
ENHANCING TRANSITIONAL JUSTICE IN POST- CONFLICT SITUATIONS: ESTABLISHMENT AND IMPACT OF KABARA TRADITIONAL JUSTICE SYSTEM IN DUHU DISTRICT

A.H. Diram, Faculty of Law, Modibbo Adama University, Yola – Nigeria

ABSTRACT

The transitional justice system does not have a unified process or mechanisms peculiar to it. This system of justice is effective in post-conflict situations in rebuilding lost relationships due to human rights abuses and violations. More often, conflict breeds disputes which culminates in stigmatization and loss of family ties. Therefore, transitional justice comes in to rebuild social cohesion and reintegrate ex-combatants into the communities through fact-finding missions, forgiveness, dispute settlements, etc. In the Duhu district of Madagali Local Government, the case is not different. After suffering due to the invasion of the communities by Boko Haram insurgents, the communities experienced various kinds of disputes including that of farmland, matrimonial, commercial, and the like. Families that lost their loved ones found it difficult to forgive their culprits not to talk of accepting them back into the communities, thus the breakdown of social tiers which has affected their well-being and economy. Considering this factor as a menace, the District Head has re-established a traditional justice system with the objective of reconciliation and reintegration of the affected persons. This justice system maintains its original name from the forefathers-the Kabara Council but operates more fashionably with little modernity. The system has been working well making impacts devoid of involving any governmental apparatus such as the law courts, police, or military formations within the communities. Upon an empirical method through qualitative and quantitative approaches, this paper has identified despite the lack of funding, the traditional institution in Duhu plays a vital role in building the Kabara Council, which has made a significant impact on building social cohesion, dispute settlement, and reintegration of ex-members of the Boko Haram back to the communities. It is hoped that this paper will provoke the establishment and funding of more similar traditional platforms for fostering peace-building through out-of-court settlement of disputes.

Keywords: Kabara, Transitional Justice, Dispute Settlement, Boko Haram, conflict

1. Introduction

Kabara is an establishment of the Traditional Institution of Duhu District in Adamawa State, Nigeria. Adamawa State is one of the 3 (three) Boko Haram most affected states in Nigeria. It is on record that there are 7 (seven) Local Government Areas of Adamawa State that were attacked by the insurgents in the state. These Local Governments are Gombi, Hong, Maiha, Mubi South, Mubi North, Michika and Madagali. Duhu is a District in Madagali Local Government Area and the highest attack of Boko Haram descended on Madagali than on any other part of the State. The reason for the deadly attacks is not far-fetched. Madagali as a Local Government area borders Borno State toward the Liman Kara community of Gwoza Local Government incidentally the Sambisa Forest lies thereat. This fact gave Boko Haram the advantage of invading Madagali and its environs in a hitch-free manner. Thousands of lives, properties, and displacements were recorded as a result of the insurgents' attacks on the area.

It is a trite situation to find that after every conflict, disputes result as a culminating effect of the conflict in question, thus the case of Boko Haram will not be an exception. Several types of disputes (ranging from land and marital to commercial ones) have taken place in these insurgency-affected areas. Realizing this menace as a factor that tended to tier the unity of the people apart, traditional institutions had to devise special means of re-uniting disputing parties, building peace, and restoring the ties of social cohesion within the community. This machinery was adopted and named Kabara Council, which serves as an institution for restoring peace, and stability as well as resolving disputes through the mixture of customs and westernization within the community but without the intervention of the Law Courts, Police Stations, or Military Formations.

It is important to note that the machinery of transitional justice does not begin and end in the law courts alone, especially during the post-conflict situation but this machinery involves situations where disputing parties will come to a truce and embrace peace without recourse to the law courts or any other conventional institutions for adjudication, thus embracing the transitional justice system in all its ramifications. It is in line with this fact that the District Head of Duhu District re-established the Kabara system to enhance social justice, social cohesion, and peace-building within the district.

This study, therefore, analyses the *modus operandi* of the Kabara System and entombs its significance towards enhancing access to social and transitional justice in Duhu District.

2. Transitional Justice System: Restoration of Peace and Stability in Duhu District

The transitional justice system covers a variety of mechanisms associated with the community's needs.¹ Thus, the need for rebuilding peace and enhancing stability degenerated among the people of Duhu in the aftermath of the Boko Haram insurgency. Inadequate peace and stability had manifested in this district due to disputes that emanated out of the insurgency. These underlying disputes that subsequently became strong had affected the social well-being of the populace. Peace has been lost and enmity has been created as a result of violations and abuses of human and people's rights during and after the insurgency. The purpose of transitional justice all over the universe, therefore, is to ensure accountability, serve justice, and achieve reconciliation between people who lost such peace and unity as a result of insurgency.²

It is important to note that mechanisms adopted in compliance with the application of transitional justice might not be uniform for all conflict-affected situations. However, affected communities with their respective peculiarities may choose a particular mechanism or two to achieve their goals. Such mechanisms may include criminal prosecutions, truth-finding commissions, reparation programs, dispute-resolution techniques, and other various kinds of institutional reforms such as memorials, apologies, etc.³ In Duhu district, these mechanisms have been built upon the 6 pillars of the justice system - pillars of truth-seeking, the right to access justice, the reparation for victims, and the guarantees of non-repetition in a reformed future.⁴ In addition to these four pillars also exist amnesties and local justice initiatives.⁵ It is upon this local justice framework that the *Kabara* Council built its mandate to enhance access to justice through dispute resolution techniques and peacebuilding.

Therefore, it is important to note that transitional justice is not a new system of justice or a special kind of system that has not been in existence. It is a type of justice that is applied to the uniqueness of the condition at hand where a particular community in question is transforming away from situations where human rights abuses and violations are seen as the normal states

¹OHCHR, Transitional Justice and Human Rights Office of the High Commissioner, available at [ohchr.org/en/ohchr_hom](https://www.ohchr.org/en/ohchr_hom) visited on the 24th January 2024

² *Ibid*

³ Security Council Report, 'Transitional Justice: What Role for the United Nations Security Council?' Available at www.securitycouncilreport.org visited on 24th January 2024 p 3

⁴ Transitional Justice Mechanisms: Lesson Learned from Truth and Reconciliation Commissions (Report on International Conference, Burundi, 2011 (Burundi: American friends Service Committee, 2011) p 1

⁵ Transitional Justice in Peace Process, United Nations Policy and Challenge in Practice available at www.peacemaker.un.org visited on 24th January 2024 pp. 22-29

of affairs in the community.⁶ This justice system aims to tackle the large-scale past acts that generated disputes, human rights abuses, and violations. It should be noted that wherever conflict erupts and escalates, a concerted effort is required for the effective resolution or management of conflict-induced disputes. Thus, the system of transitional justice blends politics and peace while shouldering both state and non-state actors the responsibilities of propagating it with a legitimate flavour undertone. The outcome of transitional justice is always aimed at reconciliation, peace, stability, and democracy.⁷

It is noteworthy to discern that the transitional justice system is not free from some shortcomings. Critics have argued that it focuses on treating symptoms rather than causes.⁸ This fact adds to the challenges the justice system faces especially in communities such as Duhu where the rate of illiteracy is its major challenge. This also posed a challenge to transitional justice as it is not accepted by all victims of the conflict due to their level of literacy which has affected their understanding of the objectives of the system as applied by the Nigerian government. Thus, more often victims see the system more sympathetic to the culprits than the victims.⁹ Secondly, they believe that the actions taken by transitional system reminds them of the bitter part of their lives through the fact-finding missions where culprits would be invited face to face with victims.¹⁰ Contrarily, people should know that in the aftermath of a devastating conflict, knowing the truth about the past is more than just an important step toward justice; it is a recognized human right to which all victims and survivors of human rights violations are entitled.¹¹ Thus, it is on this foundation of fact-finding and reconciliation that the Kabara Council constructed its bricks for sustaining peace and enhancing the stability and spirit of living together as a community.¹²

It is therefore based on the features of the transitional justice system that the Kabara Council

⁶ OHCHR *op cit*

⁷ What is Transitional Justice? A Background available at www.un.org visited on the 24th January 2024

⁸ Dustin N. Sharp, 'What Would Satisfy Us?, Taking Stock of Critical Approach to Transitional Justice', in Vol. 13, Issue 3 (2019) *International Journal of Transitional Justice*, pp 570-589 available at www.academic.oup.com visited on 24th January 2024

⁹ Especially in Adamawa State where the victims feel that the measures taken by the government in the course of reintegrating ex-combatants of Boko Haram through the Demobilisation, Disarmament, Rehabilitation and Reintegration (DDRR) process is favourable to the culprits than the victims. In that the culprits are treated with soft-gloves by sponsoring them through skills acquisition and. Giving them funds as capital for investment.

¹⁰ John Joseph, a peasant farmer in Shuwa Community of Duhu District, interview with the Researcher on 12th December 2023 at Shuwa Town

¹¹ Mustapha Sanusi, the District Head of Duhu and President General of Kabara Council, Interview with the Researcher on 12th April 2023 in Yola, Adamawa State - Nigeria

¹² *Ibid*

adopts its approach towards peacekeeping, peace-making, and peacebuilding. These approaches inculcate community service, mediation, and dialogue to supplement the approaches to better the living conditions of Duhu District.

3. The Demography of Duhu District in Madagali Local Government

Duhu¹³ district is situated south of Gulak and southeast of Wuro-Alhamdu both in the Madagali Local Government Area of Adamawa State. The major tribes in the district are the Highi and Fulbe tribes.¹⁴ It appears that the Duhu people produce vast total farm produce in Adamawa State next to the Ganye and Numan Federation.¹⁵ Unity had been key in the community without showcasing any form of bias or intolerance among their people irrespective of tribal or religious affiliation. It used to be the most peaceful environment devoid of any form of social vices such as highway robbery, social violence, kidnapping/abduction, etc..¹⁶ The most spoken language within the Duhu community is *fulfulde* which almost everyone can hear, understand, and communicate with it satisfactorily.¹⁷ One of the salient features of the people of Duhu District is their strength of relationships. Most of them claim that an outsider will hardly identify differences in them. These differences could be that of family affiliation, religious beliefs, etc. unless during spiritual moments where every person will serve based on his religious affiliation. It is only then, that a stranger realizes the difference in the peoples' social being.

However, the invasion of Boko Haram insurgents has broken these social ties and created a wider demarcation among the people of Duhu District. These broken relationships were caused by the various disputes that found their way into the district through the insurgents.

4. The Invasion of Madagali Local Government and the Collapse of Unity in Duhu District

On the 23rd of August 2014, Boko Haram invaded Madagali Town towards Gwoza Local

¹³ Duhu is a name of both the town and the district under Madagali Local Government Area of Adamawa State, Nigeria.

¹⁴ Iliyasu Usman is a Member of Kabara Council representing National Union of Roads and Transport Workers, Madagali Local Government Branch, interview with the Researcher in Yola on the 12th April 2023

¹⁵ Awa Sashi, a member of Kabara Council representing Women Groups, interview with the Researcher on 12th April 2023

¹⁶ Mustapha Sanusi *op cit*

¹⁷ Hamza Bello, is a member of Kabara Council and representing youth groups in the Council, interview with the Researcher in Yola on 12th April 2023

Government of Borno State.¹⁸ The invasion was easy and successful for the insurgents because of the involvement of the indigenes of Madagali among the members of the Boko Haram sect. Those indigenes knew all the nooks and crannies of the town. This tacitly assisted the sect in identifying the houses and locations of those people whom they intended to kill or abduct. The insurgents caused many families their tears, women were left widows, and young girls were forcefully taken away and made wives to the belligerents. Young men were divided into three groups. One group fled out of Madagali Local Government as a whole and took refuge in the neighbouring and distant locations. The second category was forcefully taken by the insurgents. This category includes technicians and skilled personnel, such as mechanics, medical personnel, etc. The third category consists of persons who joined the group voluntarily due to adulteration of their minds, or because of vindictiveness (thus they were hurt by the conduct of other people in the community so they wanted an avenue to retaliate their grievances and this was a good one), others followed Boko Haram due to financial influence (they were tamed by money and other worldly materials such as motorcycle, weapons, etc.).¹⁹

A quite number of destructions were recorded in Madagali Town which escalated on the 7th of September 2014 to its neighboring communities such as Duhu, Shuwa, Pallam, Mayo-Wa'ndu, and Kwambula all under Duhu District.²⁰ Like Madagali, indigenous people of these communities of Duhu District also, formed part of the belligerents in waging attacks on the district. They played a significant role in paving access to the area for the insurgents. As a result of the invasion, family tiers were cut, unity was destroyed, peace was lost and disputes erupted not only between the insurgents and the community members but among the community members themselves especially those who fled and subsequently came back after the taking back of the communities from the Boko Haram members by the state. There wasn't a mono-causal factor rather multiple factors contributed to the cause of the disputes. Some of the disputes erupted immediately after the insurgents left the area while others happened after the lapse of reasonable time especially at the time military and para-military formations were established in the communities.²¹ The most significant and conspicuous disputes in these

¹⁸ Alhaji Lawan Abubakar, The Sarkin-Matasa of Madagali and Chairman of Farmers Association of Madagali Local Government Area: Interview with the Researcher: Madagali, 8th June 2023

¹⁹ Mustapha Sanusi *op cit*

²⁰ Jafar Abdullhi, The Chairman of *Kabara* Council, Interview with the Researcher; *Kabara* Council Office Shuwa: 8th June 2023

²¹ *Ibid*

communities include the following:²²

- i) Farm-Land Disputes;
- ii) Landed Property Disputes;
- iii) Matrimonial Disputes;
- iv) Family issues and Disputes;
- v) Rivalry (Occupational and non-occupational) Disputes;
- vi) Misdemeanors; etc.

These disputes generated disharmony and a collapse of peace and unity in the Duhu District. Several people became enemies of one another. Ties of relationships were broken, and marriage contracts were abused and discharged. People could no longer go to the farmlands due to fear of attacks by rivals in disguise of Boko Haram insurgents. Realizing that the disputes were yielding bad blood amongst the people and that seeking justice through the conventional law courts was not forthcoming, the District Head suggested to his people the re-establishment of the Kabara Traditional Justice System but this time in a more fashioned way. The people of Duhu District were overwhelmed and welcomed the idea without an iota of objection from any quarters. This brought the new and modern Kabara Council into existence.

5. Establishment of Kabara System in Duhu District

The Kabara Council was re-established in Duhu District in 2007 about 2 years before Boko Haram insurgents launched their attacks on the North East.²³ It was aimed at tackling simple disagreements and internal conflicts between the indigenous members of the community. However, by the middle of 2009 when the Boko Haram insurgency started in Borno State and escalated to neighboring communities including Madagali Local Government of Adamawa State compelled the District of Duhu to intensify its efforts of standardizing Kabara Council.²⁴ Towards the end of 2014, destructions on all levels of the Duhu community impelled Alhaji Mustafa Sanusi, the District Head of Duhu and President General of Kabara Council, to call

²² *Ibid*

²³ *Ibid*

²⁴ Mustapha Sanusi *op cit*

into order for the re-organization of the Kabara Council to find a strategy to deal with the repercussions of disunity and peace challenges within the District.²⁵ Minding well that efforts to prosecute people in conventional law courts, through the conventional legal system would take decades. Moreover, due to being targets of the belligerents' law courts ceased to operation in all communities mostly affected by the insurgency.²⁶ As achieving justice is the focal point of Kabara's policy, the new mandate would however not, under any circumstance, accept impunity nor would it provide an exemption for the guilty ones based on transitional justice and the customs of Duhu people. The Council was composed of mainly indigenous people of Duhu District and stationed at Shuwa Town.

The Kabara Council as a mechanism of transitional justice system, is aimed at promoting communal healing and rebuilding peace in the wake of the Boko Haram insurgency. Duhu District has especially focused on rebuilding peace by placing justice in the hands of trusted indigenes of the district by the District Head.²⁷

The term Kabara²⁸ (also works as *sulhu* or mediation or reaching agreement/understanding) has been in existence in Duhu District for more than 500 years under the control of the traditional institution.²⁹ Although simple disputes were settled through the Kabara Traditional Justice System it was not as sophisticated as the Kabara Council that is in operation at present. The original Kabara dealt with family disputes, farm-land disputes, and commercial disputes, while the modern Kabara assumed jurisdiction of settling complicated disputes in addition to the simple ones mentioned here.³⁰ Currently, disputes culminating from conflicts and violence such as farmers/herders' clashes, domestic violence, and Boko Haram conflict are also addressed and resolved amicably through the interventions of the Kabara Council.³¹

It was after the Boko Haram attacks on Madagali Local Government Area in 2014 that the modern Kabara System was re-established.³² The insurgents had caused untold hardship on the

²⁵ Hamza Bello is a member of Kabara Council representing Youth Groups, interview with the Researcher in Yola on 12th April 2023

²⁶ Jafar Abdullahi *op cit*

²⁷ The District Head who re-established Kabara Council for rebuilding peace and unity is Alhaji Mustapha Muhammad Sanusi, he is the second District Head of Duhu after splitting the original Gulak District into two by the Governor of Gongola State in the year 1990

²⁸ The word *Kabara* is in marghi language which simply connotes common group. That means disputing parties reaching a common ground for the dispute in question.

²⁹ Mustapha Sanusi *op cit*

³⁰ Jafar Abdullahi *op cit*

³¹ Mustapha Sanusi *op cit*

³² *Ibid*

people which coerced them into a disagreement with one another, leading to accusations against one another that led to the destruction of social cohesion between and among the populace of Duhu District.³³ Many people fled out of the district, abandoning their houses, farmlands, families, and properties.³⁴ By the time the displaced persons returned home, some of their belongings could not be returned to them together or in part.³⁵ As a result, a dispute erupts concerning the declaration of title and ownership of the property. Realizing this would not be successfully tried in the law courts, the jurisdiction of the Kabara System was enhanced to accommodate the new developments in disputes and their causes.³⁶

It is pertinent to put on record that since the re-establishment of the Kabara Council, there have been about 4000 (four thousand) disputes between the indigenous natives of Duhu District. These matters consist of matrimonial disputes, commercial disagreements, cattle rustling, farmer/herder crises, etc., and out of this number, 1500 matters were amicably settled within the shortest period of a year whereas 50 (fifty) cases were referred to court for proper legal adjudication due to either sophistication of the matter or the disputants could not settle through the council. While the remaining 2,450 could not be resolved due to the Boko Haram attacks. This fact led to the fleeing of some of the disputants, some of them had died due to attacks while others could not be found at all.³⁷

Apart from settling the above-mentioned disputes, the council also assumes jurisdiction on the reintegration of repentant Boko Haram and cases revolving around it.³⁸ It called for complaints from the general public concerning those repentant Boko Haram members who have been formally and informally reintegrated.³⁹ There were 280 (two hundred and eighty) complaints being received by the Council, where 120 (one hundred and twenty) were merited for intervention, and among these 120 (one hundred and twenty) cases the Council was able to resolve 83 (eighty-three) cases successfully and amicably within few months.⁴⁰ Similarly, many cases were received by the Kabara Council since re-inception to date dwelling on different kinds of disputes as opposed to reintegration.⁴¹ In this type of case, complaints were forwarded

³³ Hamza Bello *op cit*; Awa Sashi *op cit*

³⁴ Iliyasu Usman *op cit*

³⁵ Awa Sashi *op cit*

³⁶ Jafar Abdullahi *op cit*

³⁷ *Ibid*

³⁸ Mustapha Sanusi *op cit*

³⁹ Mustapha Sanusi *op cit*

⁴⁰ *Ibid*

⁴¹ Jafar Abdullahi *op cit*

to the council by either the aggrieved parties or through direct intervention of the Council, expecting justice at the end of the sessions. During sessions, the members of the council converge in the chamber to iron out the grievances of every complainant.⁴²

It should be stressed that there are also many deeper, emotional, and long-term goals that the re-establishment of Kabara Council sought to fulfill within the District of Duhu and its environs. As the District Head outlines, the precise objectives of Kabara include:⁴³

- i) reveal the truth about what has happened during the Boko Haram insurgency that has caused unity and peace in Duhu District;
- ii) develop strategies that are based on justice for all in facilitating reconciliation of the people of Duhu that are targeted by their people during the insurgency;
- iii) speed up the settlement sessions for disputes that emanate from the attacks of Boko Haram;
- iv) eradicate the culture of disunity as a result of other causes of disputes that are peculiar to Duhu District;
- v) reconcile the people having differences of any nature and reinforce their unity;
- vi) prove that the people in Duhu irrespective of social differences can settle their problems through a system of justice based on their customs and beliefs; and
- vii) facilitate the reintegration of ex-combatants into the community devoid of any form of stigmatization.

The Kabara Council therefore serves as the function not only of carrying out the legal process of trying simple offences and civil matters alone, but also of social healing and post-conflict reconciliation mechanism.⁴⁴ The process and proceedings in the council thus sought to involve all stakeholders of the community in a process of participation and hope for justice.

⁴² Hamza Bello *op cit*

⁴³ Mustapha Sanusi *op cit*

⁴⁴ *Ibid*

6. Constitution of Kabara Council

The council is constituted of responsible people in the community on the premise of religion and gender sensitivity.⁴⁵ Meaning that members of the Council are appointed from all the religions within the community of Duhu. Traditional religions, Islam, and Christianity are well and evenly represented.⁴⁶ Also, each trade union existing in Duhu District has a representative as a member of the Council.⁴⁷ The trade unions being fully represented at the time of research include the Market Union, Women's Groups, Youth Groups, Tailors' Union, Tabital Pulaku, Farmers Association, Traders Union, Religious Groups, etc.⁴⁸ In addition to these groups, all Ward-Heads and Village-Heads are automatic members by their offices.⁴⁹ Members of these unions participate in settling every dispute. However, a member of a particular union is mandated to participate in settling dispute that relates to his calling.⁵⁰

The District Head of Duhu is the Present-General of the Kabara Council. The administrative management of Kabara Council lies on the Chairman of the Council working with the Public Relations Officer and other supporting staff who usually participate in the day-to-day dealings of the council, and are answerable to the President-General. It is important to note that the council is structured in such a way that it can be accessible from any quarters.⁵¹ It has about three levels within each community. There is a ward level, a village level, and then a district level. Matters that could not be resolved through these levels would be handled by the President-General who presides over all appeal cases. In an event where a party is not satisfied with the decision of the appellate council, the President-General refers the matter to the law courts for legal proceedings. It is important to say here that there were only three cases that were referred to the law courts in this circumstance and all turned out to affirm the decision of the President-General.⁵²

⁴⁵ Mustapha Sanusi *op cit*; Iliyasu Usman *op cit*

⁴⁶ Hope Linus is a member of Kabara Council representing Youth/Women Groups, interview with the Researcher in Yola on 12th April 2023

⁴⁷ Iliyasu Usman *op cit*

⁴⁸ Jafar Abdullahi *op cit*

⁴⁹ Mustapha Sanusi *op cit*

⁵⁰ Iliyasu Usman *op cit*; Jafar Abdullahi *op cit*

⁵¹ Jafar Abdullahi *Ibid*

⁵² Mustapha Sanusi *op cit*

7. Organigram and Administrative Structure of Kabara Council

It should be noted that the Kabara Council upon re-organization, has adopted the style of expansion where it was expanded to accommodate 3 (three) units, namely the Kabara Traditional Justice System, the Kabara Council of Elders, and lastly the Kabara Policy Impact.⁵³ While the role of the first one is to settle disputes amicably, the second one is responsible for giving advice and linkages. The third category is responsible for policy analysis. It analyses issues of difficulty and then reports to the Council of Elders or dispute resolution unit for implementation.

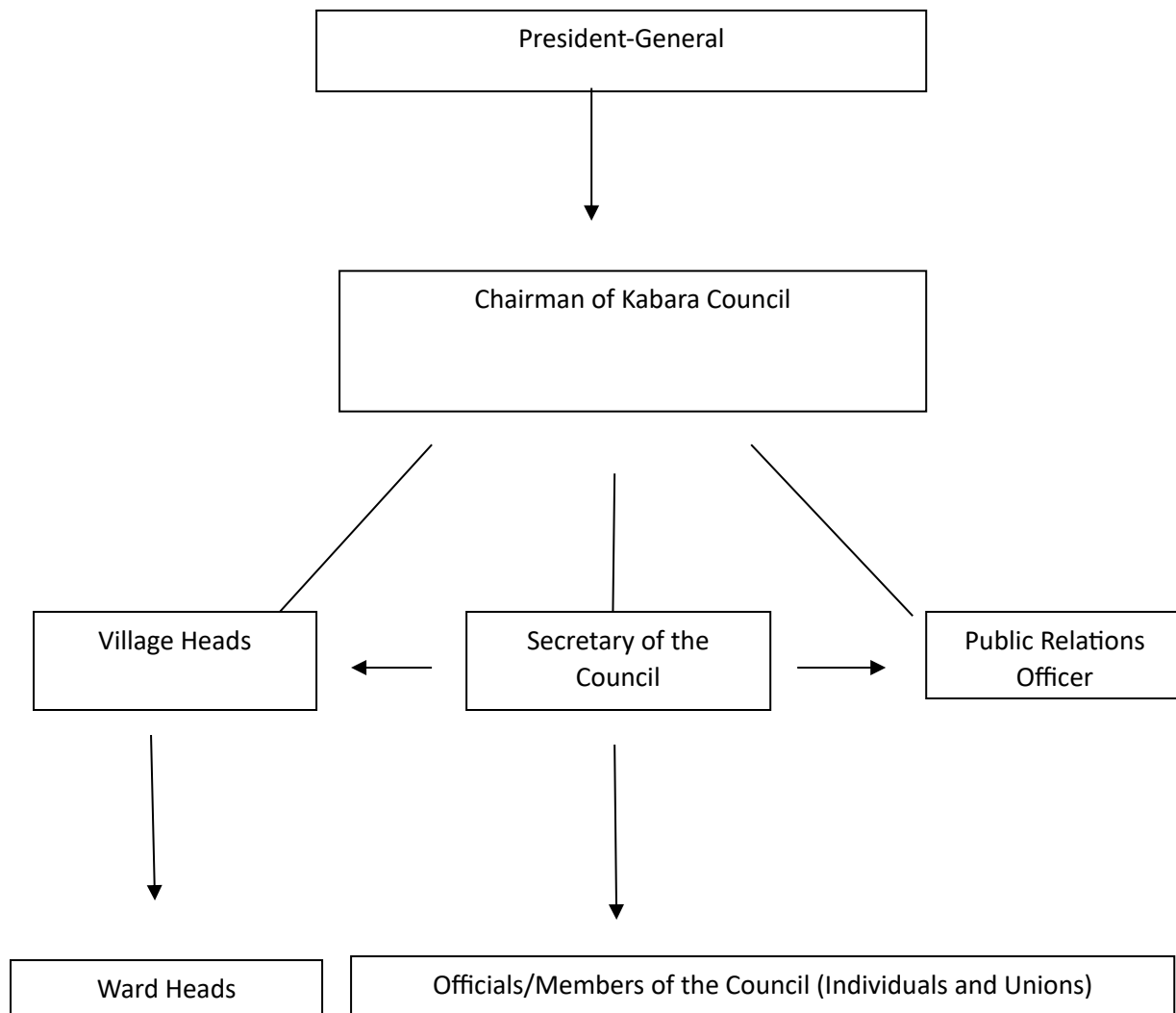
According to the Chairman⁵⁴ of the Policy and Impact Analysis Unit:

There was a serious dispute that arose on the issue of cattle rustling in Duhu. Efforts were made to investigate the issue, and in the end, some *fulbe* people were found to be the culprits. Based on the tradition of the Duhu people, it is the local hunters who are responsible for the arrest and investigation of this type of matter. Realizing that all the *fulbe* in the area are Muslims and all the local security outfit members are Marghi people and Christians, the Policy unit after its analysis resolved to establish another security outfit for a special purpose to handle the issue at hand. However, in this regard, they proposed that all members of the special outfit must be *fulbe* and Muslims. It was this outfit that made arrest and investigated the issue. The culprits were handed over to the Kabara Council for resolution and sanction. This resulted in bringing unity and peace back in Duhu between the *fulbe* people and other tribes around Duhu District.

⁵³ *Ibid*

⁵⁴ *Ibid*

The chart below shows the administrative structure of the Kabara Council in descending order.



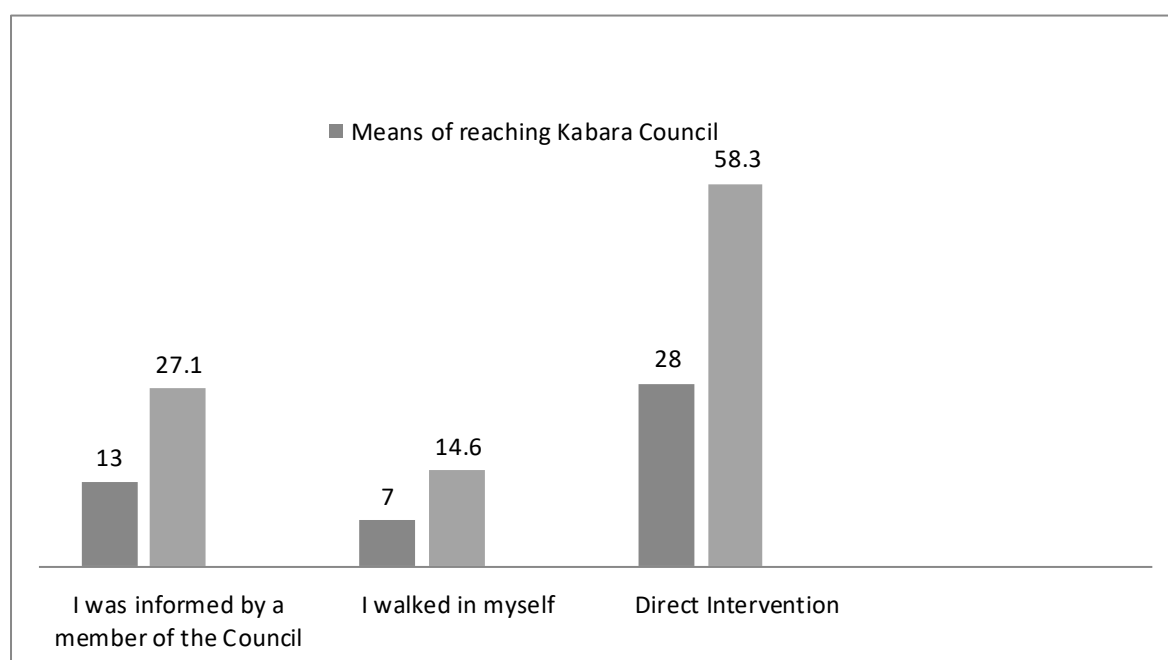
Source: Researcher's Fieldwork 2022

The presiding neutral person during all settlements in the Kabara justice system is the chairman of the council who is a 'person of integrity' from the community, displaying wisdom, truth, and justice for the community. The officers in the council elect one of them who must possess the qualities listed above for the position. The position is not a full-time but on *pro bono* service. The person so appointed shall sacrifice his work or business for the duration of the settlement session. This will enable him adequate time to listen and deliberate upon the matter at hand, and thereafter with consultation of the other members make the final decision in each case which is more often accepted by the parties.

8. Data Analysis and Presentation

It should be noted that Kabara Council operates as a transitional justice system's mechanism and contrary to the operations of the conventional courts. Based on a quantitative approach, the research examines the opinion of people on the establishment and impact of system. The respondents have the following to say:

Fig. 1

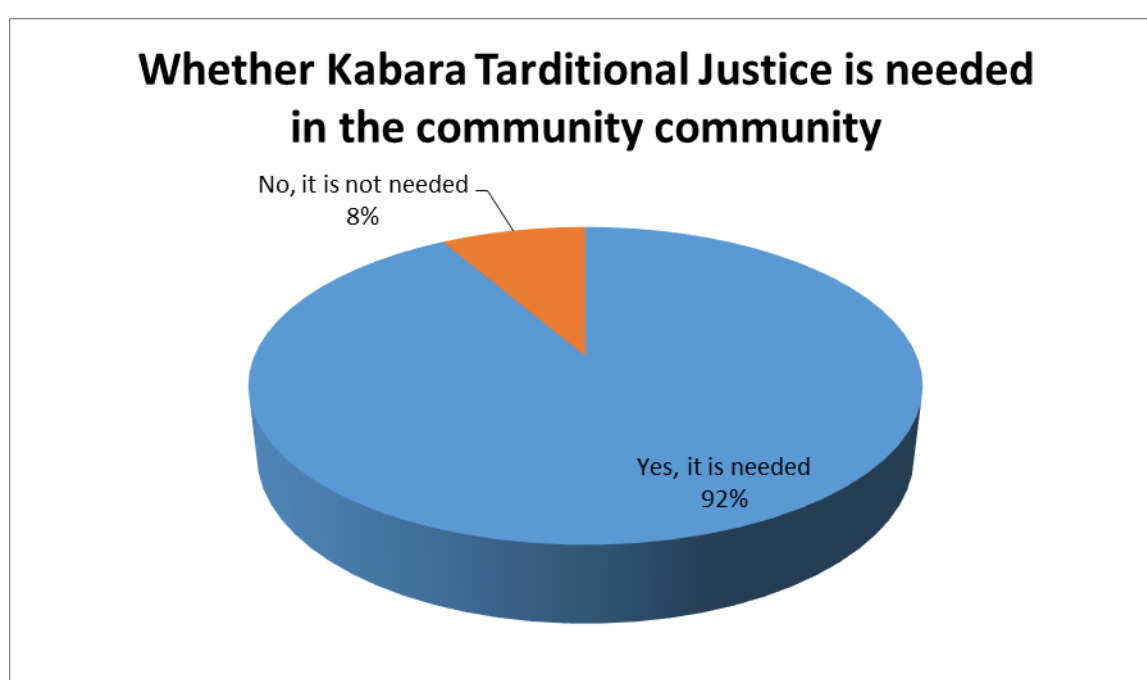


It is without an iota of doubt that the Kabara Council office is located in the Shuwa–Duhu District. This fact has suggested that many people outside Shuwa but within the district may be aware of the existence of the traditional justice system. The nagging question is how disputants approach the Council when they are faced with a particular dispute for settlement. Certainly, in question one respondents satisfactorily ascertained the knowledge of its existence, then how did these disputants approach the council for filing their matters? This research has, through the quantitative approach reached out to respondents to inform readers of the various means adopted officially by the Kabara Council to ease access to it by disputants.

The 3 (three) different means of instituting or filing matters in Kabara were identified, as a walk-in, direct intervention, and referral/guide by another. When this question was posed to respondents, 14.6% of them said that they had just ‘walked-in’ into the Kabara office and filed their matters then the officials of the council took over and continued with the processes.

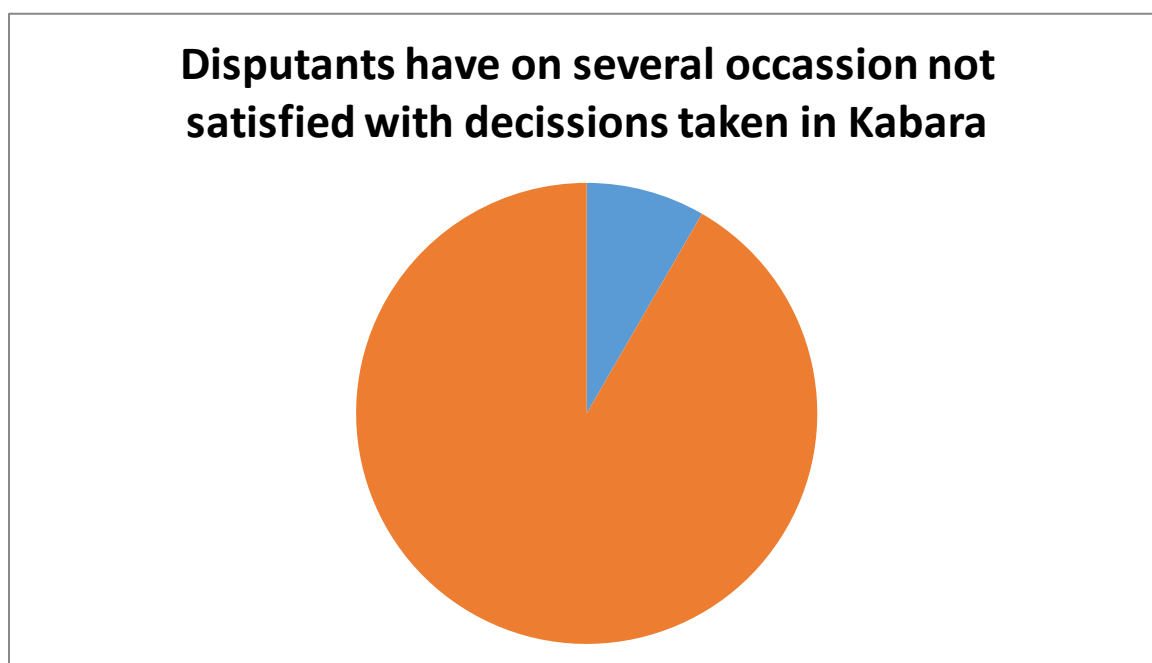
Analysis has also identified that this category of disputants is mostly people who are domiciled within the Shuwa community and its environs. They had the advantage of proximity. So also, 27.1% of the respondents believed that members of the Kabara Council and other people who had known of the existence of the system in one way or the other informed and advised them to report their grievances to the Council. One can see the normalcy of this approach because the ties of friendship that exist in local communities will pave the way for people having experience of the Kabara Council to share these experiences with those friends and relatives who do not have and as such, they may be encouraged to submit their matters to Kabara Council's jurisdiction. Direct intervention is the third method by which disputants appear in the chambers of the Kabara Council for settlement. It is a style where the Kabara Council itself will assume jurisdiction over a particular dispute even when the disputants have not reported the matter to it. There is no special requirement needed here, but for the matter to come to the knowledge of any of the members of the council. When such a member feels that a particular dispute has occurred between certain personalities and none of them is willing to settle but he finds out that settlement is paramount for not only the disputants but their families and the community at large, then the Council will intervene directly. For this category, 58.3% of the respondents subscribed to it. This is the largest percentage value out of the three means mentioned earlier. This clearly shows that the Kabara Council has done more in the maintenance of peace and unity within its geographical jurisdiction.

Fig 2:



Respondents who once upon a time resolved their matters through the intervention of the Kabara Council were asked to give their individual opinion on the need, importance, and advantage or otherwise of the Kabara Council within the community especially a community where disputes and conflict are frequent. The majority (92%) of those who responded to the questionnaire are of the view that the Kabara traditional justice system is needed due to its importance and advantages attached to its role in peacebuilding and reintegration. However, 8% of them hold a contrary view. There was no reason buttressed by the minority for holding such a view.

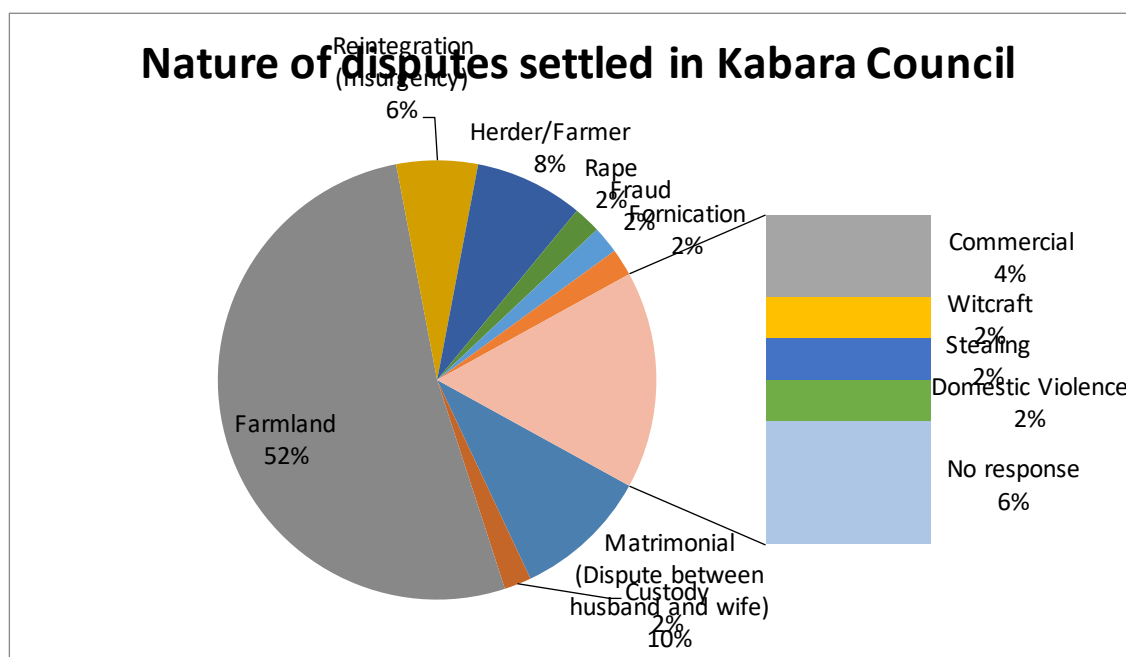
Fig 3:



It seems that from a qualitative assessment of Kabara, disputants hold the members in high esteem because they comprised mostly traditional rulers, religious leaders, and heads of various unions existing within the district. This made the research enquire into their powers, how such powers are utilized during settlement sessions, and whether the disputants are invariably affected by the use of the powers. The most significant power of the council goes with decision-making out of a particular dispute. Respondents to the quantitative assessment were asked if the decision and outcomes of a dispute resolution were not satisfactory to them but they had to accept such against their consent and will. In their response, 8% of the respondents went for decisions that were not satisfactory so the matter was taken to the law courts for determination. While 92% of them hold a contrary opinion, saying they were satisfied with the decisions taken

at Kabara. The District Head has confirmed that 3 (three) matters were referred to the law courts because the disputants involved were not satisfied with the decisions reached at the council. So, they went to the court and the Judge passed the same decision already reached by the council.⁵⁵

Fig. 4:



The subject matter jurisdiction of the Kabara Traditional Justice System is wide. It covers almost all civil cases and some aspects of criminal offenses especially those falling under simple offences. According to respondents, the following table represents the subject matter jurisdiction of the justice system and the percentages of respondents who named them:

Fig. 5:

S/No.	Nature of the Matter	%	Classification
1.	Rape Case	2	Criminal

⁵⁵ Mustapha Sanusi *op cit*

2.	Fraud	2	Criminal
3.	Fornication/Adultery	2	Untraditional
4.	Witchcraft	2	Tradition
5.	Stealing	2	Criminal
6.	Domestic Violence	2	Criminal
7.	Custody of a Child	2	Civil
8.	Reintegration of Ex-Combatants	6	Conflict
9.	Farmer/Herder	8	Civil
10.	Matrimonial Dispute	10	Civil
11.	Farmland Dispute	54	Civil
12.	Other acts/omissions	2	Not classified
13.	No response	6	Not classified

From the above table, it is clear that most of the matters handled by the Kabara Traditional Justice System are civil matters with few cases falling under simple offenses. According to the President General of the Council, criminal cases of high degree are usually referred to the

conventional courts for hearing and determination as enshrined by the Nigerian Legal System.⁵⁶

8. Conclusion

Kabara is a traditional justice system with little modernization undertone. It serves not only as a promoter of access to justice but also as a dispute resolution center, adopting a socio-legal approach to resolving disputes and promoting peace. There is the possibility of healing conflict-induced-wounds within the society. Kabara is also unique in its all-encompassing involvement of the stakeholders, with the majority of traditional rulers, religious leaders, and trade unions having taken part in the justice system. It is indeed a community-based justice initiative in Nigeria. Though the Kabara Council had no power to prosecute and try perpetrators of crimes and violence it can refer the matter at hand to the government authorities concerned.

There is a high level of trust in the members of the Kabara Council due to the various responsibilities held by the members within the traditional set-up in their respective communities. To be elected for the positions they hold as members of the council, members must take the oath of secrecy and confidentiality among other intends. However, other people may think that the members can be biased at times, as community members, to be completely impartial, but the oath serves as a watchdog. The members are identified to display more in-depth wisdom on the cases than an outsider could assume.

It should be known that the nature of the Kabara system is not a judicial institution, but a social and reconciliatory institution managed by paralegals. The high levels of popular participation show that the system has been successful enough in creating a space for people to participate in the process of promoting peace as a transitional justice method.

Kabara Council as an unconventional institution almost forced to stand still due to the lack of resources needed to deal with the enormous numbers of cases coming its way.

⁵⁶ *Ibid*