

# Nigeria: ADR And The Oku Iboku–Ikot Offiong Conflict (1987-2005)

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**Abstract.** *Oku Iboku and Ikot Offiong are border communities between Akwa Ibom State and Cross River State of Nigeria which were entangled in a protracted internecine boundary hostilities during the period under study (1987-2005), typical of the incessant cases of intergroup-boundary conflicts that replete the Nigerian historical landscape. Existing literature on Oku Iboku and Ikot Offiong conflict tend to focus on the causes and consequences of the conflict, with little emphasis on the management techniques employed to quell the duel. The present study is an inquiry into the role of Alternative Dispute Resolution (ADR) as a conflict management technique in the Oku Iboku – Ikot Offiong conflict. Anchored on both primary and secondary sources of information, the study revealed that several conflict resolution mechanisms, ranging from litigations to war, were employed to de-escalate the boundary dispute between Oku Iboku and Ikot Offiong. However, each of these conflict management techniques, with their zero sum awards, seemed to have escalated the conflict instead of de-escalating it. The de-escalation pathway of the Oku Iboku–Ikot Offiong conflict only materialized with the initiation of Alternative Dispute Resolution strategies. Alternative Dispute Resolution thus appeared effective in the defects of other conflict management techniques. It allowed for an amicable settlement of the Oku Iboku–Ikot Offiong conflict at a minimal cost, faster pace, confidential manner and with a non-zero sum outcome.*

**Keywords:** *Alternative Dispute Resolution, Oku Iboku, Ikot Offiong, Boundary, Conflict, Nigeria.*

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## Introduction

With about 250 ethnic groups speaking about 500 different languages, Nigeria is probably the most heterogeneous nation-state in Africa. Nigerian historical landscape is replete with numerous intergroup conflicts bordering on boundary and identity. This is largely because within the nation-state there are various ethnic-based groups in active interaction and each of these eth-

nic groups is prone to identify its survival with a physical territory. Nigeria's internal boundaries were not based on any deliberate plan meant to conform to natural features or existing ethno-cultural composition of the various ethnic groups. These group identities have been enormously shaped by the colonial experience which created a culturally critical and divided Nigerian state but did very little to nurture a unified Nigerian nation. Instead, it fueled big-tribe hegemonic ethnocentrism, ethnic minority insecurity, democratic instability, ethno-military fighting and secessionist warfare. The boundary conflict between Oku-Iboku and Ikot Offiong in Akwa Ibom and Cross River States of the country, respectively, was a typical case of these outcomes.

Researchers have devoted a lot of time and space to the discourse on Oku Iboku and Ikot Offiong conflict. A joint report by the Center for Law Enforcement and Education (CLEEN) and World Organization against Torture (WOAT) captioned *Hope Betrayed? A Report on Impunity and State Sponsored Violence in Nigeria*, briefly documents the circumstances that led to the Oku Iboku-Ikot Offiong conflict and the attendant impunity, governmental inaction and failures that engendered the outbreak of war and concomitant human rights violations that manifested in the area (CLEEN and WOAT Report, 2002). The report identified the root causes of the crisis to include competition for natural resources and non-definitive boundary demarcation. Another report by the Norwegian Refugee Council/Global IDP Project, *Profile of Internal Displacement: Nigeria*, pointed to the creation of Akwa-Ibom State from the old Cross-River State in 1987 as the trigger of the Oku Iboku-Ikot Offiong conflict (Norwegian Refugee Council, 2005). Similarly, Eno Ikpe, in *Landlord Tenant Palaver in the Cross River Basin: A Case Study of Oku Iboku and Ikot Offiong*, examines the seeming complex causes and consequences of the Oku Iboku- Ikot Offiong conflict in historical perspective, defining the landlord-tenant rivalry for land control as the root cause of the conflict. Ikpe described the relationship between Oku Iboku and Ikot Offiong as a chequered, predominantly cordial and symbiotic one intermittently disrupted by conflicts of attrition. She analyzed their conflict in two standpoints: the landlord-tenant dichotomy and the ethnic dichotomy (Ikpe, 2005).

With the above and other literature focusing on the exploration of causalities and cost of the Oku Iboku-Ikot Offiong conflict, there is need for a research on the peace enforcement, peacemaking and peace building techniques that were employed to resolve the conflict. Although many have speciously averred that the conflict shrunk when Oku Iboku routed and devastated Ikot Offiong into unconditional capitulation, it is now clear from available records that the overawing of Ikot Offiong by Oku Iboku did not resolve the conflict but only protracted it. Being a structural conflict, inspired by structural imbalances in the Nigerian polity, only a high-powered negotiation and mediation sponsored by the federal government was eventually able to douse the Oku Iboku - Ikot Offiong conflict in 2005. This premise shall be justified in subsequent sections of this paper.

## **Understanding Alternative Dispute Resolution (ADR)**

Alternative Dispute Resolution (ADR) is one of the approaches of conflict management and resolution; other approaches may include litigations, one party capitulation or even war. ADR is an encompassing concept, comprising various methods for resolving disputes in a non-confrontational way, ranging from negotiation between two or multiple parties, through mediation, consensus building, to arbitration and adjudication (Akpan, 2006). Put differently, ADR (sometimes also called "Appropriate Dispute Resolution") is a general term, used to define a broad spectrum of approaches and techniques aimed at resolving disputes in a non-confrontational way. As a much-encompassing term, ADR is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale judiciary processes, whether at the local or international level. The term can refer to everything from facilitated settlement negotiations in which disputants are encouraged to parley directly with each other prior to some other legal process, to arbitration systems or mini-trials that look and feel very much like a courtroom process but is not. Processes premeditated to manage community tension or facilitate community development issues can also be included within the rubric of ADR.

For our purpose, the scope of ADR shall be restricted to negotiation, mediation and conciliation, all of which were employed in the management of the Oku Iboku – Ikot Offiong conflict. The first technique, negotiation, fashions a structure to egg on and facilitate direct bargaining between parties to a dispute, without the interference of a third party. Negotiation is often successful when the conflict is still at an initial stage and there is still room for communication between the parties (Shaw, 2008). At the end of the negotiation, where no party is totally satisfied, certainly, they are not completely dissatisfied. Negotiation may not involve any third party, at least at that stage, and so differs from the other forms of alternative dispute resolution, which involve the intervention of third parties as mediators, conciliators, facilitators, arbitrators or adjudicators, among others. Negotiation is eminently suited to the clarification, if not always resolution, of extremely complicated disagreements. However, negotiations, of course, do not always succeed, since they do depend on a certain degree of mutual goodwill, flexibility and sensitivity (Shaw, 2008). Therefore, hostile public opinion in one state or community which forms a party to the dispute may prevent the concession of certain points and mutual distrust may fatally complicate the whole process of negotiation, while opposing political attitudes and socio-cultural milieu may be such as to preclude any acceptable negotiated agreement and compromise.

Secondly, mediation and/or good offices involve the use of neutral and voluntary third parties that have been accepted by the dyads in a conflict, but not in complete control of the outcome of the attempt at resolution. That is, the mediator (or good office provider as the case may be) cannot impose an award on the conflicting dyads. The employment of the methods of mediation and good office therefore involves the use of a third party

to encourage parties to a dispute to come to a peaceful settlement. Malcolm Shaw (2008) notes that:

Unlike the techniques of arbitration and adjudication, the process aims at persuading the parties to a dispute to reach satisfactory terms for its termination by themselves. [But] provisions for settling the dispute are not prescribed (p. 1017).

The dividing line between mediation and good offices is often difficult to maintain as they tend to merge into one another, depending upon the circumstance. Their distinction is therefore, to a large measure, a matter of degree. With regards to mediation, there is an active participation of the mediator in the process and he/she/they direct the disputants in such a way that a peaceful solution may be reached, although any suggestion offered by such mediating party(ies) are of no binding effect upon the disputing parties (Sandu, 2013b). On the other hand, technically speaking, good offices involve a situation where the third party attempts to influence the opposing parties to enter into a negotiation without necessarily participating actively in the process.

The technique of mediation and good offices are often suited for extremely bitter disputes, especially those disputes which have been protracted for a long period of time, causing the parties to be locked into public postures that appear to make compromise impossible without jeopardizing the position of the parties. The approach is also essential in situations of mutual distrusts by the parties of the intentions of each other and where socio-cultural differences present an additional barrier to communication (Orugbani, 2012). These approaches are by no means simply a question of providing the parties with a channel of communication and, perhaps, a secure and comfortable venue for their talks. In an ideal situation, the third party would also assist with the interpretation of messages and be able to show one or both parties how the style, as well as the content of a message from one party can be rendered more palatable to the other (Sandu, 2013b). It should also reassure each party that the other means what it says and is sincerely ready for a settlement. Nonetheless, it is habitually counseled that the mediator should have more power and influence vis-à-vis the conflict parties in order for the mediator to be able to oblige or induce a certain degree of acquiescence. Such power and influence could be derived, for instance, from precedent evidence of success in mediation or from the lack of another mediator acceptable to both parties at a decisive moment (Shaw, 2008). Where one of the parties to the conflict believes that it can get what it wants by force, or that, with time, it will get a better deal, mediation will come to nothing in such circumstance. Any mediation or good office mission is likely to succeed when both parties to a conflict realize the need for a settlement, often when the conflict has escalated to a hurting stalemate (Shaw 2008; Sandu, 2013a). Once the conflict parties have consented to mediation, even if reluctantly, they have to demobilize their conflict capital and disengage their conflict labour.

Thirdly, the intervention of a third party in a conflict for the purpose of conciliation is not meant to manage or resolve the conflict, but to expose to the conflict dyads to the need for a peaceful settlement of the conflict. This involves building a positive and trustful relationship between the parties to a dispute (Sandu, 2013b). A third party or conciliator (who may or may not be totally neutral to the interests of the parties) may be used by the parties to help build such relationships. Put differently, the process of conciliation involves a third-party investigation of the basis of the dispute and the submission of a report embodying suggestions for a settlement. Accordingly, the Centre for Effective Dispute Resolution in the United Kingdom (2012) describes conciliation as a process where the “neutral takes a relatively activist role, putting forward terms of settlement or an opinion on the case” (p. 1). Therefore, it can be stated that the conciliator has a more interventionist role in bringing the two parties together and can make proposals for settlement to the parties which they are free to choose to accept or reject than a mediator. As such, conciliation encompasses elements of both inquiry and mediation. Unlike, for example an arbitrator, a conciliator does not have the power to impose a settlement. As noted by Bunni (2012):

Conciliation is a more formal process than mediation and it could generally involve the engagement of legal representatives, thus making it a more expensive process than mediation. There is, however, the added advantage that should no amicable solution be reached, the conciliator has the duty to attempt to persuade the differing parties to accept his own solution to the dispute (cited in UKCEDR, 2012, p. 1).

A conciliator may assist parties by helping to establish communication, clarifying misperceptions, dealing with strong emotions, and building the trust necessary for cooperative problem solving. Some of the techniques used by conciliators include providing for a neutral meeting place, carrying initial messages between/among the parties, reality testing regarding perceptions or misperceptions and affirming the parties’ abilities to work together. Since a general objective of conciliation is often to promote openness by the parties (to take the risk to begin negotiations), this method allows parties to begin dialogues, get to know each other better, build positive perceptions and enhance trust (Shaw, 2008, p. 1022). The conciliation method is often used in conjunction with other methods such as facilitation or mediation.

### **Background to the Oku Iboku-Ikot Offiong Conflict**

Lord Curzon wrote as early as 1902, “frontiers are indeed the razor edge on which hang suspended the modern issues of war or peace, of life or death to nations...” (quoted in Akinyele, 2005, p. 8). Cynthia Enloe corroborated this when she also wrote later in 1973, “every community is prone to identify its survival with a physical territory and since this is closely tied to land ownership, the subject of where the boundary lies

between these territories is very important” (cited in Akinyele, 2005, p. 8). From antiquity, boundary disputes have been, and remain, a major source of conflict between nations, within a nation state and between nation states within a geographical (sub) region; sometimes even between two or more noncontiguous nations. These conflicts, where not well managed, have resulted in protracted wars (especially of irredentism, nationalism and separatism) which have cost these nations a lot in terms of human and capital resources. As rightly observed by Ubong Umoh, “one of the basic problems of the histories of conflict has to do with accommodation and territoriality, and territorial needs are ontological” (Umoh, Lecture Notes, August 2015.) Okon Uya extrapolated this to the Nigerian experience when he stated, “living in a border village in Nigeria is like living in a war front. But it is a battle field without the booming canons, a war front with birds singing melodies during the day and crickets chirping away at night” (Uya, 1990, p. 3). It is therefore well established that territorial issues are highly conflict prone and parties encountering conflicts over territory should be expected to fight more frequently, with shorter durations of peace than others.

There are two approaches to understanding boundary disputes arising from territorial claims. The first approach emphasizes the priority of a people in relation to the territory, that is, the claim of being the first settlers or inhabitants of the said territory – first occupancy approach. This has been the argument of Israel in their conflict with the Palestines. The second approach, on the other hand, emphasizes the priority of the territory in relation to the people, that is, the claim of the territory forming the identity of the people – identity based approach. A case in point for the second approach is the argument of the Palestines in the same war referred to above, or when Nigerians in Bakassi Peninsula insisted that they could not join the Cameroun because Nigeria forms their identity. The harmony of both approaches (the first occupancy and the identity-based approaches) would reveal that in order to understand the sources of conflicts over territorial dispute and the appropriate resolution technique for such dispute, a historical overview of the hanging dynamics of the disputed territory is crucial. Thus, to understand the hanging historical dynamics of disputed land between Oku Iboku and Ikot-Offiong (over the Mbiabo wetland), a brief overview of the history of both peoples and their position on the conflict, and of the geography of the disputed territory is relatable.

The Oku Iboku and Ikot Offiong crisis pre-dates the present polity called Nigeria and has a lot to do with a crisis of ethnic identity between the Ibibio and the Efik nations in present day Nigeria. One of the root causes of the conflict between Oku Iboku and Ikot Offiong was gathered to be competition for natural resources. Many believe that the disputed area between the two groups has petroleum deposits, although this could not be ascertained as at the time of the outbreak of hostilities. However, the claim that the area bears crude oil deposits was recently proven by the Munopoli oil exploration activities there. Also, the now moribund Nigerian Newsprint Manufacturing Company

(NNMC) in Oku Iboku relied heavily on the disputed wetland between Oku Iboku and Ikot Offiong for its major raw material (gmelina trees). All these are in addition to the usual bountiful farm yields from the area due to the extreme fecundity of the land. These resources, therefore, make it foreseeable for conflict to ensue over who controls and manage such a well-off territory.

The creation of Akwa Ibom State was another factor that wrought the manifestation of the conflict. Prior to 23 September 1987, Cross River State comprised the present day Cross River and Akwa Ibom States of Nigeria. The two states are part of what is known as the South-South geo-political zone or the Niger-Delta area of Nigeria. From its creation in May 1967, Cross River State was known as South Eastern State until 1976 when the name was changed to Cross River State. On the creation of Akwa Ibom State on September 23, 1987, the federal government, under then military Head of State Ibrahim Babangida, announced the distribution of Local Government Areas between both states. Itu and Odukpani became the border LGAs in Akwa Ibom and Cross River States, respectively. Before this time, both Itu and Odukpani had passed through different phases of local administrations and boundary adjustments. For instance, prior to the creation of South Eastern State in 1967, the entire area of the crisis, together with the rest of present Cross River South Senatorial District and the present Akwa Ibom State, made up the Calabar Province (CLEEN and WOAT Report, 2002, p. 176). After the state creation exercise in 1967, the areas fell under Uyo and Calabar Divisions. After the change of name to Cross River State in 1976, Itu emerged from Uyo and Odukpani emerged from Calabar Divisions. The divisions later became known as Local Government Areas. That the boundary issues did not boil over then may have been due to the fact that the communities all belonged to the same state and Efik and Ibibio languages or dialects spoken in the boundary area are understood by all, hence, the cross border ties between both groups was not severed until the state creation exercise. Also, the fact that the Efik ethnic settlements were on both sides of the Cross River (the river from which the state derived its name) and were sandwiched, west of the river by the Ibibio ethnic group made it difficult to rely upon or insist on any artificial political boundary (CLEEN and WOAT Report, 2002). After all, there were historical and cross-cultural ties and interactions between both groups.

However, upon the creation of Akwa Ibom State, it seemed the basis for the relationship was broken. The age-long acrimony between both the ethnic groups suddenly de-hibernated. As Professor Ayandele had once referred to the old Cross River State as an atomistic society perpetually at war with itself, this observation was now to play out itself when the "atomistic society" was split into two (Osuntokun, 2015). The creation of the new state was greeted with considerable passion and sentiments on both sides. Each group claimed to have been liberated from the other. Suddenly, the new Cross Riverians wanted the Akwa Ibom people to return to their state while the latter believed their past contributions to Cross River State should not and could not go unacknowl-



edged and uncompensated. The assets of the old state were shared in the ratio of 55 percent to 45 percent in favour of Akwa Ibom State (CLEEN and WOAT Report, 2002). This sharing formula took into account the population of the state, respectively, as well as the personnel of the two states in the public service of the balkanized state, among other factors. Another effect of state creation was that, while many vacancies emerged in government offices in Cross River State, their Akwa Ibom counterparts had a problem of placements due to their numbers and the limited positions available in their state. The result? Some Akwa Ibom indigenes claimed to be indigenous to Cross River State in order to either retain their jobs in the latter state or apply for newly advertised jobs. Given its proximity to Akwa Ibom State, Ikot-Offiong was naturally the easiest area to lay claim to in such a situation.

Non-definitive boundary demarcation was another ground for the conflict. The failure of the federal government to decide with finality the boundary between Akwa- Ibom and Cross-River States since 1987 had negatively impacted on life in the area. As far back as 1988, the federal government of Nigeria had already set up a panel to decide on the boundary, yet the outcome remains unpublished. As straightforward as the apportionment seemed, a controversy soon arose as to where the exact line of demarcation was. On the one hand, the border was alleged to be the Cross River as a natural feature separating both entities. On the other hand, some in Akwa Ibom State asserted that the border lay at a point further eastward of Cross River, at Okpokong River, which is about five kilometers away. They claimed that the purported inclusion of some communities in the disputed areas in Odukpani LGA was a nullity as the Cross River State Variation Order #2 or the Local Government Creation Law #5 of 1983 had been repealed by Decree #1 of 1984. It must be clearly stated that given either of the two arguments as to the boundary of the two states, Ikot Offiong would still be in Akwa Ibom State.

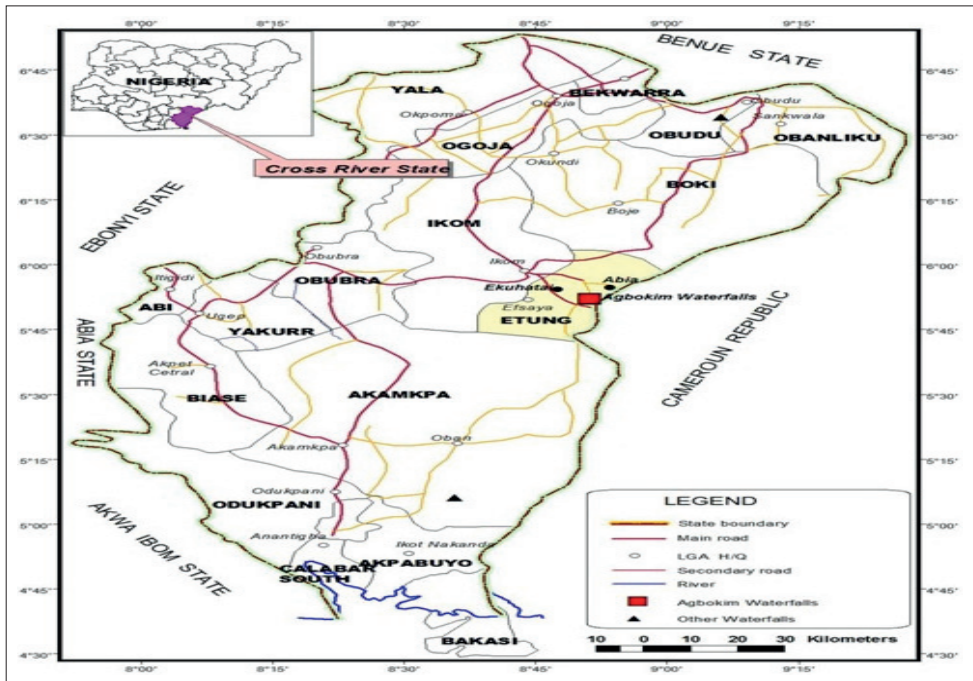
Furthermore, the Oku Iboku- Ikot Offiong conflict was also informed by cross- border ethnic nationalism. The Ibibio constitute the predominant ethnic group in Oku Iboku, a predominance they enjoy in Akwa Ibom State as a whole. Sandwiched among the Ibibio of Itu, Ikot Offiong on the other hand is predominated by the Efiks and other ethnic groups such as Qua/Ejagham, Ekoi. The Ikot Offiong occupy both sides of the Cross River, southerly of the Itu Bridge. They and other Efik settlements in that area make up Mbiabo, one of the seven Efik royal fiefdoms. As proof of their ethnic origin, the traditional heads of Ikot Offiong sit on the Etubom's Traditional Council in the palace of the Obong of Calabar and grand patriarch of the Efiks. Although found in Akwa-Ibom State, the Ikot Offiong are heirs to the Efik throne which is based in Calabar, Cross-River State. Given that they are a minority in Akwa-Ibom and the fact that the majority of their kith and kin are in Cross River State, members of the Ikot Offiong community were sometimes not be reckoned as belonging to Akwa Ibom, while some indeed claimed Cross River State origin as a classical problem associated with cross-border ethnic groups in Nigeria.



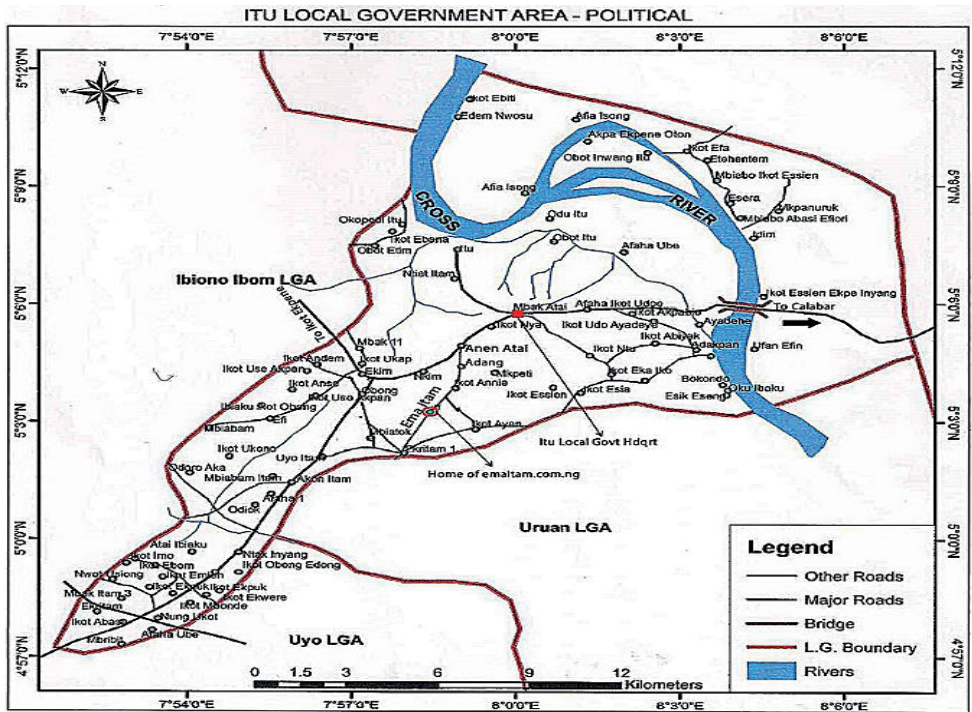
Their problem is akin to that of the Tivs in the North Central area of the country, even though on a smaller scale. This again lends credence to the fact that in Nigeria,

... political boundaries, be they state or local governments were artificially and arbitrarily created for political and administrative reasons. Nevertheless, in reality, a member of any ethnic nationality is better off in the place where majority of his/her kin are found. Little wonder then why some of them, as a natural survival instinct, would lay claim to such geo-political divisions where the majority of their people belong. Often too, their kin in those locations deny them full rights because they are from other locations (Effanga, 2001, p. 18).

Many have wondered the reason for such intense fighting and what appears to be long-standing antipathy between these two ethnic groups (Ibibio represented by Oku Iboku and Efik represented by Ikot Offiong). Here, again, there is the recurring tale of the indigene-settler dichotomy or landlord-tenant palaver found in most parts of Nigeria. The explanations for the Oku Iboku and Ikot Offiong conflict, then, are as diverse and manifold as the conjectures of history will allow. It is likely that each supposition contains some elements of reality and holds some explanatory power. However, probably the combination of several suppositions is best suited to capture the triggering factors. Each set of factors explains different aspects of the conflict behaviour, making sense of something the other cannot fully explain.



Map of Cross River State showing the disputed boundary (red arrow)



Map of Itu LGA showing the disputed Cross River ( in blue)

### Futile Management Attempts of the Oku Iboku-Ikot Offiong Conflict

For the most part, the federal government of Nigeria has seen violent conflicts in the country from a security standpoint, where containment and suppression have been the primary objectives (rather than long-term conflict resolution). This is especially true in the strategically important oil-producing areas where the government has always been quick to deploy security forces to the conflict zones. In addition to the deployment of security forces, the government had called for the establishment of Committee on Peace, Security and Welfare at local levels – yet few such committees has been created, and established ones are largely ineffective. In line with Federal Government Nigeria crisis management tradition, the Nigerian government responded to the Oku Iboku and Ikot Offiong conflict directly (through FGN/State apparatuses) and indirectly through other apparatuses as well.

On March 11, 2002, the Federal Government of Nigeria, acting through the National Boundary Commission, published the *Federal Government’s Statement on Akwa Ibom/ Cross River States Boundary Dispute* (Bassej, 2003). The statement clearly put Ikot Offiong in Akwa Ibom State. How far this belated step went to douse the tension in the area was nothing to write home about. Indeed, a radio news report quoted the then

Deputy Governor of Akwa Ibom State, Chris Ekpenyong, as saying that his state government rejected the publication of the National Boundary Commission and would rather support the initiative of the Obong of Calabar (CLEEN and WOAT Report, 2002). The federal government also responded to the crisis through the Senate Panel on Boundary Disputes led by Senator Chuba Okadigbo. The senate panel on boundary disputes made several pronouncements on the Oku Iboku and Ikot Offiong Dispute – which was viewed at this level as Akwa Ibom State versus Cross River State boundary dispute (The Punch, 1988). However, the pronouncements of this committee did not resolve the conflict in any way. The committee itself was said to be influenced by lawmakers from both states who attempted to lobby the committee members to decide in favour of their respective states.

The mobilization of a Peace-Keeping Operation was another dimension of the federal government response to the Oku Iboku–Ikot Offiong conflict. This was done through the deployment of Mobile Police, under the command of the AIG Zone 6, to the conflict area. The mobile police officers tried to be neutral in the conflict but were accused by both sides of working in favour of the other. Their orders were just to curb the destruction of critical government infrastructures and to avoid the killing of innocent travelers along the highways. However, the federal government also deployed some soldiers of the Nigerian army to support the mobile police officers when the conflict reached fever pitch. In addition, the National Emergency Management Agency, on behalf of the federal government, embarked on several visits to the disputed area to provide relief materials for Internally Displaced Persons. It is instructive to mention that the National Emergency Management Agency (NEMA), established in 1999, is responsible for overall disaster management in Nigeria – including the coordination of emergency relief operations as well as assisting in the rehabilitation of the victims where necessary. It has presence in most states and often supports IDPs in the emergency phase of a crisis, but it does not have the necessary resources to assist people displaced for a longer period or to assist returnees to reintegrate. State Emergency Management Agencies (SEMA) also exist in some states, but with varying performance levels.

Various State governments were also involved in a number of measures targeted at resolving Oku Iboku–Ikot Offiong conflict, although there is much skepticism about how committed they really were to bring about peace in the case of the Oku Iboku and Ikot Offiong conflict. Commissions of inquiry or interventions by state boundary commissions often follow serious conflicts. Yet in the Oku Iboku and Ikot Offiong conflict, the recommendations of the government, based on results of the inquiries, or White Papers, were highly contested and had not been enforced. Even court rulings were for the most part ignored, as fighting continued and internally displaced people were scared to return to their homes. Part of the problem lay in the process by which the inquiries took place. In some instances, the teams were made of people from outside the region who visited the area for a limited period, consulted with a very select group

of people and reached a verdict – instead of using participatory processes to bring people together and attempt to reach consensus between the conflicting groups (Bassey, 2003). However, the following were the responses of both Akwa Ibom and Cross River State governments on the Oku Iboku and Ikot Offiong conflict:

- i. Joint Problem Solving/Strategy Building interventions (unsuccessful);
- ii. Refugee (re)settlement programme by Cross River State government, especially through the Cross River State Commission for Development of Border Communities;
- iii. Rejection of Federal Government of Nigeria official pronouncement on boundary demarcation by Akwa Ibom state government; and Protracted court adjudications/litigations, which proved unsuccessful in resolving the conflict (Sub-Committee for the Settlement of Oku-Iboku and Ikot Offiong Conflict, 2004).

The attempts by Oku Iboku and Ikot Offiong to de-escalate their dispute through litigation proved a colossal failure. The dyad dragged in the court of law, from the high court to the Supreme Court, which is the apex court of law in the country, yet, durable peace, was still far from sight. The focal drawback of these litigations was that the adjudicators were usually giving a zero-sum award on each case to either of the dyads; thus each court ruling in favour of one party was usually perceived by the other as a misjudgment that was completely unacceptable. At the end, instead of resolving the conflicts, the adoption of litigation often escalated the conflicts, both in scope and intensity.

### **ADR and the De-escalation of the Oku Iboku–Ikot Offiong Conflict**

Many have speciously averred that the Oku Iboku–Ikot Offiong conflict ended when the stronger dyad – Oku Iboku – trounced the weaker dyad – Ikot Offiong, maimed hundreds of her citizens, ruined thousands of their properties and displaced masses of their people; thus, Ikot Offiong had no choice but to capitulate unconditionally. This assertion is however doubtful and should be accepted with a healthy dose of skepticism. Arguably, the dyads appeared asymmetric; hence, the chances of settling such conflict by negotiation or mediation appeared slim since it was likely for the stronger dyad to impose its terms on the other. The de-escalation pathway of the Oku Iboku–Ikot Offiong conflict began with the realization by both dyads of the necessity of peaceful co-existence. Why so? Although superficially Oku Iboku appeared to be the stronger dyad in the conflict vis-à-vis Ikot Offiong, a deeper investigation would reveal that the conflict was not just an Oku Iboku and Ikot Offiong conflict, but became an Akwa Ibom State versus Cross River State conflict with the support, supplies and encouragement both parties got from their respective state governments (financially, armament wise and legally). Thus, the dyads were not asymmetrical, lock, stock and barrel. Again, although Oku Iboku appeared to have rained much devastation on Ikot Offiong than did Ikot Offiong on Oku Iboku, yet the guerilla hits by Ikot Offiong on Oku Iboku, especially on Ikot Adakpan sector, which happened to be the most vulnerable part of Oku Iboku during the conflict, were strategic and evidently weakened Oku Iboku as well.

Accordingly, there was need for talks after several adjudications had proven ineffective and continued fighting proved internecine – that is, a stage of hurting stalemate.

With the failure of litigation, the die was cast and something needed to be done about the Oku Iboku and Ikot Offiong conflict. This time, a third party intervention was pertinent, not as an adjudicator (as did the Supreme Court), nor as peacekeepers (as did the federal security apparatus), but as a conciliator, or perhaps a mediator. Among the various mechanisms of ADR discussed above, three were applicable to the Oku Iboku–Ikot Offiong conflict and these three – conciliation, mediation and negotiation – eventually de-escalated the conflict in 2005. It must be stated here that the three ADR techniques were not applied independently. They were almost applied concomitantly. The conciliation mission that was initiated by the federal government when all other strategies failed gradually snowballed into a mediation mission by conflict elites with Surveyor S. E. Martins, then Deputy Surveyor General of the federation and Surveyor Moses Onyoh as the facilitators and eventually ended the two parties on the negotiation table.

Having realized the need to make the parties recognize the necessity of a peaceful settlement to their conflict, the federal government hit the ground running on the first step towards Alternative Dispute Resolution of the Oku Iboku and Ikot Offiong conflict with the inauguration of a conciliation committee dubbed *The Presidential Joint High powered Committee on the Management of Akwa Ibom and Cross River Inter State Boundary* by the then Vice President, Atiku Abubakar, with Professor Abednego E. Ekoko, Professor of History in the Delta State University, who was also the Internal Boundaries Commissioner of the National Boundaries Commission, as the committee chairman. Recall, a conciliating mission does not seek to settle a dispute for the parties involved, but to wheedle them into seeking a peaceful settlement, by presenting to them the gains of doing so and the pains of doing otherwise. Afterwards, the parties may choose the facilitator of the conciliation to mediate the dispute for them if they wish or another neutral party that would be acceptable to both sides. Thus, the term of reference for this conciliation mission in the Oku Iboku and Ikot Offiong conflict was to intervene by swaying both parties to seek a peaceful settlement to their conflict.

In achieving the above aspiration, the high-powered committee held several meetings with the leaders of both groups and at each meeting, tried to inquire about the core problems between the dyads and recommend reasons and ways for an amicable settlement. However, the conciliation committee seemed rather too 'high' from the people because the committee only consulted with high profile politicians, justified on the grounds that given the sensitivity of the dispute it appeared that only government officials at the highest levels could speak to the actors on each side of the conflict to lay down their arms. Although both parties were successfully convinced to seek a peaceful settlement, there was still need to integrate the people into the peace process. At this point, the initial conciliation mission expanded into a mediation mission, facilitated by



the then Deputy Surveyor General of the federation, Surveyor S.E. Martins and Surveyor Moses Onyoh. Oku Iboku and Ikot Offiong considered the duo as neutral and eligible to mediate their dispute. Thus, a subcommittee of the initial presidential high powered committee dubbed, Presidential Sub-committee on Oku Iboku and Ikot Offiong Boundary Dispute, was set up at a Calabar meeting on the 22<sup>nd</sup> of December, 2004; this time, not to conciliate but to mediate. The mediation process was indeed an integrative one – the mediation team encompassed representatives from both warring camps as follows:

#### Ikot Offiong

- Okon Lazarus Okon – Chairman
- E.E. Okon – Secretary
- Okokon Nnamonso
- Elizabeth Ekanem
- Okon Bassey Ekanem

#### Oku Iboku

- Bassey Willie Cowon – Chairman
- Asuquo Davies – Secretary
- Ability Emah
- Effiong Uruk Okon
- Akon Inyang Ikpe

The mediation team also included the then local government chairpersons of Itu and Odukpani local government areas, Ededet Ekanem and Bassey Ekpenyong Akiba, respectively, as well as the Divisional Police Officers of Itu and Odukpani local government areas. The representatives from both sides acted as heralds. They conveyed the position and stance of their people to the mediation table, as well as briefed their respective communities on the progress of the peace process. In order to achieve this and to improve communication between the two groups, GSM handsets were provided to the spokespersons of each group for regular communication between them. Hp Ont engine boats, flying boats and some motorcycles were also provided for the team for regular movement and joint surveillance along the river and creeks; and to entice them into compromise, some amount of money was granted by the facilitators to the negotiation team from each group as imprest. This was in addition to a promise (though never fulfilled) of issuing them with recommendation letters upon attainment of lasting peace that would acknowledge them as professional mediators. The mediation team had three basic terms of reference:

- To negotiate how to get peace between the two warring communities;
- To negotiate how to make the two communities live without rancor and molestation again through durable structural and cultural peace building; and
- To ensure access to farmlands for both communities (Summary of Committee Activities – Whitepaper).



Several meetings were held at Itu local government council, Odukpani local government council, and sometimes, at a neutral rendezvous thus:

- 22<sup>nd</sup> December, 2004 – Calabar, Cross River State
- 7<sup>th</sup> January, 2005 – Itu Local Government council
- 20<sup>th</sup> January, 2005 – same as above
- 7<sup>th</sup> March, 2005 – Odukpani local government council
- 7<sup>th</sup> April, 2005 – Itu local government council
- 25<sup>th</sup> April, 2005 – Odukpani local government council
- 26<sup>th</sup>-27<sup>th</sup> may, 2005 – Itu local government council
- 30<sup>th</sup> June, 2005 – Odukpani local government council
- 7<sup>th</sup> July, 2005 – same as above

The peace process was almost impeded when Oku Iboku representatives in the team insisted that they could not negotiate with the representatives that Ikot Offiong presented because, according to them, they were aliens who came from different parts of the country to live and trade with the native aborigines of Offiong. Thus, Oku Iboku insisted that those to negotiate unbehalf of Ikot Offiong must be the real descendant aborigines of Ikot Offiong whom their ancestors offered a land to settle in 1801. However, this seeming encumbrance was taken care of by the facilitators who persuaded Ikot Offiong to present as negotiators people that were acceptable to both parties. Provocative remarks by politicians from both states, most of whom were conflict entrepreneurs who saw the continuous escalation of the conflict as opportunity to maximize profit also served as portholes on the de-escalation pathway. In fact, fingers were pointed at the then Deputy Governor of Akwa Ibom state, Chris Ekpennyong and Senator Ita Giwa of Cross River state as examples of such politicians (Bassey, 2003). At the negotiation table however, both parties urged these politicians to refrain from making any such provocative remarks on their behalf. They agreed that their state governments should only come in with logistics, meeting rendezvous, security and relief materials for the Internally Displaced Persons, without meddling in the conflict unnecessarily. This was a positive watershed in the settlement process. At this point, the concern for each other had risen simultaneously with the concern for themselves. According to Hugh Mall, Oliver Ramsbotham and Tom Woodhouse, in seeking a peaceful settlement to any conflict, when the concern for oneself (CS) is higher than the concern for other (CO), there would be contention and aggression; when the CS is lower than the CO, there would be capitulation and yield; when the CO is as low as the CS, there would be withdrawal and avoidance; but when the CS is as high as the CO, there would be accommodation, compromise and co-operation (Mall, Rambostom, & Wooddhouse, 1999). This can be represented thus:

C S	C O	
	low	high
high	Contention, aggression	accommodation, compromise, cooperation
low	Withdrawal, avoidance	capitulation and yield

The reconciliation process in the Oku Iboku and Ikot Offiong conflict therefore recorded much success as each party’s concern for itself began to give way for her concern for the other party. This resulted in accommodation, compromise, and co-operation between both dyads, all of which greatly fast-tracked the negotiations. At some points, other members of the mediation team who were neither from Oku Iboku nor Ikot Offiong allowed the representatives from both communities some opportunity to negotiate between themselves, especially on the issue of access to farmland and use of the river, before presenting their unanimous agreement to the wider mediation team. This was meant to build the confidence that was needed to restore lasting peace between the two peoples. Meanwhile, all through the period of mediation and negotiations, there was already a ceasefire between the two communities who where now anticipating a positive outcome from the resolution process. Eventually, the team was able to nib the Oku Iboku and Ikot Offiong conflict by the bud with the following resolutions, that:

- The leaders of both parties should compel their subjects to lay down all forms of arms, and a ban was placed in the wielding of arm by anybody from both communities, even in the farm and river areas.
- Free movement should be allowed at both ends in farmlands, creeks and the high-ways.
- Displaced persons from Ikot Offiong who were willing to return to their homeland were free to do so and they could be integrated into the Oku Iboku society. However, if in future, the entire Ikot Offiong become desirous to return to their home with Oku Iboku, they were to denounce first their citizenship of Cross River state and adopt that of Akwa Ibom state.
- Access to farmland was a major cause for the escalation of the conflict. Thus, modalities were worked out for both dyads to farm peacefully from the following farming season. To achieve this, the principle of freedom of movement of persons and goods across and within each side without any restriction was emphasized. A joint farming and joint fishing strategy was proposed and adopted by the negotiation team, whereby members of both communities were to communally undertake these economic engagements without fear or anxiety.
- To prove that peace had finally returned between the feuding peoples and restore confidence, there was exchange of visit exercise where members of the negotiation team from both sides were to drive in the same vehicle to each other’s territory. On the visit, three persons each from both sides, including a woman, were allowed to comment on the way forward for a lasting peace and at the end of the exercise; the

visitors from the other side were usually well fed by their hosts before returning to their clan. This was integrating indeed.

- Leaders were appointed from both sides to manage fishing activities in the disputed territory and all persons fishing or farming in the disputed territory who were not indigenes of Oku Iboku or Ikot Offiong were to operate under the regulations of their leadership.

At the end of the negotiations and upon complete cessation of hostilities between the two dyads, a thanksgiving service was scheduled for the 14<sup>th</sup> of August, 2005 at Ikot Ekpo in Odukpani local government area, and on the 21<sup>st</sup> of the same month at Oku Iboku in Itu local government area to officially mark the restoration of peace between them. Venerated priests offered prayers to appreciate God for re-uniting the people of Oku Iboku and Ikot Offiong after a long period of crisis and asked God to make the newfound peace a lasting one. The chairpersons of Itu and Odukpani local government areas provided transportation and entertainment for the thanksgiving service.

The table below summarizes the escalation and de-escalation pathway of the Oku Iboku-Ikot Offiong conflict.

### **Concluding Remarks**

Although it has been erroneously argued in some quarters that the Oku Iboku-Ikot Offiong war came to an end when the stronger party, Oku Iboku, overpowered and displaced Ikot Offiong the weaker party, the conflict between Oku Iboku and Ikot Offiong, it has been proven, was eventually resolved through a keen application of some Alternative Dispute Resolution mechanisms – conciliation, mediation, negotiation. After fruitless litigations and Nigerian government coercive response through mobilization of security personnels on peacekeeping missions to the area had brought the dyad to an implicit stage of hurting stalemate, they sought alternative approaches to de-escalate the conflict and an excellent opportunity was provided by the A. Ekoko led Presidential conciliation committee which succeeded in cajoling the parties into seeking a peaceful settlement. Thus, both dyad were drawn into the mediation process facilitated by the then Deputy Surveyor General of the federation, Surveyor S. Martins. The tail end of the mediation was negotiation and compromise from both parties. These, coupled with the back-stage role of the traditional rulers, eventually de-escalated the Oku Iboku-Ikot Offiong conflict in 2005.

Alternative Dispute Resolution gave the dyads the opportunity to settle their conflict their own way, without the imposition of awards by the jury on them. In using Alternative Dispute Resolution, the privacy of the conflict parties is assured and the dispute is settled on terms acceptable to both parties in conflict. Most cases of protracted conflicts in Nigeria or recurring ones arise because the adjudication processes, which attempt to settle such disputes only give a win-loss outcome; thus, the conflicts only die for a short

CONFLICT STAGE	FEATURE	RESOLUTION BENCHMARK
Intensified and protracted conflict	Long periods of fighting and counter attacks between Oku Iboku and Ikot Offiong across Cross River State and Akwa Ibom State boundaries.	<ul style="list-style-type: none"> <li>• Government pushes implementation in favour of Ikot Offiong and cross river state.</li> <li>• Increasing number of internally displaced persons (IDPs) on both sides without any compensation.</li> <li>• Increased headline statements from both governors.</li> <li>• Federal police and army mobilized to the conflict area .</li> </ul>
Attempted resolution through litigation	<ul style="list-style-type: none"> <li>• Cross River State government sues Akwa Ibom state government unbehalf of Ikot Offiong.</li> <li>• Oku Iboku sues Ikot Offiong over non-payment of royalties and boundary encroachment.</li> </ul>	<ul style="list-style-type: none"> <li>• Inconclusive attempts to resolve dispute through litigations and court rulings that are not implemented.</li> <li>• Little evidence of real commitment to peace from either of both parties.</li> <li>• Perceived misjudgments escalates conflict.</li> <li>• Prolonged court verdict intensifies tension.</li> <li>• Court injunctions enhance relative periods of calm.</li> </ul>
Conciliation	Conciliation and inquiry committees are set up to look into the real causes of the conflict.	<ul style="list-style-type: none"> <li>• Federal government inquiry committee set up.</li> <li>• Local government conciliation committees set up.</li> <li>• Parties representatives present summaries of their cases.</li> <li>• Compromise is reached.</li> <li>• Communiqués are issued.</li> </ul>
Meditation	Various stakeholders intervene to mediate dispute.	<ul style="list-style-type: none"> <li>• Increased communication between both groups.</li> <li>• Confidence is built between both groups.</li> <li>• Neutrals facilitate resolution process.</li> </ul>
Negotiations	Serious participatory negotiations are undertaken involving various stakeholders, traditional rulers and youth groups.	<ul style="list-style-type: none"> <li>• Evidence that issues of serious concern are being addressed.</li> <li>• Growing confidence in a peaceful resolution being reached.</li> <li>• IDPs begin to envisage returning to their homelands or resettlement.</li> </ul>
Transition towards a sustainable peace	Ceasefire and cessation of hostilities between the two parties.	<ul style="list-style-type: none"> <li>• Increasing number of IDPs return to their homes.</li> <li>• Calm returns to the area.</li> </ul>

period of time after the judgment had been pronounced but soon crop up afterwards. However, with the use of Alternative Dispute Resolution, conflict dyads are often sure of either being mutually satisfied or not completely dissatisfied. The import therefore is that Alternative Dispute Resolution ensures a cordial relationship between the conflict parties after the settlement of the conflict, unlike litigation verdicts, which intensifies already deep-seated animosity. Therefore, since conflict has become inevitable in individual interactions and group relations, it is pertinent to encourage the use of Alternative Dispute Resolution mechanisms in the settlement of these conflicts in order to save cost, save time, ensure durable peace and mutually satisfactory terms of settlement. This way, the inimical effects of conflicts would be lessened while the constructive effects would be made best use of.

From the study, it is drawn that dispute over territorial boundaries is almost natural and can hardly be eliminated. The recurring nature of such conflicts in Nigeria is a manifestation that the institutional mechanisms for managing the inter-ethnic conflicts arising from boundary disputes in the country are conspicuously deficient. The adoption of Alternative Dispute Settlement mechanisms such as negotiation, mediation or conciliation, therefore, becomes necessary as a result of the fact that litigation in these cases, such as the Oku Iboku and Ikot Offiong conflict often lead to a win-lose scenario, with the capability of leading to conflict among two communities or states that have coexisted peacefully for years. The practice of disputes settlement through the process of Alternative Dispute Resolution is not a new phenomenon in Nigeria. Indigenous communities in Nigeria were using arbitration or conciliation as a dispute settlement mechanism before the colonial powers introduced the British legal system into Nigeria. The implication therefore is that the contemporary society still has much to learn from our traditional values, norms and wisdom that could avert the settlement of socio-economic disputes through litigation as it saves time, energy, and resources as well as guaranteeing continuous harmonious relations among the conflicting parties that the court system is incapable of accomplishing.

## References

1. Akinyele, R.T. (2005). *Contemporary Issues on Boundaries and Governance in Nigeria*. Lagos: Frankard Publishers.
2. Akpan, O. (2006). Basic Concepts in Peace and Conflict Studies. In I. Modo (Ed.), *Issues in Peace and Conflict Resolution* (pp. 1-22). Lagos: Lis Johnson Resources.
3. Basse, C. (2003). General Survey of Conflict in the South-South Zone of Nigeria. *African Peace Review (Special Edition)*, 112-129.
4. CLEEN and WOAT. (2012). *Hope Betrayed? A Report on Impunity and State Sponsored Violence in Nigeria*. Lagos: CLEEN and Geneva: WOAT.
5. Effanga, O. (2001). The Dilemma of Cross-Border Ethnic Nationalities. *Law Enforcement Review*, 1-14.

6. Ikpe, E. (2005). Landlord/Tenant Palaver in the Cross River Basin: A Case Study of Oku Iboku and Ikot Offiong. In R. Akinyele (Ed.), *Contemporary Issues on Boundaries and Governance in Nigeria* (pp. 104-119). Lagos: Frankard Publishers.
7. Mall, H., Rambostom, O., & Woodhouse, T. (1999). *Contemporary Conflict Resolution*. New York: Quality Press.
8. Norwegian Refugee Council. (2005, February 1<sup>st</sup>). *Profile of Internal Population Displacement in Nigeria*. A Compilation of the Information Available in the Global IDP Database. Geneva: Norwegian Refugee Council/Global IDP Project.
9. Orugbani, A. (2012). Mediation in Inter and Intra State Conflicts. In A. Ekpe, M. Abasiat-tai and O. Akpan (Eds.). *An Introduction to International Studies and World Politics* (pp. 339-348). Yaounde: Book House.
10. Osuntokun, J. (2015, March 12). Professor Ayankanmi Ayandele: A Tribute. The Nation. Retrieved from <http://thenationonline.net/professor-ayankanmi-ayandele-a-tribute/>.
11. Sandu, C. (2013a). Mediation. Measuring the Success of Mediation. *Conflict Studies Quarterly*, 2, 30-39.
12. Sandu, C. (2013b). Mediation. Building Trust. *Conflict Studies Quarterly*, 4, 57-69.
13. Shaw, M. (2008). *International Law*. New Delhi: Cambridge University Press.
14. Sub-Committee for the Settlement of Oku-Iboku and Ikot Offiong Conflict. (2004, December 22). Summary of the Activities of the Sub-Committee on the Re-Unification and Peaceful Co-existence of Affected Border Communities. A White Paper issued in Calabar, Nigeria.
15. The Punch. (1988, November 10). *Border Towns Warned against Disputes*, p. 1.
16. Umoh, U. (2015, August). Introduction to International Studies. Lecture Notes Delivered in the Department of History and International Studies, University of Uyo, Nigeria.
17. United Kingdom Center for Effective Dispute Resolution (UKCEDR). (2012). *Conciliation Bulletin*. London: UKCEDR
18. Uya, O. (1990, January 3). The Problem with Border Villages. *Nigerian Chronicle*, p. 3.