant women and improve health outcomes for Indigenous families.

Purpose of study

The general objective of this study is to know if indigenous/ cultural practice is a barrier for effective initiation of adequate antenatal health care

- i. Examine the influence of perceived indigenous/cultural barriers on antenatal health care initiation among pregnant women in Ibadan.
- ii. Examine if husband education would moderate the influence of indigenous cultural barriers on antenatal health care initiation.

Literature Review

The barriers to healthcare access for Indigenous pregnant women have significant impacts on health outcomes. Studies have shown that Indigenous women are more likely to experience pregnancy-related complications and mortality (Kelly et al., 2019; Larson et al., 2017), and that their infants are more likely to be born preterm, have low birth weight, and experience higher rates

of infant mortality (Browne et al., 2016; Smylie et al., 2010). Indigenous pregnancy care is a vital aspect of healthcare that requires attention and improvement. The health and well-being of Indigenous mothers and children are critical to the overall health and well-being of Indigenous communities.

It is believed that the culture of a people, which includes the food they eat, their environmental structure, family systems, informal education (Mbagwu, 2016) and others can serve as barriers to seeking health care since most indigenous communities who are involved in cultural practices victims of higher maternal mortality (Omobowale et. al., 2019; Roberts et al., 2016). Tocalp et al. (2015) emphasized that the perspectives of pregnant women and their families and communities as regards the quality of maternity care services goes a long way to influence their decision to seek care. Roberts et al. (2016) classified cultural barriers into six main categories, namely, when to disclose pregnancy, when to seek care, from whom to seek care, the advice and guidance given from significant others, cultural beliefs as regards the number of visits a woman is expected to make in pregnancy and spousal infidelity in pregnancy. In Bangladesh, Walton and Schbley (2013) also identified cultural barriers such as malnutrition, risky birth practices, literacy and language barriers, religion-based cultural practices, gender role expectations in a patriarchal society, and reliance on traditional practices. In addition, Comfort et al. (2022) and Fagbamigbe and Idemudia (2015) identified cultural barriers as the imposition of the elders, especially interference from mothers, mothers-in-law, and partners who serve as the major information givers as regards the ideal timing for pregnant women to seek health care.

From the context of western region of Nigeria, (Yoruba) an unwritten norm is that pregnancy should not be announced by the pregnant woman herself, at least, not until it is visible for people to see—this is often a cultural barrier. (Roberts et al., 2016). Oyinlola et al. (2018) carried out a study at a hospital in Akinyele Local Government Area, a suburban settlement in Ibadan, Nigeria. They found that the most common barrier to the early attendance of antenatal care was cultural beliefs and practices. 79% of the women who participated in the study believed that “pregnancy is a private thing and should not be discussed with anyone besides their family members.” Also, 44% of the pregnant women indulged in traditional medical practices such as the use of herbs and concoctions and did not adhere to antenatal care appointments. Additionally, 25% of the pregnant women preferred traditional birth attendance and did not initiate antenatal care early.

Furthermore, Roberts et al. (2016), and Alison, (2022) also posited that the beliefs of elderly women are inculcated by the younger women, most times, and this plays a major role in their decision to seek healthcare (Omobowale et al., 2019). Elderly women, especially mothers and mothers-in-laws, who are very compassionate, are usually the first point of call when pregnancy is noticed (Ohaja, & Murphy-Lawless, 2017; Allison, 2022; Roberts et al., 2016); often, they are the first to identify the pregnancy, even before the pregnant women notice it themselves. As a result, they inform the pregnant women about their state of health and tell them how to care for the pregnancy (Allison, 2022). During this period, the women are advised to take herbs which is believed to strengthen the foetus, and are encouraged/discouraged from attending antenatal care (Oyelakin, 2023; Fadeyi, 2022; Odejobi, 2013; Walton & Schbley 2013). Furthermore, these elderly women instruct the pregnant women about the type of food to eat and what not to eat as

which sometimes contradicts the medical nutrition advice given by healthcare providers at antenatal clinics (Omobowale et al., 2019). Oyelakin, 2020 had also suggested that the indigenous medicine should not be integrated with the orthodox medicine for health care. He argued that the African indigenous medicine was the fall back Africans had, that reduced the toll of death during the Covid-19 pandemic. Therefore, it is capable for a complete health care.

A study by Abrahams, Jewekes and Mvo (2002) mentioned that the reason for the use of herbs for antenatal care is entrenched in the belief that it strengthens the womb against witchcraft or evil diviners (Aladesanmi et al., 2019). Also, according to Oyebola (1980), the Yoruba culture believes that no matter how good the medical care, a pregnant woman gets at the antenatal clinic it is still expected to take herbs to strengthen her womb and the baby in preparation for childbirth. Sometimes, the pregnant women are given small ropes, stones or pins to attach to their clothing as protection against witchcraft (Oyebola, 1980). Some literature also confirm that most Sub-Saharan African women seek alternative care from traditional doctors; they believe that both medical and herbal care will culminate in a safe delivery (Roberts et al., 2016; Firth et al., 2011).

The Yoruba indigenous culture are compassionate people and show respect. This is visible in the style of greeting inherent in the culture, as such, there is a way pregnant woman are greeted and treated (Elegbe & Nwachukwu, 2017). Tuncalp et al. (2015) mentioned that respect and dignity are aspects of the expected quality of care that should be given to a pregnant woman, however, because most healthcare providers are from other cultures and ethnic groups, they may not exhibit this cultural value. Thus, pregnant women may find their approach insulting, and may not go for antenatal care as a result (Elegbe & Nwachukwu, 2017). Regenstein et al. (2005) reported that about 13% of patients interviewed in a research said that they delayed care because they did not like the way they were treated by people at the clinic.

Oyinlola et al. (2018) also found out that pregnant women do not like the way doctors and nurses react to them at the health care clinic. The study revealed that 56% and 63% of the pregnant women who did not like the way the doctors and nurses, respectively, attended to them did not attend antenatal care as expected. Elegbe & Nwachukwu (2017) explained further that the Yoruba culture does not permit that a man should touch another man's woman, let alone check her private regions. This is why most indigenous traditional birth attendants are predominantly women, referring to the 'iya agbomola' and 'iya elewe omo.' Meanwhile, most medical doctors are male; as a result, most indigenous Yoruba women do not feel comfortable with the fact that they will have to remove their clothes for "another man" during "antenatal care" (Oyinlola 2013).

Iliyasu et al. (2012) reported that an African girl child is brought up to endure pain in preparation for labour. Therefore, she is expected to hide her feelings of pain when she is ill-disposed. She is not expected to show pain otherwise she could be tagged a "lazy woman". She is also expected to attend to the needs of the home at all times (Ott, 2003), except for when the illness becomes unbearable and this would be apparent when she cannot stand up from the bed. In extension, if a family activity or festival falls on the day of her antenatal care, she is expected to forego the antenatal care visit for the family function. She may not be allowed by her spouse or family to go for antenatal care on that day, because family functions or festivals take pre-eminence (Roberts, 2016). Women are also expected to complete their daily house chores

which are regarded as their primary responsibilities before going for prenatal care (Ott, 2003). Gopakumar (2013) revealed that women sought health care lately because of the indigenous traditional beliefs of the people, and their perception of the female gender, especially in patriarchal societies.

Additionally, pregnant women may be required to travel great distances to reach health care facilities that are available. This aspect has fostered the use of quacks and untrained traditional delivery attendants who live in the community and enjoy the confidence of the people, discouraging the beginning of early antenatal care (Tufa, et al. 2020). Another study in Ogun state, Nigeria, reported that pregnant women complained about the long waiting hours before consultation. Women waited for an average of 131 minutes before they were attended to by healthcare providers (Olufemi et al., 2012). This is also a cultural issue that is related to the concept of 'African time'. Nwaneri et al. (2018) postulated that long waiting periods spent at health care clinics are responsible for late antenatal bookings. Tadele et al. (2022) also support this view. Nwaneri et al. (2018), maintained that pregnant women delayed registering for antenatal care because they prefer to seek healing through cultural and religious practices because antenatal care is only a backup plan in the event of issues.

A study on the role of informational support from women's social networks on prenatal care initiation that was carried out at a Hospital in Kampala, Uganda by Comfort et al., (2022) purposively selected 30 participants using the semi-structured interview alongside thematic analysis. The results showed that the major cultural issue was the dependence of pregnant women on their elders (mothers) for information about antenatal care initiation. Some of this information also came from mothers-in-laws and male partners. "Trust" is a major factor in determining these social ties of information. The reason for having such trust is not far-fetched; since these elderly female relatives have experienced pregnancies and childbirth, their counsel about when to initiate antenatal care was 'valid'.

The study also showed that it is likely for pregnant women to give preference to ideas that come from women who are older, more educated or had partners with higher educational qualifications as they are more economically empowered/employed, married, and perceived to have greater mass media exposure. Furthermore, the study revealed that some of the structural and economic barriers to antenatal care initiation included the queues at the antenatal care, the long distance to the health care facility, high indirect cost of care, poor quality of care, lack of respect in care, little availability of medical treatment, and lack of individualised care. It was concluded that there is a need to educate pregnant women's social networks, especially their mothers, mothers-in-laws and elders in the community about the importance of seeking health care.

However, many Indigenous women face significant barriers in accessing timely and quality healthcare services, which can have far-reaching consequences for the entire family. These barriers can include geographical isolation, limited access to healthcare providers, and cultural and language barriers, which this study wishes to explore. Therefore, it is expected that instead

of focusing on health care that has not improved our well-being, it is better to invest in cultural indigenous care originated by the people and for the people (Oyelakin 2023).

Hypotheses

- 1) Perceived indigenous cultural barriers, will significantly influence initiation of antenatal health care.
- 2) Husband education will moderate the relationship between perceived indigenous/ cultural barriers and initiation of antenatal health care

METHODOLOGY

This study is a cross-sectional survey we used both questionnaire and interview method. Interview method was used to gather information via a structured questionnaire, and in some cases, participants were given free will of expression. A pilot study was also conducted in a different location from the study site to validate the scale used for this research.

Design

This study is a survey research and an ex-post- facto design. A cross-sectional method was used in gathering the data. It was conducted at Ibadan the capital of Oyo state Nigeria.

Variables: The Dependent variable in this study is initiating adequate health antenatal care. The Independent variables is Perceived indigenous/cultural barriers to antenatal care.

Research setting

The research population for this study is Oyo state, while the Ibadan was purposively selected as the sample population. The location of the study or study area was Adeoyo general hospital was purposively selected because it has the highest patronage of pregnant care in Oyo state. This study was conducted at Ibadan the capital of Oyo state, Nigeria, because Ibadan is the most populous city in Oyo state, Nigeria, with a heterogeneous population of over 3million people. It is the largest city in Nigeria based on geographical coverage area of 6,800km² (Demographia 2015).

Study Area: The study was conducted at Adeoyo General Hospital Yemetu, Ibadan, Oyo state. Adeoyo General Hospital has the largest number of pregnant women patronages of about 1900-2800 monthly. The hospital is located around slums like Beere, Oje, Mapo and about two kilometers from the elitist areas which has a proximity to Agodi GRA, Oritamefa and Total garden. The hospital is located the heart of Ibadan metropolis where both the indigenous as well as settlers habituate and patronize the hospital. The city consists of famers, traders, artisans, teachers and civil servants.

Participants: the participants of this study are mainly pregnant women who attended the antenatal clinic department of the Adeoyo General Hospital, Yemetu Ibadan.

Sampling technique: Purposive sampling technique was used in selecting the Adeoyo General Hospital, because of its large patronage of pregnant women in Ibadan. A random sampling technique was used in selecting the antenatal clinic days used for the study. This method was employed by selecting Monday, Wednesday and Friday for first two weeks of the study while Tuesday and Thursday were selected for the next two weeks accordingly since the antenatal clinic

was opened from Monday to Friday. Convenient sampling was used to recruit all pregnant women who were willing within the inclusion/ exclusion criteria. Over 800 pregnant women met the criteria, while only 4 pregnant women agreed to participate in the study. The 400 pregnant women were interviewed with a structured questionnaire, but only 303 questionnaires were well completed and analyzed for this study.

Inclusion criteria: the participants must be

- 1) Pregnant women attending antenatal care at Adeoyo General Hospital Yemetu, Ibadan.
- 2) Pregnant women who are willing to participate for the purpose of the study.

Exclusion criteria

1. Pregnant women who cannot hear and who were seriously ill during the data collection.
2. Pregnant women who are not willing to participate.

Instruments

The data for this cross-sectional survey was obtained using a structured questionnaire leaflet. An interview method was used to administer the questionnaire. The questionnaire consists of 3 sections. Section A is on background information, section B examines questions related to the dependent variable which is tagged on initiating adequate care, section while section C measured Perceived indigenous/ cultural barriers to antenatal care use

SECTION B- Adequate antenatal health care initiation

This section is a 1 item question related to initiation of health care which is also known as initiation of antenatal care (dependent variable), it is further divided into Early or late initiation of health care. The question was generated by the researcher, it passed both content and face validity test. Early seeking care is expected to be within first trimester which is within 8 – 16 weeks, this means that, pregnant women who attended antenatal care after 16 weeks was regarded as late initiation of antenatal care. The question asked is -What week of pregnancy were you when you first attended antenatal care? Therefore, the researcher determined adequate initiation of health care by the week of pregnancy on the first visit to antenatal care.

SECTION C- Indigenous/ Cultural Barriers to Antenatal Care Use

This measure assesses the indigenous/perceived cultural barriers to antenatal care among pregnant women. This scale by Oyinlola (2023) assesses the perceived cultural barriers that pregnant women experience due to their way of life and upbringing. It is a 20 items scale. Sample items are "People usually advise me to tie something like a pin, stone, or small traditional rope (olonde) to my wrapper to protect my pregnancy". "There are some foods that I have been told I should not eat because it can turn my baby into an imbecile like Snail, Okro, Banana, etc." "I cannot attend antenatal care if my family has a family ceremony." "My husband, my mother-in-law, my mother, father-in-law, or family told me antenatal care was not necessary in the first semester. I do not understand the doctors and mid-wives language when communicating with me. The response formats are Yes, No, and I don't know. The items are structured in a negative direction. The scale would be scored by finding the average score; a higher score indicates more cultural barriers. Its Cronbach alpha is 0.89 (Oyinlola, 2023).

Ethical Consideration

The researcher got ethical approval to conduct the study from the Ministry of Health, Department of Planning, Research, and Statistics Division, Oyo State. The researcher also got the approval of the Chief Medical Officer and Chief Nursing Officer of the hospital. Consent was gotten from the pregnant women, and they were given the ethical opportunity to discontinue if they wanted to. Pregnant women that voluntarily consented to participate in the study were interviewed using a structured questionnaire, with the help of four trained research assistants to interview the participants. The research assistants were trained on how to ask questions and tick correctly. This is to ensure that participants answer correctly. The returned questionnaires were thoroughly assessed before data entry and analysis were done. The participants involved were not exposed to any form of risk; however, pregnant women were compensated with various gifts such as detergent, tin milk, biscuits, and drinks for their time.

Procedure: Data was collected using a structured questionnaire. The questionnaire was prepared in English and translated to Yoruba and back to English for consistency. Data was collected by interview method. Research assistants were trained for 2 days on the objectives, relevance of the study, how to keep information confidential, and how to ask questions accurately in both Yoruba and English. The research assistants were graduate nurses in training. The field supervisors supervised the data collation every day to ensure that all items were completed, and only completed questionnaires are finally collated. 500 questionnaires were printed and used for the interview process, but 303 well-completed questionnaires were finally used for data analyses. Each questionnaire took a minimum of 5 minutes. Therefore, all 303 data needed for the study were turned in as and when due.

Statistical Analyses

Hypotheses 1 was tested with logistic regression while hypothesis 2 was tested using Macro Process Regression Model. SPSS 23 was used for analyses.

Result

Hypothesis one states that Perceived indigenous cultural barriers, will significantly influence initiation of health care.

Table 1: Summary of logistic regression of indigenous/cultural barrier predicting initiation of antenatal health care

Variables	B	S.E.	Wald	Df	P	Odds Ratio
Cultural barrier to ANC	-.027	.030	.796	1	> .05	.974

R2	.017
Log likelihood/df	96.963/1
N	303

The result shows that the variable in the model did not independently predict antenatal care initiation, $p > .05$. It is also shown that 1.7 percentage variance of antenatal care initiation was accounted for by Perceived indigenous cultural barriers in the model. However, cultural barrier does not significantly influence health care initiation.

Table 2: The PROCESS macro for the simple moderation model with mean centered cultural barriers (X) and husband education (M) variables on antenatal health care initiation

Variables	Co. eff	Se	T	P	LLCI	ULCI
Constant	-0.4146	0.1057	-3.922	0.0001	-0.6218	-0.2074
Cultural barriers(CB)	0.0074	0.0198	0.3767	0.7064	-0.0313	0.0462
Husband education(HE)	0.4452	0.1647	2.7025	0.0069	0.1223	0.7681
CB*HE	0.0802	0.0327	2.4533	0.0142	0.0161	0.1442

A regression model was tested to investigate whether the association between cultural barriers to ANC and ANC initiation depends on the husband education. The predictor and moderation variables were entered into a macro process regression model. Results indicated that cultural barriers to ANC (SE = .020, coeff = .007, $p > .05$) is not statistically associated with ANC initiation and husband education (SE = .165, coeff = .445, $p < .05$) was associated with adequate antenatal health care initiation. The interaction between cultural barriers to ANC and husband education was significant (SE = .033, coeff = .080, $p < .05$), suggesting that the effect of cultural barriers to ANC on antenatal care initiation was dependent on the husband education. However, there is a partial moderation of husband education on association between cultural barriers to ANC and adequate early initiation of care since the interaction of both variables were significant.

Discussion

The study investigated the influence of perceived indigenous/cultural barriers on adequate initiation of antenatal care among indigenous pregnant women in Ibadan. Hypothesis one which predicted that perceived cultural barriers would influence the initiation of adequate health care was not confirmed. This means that the indigenous culture of the people is not a barrier for not initiation of adequate antenatal care. This is also supported by Phillippi (2009) that Culture was not viewed as a barrier for health care at the U.S community because they are accessible to the health care system. The problem is more of economic concerns rather than culture. Therefore, if we begin to inwards to develop ourselves by building our own health structure we may likely be able to meet up with the aim of Sustainable developmental goal to reduce maternal death by 2030.

Furthermore, the highest barrier reported from the 20-item cultural barriers scale was related to the husband's view of not supporting the initiation of antenatal health care early in the first trimester. This indicates that the most indigenous barrier is centred on our patriarchal culture (Shrestha, B. 2022, Sserwanja, et al. 2022). Which gives sole authority to the husbands in making decisions for the women and the family at large (Fabamibe & Idemudia, 2015).

The result also shows from the 20-item scale that language is not a barrier for not initiating antenatal care; in recent times, doctors have been oriented on how to speak the indigenous language of their communities, which could be a reason for the minimal influence of 1.2% as a barrier (Oyinlola, 2023) This indicates that our language must be encouraged and spoken. Some previous studies have identified language as a barrier to healthcare access for Indigenous pregnant women, including geographic and linguistic barriers (Browne et al., 2016; Smylie et al., 2010), cultural insensitivity and racism (Adelson, 2005; Hampton et al., 2017), and inadequate funding and resources for Indigenous healthcare (Reading & Wien, 2009). But this study does not support it. Our language is an integral part of our culture; during the colonial era, our language was seen as vernacular, and our children were restricted to this language, which has cut us off from our indigenous practice. It is this language that is spoken to the leaves and herbs that rejuvenates the potency of the herbs (Oyelakin, 2019). Meanwhile, colonialism has cut us off from speaking our lingua franca, necessitating every child to forcefully speak the white man's language (Oyelakin 2023). This study affirms that language is not a barrier for adequate health care and should be brought back to rejuvenate the adequate health care system.

The second hypothesis, on the moderation of the husband's education, significantly influenced the relationship between perceived indigenous/cultural barriers to antenatal care use and adequate initiation of antenatal health care and was partially significant. This means that indigenous/cultural barriers were dependent on the husband's education to initiate adequate antenatal health care. This is also supported by Rumaseuw et al. (2018) that husbands who are not educated may debar their pregnant wives from attending antenatal care. In other words, husbands who had secondary and tertiary education had low cultural barriers to antenatal care use, and they encouraged their pregnant wives to initiate antenatal health care. This means that husbands who were educated did not limit their wives to initiating health care.

Conclusion

New policies should prioritize education for boys so as to catch the men young. Women's emancipation should be strengthened to enable pregnant women to make decisions on the initiation of antenatal health care, so they will not have to wait for their sponsor to let alone restrict them from the initiation of antenatal health care for financial reasons. Therefore, if women are empowered, they will not need to wait for their husbands to make the decision on their health. Likewise, pregnant women whose husbands were educated did not have cultural barriers to initiating antenatal care early. Competent traditional birth caregivers should also be empowered and trained on how to make referrals to tertiary hospitals if complications occur.

There is a need for policymakers and healthcare leaders to address the structural and economic barriers that Indigenous women face in accessing healthcare services. This will include increasing

the number of Indigenous healthcare providers, providing cultural training and education for non-Indigenous providers, and developing community-based healthcare programs that are tailored to the specific needs of Indigenous communities. In conclusion, it should be known that the barriers to adequate antenatal healthcare initiation for Indigenous pregnant women are complex and multifaceted, and addressing them will require a comprehensive and culturally safe approach. By prioritizing the needs and values of Indigenous families and communities, we can work towards reducing health disparities and improving health outcomes for Indigenous mothers and children.

Recommendations

- 1. Policy and Advocacy:** Advocate for policy and systemic changes that address the social determinants of health and promote health equity for Indigenous peoples, which should include education for boys because it is better to catch the men young. Policy should also support women's empowerment.
- 2. Community-Based Participatory Research*:** Conduct community-based participatory research to develop and evaluate culturally safe and responsive care models that address the unique needs and experiences of Indigenous pregnant women.
- 3. Inter-professional Collaboration:** Foster inter-professional collaboration between healthcare providers, traditional birth attendants, and community-based organizations to ensure comprehensive and coordinated care.
- 4. Cultural Competency Training:** Provide ongoing cultural competency training for healthcare providers to address the historical and ongoing impacts of colonization and marginalization.
- 5. Language Access and Interpretation Services:** Ensure that language access and interpretation services are available to address linguistic barriers and promote effective communication between Indigenous pregnant women and healthcare providers.

By implementing these recommendations, we can work towards improving healthcare outcomes and reducing health disparities for Indigenous pregnant women and their families.

Limitation:

The population for the empirical evidence for this study was not gotten from a remote rural community but among historical indigenous slums of the Ibadan community, with few settlers and elitist people.

Suggestion for further studies

Further studies should look into structural barriers and economic barriers such as social status, income, and education for women and others. Psychological factors such as self-efficacy, self-

esteem, and pregnancy intention, as well as social factors such as social support of spouses and family members, should also be checked.

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PART FIVE:
RESTORATIVE/ CRIMINAL JUSTICE

**African indigenous knowledge of criminal justice (fairness):
The perspective of selected African countries, particularly Nigeria**

Adewale A. Olutola
Department of Law, Safety and Security Management
Faculty of Humanities, Tshwane University of Technology. South Africa
Email: olutolaaa@tut.ac.za

Abstract

This chapter argues that the indigenous African people prior to the arrival of the colonialists in Africa have used African indigenous method to administer justice in their own unique manner. Suffice to say, that the idea of justice or administration of criminal justice had been within the continent of Africa prior to the scramble for and the partitioning of Africa continent at Berlin conference in 1884 to 1885. It was contended in this chapter that although the system of justice as introduced by the imperialist might not be the same as hitherto practiced by the indigenous people of Africa. However, such should not be interpreted to be lack of the knowledge of justice by the indigenous people of the continent of Africa. The author of this chapter systematically collected data from various empirical sources including but not limited to academic journals, newspaper articles, books, and search engines, such as Google Scholar, Web of Science, SciELO and EBSCO. The chapter contended that the idea of imposing an imperial language to argue cases, wearing of special attire to receive audience, filing of court papers in the court of law and hiring of advocates to represent litigants before a court of law as some of the factors which indirectly make justice available only to the highest bidder and antithetical to African justice system of using local language, of no need to hire spokesperson in the person of advocates or no need for filling of papers; are some of the merits of the African indigenous justice system.

Keywords: administration of criminal justice, indigenous knowledge, selected African countries, Nigeria.

Introduction

Resolving conflicts through fairness is a global phenomenon (Bello & Olutola (2016). Fairness in conflict resolution is not a matter uniquely known to a particular continent to the exclusion of others. It is an integral part of human interactions either through cultures or legal systems (Mbagwu, 2016). The choice of the right method/instrument or appropriate techniques and suitable strategies for justice in all its outcome is not new to African societies. Notwithstanding that in the present day and age, several African countries are still grappling with the challenges of nation building and several developmental issues brought about by draconic, painful and malicious effects of colonialism in the post-independent eras.

It needs to be alluded that, in this chapter the concept of fairness or justice will be used interchangeably (Will & Manger-Nestler, 2021). Salihu and Gholami (2022) agree with the earlier submission of Bello and Olutola (2016) that the ‘concept of justice’ is inalienable to humanities

irrespective of race, religion or background. In today's world it is contradictory to think that one race is a champion of 'justice' and another race is opponent to the same concept (Wijsman & Berbés-Blázquez, 2022).

Africans are not barbaric and or uncivilised. The hypothesis that a race which brought the idea of colonisation or buying and selling of human beings is to be applauded or commended as champion of civilisation is antithetical to good reasoning and repugnant to justice. Walter Rodney (1983) argues in his book *'How Europe Underdeveloped Africa'*, that the foundation of Africa's underdevelopment today is the consequence of the Western capitalist system of dominance, unequal exchange and exploitation. Scholars, such as: Mbagwu (2016), Kasper, (2022), Chetty and Chetty (2021), Tella (2021), Hanane, and Fatima (2024); Anakwue (2023), Adewale and Schepers (2023); Onukwuba and Amah, 2023), seemingly agree with Rodney.

The reality is that the concept of justice or fairness is rooted and applicable to all people, regardless of their race, nationality, culture, or location (Lubbock, 2023). The former President of the Republic of South Africa, Nelson Mandela (1995), says thus:

No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite~ Nelson Mandela from Long Walk to Freedom, 1995

Indigenous administration of justice in Africa

In sum, the idea of justice or fairness in the administration of criminal justice connotes that the constituted authority, should exercise fairness over a person who has allegedly committed act of deviant, misbehaviour or criminality. In the traditional African settings, the organs of state are not as propounded by the French philosopher, Baron de Montesquieu, who encouraged that there should be legislative arm of government (making the law), executive (implementing the law) and the judiciary (interpreting the law). However, the fact that in the indigenous African settings, the constituted authorities were not as named by Montesquieu should not be a justification to assume that Africa lacks cohesion in their system of administration of criminal justice (Olutola, 2014).

Hitherto to the intrusion of the colonialists into the Africa's internal affairs, the administration of criminal justice in Nigeria was done through customary laws and indigenous practices. However, the introduction of formal justice system by the colonial powers completely interrupted the existing customary and indigenous justice systems in the African communities and African societies (Osisioogu & Mmah, 2020). Africa's indigenous justice system was often essentially about restorative justice. For example, in the traditional Nigeria criminal justice system, the prominence was about, reconciliation, healing, and restoring social harmony rather than punitive fundamentalism (Polavarapu, 2022). The applicable law was the customary laws. These laws address various aspects of life, including land disputes, marriage, and inheritance. They are particularly relevant in the traditional African society. It was a vehement contention of

Nwachukwu, Alala and Olua (2019), Daibu (2023), that the value chain which deities play has been jettisoned in favour of the colonial system which is rooted in the Western cultural ethos and norms.

Hargovan (2013) notes that there is no single notion of justice, no single type of process, no single theory but restorative justice is used extensively in countries with diverse cultures and legal systems. The development of the restorative justice system has generated discussion over what the future holds for the criminal justice system which hitherto has been dominated with retributive, unilateral and individualistic approach in the administration of justice. These days, world leaders are motivated and are encouraging global policy makers to reverse the decline of the public confidence in the criminal justice system (Hargovan, 2013).

In the African traditional society, when a crime is committed, it was against the community (Murhula & Tolla, 2021) and not seen as an individual affair against the State. Justice is seen as a communal affair. The community actively participates in resolving conflicts, reflecting the belief that crime affects the entire community, not just the individual victims of crime. In Africa, there is communal participatory approach in settling disputes (Mbagwu, 2016). This communal approach helps to strengthen social bonds and shared responsibility (Metz, 2020).

Another unique principle in the traditional African administration of criminal justice is the holistic approach (Elechi, 2020). It considers the social, economic, and spiritual dimensions of conflicts. This can include rituals, compensation, and other traditionally specific practices aimed at healing (Asmare, 2021). Salihu (2022) opines that disagreements can develop in any situation where people interconnect, where two or more persons or groups have opposing interests, where rights are denied, or property was stolen and so forth (Omale, 2009).

Mbagwu (2016) listed the following as some of the factors which could necessitates conflicts among the indigenous people of Africa to include: Birth and rearing of children, domestic violence, infidelity, land, widowhood, political representation. It was noted that indigenous administration of justice in Africa, normally take four levels: Dialogue, between the disputants among themselves, intervention by senior kinsmen, the headman of neighbourhood intervenes, and the local chief is the last mediator (Mbagwu, 2016).

Some ideas in the administration of justice introduced by the colonial masters, contrary to African ideas of administration of justice

1 Language

In the traditional African settings, the language of the court was the language spoken by the community (Michael, 2016). The traditional leaders and the chiefs who administered justice, spoke the local language, which was comprehensible by both litigants and the community. The importance of such could not be overemphasised as it brought justice closer to the parties involved. However, with the incursion of the imperialist to the internal affairs of the colonies in Africa, the

imperial languages replaced the local languages of the communities in the administration of justice. Baba and Isaiah (2024) note that language plays a crucial role in courtroom discourse.

The language used in trials, including opening statements, witness examinations and closing arguments is designed to persuade judges and juries. Lawyers carefully craft their language to present facts and arguments in a compelling manner. The examination in chief, cross-examination and re-examination of witnesses involve strategic use of language to elicit favourable responses and undermine the credibility of opposing witnesses. Courtroom language must adhere to procedural rules and formalities, adding another layer of complexity to legal communication

The above in the modern-day African societies hold a serious challenge to the accused and the complainants in the administration of criminal justice in Africa. This is because in most African countries, the language of the colonial master is not the first language for most of the population and this immediately take away justice from the litigant, who will need an interpreter or a translator. The dominance of English language in legal proceedings is a barrier to justice for these individuals (Smith, 2016, Olanrewaju & Ademola, 2020).

In all the Nigerian superior courts of record, the official language is English language. Therefore, in the case of *Ogunye v. The State*, Justice Iguh, (Justice of the Supreme Court) stated thus:

I cannot over emphasis the fact and it is a matter of common knowledge and notoriety of which judicial notice, ought now, to be taken, that the lingua franca in this country is English and that this is the official language employed in all proceedings before the superior courts of records throughout Nigeria

2 Legal representations

In the traditional African setting, a litigant represents him or herself before the traditional or community chiefs. It was not necessary to hire a spokesperson in the position of a lawyer. The idea of the modern-day justice system, which was imposed by the colonial masters made it a foundation for getting justice before a judge. The lawyer's fees are not affordable to ordinary litigant. This no doubt could be interpreted to mean justice is only for the wealthy (Aina, 2025). Udemezue (2020) opines that members of the legal profession in Nigeria have an enormous responsibility to discharge, not only to their clients but also to the court, the profession, their professional colleagues, and the society at large. All such could have been avoided under the indigenous justice system, with no requirement for legal representations.

3 Wearing of special attire

The idea of a lawyer wearing or appearing in particular attire before he or she is accorded audience in a court of law was inherited from the colonial masters (Adelanwa, 2024). This is totally unknown to the indigenous criminal justice system in Nigeria and or Africa as a whole. The litigants under the indigenous system did not need any spokesperson or the wearing of any special attire. He or she appears before the traditional leaders and the council and speaks the same language as the adjudicators and wore/wears the local outfit. Unfortunately, the idea of wearing special attire before an audience is given adds to the cost of litigation and makes justice to be

available to the highest bidder. The “wig and gown” which is the lawyers robe are regarded as symbols of legal practice in Nigeria. Both the wig and the black gown have a mildly separate history and origin into the English system (Effiong, 2012, Nelson, 2021.).

4. Filing of court papers

Under the African indigenous criminal justice dispensation, there was nothing as filing of papers. A date normally would be fixed for the hearing of the dispute, and the parties presented their side of the dispute before the chiefs and the councils. However, with the advent of the contemporary system, the idea of litigation was introduced. Litigation is expensive. Every citizen has the right to seek satisfaction for his or her grievances in court. The dilemma is paying the filing fees, and the trials can last for years. Moreso, money is required to pay lawyer fees, expert witnesses’ fees and other associated fees (Eviani, Maskun & Faqi, 2024).

On the other hand, the following have been identified as the strengths of the indigenous method of administration of justice. Firstly, the indigenous system is not state-centric but community-oriented. Secondly, it’s more realistic than international standard of diplomacy which emphasises peace treaties. In addition, the indigenous justice system believes in the inclusion and participation at all levels (Mbagwu, 2016).

The following section of this chapter considers the approach of different ethnic groups in Nigeria and selected other African countries administered indigenous criminal justice before the interruption of the colonial masters into the system.

Western Nigeria

The Western part of Nigeria is essentially the domain of the Yoruba people. The Yorubas’ indigenous practice of the criminal justice system is equally based on restorative justice (Andrews, 2019). This approach aims to restore social harmony and mend relationships among the parties to the deviant behaviour. The Yorubas has a saying that ‘no one returns from court as litigants and continue to be friends (*akii ti kotu de, ka s’ore*). In other words, the Yoruba justice system emphasizes remorsefulness and restorative justice, focusing on reconciliation and repairing harm rather than ‘mere punishment’ (Olawale, Hooi & Balakrishnan, 2024). Olawale, Hooi and Balakrishnan (2024) note that indigenous practices are employed to mend broken relationships and bridge the gaps created by conflicts. One effect of colonialism in the countries of Africa was the imposition of the imperial legal system which gradually relegated and later supplanted the indigenous justice system (Salihu, 2020).

African indigenous knowledge of justice lay emphasis on that traditional conflict resolution approaches among the Yoruba ethnic group (Bello & Olutola (2016). This primarily serve the purposes of genuine reconciliation, peacebuilding, and maintenance of social relationships (Bello & Olutola, 2016, Asaala, 2024). According to Omotayo (2021) the elders and community leaders play a critical role in mediating disputes and administering justice. The decisions of the elders are based on a deep understanding of customs and traditions, ensuring culturally appropriate

resolutions (Sone, 2016). The community participates in resolving conflicts. In the Yorubaland, when there is a dispute (or a crime occurs), the complainant(s) approaches the local traditional ruler or the community head (commonly referred to as Ba'ale or Oba) and expresses his or her grievance (Salihu, 2020). There is a strong connotation that the entire community, is affected by misbehaviour and as a result, resolving such misdemeanour should involve larger society. It is the argument of Sone (2016) that in some traditional societies, such as the Wimbumb of Cameroon and the Yorubas and Igbos of Nigeria, it is said to be common “to see disputing parties sitting down informally, discussing and agreeing on certain issues amicably without resorting to the courts” (Sone, 2016).

Ajayi and Buhari (2014) observed that one of the reasons that made indigenous justice system acceptable and gained grounds among the Yoruba ethnic-group in the administration of justice is that sitting is usually held in a confined environment without public attraction. It could be in the house (living room) of the local traditional rulers, chiefs or elders, or it may be the residence of one of the disputants or even a neutral place within the community (Omotayo, 2021).

It is trite that prior to the arrival first British (colonialist) in the western part of Nigeria in the nineteenth centuries, the traditional rulers in control of governance applied customary laws, which were based on ancient traditions and practices. Nwachukwu, Alala and Olua (2019) note that the modern criminal justice system which is patterned after colonial ideals has made it impossible for African deities like Šàngó and Amadioha who administered indigenous justice in the Yorùbá and Igbo traditional societies to play their identified roles within their domiciled cultural spaces. Customary laws govern every part of people's life (Yusuf & Shittu 2022). The Yoruba justice system takes a holistic approach, considering the social, economic, and spiritual dimensions of conflicts. Osunde and Obarisiagbon (2022) opine that prior to colonisation in the Yorubaland, older adults were involve in the settlement of disputes and the indigenous system was very efficient and effective.

Olutola (2014) argues that although, in the traditional African society and before the arrival of the imperialists, the maintenance of law and order and the prevention of social vices such as crime were in the domain of the traditional leaders. Unfortunately, European scholars have not been fair to the African jurisprudence (Olutola, 2014). For instance, Fortes and Evan-Pritchard (1946:21) note that Africans do not analyse their social system but live it. The English justice system is best suited to regulate and control the prevalent situation in England and its environments, and not in a faraway African nation with its different ideologies. The imperial system reflects imperial norms, and not African norms. Olutola (2014) asked a rhetoric question, of whether the high rate of crime in Africa is not partly due to the abandonment of indigenous African ways of adjudication or resolving conflicts in favour of the imposed colonial justice system.

Eastern Nigeria

Okeke, Ibenwa and Okeke (2017) note that, conflict is a universal phenomenon that is inevitable in human interaction. The Eastern part of Nigeria is dominated by the Ibos (or Igbos) and the Ibos have a strong indigenous criminal justice system. Chukwuma (2022) note that in resolving criminal cases, in the Ibo community, the procedure could be summarised in the idiom ‘*ighanye oji n’umunna*’ (lodging of action before the elders). This is to create a platform for the hearing of the complainant’s case as well as the accused person’s defence to arrive at the truth of the matter. Osiogogu and Mmah (2020) observed that there are similarities in the ways criminal justice is being dispensed among the Western and the Eastern Nigerian. The Ibos and the Yorubas indigenous criminal justice systems highlight restorative justice, focusing on reconciliation and repairing harm rather than punishment. This approach is deeply rooted amongst the Igbos, hence the expression: ‘*Iwe nwanne adighi eru n’okpukpu*’ (the anger of a brother/sister does not get to the bone). This means that there is always room for forgiveness and restoration of a delinquent amongst the Igbos.

Chukwuma (2023), opines that the target is to restore social harmony and mend relationships between the suspect, the wounded, and the public. Igbo indigenous criminal justice procedures and practices are characterized by social harmony, flexibility, social pressure, and strong religious beliefs (Chukwuma, 2023). The Ibos see the elders as the custodian of wisdom (Unuabonah & Akinwotu, 2024). Indigenous criminal justice to the Igbos refers to the norms, processes and decisions pertaining to the treatment of offenders in accordance with the established customs of the community (Chukwuma, 2023). Therefore, the elders in the indigenous Ibo community administer justice, they resolve disputes and supervise justice. The courts in the modern day apply judicial precedent otherwise known as *stare decisis* but the decisions of the Ibos indigenous criminal justice are based on a deep understanding of customs and traditions, ensuring culturally appropriate resolutions.

Chukwuma (2023) contended that, indigenous criminal justice in the Ibo perspective is a system by which everyone involved in or affected by a crime is given what is their due; a system that is conducted in truth regardless of who or what is at stake and a system that is objective. Although, Nwaneki, Uzowulu, and Onwuliri (2023) note that it might be impossible to go back to the old traditional indigenous *Ibo* system; but that does not mean that we should discard it totally and move with what is on trend – the contemporary system. Nwachukwu, Alala and Olua (2019) opine that the jettison of the African methods of conflict resolutions leads to some of the ambiguities and inconsistencies in the adjudication and delivery of justice experience today in Nigeria (Nwachukwu, Alala & Olua 2019). More so, the contemporary era poses some threats to the complete package of the indigenous Igbo society. It is like a cankerworm eating away the roots of the Igbo heritage.

Another important point under the Eastern Nigeria (Ibo) indigenous knowledge system is the role play by the community in the administration of justice. The Ibos perceived justice as a collective

event (Rex, 2020). The community is made up of people and everyone should participate in resolving every matter of the community. According to Isidienu and Nwokoye (2021) the fact that there wasn't judicial institution in the sense of professional judges, courts as obtainable in the British sense, was not to say there wasn't justice in the pre-colonial administration of justice in Iboland or in Nigeria before the arrival of the colonialists. The judicial system in indigenous Igbo society is jury based on trial by peers (Isidienu & Nwokoye, 2021). Also, all the legislative agencies starting from the Umunna to the general assembly also double as the judicial bodies. In other words, there is no clear-cut distinction between the different arms of the body. For example, "Umunna" that make law can also adjudicate on matters (Isidienu & Nwokoye, 2021). Deviant behaviour affects every member of the community, and it is the idea of the Ibos that resolving conflicts and disputes in the society should not be left only between the offender and the victim (Isidienu & Nwokoye, 2021).

Laws are the rules and regulations which govern the behaviour of the community members. The Ibos administration of justice rely heavily on indigenous or customary laws (Okeke, 2023), which are based on long-standing traditions and practices, and which have existed long before the colonial powers arrived in the shore of African continent. Rex (2020) argues that the Ibo explanations of their believe in administration of justice could be seen in Igbo names and axioms such as chinweagha (i.e. battle or vengeance belongs to the gods), so chi n' agbaogu (only god specializes in the enterprise of vengeance), chikwuolumonum (prove me right, god) (Rex, 2020). These laws address various aspects of life, including land disputes, marriage, and inheritance. The pillar of justice is that you cannot put something on nothing and expect it to stand (*Macfoy v. United Africa Company*, 3 All ER 1169 at 1172). This idea resonates with the Ibos justice system, which has holistic approach. It considers the social, economic, and spiritual dimensions of conflicts. Among which are rituals, compensation, and other culturally specific practices aimed at healing and restoring balance (Odiase, 2024).

Northern Nigeria

The people of Northern Nigeria are majorly known as the Hausas. The Hausas express themselves through Islamic religion. Islam has a great influence on the indigenous knowledge and the criminal justice system, particularly using Sharia courts and customary laws. In the Northern Nigeria communities, for instance, the most important approach utilized was community-based dispute resolution techniques rooted in customary and Islamic beliefs (Salihu, 2020).

The applicable indigenous customary law in the Northern part of Nigeria was and still Sharia law, especially in matters of personal status, family law, and some criminal cases. Sharia courts operate alongside any other judicial system and are based on Islamic principles and teachings (Issaka-Toure & Alidou, 2021).

As per the northern Nigeria, Ali (2022) notes that traditional leaders, such as Emirs and village heads, play vital role in the indigenous administration of justice. This was equally confirmed by Ridwan, Olawale and Abdulbaki (2022) who assert that the traditional leaders function as

intermediaries in disputes resolutions and key factor for consideration are the intertwined between customary and Sharia/Islamic laws (Owolade, 2023).

Just as in other parts of Nigeria, indigenous justice system in the northern part of Nigeria is hinged on restorative justice (Amos, 2023). Alobo and Inaku (2020) opine that this approach focuses on reconciliation, compensation, and restoring social harmony rather than punitive measures (Ogunode, 2015). The custom and tradition of the people are the corner stone of the justice system and are based on restorative justice (Nnam, 2017). The justice system takes a comprehensive approach, considering the social, *Islamic*, economic, and spiritual dimensions of conflicts (Sule, 2015, Forest, 2012).

Southern Africa (SADC)

Indigenous knowledge in the Southern Africa, plays a crucial role in the administration of criminal justice (Murhula & Tolla, 2021). Murhula and Tolla (2021) note that restorative justice in the Southern Africa countries could be traced to the jurisprudence of ubuntu, which is regarded as the major philosophy of reconciliation (Schoeman, 2021).

Traditionally, these countries subscribe to the reconciliatory philosophy of Ubuntu, which in the local Zulu language can be narrated as ‘Umuntu Ngumuntu Ngabantu’-(a person is a person because of/or through others (Mlondo, 2022). This approach focuses on reconciliation, healing, and restoring social harmony rather than punitive measures (Murambadoro, Wielenga & Batley, 2020). Further, among the Vhavenda people in South Africa, restorative justice involves community involvement, storytelling, and cultural practices to promote healing and reconciliation (Joshua & Tshamano, 2023). It was contended by Joshua and Tshamano (2023) that the implementation of African Indigenous knowledge systems is crucial to achieving restorative justice in the Vhavenda community and throughout Southern African communities and that the borrowed imperial system of justice is antithetical to African cultural norms.

Kariuki (2015) notes that in most of Africa communities, the elders aim at restoring the social ties or social capital that had been broken by the wrongs done, committed or omitted. The elders mediate in disputes resolution and ensure that resolves are culturally appropriate and accepted by the community (Mboh, 2021). The elders deep understanding of customs and traditions is crucial in maintaining social order. According to Mboh (2021) these elders are often perceived as people of wisdom to navigate the negotiation and reconciliation processes.

Muchaku (2020) argues that justice is seen as a communal affair. The community actively participates in resolving conflicts, reflecting the belief that crime affects the entire community, not just the individuals directly involved (Ajitoni, 2024). This communal approach helps to reinforce social bonds and collective responsibility (Ubuntu philosophy). In the pre-colonial African societies, Ubuntu played a crucial role in maintaining social harmony and cohesion. It was embodied in the practices of communal living, where extended families and communities worked together to ensure the well-being of all members (Musavengane & Kloppers, 2020).

Conclusion

This chapter argues that the idea of justice or fairness in the administration of justice is not unknown to Africa, before the scramble and partitioning of the Africa continent. The style and method used by the indigenous people of Africa might not be the same as the methods and styles used in the other continents of the world. However, the truth is that Africa is just as unique as a people, and the manner and ways they do their things should be respected by all, in so far that the Africa methods of the administration of justice is not repugnant to natural laws, equity and good conscience. As pointed out during this chapter, the commonality in the Africa method of administration of criminal justice is anchored on restorative system, reconciliation and not punitive methodology. From coast to Cape, Africa justice system is summarised in the philosophy of Ubuntu.

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Evaluation of Restorative Justice from an Indigenous Perspective of Crime Control

Ezeji Chiji Longinus

Senior Postdoctoral Fellow, School of Public Management Governance and Public Policy,
College of Business and Economics, University of Johannesburg, South Africa

Email: clezeji@uj.ac.za/clezeji@gmail.com

Orcid: <https://orcid.org/0000-0003-4732-0485>

Abstract

There was no consistent religious group or ethnic domination in African civilization, which was heterogeneous. Custom, shared cultural values, and moral principles ruled the community and produced legally enforceable rules for its members. The heads of families, clans, villages, and towns were among the many methods used to implement this concept of conflict and criminal resolution within communities. When colonial overlords forced their own institutions on the people under their colonies, they put an end to the Indigenous justice system that promoted moral behavior among all members of the community, including the kids. The Indigenous justice system was only permitted to address civil problems by applying alternatives to dispute resolution because its justice system was transplanted onto African communities. It should be mentioned that in criminal cases, customary justice practices can be used as a model to try to identify and remedy the societal factors that lead to crime. By addressing victims' losses rather than just offenders and offenses, bringing justice closer to people without stress, reintegrating offenders into society, and maintaining social harmony, indigenous justice systems can be used in conjunction with contemporary justice systems to rebuild public trust in the system. Therefore, the practice of restorative justice aims to assess the negative effects of a crime and then decide how to make amends while keeping the offender responsible for their acts.

Keywords: Restorative justice, Indigenous, Conflict Resolution, Victim, Community Cohesion

Introduction

Prior to the colonisation of African communities, local African communities adopted unwritten customary laws and procedures for dispute resolution and crime-solving in the absence of state authority. The African society was diverse, with no uniform religious group or ethnic dominance. The society was governed by custom, common cultural beliefs, and ethical codes that generated binding regulations on members. This model of conflict and crime resolution within communities was administered through various mechanisms such as using heads of families, clans, villages, and towns. The Indigenous justice system that incorporated good morals among community members, including the youth, was brought to a halt by colonial masters who imposed their own systems on the communities under their colonies.

As a result of transplanting their justice system onto African communities, the Indigenous justice system was only allowed to handle civil matters through the application of alternatives to dispute

and crime resolution to address some of the challenges facing the contemporary justice system (Salihu, 2020). It should be noted that customary justice procedures can be adopted in criminal matters as a model that seeks to understand and address the social causes of crime. Indigenous justice systems can be implemented alongside modern justice systems to restore public confidence in the system by catering to the losses suffered by victims rather than focusing solely on offenders and offenses, bringing justice closer to people without stress, reintegrating offenders back into society, and ensuring social harmony. Hence, the application of restorative justice seeks to examine the harmful impact of a crime and then determine what can be done to repair that harm while holding the person who caused it accountable for their actions. Accountability for the offender means accepting responsibility and acting to repair the harm done (Maschi & Leibowitz, 2017).

Indigenous perspectives of restorative justice are associated with values that lie behind being personally accountable, assisting others in need, and valuing good relationships. The potential utility of restorative justice is to help address the over-representation of punitive models and assist crime victims and offenders in reducing contact with the justice system through diversion. Indigenous perspectives of restorative justice seek to examine the harmful impact of a crime and then determine what can be done to repair that harm while holding the person who caused it accountable for their actions.

As societies grapple with the limitations of a punitive framework, high recidivism rates, costly prison systems, and persistent feelings of dissatisfaction among victims are common. In this regard, Davis (2019) argued that restorative justice has emerged as a compelling alternative. Countries that have adopted restorative models in various sectors have reported reductions in crime rates and lowered burdens on their judicial systems. The chapter argues for the need for integrating indigenous restorative justice into current institutions, whether as a wholesale replacement for punitive justice in some areas or as a complementary measure in others. The contrast between restorative and punitive approaches is neither subtle nor merely procedural; it reflects deep philosophical divergences about justice, community, and the nature of human relationships. Scholars such as Christie, Zehr, and Davis have illuminated how punitive systems can perpetuate cycles of harm, whereas restorative frameworks open a pathway towards greater societal harmony and wellbeing (Christie, 1977; Zehr, 1990).

This chapter evaluates restorative justice as an indigenous strategy for enhancing crime control. Restorative justice seeks to examine the harmful impact of a crime and then determine what can be done to repair that harm while holding the person who caused it accountable for their actions. Accountability for the offender means accepting responsibility and acting to repair the harm done. Indigenous perspectives of restorative justice are associated with values that lie behind being personally accountable, assisting others in need, and valuing good relationships. The potential utility of restorative justice is to help address the over-representation of punitive models and assist crime victims and offenders in reducing contact with the justice system through diversion. Indigenous perspectives of restorative justice seek to examine the harmful impact of a crime and

then determine what can be done to repair that harm while holding the person who caused it accountable for their actions.

Understanding the Obligations of Restorative Justice

Restorative justice seeks to restore relationships between victims, offenders, and their communities. It involves bringing together those affected by a crime to discuss how best to repair the harm caused. This process can involve face-to-face meetings between victims and offenders, or it can involve other forms of communication such as letters or phone calls (Davis, 2019). The goal of restorative justice is to help all parties involved in a crime move forward in a positive way. This means that offenders must take responsibility for their actions and make amends for the harm they have caused. Victims are given an opportunity to tell their story and be heard, while communities are encouraged to work together to prevent future crimes from occurring (Jacobson et al., 2012).

Restorative justice also involves obligations for all parties involved. Offenders must accept responsibility for their actions and make amends for the harm they have caused. Victims must be willing to forgive and move forward with their lives. Communities must provide support for both victims and offenders, as well as work together to create a safe environment where crime is less likely to occur. In order for restorative justice to be successful, all parties must be willing to work together towards a common goal of repairing the harm caused by criminal behavior. It is important that everyone involved understands their obligations and works together towards a positive outcome (Davis, 2019).

Theoretical Framework of Restorative Justice

The theory of restorative justice posits that the best way to address crime is by focusing on repairing the harm caused to victims and restoring relationships within a community, rather than solely punishing the offender. This is achieved through processes that actively involve all parties affected by the crime, including the victim, offender, and community members, to facilitate dialogue, accountability, and amends. Restorative justice focuses on addressing harm, offering people who have committed or been harmed by crime the opportunity to safely discuss the nature and consequences of the offense, ask questions, offer answers, and agree on what ought to be done to make amends and avoid further harm (Bolitho, 2015). Key aspects of restorative justice theory include focusing on harm, unlike traditional justice systems that prioritize legal violations. Restorative justice prioritizes understanding the impact of the crime on victims and the community. Active victim participation is emphasized, giving victims a voice and agency to share their experiences and needs during the restorative process. Offender accountability is also crucial, encouraging offenders to take responsibility for their actions, understand the harm they caused, and make amends to the victim. Community involvement is seen as a key player in supporting both victims and offenders and can contribute to the restorative process. Dialogue and reconciliation are central to restorative justice, aiming to facilitate open communication between all parties involved to promote understanding and healing. The goal of restorative justice is to bring

together those most affected by the criminal act - the offender, the victim, and community members - in a non-adversarial process to encourage offender accountability and meet the needs of the victims to repair the harms resulting from the crime (Bergseth and Bouffard, 2007).

Implementing restorative justice involves victim-offender mediation where meetings are facilitated, and the victim and offender can directly discuss the crime and its impact, with the goal of reaching an agreement on how to repair the harm. Community conferencing includes a wider group discussion involving the victim, offender, family members, and community representatives to address the harm caused and develop a plan for restoration. Offenders may be asked to perform community service as a way to make amends for their actions (Bolitho, 2015).

Criticism of restorative justice remains that there may be potential for victim re-traumatization, as the process of confronting the offender could be emotionally difficult for victims. Concerns about potential power dynamics between victims and offenders, especially in cases involving significant disparities, are also present. Implementation challenges include the lack of knowledge about the concept of restorative justice and its implementations, the need for trained facilitators, and a supportive community to effectively implement restorative justice practices. Some of the most common programs typically associated with restorative justice are mediation and conflict-resolution programs, family group conferences, victim-impact panels, victim-offender mediation, circle sentencing, and community reparative boards (Angel et al., 2014).

The Concept of Restorative Justice

Karimullah (2023) revealed that some of the most common programs typically associated with restorative justice include mediation and conflict-resolution programs, family group conferences, victim-impact panels, victim-offender mediation, circle sentencing, and community reparative boards. The core values commonly associated with indigenous perspectives are respect, relationship, reciprocity, and responsibility, demonstrating a strong commitment to lifelong learning and encouraging ongoing engagement and exploration of indigenous knowledge and experiences in resolving crime. Restorative justice involves making the offender take responsibility for their criminal actions, allowing for the reintegration of the offender into the community, and encouraging reparations to be made to the victim (Van Ness, Strong, Derby & Parker; Braithwaite, 2002).

Restorative justice is an approach to justice that focuses on repairing the harm caused by criminal behavior rather than punishing the offender (Karimullah, 2023; Van Ness et al., 2022). It is based on three pillars: harms and needs, obligations, and engagement (Kirkwood, 2022; Van Ness et al., 2022). According to Karimullah (2023), these pillars provide a framework for understanding how restorative justice works and how it can be used to create a more just society. This introduction will provide an overview of each of these pillars and explain how they work together to create a more equitable system of justice. Restorative justice is based on the principle of accountability. This means that offenders must take responsibility for their actions and make amends for any harm they have caused. This can be done through various forms of reparation, such as community

service or restitution payments. In addition, offenders must also be willing to engage in dialogue with victims and other stakeholders to understand how their actions have impacted them and how they can make things right. The role of harms and needs in restorative justice is twofold. First, it helps to identify what has been lost or damaged as a result of a crime and how it can be repaired or compensated for. Second, it helps to identify what needs to be done to prevent similar crimes from occurring in the future. This includes addressing underlying issues such as poverty or substance abuse that may have contributed to the crime in the first place. For restorative justice to be effective, it must involve all stakeholders in an open dialogue about harms and needs (Maschi & Leibowitz, 2017). This includes victims, offenders, families, communities, and other relevant parties. Through this dialogue, all parties can come together to discuss how best to repair any harm caused by a crime and how best to prevent similar crimes from occurring again in the future. Ultimately, restorative justice seeks to create a sense of healing and understanding between all those affected by a crime. By focusing on repairing harms and addressing needs rather than simply punishing offenders, restorative justice provides an alternative approach that can help create safer communities for everyone involved (Habeeb, 2020).

According to Michael (2021), many countries of the world have embraced a punitive system where success in crime control is often measured by whether offenders are punished and the community is visibly protected from wrongdoing. This approach marginalizes the emotional needs of victims and sometimes fails to address the root causes of crime or promote genuine behavioral change. By contrast, indigenous restorative justice prioritizes human relationships. Its success is gauged by the extent to which wounds are healed, victims feel acknowledged, offenders accept responsibility, and the community emerges stronger and more unified. This study suggests that involving victims more thoroughly and encouraging offenders to understand the impact of their actions can reduce future criminal behavior and improve satisfaction among all participants (Bergseth & Bouffard, 2007).

The question now is not whether restorative practices can work but how best to embed them within existing structures so they can fulfill their promise. There is a need to identify which crimes and contexts yield the greatest benefits from restorative measures, train practitioners to facilitate meaningful dialogue, and enact policy reforms necessary to shift cultural attitudes toward viewing crime as a community concern rather than a mere infraction against state authority (Davis, 2019). In this regard, the study suggests the implementation of indigenous restorative justice as an alternative to prolonged criminal justice processes. Implementing indigenous perspectives of restorative justice reduces prison congestion and the financial burden of the criminal justice system. This model will promote harmony and satisfaction for both the victim, offender, and the community at large.

Methodology

The article employed a qualitative methodology, using interviews for data collection. Participants included crime victims, offenders, police officials, and community members. Secondary data was

gathered from international and national conferences and articles. Restorative justice methodology focuses on bringing together victims, offenders, and community members to engage in dialogue and find solutions to address the harm caused by a crime. The emphasis is on repairing relationships and restoring the community rather than solely punishing the offender. This is typically done through facilitated meetings where all parties can share their perspectives and work towards amends, including apologies, compensation, and community service. Participation in restorative justice processes is usually voluntary and must adhere to legal and human rights principles.

Key aspects of restorative justice include a victim-centered approach, where the victim's experience and needs are central to the process, allowing them to share the impact of the crime and be heard by the offender. Offender accountability involves offenders taking responsibility for their actions, expressing remorse, and actively participating in repairing the harm caused. Community involvement provides support, offers perspectives, and contributes to solutions that benefit the wider community. Facilitated dialogue by trained facilitators guides restorative justice meetings to ensure respectful communication, active listening, and a safe space for all parties to share their stories. This process requires voluntary participation, with all parties freely choosing to engage in the restorative justice process. Common restorative justice practices include victim-offender mediation, where the victim and offender meet facilitated by a mediator to discuss the impact of the crime and work towards resolution. Community conferencing involves victims, offenders, family members, and community representatives discussing the harm caused and developing a plan for repair. Diversion programs may redirect offenders from the traditional criminal justice system to participate in restorative justice programs as an alternative to prosecution. Pre-sentence restorative justice processes can inform the court about the circumstances of the crime and the offender's remorse before sentencing.

Restorative Justice as a Response to the Limitations of Conventional Criminal Justice Systems

Restorative justice emerges as a response to the limitations of conventional criminal justice systems, which often fail to address victims' emotional and psychological needs. Rather than viewing crime solely as a legal violation, restorative justice reframes it as harm against individuals and relationships, necessitating repair and restoration. Central to restorative justice is the inclusion of victims, offenders, and community representatives in dialogue, aiming to foster accountability, remorse, and reconciliation (Michael, 2021). This framework diverges from traditional justice systems by focusing on the interpersonal and relational dimensions of crime. Restorative justice considers crime as an act of harm to individuals and communities rather than just a breach of law. By involving all parties, restorative justice promotes collective healing and a shared understanding of the incident, which is pivotal for effective restitution and emotional recovery (Karimullah, 2023).

Restorative Justice as an Alternative Approach to Criminal Justice

Restorative Justice is the practical application of some components of alternative dispute resolution to criminal cases. The concept of restorative justice emerged as a social movement for justice reform, recognizing that retributive justice has failed to reduce crime. Scholars and practitioners are exploring other methods to address crime in society (Habeeb, 2020). With the restorative concept of justice, advocates believe that the ultimate goal of the criminal justice system, achieving justice for all parties, and eradicating crime from society, can be accomplished using non-custodial methods of correction instead of traditional punishment and imprisonment. Restorative Justice is a process where parties with a stake in a particular offense come together to collectively resolve how to deal with the aftermath of the offense and its implications for the future (Kirkwood, 2022). Restorative justice is an approach to problem-solving that involves the victim, the offender, their social networks, justice agencies, and the community. Restorative justice programs are based on the fundamental principle that criminal behavior not only violates the law but also injures victims and the community (Van Wormer, 2002).

The Eleventh United Nations Congress on Crime Prevention and Criminal Justice was held in Bangkok, Thailand, from 18 to 25 April 2005. One of the key workshops, held on 22 April 2005, focused on the theme of “Enhancing Criminal Justice Reform, Including Restorative Justice.” This workshop, organized by the International Centre for Criminal Law Reform and Criminal Justice Policy with support from the Government of Canada, brought together participants from various parts of the world to discuss the current state, challenges, and opportunities of restorative justice as an element of criminal justice reform (UNCCPC, 2005). Restorative justice has gained considerable momentum worldwide, increasingly adopted as an alternative approach to traditional criminal justice systems. Unlike retributive systems that focus primarily on punishment, restorative justice aims to heal and restore relationships between victims, offenders, and the community, fostering reconciliation and reducing recidivism. Restorative justice is both an ancient and a modern concept, drawing heavily from indigenous traditions of conflict resolution that aim to restore harmony within the community (Bolitho, 2015).

Restorative Justice Implementation in Various Countries

Restorative practices are being implemented in various countries to divert young offenders from the formal justice system. Police-led restorative processes offer offenders the chance to make amends without a formal conviction, potentially impacting their future positively. Prosecutors in several countries, including Austria, have the authority to divert cases to restorative processes before trial, focusing on repairing harm while avoiding criminal records. Courts also utilize restorative processes, either before sentencing or as part of sentencing orders (Daniel, 2005). In Finland, courts can suspend sentences if parties reach and fulfill an agreement through restorative means. Restorative practices are also used in probation and parole settings, facilitating meetings between offenders and victims for apologies and amends. Restorative processes assist prisoners in

rebuilding relationships with their families and communities, especially during reintegration after release.

Lessons from the English Penology System and the Pre-Colonial Penal System in Nigeria

Lessons have been learned from the English penology system transplanted into the Nigerian justice system by colonial masters. The British Government used a retributive justice system during colonization, which was not beneficial to African communities, leading to its failure in resolving crime in African societies. The pre-colonial penal system in Nigeria was victim-perpetrator-community-centered, effectively minimizing crime and fostering a crime-free society. Restorative penal practices played a significant role in maintaining social order during that time. Despite the punitive nature of retributive justice, the crime rate continued to rise, leading to growing dissatisfaction with the formal criminal justice system and calls to revisit the nation's pre-colonial penal system (Ifeoma, 2020).

Ifeoma, (2020) viewed that restorative justice offers a promising alternative to traditional criminal justice systems by focusing on repairing harm, restoring relationships, and involving victims, offenders, and communities in the resolution process. Its growing adoption worldwide reflects a shift towards more inclusive and holistic approaches to addressing crime and promoting healing within societies.

Reasons for advocating for alternatives to dispute and crime resolution are numerous.

Habeeb (2020) pointed out that the high cost and delays in litigation procedures in Nigeria have prompted a consideration for more flexible means of resolving disputes through alternative dispute resolution. This approach provides options outside of formal court litigation. The legislations supporting alternative dispute resolution practices in Nigeria include Section 19(d) of the Nigerian 1999 Constitution (as amended), which allows for arbitration and conciliation. Additionally, laws such as the Arbitration and Conciliation Act 2004, Matrimonial Causes Act 2004, Consumer Protection Council Act 2004, Environmental Impact Assessment (EIA) Act 2004, Trade Disputes Act 2004, and Petroleum Act 2004 empower the use of alternative dispute resolution to handle civil disputes exclusively. This stance was affirmed by a ruling from the Court of Appeal, which stated that arbitration and other forms of Alternative Dispute Resolution are limited to civil matters under Nigerian laws, as seen in the case of BJ Exports and Chemical Processing Co. vs. Kaduna Refining and Petrochemical Ltd, 2003. Alternative dispute resolution is practiced in Nigeria in two ways: institutionally and individually, within and outside the court system. State institutions that practice alternative dispute resolution include court-annexed Multi-Door Courthouses, Citizen's Mediation Centres, Chambers of commerce, industry groups, and private enterprises. Private individuals that practice ADR include legal experts, judges, trained practitioners, experienced elders, religious and community or traditional leaders (Habeeb, 2020).

Moreover, customary dispute resolution procedures and mechanisms are informally used to settle minor criminal cases, despite the prevalence of the formal justice system. For effective

implementation of alternative dispute resolution, law enforcement agencies should entrust criminal cases to traditional chiefs/rulers for customary resolution mechanisms. While the power to withdraw or discontinue any criminal case resides in the office or the person occupying the position of Attorney General (at both federal and state levels) in Nigeria, it is important to note that complainants cannot withdraw any criminal case. However, in practice, parties involved may decide to settle the matter outside of the criminal justice system. Additionally, Part 28, Section 270 (1–18) of the Administration of Criminal Justice System Act 2015, Laws of the Federation of Nigeria allows for plea bargaining as one of the pleas available to anyone charged with a crime. The Act empowers the prosecution to enter into a plea bargaining with the defendant, before the presentation of the evidence of the defense (Habeeb, 2020).

Bright and Felicity (2015) emphasized that one of the reasons for advocating for alternative dispute resolution and addressing crime is that traditional criminal justice often marginalizes victims, relegating them to the role of witnesses rather than active participants in the justice process. In contrast, restorative justice focuses on the victim's needs, allowing them to express their emotions, seek answers, and regain a sense of control. This victim-centered approach not only alleviates emotional harm but also fosters a renewed sense of empowerment. By directly addressing the victim's experiences and needs, restorative justice creates an environment conducive to healing and reconciliation, reducing the risk of prolonged psychological distress.

Indigenous Knowledge and Problem-Solving

The ultimate goal of indigenous conflict resolution mechanisms is to achieve harmony, solidarity, and shared dialogue among conflicting parties, rather than focusing on punishment. The lack of clear policy direction in the application of indigenous conflict resolution mechanisms has been identified as a limiting factor. Indigenous methods of conflict resolution emphasize durable peaceful coexistence, tolerance, and understanding as crucial elements. These methods involve joint problem-solving techniques that incorporate dialogue, reconciliation, mediation, and accommodation to reach a consensus. Indigenous methods are also applicable to crime control, utilizing dialogue, reconciliation, mediation, and accommodation to ensure that justice is served. In this process, both the victim and the crime perpetrator come together in the presence of authorities and the community to address crime issues (Bolívar, 2013).

Indigenous knowledge has a wide range of applications, including development planning, environmental assessment, agriculture, resource management, and local conservation of biological resources. Indigenous knowledge can promote reconciliation based on dimensions such as historical acceptance, race relations, equality and equity, institutional integrity, and unity. Indigenous Knowledge, rooted in millennia of observations, is temporal and place-based, living, kinship-based, and holistic, encompassing all aspects of human life such as medicine, culture, and spirituality. The healing circle symbolizes the cycle of life, where all beings are interconnected. Elders and teachers use the talking circle as a space to impart important lessons (Bright & Felicity, 2015). The core values commonly associated with indigenous peoples - respect, relationship,

reciprocity, and responsibility - demonstrate a strong commitment to lifelong learning and encourage ongoing engagement and exploration of Indigenous knowledge and experiences. The four key principles that underpin the development and implementation of an indigenous approach include respect, trust, self-determination, and commitment. These principles are essential in engaging successfully and working meaningfully (Colliers, 2011).

Restorative Justice Strategies

Restorative justice strategies, such as peacemaking, dispute resolution, and rebuilding relationships, are seen as the primary methods for achieving justice and supporting the victim, the offender, and the interests of the community. Restorative justice strategies aim to repair harm by providing an opportunity for those harmed and those responsible for the harm to communicate and address their needs in the aftermath of a crime (Bolitho, 2015). The basic principles of restorative justice/restorative practice include relationship, respect, responsibility, repair, reintegration, voluntarism, neutrality, safety, and accessibility. Each element is crucial in the journey toward well-being and wholeness for victims, offenders, and community members.

Practitioners of restorative justice use four pillars to guide their practice: the social discipline window, fair process, science of affect, and the continuum of restorative practices. The conversation format of restorative justice involves discussing what happened, addressing the harm, needs, and causes of the conflict, determining acceptable outcomes, and implementing action plans. Restorative justice can take various forms, such as parent-teacher conferences, restoration circles, restitution, and supplemental training. One common practice is a “circle,” which is used to address conflict or share experiences within the community (Alexander, 2012).

Benefits and Disadvantages of Engaging in Restorative Justice

The primary objective of restorative justice is to repair the harm caused by criminal behavior. This can be achieved through methods like mediation, victim-offender dialogue, community service, and restitution. These methods aim to bring together victims and offenders in a safe and respectful environment to discuss the impact of the crime and find ways to address it. The goal is to foster understanding among all parties involved and reach a resolution that satisfies everyone (Johnstone, 2018). Engaging in restorative justice offers numerous benefits for victims and offenders alike. Victims have the opportunity to share their experiences and be part of the resolution process, leading to closure and direct addressing of their needs by the offender. For offenders, it allows them to take responsibility for their actions, make amends, learn from their mistakes, and develop skills to avoid future criminal behavior.

In addition to individual benefits, engaging in restorative justice can have positive impacts on communities by promoting understanding between different groups and facilitating healing in communities affected by crime. It can also reduce recidivism rates by providing offenders with support networks to help them stay out of trouble in the future (Latimer, et al., 2005). Overall, engaging in restorative justice has numerous benefits for individuals and communities, creating a

more just society where everyone feels respected and valued, regardless of their past mistakes or circumstances. One disadvantage of restorative justice is that it often relies on voluntary participation from both the victim and the offender. If either party is unwilling to participate, the process may not proceed effectively (Johnstone, 2018).

The Importance of the Community in Restorative Justice

Restorative justice represents a transformative approach to understanding and addressing crime, emphasizing the critical role of communities in identifying dynamics and crafting effective solutions. This paradigm shifts the focus from punitive responses to crime towards a more holistic view that seeks to heal and reconcile, recognizing that the community is best positioned to facilitate this process. By engaging those directly affected by crime, restorative justice fosters a collaborative environment where restoration, accountability, and the prevention of future harm can be realized more effectively than traditional criminal justice approaches. This inclusive framework not only aids in mending the immediate impacts of crime but also addresses its root causes, contributing to a more resilient and supportive community fabric (Okimoto & Wenzel, 2010). Community involvement is a vital component of restorative justice programs. When members of the community are involved in the process, they can offer emotional support to the victim and help them feel heard and validated. This can be especially important for victims who may feel isolated or ignored by traditional criminal justice systems. Community involvement also helps offenders take responsibility for their actions. When they see and hear the way their behavior has harmed not just the victim but also their community, they are more likely to take ownership of their actions and work towards making amends (Maschi & Leibowitz, 2017).

In addition, community involvement can help prevent future crime by addressing underlying issues that may have contributed to the offense. For example, if an offender committed a crime due to substance abuse issues, involving members of the community who have experience with addiction recovery could help address those issues and prevent future offenses. Restorative justice programs that involve the community also promote accountability and transparency. By involving members of the community in decision-making processes, there is greater transparency about how decisions are made and why certain outcomes were chosen. This can help build trust between communities and law enforcement agencies (Morrison, 2007).

The Bourke project, a pioneering initiative in justice reinvestment in Australia, serves as a compelling testament to the efficacy of community-led restorative justice efforts. Situated in rural New South Wales, this project has harnessed the principles of justice reinvestment to redirect resources from the criminal justice system towards community programs that address the underlying causes of crime. By focusing on proactive measures such as education, employment, housing, and health services, the Bourke project has empowered the local community to take a central role in crafting solutions that not only prevent crime but also foster a more supportive and cohesive social environment. This approach has not only contributed to a reduction in crime rates but has also enhanced the capacity of the community to manage its social issues, demonstrating

the profound impact that community involvement and restorative practices can have on transforming the justice landscape (Sherman et al., 2015).

The concept of “community” plays a pivotal role in the distinction between restorative justice and retributive justice systems. Understanding these differences provides insight into how each approach perceives the resolution of wrongdoing and its broader implications for society. In restorative justice, the community is not merely a backdrop for justice proceedings but a central participant in the restoration process. This approach is built on the belief that crimes disrupt the social fabric of the community, and therefore, its repair involves all affected parties. Restorative justice actively involves community members in the justice process, offering support to both victims and offenders. This inclusive approach fosters a sense of collective responsibility. The community plays a role in healing, as restorative justice encourages the reintegration of offenders as contributing members of society, acknowledging that isolation and stigma can exacerbate antisocial behaviors. Restorative justice empowers communities to take part in resolving conflicts, thereby strengthening communal bonds and resilience (Davis, 2019).

One example of how community support can aid in restorative justice is through providing resources for rehabilitation and reintegration. When an individual has caused harm, it is essential for them to take responsibility for their actions and work towards making amends. Community members can provide resources such as job training, counseling services, or mentorship programs to help offenders reintegrate into society. Restorative justice circles are another example of how community support can aid in restorative justice outcomes. These circles involve bringing together individuals affected by a particular issue or incident to discuss their experiences and work towards finding a solution that benefits everyone involved. Community members can act as facilitators or provide emotional support during these circles (Van Wormer, 2002).

Sherman et al. (2015) highlighted that community-based sentencing programs are another way that community support can aid in restorative justice outcomes. These programs involve sentencing offenders to complete tasks or projects within the community as a form of restitution for their actions. Community members can provide guidance and supervision during these projects, helping offenders learn new skills while also giving back to the community they harmed. Community support plays an essential role in supporting successful restorative justice outcomes. By providing resources for rehabilitation and reintegration, acting as mediators or facilitators during victim-offender mediation or restorative justice circles, and offering guidance during community-based sentencing programs, communities can help promote accountability, responsibility, healing, and reconciliation among all parties involved in incidents of harm.

Role of Community in Retributive Justice

Sherman et al. (2015) contested that the retributive justice system views the community more as a bystander or, at most, a secondary victim to individual wrongdoing. The focus is on the state administering punishment, with little active role for community members beyond witnessing justice being served. Retributive justice is State-centric; here the state acts on behalf of the

community to punish offenders, thereby asserting social norms but limiting community engagement. The impact on the community is marginalization; although crimes undeniably affect communities, the retributive model prioritizes the offender's punishment over community healing or involvement. There are limited reintegration efforts; in this approach, the state often overlooks the importance of reintegrating offenders into society, sometimes leading to recidivism and further community harm (Pranis, 2010).

The concept of community fundamentally differs between restorative and retributive justice, reflecting broader philosophies about the purpose and practice of justice. Restorative justice views the community as an essential element of healing, accountability, and reintegration, offering a more holistic and inclusive approach to resolving conflict. In contrast, retributive justice places the community at the periphery, focusing on punishment and deterrence. This divergence highlights the potential for restorative practices to build stronger, more resilient communities through engagement. The contrasting views of community in restorative and retributive justice have significant implications (Johnstone, 2018). Restorative justice promotes stronger community ties through collective participation in the justice process, whereas retributive justice may reinforce social divisions by isolating offenders and their families. Restorative justice's community-centric approach offers more sustainable resolutions to conflicts, addressing root causes and fostering long-term peace. Community involvement in restorative justice can lead to a more nuanced understanding of justice, one that values reconciliation over punishment and recognizes the complexity of human behavior (Davis, 2019).

The Role of Victims, Offenders in Restorative Justice

Victims are at the center of restorative justice programs, as they are the persons most directly impacted by the crime. Victims often take an active role in the restorative justice process, as they are given the opportunity to meet with the offender and explain how the crime has impacted them. They can also provide input regarding what type of reparations should be made. Victims may also be allowed to ask questions and vent their feelings in a productive, safe environment. Victims also have the opportunity to gain some closure from the crime, as they are able to have their feelings and perspectives heard and respected by the offender. This, in turn, can help to reduce feelings of powerlessness that many victims experience (Van Wormer, 2002).

Victims may also be given the opportunity to forgive the offender, which can lead to an increased sense of empowerment. This can be an important step in the victim's healing process, as they may gain a sense of control over the situation and find some peace. Offenders also play an important role in the restorative justice process. They are given the opportunity to take responsibility for their actions, face the consequences of their actions, and make reparations to the victim. They are also given the chance to explain the circumstances that led to the crime and to express remorse for their actions (Maschi & Leibowitz, 2017). Offenders may also gain closure and understanding from the restorative justice process. Through it, they are able to gain insight into the harm that they have caused and to understand the impact of their actions on the victim. This can be an important step

in the offender's rehabilitation process, as they learn to take responsibility for their actions and learn to avoid committing similar crimes in the future. Offenders also have the opportunity to rebuild relationships with the victim and the community. This can be an important step in the offender's healing process, as they learn to form healthy relationships and gain a sense of self-worth (Sherman et al., 2015).

Furthermore, community members can provide support to both the victim and the offender and can be an important source of accountability and guidance. They can also provide important resources that can help victims and offenders heal. The community can also help to foster a sense of understanding and acceptance between the victim and the offender. Community members can serve as mediators, ensuring that both parties are heard and respected. This can help to create a more compassionate and understanding environment. The community can also help to provide resources that can help victims and offenders heal. This can include mentorship programs, therapeutic services, and educational opportunities. By providing these resources, the community can help both the victim and the offender to find healing and peace. Furthermore, restorative justice is based on the idea that all parties involved in a crime – victims, offenders, and communities should have a voice in the resolution process. Victims, offenders, and communities have unique roles to play in restorative justice, and when they are all involved in the process, collective healing can occur (Sherman et al., 2015).

Comparing Restorative and Punitive Justice

When examining how societies respond to misconduct, two primary models tend to dominate: restorative and punitive justice. Each approach is shaped by different philosophical principles, historical legacies, and practical aims. By comparing these frameworks, we can better understand how diverse settings, including legal systems, educational institutions, and workplaces, might benefit from or be challenged by one or the other (Maschi & Leibowitz, 2017).

The punitive model, prevalent in many historical and contemporary justice systems, focuses on upholding social order through the imposition of penalties. At its core lies the assumption that identifying, prosecuting, and punishing offenders will deter future wrongdoing by demonstrating the high cost of breaking the law. The logic is that fear of punishment, coupled with the desire to avoid suffering, will prevent individuals from committing similar acts. This approach is deeply anchored in long-standing legal traditions. The principle of "an eye for an eye" underscores the idea that the harm caused by an offense should be balanced by a proportionate consequence. Over centuries, this retributive outlook solidified into formalized legal structures, emphasizing imprisonment, fines, and other penalties as standard responses to crime (Zehr, 2015).

One of the key characteristics of retribution is punishment, which is perceived as a necessary moral response, ensuring the offender experiences a level of hardship commensurate with the damage they have inflicted. By making the outcome of wrongdoing clear and severe, the system intends to discourage both the individual perpetrator and others from similar conduct in the future. In contrast, the restorative justice approach, rather than focusing solely on infractions against the

state, understands crime as harm done to people and relationships. Its primary aim is to repair damage, mend fractured bonds, and foster accountability, empathy, and reconciliation. Examples of restorative principles can be found in Indigenous and tribal communities worldwide, where the health of the group often supersedes the need for individual punitive measures. Instead of removing the offender or merely inflicting punishment, these systems aim to restore balance and maintain cohesion within the community (Van Wormer, 2002). The key features of restorative processes encourage open dialogue, truth-telling, and the opportunity for offenders to acknowledge their actions and take meaningful steps to repair harm. Also involving those directly affected, such as victims, supporters, community members, and offenders, the approach seeks solutions that address human needs rather than imposing a top-down verdict (Latimer et al., 2005).

Contrasting Punitive and Restorative Models by (Zehr, 2015).

Aspect	Punitive Justice	Restorative Justice
Core Principle	Retribution and deterrence	Restoration and accountability
Historical Context	Rooted in “eye for an eye” doctrine	Inspired by tribal and communal practices
View of Crime	Offence against the state	Harm done to persons and relationships
Primary Focus	Penalising the offender	Addressing victim needs and mending harm
Method	Formal legal proceedings (trials, sentencing)	Facilitated meetings and mediated dialogue
Victim’s Role	Often limited to witness status	Central, with active input and involvement
Community Involvement	Minimal, largely absent from decision-making	Significant, integral to the resolution process
Desired Outcome	Maintain order through punishment	Restore harmony, encourage restitution, and healing

Aspect	Punitive Justice	Restorative Justice
Offender's Role	Passive recipient of a sentence	Active participant in making amends
Outcome Emphasis	Assigning guilt, administering punishment	Responsibility-taking, reconciliation, reintegration
Victim's Experience	Risk of secondary trauma	Potential for closure, validation, and empowerment
Philosophical Base	Retributive theory of justice	Restorative theory of justice
Success Indicator	Offender is punished, crime deterred	Harm is repaired, relationships restored, needs met

In summary, the principle of punitive justice is anchored in retribution and deterrence, while restorative justice is based on restoration and accountability. In historical context, punitive justice is rooted in the "eye for an eye" doctrine, whereas restorative justice is inspired by tribal and communal practices. Punitive justice views crime as an offense against the state, whereas restorative justice views crime as harm done to persons and relationships. The primary focus of punitive justice is penalizing the offender, while restorative justice focuses on addressing victim needs and mending harm. The method of bringing justice in punitive justice is formal legal proceedings (trials, sentencing), while restorative justice facilitates meetings and adopts mediated dialogue in resolving crime problems. In punitive justice, the victim's role is often limited to witness status, but in restorative justice, the role of the victim is central, with active input and involvement. Community involvement in punitive justice is minimal, largely absent from decision-making, whereas in restorative justice, community involvement is significant and integral to the resolution process. The desired outcome in punitive justice is to maintain order through punishment, while the desired outcome in restorative justice is to restore harmony, encourage restitution, and healing. The offender's role in punitive justice is a passive recipient of a sentence, whereas in restorative justice, an offender is an active participant in making amends. The outcome emphasis in punitive justice is to assign guilt and administer punishment, while restorative justice emphasizes ensuring responsibility-taking, reconciliation, and reintegration. In punitive justice, victims experience the risk of secondary trauma, while under restorative justice, victims experience the potential for closure, validation, and empowerment. The philosophical base of

punitive justice is anchored in the retributive theory of justice, whereas the philosophical base of restorative justice is based on the restorative theory of justice. The success indicator for punitive justice is determined by ensuring that when an offender is punished, the crime is deterred, whereas the success indicator for restorative justice is premised on the belief that when harm is repaired, relationships restored, and needs are met.

Furthermore, Zehr (2015) stated that distinguishing between restorative and punitive models revealed a fundamental decision point for any society: whether to prioritize retaliatory measures that uphold state-defined order or to invest in genuine healing, community engagement, and long-term harm reduction. As evidence accumulates in favor of restorative methods, the future of justice may lean increasingly towards a more humane, inclusive, and constructive approach. The punitive justice paradigm, built upon the pillars of retribution and deterrence, has long shaped the landscape of legal systems worldwide. Nevertheless, it suffers from significant shortcomings, both in theory and in practice, which have led to calls for an alternative approach. Restorative justice, with its foundation in empathy, rehabilitation, and community integration, offers a compelling response to these calls (Johnstone, 2011).

Restorative justice, in contrast to punitive justice, shifts the focus from law violation to the harm inflicted by the crime. It centers the victim, the offender, and the community in the process of healing and reconciliation (Zehr, 2015). Employing strategies such as victim-offender mediation, family group conferences, and healing circles, restorative justice facilitates dialogue and fosters a climate of empathy and understanding (Johnstone, 2011). The shortcomings of punitive justice underscore the need for a complementary approach that can address its inherent limitations. Restorative justice, with its emphasis on personal responsibility, community engagement, and economic prudence, offers a compelling alternative. By challenging the punitive paradigm's dominance, restorative justice can pave the way for a more empathetic, equitable, and effective justice system.

Psychological benefits of restorative justice

Victims participating in restorative justice processes often report significant reductions in PTSD symptoms, including fear, anxiety, and distress. For example, Angel et al. (2014) demonstrated that restorative justice participants experienced greater decreases in distress compared to those in conventional justice systems. Notably, Sherman et al. (2015) highlighted that these benefits persisted over time. Restorative justice practices significantly reduce negative emotions such as anger, guilt, and sadness. Davis (2009) found that restorative interventions decreased victims' anger and fear, while Sherman et al. (2005) noted a reduction in participants' desire for retribution. Victims' views of offenders often transform through restorative justice interactions.

Jacobson et al. (2012) observed that victims developed more empathetic and nuanced perspectives, which Bolívar (2013) confirmed were stronger when victims participated in direct mediations. Restorative justice effectively addresses victims' emotional needs, including validation, expression, and understanding. Victims feel heard and valued, fostering a sense of closure and

relief. Participating in restorative justice processes enables victims to regain control, restoring their sense of security and confidence. Studies like Bolitho (2015) underscore that this empowerment often endures over time, contributing to long-term emotional well-being. Restorative justice effectiveness lies in its ability to provide victims with a platform to narrate their experiences, enabling catharsis and validation. The opportunity to face their offenders in a safe, controlled environment fosters accountability and genuine remorse, facilitating meaningful dialogue. These interactions help victims process their trauma, replacing feelings of anger and fear with understanding and relief.

Challenges and Critiques of Restorative Justice

Despite its successes, restorative justice faces a number of challenges and critiques. One significant concern is the issue of due process and the protection of participants' rights. Critics argue that the informal nature of restorative processes may leave room for power imbalances or coercion, particularly if proper safeguards are not in place. The "Declaration of Basic Principles" aims to address these concerns by emphasizing the importance of voluntariness, fairness, and procedural protections for all parties involved (Daniel & Van Ness, 2005).

Another challenge is the integration of restorative justice within established criminal justice systems. Some countries have fully embraced restorative practices, while others face resistance from practitioners accustomed to punitive approaches. The workshop highlighted the importance of legislation that either eliminates barriers or actively supports the adoption of restorative practices, while also ensuring consistency with human rights standards. The success of restorative justice depends heavily on the skill of mediators. Inconsistent training can lead to suboptimal outcomes. Few studies explore how cultural and demographic factors affect restorative justice experiences, leaving gaps in understanding its broader applicability. Variability in the timing of interventions and evaluations complicates comparisons across studies (Daniel & Van Ness, 2005).

Conclusion

In conclusion, the 11th United Nations Congress on Crime Prevention and Criminal Justice provided a critical opportunity to assess the growing influence of restorative justice as a means of criminal justice reform. Restorative justice offers an alternative vision of justice that resonates with traditional community-based forms of conflict resolution, focusing on healing rather than punishing. It has demonstrated its value across different stages of the criminal justice process, from diversion and sentencing to probation and parole. The lessons shared during the workshop underscore the need for more widespread adoption of restorative approaches, supported by appropriate legislation and guidelines that protect the rights of all participants. The growth of restorative justice since the 10th UN Congress is evidence of its potential to transform justice systems worldwide, and its continued adoption will contribute to more. Restorative justice offers profound psychological benefits for crime victims, addressing gaps left by conventional systems.

By prioritizing healing, empowerment, and closure, RJ transforms victims' experiences, fostering a sense of justice that is both personal and relational. As RJ continues to gain traction globally, its ongoing refinement and broader implementation promise to redefine justice as a process of restoration rather than retribution.

Recommendation

It is suggested that towards policy and practice recommendations requires standardize mediator training to ensure high-quality facilitation, development of clear guidelines for offender accountability and victim safety and need to increase public awareness to enhance community participation and support for RJ programs.

The impact and effectiveness of restorative justice showed that both victims and offenders are more satisfied with restorative processes compared to conventional court procedures. Victims report a greater sense of safety and empowerment after participating in restorative justice, while offenders are more likely to understand the impact of their actions and experience empathy for their victims.

Importantly, restorative justice has been associated with lower rates of re-offending compared to conventional criminal justice interventions. A notable example of restorative justice's success is the Sycamore Tree Project, a program used by Prison Fellowship International in several countries. Restorative justice facilitates meetings between prisoners and surrogate victims, providing offenders with an opportunity to understand the harm caused by their actions and encouraging them to take steps toward rehabilitation. The program has been linked to significant positive behavioral changes among offenders.

A comprehensive restorative justice response to crime facilitates an involvement of the community as a resource for monitoring and enforcing community standards of behavior. In the application of restorative justice, the victim's right is very crucial. Restorative movement called for the victim notification, participation consultation, restitution, and vindication, also acknowledgment of victims, families, and members of the community as potentially important participants in deciding the response to crime.

Restorative justice recognizes crime victims; they must be informed of the charges laid against the accused, decision, recommendation, and sentencing. Victims should be informed of a court's decision not to proceed with the charge against the accused, must be protected from having contact with the accused and defense during the course of trial. They should also be informed of the outcome of criminal proceedings and of any sentencing and its implication, the nature of conviction/sentence should be explained to the victim. So the sentence given to the offender, date of release should be communicated to the victim,

The application of restorative justice includes victim empowerment in the case. Prior to the commencement of the trial; the public prosecutor needs to inform the victim of what is expected and to refer him/her to the available victim support services. Examples include provision for crime

victims within the criminal justice system, considerate reception by police, referral to support agencies, provisions of advice on preventative measures, the right to be notified of the outcome of the investigation or of ensuring criminal proceedings, the right to be informed at the court about restitution from the offender. Victim impact statement is a statement made by the victim and addressed to the presiding officer to be considered in the sentencing decision.

There is a need to adhere to the compensation system of the legal liability theory which supports that the state has a legal duty to compensate victims for all the damages and losses suffered as a result of a crime. The social contract theory supports the philosophy of the commission of moral duty and social accountability theory which states that the state's compensation fund makes contributions towards damages or losses accruing from crime and therefore forms a partnership with the state in combating crime. The utilitarian theory states that the success of the compensation scheme operates to the benefit of the judicial system and therefore assists in restoring relationships within the community.

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The Role of Indigenous Knowledge in Empowering Nigeria's Criminal Justice System

Uju Roselyn C. Agomoh
B.SC, LLB (HONS), B.L., M.SC, PGD, M.Phil, PhD
Department of Criminology and Security Studies,
Chrisland University, Abeokuta
+234(0)8036877166
Email: uagomoh@chrislanduniversity.edu.ng
ujuagomoh1@yahoo.co.uk

Abstract

Due to its colonial roots, Nigeria's official legal system frequently lacks cultural sensitivity, making it imperative that indigenous knowledge be included into the country's criminology. Due to this gap, many Nigerians now turn to traditional leaders to settle disputes, underscoring the necessity for justice systems that are sensitive to cultural differences and place an emphasis on reconciliation. Additionally, investigating indigenous knowledge can aid in restoring the trust that has been damaged by systematic corruption and inefficiency between communities and law enforcement. Scholars and policymakers can help decolonize knowledge and reshape judicial systems to better represent the needs and values of various communities by embracing non-Western viewpoints. Indigenous knowledge refers to traditional ways of knowing that are mainly passed down orally and have their roots in the cultural history of certain communities. This information is crucial for understanding crime and promoting social harmony in criminology, which prioritizes restorative justice and community cohesiveness over punitive measures. These frameworks provide culturally appropriate methods for resolving disputes and administering justice in Nigeria, where there are more than 250 ethnic groups, each with its own indigenous knowledge systems. Traditional methods are in line with local beliefs, as seen by Yoruba customs like "Ifá" divination and Igbo community elder mediation.

Key words: Traditional, Crime, Criminal Justice, Nigeria, ethnicity

Introduction

Indigenous knowledge encompasses traditional systems of understanding deeply rooted in the cultural heritage of specific communities, primarily transmitted through oral traditions (Bihari, 2023; Nelson & Shilling, 2018). In criminology, this knowledge is essential for comprehending crime and fostering societal harmony, emphasizing restorative justice and community cohesion over punitive measures (Nwafor & Aduma, 2020). In Nigeria, with its' over 250 ethnic groups, each possessing unique indigenous knowledge systems, these frameworks offer culturally relevant strategies for conflict resolution and justice administration. For example, Yoruba practices, such as "Ifá" divination, and communal elder mediation in the Igbo community illustrate how traditional approaches resonate with local beliefs (Olayinka, 2021; Makwudo & Obij, 2020).

Integrating indigenous knowledge into Nigeria's criminology is crucial, as the formal legal system often lacks cultural sensitivity, stemming from its colonial origins (Oduan, 2018; Yusuf, 2018). This disconnect has led many Nigerians to rely on traditional leaders for dispute resolution, highlighting the need for culturally relevant justice systems that prioritize reconciliation (Okaru-Bisant, 2018). Moreover, exploring indigenous knowledge can help rebuild trust between communities and law enforcement, which have been undermined by systemic corruption and inefficiencies (Ezechi, 2024). By incorporating non-Western perspectives, scholars and policymakers can contribute to decolonizing knowledge and reshaping justice systems to better reflect the values and needs of diverse communities (Onwuzuruigbo, 2018).

1. Historical Context of Indigenous Knowledge in Nigeria

Overview of Nigeria's Colonial History and Its Impact on Indigenous Practices

Nigeria's colonial history began in the late 19th and early 20th centuries, during which British forces asserted control over the territory through a combination of treaties, military actions, and administrative reforms (Cornelius et al., 2019). This era marked an often abrupt and disruptive shift in the nation's justice systems, as traditional legal frameworks were frequently marginalized or entirely supplanted by colonial institutions. The British colonial regime introduced statutory laws modeled after their own legal system, often disregarding the existing cultural contexts and indigenous practices (Ojo & Ekhaton, 2020). Indigenous methods, including the use of elders' councils, community assemblies, and ritualistic approaches to conflict resolution, were deemed "primitive" and suppressed in favor of a centralized legal system (Ojo & Ekhaton, 2020). This suppression undermined the authority of traditional leaders and disrupted communal methods of administering justice, creating a significant disconnect between formal justice mechanisms and local populations. Colonial rule not only imposed foreign concepts of law and order but also stigmatized indigenous practices, relegating them to informal or illegal status.

Traditional Justice Practices

Among the Yoruba, the Egungun festival serves not just as a cultural celebration but also as a vital mechanism for addressing communal grievances. The Egungun, a masked figure symbolizing ancestral spirits, mediates conflicts by invoking moral teachings and reinforcing communal norms. Disputes between families or individuals are presented before the Egungun, whose pronouncements carry considerable respect and often serve as binding resolutions. This practice integrates spiritual accountability with social cohesion, ensuring that justice aligns with cultural values (Isola, 2020). These practices highlight how indigenous justice mechanisms were deeply intertwined with spiritual cosmology.

In Igbo communities, disputes are traditionally resolved in open assemblies where all adult members participate (Ezeogidi, 2020). This democratic approach promotes transparency and collective decision-making, particularly in land disputes, which are settled through testimonies from elders who act as custodians of historical knowledge regarding land ownership. Offenders

may be required to provide compensation or engage in communal labor as restitution. The public nature of these assemblies reinforces community solidarity and acts as a deterrent against future offenses.

Among the Hausa-Fulani, communal conflicts are often addressed during the Hawan Daushe festival, a cultural event where disputes are settled under the supervision of the Emir's court (Umar & Yusuf, 2019). This setting allows grievances to be expressed and resolved in the presence of traditional authorities, fostering a sense of fairness and legitimacy. The Emir's rulings frequently incorporate elements of Sharia law while respecting indigenous customs, reflecting a hybrid approach to justice (Umar & Yusuf, 2019).

The Esan people of the Old Bini Kingdom rely on a Council of Elders to resolve minor civil disputes within their quarters (Osimen & Aisedion, 2021). This council, composed of respected elders, manages cases within its limited jurisdiction, while more complex disputes are referred to the Onogie (king). Village meetings provide a platform for resolution, emphasizing communal responsibility and framing conflicts as collective issues impacting the entire community (Osimen & Aisedion, 2021). This collective approach fosters shared accountability in resolving disputes and addressing historical grievances, underscoring the need for harmony and mutual responsibility. Furthermore, the Esan justice system is rooted in a philosophy of peacemaking that emphasizes reciprocity, forgiveness, and reconciliation. These principles align with broader peacebuilding goals, ensuring that resolution efforts strengthen relationships and restore communal ties (Osimen & Aisedion, 2021).

The historical context of indigenous knowledge in Nigeria reveals a diverse array of justice systems that prioritize restorative principles, communal harmony, and cultural relevance. Although colonial rule disrupted these systems, their resilience and continued application in various regions highlight their enduring significance.

Successful Community-Led Initiative: The Oodua People's Congress (OPC)

Although controversial in some periods, a prominent community-led initiative addressing issues of crime and justice in Nigeria is the Oodua People's Congress (OPC) especially active in southwestern Nigeria (Ajala, 2022). Established in the late 1990s, the OPC emerged in response to escalating crime rates and perceived deficiencies within the Nigerian police force. Rooted in Yoruba culture, the organization employs indigenous methods for crime prevention and community policing (Igwe & Muoma, 2021). The OPC mobilizes community members to provide security services, particularly during social events such as festivals and weddings. They engage in patrols and have been known to confront criminals directly. The organization emphasizes traditional values and community cohesion, involving local leaders and elders in their operations to ensure actions align with cultural norms. A notable success of the OPC has been its effectiveness in reducing armed robbery incidents along major highways in southwestern Nigeria (Igwe & Muoma, 2021).

Lessons Learned from the OPC Case Study

Several lessons can be learned from this community initiative.

1. **That Community Engagement is Essential:** The success of the OPC demonstrates the importance of involving local communities in crime prevention initiatives. When community members actively participate in their own security, it fosters a sense of ownership and responsibility for maintaining peace.
2. **That Cultural Relevance is Key:** The OPC's strategies resonate with Yoruba cultural values, illustrating that integrating indigenous knowledge into crime prevention efforts can enhance legitimacy and acceptance within communities. This cultural alignment is crucial for building trust between security providers and residents.
3. **That Alternative Policing Models Can Be Effective:** The OPC exemplifies how non-state actors can play a significant role in addressing security challenges, particularly in contexts where formal law enforcement is perceived as inadequate. Their success suggests that alternative policing models rooted in local traditions can effectively complement existing legal frameworks.
4. **Restorative Justice Principles:** The OPC's emphasis on reconciliation over punishment aligns with restorative justice principles, demonstrating that addressing underlying issues and fostering dialogue can lead to more sustainable conflict resolution outcomes.

2. Theoretical Framework

Social Control Theory, as advanced by Travis Hirschi (1969), serves as a foundational explanation of conformity and deviance in criminology. The theory posits that individuals refrain from criminal activity due to strong social bonds, specifically attachment, commitment, involvement, and belief. These bonds anchor individuals to societal expectations and deter delinquency. When such connections weaken, the likelihood of deviance increases (Hirschi, 1969). This emphasis on pro-social institutions such as family, school, and community has informed numerous intervention strategies aimed at preventing youth crime and recidivism (Lilly et al., 2019; Costello & Laub, 2020).

While this model offers valuable insights, it tends to assume a universal template of social cohesion, often shaped by Western values and institutions. This is where Indigenous Nigerian criminological knowledge offers a compelling enhancement to the framework. In traditional Nigerian societies, mechanisms of social control such as age-grade systems, kinship networks, communal councils, and spiritual taboos, have historically maintained order without reliance on formal state structures. For example, the Yoruba concept of *Omolúàbí* (a person of good character) and the Igbo enforcement of *Nso Ani* (taboo) reflect indigenous constructions of morality that promote conformity through collective consciousness rather than institutional coercion. These

culturally grounded norms resonate with Hirschi's emphasis on attachment and belief but also challenge the theory's tendency to frame conformity through modernist institutions alone. In many rural and peri-urban Nigerian contexts, state institutions are distrusted or absent, yet social order persists through communal sanctioning and restorative practices. Integrating these indigenous models into Social Control Theory would enrich its explanatory depth, making it more relevant across plural legal systems and culturally diverse populations.

However, the limitations of Social Control Theory become more apparent when contrasted with alternative perspectives such as Conflict Theory and Labelling Theory, both of which foreground power, inequality, and social reaction in ways that Social Control Theory does not.

Conflict Theory, rooted in the works of Karl Marx (1818–1883), reframes crime not as the result of weakened social ties, but as a consequence of structural inequality and class struggle. From this perspective, laws are tools used by the ruling class to protect their interests and criminalize the behaviors of marginalized populations (Marx & Engels, 1848). Ralf Dahrendorf (1959) and George Vold (1958) extended this analysis, arguing that legal definitions of crime emerge from intergroup struggles, where dominant factions impose control through selective criminalization. This lens is especially relevant in postcolonial societies like Nigeria, where colonial legacies and ongoing political inequalities shape whose behaviors are policed and punished. C. Wright Mills (1956) further emphasized how elites manipulate legal and institutional systems to entrench their power, often at the expense of disenfranchised communities.

Indigenous Nigerian knowledge aligns with Conflict Theory in its critique of power dynamics. Traditional justice systems often emphasize consensus-building, restitution, and reintegration rather than punishment, which is a stark contrast to the hierarchical, state-centered approaches introduced during colonialism. For instance, in many Igbo communities, crime resolution involves family elders and communal restitution, highlighting a collective approach to justice that resists punitive state control. These practices illustrate how marginal groups can develop autonomous forms of order that challenge state-imposed definitions of criminality, supporting Conflict Theory's claim that laws reflect power relations rather than shared norms.

Labelling Theory, as articulated by Howard Becker (1963), introduces yet another dimension by focusing on the societal reactions to deviance. It argues that deviance is not inherent in an act but is constructed through the labels applied by society. Once an individual is labeled as deviant, that label may become internalized, leading to further deviant behavior in a self-fulfilling cycle. This theory critiques the assumption in Social Control Theory that individuals conform when integrated into society, pointing out that societal integration can also stigmatize and exclude.

This is particularly significant in contexts like Nigeria, where social labeling by law enforcement, community members, or religious authorities, can have long-lasting effects. Unlike formal criminal systems that often result in isolation or incarceration, indigenous systems tend to avoid

stigmatization. Offenders are typically given pathways to restore their status in the community, thereby weakening the likelihood of deviant identity formation. Thus, Indigenous Nigerian practices offer practical counterpoints to the harmful effects of labeling described by Becker (1963), emphasizing reintegration over exclusion.

In summary, while Social Control Theory offers a useful baseline for understanding conformity through social bonds, it falls short in accounting for cultural diversity, systemic inequality, and the effects of social reaction. Conflict Theory and Labelling Theory provide alternative lenses that foreground power and perception, offering a more critical perspective on crime and control. By integrating Indigenous Nigerian criminological knowledge rooted in communal, restorative, and culturally embedded practices, scholars can construct more nuanced and locally grounded theoretical frameworks. This synthesis not only enhances theoretical rigor but also promotes justice approaches that are more responsive to the lived realities of marginalized populations.

Indigenous Knowledge and Criminological Theories

While Social Control Theory offers a compelling explanation of why individuals conform to societal norms, its focus on personal bonds and institutional alignment omits the broader cultural, spiritual, and structural contexts that shape behavior. In Indigenous Nigerian communities, familial relationships, communal obligations, and moral instruction from elders foster social cohesion, aligning closely with Hirschi's (1969) emphasis on attachment and commitment. However, unlike Social Control Theory's secular and individualist orientation, Indigenous knowledge integrates spiritual accountability and collective restitution, offering a more holistic framework for understanding and addressing wrongdoing (Akinola, 2018; Genger, 2019).

In contrast to Social Control Theory's assumption of shared societal values, Conflict Theory critiques how dominant groups define and enforce laws to preserve power. Marxist scholars such as Marx (1848), Dahrendorf (1959), and Vold (1958) argue that crime often reflects systemic inequality, not individual failure. This resonates with the postcolonial Nigerian context, where colonial legal systems criminalized Indigenous practices and continue to marginalize cultural forms of justice. Traditional mechanisms such as community councils and restitution-based reconciliation, embody resistance to state-centric justice and mirror the structural critiques central to Conflict Theory. Labeling Theory, as articulated by Becker (1963), further challenges the assumption that deviance is objective. It emphasizes how societal reactions and labels can entrench criminal identities. This theory finds real-world contrast in Indigenous Nigerian practices, where wrongdoers are not stigmatized but reintegrated through rituals, storytelling, and restorative ceremonies (Olonisakin et al., 2017). Such approaches reduce recidivism by preserving the offender's social identity rather than alienating them, which is a principle absent in many punitive state systems.

Indigenous epistemologies, then, do more than supplement mainstream theories. They actively critique their cultural blind spots.

By situating crime within spiritual, communal, and historical frameworks, Indigenous knowledge demands a shift from individualistic and punitive models to culturally grounded and restorative ones. This reframing can advance more inclusive, just, and locally resonant criminological paradigms.

The Role of Indigenous Epistemologies in Understanding Crime

Indigenous epistemologies offer vital, culturally grounded alternatives to dominant Western criminological paradigms by emphasizing holistic, context-sensitive understandings of crime. Unlike Western models that rely heavily on empirical data and punitive responses, Indigenous knowledge systems draw on lived experience, spiritual beliefs, and communal memory to interpret wrongdoing as a disruption of social harmony rather than a mere legal infraction (Adebisi et al., 2012; Genger, 2019). These frameworks prioritize restitution and reintegration over punishment, framing crime as symptomatic of broader societal imbalances such as marginalization, inequality, or environmental degradation (Onyeozili & Ebbe, 2020). Such perspectives challenge criminology to expand its analytical lens beyond individual deviance toward systemic, cultural, and spiritual factors that shape human behavior.

This reconceptualization of crime and justice is reflected in the practices of Indigenous Nigerian communities such as the Yoruba, Igbo, and Hausa-Fulani, whose approaches prioritize communal healing, moral instruction, and spiritual reconciliation. For instance, the Yoruba treat crime as a transgression against both the community and spiritual forces, emphasizing restitution and ritual repair (Okafor, 2021). The Igbo approach centers on restoring broken social relationships, while the Hausa-Fulani combine Islamic principles with Indigenous customs to pursue moral and spiritual rehabilitation (Zalanga, 2018; Genger, 2019). These systems exemplify justice as a collective responsibility rather than an individual punishment, challenging Western legal norms and illustrating how Indigenous epistemologies enrich criminological theory by bridging social, spiritual, and ecological understandings of crime (Ajayi, 2018; Akinola, 2020; Onyeozili & Ebbe, 2020).

3. Traditional Beliefs About Justice, Punishment, and Rehabilitation

Indigenous Nigerian societies prioritize reconciliation and the restoration of relationships within their judicial systems (Ajayi, 2018). Justice is viewed as a process of healing, aimed at restoring balance rather than seeking revenge for both victims and offenders, ultimately strengthening community bonds. For example, the Yoruba approach emphasizes dialogue, mediation, and compensation, with elders or chiefs facilitating discussions to ensure fairness and community ethics are upheld (Ajayi, 2018). This contrasts with formal legal systems, where punitive measures

often isolate offenders from their communities (Adamu, 2019). Indigenous justice frameworks rarely rely on retribution; instead, they focus on making amends and reintegrating offenders. Among the Tiv, offenders may be expected to compensate victims, perform community service, or participate in rituals signifying their repentance (Adamu, 2019). Similarly, the Hausa-Fulani employ "Sulhu," a mediation method promoting harmony through negotiations and mutual understanding, rather than adversarial trials (Genger, 2019).

Spiritual beliefs significantly shape these traditional legal systems, with the Yoruba justice process often incorporating ceremonies and sacrifices. Offenders may be required to honor ancestral spirits or deities to restore societal harmony (Ajayi, 2018). This spiritual dimension underscores the holistic approach of Indigenous justice, addressing not just the physical but also the psychological and spiritual aspects of crime (Uhm, 2018).

The Role of Community Elders in Conflict Resolution

In Indigenous Nigerian justice systems, community elders play a crucial role as custodians of tradition and cultural wisdom. They mediate disputes and guide their communities through inclusive processes. In Igbo villages, for instance, elders preside over the "Ama Ala" (village square), where conflicts are resolved through consensus and open dialogue, ensuring justice aligns with community values (Chinedu et al., 2019). Beyond conflict resolution, elders mentor younger generations, imparting values such as respect, unity, and responsibility. Their respected status within the community enhances their ability to foster social harmony and prevent crime (Onyeozili & Ebbe, 2020).

Challenges to Indigenous Justice Systems

Despite their effectiveness, Indigenous justice systems face numerous challenges today. The legacy of colonialism, alongside the dominance of Western legal frameworks, has marginalized many traditional practices (Olonisakin et al., 2017). Urbanization and globalization have further eroded the influence of these systems, while structural biases and a lack of cultural understanding often prevent Indigenous customs from being integrated into formal legal contexts (Okafor, 2021). Additionally, modern punitive practices, such as incarceration, hinder the crucial processes of reintegration and social healing, as they separate offenders from their communities (Onyeozili & Ebbe, 2020). Addressing these challenges requires a paradigm shift that values cultural relevance and ensures active participation of Indigenous communities in policy development.

4. Contemporary Issues in Nigerian Criminal Justice

The criminal justice system in Nigeria is organized into three main elements: law enforcement, the judiciary, and correctional facilities (Eme et al., 2020). The Nigerian Police Force leads law enforcement efforts, focusing on crime prevention, investigation, and maintaining public order. The judiciary, which includes both federal and state courts, is responsible for interpreting laws and

administering justice fairly. Meanwhile, the Nigerian Correctional Service (NCoS) manages prisons and rehabilitation programs, aiming to support the reintegration of offenders into society. Although these components are intended to work together to achieve justice, they face significant systemic challenges that limit their effectiveness (Eme et al., 2020).

One of the most pressing issues is corruption, which is widespread in both the police and judicial systems, with numerous reports highlighting instances of bribery and unethical practices. This problem is worsened by insufficient funding, which further diminishes the capabilities of law enforcement and the courts (Olong & Ehoche, 2019). Additionally, lengthy delays in judicial proceedings often lead to extended pretrial detention, resulting in overcrowded prisons and various human rights concerns. The lack of efficient record-keeping and inadequate digital systems compound these issues, causing many cases to remain unresolved for long periods. Such inefficiencies not only undermine public confidence in the justice system but also contribute to an environment where criminal behavior can thrive (United Nations Office on Drugs and Crime [UNODC], 2020; Open Society Justice Initiative, 2020). Tackling these challenges is essential for improving the integrity and functionality of Nigeria's criminal justice system.

Marginalization of Indigenous Groups in Nigeria's Criminal Justice System

Indigenous communities in Nigeria face significant marginalization within the criminal justice system, compounded by inadequate representation, cultural differences, and a history of neglect. Colonial boundaries disrupted traditional justice structures, especially in cross-ethnic areas, creating jurisdictional confusion and weakening the cohesion of Indigenous legal practices (Yusuf, 2020; Egbe & Okoi, 2017; Yusuf, 2017; Elechi, 2006). Access to legal support is particularly challenging for women, youth, displaced persons, and many Indigenous individuals, primarily due to geographic isolation and insufficient infrastructure (Ayayi, 2021). Additionally, the lack of legal professionals familiar with local languages and customs exacerbates these challenges, leaving Indigenous groups disconnected from the formal legal system, which fails to address their specific cultural contexts and needs.

The tension between Indigenous traditions and Western legal practices perpetuates discrimination and barriers to justice. Although the Nigerian legal system has started to incorporate restorative justice principles, these efforts often exclude Indigenous perspectives, reinforcing inequalities rather than fostering dialogue (Okeke, 2020). The criminalization of traditional practices, such as land arbitration, has strained relationships between community leaders and law enforcement, fostering mistrust. The lack of culturally appropriate policies exacerbates these tensions, particularly in resource management and land disputes, such as those in the Niger Delta, where conflicts between Indigenous groups and state security forces, often prioritizing corporate interests, create instability and resentment (Ajayi, 2021; Chukwu, 2022; Omoruyi, 2020).

Impact of Western Legal Frameworks on Indigenous Practices

The introduction of Western legal frameworks during British colonial rule significantly disrupted Indigenous justice practices. While these systems sought to establish order through standardization, they largely ignored or suppressed existing Indigenous customs (Eze, 2019). Colonial officials often deemed these practices incompatible with legal principles, leading to their prohibition (Eze, 2019). The imposition of Western legal standards overlooked the socio-cultural realities of Indigenous communities, particularly the shift from community-based reconciliation practices to retributive justice. This undermined community cohesion and marginalized Indigenous populations (Omoruyi, 2020). Moreover, while Western legal systems prioritize individual responsibility, Indigenous practices focus on collective accountability, further alienating these communities and exacerbating conflicts, especially when traditional methods such as communal restitution are dismissed by formal courts (Chukwu, 2022).

Integrating Indigenous Perspective into Contemporary Systems

Bringing Indigenous practices into the formal criminal justice system could address many of these problems. Accepting Indigenous ways of settling disputes, such as mediation by community elders, would improve the cultural relevance of the justice processes (Omoruyi, 2020; Eze, 2019). Also, incorporating Indigenous languages and traditions in court could improve accessibility and trust among more people (Ajayi, 2021).

Integrating Indigenous legal practices into mainstream systems requires tackling deep-rooted problems in how law enforcement and courts operate. For example, South Africa's community courts implement traditional practices with state laws to tackle minor conflicts better (Zulu, 2020). To make this happen legal professionals and law enforcement officers need to learn about cultural differences and Indigenous knowledge. Policymakers should consider hybrid models that mix traditional and official justice methods to create a system for better inclusivity for everyone (Akeju, 2021; Zulu, 2020). For instance, set up local justice centers where tribal leaders alongside government officials assist in bridging the gap between the two different approaches. Efforts to successfully integrate this approach must address structural problems with law enforcement and legal practices. Providing training programs for legal professionals and enforcement officers on cultural sensitivity and Indigenous knowledge is important (Akeju, 2021). Policymakers should develop frameworks that will permit the recognition of Indigenous conflict resolution practices, allowing them legal validity in appropriate settings. However, community-based programs, such as the involvement of Indigenous representatives in policy-making bodies, can ascertain that Indigenous voices are heard and respected in justice reforms (Zulu 2020).

5. Integrating Indigenous Knowledge into Criminal Justice

Integrating Indigenous knowledge into today's criminal justice systems can create a more culturally appropriate, effective, and inclusive approach to justice (Omoruyi, 2020). In countries like Nigeria, traditional conflict resolution practices serve as a foundation for maintaining order in

local communities (Ajayi, 2021). These methods prioritize community engagement and reconciliation, contrasting with the punitive nature of many Western legal systems (Eze, 2019). This section examines the advantages, challenges, and practical strategies for integrating Indigenous perspectives into Nigeria's criminal justice framework, drawing on successful examples from other regions with mixed justice models (Zulu, 2020).

Advantages of Integrating Indigenous Perspectives

Globally, incorporating Indigenous viewpoints into educational programs ensures that justice delivery reflects diverse cultural backgrounds, helping learners to better understand global complexities. This integration also promotes social awareness, encouraging participants to consider inclusion and diversity while fostering creativity and expanding their perspectives. Exploring these insights can benefit environmental conservation, as Indigenous knowledge offers time-tested strategies for addressing climate change. In healthcare, embracing these perspectives can enhance patient care by customizing interventions to meet cultural needs.

a) Cultural Relevance and Accessibility:

Locally, integrating knowledge from Indigenous communities ensures that justice delivery resonates with the realities of local populations (Ajayi, 2021). Utilizing local languages in court proceedings and acknowledging traditional leaders as mediators can enhance accessibility and inclusivity (Chukwu, 2022).

b) Restorative Justice and Community Reconciliation

Indigenous practices emphasize restoring peace and unity within communities rather than merely punishing offenders (Omoruyi, 2020). Approaches such as community service and victim compensation align with the values of many Indigenous cultures and can help reduce recidivism rates (Zulu, 2020).

c) Cost-Effectiveness in Rural and Urban Contexts

Traditional justice systems typically require fewer resources than conventional court processes (Eze, 2019). These methods can lower legal costs, prevent delays, and alleviate the strain on overcrowded prisons, providing practical solutions for resource-challenged environments like Nigeria (Ajayi, 2021).

d) Strengthening Social Cohesion

When community members actively participate in dispute resolution, Indigenous methods foster shared responsibility and enhance social bonds (Omoruyi, 2020). This collective engagement helps to minimize the risk of escalating conflicts (Chukwu, 2022).

Challenges to Integration

The challenges to Indigenous Knowledge integration in the Nigerian criminal justice system can be given as follows:

1. Resistance from Established Institutions:

Some legal professionals may regard Indigenous systems as inferior or incompatible with modern justice philosophies (Akeju, 2021). This perception leads to entrenched resistance against adopting mixed approaches (Zulu, 2020).

2. Legal and Policy Barriers:

Current Nigerian laws frequently lack provisions for recognizing Indigenous customs (Ajayi, 2021). This absence complicates efforts to establish legally binding agreements grounded in traditional practices (Okeke, 2020)

3. Risk of Power Abuse and Exclusion:

Without sufficient oversight, some traditional leaders may exploit their authority for personal or political gain (Omoruyi, 2020). This underscores the importance of implementing accountability mechanisms within mixed approaches (Eze, 2019).

4. Harmonizing Diverse Practices:

Nigeria's multicultural landscape presents challenges in reconciling various Indigenous customs across regions (Ajayi, 2021). A uniform approach may fail to capture the distinctiveness of local traditions (Chukwu, 2022).

From the foregoing, the challenges of Indigenous Knowledge integration into the Nigerian justice system are multifaceted. While many of these stems from mindsets and the willingness of the stakeholders at the decision-making level to adapt to a different approach of justice delivery designed around the cultural context of the nation, other challenges need to more careful planning involving the input of each individual and unique traditional institution. This ensures all citizens in the vastly multi-cultural landscape of the country are carried along.

Successful Integration Examples from Other Countries

Highlighting successful cases where Indigenous Knowledge have been integrated into their criminal justice system, can provide policymakers with the template on which to work as it regards integrating this perspective back home in Nigeria.

1. South Africa: Community Courts

Community courts in South Africa are a great example of how Indigenous Knowledge have been successfully integrated into their national justice system. These community courts merge traditional conflict resolution with formal legal standards (Zulu, 2020). They address minor

disputes through restorative methods aimed at repairing relationships while adhering to existing national legal norms (Akeju, 2021).

2. New Zealand: Māori Justice Models

In New Zealand, the Māori community has developed specialized courts that incorporate their traditions into judicial processes (Chukwu, 2022). These courts emphasize shared responsibility and community healing, providing models for culturally sensitive justice systems (Omoruyi, 2020). This constitutes another successful example of indigenous insights in contemporary justice practice.

3. Canada: Indigenous Sentencing Circle

A multi-ethnic community as well, Indigenous sentencing circles in Canada emerge to engage victims, offenders, and community members in determining appropriate resolutions to crimes (Ajayi, 2021). This approach have been used to help reduce incarceration rates and promotes accountability for actions (Eze, 2019).

Recommendations for Nigerian Policymakers and Practitioners

Integrating Indigenous perspectives into Nigeria's criminal justice system requires a bold reimagining of existing frameworks through a hybrid model that values both customary and statutory approaches. Rather than treating Indigenous practices as supplementary, Nigerian policymakers must enact reforms that harmonize traditional dispute resolution methods with formal legal structures. This involves inclusive policy-making that engages traditional leaders and community representatives from the outset, ensuring that Indigenous voices are not merely heard but actively shape legal processes (Akeju, 2021; Zulu, 2020). Such collaborative reform fosters legitimacy and ownership, particularly in rural or marginalized communities that often view the formal justice system as disconnected from their lived realities. Capacity building is equally vital: legal professionals and law enforcement officers must be trained to understand Indigenous customs, cultural contexts, and restorative mechanisms (Omoruyi, 2020; Chukwu, 2022). Without this cultural fluency, any attempt to merge systems risks tokenism and deepens distrust.

The establishment of Hybrid Justice Centers presents a pragmatic avenue for institutionalizing this fusion. These centers can serve as collaborative spaces where traditional leaders work alongside state officials, providing culturally grounded and legally sound resolutions to conflicts (Ajayi, 2021; Eze, 2019). By integrating community mediation, reconciliation, and compensatory practices into formal procedures, these centers could offer alternatives to punitive incarceration while easing the burden on overstretched courts and prisons. However, success depends on strong community engagement—local populations must be active participants, not passive beneficiaries, in designing and sustaining justice delivery mechanisms (Zulu, 2020). Through this collective model, justice becomes not only more accessible and affordable but also more reflective of Nigeria's plural legal heritage. Ultimately, achieving a sustainable, inclusive justice system in

Nigeria demands a multi-stakeholder effort—one that blends the wisdom of Indigenous traditions with the procedural guarantees of formal law.

6. Case Studies and Best Practices

Specific Examples of Indigenous Knowledge Application in Criminal Justice

Exploring existing and specific case studies can provide important insights into how Indigenous knowledge has been effectively utilized within criminal justice systems. These examples illustrate the benefits of incorporating traditional practices into formal structures, offering potential pathways for reform in Nigeria.

1. The Gacaca Courts in Rwanda

A prominent example of Indigenous knowledge in criminal justice is the Gacaca courts established in Rwanda after the genocide. These community-based courts were formed to handle the massive number of cases resulting from atrocities. Their focus was on conflict resolution and reconciliation through restorative justice (Zulu, 2020). Although not directly applicable to Nigeria, the Gacaca model highlights the potential for integrating Indigenous customs into formal legal structures. This approach can accelerate justice processes, enhance accountability, and rebuild trust within communities after crises (Akeju, 2021).

2. Nigeria's Classic Conflict-Solving Body: Oyo State's Alágbaa Council

The Alágbaa Council in Oyo State, which still operates largely outside formal statutory oversight, serves as a successful model of Indigenous conflict resolution among Yoruba communities. This council, made up of respected elders, uses traditional methods to mediate disputes, prioritizing restorative approaches over punitive ones (Ajayi, 2021). Their mediation practices include public apologies, compensation, and rituals aimed at restoring harmony (Eze, 2019). This model demonstrates how Indigenous techniques can effectively resolve local conflicts, promoting community cohesion and stability (Chukwu, 2022). This model can be mirrored on a broader scale.

Successful Community-Led Initiative: Vigilante Groups in Northern Nigeria

In Northern Nigeria, the rise of vigilante groups has emerged as one of the most effective community-driven initiatives for addressing crime. These groups tackle issues such as cattle rustling, kidnapping, and banditry in rural regions (Omoruyi, 2020). Operated by local residents, these groups work alongside local leaders and law enforcement to mitigate criminal activities (Eze, 2019). Their effectiveness stems from their deep understanding of local environments and cultural contexts, which boosts their legitimacy and support from the community (Ajayi, 2021).

Lessons Learned from These Case Studies

Several key lessons can be learned from these case studies:

1. Community Collaboration is Vital

The formation of vigilante groups emphasizes the significance of involving local communities in crime prevention and justice delivery. Initiatives driven by the community often prove more effective than top-down approaches, as they leverage local knowledge and strengthen community bonds (Omoruyi, 2020).

2. Cultural Relevance Enhances Effectiveness

Incorporating traditional leadership and practices substantially boosts community trust and participation. This cultural relevance is vital for the sustainability of initiatives (Ajayi, 2021). By aligning justice processes with local customs and beliefs, communities are more inclined to engage positively with the system.

3. Formal Oversight is Necessary

While community-led initiatives can be advantageous, their success is further supported by implementing formal oversight mechanisms. Such systems can help prevent potential abuses and ensure accountability, thereby improving the overall integrity of justice delivery (Eze, 2019). Striking a balance between community involvement and formal oversight can lead to a more robust and effective justice framework in Nigeria.

In concluding therefore, the integration of Indigenous knowledge and practices into Nigeria's justice system offers an important opportunity for reform. The recommendations above can help policymakers enhance justice delivery across the nation. These recommendations are therefore open for consideration as the nation tries to strengthen the image of its justice system and the judiciary.

Conclusion

This chapter highlights the crucial role of Indigenous Knowledge in Nigeria's criminology and criminal justice, revealing significant challenges posed by systemic corruption, inefficiencies, and cultural dissonance faced by Indigenous groups (Akeju, 2021; Chukwu, 2022). The legacy of colonialism has marginalized Indigenous practices in favor of Western legal norms, complicating their integration and deepening the disconnect between formal judicial processes and community values. This alienation undermines pathways to justice that foster transparency and trust.

To address these issues, it is essential to incorporate Indigenous conflict resolution methods into the criminal justice system. Policymakers should prioritize training for judicial and law enforcement officials to enhance their understanding of Indigenous perspectives, promoting

collaboration with traditional leaders who can bridge the gap between legal practices and community customs. Successful examples from other countries demonstrate that integrating Indigenous practices can improve community cohesion and reduce crime. Ultimately, leveraging Indigenous Knowledge is vital for fostering a more equitable and effective justice system, ensuring that justice is accessible and culturally relevant for all Nigerians.

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Beyond the Traditional Binaries: Embracing Indigenous Knowledge and Ubuntu for Comprehensive Sex and Gender Recognition

Dorcas Tatenda Chitiyo

PhD (UNISA), LLM (MSU), ECHPM (UZ), LLBs (UZ) Email: dtchitiyo@gmail.com / tchitiyo@buse.ac.zw Phone: +263785154245

Abstract

This chapter explores the potential of Indigenous African knowledge systems, particularly the Ubuntu philosophy, in addressing the legal and social recognition of identities beyond the traditional binary of male and female. While many African legal systems adhere to rigid binary classifications, Indigenous languages and cultural frameworks often embrace gender-neutral pronouns, offering opportunities for inclusivity. Ubuntu emphasises interconnectedness, relational identity, and communal belonging, providing a culturally grounded lens for recognising diverse identities such as intersex, non-binary, and transgender individuals. The chapter draws on global best practices from countries like Germany, Argentina, and Canada, which have introduced legal frameworks accommodating non-binary identities. African legal and social systems can evolve to reflect the complexities of human identity while respecting cultural authenticity, by applying Ubuntu's principles of inclusivity and dignity. The analysis highlights both the challenges and opportunities of integrating Ubuntu into legal systems, advocating for reforms that balance tradition and inclusivity. Ultimately, this chapter argues for the recognition of a third gender category, supported by Indigenous philosophies and practices, to foster a more equitable and inclusive society on the African continent.

Keywords: Traditional Binary, Indigenous Knowledge, Sexual Orientation, Gay, Policing

Introduction

While many African countries lack formal recognition of identities outside the traditional binary of male and female, Indigenous languages often employ gender-neutral pronouns, creating space for individuals to identify beyond Western binary constraints. The philosophy of Ubuntu, rooted in interconnectedness and communal identity, fosters belonging and respect (Nicolaidis, 2022). This chapter explores how Indigenous knowledge systems, particularly Ubuntu, can support the self-identification of intersex, non-binary, and transgender individuals. The legal recognition of minority sex characteristics and gender identities outside the traditional binary has become an increasingly pressing issue on the international plane, with countries like Germany, Argentina, Colombia, Canada and Australia leading the way in establishing frameworks that accommodate non-binary and transgender individuals. The inclusive and progressive legislative approach has been praised for its inclusivity, acknowledging that many transgender people do not undergo surgery, thereby facilitating broader access to legal recognition (Pursey, 2020). Germany has

similarly advanced gender recognition through its legal system, allowing for the acknowledgement of a third gender category. The decision by the German Constitutional Court in 2017 underscored the necessity for legal frameworks that respect and validate diverse gender identities (BVerfG, 2017).

On the African regional plane, African nations present a complex tapestry of recognition models. With civic registration and formal and legal recognition systems being in South Africa stands out as a leader in promoting the rights of sexual and gender minorities, integrating comprehensive protections within its legal framework (Republic of South Africa, 1996). Conversely, Kenya's approach remains more limited, focusing primarily on biological classifications despite recent reforms to protect intersex individuals. Drawing on global examples like Germany and Argentina, the chapter examines legal frameworks that validate diverse gender identities. It argues that integrating Ubuntu into African legal systems can enhance inclusivity and dignity, reflecting the continent's cultural contexts.

In conclusion, it is argued that recognising a third sex and gender category informed by Ubuntu's philosophy of inclusivity, which does not major in exclusive labels, can enhance legal frameworks and justice systems to accommodate diversity. Through the infusion of Ubuntu philosophy, legal systems can reflect the cultural contexts from which they emerge, fostering inclusivity and acknowledging the interconnectedness of individuals within their communities. Therefore, integrating Indigenous knowledge systems such as the ubuntu philosophy, which applies inclusive practices like gender-neutral pronouns and community-rooted language, is imperative. It can facilitate greater recognition and validation of identities outside the traditional binary, such as intersex people, non-binary and transgender identities, ultimately promoting a more equitable society.

Exclusion of intersex and transgender people due to binary classification.

Where matters of legal recognition are concerned, the United Nations International Children's Fund (UNICEF, 2022) notes that the information collected and endorsed on a Birth or Death Certificate includes Name, Date of birth, Sex [endorsing only two categories, male or female], Weight at birth, Ethnicity, Date of registration, Place of occurrence of the birth, Place of registration. The United Nations Department of Economic and Social Affairs (2021) defines civil registration, which creates data for vital statistics, as "the continuous, permanent, universal recording of the occurrence and characteristics of important events, especially births and deaths, but also marriages, adoptions, and divorces, as mandated by decree or law in compliance with each country's legal requirements."

The current legal recognition in African vital statistics reflects a prevalent recognition of the male and female sexes. These rigid biological criteria fail to encompass the diversity of TINB people who may choose to identify with non-binary gender identities outside their assigned gender at birth

(Simopoulos & Khin Khin, 2014). Experts in minority identity and inclusion argue that binary definitions of sex as they are based on bio-essentialism fail to protect non-traditional binary and gender nonconforming gender identities like transgender and intersex people (Jenness & Rowland, 2024).

It is thus apparent the existence of transgender, intersex and non binary (TINB) people challenges the narrow binary sex and gender categorisation framework utilised in many countries. A brief definition of these concepts in the context of how they are applied in the paper is thus in order.

The traditional binary construes two strict categories: male or female. This traditional view posits that gender identity is expected to align with the sex assigned at birth, and gender expressions and roles fit traditional expectations (Human Rights Campaign, 2023:1). On the other hand, when someone does not identify exclusively as the traditional binary classification of a man or a woman, they are said to have a non-traditional binary conforming identity (ILGA, 2024). This is also known as a non-binary person, which refers to people who may identify as both male and female, somewhere in between, or completely outside of these categories. Although many non-binary people also identify as transgender, not all non-binary people do (Human Rights Campaign, 2023).

Resolution 552 from the African Commission for Human and Peoples' Rights (2023) describes "intersex" individuals as those with sex characteristics that deviate from societal norms for females or males. Though it is often used to describe people whose gender identification does not fully coincide with the natal sex assigned at birth, the term "transgender" encompasses a wide range of non-binary conforming gender identities and expressions, thereby highlighting the urgent need for legal reform to protect, these, marginalised communities and uphold their rights and dignity (American Psychological Association, 2015). The rigid biological criteria thus fail to encompass the diversity of TINB identities, including non-operative, pre-operative, and post-operative transgender individuals, crossdressers, and those who identify outside their assigned gender at birth (Simopoulos & Khin Khin, 2014).

The dangers that flow from non legal recognition TINB identities

Non-legal recognition refers to the absence of validation for certain rights or identities, including the lack of appropriate identification documents reflecting individuals' gender identities (Kenny & Bloom, 2023). In this paper, non-legal recognition refers to the absence of recognition and validation of certain rights, statuses, or identities by established legal and social systems. This includes the lack of appropriate identification documents that reflect individuals' gender identities, as emphasised by the United Nations Development Programme (UNDP) and the Thailand Ministry of Social Development and Human Security (2018, 43). In contrast, non-legal recognition encompasses identities and relationships that may hold significant social, cultural, or personal meaning, even if they are not recognised by law (Kenny & Bloom, 2023). The terms "non-legal recognition/non-recognition at law" are therefore employed throughout this paper to encapsulate

the legal and social status of gender and sex identities, such as intersex, that exist outside the traditionally recognised binary male and female sex with the corresponding pronouns.

The legal non-recognition of TINB as legal and vital statistics collected and counted has legal ramifications in impacting how these minority groups are treated in criminal justice institutions. This is because the prevalent binary sex legal recognition through the recording of vital statistics centred on male and female sex leaves TINB people highly susceptible to arbitrary arrests and unlawful detentions (Human Dignity Trust, 2024). Additionally, this limited recognition leaves people who do not fit the typical body, dress, heavier, and mannerisms to harass, persecute and prosecute transgender and intersex people for their appearance in public due to their respective non-traditional binary gender and sex characteristics (Gloppen, Jjuuko, Viljeon, Msosa, 2022). This is fueled by intolerance often fanned and strengthened by religious and extremist cultural practices where identities are outside the traditional binary of male and female. From this base of intolerance, identities outside the binary are deemed to abrogate the conservative and traditional binary perception of how men and women ought to dress and express themselves in public (Winter, 2024; Gloppen et al., 2022).

The lack of legal recognition of TINB's status also means that what is endorsed on official documents and recognised in public facilities and infrastructure likely contradicts binary expectations and puts them in a grey zone with limited access to justice. This status is contrary to reality because TINB people also pass through and ought to be processed in the same public institutions, such as criminal justice institutions, when they are arrested, detained, and imprisoned (Jones, 2021; Carr, Serissier, & McAlister, 2020).

When gender nonconfirming gender identities such as transgender people and nonbinary identifying individuals such as intersex people interact with the criminal justice system as victims or offenders, these systems are thus not prepared to appropriately handle them or respond to their unique needs and circumstances (Peck, 2022; Carr et al, 2020; Hamilton, 2019; Buist & Stone, 2014). This is often exacerbated by the fact that gender nonconforming identities are criminalised in many countries (Miles-Jonhson, 2013). Research has indicated that there is a lack of training for criminal justice personnel regarding how to appropriately interact with the transgender community (Hamilton, 2019).

Gender Neutrality as a solution to the recognition of TINB identities

An alternative to the binary system based on cis heteronormativity is the concept of gender neutrality. Clarke (2019) discusses how legal frameworks could adopt a gender-neutral approach, eliminating sex classifications. Furthermore, using gender-neutral pronouns such as “they, them, and theirs” to refer to an individual is increasingly accepted (Clarke, 2019). Such descriptors abound in Ubuntu-based cultures wherein the default pronouns are neutral, devoid of specifics predicated on the traditional Western-based he and she pronouns. In addition, gender-inclusive language, such as the Swedish pronoun *hen*, may aid in breaking the binary notion of gender and avoid sexism (Gustafsson Sendén, Renström, Lindqvist, 2021, 2). Thus, other proponents have taken it a step further and called for the replacement of the traditional binary associated pronouns

such as he and she, as well as for inclusive pronouns such as “they” and “them” (Gustafsson et al., 2021, 2). This method would treat gender more like race, which has largely been removed from legal classifications. Such a shift could reduce the potential for discrimination and make it more difficult for authorities to target marginalised individuals' identities such as TINB, especially when they pass through criminal justice facilities, which are currently configured to cater to the binary.

Critics of the binary classification system argue that it is an outdated construct that does not reflect contemporary society's realities (Clarke, 2019; Dunne & Mulder, 2018). In addition, it has been argued that the legal system's reliance on binary classifications lacks a universal interest and often serves specific, variable purposes (Clarke, 2019). Recognising non-binary identities within legal frameworks affirms individual identity and aligns legal practices with evolving social understandings of gender (Gustafsson Sendén, 2021).

Advocating for Legal Recognition of a third identification category relying on the African Human Rights Frameworks

The issue of non-legal recognition is closely linked to the advocacy for a third-gender or third-sex category. This is because wherever there is non-legal recognition of sex and gender identities beyond the binary, there is *de jure* discrimination of such identities as intersex and transgender. Clarke (2019) argues that recognising a third category outside the traditional binary of male and female provides a necessary option and gateway to equal recognition and legal protection for individuals who do not fit neatly into these classifications. The traditional binary perpetuates cis-heteronormativity, which refers to the presumption that all individuals are heterosexual and cisgender, upholding the belief that these identities are superior to others (Medina-Martínez et al., 2021). This paradigm often marginalises individuals who do not conform to these norms, leading to significant challenges in achieving legal and non-legal recognition of diverse identities. Proponents of legal recognition of identities outside the cis heteronormativity, however, argue that the legal recognition of nonbinary identities could confer legal dignity and protection, facilitating efforts towards inclusion and accommodation (Clarke, 2019; Dunne & Mulder, 2018).

The Yogyakarta Principles plus 10 articulate the right to legal recognition irrespective of sexual orientation, gender identity, or expression, highlighting the necessity for legal frameworks that embrace diverse identities (International Commission of Jurists, 2017). However, systemic challenges remain, particularly in conservative contexts, where non-legal recognition leads to barriers in accessing social services, healthcare, and legal protections for marginalised identities (Gloppen et al., 2022; Holzer, 2020).

The African regional human rights framework guarantees equal protection before the law and freedom from discrimination based on sex and gender, as contained, for example, in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (African Union, 2003). The right to human dignity is explicitly stated in instruments such as the African Charter

on Human and Peoples' Rights (African Commission on Human and Peoples' Rights, 1981). Much like the abovementioned instruments, the African Charter on the Rights and Welfare of the Child protects human dignity, including freedom from inhuman and degrading treatment (African Union, 1990).

Specifically seeking to protect the rights of diverse populations, the African Commission on Human Rights enacted Resolution 275 on Protection against Violence and Other Human Rights Violations against Persons based on their real or imputed Sexual Orientation or Gender Identity (2014). This is complemented by the African Commission on Human and Peoples' Rights, which recently adopted Resolution 552 (2023), which focuses on the promotion and protection of the rights of intersex persons in Africa. This resolution addresses various human rights violations faced by intersex individuals and calls for measures to ensure their protection and dignity.

The enjoyment of the abovementioned framework of rights is, however, currently undermined for transgender and intersex (TGI) in African countries that only recognise traditional binary sexes, contain vagrancy laws or morality clauses that proscribe dressing and self-expression, which is described as a crime against morality or a crime against nature. In Zimbabwe, for instance, the Criminal Law Codification and Reform Act (2016) in section 46 criminalises what is titled criminal nuisance, and section 77 provides for the crime of public indecency. Similarly, the Gambian Criminal Code (2014) under Section 166 provides for the crime of Idle and disorderly persons, and Section 167 provides for the crime of "Rogues" and "Vagabonds". These provisions contain overly broad, vague and imprecise language, which disadvantages people with non-traditional binary sex characteristics or gender identity and expressions. The ambiguities can lead to TGI people's intimidation within the criminal justice system and arbitrary arrests (Gloppen et al, 2022; Human Dignity Trust 2019). Such legal ambiguities not only facilitate arbitrary arrests and harassment but also contribute to systemic marginalisation, inhibiting access to healthcare and economic opportunities. Such provisions lead to *de facto* criminalisation of non-traditional binary identities such as intersex and transgender individuals. This position must be contrasted with the *de jure* criminalisation in countries which have explicit provisions criminalising non-traditional binary identities, including transgender people (Human Dignity Trust, 2024). Such African countries include Uganda through the provisions repressing non-traditional binary expression or association through the Anti Homosexuality Act (2023), while Nigeria criminalises gender expression of transgender people in the 12 northern states that apply Sharia law as well as through some vague provisions in the Criminal Code Act such as Section 217 providing for the crime of gross indecency.

Ultimately, however, worth underscoring is the fact that TINB people in countries equally feel the negative impact of *de facto* criminalisation resulting from intolerant public institutional cultures informed by recognition of the traditional binary sexes or the *de jure* criminalisation of identities and expression of real or perceived difference (Human Dignity Trust, 2019). This is because the heightened vulnerability and adverse effects, which undermine the rights to equal protection and

access to justice free from impugned dignity, remain the same (Human Dignity Trust, 2019; Gloppen et al, 2022). Experts in minority identity and inclusion argue that binary definitions of sex as they are based on bio-essentialism fail to protect non-traditional binary and gender nonconforming gender identities like TINB people (Jennes & Rowland, 2024).

It has been observed that the discrimination laws on sexual orientation and gender expression that are currently in place in various jurisdictions disempower and degrade the rights of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ+) people, driving them to criminal activity that results in their overrepresentation in criminal justice institutions (Widra, 2022).

Nexus between Ubuntuism, legal recognition and the use of gender-neutral pronouns, which can lead to the recognition of TINB people

As an African philosophical framework, Ubuntuism is characterised by the interconnectedness of all things and beings; the spiritual nature of human beings; collective/individual identity and the collective/inclusive nature of family structure; oneness of mind, body and spirit and the value of interpersonal relationships (Mligo,2021; Zvomuya, 2020; Mungai, 2015; Maweu, 2011). In the African culture, the core tenets of ubuntu can be encapsulated in the oft-stated “I am because we are,” “People are defined through others,” and “Your first bath was administered by others, and your last bath will also be conducted by others” (Zvomuya, 2020).

Macina (2020) posits that Ubuntu can also be viewed as a complex worldview that tensions the contradictions of highlighting our uniqueness as human beings among other human beings' interpretations of our Indigenous cultures, who live by and practice Ubuntu knowledge to communicate. According to Macina (2020), Ubuntu has many ways of transmitting knowledge, including a process of love that creates possibilities beyond pain, isolation, abandonment, and hate.

According to Ubuntu philosophers such as Chowdhury (2023), Zvomuya (2020) and Mucina (2020), Ubuntu is a Zulu term closely associated with the Bantu word equivalent “*Hunhu*” used in Chishona, Chichewa, and Ngoni which loosely translated as “I am because we are.” According to the scholars these tenets reflect the shared humanity, emphasising community, unity and worldwide solidarity. The concept of “community,” as distinguished from “society,” has been clearly articulated by Agulanna (2010) in his article “Community and human well-being in an African culture”, wherein a clear distinction emerges between an individual in individualist societies. The Ubuntu notion is the primary factor that differentiates a person’s existence as an individual from their life concerning others, according to Mligo (2021), even though there are many concepts of community among the various fields of study (Maweu, 2011).

The foundation of the Ubuntu phenomenon is reciprocity, which holds that one can only be a person via their relationships with other people, fostering peaceful global relations in the process (Mligo,2021). These sentiments have also been argued to reflect the importance of interconnectedness among the African populace (Macina, 2020). Thus, from an African perspective, “humanness” or “personhood” is discussed in all of the aforementioned

representations of the Ubuntu concept, which is an embodiment of the African way of life (Mligo, 2020, Nnamunga, 2013).

According to Ubuntu, the key tenets of this African way of life are centred on collectively and relatedness. Hence, as an Indigenous knowledge system of knowing and communicating, when applied by a person, Ubuntu embodies compassion, hospitality, reciprocity, mutuality, and dignity (Chowdhury, 2023; Mligo, 2021; Zvomuya, 2020; Mucina, 2020; Nnamunga, 2013).

The reciprocity and mutuality of human relations, which highlight that respect should always be reciprocated, are important and practical features of Afrocentric knowledge systems like the Ubuntu concept (Mligo, 2020, Nnamunga, 2013). Additionally, this is included in the old African philosophies of communication (Mudznanani & Anani-Bossman, 2023; Skinner, Mersham & Resnburg, 2011).

The Ubuntu philosophy underscores the importance of recognising individual identities within the context of their communities. This can provide a foundation for legal recognition of diverse and minority identities, including TINB individuals.

There is potential for fostering inclusivity on pronouns and identity because in languages such as Xhosa, Zulu and Chishona, pronouns often lack gendered distinctions, allowing for fluid and inclusive expressions of identity. This linguistic diversity allows legal systems to adopt more inclusive practices, drawing on the natural gender neutrality present in these languages.

The Potential Role of Indigenous Knowledge in promoting recognition of TINB

Gustafsson Sendén (2021) states that gender and language are connected; hence, language is one tool used to break structures of exclusion. Indigenous knowledge systems offer valuable insights that challenge Western and binary-based identity classifications. From a historical perspective, translating sexualities from the core to the periphery is a political act entangled in power politics and histories of imperialism and foreign intervention (Picq & Cottet, 2019). Translating sexuality in world politics forces one to confront issues of emancipation, colonisation, intervention, and sovereignty, in which global narratives are locally embraced and/or resisted (Picq & Cottet, 2019). This is because translation usually happens in dominant to dominated languages, from hegemonic centres to subaltern peripheries – not from the periphery to the core. Translation as a conveyance of knowledge is inherently unequal. Consequently, the dynamics of sexual translation are far from arbitrary, as translation inherently involves elements of betrayal. Consequently, it is infeasible to translate without a certain level of epistemological and ontological appropriation of alternative practices and realities. (Picq & Cottet, 2019).

Picq and Tikuna (2019, 2-5) assert that colonisers struggled to acknowledge local sexualities accurately, yet language records indicate that indigenous populations perceived gender as a flexible concept prior to conquest and assimilation. The challenge comes from sexual terms, policies, and instruments that their senders can fully control; they are constantly altered in the processes of translation (Berger & Esguerra, 2018). Translation is, therefore, a political act of

transgression, subversion, and appropriation. Numerous indigenous societies acknowledge various gender identities, highlighting the fluidity of gender (Picq & Tikuna, 2019).

It has been posited that some things are untranslatable. The untranslatability of words refers to a space beyond naming, raising the question of what is visible and accessible. It points to the limits of turning life into words and calls for nameless lives beyond genders (Picq & Cottet, 2019). The untranslatable refers to concepts that elude dictionaries, archives, and formal historical accounts. It denotes an inexpressible and non-transferable belonging, existing just as an experience. (Picq & Cottet, 2019).

In African indigenous languages, gender-neutral pronouns exist, reflecting a cultural understanding of gender that aligns with Ubuntu principles, focusing on community and relationality rather than rigid classifications. Turyatunga (2020) observes that, similar to numerous African languages, the Yoruba third-person pronouns *ó* (single, informal) and *wòṅ* (plural, formal) lack gender distinction. Yoruba verb ends are also not applicable. In the oral traditions of Yoruba religion, supernatural entities are gendered by directly indicating their gender or referencing distinctly male or female physical characteristics and/or gender responsibilities. Nonetheless, there are occasions when the gender neutrality of Yoruba pronouns facilitates gender-neutral or androgynous interpretations of heavenly entities (Turyatunga, 2020).

Ubuntu promotes a comprehensive perspective on gender that transcends individual identity, fostering a sense of belonging and mutual respect (Nicolaidis, 2022). While many African countries may not formally recognise identities outside the cis-heteronormative framework, the neutrality in pronouns affords individuals space to express non-binary identities.

The Potential of Ubuntu in promoting recognition of TINB identities

It has been asserted that all individuals are necessarily products of specific societal structures and processes, attributing much of their identity to their community and cultural history (Picq & Cottet, 2019; Ngunjiri, 2016). Ubuntu promotes a comprehensive perspective of gender that goes beyond individual identity and embraces communal ideals, so cultivating a sense of belonging and mutual respect (Nicolaidis, 2022). In the context of the majority of African countries, while the identities outside the heteronormative¹ standard based on the traditional binary of male and female do not recognise other identities, such as TINB individuals, there is neutrality in pronouns which accords to these identities, room for identification with gender-neutral pronouns such as they them. Hence, although lacking formal legal validation, which holds immense significance for their self-

¹ Heteronormativity has been defined as the enforced compliance with culturally determined heterosexual roles and assumptions about heterosexuality as 'natural' or 'normal' see Habarth (2015) *See also*, Mersham, Skinner & Rensburg (2011) who argue that, "Heteronormative standards and discourses that legitimate the discrimination of identities outside the binary because under dominant heteronormative standards, heterosexuality and homosexuality are binary"

identification and social existence, this chapter argues that indigenous ways of knowing and naming accord them neutral terms of naming through gender-neutral pronouns.

As established, the Ubuntu emphasises communal interconnectedness and shared humanity. It can further enrich discussions around gender recognition. The African-based Ubuntu philosophy's values, which are centred on interpersonal interactions, make it applicable on a global basis. Values like mutuality, generosity, solidarity, compassion, and dedication to community can resonate well beyond the boundaries of Africa (Ngunjiri, 2016). This idea is the foundation for the global development of the Ubuntu philosophy.

Proponents of a third category emphasise that such recognition legitimises non-binary identities as a form of “civil status,” affirming individuals’ positions within the legal system (Clarke, 2019; Dunne & Mulder, 2018). Clarke (2019) posits that legal recognition of a third category signifies validation and civil equivalence with binary counterparts, thereby enhancing the rights and protections afforded to non-binary individuals. Cultural Context is thus key because if the gender-neutral aspects of Indigenous languages are to be incorporated into legal definitions, laws can better reflect the cultural contexts from which they emerge. This approach aligns with Ubuntu's emphasis on community and collective identity, promoting recognition of non-binary and gender-fluid identities. However, applying Ubuntu within legal frameworks presents challenges.

Potential Challenges in Application

The flexibility inherent in Ubuntu conflicts with the rigidity often found in legal definitions and classifications. Legal systems typically require clear, enforceable definitions, whereas Ubuntu embraces fluidity and contextuality in identity. Resultantly, legal institutions may resist integrating Ubuntu due to entrenched beliefs in binary classifications and the perceived threat to established norms. This resistance can hinder meaningful engagement with Indigenous perspectives. Additionally, the implementation of Ubuntu in legal contexts may inadvertently reinforce existing power imbalances, mainly when non-Indigenous authorities interpret and apply Indigenous philosophies without adequate consultation with Indigenous communities. As Mocerri (2021) argues, the use of gender-neutral pronouns, even as a measure of extending recognition beyond the binary, might not bring about the needed change in respect and fairness regarding minority identities.

Cultural misinterpretation is another significant challenge. Western legal systems, when engaging with Ubuntu, may oversimplify its nuances, applying it in ways that fail to resonate with the lived experiences of Indigenous communities. This superficial application risks undermining Ubuntu's potential as a transformative framework for inclusivity.

To overcome these challenges, tailored, country-specific solutions are essential. These solutions should emphasise the importance of meaningful engagement with Indigenous communities, ensuring that Ubuntu's principles are interpreted authentically and applied in ways that respect cultural integrity. A hybrid approach that integrates Ubuntu with modern legal frameworks could

provide a pathway for recognising third-gender categories while preserving African philosophical authenticity. Additional measures and steps that can be taken include:

a) Application of ubuntu as a middle path

Ubuntu can serve as a middle path that accommodates gender diversity while respecting the ontological natural order central to African thought. The concept of "complementary inclusivity" could broaden recognition of diverse identities without undermining traditional gender roles. This approach balances inclusivity and the communal harmony foundational to African cosmology.

b) inclusive community and policy change rooted in Ubuntu

There is need to advocate for community-led dialogues to explore gender inclusivity within African contexts, ensuring that reforms remain culturally sensitive and informed by Indigenous perspectives. This can pave way for hybrid legal frameworks that draw from both Indigenous practices and modern human rights principles, emphasising harmony over conflict.

c) Critical engagement with Western Models

While lessons from Argentina, Germany, and other countries provide valuable insights, their applicability in African contexts must be critically analysed so that the nuance of the rich African cultures is not overlooked. Any reform of the African legal systems must therefore seek to promote and respect African philosophical integrity, avoiding the risks of cultural imperialism. For example, the recognition of non-binary identities should align with Ubuntu's communal ethos rather than adopting Western individualistic paradigms wholesale

The potential challenges with the application of Ubuntu, therefore, need country-specific tailor-made solutions to effectively infuse an Ubuntu approach to legal recognition of third sex and corresponding gender category beyond the traditional binary.

Best practices for recognising a third sex and gender category

It has been posited that having more categories of gender identity might also influence individuals who identify within the traditional binary category of women/men to perceive gender as a more nonbinary category (Gustafsson Sendé,2021,21). Recognising non-binary genders has far-reaching implications for identification documents, anti-discrimination laws, and access to sex-segregated spaces. For instance, the International Civil Aviation Organization (ICAO) allows for an "X" designation on machine-readable passports, promoting compatibility across international standards (Cummins, 2020). This inclusion respects individual identities and facilitates smoother interactions in global contexts. Several countries have pioneered measures to legally recognise intersex and non-binary individuals, reflecting best practices in gender recognition as depicted in the table below

The table below indicates countries that have introduced legal measures to recognise TINB people

<p><i>Colombia</i></p>	<p>The Constitutional Court of Colombia declared in February 2022 that a non-binary individual is entitled to a birth certificate from the Ninth Notary of Medellín and a citizen's identity card from the National Civil Registry with “no <i>binario</i>” or "NB" in the sex column. The Constitutional Court also directed the Colombian government to assist in adding such a marking to identity documents and the Congress to alter laws as necessary to promote the legal recognition of the rights of non-binary individuals.</p>
<p><i>Argentina</i></p>	<p>In 2021, Argentine President Alberto Fernández signed a decree (Decreto 476/2021) requiring the National Registry of Persons (RENAPER) to include a third gender option denoted by an "X" on all national identification cards and passports. Permanent noncitizen residents who possess Argentine identification cards are also subject to the policy. In accordance with the 2012 Gender Identity Law, Argentina became the first country in South America to legally recognise non-binary gender on all official papers, free of charge and at the individual's request (Westfall Sammy, 2021).</p> <p>In November 2018, two non-binary people from Mendoza Province the first to obtain an ID and birth certificate without an indication of sex.</p> <p>In 2012, Argentina became the first country in Latin America to recognise the right to legal gender recognition based on self-determination, without requiring medical intervention or judicial approval (Gender Identity Law, 2012). This reform allowed intersex persons to obtain gender-neutral identity documents, which recognise their sex characteristics without forcing them to choose between male or female categories.</p>
<p><i>Germany</i></p>	<p>In 2018, Germany enacted laws to recognise a third gender category, "diverse," on birth certificates and other official documents. This reform was based on a Constitutional Court ruling that recognised the right to legal gender recognition for intersex persons without requiring medical intervention or judicial approval (Bundesverfassungsgericht Press Release No. 95/2017).</p>
<p><i>Canada</i></p>	<p>On August 31, 2017, the federal government began allowing observation to be added to passports requesting that the holder's gender should be read as "X", indicating that it is unspecified, though a gender of "M" or "F" had to be added as a gender for an</p>

	<p>undefined period to comply with legal requirements of other countries (Busby, Mattha,2017).</p> <p>In June 2019, Immigration, Refugees and Citizenship Canada announced that non-binary people may also apply to have an "X" gender marker.</p>
<i>Australia</i>	<p>In 2013, Australia enacted explicit protections from discrimination on grounds of intersex status (Australia Sex Discrimination Amendment Sexual Orientation, Gender Identity and Intersex Status Act 2013). The legislative reform created a third gender category, "X," on passports and other official documents. This reform allowed intersex persons to obtain gender-neutral identity documents, which recognise their sex characteristics without forcing them to choose between male or female categories.</p>

While the countries briefly mentioned above have successfully integrated non-binary markers, challenges remain. Legal arguments supporting binary gender markers often overlook the practical necessity of alternative identification methods. The United States case of *Zzyym v. Pompeo* (2018) illustrates this point, as the court found that requiring a binary gender designation was arbitrary and unnecessary for identification purposes. Additionally, although the above examples provide a foundation for best practices, their adaptation in Africa requires careful consideration of cultural, spiritual, and legal contexts, African nations can develop inclusive frameworks that reflect both local traditions and contemporary human rights standards by combining Ubuntu's principles with lessons from global practices

Regional Progressive strides towards legal recognition of identities beyond the traditional binary in South Africa and Kenya

The legal recognition of TINB individuals varies significantly across Africa, largely influenced by regional contexts. Gloppen et al. (2022, 8) observe that the majority of African nations lack legislation concerning intersex individuals or gender identity and expression, with the few exceptions being Botswana and Kenya. Namibia and South Africa. South Africa and Kenya are briefly discussed below, exemplifying two distinct legal recognition models. The contrasting approach is in the legal frameworks that exist that provide some degree of accommodation and protection for different LGBTIQ+ individuals. South Africa's comprehensive policies support the recognition of all LGTIQ+ identities, while Kenya has enacted specific provisions to protect intersex individuals from inhumane treatment (Republic of Kenya, 2022).

e) South Africa

Often regarded as a leader in promoting the rights of sexual and gender minorities, South Africa's Constitution explicitly prohibits discrimination based on sexual orientation and

gender identity (Republic of South Africa, 1996). The Constitutional Court's ruling in *S v. Williams and Others* emphasised the importance of maintaining human dignity within the context of punishment, reinforcing the need for humane treatment of all individuals, including those from the LGBTIQ+ community (*S v. Williams and Others*, 1995).

The country has implemented extensive legal reforms, including the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) and the Alteration of Sex Description and Sex Status Act, to ensure the rights of LGBTIQ+ individuals are recognised and protected within the criminal justice system (Republic of South Africa, 2000; 2003). These reforms create a broad framework for legal recognition that accommodates all diverse identities.

f) Kenya

In contrast, Kenya's legal framework reflects a more limited approach. While the country has made strides in recognising intersex individuals through specific anti-discrimination legislation, the focus remains primarily on biological status rather than a comprehensive understanding of gender identity (Kenya National Commission on Human Rights, 2018). The Kenyan model provides legal recognition for intersex individuals but lacks extensive provisions for transgender identities, which are often marginalised.

The case of *Richard Mausya v. Attorney General* highlighted the need to uphold the rights of intersex individuals within the criminal justice system. The Kenyan High Court ruled that intersex persons must be protected from degrading treatment during arrest and detention, leading to legal reforms that explicitly include intersex individuals in the Persons Deprived of Liberty Act (Republic of Kenya, 2022).

Conclusion

The importance of Africa's sociocultural framework has been highlighted by the literature review on the African Ubuntu concept, which points to the recognition of one because one belongs to a whole. Determining the optimal legal model for recognising diverse identities beyond the binary requires careful consideration of the interests at stake. Including indigenous knowledge, particularly the principles of Ubuntu, can enhance legal frameworks, fostering a more inclusive approach to gender recognition that reflects the complexities of human identity. However, the challenges in applying Ubuntu to legal systems must be acknowledged, alongside the potential for gender neutrality inherent in African Indigenous languages. As societies evolve, legal frameworks must adapt to ensure they reflect the complexities of human identity and promote inclusivity for all individuals.

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In Appraisal of the Awareness of Indigenous Knowledge in the Criminal Justice Sector in Nigeria

Uju Roselyn C. Agomoh
B.SC, LLB (HONS), B.L., M.SC, PGD, M.Phil, PhD
Department of Criminology and Security Studies,
Chrisland University, Abeokuta
+234(0)8036877166
Email: uagomoh@chrislanduniversity.edu.ng
ujuagomoh1@yahoo.co.uk

and

Idachaba Martins Ajogwu ESQ. LL.B (HONS.) LL.M, PGD, PH.D
Senior Lecturer and Coordinator, Post-Graduate Programme,
Faculty of Law, Baze University, Abuja.
+234(0)8032224236.
Martins.idachaba@bazeuniversity.edu.ng
Idachabamartins1@gmail.com

Abstract

The research examined the extent to which indigenous knowledge is recognized and applied in the formal justice system and identifies the challenges and opportunities for its integration. The study employed a doctrinal methodology, relying on primary and secondary sources of data, including statutes, case law, academic journals, and books. The research focuses on the Nigerian context, with a specific emphasis on the criminal justice sector. The study revealed that there is a low level of awareness and recognition of indigenous knowledge in the criminal justice sector in Nigeria. The formal justice system is often biased towards Western legal traditions, with little recognition of indigenous knowledge and customary laws. However, there are opportunities for the integration of indigenous knowledge, particularly in the areas of alternative dispute resolution and restorative justice. The study recommended the following the establishment of indigenous knowledge units within the formal justice sector can help to promote the recognition and application of indigenous knowledge. Also, capacity building programs for judges, lawyers, and other justice sector officials can help to enhance their understanding and recognition of indigenous knowledge. Community engagement and participation are essential for the successful integration of indigenous knowledge into the formal justice system. The study concluded that there is a need for greater recognition and application of indigenous knowledge in the criminal justice sector in Nigeria. The integration of indigenous knowledge can help to promote justice, equality, and cultural sensitivity. The study's recommendations provide a framework for the promotion of indigenous knowledge in the formal justice system.

Keywords: Indigenous knowledge, Criminal Justice Sector, Awareness, Recognition, Integration.

1.1 Introduction

Nigeria is a culturally diverse country with over 250 ethnic groups, each with its unique customs, traditions, and knowledge systems (Obilade, 1978)). Indigenous knowledge refers to the traditional knowledge and practices developed by these communities over time. Indigenous knowledge is essential for addressing various social, economic, and environmental challenges in Nigeria. In the criminal justice sector, indigenous knowledge can provide valuable insights into conflict resolution, mediation, and restorative justice.

Despite its significance, there is a lack of awareness and appreciation for indigenous knowledge in the Nigerian criminal justice sector. This is partly due to the dominance of Western legal systems and the marginalization of traditional knowledge systems. An appraisal of the awareness of indigenous knowledge in the criminal justice sector in Nigeria would involve a critical examination of the current state of knowledge, attitudes, and practices among stakeholders. This would include an analysis of the extent to which indigenous knowledge is recognized, respected, and integrated into the formal justice system.

1.2 CONCEPTUAL CLARIFICATION

1.2.1 Indigenous Knowledge

Indigenous knowledge (IK) refers to the traditional knowledge and practices developed by indigenous peoples over thousands of years (United Nations, 2007). It encompasses the cultural, spiritual, and philosophical beliefs and practices of indigenous communities, which are often deeply connected to their natural environment. IK is characterized by several key features which include but not limited to the fact that it is often holistic, considering the interconnectedness of all living things and the natural environment (Berkes, 1999). It is also based on traditional (Obilade, 1978) practices and beliefs passed down through generations, specific to a particular geographic location and cultural context (Gadgil 1993, Maffi 2001). Furthermore, it is often developed and shared within indigenous communities, rather than being controlled by external authorities (LaDuke, 1999).

Indigenous Knowledge encompasses a wide range of knowledge systems, including knowledge of the natural environment, including plants, animals, and ecosystems, knowledge of traditional medicines and healing practices, knowledge of traditional farming practices and crop management, knowledge of cultural traditions, customs, and histories (Johannes 1989, Farnsworth 1988, Altieri 1995, Battiste 2000).

Indigenous Knowledge is important as it helps to preserve indigenous cultures and traditions, it provides valuable insights into sustainable environmental practices, it can contribute to community development and self-determination (Smith 1999, Berkes, 2007, Wilson 2008).

1.2.2 Criminal Justice Sector

The criminal justice sector in Nigeria refers to the collective institutions and processes responsible for administering justice in relation to criminal matters (Alemika, 2013). This encompasses the entire process, from the investigation and arrest of suspects to their prosecution, trial, and punishment or rehabilitation. The key components of the Criminal Justice Sector includes; Law Enforcement. This includes the police, sheriffs, marshals, and other agencies responsible for investigating crimes and arresting suspects. The Judicial Process on the other hand involves the courts, judges, prosecutors, and defense lawyers who work together to adjudicate criminal cases, while Corrections refers to the custodial and non-custodial services that manage the punishment and rehabilitation of offenders such as correctional centres/prisons, borstals, remand homes, probation, community service, etc.

There are challenges facing the Criminal Justice Sector in Nigeria which includes but not limited to; inefficient Investigation and Prosecution. Cases are often delayed or dismissed due to lack of evidence or poor investigation. Corruption. Corruption is rampant within the justice system, leading to unfair treatment of suspects and offenders. Overcrowding in Prisons. Nigerian prisons are often overcrowded, leading to poor living conditions and increased risk of disease transmission. Lack of Access to Legal Representation. Many suspects and offenders lack access to legal representation, making it difficult for them to navigate the justice system.

There are reform efforts already made to improve the system. They include; Administration of Criminal Justice Act (2015). This law aims to reform the criminal justice system by introducing measures such as plea bargaining and accelerated trial procedures. Alternative Dispute Resolution. Alternative dispute resolution mechanisms, such as mediation and arbitration, are being promoted as a way to reduce the backlog of cases in Nigerian courts.

1.2.3 Awareness

Awareness refers to the state of being informed, knowledgeable, or cognizant of something, such as one's surroundings, thoughts, feelings, or behaviors. It involves having a clear perception, understanding, or recognition of oneself, others, or the environment. There are various forms of awareness which includes the following; Internal Awareness. Refers to being aware of one's own thoughts, feelings, emotions, values, and motivations. External Awareness. Involves being aware of one's surroundings, environment, and the people around them. Self-Awareness. The ability to have a clear understanding of one's own strengths, weaknesses, values, and emotions. Social Awareness. Being aware of the needs, feelings, and perspectives of others. Cultural Awareness. Understanding and appreciating the customs, values, and beliefs of different cultures.

In the same manner, there are levels of awareness which includes; Unconscious. Lacking awareness or knowledge of something. Pre-conscious. Having some awareness, but not actively thinking about it. Conscious. Being fully aware and actively thinking about something. Meta-cognitive. Having awareness of one's own thought processes and learning strategies.

Awareness is important for various reasons which include; Personal Growth. Awareness is essential for personal growth, self-improvement, and self-awareness. Decision Making. Awareness of one's surroundings, values, and goals informs decision-making. Relationships. Awareness of others' needs, feelings, and perspectives fosters empathy, understanding, and effective communication. Problem Solving. Awareness of problems and challenges enables individuals to develop effective solutions.

There are various ways of developing awareness. There are; Mindfulness. Practicing mindfulness meditation and engaging in mindful activities. Self-Reflection. Regularly reflecting on one's thoughts, feelings, and experiences. Feedback. Seeking feedback from others to gain new insights and perspectives. Education. Engaging in lifelong learning and expanding one's knowledge and understanding of the world.

There are also challenges to awareness which includes; Unconscious biases and assumptions can limit awareness. Assumptions. Making assumptions about others or situations can lead to a lack of awareness. Distractions. Distractions, such as technology or stress, can reduce awareness. Fear. Fear of change, failure, or the unknown can prevent individuals from seeking awareness.

Awareness is a complex and multifaceted concept that plays a crucial role in personal growth, relationships, decision-making, and problem-solving. By understanding the different types and levels of awareness, individuals can develop strategies to cultivate awareness and overcome challenges to awareness.

1.3 The Ways People Lived and Dispensed Justice in Various Traditional Non Western Communities in Nigeria

In pre-colonial Nigeria, various traditional non-Western communities had their unique ways of dispensing justice. These systems were often based on customary laws, cultural practices, and spiritual beliefs.

1.3.1 Igbo Traditional Justice System

In Igbo land, justice was dispensed through a complex system of councils, assemblies, and age-grade associations. Disputes were often resolved through mediation and arbitration, with the goal of restoring balance and harmony within the community (Uchendu, 1965).

1.3.2 Yoruba Traditional Justice System

In Yoruba land, justice was dispensed through a hierarchical system of courts, with the Oba (king) serving as the highest authority. Cases were often heard by a council of elders, who applied customary laws and traditions to resolve disputes (Lloyd, 1962).

1.3.3 Hausa Traditional Justice System

In Hausa land, justice was dispensed through a system of Islamic courts, with the Emir serving as the highest authority. Cases were often heard by a council of Islamic scholars, who applied Sharia law to resolve disputes (Smith, 1960).

1.3.4 Efik Traditional Justice System

In Efik land, justice was dispensed through a system of councils, with the Obong (king) serving as the highest authority. Cases were often heard by a council of elders, who applied customary laws and traditions to resolve disputes (Forde, 1950)

Despite their differences, traditional justice systems in Nigeria shared some common features, including; Community-based. Justice was often dispensed at the community level, with cases heard by local councils or assemblies. Restorative. The goal of traditional justice systems was often to restore balance and harmony within the community, rather than to punish offenders. Customary. Traditional justice systems were based on customary laws and traditions, which varied from community to community.

1.4 Level of Awareness and Understanding of Indigenous Knowledge in the Justice Sector

The level of awareness and understanding of indigenous knowledge in the justice sector in Nigeria is relatively low (Ojo, 2018). Despite the importance of indigenous knowledge in the country's cultural heritage, it is often marginalized in the formal justice system. Several factors contribute to the low level of awareness and understanding of indigenous knowledge in the justice sector. They include but not limited to the imposition of Western legal systems during the colonial era led to the suppression of indigenous knowledge and customary laws (Ajayi, 1969). Also, much of Nigeria's indigenous knowledge is not documented, making it difficult for justice sector officials to access and understand (Fafunwa, 1974). The formal justice system in Nigeria is often biased towards Western legal traditions, with little recognition of indigenous knowledge and customary laws (Obilade, 1978).

The low level of awareness and understanding of indigenous knowledge in the justice sector has several consequences, which are the failure to recognize and apply indigenous knowledge and customary laws can lead to injustice and marginalization of indigenous communities (Elias, 1956). Indigenous communities may lack access to justice due to the dominance of Western legal systems and the lack of recognition of their customary laws. In addition, the failure to document and recognize indigenous knowledge can lead to the loss of Nigeria's cultural heritage (Allott, 1960; Forde, 1950). Despite these challenges, there are efforts to promote awareness and understanding of indigenous knowledge in the justice sector, including; training programs for justice sector officials on indigenous knowledge and customary laws. Efforts to document Nigeria's indigenous knowledge and customary laws also exist. Engagement with indigenous communities to promote

awareness and understanding of their rights and interests. Some of the works of the National Judicial Institute and the Nigerian Institute of Advanced Legal Studies attest to these.

1.5 Perception of Stakeholders in the Criminal Justice Sector on Indigenous Knowledge

The perception of stakeholders in the criminal justice sector on indigenous knowledge is crucial in understanding the potential for its integration into the formal justice system. Some stakeholders in the criminal justice sector have positive perceptions of indigenous knowledge, viewing it as complementary (Ojo, 2018). Indigenous knowledge is seen as complementary to the formal justice system, providing alternative dispute resolution mechanisms and promoting restorative justice. Also, indigenous knowledge is recognized as culturally relevant, considering the unique cultural practices and traditions of Nigeria's diverse ethnic groups (Elechi 2006, Uchendu 1965). Some stakeholders believe that indigenous knowledge can be effective in resolving disputes and promoting community cohesion (Forde, D. (1950). Some other stakeholders have negative perceptions of indigenous knowledge, viewing it as backward. Some stakeholders see indigenous knowledge as backward and incompatible with modern legal principles (Ajayi, 1969). Indigenous knowledge is also often viewed as informal and lacking in legitimacy, particularly when compared to the formal justice system (Fafunwa, 1974). In addition, some stakeholders believe that indigenous knowledge is limited in its scope and application, and may not be suitable for complex or serious crimes (Obilade, 1978).

Several factors influence the perception of stakeholders in the criminal justice sector on indigenous knowledge, including:

(i). Cultural background:

Stakeholders from diverse cultural backgrounds may have different perceptions of indigenous knowledge (Elias, 1956).

(ii). Level of Education:

Stakeholders with higher levels of education may be more likely to view indigenous knowledge positively (Allott, 1960).

(iii). Professional Experience:

Stakeholders with experience working in the criminal justice sector may have more nuanced perceptions of indigenous knowledge (National Judicial Institute).

1.6 Challenges of the Recognition of Indigenous Knowledge in the Formal Sector and Way Forward

The recognition of indigenous knowledge in the formal sector faces several challenges. These include the following:

(i). Lack of documentation:

Indigenous knowledge is often not documented, making it difficult to access and recognize (United Nations, 2007).

(ii). *Assumption of Bias:*

The formal sector is often biased towards Western knowledge systems, making it challenging to recognize and value indigenous knowledge (Battiste, 2000).

(iii). *Lack of power and influence:*

Indigenous communities often lack the power and influence to assert their knowledge and rights in the formal sector (Smith, 1999).

(iv). *Lack of capacity:*

The formal sector may lack the capacity to recognize and incorporate indigenous knowledge, due to limited resources and expertise (Fals-Borda, 1987).

To address these challenges, the following strategies can be employed:

(i). *Documenting and preserving indigenous knowledge:*

This can be undertaken through digital archives, museums, and cultural centers and can help to make it more accessible and recognizable (International Council of Museums. International Council of Museums, n.d.).

(ii). *Providing cultural sensitivity training for formal sector officials:*

This can help to address cultural bias and promote a more inclusive approach to recognizing indigenous knowledge (Australian Government, n.d.).

(iii). *Engagement of indigenous communities in the decision-making process:*

Engaging with indigenous communities and involving them in the decision-making process can help to address power imbalances and promote more effective recognition of indigenous knowledge (United Nations Development Programme, n.d.).

(iv). *Capacity Building:*

Building the capacity of formal sector officials to recognize and incorporate indigenous knowledge can help to address limited capacity and promote more effective collaboration (National Judicial Institute (n.d.) This should include developing cultural sensitivity training programs for formal justice sector officials to help promote cultural understanding and sensitivity.

(v). *Policy and legislative reforms:*

Policy and legislative reforms can help to create a more enabling environment for the recognition of indigenous knowledge, by providing a framework for its protection and promotion (African Commission on Human and Peoples' Rights, 2010).

(vi). *Integrating indigenous knowledge units/centers into formal justice systems:*

It is therefore recommended that there should be an establishment of indigenous knowledge units within the formal justice sector can help to promote the recognition and incorporation of indigenous knowledge (African Commission on Human and Peoples' Rights, 2010).

(vii). Enhanced community engagement and participation:

Supporting community-based initiatives that promote indigenous knowledge, and justice can help to enhance community engagement and participation.

1.7 Conclusion

The integration of indigenous knowledge in Nigeria's criminal justice sector is a crucial step towards promoting justice, equality, and cultural sensitivity. As we conclude this discussion, it is essential to reiterate the significance of recognizing and valuing indigenous knowledge in the country's formal justice system. Indigenous knowledge has the potential to enrich Nigeria's criminal justice sector by providing alternative dispute resolution mechanisms, promoting restorative justice, and enhancing community engagement. The formal justice system must be sensitive to the cultural practices and traditions of Nigeria's diverse ethnic groups.

Effective collaboration between formal justice sector officials and indigenous communities is necessary for the successful integration of indigenous knowledge. Building the capacity of formal justice sector officials to recognize and incorporate indigenous knowledge is essential for promoting cultural sensitivity and justice.

Integrating indigenous knowledge in Nigeria's criminal justice sector is a complex and ongoing process. However, by recognizing the value of indigenous knowledge, promoting cultural sensitivity, and collaborating with indigenous communities, we can work towards a more just and equitable justice system.

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**PART SIX:
SPORTS AND DIPLOMACY**

Revitalising Heritage: The significance and potential of organised Indigenous Games in the South African Sport community

Authors: Dr Phumudzo Khangwelo Mulibana Phumudzomulibana0@gmail.com

: Prof Marion Keim Mkeim@uwc.ac.za

: Prof Christo De Coning Cdec.evaluation@mweb.com

Abstract

Indigenous Games have a significant role in the rich fabric of South African culture and are a potent reminder of the traditions and traditions that have shaped many communities over the years. These Indigenous games serve as living archives of the fundamental principles, complex techniques, and engrossing tales that are central to the people's way of life, going beyond simple amusement. People can strengthen their ties to their cultural heritage and develop a deep sense of identity and belonging by actively reviving and promoting these traditional sports and leisure pursuits. At the same time, they can promote physical health and a sense of community involvement. Indigenous games are an essential part of cultural legacy and Indigenous Knowledge Systems (IKSs), and they are frequently played impromptu by community members in their homes. Instead than being limited to planned events supported by governments or institutions, indigenous games flourish in unofficial settings where community members use play as a way to communicate, express their culture, and learn.

Key words: Indigenous games, Communities, Culture, Physical, Cohesion

Introduction to Indigenous Games and Heritage Revival

Indigenous Games hold a substantial place in the vibrant tapestry of South African culture, serving as a powerful reminder of the enduring heritage and customs that have profoundly influenced various communities across generations. These Indigenous games transcend mere entertainment, acting as living repositories of the essential values, intricate skills, and captivating stories intrinsic to the lives of the people. By actively revitalising and promoting these age-old sports and recreational activities, individuals can forge stronger bonds with their cultural origins, fostering a profound sense of belonging and identity while simultaneously encouraging physical well-being and fostering a spirit of communal involvement.

Indigenous games, often played spontaneously by community members in their home settings, represent a vital aspect of cultural heritage and Indigenous Knowledge Systems (IKSs). Indigenous games thrive in informal environments where community members engage in play as a means of social interaction, cultural expression, and education instead of being solely confined to organised

events facilitated by governments or institutions. The spontaneous nature of these games allows for the transmission of traditional knowledge, values, and skills from one generation to the next. Mutema (2013) notes that since time immemorial, Indigenous children's games and songs have provided primary socialisation, and it was this socialisation that made it possible for children to adapt to their natural and social events. According to Van Beyer *et al.*, (2020), Traditional songs and games of children represent a facet of Indigenous knowledge systems, exemplifying the resilience and creativity of Indigenous cultures, strengthening community ties, and offering educational opportunities that embody Indigenous peoples' distinct histories and identities. provide educational opportunities that represent the distinct histories and identities of Indigenous peoples. Madondo and Tsikira (2021) supported Dubnewick *et al.*, (2018) who stated that, these games continue to be an integral part of cultural practices, illustrating that play is not only a form of entertainment but also a crucial element in sustaining cultural identity and fostering intergenerational connections.

Embracing and celebrating these Indigenous Games not only enables a deeper appreciation for the multifaceted history and ethos of South African communities but also serves as a means to preserve and transmit invaluable cultural knowledge and values to future generations, ensuring that the richness and diversity of these traditions endure and continue to thrive amidst the complexities of the modern world (Madondo & Tsikira 2021). Through engaging with and supporting the resurgence of these ancestral pastimes, individuals are empowered to partake in a living heritage, where the echoes of the past reverberate into the present, creating a tapestry of interconnectedness and resilience that strengthens the fabric of society as a whole.

The Significance of Indigenous Games

Indigenous games are traditional sports and pastimes transmitted through generations in indigenous cultures (McGregor *et al.*, 2023). These games hold cultural significance and are deeply rooted in the history and identity of the indigenous people. They frequently require physical strength, agility, and collaboration, serving diverse reasons such as fostering communal connections, honouring ancestors, and enhancing physical and mental health (Bucea-Manea-Țoniș Păun & Mîndrescu, 2023). Moreover, Indigenous games serve as a means of preserving and transmitting cultural knowledge and traditions from one generation to another (Shandu *et al.*, 2024). Indigenous Games thus play a vital role in preserving cultural heritage and fostering a sense of connection between generations.

McGregor (2023) observes that indigenous games serve not only as amusement but also as a means to engage with the natural world and sustain a harmonious relationship with the environment. By immersing participants in the traditions and customs of their lineages, these Games provide a tangible link to the past, making history come alive in a dynamic and engaging way. Furthermore, these games provide an opportunity for intergenerational interaction, fostering a sense of unity and solidarity among community members (Bucea-Manea-Țoniș Păun & Mîndrescu, 2023). Remarkably, the elders pass down their knowledge and skills to the younger generation, ensuring

the preservation of their heritage. Therefore, the interactive and often intergenerational nature of Indigenous Games encourages active involvement from people of all ages and backgrounds, creating a space where diverse communities can interact and bond over a shared appreciation for their roots.

The Games also serve as a powerful tool for promoting cultural inclusivity and understanding (Hadebe-Ndlovu, 2022). This is because, by engaging in these traditional games, the community members not only learn from each other but also create bonds that transcend age and bring everyone together (McGregor, 2023). These encounters convey the values and wisdom of their ancestors, fostering a profound sense of pride and duty within the community to perpetuate their rituals and traditions for future generations (Maspul & Almalki, 2024). Ultimately, these games function as a potent instrument for cultural resilience and the perpetuation of indigenous lifestyles.

Through playful competition and collaborative play, individuals from different cultures and walks of life can come together to learn from one another and celebrate the rich tapestry of human experience (McGregor, 2023; Bucea-Manea-Țoniș Păun & Mîndrescu, 2023). This sense of unity and camaraderie is especially important in a country like South Africa, where diversity is a defining feature and cultural exchange is key to building a more connected and harmonious society.

In essence, Indigenous Games not only bridge the gap between the past and the present but also pave the way for a more inclusive and culturally vibrant future. By honouring the traditions of our forebears and embracing the diversity of our communities, we can create a more cohesive and resilient society where everyone feels valued and respected.

Sports Development through Cultural Engagement

Different literature in sports and development (Hartmann & Kwauk 2011; Dubnewick et al., 2018; Sakala & Roux 2024) suggests that Integrating Indigenous Games into mainstream sports development strategies can significantly boost youth engagement and participation levels. By intertwining these rich cultural traditions with conventional sports practices, we have a valuable opportunity to create meaningful connections between the present and the past, fostering a sense of pride and belonging among young individuals. Through the successful adaptation of these traditional games within school curricula and various community initiatives, we can effectively instil a deeper appreciation for cultural heritage within the hearts and minds of the younger generation. Moreover, by embracing and promoting these authentic activities, we empower our youth not only to partake in physical pursuits but also to cultivate essential life skills that are vital for personal growth and success. As they immerse themselves in Indigenous Games, learning the values of teamwork, discipline, and resilience, our youth become equipped with invaluable tools that will not only serve them on the playing field but will also bolster their abilities to navigate the complexities of life with confidence and grace. In essence, by marrying tradition with modern strategies, we pave the way for a future generation that is not only physically active but is also deeply connected to their cultural roots and well-prepared to face the diverse challenges of the modern world.

Case Studies: Successful Implementation of Indigenous Games in South Africa

The implementation of the Indigenous Games in South Africa has been a multifaceted and impactful initiative that encompasses various aspects of cultural heritage preservation, community involvement, and educational enhancement. This endeavour initiated by the Department of Sport, Arts and Culture, formally Known as the Department of Sports and Recreation South Africa represents a committed effort to not only revive traditional games but also to foster a sense of pride and connection to indigenous roots among the population (SRSA 2011). Through the successful incorporation of Indigenous Games into different spheres such as education, community development programmes, and cultural festivities, South Africa has witnessed a resurgence of interest in these traditional activities that were once at risk of fading into oblivion.

In the educational realm, the integration of Indigenous Games has proven to be a dynamic method of promoting holistic learning experiences that go beyond textbooks and classroom lectures as reported in a study of Mwinsa and Dagada (2024). Schools and educational institutions have embraced these Games as valuable tools for teaching history, promoting teamwork, enhancing physical fitness, and instilling important cultural values in learners. By incorporating Indigenous Games into the curriculum, educators are not only preserving a vital part of South Africa's heritage but also fostering a deeper understanding and appreciation of the country's diverse cultural tapestry among the younger generation (Nxumalo & Mncube 2018).

Moreover, within the realm of community development, the adoption of Indigenous Games has brought communities together in meaningful ways, fostering social cohesion and a sense of shared identity. The Games serve as a unifying force, transcending age, gender, and social status to create spaces for interaction, collaboration, and mutual respect among community members. Through organized tournaments, workshops, and community events centred around Indigenous Games, local communities have rekindled a sense of collective pride and belonging that is essential for sustainable development and social harmony.

In the context of cultural festivals, the incorporation of Indigenous Games has added a vibrant and authentic dimension to celebratory events, showcasing the richness and diversity of South Africa's cultural heritage. Indigenous Games have become a centrepiece of cultural gatherings and festivals, attracting visitors from far and wide who are eager to witness and participate in these age-old practices. By spotlighting Indigenous Games at cultural festivals, South Africa not only celebrates its past but also paves the way for a more inclusive and culturally vibrant future that honours the traditions and customs of its indigenous peoples (Skogvang 2021).

Overall, the successful integration of Indigenous Games into various sectors in South Africa exemplifies the transformative power of cultural revitalisation initiatives in promoting social cohesion, preserving heritage, and fostering educational enrichment. These efforts not only underscore the importance of preserving traditional knowledge and practices but also highlight the resilience and adaptability of Indigenous cultures in the face of modern challenges.

The National Indigenous Games Festival

One of the most transformative and deeply rooted cultural celebrations in South Africa comes in the form of the National Indigenous Games Festival, a highly esteemed initiative orchestrated by the Department of Sport, Arts and Culture. This vibrant annual event serves as a colourful homage to the diverse traditional games cherished across various cultural groups in the nation. Among the captivating array of games that take centre stage during this joyous occasion are Morabaraba, a captivating strategy board game that demands tactical prowess and sharp wit, and In Ncuva, a traditional game for two players, players utilize pebbles on a board featuring 48 holes. To initiate the game, a player strategically shifts a set of four pebbles in an anticlockwise direction from their initial holes to the subsequent four holes, positioning them directly across from the opponent's pebbles on the board.

In this enlightening and spirited festival, participants and spectators alike are enveloped in a rich tapestry of heritage and community, fostering a deep appreciation for the traditional games that have been cherished and passed down through generations. Beyond the sheer entertainment value these games provide, they serve as powerful bridges that connect individuals to their ancestral roots, preserving cultural identity and promoting unity among a diverse populace (SRSA 2011).

As the melodious beats of traditional music reverberate through the festival grounds and the pungent aroma of traditional cuisine tantalizes the senses, the National Indigenous Games Festival emerges as a poignant reminder of the importance of cultural preservation and celebration in a rapidly evolving world. Through spirited competitions and shared moments of laughter and camaraderie, the festival encapsulates the spirit of unity and pride that pulsates through the heart of South Africa, exemplifying the beauty and resilience of its people and their cherished traditions.

Integration into School Curricula

In recent years (from 2016 to date), a growing number of schools in different regions of South Africa have taken proactive steps towards embracing the rich heritage and traditions of the country by introducing various Indigenous Games into their Physical Education programmes. This significant shift from traditional teaching methodologies to a more culturally responsive approach not only enhances the overall educational experience for students but also fosters a deep sense of appreciation and respect for the diverse cultural tapestry of the nation. As part of a larger movement aimed at promoting inclusivity and celebrating local customs within academic environments, the incorporation of Indigenous Games serves as a poignant reminder of the importance of acknowledging and preserving indigenous knowledge systems. By embracing these traditional games as part of the curriculum, schools are not only providing students with a unique opportunity to engage with their cultural roots but also nurturing a sense of pride and identity in their own heritage (Nxumalo & Mncube 2018).

Through this holistic approach to education, students are encouraged to explore the intricate nuances of their cultural heritage, fostering a deeper connection to their community and a greater

sense of belonging within the broader societal context. Ultimately, the integration of Indigenous Games into the Physical Education curricula of South African schools signifies a progressive step towards promoting cultural diversity, fostering inclusivity, and instilling a sense of cultural pride among the younger generation, paving the way for a more harmonious and culturally enriched society (Sakal & Roux 2024).

Community Development Programmes

Various non-governmental organisations (NGOs) worldwide dedicated to fostering community development have taken a creative and innovative approach by implementing programmes that centre around the utilization of Indigenous Games as powerful instruments for bringing about social change. These NGOs recognize the intrinsic value embedded within traditional Indigenous Games, viewing them not merely as forms of entertainment, but as vehicles for facilitating meaningful connections, promoting holistic well-being, and instigating positive transformations within communities. By embracing these games as tools for empowerment, these organisations have been able to harness the inherent cultural significance and communal spirit that these activities embody, ultimately catalysing processes of healing, identity affirmation, and sustainable development among diverse populations. Embracing and revitalizing these age-old traditions has enabled these NGOs to bridge gaps between generations, foster cross-cultural understanding, and uphold the rich tapestry of Indigenous heritage and knowledge. Through the thoughtful integration of Indigenous Games into their community initiatives, these organisations are breaking down barriers, amplifying voices, and building bridges that span across different sectors of society, underscoring the importance of preserving and celebrating Indigenous cultural practices as potent catalysts for promoting social cohesion and driving positive change.

Cultural Heritage Projects

In collaboration with local governments, educational institutions, and various stakeholders, a series of initiatives have been developed to meticulously record and safeguard the traditional Indigenous Games which form a vital component of South Africa's rich intangible cultural legacy. These projects are not only geared towards preserving these Games for future generations but also aim to raise awareness about their cultural significance and promote their continued practice and appreciation within communities across the country. Through these partnerships, efforts are being made to document the rules, strategies, and historical background of each game, ensuring that their unique characteristics and values are accurately captured and celebrated. By engaging with Indigenous communities and utilizing modern technologies, these initiatives strive to create a comprehensive archive that not only honours the heritage of these Games but also fosters a sense of pride and ownership among the diverse populations that have been custodians of these traditions for centuries. The collaborative nature of these projects underscores the importance of collective action in safeguarding and promoting the intangible cultural heritage of South Africa, reflecting a commitment to inclusivity, knowledge sharing, and sustainable cultural preservation efforts.

Challenges and Opportunities

In the realm of revitalising Indigenous Games, acknowledging the full extent of their inherent potential becomes essential as they embody a rich tapestry of cultural heritage and recreational significance that holds immense value. Despite the promising nature of this endeavour, numerous challenges loom, presenting formidable barriers to the widespread resurgence of these traditional games. One particularly significant obstacle arises from the constraints on resources, encompassing both financial limitations and deficiencies in infrastructure, which can severely hinder the overall growth and advancement of these culturally significant activities. Furthermore, the pervasive lack of awareness among the general populace serves to exacerbate the complexities involved in promoting and safeguarding these distinct forms of play.

Moreover, Indigenous Games face formidable competition from mainstream and internationally acclaimed sports, which stand as dominant forces within the realm of sports entertainment. This competitive landscape often proves challenging, creating a formidable barrier to the acceptance and integration of traditional games into the broader sporting community, necessitating the implementation of strategic initiatives to effectively bridge this gap. However, a glimmer of hope shines through in the form of potential partnerships with local organizations, governmental bodies, and educational institutions.

Strategic collaborations with these crucial stakeholders can pave the way for the establishment of a steadfast foundation aimed at supporting the revival and enduring preservation of Indigenous Games. Local organizations, through their grassroots efforts, offer invaluable support, fostering community engagement and encouraging active participation in initiatives centred around traditional sports. On the other hand, governmental bodies wield pivotal influence by providing essential policy frameworks and financial support crucial for the sustained development and progress of these cherished cultural pastimes. Educational institutions present a unique opportunity through which to embed indigenous games into academic curricula, ensuring that upcoming generations grasp and appreciate the cultural significance and depth of these heritage activities.

Through a coordinated and determined effort to leverage these invaluable partnerships, a clear pathway reveals itself, leading towards the creation of a vibrant and thriving ecosystem designed to nurture the growth and lasting endurance of indigenous games. In doing so, the legacy of these traditional activities is safeguarded, contributing significantly to enriching the cultural fabric of society with their profound heritage.

Conclusion: A Path Forward

Revitalising Indigenous Games holds significant importance beyond mere historical preservation; it serves as a pivotal force in moulding the trajectory of the sports industry in South Africa. By recognising and embracing these invaluable cultural assets, we have the boundless opportunity to ignite a deep-rooted sense of honour and belonging within diverse communities. This cultural engagement extends further to promote the adoption of healthier lifestyles characterised by active

involvement in various sports activities. The voyage towards seamlessly integrating these Indigenous Games into the broader sports arena is not just a vision but a promise of a transformative impact on both the individual and societal levels. The embrace of traditional games paves the way for a more vibrant, inclusive sporting landscape that not only respects the heritage of the past but also propels towards a future where the essence of culture intertwines with the fervour of modern sportsmanship.

Embracing the diversity encapsulated within Indigenous Games not only enriches the lives of individuals, providing avenues for personal growth and fulfilment but also enhances the tapestry of society as a whole, fostering unity and a shared sense of purpose through the collective celebration of tradition and innovation. This holistic approach championing Indigenous Games does not merely aim to preserve history but to carve a new narrative for the future of sports in South Africa one that celebrates the richness of heritage while propelling towards a more inclusive, dynamic sporting environment that honours the legacy of the past and embraces the limitless possibilities of tomorrow.

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It is imperative to note that the authors unequivocally declare that the chapter's foundation is solidly grounded on rigorous research conducted in South Africa, specifically in the province of Limpopo. This acquired local knowledge reverberates with far-reaching implications rendering it potentially valuable and transferable to various other regions globally highlighting the universal applicability of the insights gleaned.

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A HISTORY OF DIPLOMACY IN NIGERIA: "NIGERIA'S RELATIONS WITH THE INTERNATIONAL SYSTEM BEFORE THE MINISTRY OF FOREIGN AFFAIRS"

Ruth Oore-ofe Ogunnowo, Ph.D.
Department of International Relations and Diplomacy
Chrisland University, Abeokuta.

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+2347030124869

&

Samuel S. Ojo

c/o Department of History and Diplomatic Studies
Olabisi Onabanjo University, Ago-Iwoye.

pinnacles2002@yahoo.com

+2348038525677

&

Kunle Olawunmi

Department of International Relations and Diplomacy
Chrisland University, Abeokuta.

+2347030242039

Abstract

Diplomacy is a fundamental element of the study of international relations and the development of states across the globe. Like every other state of the world, the practice of diplomacy is also cogent in Nigeria as it relates with other nations globally. This study traces the evolution of diplomacy in Nigeria before the Ministry of Foreign Affairs was founded in 1958, situating it in the contexts of history and international relations. The study aims to provide a comprehensive historical understanding of Nigeria's foreign relations in the context of its early diplomatic activities and to position these efforts within the larger narrative of global diplomacy during the mid-20th century. Also employed, is the discourse analysis of Nigeria's regional and transnational engagements through trade, alliances and religious networks in the Oyo Empire, Benin Kingdom, Kanem-Bornu Empire and the Hausa city-states. Data for the study was sourced through secondary sources such as journals, books and internet sources. The study finds out the diplomatic identity of Nigeria existed even before independence, considering the fact that the nation had interactions with African and non-African actors. The study concludes that the early engagements that Nigeria had with the other nations of the world were instrumental in shaping the institutional framework and the Afrocentric orientation of Nigeria's modern foreign policy.

Keywords: Diplomacy, Foreign Affairs, History, International Relations

Introduction

The existence of mankind at a reasonable level of civilization is practically impossible without peace, trade and social relations between nation-states and these things depend upon diplomacy, upon the representation of states and the adjustments of their contacts. This is because, according to Adams Smith in his study of International Comparative Advantage, different nations of the

world are endowed differently with different potentials and these endowed potentials can only be gained and be made possible through the art of diplomacy. In this way, diplomacy can be defined as “the art of representing states and of conducting negotiations for a better cooperation for peaceful coexistence among nation states” (Abegunrin, 2006).

It is crucial to study the evolution of diplomacy because its history provides a fundamental understanding of the nature of diplomacy. The genesis of diplomacy goes back to God and his emissaries, the angels or messengers. This ‘mytho-diplomacy’ contends that the first diplomats were angels of God sent from Heaven to Earth. The argument depicts God as the Chief of State and angels as diplomats or envoys. This ‘cosmological argument’ implies that man is a diplomat by nature (Der Derian, 2021).

The word ‘diplomacy’ originated from the Greek verb ‘diploun,’ which means ‘to fold.’ ‘Diploun’ evolved into ‘diploma’ during the Roman Empire when ‘all passports, passes along imperial roads and way-bills were stamped on double metal plates, folded and sewn together in a particular manner.’ These ‘metal passes’ were called ‘diplomas’, a name that also applied to ‘less metallic official documents, especially those conferring privileges or embodying arrangements with foreign communities or tribes’ (Callus & Borg, 2021).

The term ‘diploma’ comprises two words: ‘diplo’ means ‘folded in two’ and ‘ma’ means ‘an object.’ The value of a ‘diploma’ grew to such an extent that it became a travel document for royals, comparable to the modern diplomatic passport. It then became an official document signifying international agreements, and eventually evolved into the practice of international relations. As treaty papers accumulated in archives, a need arose for a specialist organizer who could organize ‘archives, especially to index, decode and preserve’ these documents. From this system originated the archival profession and the science of paleography. The management of diplomas became the conduct of *res diplomatica*, or diplomatic affairs. In the 18th century, the French began to use the term ‘diplomate’ (diplomat/diplomatist) to refer to an officially appointed state negotiator (Nicolson, 2019)

Diplomacy in Nigeria

Nigeria officially the Federal Republic of Nigeria, is a country in West Africa. It is situated between the Sahel to the north and the Gulf of Guinea to the south in the Atlantic Ocean. It covers an area of 923,769 square kilometres (356,669 sq mi); with a population of over 230 million. It is the most populous country in Africa, and the world's sixth-most populous country. Nigeria borders Niger in the north, Chad in the northeast, Cameroon in the east, and Benin in the west. Nigeria is a federal republic comprising 36 states and the Federal Capital Territory, where the capital, Abuja, is located. The largest city in Nigeria is Lagos, one of the largest metropolitan areas in the world and the largest in Africa.

Nigeria has been home to several indigenous pre-colonial states and kingdoms since the second millennium BC, with the Nok civilization in the 15th century BC marking the first internal unification. The modern state originated with British colonialization in the 19th century, taking its present territorial shape with the merging of the Southern Nigeria Protectorate and the Northern Nigeria Protectorate in 1914. The British set up administrative and legal structures while practising indirect rule through traditional chiefdoms. Nigeria became a formally independent federation on 1 October 1960. It experienced a civil war from 1967 to 1970, followed by a succession of military dictatorships and democratically elected civilian governments until achieving a stable government in the 1999 Nigerian presidential election, with the election of Olusegun Obasanjo of the Peoples Democratic Party. However, the country frequently experiences electoral fraud, and corruption is rampant in various levels of Nigerian politics (Akinterinwa, 2014).

Nigeria is a multinational state inhabited by more than 250 ethnic groups speaking 500 distinct languages, all identifying with a wide variety of cultures. The three largest ethnic groups are the Hausa in the north, Yoruba in the west, and Igbo in the east, together constituting over 60% of the total population. The official language is English, chosen to facilitate linguistic unity at the national level. Nigeria's constitution ensures de jure freedom of religion, and it is home to some of the world's largest Muslim and Christian populations. Nigeria is divided roughly in half between Muslims, who live mostly in the north part of the country, and Christians, who live mostly in the south; indigenous religions, such as those native to the Igbo and Yoruba ethnicities, are in the minority (Aluko, 1981).

Nigeria is a regional power in Africa and a middle power in international affairs. Nigeria's economy is the second-largest in Africa, the 39th-largest in the world by nominal GDP, and 27th-largest by PPP. Nigeria is often referred to as the Giant of Africa owing to its large population and economy, and is considered to be an emerging market by the World Bank. Nigeria is a founding member of the African Union and a member of many international organizations, including the United Nations, the Commonwealth of Nations, NAM, the Economic Community of West African States, Organisation of Islamic Cooperation and OPEC. It is also a member of the informal MINT group of countries and is one of the Next Eleven economies (Aluko, 1981).

Pre-Colonial Diplomacy

Before the advent of colonialism, the area now known as Nigeria was a mosaic of various kingdoms, empires, and city-states, each engaging in diplomatic relations both within the region and with external entities.

The Oyo Empire: The Oyo Empire, a Yoruba kingdom in West Africa that existed from 1300 to 1896, had a rich diplomatic history. Initially expanding through military conquest to become a vast empire by absorbing neighboring Yoruba states, the empire later recognized the importance of diplomacy to maintain power and stability. The Oyo Empire established a sophisticated diplomatic system, with the Alaafin (king) as the central figure (Adebayo, 2008). Advised by a council of senior chiefs and officials, diplomacy played a crucial role in dealing

with neighboring states like the Borgu and Nupe to the north, as well as the Benin Empire to the southeast. Through diplomacy, the Oyo Empire secured trade agreements, resolved conflicts, and maintained alliances, particularly in the transatlantic slave trade where negotiations with European powers and other African states were essential for market access (Adenian, 2008).

Despite diplomatic efforts, challenges such as internal conflicts, pressure from expanding Islamic states, and disruption from the slave trade led to the empire's decline. In the late eighteenth century, the empire came to rely too much on slave sales to Europeans when the trade decline and eventually ended, Oyo suffered. As the state's income and authority declined, some of its subjects began to rebel. The empire eventually fell to the superior forces of the Fulani Empire from northern Nigeria in 1835. By the mid-19th century, the Oyo Empire fragmented into smaller chiefdoms, ending its complex and dynamic diplomatic history. Nonetheless, the empire's diplomatic legacy continues to influence Yoruba political and cultural traditions (Abegunrin, 2006).

The Benin Kingdom: Renowned for its sophisticated governance and artistic achievements, Benin maintained robust diplomatic relations with European powers such as Portugal from the 15th century onwards. These relationships were primarily driven by trade, with Benin exporting goods like ivory, pepper, and textiles in exchange for European goods and firearms. In the 16th century, Benin's diplomatic relations with the Portuguese were particularly significant, with the kingdom serving as a key hub for the transatlantic slave trade. Benin's diplomats negotiated treaties and trade agreements, ensuring the kingdom's control over the slave trade and access to European goods (Darian, 2021).

However, as European powers expanded their colonial empires, Benin's diplomatic efforts became increasingly strained. The kingdom resisted British colonial advances, leading to a series of conflicts, including the Benin Expedition of 1897, which ultimately resulted in the kingdom's colonization. Throughout its diplomatic relations with Europeans, the Benin Kingdom demonstrated remarkable resilience, adaptability, and strategic thinking, leaving a lasting legacy in the art of diplomacy (Madueke, 2019).

Trade and Diplomacy in the Northern Regions

Kanem-Bornu Empire: The Kanem-Bornu Empire, a powerful and influential state in Central Africa, maintained significant diplomatic relations with North Africa and Arab states from the 13th to the 19th century. The empire's strategic location in the Lake Chad region made it a crucial hub for trade and cultural exchange between West Africa, North Africa, and the Middle East. Mai Dunama Dabbalemi, a wise and visionary ruler, initiated diplomatic exchanges with sultans in North Africa, including the Hafsid dynasty in Tunisia and the Marinid dynasty in Morocco. He also established a hostel in Cairo to facilitate pilgrimages to Mecca, demonstrating the empire's commitment to Islamic learning and culture (Sattow, 2022).

Mai Idris Aluma, who ruled from 1571 to 1603, further strengthened diplomatic relations with Tripoli, Egypt, and the Ottoman Empire. He received a 200-member ambassadorial party from the Ottoman Empire at his court in Ngazargamu and signed a cease-fire treaty, possibly the first written treaty in Chadian history. This diplomatic achievement secured the empire's borders and protected its trade routes. Throughout its history, the Kanem-Bornu Empire's diplomatic relations with North Africa and Arab states were marked by a desire to expand and secure trade routes, protect the empire from external threats, and promote Islamic learning and culture. The empire's diplomats were skilled in navigating the complex web of regional politics, leveraging their strategic location and cultural ties to maintain their power and influence (Watson, 2017).

The Hausa City-States: The Hausa city-states were a confederation of independent city-states in the Sahel region of pre-colonial West Africa, known for their strategic trade location and cultural prosperity. These city-states, including Kano and Zazzau, thrived as trade hubs between the 11th and 16th centuries. The Hausa city-states were formed through a gradual integration of indigenous cultures with influences from North African traders and migrants. They maintained their sovereignty while also fostering trade and cooperation through shared language, culture and economic ties. Each city-state had its own specialization and played a distinct role within the confederation, contributing to its overall success (Idang, 2013).

The Hausa city-states were strategically located on the southern edge of the Sahara Desert, allowing them to become intermediaries in trans-Saharan trade. These states prospered due to their strategic location and involvement in regional trade networks, serving as hubs for commerce and culture. The walled cities of the Hausa city-states attracted scholars, traders and artisans, becoming centers of protection, trade and learning (Obi, 2016). The Hausa language served as a lingua franca, facilitating communication and cultural exchange among the diverse populations within the city-states and their hinterlands. The lack of a centralized authority and rivalries among the city-states, as well as ethnic, cultural and religious tensions, contributed to the decline of the Hausa city-states. In the early 19th century, the Fulani launched a successful jihad against the Hausa rulers, resulting in the fall of the city-states and the establishment of the Sokoto Caliphate. The Hausa city-states played a significant role in the region, shaping the religious landscape and providing a window into the sophisticated and dynamic societies that flourished in West Africa before European colonization (Kawonishe, 2023).

European Contact and The Slave Trade Era

The arrival of Europeans in West Africa marked a significant shift in the region's international relations.

Portuguese Explorers and Traders

The Portuguese explorers and traders were pioneers in the European exploration and exploitation of West Africa. In the 15th century, they established trade routes and forts along the coast, seeking to tap into the region's rich resources, including gold, ivory, and pepper. The Portuguese also played a significant role in the transatlantic slave trade, which had a profound impact on the

demographics and culture of West Africa (Rourke, 2017). Led by explorers such as Henry the Navigator and Vasco da Gama, the Portuguese established a presence in West Africa, building forts and trading posts along the coast. Elmina Castle in Ghana, built in 1482, was one of the most famous and enduring of these structures. The Portuguese traded goods such as cloth, beads, and metalware for gold, ivory, and other valuable resources. They also introduced Christianity and European culture to West Africa, which had a significant impact on the region's religious and cultural practices (Tyoden, 2019).

The Portuguese relationships with local kingdoms and empires were complex and multifaceted. They formed alliances and traded with powerful empires such as the Mali and Ashanti, while also engaging in conflicts and rivalries with other European powers. The Portuguese also introduced new crops, such as maize and cassava, which became staples in West African agriculture. The legacy of the Portuguese explorers and traders in West Africa continues to be felt today. The Portuguese language is still spoken in several West African countries, and the region's culture, language, and politics have been shaped by the Portuguese presence. The transatlantic slave trade, which was facilitated by the Portuguese and other European powers, had a profound impact on the demographics and culture of West Africa, and its legacy continues to be felt today (Rourke, 2017).

The Atlantic Slave Trade

The Atlantic slave trade was a brutal and inhumane system of exploitation that forcibly enslaved millions of Africans and transported them across the Atlantic Ocean to the Americas. The trade began in the 16th century and lasted until the 19th century, with the Portuguese being the first to initiate it, followed by other European nations such as Britain, Spain, France, the Netherlands, the United States, and Denmark (Dokubo, 2020).

The majority of the enslaved people came from Central and West Africa, where they were captured by European slave traders or sold by African leaders and merchants. The enslaved Africans were forcibly taken from their homes, separated from their families, and subjected to inhumane conditions on the transatlantic journey. They were packed tightly into small spaces on ships with little food, water, or air, leading to the deaths of millions during the journey. The transatlantic slave trade had a devastating impact on Africa, causing significant depopulation, economic disruption, and social and cultural destruction. The constant fear of captivity and enslavement made it difficult for African communities to develop and prosper. The trade also led to the loss of skilled laborers, farmers, and artisans, which hindered economic and agricultural development (Johnson, 2014). In the Americas, the enslaved Africans were forced to work on plantations, in mines, and in homes under brutal conditions. They were subjected to physical and sexual abuse, forced to adopt European customs and religions, and denied their basic human rights. The enslaved Africans resisted their enslavement through various forms of rebellion, escape, and cultural preservation (Johnson, 2014).

Colonial Era Diplomacy

The colonization of Nigeria by the British in the late 19th and early 20th centuries brought about profound changes in the region's diplomatic landscape.

British Colonial Rule

During the British colonial period, Nigeria's diplomatic relations were largely dictated by Britain, with the country having little to no control over its foreign policy. The British colonization of Nigeria was marked by violence, deceit, and resistance from the indigenous populations, and the country's foreign policy was shaped by its colonial ties with Britain (Obioma, 2023). Nigeria was a British colony from 1914 to 1960, and during this period, Britain made decisions on Nigeria's behalf in international affairs. The country was not allowed to have its own diplomatic missions or engage in independent foreign policy initiatives. Instead, Britain represented Nigeria in international organizations and negotiations, often prioritizing its own interests over those of the Nigerian people (Obioma, 2023).

The British colonial authorities imposed their own system of government, economy, and culture on Nigeria, suppressing indigenous institutions and practices. The country's natural resources were exploited for British benefit, and the local population was subjected to forced labor, land expropriation, and other forms of oppression. When Nigeria gained independence in 1960, it inherited a foreign policy framework that was deeply rooted in its colonial ties with Britain. The country's first post-independence government, led by Prime Minister Tafawa Balewa, maintained close ties with Britain and prioritized membership in the Commonwealth of Nations, a voluntary association of former British colonies. (Gambari, 2018) Nigeria also joined the United Nations in 1960 and began to participate in international organizations and forums, gradually asserting its independence in foreign policy matters. However, the country's diplomatic relations continued to be influenced by its colonial legacy, with Britain maintaining a significant presence in Nigeria's economy, politics, and culture (Audu, 2019).

Over time, Nigeria has sought to diversify its diplomatic relations and assert its independence in international affairs. The country has played an active role in regional and international organizations, such as the African Union and the Economic Community of West African States, and has pursued bilateral relations with countries in Africa, Asia, and the Americas (Audu, 2019).

Indirect Rule and Local Governance

The British colonial rule in Nigeria, which lasted from 1914 to 1960, was characterized by an indirect rule system. This approach involved the British exercising control over the country through existing tribal structures and traditions, rather than directly governing the population themselves. The British relied on local leaders, such as emirs, obas, and chiefs, to administer their territories and implement British policies. The indirect rule system was implemented by Lord Frederick Lugard, the British High Commissioner of the Northern Nigeria Protectorate, who

believed that African societies were inherently tribal and that the British should work through these tribal structures to govern the population. This approach was in contrast to the direct rule approach employed by the French in their colonies, where the French directly governed the population through a centralized administration (Adeniji, 2005).

Under the indirect rule system, the British maintained control over key areas such as foreign policy, defense, and finance, while local leaders were responsible for administering justice, collecting taxes, and maintaining order in their territories. The British also imposed their own legal and administrative systems on the country, which often conflicted with existing traditional systems. While the indirect rule system allowed the British to maintain control over Nigeria with relatively limited resources, it also had significant drawbacks. Local autonomy was suppressed, and the British imposed their own values and customs on the Nigerian people, leading to cultural and social changes that were often resented by the local population. Additionally, the indirect rule system reinforced existing social and political hierarchies, perpetuating inequality and social injustice (Akindele, 2005).

Economic Exploitation and Infrastructure Development

Under British colonial rule, Nigeria's economy was subjected to exploitation, with the British government prioritizing the extraction of raw materials and the exportation of natural resources to fuel their own economy. The British government focused on developing infrastructure that would facilitate the exploitation of Nigeria's resources, such as roads, railways, telegraph, and ports. This infrastructure development was designed to enable the efficient transportation of raw materials to the coast for export, rather than to promote economic development within Nigeria itself. The British government imposed a system of forced labor, where Nigerians were compelled to work on plantations, in mines, and on infrastructure projects, often under harsh conditions. The British also introduced a system of taxation, which further exploited the Nigerian people, as they were forced to pay taxes to the British government despite receiving little to no benefits in return (Tyoden, 2019).

The British government also imposed their own legal and administrative systems on Nigeria, which often conflicted with existing traditional systems. This led to the suppression of local autonomy and the erasure of Nigerian cultural and political practices. The British government also exploited Nigeria's natural resources, such as palm oil, rubber, and tin, for their own benefit, without investing in the country's economic development. The infrastructure development that did occur under British colonial rule was primarily designed to serve the interests of the British government and the colonial economy, rather than the Nigerian people. For example, the construction of the Nigerian railway system was primarily designed to transport raw materials to the coast for export, rather than to facilitate the movement of people or goods within the country (Padelford, 2017).

Path to Independence

As Nigeria moved towards independence, its leaders began to engage more actively in international diplomacy, laying the groundwork for the establishment of formal foreign relations post-independence.

Nationalist Movements

The rise of nationalist movements in Nigeria during the 1929-1960 period was a pivotal moment in the country's history, significantly influencing its foreign policy relations. As Nigerians became increasingly aware of their colonial status and the exploitation of their resources, anti-colonial activists emerged, demanding greater involvement in governance and an end to British rule. Nationalist leaders like Herbert Macaulay, Obafemi Awolowo, and Nnamdi Azikiwe spearheaded the movement, advocating for progressive development measures and constitutional reforms. Their efforts led to increased spending on infrastructure, education, and health facilities, which helped to modernize Nigeria and prepare it for independence (Johnson, 2014).

The nationalist movement's pressure on the colonial government resulted in significant political concessions, including the introduction of regional self-governance in 1951 and eventually, Nigeria's independence from British rule on October 1, 1960. This marked a turning point in Nigeria's foreign policy relations, as the country began to assert its sovereignty and take an active role in international affairs. As an independent nation, Nigeria became a member of the United Nations, the Commonwealth of Nations, and the Organization of African Unity (OAU), now the African Union (AU). The country also established diplomatic relations with various nations, including the United States, the Soviet Union, and China (Johnson, 2014).

Nigeria's nationalist movement had a profound impact on its foreign policy relations, shaping its role in regional and global affairs. The country became a vocal advocate for African liberation, anti-colonialism, and South-South cooperation. Nigeria's foreign policy priorities focused on promoting economic development, regional stability, and international cooperation, reflecting the nationalist movement's emphasis on self-determination and African solidarity (Derian, 2021).

Transition to Self-Governance

The gradual transition to self-governance in the 1950s allowed Nigerian leaders to participate in international conferences and organizations, such as the United Nations and the Commonwealth, setting the stage for the country's formal diplomatic apparatus post-independence.

Nigeria gained a degree of self-rule in 1954, and full independence from the United Kingdom on 1 October 1960, as the Federation of Nigeria with Abubakar Tafawa Balewa as its prime minister, while retaining the British monarch, Elizabeth II, as nominal head of state and Queen of

Nigeria. Azikiwe replaced the colonial governor-general in November 1960. At independence, the cultural and political differences were sharp among Nigeria's dominant ethnic groups: the Hausa in the north, Igbo in the east and Yoruba in the west. The Westminster system of government was retained, and thus the President's powers were generally ceremonial. The parliamentary system of government had Abubakar Tafawa Balewa as Prime Minister and Nnamdi Azikiwe as the ceremonial president. The founding government was a coalition of conservative parties: the Northern People's Congress led by Sir Ahmadu Bello, a party dominated by Muslim northerners, and the Igbo and Christian-dominated National Council of Nigeria and the Cameroons led by Nnamdi Azikiwe. The opposition consisted of the comparatively liberal Action Group, which was largely dominated by the Yoruba and led by Obafemi Awolowo. An imbalance was created in the polity as the result of the 1961 plebiscite. Southern Cameroons opted to join the Republic of Cameroon while Northern Cameroons chose to join Nigeria. The northern part of the country became larger than the southern part.

Foreign Relations

Upon gaining independence in 1960, Nigeria made African unity the centerpiece of its foreign policy. One exception to the African focus was Nigeria's close relationship developed with Israel throughout the 1960s. Israel sponsored and oversaw the construction of Nigeria's parliament buildings (Callus, 2021).

Nigeria's foreign policy was put to the test in the 1970s after the country emerged united from its civil war. It supported movements against white minority governments in Southern Africa. Nigeria backed the African National Congress by taking a committed tough line about the South African government. Nigeria was a founding member of the Organization for African Unity (now the African Union) and has tremendous influence in West Africa and Africa on the whole. Nigeria founded regional cooperative efforts in West Africa, functioning as the standard-bearer for the Economic Community of West African States (ECOWAS) and ECOMOG (especially during the Liberia and Sierra Leone civil wars) (Padelford, 2017).

With this Africa-centered stance, Nigeria readily sent troops to the Congo at the behest of the United Nations shortly after independence (and has maintained membership since that time). Nigeria also supported several Pan-African and pro-self-government causes in the 1970s, including garnering support for Angola's MPLA, SWAPO in Namibia, and aiding opposition to the minority governments of Portuguese Mozambique, and Rhodesia. Nigeria retains membership in the Non-Aligned Movement. In late November 2006, it organized an Africa-South America Summit in Abuja to promote what some attendees termed "South-South" linkages on a variety of fronts. Nigeria is also a member of the International Criminal Court and the Commonwealth of Nations. It was temporarily expelled from the latter in 1995 when ruled by the Abacha regime (Agwu, 2011).

Nigeria has remained a key player in the international oil industry since the 1970s and maintains membership in OPEC, which it joined in July 1971. Its status as a major Petroleum producer figures prominently in its sometimes volatile international relations with developed countries, notably the United States, and with developing countries.

Concluding Remarks

Before the establishment of the Ministry of Foreign Affairs, Nigeria's international relations were shaped by a complex interplay of traditional diplomacy, colonial impositions, and the emerging nationalist movements. This rich historical tapestry set the foundation for Nigeria's post-independence foreign policy and its eventual establishment as a key player in the international arena.

This historical perspective is crucial for understanding the evolution of Nigeria's diplomatic strategies and its ongoing role in global affairs. The legacy of pre-colonial and colonial diplomacy continues to influence Nigeria's contemporary foreign relations, reflecting a blend of traditional practices and modern statecraft.

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Authors Bio Data

1. Adewale, A. Olutola is an Associate Professor in the Department of Safety and Security Management of Tshwane University of Technology, Pretoria, South Africa. His motive is to motivate, build and maintain community wellness through community needs research, mentoring, monitoring and evaluation of students (including postgraduate supervision and assessment), strategic planning and outcome based academic research delivery. Current research niche areas are: association between poverty and criminality; association between inequalities and crimes. These are in line with areas One and Ten of the United Nations Sustainable Development Goals. Emails: olutolaaa@tut.ac.za and or adewaleolutola@gmail.com
2. Amaobi Nelson Osuala is an author, editor, and co-founder of NegroidHaven Limited. He has taught Philosophy, Logic, and Critical Thinking in several universities. He holds a Bachelor's and a Master's in Philosophy from the University of Calabar and the University of Ibadan, where he is pursuing his Ph.D. A member of the Conversational Society of Philosophy and a fellow of the Nigerian Forensic Society. His research focuses on African environmental ethics, political thought, philosophy of logic, and decolonial epistemologies. He has presented keynote papers and published widely. Osuala currently lectures in the Department of Political Science, Chrisland University, Abeokuta. oamaobi@chrislanduniversity.edu.ng
3. Ebenezer Olatunde Farombi, FRSC, ATS, FAS, FAAS, FAMedS, is Professor of Biochemistry and Molecular Toxicology at the University of Ibadan and currently the Deputy Vice-Chancellor of Chrisland University, Abeokuta, Nigeria. He obtained his BSc, MSc, and PhD degrees in Biochemistry from the University of Ibadan and has held postdoctoral and visiting appointments in the United Kingdom, Denmark, Germany, South Korea, South Africa, and the United States. An internationally recognized scholar, he has published extensively on molecular toxicology, antioxidants, and African medicinal plants. He has trained over 250 MSc and 26 PhD graduates and is ranked among the world's top 2% scientists.
4. Chiji Longinus Ezeji is a Senior Postdoctoral Research Fellow in the Department of Public Management Governance & Public Policy at the College of Business & Economics, University of Johannesburg. He is a Senior Research Fellow at the Centre for Interdisciplinary Study of Law, University of Copenhagen, Denmark. He holds a bachelor's degree in Community Safety/Socio-Legal Studies with a specialization in Administration of Criminal Justice from the University of South Africa, a Master's degree from Tshwane University of Technology, South Africa, graduated with Distinction. He obtained a doctorate in Policing from Tshwane University of Technology, South Africa. clezeji@uj.ac.za/clezeji@gmail.com
5. Dorcas Tatenda Chitiyo is a registered legal practitioner practising in Zimbabwe and holds a PhD from the University of South Africa. She lectures at the Bindura University of Science Education. As a legal expert in diversity, equality, belonging and inclusion, she

holds a Master of Laws (LLM) in Constitutional and Human Rights Law from the Midlands State University and a Bachelor of Laws (Hons) degree from the University of Zimbabwe. In her research work, Dorcas collaborates extensively with marginalised key and vulnerable African populations to create consistent, reality-informed narratives and sustainable solutions to empower and transform lives affected by inequality. dtchitiyo@gmail.com

6. Folorunsho Muyideen Ogunmefun, a lecturer at Chrisland University at the Department of Criminology and Security Studies College of Arts, Management and Social Sciences since 2017 till date. I am a Fellow of Social Science Research Council in Africa (NEXTGEN, 2019). Fellow of Forensic Investigator Society, Nigeria, Member of National Association of Sociology and Anthropology (NASA) I have published over twenty (20) publications in several national and international journals with major interest in Violence, Crime investigation and prevention, Crime management, Safety and Security.
7. Joan Mbagwu holds a BA (Ed), in English Education from University of Ilorin, Kwara State, Nigeria, MA, Conflict Resolution and Management, Macgregor School of Antioch University, Ohio, USA and PhD in Defense and Strategic Studies from Babcock University, Ogun State, Nigeria. She taught International Law and Diplomacy courses at Babcock University from 2011- 2017, also taught peace and security courses at Caleb University, Ikorodu Lagos from 2017- 2021. Presently, she teaches at Chrisland University, Abeokuta, Ogun State. In addition to teaching, she did many non-teaching assignments involving students' affairs administration, developing research proposals, conducting research and organizing conferences. joanmbagwu@yahoo.com. jmbagwu@chrislanduniversity.edu.ng
8. Jibowo Damola Timothy is a distinguished alumnus of Chrisland University, Abeokuta, Nigeria. He graduated with a second-class upper division in International Relations and Diplomacy. His research expertise encompasses international relations, conflict resolution, diplomacy, and national politics. As a rising scholar, Damola is dedicated to advancing knowledge in his field and creating positive change. Recognized for his exceptional potential, he is committed to leveraging his skills to benefit his community and contribute meaningfully to the broader academic discourse.
9. Kunle Olawunmi is a retired Navy Commodore; a one-time Military Attaché to France, Ex-Commandant of the Defence Intelligence College Nigeria, and currently an Associate Professor of International Relations at Chrisland University, Abeokuta, Nigeria. His research interests include; international relations, diplomacy, security and strategic studies. A 2014 Senior Executive Course member of the National and International Security Studies at Harvard University, with an advanced Home Land Security experience in Israel. Kunle holds a PhD in International Relations and Diplomacy (France), MSc Strategic Studies (UI) and BSc Economics major (UNN). He is an alumnus of Galilee International Management Institute Israel and has published many peer-reviewed articles.
10. Lydia Isioma Chineyemba (Ph.D.) has an academic background in sociology and anthropology. Her experience spans close to a decade of teaching criminology and security studies. Currently, she lectures at Chrisland University, Abeokuta. She employs an

interdisciplinary approach in teaching and research, focusing on cultural and gender studies, social deviance, victimization, and violence. She has published in scholarly journals locally and internationally.

11. Mayokun Moses Ojewumi is an accomplished media professional and scholar with extensive experience in journalism, communication, and cultural studies. He holds a BA and MA in communication-related disciplines and is currently pursuing a PhD at the University of Ibadan, with a focus on media, identity, and cultural representation. A seasoned sports broadcast journalist, Mayokun has reported on numerous national and international events, combining his expertise in research, storytelling, and digital technology. He serves as an adjunct lecturer at Chrisland University, leveraging his academic and professional insights to mentor, innovate, and inspire.
12. Oluwafunmilayo Folasade Adeyanju is a Lecturer at the College of Law, Chrisland University, Abeokuta, Nigeria. Her research focus is in the broad areas of criminal justice and human rights where she addresses institutional and legal problems in the fields of crime control, child justice, and criminal justice, and she is currently working on her doctoral thesis on the topic “Introspection to the Rights and Interest of Child Victim within the Criminal Justice System in Nigeria” She is a member of many learned societies including Young African Arbitrators, Forensic Investigators of Nigeria and a fellow of Ife Institute of Advanced Studies among others. She can be contacted oadeyanju@chrislanduniversity.edu.ng.
13. Oluwatomisin Adesunmbo Adebayo holds a BSc in Criminology and Security Studies from Chrisland University, Abeokuta and is currently a Graduate Assistant in the Department of Criminology and Security Studies at Chrisland University. She is currently pursuing her Master’s degree in Sociology, with a specialization in Criminology at the University of Ibadan, Oyo state. She is committed to extending the frontiers of security beyond its traditional definition advocating for a more encompassing approach that includes family and political dimensions. This has inspired her research endeavours and she remains committed to advancing knowledge in criminological theory and practice. Email: aoluwatomisin61@gmail.com
14. Opeyemi M. Adebari is a Lawyer, Lecturer and Law Clinician at the College of Law, Chrisland University, Abeokuta, Nigeria. She has a master’s degree in Energy Law from the Department of Minerals, Petroleum, Energy Economics and Law, University of Ibadan and she is looking forward to pursuing a PhD in Environmental Sustainability (mitigating plastic pollution). She teaches Human Rights, Constitutional Law, Nigerian Legal System and Reproductive Health Rights. With seven years post call experience, Opeyemi has worked as a lawyer garnering experiences in dispute resolution, human rights advocacy, energy access, climate and environmental sustainability. oadebari@chrislanduniversity.edu.ng
15. Phumudzo Khangwelo Mulibana, a Lecturer at The University of Venda's Department of Biokinetics, Recreation, and Sport Science, holds PhD in Sport, Recreation, and Exercise Science from the University of Western Cape South Africa. He also holds a master's degree

in Sport Management from the University of Johannesburg, complementing his Bachelor in Recreation and Leisure studies from the University of Venda. With over a decade of experience in higher education, Dr Mulibana has honed his specialisation in recreation programming and sports management. His contributions to academia are evident in numerous peer-reviewed and accredited journals. His research focuses on the transformative potential of Indigenous games within indigenous communities, contributing to the impactful landscape of Sport for development.

16. Ruth Oore-ofe Ogunnowo holds a PhD in International Relations from North-West University, South Africa, a Master of Art degree in International Affairs from University of Ghana, Legon – Ghana and a Bachelor of Arts degree in History from Obafemi Awolowo University, Ile-Ife, Nigeria. She has an appreciable knowledge of French with the DELF B1 Certification. She has made significant contributions to knowledge through well researched works published in accredited books and journals. Her areas of research interest span anthropogenic activities, comparative politics, modern history, international relations and the politics and governance of natural resources. She currently lectures in the Department of International Relations and Diplomacy, Chrisland University, Abeokuta, Nigeria.
17. Samuel Segun Ojo is a Doctoral student in the Department of History, University of Ibadan, Nigeria. He was formerly of the Department of History and Diplomatic Studies, Olabisi Onabanjo University, Ago-Iwoye, Nigeria. He serves as Adjunct Lecturer at Southwestern University Nigeria, Okun-Owa and Chrisland University, Abeokuta, both in Ogun State. He has contributed articles in journals on Nigeria political and election history. He is currently working on the role of the Judiciary in the adjudication of some selected election petition cases in Nigeria. Samuel Ojo is a member of the Historical Society of Nigeria (HSN), African Economic History Network (AEHN), and the African Association for Japanese Studies (AAJS).