

## Effectiveness of Alternative Dispute Resolution (ADR) in Resolution of Land Conflicts in Paikoro Local Government Area of Niger State

By

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### **Abstract**

This study was designed to examine the effectiveness of Alternative Dispute Resolution (ADR) in the peaceful resolution of land conflicts in Paikoro Local Government Area of Niger State. Research Objectives were stated and four research questions were, therefore, raised and answered to achieve this objective. This study made use of the mixed method of research which is made up of qualitative and quantitative designs. The population and sample of this study consist of a total of 235 stakeholders in land matters in Paikoro Local Government Area of Niger State. This study made use of two instruments for data collection. The first is a self-constructed close-ended questionnaire while the second was a Focus Group Discussion Guide. The face and content validity were used to determine the validity of the questionnaire while Cronbach's Alpha reliability was used to determine the reliability of the instruments. The process yielded a reliability coefficient of 0.76. Data were analysed using frequency counts, percentages, mean and standard deviation. Findings from the study revealed that ADR is moderately utilised in resolving land conflicts in Paikoro Local Government Area and that it is more cost-effective and timelier in the peaceful resolution of land conflicts than litigation. It was also seen that strategies that can be adopted to enhance the effectiveness of ADR in peace fully resolving land conflicts in Paikoro Local Government Area are public awareness programmes, strengthening ADR policies and training for ADR practitioners. Based on the findings and conclusions, it was recommended among others that Government agencies and community leaders should organize sensitization programmes to educate residents on the benefits and processes of ADR for resolving land conflicts and digital platforms, online mediation services, and case-tracking systems should be introduced to improve efficiency and accessibility in ADR procedures.

**Keywords:** Effectiveness, Alternative Dispute Resolution, Peace, Resolution, Land Conflicts

## Introduction

Land is one of the most valuable and contested resources in human society. It is a fundamental resource that serves as the foundation for human settlements, agriculture, industry, and socio-economic activities. The significance of land in socio-economic development cannot be overstated, as it directly influences livelihoods, food security, and infrastructural development (Deininger & Byerlee, 2017). However, as populations grow and economic activities expand, competition for land has intensified, leading to disputes over ownership, usage, and boundaries. These conflicts tend to threaten peace, security, and development and if not effectively managed, can escalate into violent confrontations, economic instability, and social disintegration. In many countries, including Nigeria, land disputes have become a persistent challenge due to factors such as unclear land tenure systems, inheritance issues, rapid urbanization, government land acquisitions for infrastructural projects and conflicts between farmers and pastoralists (Aluko & Amidu, 2019). These disputes often result in protracted conflicts, loss of lives and property, and disruptions to economic and social stability.

Traditionally, land disputes are resolved through the formal judicial system, which includes litigation in courts of law. However, this approach is often criticized for being expensive, time-consuming, overly complex for many disputants and inaccessible to many individuals, especially those in rural areas (Omirin, 2022). Formal court processes are also highly adversarial, leading to prolonged enmity between conflicting parties rather than fostering reconciliation (Fiadjoe, 2019). Enmity related to land disputes can drag on for several years, sometimes spanning generations, leading to frustration, financial burdens, and a lack of trust in the judicial system. Furthermore, the formal legal system may not always accommodate cultural and communal perspectives on land ownership and conflict resolution, making it difficult for court rulings to be widely accepted by disputing parties. As a result, the

search for alternative means of resolving land disputes has gained prominence, leading to the adoption of **Alternative Dispute Resolution (ADR)** mechanisms.

**Alternative Dispute Resolution (ADR)** encompasses a range of conflict resolution processes that occur outside formal courtrooms, including mediation, arbitration, conciliation, and negotiation (Menkel-Meadow, 2022). These methods emphasize dialogue, flexibility, mutual agreement, and reconciliation, making them particularly suitable for land-related disputes that often involve family members, neighbours, or communities (Uwais, 2017). ADR enables disputing parties to reach settlements that are faster, less costly, and more sustainable compared to litigation. Mediation, for instance, allows disputing parties to engage in constructive discussions facilitated by a neutral third party, with the goal of reaching a mutually acceptable solution (Moore, 2019). Arbitration, on the other hand, involves the intervention of an impartial adjudicator whose decision is binding on both parties (Oyesina, 2020). ADR processes also foster community cohesion by encouraging dialogue and reconciliation rather than confrontation. Additionally, ADR allows for culturally sensitive conflict resolution, as it can incorporate traditional dispute resolution mechanisms that are deeply rooted in local customs and values.

Globally, ADR has gained recognition as an effective tool for resolving conflicts in various contexts. It has been particularly successfully utilized to resolve land conflicts in various regions. In developed countries, ADR has been integrated into legal systems to enhance access to justice and reduce case backlogs in courts. A typical example is that of the United States, where ADR is commonly used in real estate and environmental disputes to avoid lengthy and costly litigation processes (Goldberg, Sander, Rogers, & Cole, 2022).

In developing countries, ADR has been promoted by governmental and non-governmental organizations as a means of improving land governance and reducing conflicts, particularly in rural and peri-urban areas where land tenure systems are

often informal and prone to disputes. For instance, in Ghana, customary land tenure systems have been integrated with ADR mechanisms to address disputes efficiently, reducing pressure on formal courts and ensuring culturally relevant resolutions (Ubink & Quan, 2018). Kenya, has also institutionalized ADR as part of land governance reforms to facilitate equitable and accessible dispute resolution, particularly in rural areas where traditional land ownership structures are dominant (Kameri-Mbote, 2019). These successes highlight the potential of ADR as a viable alternative to litigation in land dispute resolution. Despite these efforts, the effectiveness of ADR in resolving land conflicts remains an area of ongoing inquiry.

In Nigeria, land disputes are widespread and have significant implications for economic development and social stability. The Land Use Act of 1978 vests land ownership in the government, but customary land tenure systems still play a dominant role, particularly in rural communities. The coexistence of statutory and customary land tenure systems creates complexities that often lead to conflicts. Additionally, farmer-herder clashes, urban expansion, and government land acquisition for infrastructural projects contribute to rising land disputes. According to Ojo (2021), ADR has, however, gained recognition as a strategic tool for resolving land conflicts, particularly in areas where traditional dispute-resolution mechanisms remain influential.

The Nigerian legal framework, including the Arbitration and Conciliation Act of 1988, supports the adoption of ADR methods for various types of disputes, including land conflicts. Additionally, the establishment of multi-door courthouses in some states has provided a structured avenue for ADR, allowing disputants to explore non-litigious solutions to their conflicts (Adekoya, 2018). Oyesina, (2020) also indicated that ADR mechanisms have led to significant reductions in land-related conflicts and improved community relations. Despite these developments, the effectiveness of ADR in resolving land disputes in Nigeria remains a subject of

debate. There is limited empirical evidence on their effectiveness, particularly in rural and semi-urban communities where traditional land tenure practices remain strong. Providing empirical evidence and understanding of the strengths and effectiveness of ADR will be instrumental in fostering a more peaceful, inclusive, accessible, and sustainable approach to land conflict resolution in the country. Given these divergent perspectives, this study seeks to examine the effectiveness of Alternative Dispute Resolution (ADR) in peaceful resolution of land conflicts.

### **Statement of the Problem**

Land conflicts have remained a persistent challenge in Paikoro Local Government Area (LGA) of Niger State, posing serious threats to peace, economic activities, and communal relationships. These conflicts often arise due to boundary disputes, inheritance disagreements, farmer-herder clashes, and competing claims over land ownership, which are exacerbated by rapid population growth and the increasing demand for land. The conventional judicial system, characterized by prolonged litigation processes, high costs, and complex legal procedures, has proven inadequate in effectively addressing these disputes, thereby necessitating the exploration of alternative mechanisms such as Alternative Dispute Resolution (ADR).

Despite the growing adoption of ADR mechanisms in various regions, their effectiveness in resolving land conflicts in Paikoro LGA remains largely unexplored. Questions arise as to whether ADR is truly reducing the incidence of land disputes, ensuring fair and lasting resolutions, and being widely accepted by the disputing parties. Additionally, there are concerns about the accessibility of ADR mechanisms, the neutrality of mediators or arbitrators, and the level of awareness among community members regarding ADR processes.

Furthermore, governmental and non-governmental support for ADR in Paikoro LGA remains unclear, necessitating an investigation into the level of institutional backing and the effectiveness of ADR in addressing land-related conflicts. Given these

concerns, this study seeks to critically examine the effectiveness of Alternative Dispute Resolution (ADR) in peaceful resolution of land conflicts in Paikoro LGA of Niger State.

### **Purpose of the Study**

The main purpose of this study is to examine the effectiveness of Alternative Dispute Resolution (ADR) in the peaceful resolution of land conflicts in Paikoro Local Government Area of Niger State. Specifically, the study seeks to:

1. ascertain the extent to which alternative dispute resolution (ADR) is utilised in peacefully resolving land conflicts in Paikoro Local Government Area of Niger State.
2. examine how ADR compares to litigation in terms of efficiency in peacefully resolving land conflicts in Paikoro Local Government Area of Niger State.
3. investigate the attitude of stakeholders towards ADR in addressing land disputes in Paikoro Local Government Area of Niger State.
4. identify strategies that can be adopted to enhance the effectiveness of ADR in peacefully resolving land conflicts in Paikoro Local Government Area of Niger state.

### **Research Questions**

The following research questions were raised to guide the study

- 1 To what extent is alternative dispute resolution (ADR) utilised in peacefully resolving land conflicts in Paikoro Local Government Area of Niger State?
- 2 How does ADR compare to litigation in terms of efficiency in peacefully resolving land conflicts in Paikoro Local Government Area of Niger State?
- 3 What is the attitude of stakeholders towards ADR in addressing land disputes in Paikoro Local Government Area of Niger State?

- 4 What strategies can be adopted to enhance the effectiveness of ADR in peacefully resolving land conflicts in Paikoro local government area of Niger state?

### **Methodology**

This study made use of the mixed method of research which is made up of qualitative and quantitative designs. The decision to adopt the mixed method research is to enable one research design to complement the other and to that extent mutually support and strengthen each other. The quantitative design provided answers to the research questions, while the qualitative design gave deeper insight into the issues raised in the research questions where necessary.

The descriptive survey was used under the quantitative design. This is because of its ability to provide information that can be used to proffer solutions to immediate and long-term problems. The qualitative design on the other hand was used to ensure a detailed and critical investigation into the study.

The population of this study consists of a total of two hundred and twenty-six (235) stakeholders in land matters in Paikoro local government area of Niger State. The distribution shows that community leaders were (24), community members were one hundred and eighty-seven (187), legal practitioners were thirty-eight (18) and representatives of Niger State **Ministry of Lands and Housing** were six (06) in number.

The sample size for this study comprised a total of two hundred and twenty-six (235) stakeholders in land matters in Paikoro local government area of Niger State. The distribution shows that community leaders are (24), community members are one hundred and eighty-seven (187), legal practitioners are thirty-eight (18), and representatives of Niger State Ministry of Lands and Housing are twelve (06) in number. This was done using the census sampling technique. The adoption of the

census sampling is based on the manageable size of the population which prompted the researcher to include all of them as sample for the study. The Focus Group Discussion (FGD) comprised twelve (12) stakeholders in land matters in Paikoro local government area. This includes four (4) community leaders, legal practitioners and representatives of Niger State respectively.

This study made use of two instruments for data collection. The first is a self-constructed close-ended questionnaire titled: Effectiveness of Alternative Dispute Resolution (ADR Land Conflicts Questionnaire (EADRLC) which was meant for the quantitative phase, while the second was a Focus Group Discussion (FGD) Guide which was meant for the qualitative phase. The items included in the instruments were framed from issues raised in the research questions. The questionnaire (EADRLC) was divided into two (2) sections, A and B with a total of 25 item statements. The items were measured on a four-point rating scale ranging from Strongly Agree (SA - 4), Agree (A - 3), Disagree (D - 2) Strongly Disagreed (SD - 1). The FGD guide was made up of 5 themes bordering on the effectiveness of ADR in the peaceful resolution of land conflicts in Paikoro Local Government Area. The participants were made to respond to each of the questions one after the other.

The instrument was subjected to face and content validity by three experts from community development, measurement and evaluation and conflict management from the University of Benin, Benin City, Nigeria. Their comments and corrections were included in the final draft of the instrument. The reliability of the instrument was determined using the Cronbach Alpha procedure. In this case, the instrument was administered once to a total of 20 respondents distributed as 5 community leaders, community members, legal practitioners and representatives of Ministry of Lands in Edo State respectively. The responses were computed using Cronbach's Alpha statistics and a reliability coefficient of 0.76 was obtained indicating that the instrument was reliable.

Frequency count and percentage was used in the analysis of research question 1 while the data collected for research question 2, 3 and 4 were analysed using the mean statistics. The criterion mean for decision-making for the research questions were 2.50. Items with a mean of 2.50 and above were agreed while those with a mean from 2.49 below were disagreed. The analyses were based on two hundred and twenty-nine (229) retrieved copies of the questionnaire.

### Results

Research Question 1: To what extent is Alternative Dispute Resolution (ADR) utilised in peacefully resolving land conflicts in Paikoro Local Government Area?

**Table 1: Responses on the Extent is Alternative Dispute Resolution (ADR) Utilised in Peacefully Resolving Land Conflicts**

| Level of Responses | Frequency  | Percentage |
|--------------------|------------|------------|
| High               | 68         | 29.7       |
| Moderate           | 127        | 55.5       |
| Low                | 34         | 14.8       |
| <b>Total</b>       | <b>229</b> | <b>100</b> |

Data in Table 1 bordered on the extent to which extent is Alternative Dispute Resolution utilised in peacefully resolving land conflicts. It can be seen from the Table that 68 of the sampled respondents indicated high, 127 of them stated moderate, while 34 of them stated low. This means that ADR is moderately utilised in resolving land conflicts in Paikoro local government area.

Research Question 2: How does ADR compare to litigation in terms of efficiency in peacefully resolving land conflicts in Paikoro Local Government Area?

**Table 2: Mean Responses on the How ADR Compares to Litigation in Terms of Efficiency, Cost, and Timeliness in Peacefully Resolving Land Conflicts**

| S/N               | ITEMS  | Mean        | S/D         | Remark       |
|-------------------|--|-------------|-------------|--------------|
| 1.                | ADR is more cost-effective than litigation for resolving land disputes in Paikoro LGA. | 2.58        | 1.12        | Agree        |
| 2.                | ADR resolves land conflicts faster than court litigation in Paikoro LGA.               | 3.00        | 0.48        | Agree        |
| 3.                | ADR processes are less stressful compared to litigation for land disputes.             | 2.50        | 1.00        | Agree        |
| 4.                | ADR decisions are fairer and more acceptable than court rulings.                       | 2.53        | 1.00        | Agree        |
| 5.                | ADR provides lasting solutions to land disputes compared to litigation.                | 2.52        | 0.56        | Agree        |
| <b>Grand Mean</b> |  | <b>2.63</b> | <b>0.83</b> | <b>Agree</b> |

Data in Table 2 shows the responses of the study participants on how Alternative Dispute Resolution compares to litigation in peacefully resolving land conflicts. It can be seen that all the items met the criterion mean of 2.50 and so were agreed. This means that Alternative Dispute Resolution is more cost-effective and timelier in the peaceful resolution of land conflicts than litigation in Paikoro local government area.

Research Question 3: What is the attitude of stakeholders towards ADR in addressing land disputes in Paikoro Local Government Area?

**Table 3: Mean Responses on the Attitude of Stakeholders Towards ADR in Addressing Land Disputes**

| S/N               | ITEMS  | Mean        | S/D         | Remark       |
|-------------------|--|-------------|-------------|--------------|
| 1.                | Community members have a positive attitude towards ADR for land disputes.          | 2.75        | 1.00        | Agree        |
| 2.                | Legal practitioners support ADR as a reliable method for resolving land conflicts. | 2.46        | 1.00        | Disagree     |
| 3.                | Government authorities encourage the use of ADR for land dispute resolution.       | 2.55        | 0.31        | Agree        |
| 4.                | Landowners are willing to settle disputes through ADR rather than litigation.      | 2.53        | 1.01        | Agree        |
| 5.                | ADR mechanisms are trusted by stakeholders in Paikoro LGA.                         | 2.53        | 1.90        | Agree        |
| <b>Grand Mean</b> |  | <b>2.56</b> | <b>1.04</b> | <b>Agree</b> |

Data in Table 3 shows responses on the attitude of stakeholders towards the use of Alternative Dispute Resolution in addressing land disputes. It can be seen that items 1, 3, 4 and 5 met the criterion mean and so were agreed while item 2 was disagreed for failing to meet the mean standard of 2.50. In addition, the grand mean of 2.56 indicates which means that the stakeholders have positive attitude towards the use of Alternative Dispute Resolution in addressing land disputes in Paikoro local government area.

Research Question 4: What strategies can be adopted to enhance the effectiveness of ADR in peacefully resolving land conflicts in Paikoro Local Government Area?

**Table 4: Mean Responses on the Strategies that Can be Adopted to Enhance the Effectiveness of ADR in Peacefully Resolving Land Conflicts**

| S/N | ITEMS  | Mean        | Remark   |
|-----|--|-------------|----------|
| 1   | Public awareness programmes should be organized to promote ADR for land conflicts. | 3.00        | Agree    |
| 2   | Government should strengthen ADR policies to enhance effectiveness.                | 2.71        | Agree    |
| 3   | More training should be provided to ADR practitioners in Paikoro LGA.              | 2.60        | Agree    |
| 4   | Community leaders should play a more active role in ADR processes.                 | 2.45        | Disagree |
| 5   | Modern technology should be integrated into ADR processes for efficiency.          | 2.97        | Agree    |
|     | <b>Grand Mean</b>  | <b>2.67</b> | Agree    |

It can be seen from data in Table 4 that items 1, 2, 3, and 5 met the criterion mean and so were agree, while item 4 was not disagreed for failing to meet the mean standard. Moreso, the grand mean of the items was 2.76 which was also higher than the mean benchmark of 2.50. This means that strategies that can be adopted to enhance the effectiveness of Alternative Dispute Resolution in peacefully resolving land conflicts in Paikoro local government area are public awareness programmes, strengthening Alternative Dispute Resolution policies, training for Alternative Dispute Resolution practitioners and integration of modern technology into Alternative Dispute Resolution processes.

### Discussion of Findings

The findings from this study have been very revealing and interesting. Findings from the study revealed that ADR is moderately utilised in resolving land conflicts in Paikoro Local Government Area. This finding negates that of Ubink and Quan, (2018) who reported that customary land tenure systems have been integrated with ADR mechanisms to address disputes efficiently, reducing pressure on formal courts and ensuring culturally relevant resolutions. It also negates that of Kameri-Mbote, (2019) who indicated that ADR has been institutionalized as part of land governance reforms to facilitate equitable and accessible dispute resolution. However, responses from the FGD seem to corroborate this finding. Most of the participants in the FGD were in agreement that ADR has yet to be adopted in resolving land issues.

Again, findings from the study indicated that ADR is more cost-effective and timelier in the peaceful resolution of land conflicts than litigation in Paikoro local government area. This finding is corroborated by that of Uwais, (2017) who found that ADR enables disputing parties to reach settlements that are faster, less costly, and more sustainable compared to litigation. Reports from the FGD are also in consonance with this finding. FGD participants were unanimous in their response that the processes ADR of were faster and had more trustworthy outcomes. For instance, one of the participants in the FGD stated that “the speed with which conflicts were handled under ADR helped to prevent loss of lives” Similarly, another participant indicated that “ADR was far more affordable than other conflict resolution processes”

Furthermore, it was seen from the findings from the study that the stakeholders have positive attitude towards the use of ADR in addressing land disputes in Paikoro local government area. This finding is buttressed by Ojo (2021), who indicated that ADR has gained recognition as a strategic tool for resolving land conflicts, particularly in areas where traditional dispute-resolution mechanisms remain influential. However, participants in the ADR seem to be divided in their response to the issue. For instance, a community leader stated that “community

leaders, members and the government ministry are happy with ADR”. A ministry representative also stated that “all of us, apart from the lawyers prefer ADR for conflict resolution. This may be because of the nature of their job”. The legal practitioners, on their part stated that “lawyers are positively disposed towards the used the use of ADR especially in solving land conflict but the truth is that it is not all conflicts that ADR can solve”

Finally, findings revealed that strategies that can be adopted to enhance the effectiveness of ADR in peacefully resolving land conflicts in Paikoro local government area are public awareness programmes, strengthening ADR policies, training for ADR practitioners, and integration of modern technology into ADR processes. This finding is corroborated by that of Ojo (2021) who found that increased sensitization and awareness, training and government intervention will help to enhance the effectiveness of ADR in land disputes. Similarly, reports from FDG revealed that community leaders are already involved and are seriously playing their parts but with training without discrimination, awareness, government support, and even technology, ADR will become more useful and highly effective in peacefully resolving land disputes in Paikoro Local Government Area.

### **Conclusion and Recommendations**

The study findings indicate that despite its moderate utilization, ADR has proven to be more cost-effective and time-efficient than litigation, making it a preferred option for peaceful conflict resolution. The positive attitude of stakeholders towards ADR further underscores its relevance in land dispute resolution. However, to enhance its effectiveness, strategic improvements such as public awareness programmes, policy strengthening, professional training, and technology integration should be prioritised. In view of this, the following recommendations were made:

1. Government should establish and enforce legal frameworks that support ADR implementation, ensuring its accessibility and credibility in land dispute resolution.

2. Regular training and workshops should be provided for ADR professionals, traditional leaders, and legal practitioners to enhance their skills and effectiveness.
3. Digital platforms, online mediation services, and case-tracking systems should be introduced to improve efficiency and accessibility in ADR procedures.
4. Traditional rulers, legal bodies, and government institutions should collaborate to institutionalize ADR as the primary approach to land dispute resolution in Paikoro LGA.

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