



**University of The Gambia
Law Review**

Volume 2 | Issue 1

2019

**Volume
2**

Issue 1

2019

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GLR Volume 2 | Issue 1 hosts current articles and commentaries that have been categorised into 4 main themes: contemporary and emerging human rights issues, democracy, environmental law, finance, freedom of expression, labour law, and right to self-determination. Furthermore, the publication has been compiled to showcase the pieces by topic and jurisdiction, as every section focus upon 'Establishing Democracy in West Africa: Winning or Losing?'. Thus, consistency and flow are well-established for readership. Please find the contents of our inaugural publication listed below:

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Dispute Resolution Within/Between Religious Organisations in Nigeria: Litigation or Alternative Dispute Resolution?

By

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Abstract

Religious organisations are not exempt from experiencing conflict within their hallowed walls. Given that these organisations are established and managed by human beings, there are bound to be interpersonal conflicts that arise as a result of power struggles, misunderstandings caused by communication gaps and divergent ideals. Indeed, in recent times, conflicts within and between religious organisations have played out in the full glare of the general public to the chagrin of members of these organizations and to the extent that external bodies have had to be co-opted to intervene. In extreme cases, warring parties have gone to the extent of filing both criminal and civil suits before various Courts of law. Typically, the fallout of litigation is a further escalation of the conflict and division of the religious organisation. Consequently, this paper seeks to proffer an alternative to litigation in resolving the disputes that arise within and amongst religious organisations. It posits that Alternative Dispute Resolution (ADR) mechanisms be employed in resolving conflicts of this nature as opposed to a recourse to litigation. The paper concludes that recourse to alternative dispute resolution mechanisms will better resolve conflicts within this category in a way that will allow these religious organisations to continue to progress amicably, spiritually and physically.

Keywords: Conflict, Religious Organizations, Dispute Resolution, Litigation, Alternative Dispute Resolution.

Introduction

There was a time before the advent of formal means of dispute settlement where religious organisation acted as the peacemakers in society. Even after the advent of State judicial systems, People with scores to settle did not immediately proceed to serve each other Court summons. Rather they relied on religious third parties to intervene in every manner of dispute because they believed that substantial justice and an amicable agreement could be attained within the hallowed halls of religious organizations. Indeed "before there were Courts, there were temples; before there were judges, there were elders and priests, and before there were lawyers, there were clergymen..."¹

Nevertheless, the aforementioned position seems to have shifted. Currently, lawyers, judges, police officers and the entire Court system have been involved in the conflicts that arise amongst religious organisations. Gone are the days when the general perspective was that substantial disputes were foreign to religious bodies. Today, disputes within and amongst religious organisations are paraded in both social and print media to the dismay

¹ Alabi D.O Church Conflict Resolution: A Practical Approach to Conflict Resolutions in the Church Patoa Publishers Akuse 2015 p. 12

of the general public. This is mostly the case for disputes within and between church organisations.² Indeed, religious organisations are made up of people of diverse cultural and social backgrounds, temperaments, ideals and more. Consequently, both inter and intra denominational disputes are inevitable. The question then is; what is the most suitable means of resolving disputes that arise within and amongst religious organisations.

Conceptualizing Conflict

Conflict is a universal reality in almost all the societies of the world. It is a natural disagreement that results from differences in attitudes, beliefs, values, or needs of individuals or groups. A clear understanding of the concept of conflict will aid, in no small way in appreciating the various mechanisms of ADR that will be discussed in this work. Additionally, given that the focus of this paper is conflict resolution, a discussion of the concept of conflict is necessary.

Like the elephant, conflict is easily recognized when seen but it is not so easily defined. This is why it is said that, "the academic literature describes conflict better than it defines it". Nonetheless, various³ conflict theorists have purported to define the concept of conflict. According to Thomas, conflict is; *The process that begins when one party perceives that the other has negatively affected, or is about to negatively affect something that he or she cares about...*⁴

Pondy is of the opinion that "behaviour should be defined as conflictful if, and only if, some or all the participants perceive it to be conflictful."⁵ According to Olowu, conflict is a perceived incompatibility of goals: what one party wants, the other party sees as harmful to its interests.⁶ Other experts in conflict and conflictology such as Kornhauser, Dubin and Ross see conflict from the angle of perception and/or belief.⁷ On his part, Dana, sees conflict from three perspectives which he describes as "Blips," "Clashes" and "Crises".⁸ He posited thus:

*Some conflicts are hardly noticeable as they ebb and flow through our daily social encounters. Others grow into intense disputes that span interpersonal tragedies. The severity of conflict ranges from insignificant blips through a middle range of clashes to severe crises that threaten the life of the relationship.*⁹

The organization of people in groups is a potential factor that can lead to conflict. Accordingly, Okai posits that conflict is prevalent within and between social relations constituted to pursue common goals.¹⁰ Simply defined, conflict is a serious disagreement

² *Ibid*

³ Taylor, D.M. and Moghaddam, F.M. "Realistic Conflict Theory" in Theories of Inter-group Relations. 23rd Ed. Westport Cn; Praeger, 1994 p. 55

⁴ Thomas, K. Conflict and Negotiation Process in Organisations" in Dunnette M. & Houghl. (eds) Handbook of Industrial and Organisation 4 Psychology (Palo Alto: C.A. Consulting Psychosis's Press, 1992 p. 119)

⁵ Pondy L., "Organisational Conflict, Concepts and Models" Administrative Science Quarterly 12, 1967, p. 303 Print

⁶ Olowu, S. "Conflict and Conflict Resolution" Ife Psychologia Vol. 9 No. 3 2001 p. 119 Print

⁷ Kornhauser, A. Dubin, R. and Ross, A. (eds) Industrial Conflict

⁸ Daniel, D. Managing Differences, 4th Ed, Ikaasas: MTI Publications, 2005, p. 37 Print

⁹ *Ibid*

¹⁰ Okai M.O. (2008), Port Harcourt: Cal Integrated Resources Limited.

capacity with government to serve as in-house technical adviser and has facilitated the signing of the famous Kaduna Peace Declaration of religious leaders and the Shendam Peace Accord in Plateau state. It has also recommended faith based initiative for conflict prevention and peace building at the United Nations headquarters in New York. The core values that drive the organization are accountability, mutual respect across religious beliefs, responsibility, empowerment and team work. The aspiration of the organization is the reaffirmation of the Biblical and Quranic affirmations of the common bond of the human family. It also designs flexible process to bring about solutions that are creative, fair, efficient and durable.⁶⁵ But the organization has been hampered by fund, therefore its effect has not been felt in Nigeria.

Conclusion

Religious organisations are not immune to conflict. As already stated, conflict in itself is not always negative. Conflict if managed properly, may help to strengthen relationship and enhance mutual benefits. This paper discusses and advocates for the use of ADR as a more effective tool for the management and resolution of conflict. As most religious organisations are predisposed to the amicable settlement of disputes, it submitted that ADR mechanisms provide the appropriate avenue for the achievement of this goal. Although not all disputes are appropriate for ADR mechanism, it is submitted that inter and intra-denominational religious organisation disputes are most suitably resolved by ADR Mechanisms. Indeed, there is little to no allowance made for the proper management of conflict in court litigation given its adversarial nature. Indeed, this is one of the major reasons for the clamour for the increased use of ADR. Given the current shift towards the ADR model of conflict resolution, it is expected that religious organisations should setup a dispute design system that prioritises ADR with a view to jettisoning the recourse to court litigation. The structure of ADR processes like mediation, arbitration and conciliation will allow for a constructive method of dispute resolution.

⁶⁵ Abifarin O.S. *The process of Dispute Resolution in Nigeria* Juniper Publishers Makurdi 2015