THE FAMILY INSTITUTION AND MEDIATION FOR SUSTAINABLE PEACE BY NON-GOVERNMENTAL ORGANISATIONS IN IBADAN, NIGERIA.

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Abstract
The quest for peace universally is unending while its sustainability for the family institution is imperative. Homicidal incidents during domestic conflicts show that marital conflict isnot abating. Effective third-party intervention is therefore a necessity because Litigation, which is the traditional, governmental mechanism is not without drawbacks. Hence the consideration for Alternative Dispute Resolution (ADR) mechanisms used by NGOs which are *pro bono* (no charges), fast, and effective. Besides, they are preferred because they provide options that reconcile couples without necessarily exposing the family to the tedious process of litigation and desired needs are met.The objective of this paper therefore, is to examine the use of ADR (mediation) by The International Federation of Women Lawyers (FIDA) with core terms of reference in marital conflict management.Structural-Functional and Human need theories were adopted. The study was done qualitatively while the procedure for data collection was through primary and secondary sources. Key Informant (KI) and In-Depth Interviews (IDI) were conducted, while data were contently analyzed descriptively. The trajectory of ADR, as mechanism of adoption by NGOs showed that ADR has always been a system practiced in all cultures of the world even though it may not have been formal then. The mechanism has however, succeeded in rescuing a number of marriages from adversarial end results like divorce. Government could thus empower mediators through legislation to prevent complainants from truncating the ADR processes.

Word count: 231
Keyword: Sustainable Peace, Family Institution, NGOs, Mediation, Peace and Conflict.

Introduction

Sustainable Peace cannot be achieved in any sphere without first settling the issue of peace. Peace is a priceless desired phenomenon in human society, and according to definitions, it is a state of harmony or the absence of hostility, a non-violent way of life (*Wikipedia encyclopedia).* It can mean a state of quiet or tranquility—an absence of disturbance or agitation. It is also described as a relationship between any people characterized by respect, justice and goodwill(Peace‖> http://www.wikipedia encyclopedia). Galtung (1995) asserted that the term 'Peace and Violence 'are linked. According to him, peace is the absence of violence and should be used as the social goal. Peace, if used as the social goal would facilitate development and as such, has to be sustained. Accordingly, sustainable peace is defined generally as a situation when there are no chances of conflict at all among the people of the societies. Human societies are made up of family units without which there would be no societies. There is therefore a need to sustain the family units in order to sustain the human society. In the achievement of sustainable peace in the family institution, there will be sustainable peace in the world (Lazslo, 2008) and by extension sustainable development. It can then be inferred that sustainable peace is a precursor to sustainable development, the world current pursuit.

Sustainable development, the current UN goal has been a mirage because the process of its achievement is being derailed by unending conflict worldwide, especially conflict in the family institution. Conflict is defined as the pursuit of incompatible interests and goals by different groups. Conflict, even though inevitable (Albert, 2001), is evidence of the deviation from the ideal of sustainable peace and has dominated the world theatre. Conflict generally occurs between two or more people when they disagree on an issue that threatens their respective goals, values or needs (Nwolise, 2004). Conflict has negative or positive implications in human relations; it forms an integral component in growth, progress, and development as it causes people to consider different ideas and alternatives no matter how conflicting they are to the status quo. Albert (2001) asserted that conflict is not necessarily bad, as commonly perceived by most people; the right amount of conflict enhances mental and emotional functions and may lead to improved relationships. When conflict is perceived wrongly, it leads to physical and mental illness and damages human relationships. The outcome of negative conflict, however, necessitates a third-party intervention (Ala, 2019) for the maintenance of sustainable peace in the society. There are formal and informal mechanisms (Albert,Awe, Herault, and Omitoogun,1995) for its management. This paper therefore dwells on the achievement of sustainable peace in the family institution through the activities of NGOs.

Statement of the Problem

There are on daily basis, different types of conflict arising from various causes and sources confronting humanity in the forms of intra-personal; inter-personal; intra-group, inter-group; and national and international conflicts (Ala, 2019). Whichever type of conflict it is, it has potentials to be constructive (positive) or destructive (negative), depending on how it is managed. Litigation, the traditional, formal, governmental mechanism, is not without drawbacks. It has been discovered to be slow, costly, and not often accessible. Hence the search for an option that led to Alternative Dispute Resolution (ADR) mechanisms, being used by Non-Governmental Organisations (NGOs), which are *pro bono* (no charges), fast, and effective. They are preferred to litigation by couples in conflict because they provide options that reconcile them without necessarily exposing the family to the tedious process of litigation and desired needs are met. Existing studies have focused more on government mechanism (litigation) than the use of

ADR.The objective of this paper therefore is to examine the use of ADR (mediation) by a carefully selected NGO- the International Federation of Women Lawyers (FIDA), Oyo-State branch in Nigeria; whose core terms of reference is marital conflict management, as a case study. Today, inter-personal conflict, such as is found in marriages for instance, is a conflict type ravaging the family institution. Family conflict also known as marital conflict has become homicidal and necessitated more efficient and speedy costless intervention mechanisms. Consequent to this necessity is the resort to the use of Alternative Dispute Resolution (ADR) mechanisms by NGOs in the achievement of sustainable peace. Existing scholars like Ojighoro (2021); Manojlovic (2018) and Igbuzor (2011) have viewed Sustainable peace from the perspectives of transformation of violent conflict; peace and security education; and, practice and theory of education respectively for the sustenance of peace. However, not much has been reported on the activities of NGOs on sustainable peace within the family institution. This is the gap the study attempted to fill.

Conceptual Clarification

The study reviews related literature on the key words as they relate to the topic of the paper- *The Activities of International Federation of Women Lawyers (FIDA) in Sustainable Peace Within the Family Institution*, which are as follow; Peace and Sustainable Peace, Family Institution, NGOs, Conflict and Mediation.

Peace: There can be no sustainable peace without a discourse on peace.Peace is generally defined as the absence of war, fear, conflict, anxiety, suffering and violence, and about peaceful coexistence (Francis,2006), according to him, in general, six meanings of peace are agreed on by many peace researchers which include: peace as the absence of war, (absence of direct violence), peace as justice and development (absence of structural violence), peace as respect and tolerance between people, peace as Gaia (balance in and with the ecosphere), inner peace (Spiritual peace), and peace as 'wholeness and making whole'. Galtung (1990) in broadening the definition of peace, outlined two dimensions of peace: 'negative peace', that is, the absence of direct violence, war, fear and conflict at individual, national, regional and international levels; and 'positive peace', that is, the absence of unjust structures, unequal relationships, justice and inner peace at individual level. While both authors view peace from definition perspective, this study viewed it from 'experience', that is, the atmosphere of the society that makes for peaceful co-existence and development through sustainable peace in the family institution.

Sustainable Peace: Sustainable peace is a process with activities aimed at the prevention of conflict, underpinned by the people-centred approach of the 2030 Agenda for Sustainable Development and grounded in international human rights laws and standards. According to Lao Tzu 's (2008) analysis, there can be no peace in the world if there is no peace in the family institution. Sustainable peace therefore becomes a major ingredient in the family institution and must be sought. Scholars like Ojighoro (2021); Manojlovic (2018) and Igbuzor (2011) have worked on Sustainable peace from the perspectives of transformation of violent conflict, peace and security education and practice, and theory of education respectively for the sustenance of peace. This study views sustainable peace from the perspective of family institution as pursued by non-governmental organization(FIDA).Without peace in the home front, all the above critical factors noted for sustainable peace may be a mirage, going by Lao Tzu's (2008) analysis, making it virtually difficult to achieve 2030 Sustainable Development Goals. Most of the aforementioned ideas for sustainable peace are however in the purview of government, but due to the quantum and homicidal levels of conflicts in the home front (family institution) in recent times and the negative features (cost, time and alienation) of government's mechanism (litigation), the option of ADR by parties in family conflict became more popular.

Family Institution: Many social and political commentators in Western societies have expressed concern about what they see as the decline of marriage and family life. Many see this as a threat to the family, which in turn they see as the bedrock of a stable and civilised society. Almond (2006) believed the family is fragmenting. She argued that there has been a shift away from concern with the family as a biological institution based upon the rearing of children, towards the family as an institution which emphasized 'two people's emotional need or desire for another (Almond, 2006).

There is an increased emphasis on the needs of individuals and less emphasis on society's need for the rearing of children in stable relationships. There is increasing social and legal acceptance of marital breakdown, cohabitation, gay and lesbian relationships and so on, all of which lead to the decline and fragmentation of families. Almond believes that the decline of the family is damaging to society, and steps should be taken to reverse the trend.

Another writer who believes that the family and marriage are in decline is Morgan (2003). She argued that factors such as increased cohabitation, declining fertility, the decline in the proportion of married people, the increase in single parenthood and childbirth outside marriage, the rise in the numbers living alone are all indicative of this decline. Like Almond, she sees this as harmful for society, for individuals and for children (Haralambos, Holborn, and Heald, 2008).

Marriage and family are two concepts that are interwoven and cannot be relegated when discussing marital conflict. Although it is difficult to separate the two concepts, they are not exactly the same. Nwoye (1991) claimed that it is important to dichotomise the two words for the purpose of simplicity and understanding. Martison (1960) argued that there is a kind of snail-shell relationship existing between marriage and family. He further contended that the arrival of a child in a marriage makes the marriage and family two social systems, functioning as a subsystem of marriage and as a subsystem of the family. Consequently therefore, the two concepts are seen as inseparable and interchangeable, even though they possess features that mark them out as different. In other words, features of marriage as a heterosexual union of consenting adults cannot be said to be the same with family, which basically is a social grouping that has people who are either consequently or conjugally related or both ways related. Marriage and family vary from society to society and culture to culture. However, that the union of a woman and a man all over the globe involves sex may be contended. It is a legal union of a man and a woman as husband and wife. This study however, viewed marriage in the context of the family institution and family conflict.

Conflict: The term conflict is a derivative of the Latin word 'conflictus' meaning a contest, confrontation, battle, or struggle according to Nwolise (2004). The term has numerous, partly overlapping, partly conflicting definitions. Coser (1956), Nwolise (2004) have defined conflict as a clash between opponents over values and claims to status, power and scarce resources, in which the aims of the conflicting parties are to assert their values or claims over those of others. Wertheim, Love, Peck, and Littlefield, (1998) perceived conflict as occurring when there are real or imagined differences in interests (wants, needs, fears, concerns) that cannot be simultaneously satisfied. This perhaps, explains the realities of conflict in the family institution as there are usually conflicting interests in the family institution due to inter-personal relationships (Ala, 2019) it is inevitable in social relations. Altogether, conflict is seen as a result of interdependent relationship between people competing for incompatible goals as is seen in the family institution in this study.

Mediation: The term is derived from the Latin word "mediare" which means to "be in the middle". Although there are many definitions of the word, according to Boulle and Nessic, it is generally agreed by scholars that it is a process that assists people in reaching a voluntary resolution of a dispute. It is therefore simply described as negotiation facilitated by a third party.

A mediator emphasizes the cause of the problem and facilitates working on mutually acceptable solution. By their definition, a mediator in a traditional mediation plays an active role. He or she intervenes with the primary objective of restoring the ties of the parties, He or she may be described as an educator of good social conduct and may chide the parties for their roles in the dispute, hence reinforcing standards of behaviour expected of upstanding members of the community. The mediator may also be described as a "guardian of community interests who reflects the collectivist as opposed an individualist culture". From the foregoing, it can be concluded that the work of a mediator is to;

- Help to address the substantive issues in a conflict
- Help to establish or strengthen relationships of trust and respect between the parties
- Help to terminate relationships in a manner that minimizes costs and psychological harm

As mediation continues, there has been less consensus among scholars on what constitutes mediation, however, Boulle and Nessic (2001) attribute the problem of definitions to the contrasts between private mediation on one hand and various forms of 'institutionalised mediation' on the other. Private mediation is well-resourced, have few time limitations, and is often, though not always, conducted by well-qualified mediators who can exploit the system's potential to the full. Some forms of institutionalised mediation have none of these features. The golden rule of mediation is that whereas the power of a judge flows from the *law,* that of the mediator flows from *trust.* The mediator is accepted only when the parties have trust or confidence in him.

Other writers such as Folberg and Taylor (1984:7) and Chinkin (1992:61) agree that mediation is the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs.Of all the instruments of peaceful settlement of conflicts, mediation is significant and has an increased application in the management of conflict situation at different levels beginning from the interpersonal to international (Godongs 2006).

According to Olagunju (2007), mediation is a forum in which an impartial person, the mediator, facilitates communication between conflicting parties to promote reconciliation, settlement or understanding. It has also been defined as a private, voluntary and informal process where a party-selected neutral person, assists disputants to reach a mutually- acceptable agreement. Mediation is amicable, user-oriented, flexible, rational, voluntary, cost-effective, fast, fair to both parties, it is conveniently workable and reconciliatory.For ADR to be functional however certain criteria like; key preparation criteria – needs assessment and identification of goals, participatory process, and effective local partner are necessary.

The Federacion International De Abogadas' (FIDA)
The Federacion International De Abogadas' (FIDA) also known as International Federation of Women Lawyers Nigeria is a Non-Governmental Organisation, founded in 1944 in Mexico by a group of women lawyers from Cuba, El Salvador, Mexico, Puerto Rico and USA, with the main objectives:

- To enhance and promote; the welfare of women and children, realizing that the happiness of the home and strength of the society depends on women and children's well-being.
- To promote; the principles and aims of the United Nations in its legal and social aspects.
- To proffer advice to; government in all cases of neglect relating to women and children.

FIDA Nigeria with a composition of female lawyers, was formed in 1964 by Mrs (Lady) Aduke Alakija. FIDA Nigeria is a member of FIDA international. FIDA, Oyo State branch where this

study took place was inaugurated under the chairperson of Mrs Funmi Roberts but has since changed leadership. FIDA actualises its objectives through rendering voluntary and humanitarian services such as free legal services to indigent women and children. It does it through advocacy, policy campaigns, and sensitisation activities on issues affecting women and children and the family in general, educating and training, walk- in free legal clinics, mediation and counseling services. This paper explored mediation (ADR) as one of their activities.

Theoretical Framework
The study was premised on Structural-Functionalism theory which has been worked upon by various functionalist theorists, but the version of Merton (1968) was adopted by the study and the theory of human needs by Abraham Maslow (1970).

Comte (1798-1857), one of the founding fathers of Structural-Functionalism theory (Haralambos, Holborn and Heald, 2008), saw society as a complex system, whose parts work together for the purpose of unity and solidarity, otherwise known as functionalism. It addressed society as a whole in terms of the function of its constituent's elements: norms, customs, traditions, and institutions. A positivist at heart, he posits that "the sciences followed an evolutionary pattern; one in which the highest order, and most complex of them, social sciences, emanates from biology. He argued that the way an organism relates to its environment, the interrelatedness of parts within its overall system, as well as how it goes about maintaining its overall system when balanced if disturbed could serve as a model for the study of society (Comte,1798-1857).

The version of Merton (1968) was however adopted for this study. Advancing the theory, he added that the functions are either latent or manifest in society. Manifest functions are those recognised while latent are unrecognised functions. It is assumed that some conditions define the ends or goals of the system. He criticised functional unity, implying that not all parts of a modern complex society work for the functional unity of society. Consequently, there is a social dysfunction referred to as any social pattern that may disrupt the operation of society. He claimed that some institutions and structures may have other functions, and some may even be generally dysfunctional, or be functional for some while being dysfunctional for others. This is because not all structures are functional for society as a whole. According to Holmwood (2005), some practices are only functional for a dominant individual. There are two types of functions that Merton discussed: the "manifest functions", in that a social pattern can trigger a recognised and intended consequence. The manifest function of education includes preparing for a career by getting good grades, graduation and finding good job. The second type of function is "latent functions", where a social pattern results in an unrecognised or unintended consequence. The latent functions of education include meeting new people, extra-curricular activities, and school trips. Another type of social function is "social dysfunction" which is any undesirable consequences that disrupts the operation of society. The social dysfunction of education includes poor grades. Merton states that by recognizing and examining the dysfunctional aspects of society we can explain the development and persistence of alternatives. Thus, as Holmwood (2005) stated, Merton explicitly made power and conflict central issues for research within a functionalist paradigm (Haralambos, Holborn,andHeald, 2008: 861-862).

Merton (1968) also noted that there may be functional alternatives to the institutions and structures currently fulfilling the functions of society. This means that the institutions that currently exist are not indispensable to society. Merton states "just as the same item may have multiple functions, so may the same function be diversely fulfilled by alternative items" (Holmwood, 2005:91). This notion of functional alternatives is important because it reduces the tendency of functionalism to imply approval of the status quo.

Relationship between Structural Functional Theory and Mechanism of FIDA in Marital Conflict for Sustainable Peace in the Family Institution.

The study identified with the perspective of Merton by using structural functional theory to understand the institution of family and the mechanisms of resolving marital conflict by the Non-Governmental-Organisation, knowing that no institution of the society such as family and government are indispensable. Corroborating Merton (1968) and contrary to Comte, society would not always be at equilibrium, for instance, institutions such as family have been dysfunctional and have attracted the intervention of NGOs because government institutions(courts) have not been functional effectively enough to sustain the institution, the need for the NGOs became indispensable. While other theorists have viewed the theory from macro level of society, this study looked at it from the micro level of family and the influence of the NGO.

The study juxtaposed structural-functional theory with the mechanisms for resolving family conflict by NGOs. Non-governmental organisations were seen as alternatives to the dysfunctionality in government as an institution of society. The institution of marriage from which the family, a part of the body of the society is produced is seemingly abstract, yet integral. Therefore, trends in family conflict and the processes for resolving marital conflicts were the focus of this study.

Methodology

Research was descriptive and case study design; descriptive design helped to describe the deployment of mediation for the management of family conflicts by the carefully selected NGO. The study area is Ibadan. The study selected a prominent NGO out of many organisations that intervene in family conflicts in Ibadan, to examine the mechanism it uses in its intervention. In this study, the selected NGO is International Federation of Women Lawyers (FIDA), due to its special interest in management of family conflict amidst other endeavours. Since they entertain only complaints from women, some of the complainants that visited the organisations while the study was on-going were interviewed. The volunteers and secretary that are directly involved in the counselling sessions of the selected organisation were also interviewed. The choice of sample size was informed by the need to get answers to the research questions from people that are either directly or indirectly involved in the subject matter. The research also adopted purposive sampling technique. It involved deliberate selection of respondents for specific purposes. In this context, twenty (20) complainants were selected from the NGO for In-Depth-Interview (IDI). This is because they have used the services of the organisation and thus were able to give an opinion on the processes. Moreover, purposive sampling technique ensures that it is the experienced people in the subject matter that are being interviewed for authentic data. Therefore, the president of FIDA was purposively selected for interview as key informant (KII), while six (6) panel members (volunteers) from the organisation and one (1) administrative staff from the organisation, who usually are involved in the counseling sessions were also interviewed purposively. Pilot study revealed that the organisation attends to an average of eight (8) cases in a month, which translates to about one hundred (100) cases annually. In this regards, 10 cases, representing 10% of the annual number of cases attended to were randomly selected by simple random technique from the organisation and were contently analysed.

Findings and Discussions

The study generally examined the activities of the International Federation of Women Lawyers (FIDA), as a Non-Governmental Organisation (NGO) in the sustenance of peace in the family institution. It examined how their mechanism of operation is deployed for the achievement of sustainable peace in the family institution. The family institution has in no doubt been bedevilled

by conflict since its inception (Ala, 2019). Nevertheless, effort is on-going on the pursuit of sustainable peace in the family institution. The study was done within the framework of FIDA utilising mediation as alternative dispute resolution (ADR) mechanism to pursue sustainable peace by reconciling couples as against divorce offered by litigation. In the findings of this study, the FIDA (Lawyers) respondents are referred to as Volunteers.

The Family Institution and Mediation
Incidentally, both family conflict and mediation mechanism of settling conflict are under the purview of FIDA. The work of the mediator is to reduce obstacles to communication of issues and explanation of alternatives and otherwise facilitate voluntary agreements resolving the conflict. The ultimate decision-making authority however rests with the parties. Mediation has always been a system practiced in all cultures of the world even though it may not have been formally so called back then. As a matter of fact, study found out that our Ọbas, Chiefs, Elders, and neighbours from time to time bring family members, neighbours, kinsmen and so on, who are in conflict together and aid them in settling their conflicts.

There are some common processes and principles that are expected to be followed by skilful mediators however. Segun-Olakojo (2010) identified the skills to be possessed by a skilful mediator for effectiveness as good demeanour, good listening ability, ability to sensitize options, realistic settlement, ability to take charge of the proceedings, and proper closure system. The observed proceedings at FIDA were however handled professionally as *mediators* and not as *lawyers*, whose interest was usually to ensure peace that is sustainable. There are guiding principles in mediation known as; the principle of self-determination, confidentiality, voluntariness, empowerment and education, and lastly, impartiality also observed in FIDA.

Principles of Mediation
- *The Principle of Self Determination*

The principle of self-determination permits parties to either include or exclude any important issue (s) during negotiation. In effect, they determine what is or what is not discussed. To a very large extent, findings showed that the NGOs limit their mediation to only those issues brought up by complainants. There are forms designed to be filled by complainants and there is space for where the specific 'plea' of the complainant is expected to be stated. This was confirmed by a respondent:

> "we try to interview the persons, gain their confidence and obviously try to
> find out where they are at the moment and where it is, they want us to
> guide the dispute towards" (Interview with Volunteer, 2017).

So that right from the onset of intervention in the sessions observed and according to respondents, the complainants guide the mediators on where to come into the conflict.

- *The Principle of Confidentiality*

The principle of confidentiality is geared towards boosting the confidence of the parties to discuss freely and truthfully amongst themselves without any fear that their positions, claims, defences or remedies being sought would be made public or available to other people who may not be directly involved in the conflict or negotiation. Compliance with the principle of confidentiality could not be established by the researcher at this point, since mediators could not be monitored to the extent of knowing the kind of discussions they engage in outside. However, one of the mediators had this to say in justification of their compliance to the principle:

> "While things are happening in the home they are seeking third
> party resolution without really thinking of leaving or breaking the
> home, so to a large extent they and their families are very
> confident in what we do and more importantly in privacy because

we uphold confidential information and we do not share it with third parties. We found that because of this we gradually win over the confidence even of the husband or the opposition family when they realize our position especially our professionalism that is important" (Interview with Volunteer, 2017).

It is only to the extent admitted by the respondents that the researcher can agree that the principle here is truly kept.

- *The Principle of Voluntariness*

The principle of voluntariness gives parties protection against compulsion by anyone in any stage of the process; they could withdraw at whatever stage based on their own judgements. The responses from the majority of the complainants interviewed confirmed that they were not forced to choose mediation in the management of their conflict. Most of them visited on referral by either a colleague or a friend. However, the experience of the mediators showed that oftentimes, parties to conflict would withdraw from the mediation process without informing the mediators until after a rigorous follow up is carried out to discover that they are no longer interested in the process. According to one of the responses, 'one woman referred me to the place that their work is to help indigent women to secure justice'. (Complainant, FIDA, 15/05/2017). At this juncture it was noted that some respondents (Complainant's husband) through their verbal expressions were insubordinate to the mediators simply because they are NGOs and have no power to impose anything.

- *The Principle of Empowerment and Education*

In the principle of empowerment and education, every mediation process should aim to empower and educate parties so that they can acquire an enhanced capacity to deal with their problems and handle conflict. The observed trend is that mediators tried to empower and educate parties in conflict in the course of sessions. They would always make parties see reason(s) why they need to mend their relationships even when their minds seemed to be made up. There were observed cases of reversal of decisions hitherto taken on position after being educated on what is happening to other married people.

- *The Principle of Impartiality*

The principle of impartiality seeks to promote the ideals of justice and fairness of the mediator on all issues brought to the negotiation table. In the case of FIDA, because it is an organisation composed of only women, the expectation or tendency might be that of prejudice against the men (husbands) as imagined by a complainant who said:

"I knew that it was women that are there so I knew they would quickly understand what I'm going through. And then I heard that they are peaceful in their dealings and negotiation" (Complainant, FIDA, 2017).

Of course, to a large extent it is easier for them to 'quickly' understand what she's going through because they are women, but that does not give her any edge over the man, as the principle of fairness was held in high esteem by the organisation. The approach is not influenced by gender unless it involves violence.

In this study, the selected NGO admitted that what they do is mediation according to the allusion of a respondent who said:

What we do is mediation, we mediate, that is, we try to have a form of conciliation to reconcile or to have the two parties together, because you know the Yorùbá (an ethnic group in Nigeria) will say that when you go to court you cannot come back

as friends but with the ADR mechanism, we find out that its open
doors. (Interview with Volunteer, 2017)

With mediation, effort is usually made to reconcile the parties by appealing to their conscience to give peace a chance in their family issues. This is because it is open door and it eliminates the formalities of court proceedings. The focus of the NGOs is not litigation but reconciliation and maintenance of relationship after settlement. Quoted is one of the respondent's assertions to reiterate the point:

The focus is usually to reconcile and not to go to court, we try to re-focus the parties from their initial position, to disparate objectives, to trying to work out; or trying to identify or own up to their fault from the beginning of the conflict' (Interview with Volunteer, 2017).

We found out that litigation (court action) is not encouraged because as Africans generally and Nigerians in particular, it would be found out that people are related in one way or the other especially when it comes to conflict issues. In the words of one of the respondents, 'you will find out that your uncle knows my aunty or my aunty knows the wife of your uncle' (Interview with Key Informant, 2017), therefore if it is not settled and allowed to escalate to court, not only the couple will be involved but the family at large. It will affect the children, the in-laws; the scope might be over -stretched and would create enmity within the society   . Moreover, there is a common Yorùbá (an ethnic group in Nigeria) maxim that '*aìí tilé ẹjọ dé wá ṣọrẹ́'* (You don't come back from court to continue friendship). The mechanism of mediation has a procedure that should be followed for it to be effective. That is why the next sub-theme outlined the steps and stages in mediation as observed.

Stages of Mediation

A typical outline of the stages from some of the scholars consulted include; Albert (2001)- Introduction, Story-telling, Joint-problem solving, Formalising and Signing Agreement; Godongs in Best (2006:130-143)-Initiation, Preparation, Introduction, Problem Statement, Problem Clarification, Generation and Evaluation of Alternatives, Selection of Alternatives, and Agreement. Olagunju (2007), Opening Statement, Summary of Parties' views, Private Sessions (Caucuses), and Closing. However, from the observed trend in the stages followed by the NGO, typical mediation processes could be classified as below with findings as below: *Introduction, Story-Telling, Mediation, Settlement and Monitoring.*

Introduction-This is when the woman visits the NGO to lodge a complaint where abuse can no longer be contained in conflict. Usually because its core term of reference is women, children and family generally, only women are allowed to report abuse. At the point of report, the woman pays a token for administrative documentation while the administration of justice is *pro bono.* Here, the administrative officer listens to her story and gives an appointment for   the next meeting for hearing by the mediators (who shall be minimum of two in number) with the respondent (husband of Complainant) in attendance. This is for the purpose of fair-hearing, as mediation is never one-sided. At the point of reporting, details of respondent would have been taken from complainant and an invitation is sent to the husband on a day that is agreed upon with the woman as she has to be available to repeat her story.

Story-telling- Olagunju (2007) referred to this stage as opening statements; Godongs (2006), as problem statement and Albert (2001), as story-telling. They are all right as they all said the same thing about the expectations at this stage. Some of the contents at this stage are the history of the relationship between the parties; how the problem arose and the result each party desires. The emphasis at this point is *feelings* and not *demands*. The observed mediation was usually preceded by reporting, whereby the complainant (usually the woman) would have gone prior to the day of

mediation to the office to tell her story (report) and obtained a date for the mediation. At the first visit, she is made to tell her story, after which she is given a form where she states her bio-data and her plea which sometimes could be child/children's welfare, battering, and sometimes death threat by the spouse. The meeting is usually on Fridays from 12:00 noon till about 5.00p.m and sometimes would adjourn discussion, (Please note that the organisation refer to the complainant's husband as respondent as well, so that there should be no mix up when the researcher refers to respondent).

On the set date, the session is started by the Complainant with the agreement of the respondent (husband), in the language they are both comfortable with. The mediator is expected to ensure that parties express as much of their feelings as they can or want; effective listening is a very important tool for the mediator (Godongs 2006) at this stage. This usually was not the case all of the time as there were instances when complainants were stopped midway by impatient listeners (mediators). As observed in one of the sessions, a party was observed through her body language to be dissatisfied with the time allowed for her story and was not quite happy with the position of the mediators. This is only a minority and not enough to discredit the enormous success of the organisation. The next thing in this stage is to ensure that each party is well understood by a recap of stories told. Usually, there would be conforming and non- conforming information; it was at this point that the mediators exhumed the point of convergence and the non-conforming facts that formed the issues for negotiation. Time was given for questions and clarifications to expose the real root of the conflict and what direction negotiation should follow.

The Real Mediation

Olagunju referred to this stage as *private sessions* (caucuses) while Albert referred to it as *Joint Problem-Solving,* and Godongs *as generation and evaluation of alternatives*, but according to findings, this is the core stage of mediation. Since the concept of negotiation was not the main focus of the study, the concept was minimally interrogated. Only when it appeared difficult to get the respondent to agree with the plea of the Complainant, was negotiation strategy engaged because mediators have no power to impose decisions. It is important to note that mediation is limited by the fact that nothing can be imposed upon anybody. If a respondent is not satisfied with the outcome of the process, he could choose to withdraw; hence the need to negotiate to avoid a gridlock. This is where the real work is done. The mediator attempts to appeal to the *ọmọlúàbí*(a person of good character*)*instinct of the parties. Observation revealed that this stage of the process was usually guided by the *ọmọlúàbí* philosophy; described in Albert et al (1995) as a belief among the Yorùbá   (an ethnic group in Nigeria) that every person is an *ọmọlúàbí* by instinct and that in a conflict situation, settlement can be achieved by appealing to the *ọmọlúàbí* of both parties,(Ala, 2019), which is believed to lie in the conscience of everybody. This probably is one of the bases for the choice of mediation mechanisms by the NGOs rather than litigation, even though they themselves are trained litigators. It is the duty of the mediator at this juncture to stimulate parties' minds to bring out healthy options for conflict resolution and to help them decide the best, the most holistic resolution, but of one, that strengthens the two sides individually and the one that shuts out antagonism in future interactions between the parties, leading to proper settlement.

Settlement/agreement

In bringing a mediation session to a close, Olagunju stated that the agreement by parties is reduced to writing without a specific mention of who does the writing. There seems to be however, a contradiction in the views of Albert and Godongs to this. While Albert (2001) claimed that it is the mediator that should put agreements into a formal document; Godongs (2006) said the mediator should not get involved in drafting an agreement for parties. He claimed *it is usually a joint assignment for parties who have been involved in negotiation.* However, from

the studied organisation, the researcher did not witness the writing of an agreement at any point, either by mediators or parties, but they did recognise the fact of having an agreement on the way forward at the end of session, but, it was not necessarily put into writing, there were only verbal agreements.

Monitoring

In conclusion, a good mediator should set up a follow-up mechanism according to Godongs (2006), indicating the implementation of agreements reached. The organisation was found to comply with this, because it has monitoring teams that see to the effectiveness of what was done. This was corroborated by a respondent:

> We monitor them for a while by making phone calls to them to know how they fare (sic) and if the report from them is that there's no problem, at least we wait for a year or more before we can now say or remove that file from other files and keep it into a separate place as a file we have dealt with (Interview with Volunteer /2017).

The purpose of monitoring is to ensure that what was thought to have been achieved is not reversed. Again, the researcher encountered some of the parties whose cases have been brought to an end, the answers were in favour of the effectiveness of the NGO, and therefore, the mechanisms may be pronounced as effective.

In line with Merton theory of structural functionalism, this study viewed mediation from the perspective of being a 'functional alternative' to the courts. Merton disagreed with the 'postulate of indispensability' (Functionalists assumption) which stated that certain institutions like the courts (in the context of this study) are indispensable to society. Merton argued that the same functional prerequisites may be met by a range of alternative institutions such as the activities of the NGO in the study. Therefore, in line with Merton, based on the evidences on ground, mediation may be a functional equivalent to the courts;however, this would only be done effectively if the NGO would fulfil certain principles that were noted as prerequisites in effective mediation. The principles were viewed and discussed from the perspective of Albert (2001) on mediation in his book '*Introduction to Third-Party Intervention in Community Conflicts*' because there is a dearth in direct literature on the particular subject matter. Which actually is a justification for the study.

The merits of mediation being used by NGOs in family conflict management surpass that of litigation**.** While mediation is usually affordable, less time consuming and builds long term relationship (sustains peaceful relationship), litigation is expensive, time consuming and brings about alienation because it is believed in Africa that you don't come back from court to continue friendship. Mediation is usually aimed at reconciliation of the parties by appealing to their conscience to give peace a chance in their family issues, and since it is open door, it is able to eliminate the formalities of court proceedings. The focus is not litigation but reconciliation and maintenance of peaceful relationship after settlement.

Conclusion

The effort to examine the ADR mechanism for the sustenance of peace in family conflict by NGOs with FIDA as case study, resulted in the following deductions:

The study was able to establish that not all parts of the society work for the maintenance and integration of society as a whole. For instance, in line with the stand of Merton (1945) against the functionalists' postulations, the revelation of cohabitation as the norm in place of celebrated marriage among the younger generation today in the family institution is a confirmation that investigation is a needful instrument before any assumption should be made on the existence of

functionality in any part of the system. It was found out that marriage does not necessarily hold society together as debunked by the manifest of marital conflict.

The study also, in support of Merton (1945), established that not all standardised social or cultural forms have positive function as postulated by the functionalists. The courts for example are supposed to be government institutions for the management of conflicts such as family conflict; what they do is divorce through litigation, sofdfddfdciety frowns at this, whereas NGOs do reconciliation through mediation, this is well accepted. Due to this rigidity of the courts, the NGOs emerged and have since been up to the task of family conflict management positively, as found out by the study. Therefore, in agreement with Merton, it might be incorrect to assume that the courts perform positive function all of the time in the context of family conflict management. Finally, the postulate of indispensability stated that certain institutions or social arrangements are indispensable to society. Merton disagreed with this assumption. He suggested the idea of functional equivalents or functional alternatives. The study in agreement with Merton (1968) discovered that the prerequisites of both institutions of family and the courts can actually be met by a range of alternatives of cohabitation and the existence of the NGOs. Therefore, there is no justification for assuming that institutions such as marriage and the courts are indispensable parts of the society.

Recommendations

This work has argued that the needed ADR mechanism, properly deployed by the relevant NGOs could help in the sustenance of peace in the family institution in Nigeria.Given the foregoing, we shall make the following recommendations:

There should be more vigorous education on ADR mechanisms for the sustenance of peace; the relevance of ADR in family conflict can be spread through religious bodies and NGOs.

Also, to an extent, practitioners of ADR should be empowered to be able to prevent parties from truncating the process, thereby rendering mechanisms ineffective. Practitioners should be empowered to be able to enforce appearance by recalcitrant respondents, because when such fail to appear, there is a stalemate in intervention.

ADR mechanisms have helped to rescue a number of marriages from adversarial end product like divorce; every effort to expand its adoption should be encouraged.

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