


RESEARCH ARTICLE

# Conducting Socio-Legal Research in a Conflict Area during a Pandemic: Reflections and Lessons for Future Researchers

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## Abstract

A “sink or swim” approach has been considered the only way to learn how to conduct empirical research; this should not be the case. Empirical research can be challenging for methodological, practical and ethical reasons; thus there should be detailed and systematic reporting on the methodology adopted. The absence of studies documenting the experiences of researching law implies that important lessons gained by one cohort are not readily accessible in a systematic way for the next. This article presents the methodology of research that was conducted in a conflict area in Nigeria during the pandemic; it aims to provide detailed reporting on the research and highlight the challenges. It offers lessons to future researchers undertaking socio-legal research in a conflict zone, during a pandemic or both. It contributes to the body of knowledge that presents not just what is being done in legal research but how, in order to develop “robust and cumulative scholarly traditions”.

**Keywords:** Socio-legal research; empirical research; COVID-19; research in conflict; research methods

## Introduction

Conducting research, however simple it is, comes with inherent challenges and risks which need careful consideration in order to avoid harm and ensure the safety of the participants and researchers. These perceived risks are heightened when conducting research in a conflict area, thanks to the vulnerability of both the researchers and the participants to physical violence, as well as to mental torture and power imbalances. Intensifying this already challenging research context, the COVID-19 pandemic has added another layer of burden, necessitating that researchers re-evaluate their data collection and analysis methods in the face of a different type of widespread insecurity.

Socio-legal research is a multidisciplinary approach to the study of the nature and role of the law in society. It is the study of law in its societal context, concerned with understanding not only how the law impacts society but also seeking to understand how social aspects influence the law.<sup>1</sup> It is

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1 LawTeacher “Legal research at postgraduate level essay”, available at: <<https://www.lawteacher.net/free-law-essays/general-law/legal-research-essay.php>> (last accessed 17 July 2023).

more “law in society” than the more popular usage “law and society”.<sup>2</sup> It generally requires a contextual analysis of the law and adopts an interdisciplinary approach which should be substantiated with reasons for the chosen methods.<sup>3</sup> Socio-legal research usually has two components: doctrinal research and empirical research. The former is the study and analysis of the law and legal principles, of how the law applies and the possible implications of this analysis.<sup>4</sup> Empirical research is the “study of law, legal processes and legal phenomena using social research methods”.<sup>5</sup> A combination of these research methods produces a more nuanced understanding of the legal system, legal processes and legal institutions embedded in any complex social context.<sup>6</sup>

The empirical component of this socio-legal research was conducted in Nigeria. The COVID-19 pandemic was officially reported in Nigeria on 27 February 2020, with an unprecedented increase in the number of confirmed cases shortly after.<sup>7</sup> In a bid to curtail the spread of the virus, the Federal Government of Nigeria ordered a mandatory 24-hour lockdown for an initial period of two weeks, which was eventually extended.<sup>8</sup> The state governors imposed varying degrees of restrictions and containment orders; most of these came in the form of regulations with similar terms to those of the federal regulations made pursuant to section 4(c) of the Quarantine Act.<sup>9</sup> Other significant features put in place along with the lockdown at the national and state levels were the restriction of both intra- and interstate movement (except for essential workers); the social-distancing policy of two metres in public spaces; the prohibition of mass gatherings; and the wearing of personal protective equipment such as face masks.<sup>10</sup> In addition, the federal and state governments set up task forces and utilized the mobile court system to ensure adherence to the guidelines.<sup>11</sup> This meant that travel was restricted and movement was curtailed.

A few social science scholars have considered how research methods can be adapted to the restrictions and regulations related to COVID-19 or to conducting research in a conflict zone.<sup>12</sup>

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- 2 E Cloatre and D Cowan “Indefensible and irresponsible’: Interdisciplinarity, truth and #reviewer2” in N Creutzfeldt, M Mason and K McConnachie (eds) *Routledge Handbook of Socio-Legal Theory and Methods* (2019, Routledge) 97 at 98.
  - 3 M Salter and J Mason *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (2007, Pearson Education) at 133–34.
  - 4 Id at 44; I Dobinsons and F Johns “Qualitative legal research” in M McConville and W Hong Chui (eds) *Research Methods for Law* (2nd ed, 2017, Edinburgh University Press) 18 at 19.
  - 5 M Burton “Doing empirical research: Exploring the decision-making of magistrates and juries” in D Watkins and M Burton (eds) *Research Methods in Law* (2nd ed, 2018, Routledge) 66 at 66.
  - 6 LB Nielsen “The need for multi-method approaches in empirical legal research” in P Cane and HM Kritzer (eds) *The Oxford Handbook of Empirical Legal Research* (2010, Oxford University Press) 951 at 955.
  - 7 As of 19 June 2020, the total number of confirmed infected cases in Nigeria stood at 19,147, with 478 fatalities and 6,581 discharged cases. See Nigeria Centre for Disease Control (NCDC) “COVID-19 situation report 112” (19 June 2020), available at: <<https://ncdc.gov.ng/diseases/sitreps/?cat=14&name=An%20update%20of%20COVID-19%20outbreak%20in%20Nigeria>> (last accessed 21 February 2023).
  - 8 Federal Government of Nigeria COVID-19 Regulation 2020, pursuant to the Quarantine Act, LFN 2004, cap Q2, order 1 (1); COVID-19 Regulations No 2 of 13 April 2020.
  - 9 Quarantine Act, cap Q2.
  - 10 Office of the Secretary to the Government of the Federation “NCDC implementation guidance for lockdown policy”, available at: <<https://statehouse.gov.ng/wp-content/uploads/2020/04/PTF-COVID-19-Guidance-on-implementation-of-lockdown-policy-FINAL.docx-2.pdf>> (last accessed 17 June 2020).
  - 11 NCDC “NCDC guidelines and protocol for COVID-19”, available at: <<https://ncdc.gov.ng/diseases/guidelines>> (last accessed 17 June 2021); also see NCDC “NCDC advisory on the use of cloth face masks”, available at: <<https://covid19.ncdc.gov.ng/media/files/UseOfClothFaceMasks.pdf>> (last accessed 18 June 2021).
  - 12 On COVID-19, see FN Santana, WC Hammond, RN Berlin et al “A path forward for qualitative research on sustainability in the COVID-19 pandemic” (2021) 16 *Sustainability Science* 1061, available at: <<https://doi.org/10.1007/s11625-020-00894-8>>; C Vindrola-Padros, G Chisnall, S Cooper et al “Carrying out rapid qualitative research during a pandemic: Emerging lessons from COVID-19” (2020) 30/14 *Qualitative Health Research* 2192, available at: <<https://doi.org/10.1177/1049732320951526>>. On conflict zones, see EJ Wood “The ethical challenges of field research in conflict zones” (2006) 29 *Qualitative Sociology* (2006) 373; N Ford, EJ Mills, R Zachariah et al “Ethics of conducting research in conflict settings” (2009) 3/7 *Conflict and Health*, available at: <<https://doi.org/10.1186/1752-1505-3-7>> (last accessed 21 February 2024); J Goodhand “Research in conflict zones: Ethics and accountability” (2000) *Forced Migration Review* 12.

Unfortunately, such studies have not been reported for legal or socio-legal research. The absence of studies documenting the experience of researching on law in conflict areas or during a pandemic implies that important reflections and lessons gained by one cohort are not readily accessible in a systematic way for the next generation to learn from. This can disrupt efforts to develop “robust or cumulative scholarly traditions”.<sup>13</sup> This article presents the methodological process of a socio-legal research project that was conducted in a conflict area and during the pandemic. Its aim is to provide a detailed report on the empirical legal research and highlight the challenges that arose from it. It offers lessons to future researchers undertaking socio-legal research in a conflict zone, during a pandemic or both. Its significance is in its contribution to the body of knowledge that presents not just what is being done in legal research but how it is being done, in order to develop “robust and cumulative scholarly traditions”.

The next section of this article provides a brief background on the research undertaken, to provide some narrative context as to its focus, aim and scope. The socio-legal methodology adopted in the research, including the research participants as well as the data collection and analysis methods, is then discussed, before an examination of the different challenges encountered in the research, emanating from it being conducted both in a conflict area and during the pandemic, and the ways these challenges were mitigated. There follows a reflection on lessons for future studies.

### Background to the research

The research was carried out so that one of the authors could fulfil the requirements for the degree of Doctor of Philosophy at the University of Cape Town (UCT), South Africa. Nigeria was the site for the empirical component of the research. Nigeria is made up of 36 states and the Federal Capital Territory (FCT). It is also delineated into six geopolitical zones, three in the north and three in the south. The South-South, South-East and South-Western zones are made up of rainforests and mangroves.<sup>14</sup> The North-East and North-West zones are characterized by semi-arid and arid expanses, while the North-Central zone, with its rich vegetation, is renowned as the nation’s agricultural belt, with a significant population of smallholder farmers. This is the area where the most incidents of clashes between farmers and herders occur.<sup>15</sup>

The research examined the adequacy of governance regimes in the use of natural resources, particularly agricultural land and water, by farmers and herders in Nigeria, considering the conflicts that had taken place. The conflicts that are the focus of this article are those between farmers and herders over the use of natural resources (land and water), which undermine the peace and security of the area. These conflicts have resulted in the loss of thousands of lives in the region and the loss of property worth billions of dollars.<sup>16</sup> They have the potential to aggravate food insecurity

13 R Banakar and M Travers *Theory and Method in Socio-Legal Research* (2005, Hart Publishing) at ix.

14 The South-East comprises five states and is the region that suffered during the Nigerian–Biafran civil war; it currently has several erosion sites. The South-South consists of six states and is the region that has suffered most from environmental degradation due to oil exploitation. The South-West comprises six states and is predominantly occupied by the Yorubas.

15 The North-East comprises six states and covers about one third of Nigeria’s land area. The North-West comprises seven states. The North-Central region is the closest northern region to the South and consists of six states and the Federal Capital Territory; see M Agada and E Igbokwe “Influence of food culture and practices on household food security in North Central Nigeria” (2016) 4/2 *Journal of Food Security* 36.

16 Some of the farmer–herder clashes include the 2002 and 2004 clashes in the Yelwa-Shendam area of Plateau State, in which thousands lost their lives; the 2013 violent clashes in Nasarawa State, which claimed 667 lives and destroyed properties worth over NGN 2.3 billion; the 2014 clash between the Eggon ethnic group and herders at Alingani in Nasarawa State; the 2016 communal clashes in Benue State between the Agatu farmers and the Fulani herdsmen, with an estimation that over 5,000 persons were killed (see “Embracing Agatu/Fulani herdsmen peace initiative” (11 February 2017) *The Nigerian Pilot*, available at: <<http://nigerianpilot.com/embracing-agatu-fulani-herdsmen-peace-initiative-2/>> (last accessed 20 April 2020)); the 2017 clash between Gbagyi farmers and herdsmen in Niger State; and the 2017 clash in the Yakira community in Kwara State. See AS Isah “Kuje: Averting farmers/herders clash at Kabbi community” (11

in Nigeria; they have also destabilized the social space and have the potential to cause a civil war.<sup>17</sup> The research also sought to illustrate that the lack of a robust and sustainable governance regime for pastoralism contributes significantly to the incessant conflicts between farmers and herders in Nigeria. It linked the previously identified causes of the conflicts to an underlying reason – the lack of a robust and sustainable natural-resource governance framework. Using socio-legal methods, we gathered empirical data in Benue State and the Federal Capital Territory, both in the North-Central geopolitical zone, to establish this linkage. The socio-legal data demonstrated how the issues that emanate from lacunae in governance influence the patterns of interaction that consequently cause conflict.

The empirical research was guided by the Natural Resource Use Induced Conflict Area (NRUICA) framework, which was developed in the research as a governance framework that assists in evaluating and designing management regimes for natural-resource use; it was constructed by integrating prior literature on the administration of natural resources, which revealed a gap in governance within a conflict zone. Two new principles of “feasibility” and “power dynamics”, which are often ignored in framing governance regimes on natural resources, were proposed. The NRUICA framework was categorized into 17 principles, under four objectives that help to achieve the two overarching aims of natural-resource governance: the management of interactions to preclude conflict and the protection of the environment through the two dimensions of robustness and sustainability of governance.

The principles under the NRUICA framework were used to evaluate Nigeria’s regulatory framework and to demonstrate how the presence or absence of these principles exacerbates conflict between actors. This helped to underscore the principles’ importance. The findings serve as important guides for law- and policy-makers by recommending conflict prevention mechanisms in the governance framework, poverty-mitigating interventions and the inclusive participation of all (including women and the youth) in finding lasting solutions in the governance regime for pastoralism in Nigeria.

### Socio-legal methodology adopted in the research

Until recently, a “sink or swim” approach had been considered the only way to learn how to conduct empirical research.<sup>18</sup> This should not be the case: there should be detailed and systematic reporting on methodologies adopted in socio-legal research, for others to learn and apply. The decision to conduct socio-legal research is often determined by a constellation of factors, such as context, time, place, finances and the skill set of the researcher.<sup>19</sup> However, where research is to be conducted in a conflict area and during a pandemic, the means of data collection in the empirical component of the research may need to be modified, in order to keep the researchers and their participants safe and to abide by government restrictions and laws.

This research adopted socio-legal approaches consisting of a doctrinal and a multi-method qualitative research method. The choice of the socio-legal methods adopted was informed by the research questions, which sought to demonstrate how the current regulatory framework on pastoralism in Nigeria has gaps that predispose it to induce conflict among actors. The doctrinal research included legal and literature explorations, textual reviews and legal analysis. Data collection entailed key-informant interviews with key stakeholders, as well as in-depth interviews and focus group

February 2015) *Daily Trust*, available at: <<https://www.dailytrust.com.ng/daily/city-news/46632-kuje-averting-farmers-herders-clash-at-kabbi-community>> (last accessed 25 April 2020); AC Ugwu and DM Enna “Conflict transformation in Nasarawa State: The alternative dispute resolution (ADR) option” (2015) 3/3 *Global Journal of Political Science and Administration* 58 at 66.

17 International Crisis Group “Stopping Nigeria’s spiralling farmer–herder violence” (2018) 252 *Africa Report*, available at: <<https://www.crisisgroup.org/africa/west-africa/nigeria/262-stopping-nigerias-spiralling-farmer-herder-violence>> (last accessed 14 November 2020).

18 MS Thomas “Teaching socio-legal research methodology: Participant observation. Special issue on active learning and teaching in legal education” (2019) *Law and Method* 1. DOI: 10.5553/REM/000041.

19 A Perry-Kessariss “Making socio-legal research more social by design: Anglo-German roots, rewards, and risks” (2020) 21 *German Law Journal* 1427 at 1428.

discussions (FGDs) with farmers and herders. These methods were employed in purposively selected communities in Benue State, as well as with relevant officials in the FCT. Interview guides were developed, influenced by the guiding questions in the NRUICA framework. A report on the findings of qualitative research requires sufficient information on the research design, methods and processes used.<sup>20</sup> Thus, the reporting was guided by the 32-item checklist for reporting interviews and FGDs developed by Tong, Sainsbury and Craig.<sup>21</sup>

### Data collection

Empirical data for the research was collected from 27 January to 7 December 2020. Individual interviews were used to elicit personal experiences or expert knowledge, while group interviews and FGDs were used to understand the dynamics around the issues. Interviews were chosen as a tool because they can explore the views and experiences of individuals on specific issues. They provide a “deeper” understanding of the social phenomena and are therefore most appropriate where detailed insights are required from individual participants.<sup>22</sup> Focus groups were also employed because they are most useful in generating a rich understanding of participants’ experiences and beliefs. They are also used to clarify, complement, qualify or challenge data collected by other methods.<sup>23</sup> An interview guide, comprising a different set of questions for different participant sub-groups, was developed as a data collection tool. The same interview guide was used for both the individual interviews and the group interviews, while the discussions for the FGDs for each group were led on the same topics in the interview guides, in order to allow for triangulation of data. The interview guides were pre-tested at a rural community in Kuje, FCT, on both farmers and herders, to authenticate the tool.<sup>24</sup> Based on the feedback received during the pre-test process, minor adjustments were made to the initial interview guides to better align with the research questions. This refinement was necessary as some of the responses from participants indicated misunderstanding, ambiguity or confusion about certain questions. Follow-up questions were also allowed to be asked to the participants’ responses.

The data collection team, led by one of the authors of this article, consisted of five men and three women. Each team member held a master’s degree and possessed prior experience in empirical research. Three major indigenous languages are spoken in the research area, namely Tiv, Idoma and Hausa.<sup>25</sup> Four team members could speak the Tiv language, three could speak Hausa, and one could speak Idoma; two team members could speak none of the indigenous languages, while all could speak English and pidgin English fluently.<sup>26</sup> The multilingual and bilingual team members served as either interpreters or independent interviewers.

Benue State was chosen for the empirical work for several reasons. Firstly, it is a target state, characterized by the highest incidence of violence and where the most lethal conflicts have been reported.<sup>27</sup> Secondly, it has functional internally displaced persons (IDP) camps where victims

20 C Anderson “Presenting and evaluating qualitative research” (2010) 74/8 *American Journal of Pharmaceutical Education* 141. DOI: 10.5688/aj7408141; HM Levitt “Reporting standards for qualitative research in psychology: What are they, and why do we need them?” in HM Levitt (ed) *Reporting Qualitative Research in Psychology: How to Meet APA Style Journal Article Reporting Standards* (2019, APA Style Series) 3 at 10.

21 A Tong, P Sainsbury and J Craig “Consolidated criteria for reporting qualitative research (COREQ): A 32-item checklist for interviews and focus groups” (2007) 19/6 *International Journal for Quality in Health Care* 349.

22 P Gill et al “Methods of data collection in qualitative research: Interviews and focus groups” (2008) 204 *British Dental Journal* 291 at 292.

23 Id at 293.

24 KJ Sileyew “Research design and methodology” in E Abu-Taieh, A El Mouatasim and IH Al Hadid *Cyberspace* (2019, IntechOpen). DOI: 10.5772/intechopen.85731.

25 There are other languages spoken in the area, but most people can speak at least one of these three languages.

26 Pidgin English is an adapted form of English largely spoken by most semi-literate rural people in Nigeria.

27 IA Madu and CF Nwankwo “Spatial pattern of climate change and farmer–herder conflict vulnerabilities in Nigeria” (2020) 86 *GeoJournal* 2691, available at: <<https://doi.org/10.1007/s10708-020-10223-2>>.

from every community affected by the conflict can be found. This made the victims accessible, to get varied views and perspectives on the conflict. Benue State also has a large influx of herders because of its rich vegetation, but has also passed a law – in place for more than three years – prohibiting pastoralism. This presented a unique opportunity to assess the participatory process involved in the law-making, the collaboration and synergy between the different levels of government on pastoralism, and the enforcement mechanisms that have been put in place, including some of the challenges that have been encountered. The FCT houses the federal government, its agencies, officials and most international agencies.

Benue State is made up of three senatorial districts and 23 local government areas.<sup>28</sup> Two of the senatorial districts are occupied predominately by the Tivs while the Idomas largely occupy the third senatorial zone; its inhabitants are predominately farmers, with a minority of fishermen and herders. The state is designated as the “food basket of the nation” because of its competitive advantage in agriculture.<sup>29</sup> These facts influenced the recruitment method adopted in the research: since farmers were significantly in the majority, more farmers were recruited in order to get to data saturation.<sup>30</sup> Data was collected from each of the three senatorial zones. Although there were nine officially recognized IDP camps across the state, eight of them were accessed; the ninth official IDP camp is a refugee camp that accommodates displaced persons from Cameroon.<sup>31</sup> IDP camps were accessed because it was then easier to approach a higher number of displaced people than moving within host communities. The only exception was in the Agatu local government area; while Agatu is one of the most affected areas, there was no official IDP camp there. Nonetheless, the IDPs were accommodated within host communities, where the research team accessed them.

A total of 196 respondents were part of the research. Seventy-nine took part in the interviews, while 117 took part in the group interviews and FGDs. Of the farmers, 37 were interviewed, while 91 were part of the FGDs or group interviews; their ages ranged from 21 to 75 for men and 19 to 68 for women. These were mostly smallholder farmers who relied on produce and the proceeds from their farms for survival.<sup>32</sup> Interactions with them showed that they were largely illiterate or semi-illiterate. Most of them had farmed their whole lives, having been raised as farmers. Four of them were physically challenged as a result of the crisis.<sup>33</sup>

The law prohibiting open grazing has been in force since 2017, which has further reduced the number and presence of herders in Benue State. A settlement adjacent to the river in Makurdi town was designated primarily for occupancy by herders. Due to the conflict between the farmers and herders, this place was said to be dangerous for non-herders, so the research team could not be granted access. Herders and their wives do, however, come into the main towns and use the nearby markets freely. Consequently, some of the male herders, as well as all their female counterparts who took part in the study, were recruited from this particular area of Makurdi. Although women do not herd, they tend the cattle at home and help to milk them. Participants from the two other senatorial zones were recruited from a prime contact, an official of the Miyetti Allah Cattle Breeders Association of Nigeria, an advocacy group for herders, and this may have affected

28 Benue State Government “Historical backgrounds”, available at: <<https://Benuestate.gov.ng/historical-background/>> (last accessed 17 August 2023).

29 Nigerian Investment Promotion Commission “Nigerian states: Benue State”, available at: <<https://nipc.gov.ng/nigeria-states/Benue-state/>> (last accessed 7 July 2023).

30 Data saturation means that further data collection is unnecessary as no new information is emerging from the process. See B Saunders, J Sim, T Kingstone et al “Saturation in qualitative research: Exploring its conceptualization and operationalization” (2018) 52/4 *Quality & Quantity* 1893. DOI: 10.1007/s11135-017-0574-8.

31 Benue State “Emergency Management Agency’s statistics of IDP camps” (2020, newsletter).

32 Observation from fieldwork.

33 Three were shot in the leg, with one having to have his leg amputated. The fourth became blind due to poor healthcare in the camps.



their responses.<sup>34</sup> The herder participants actively engage in herding.<sup>35</sup> Most of them claimed to be the owners of the cattle in their possession. Interactions with them showed that they were largely illiterate, with a few being semi-illiterate after formal education. Most of them have herded their whole life, having been raised as herders. A total of eight herders were interviewed, while 11 were part of the FGDs or group interviews; their ages ranged from 33 to 62 for men and from 18 to 40 for women.

Other stakeholders were recruited by purposive sampling, which sought the experience and expertise of the potential participants. One of the categories was security officers; the same set of questions was asked for all the participants in this group about possible synergies that exist among them. The Nigeria Police Force had both senior officers, who had the experience and management expertise to respond to the questions on synergies at management levels, and junior officers, who go out into the field and encounter the warring actors, who could respond on synergies at the grassroots level. A total of six police officers were interviewed in two out of the three senatorial zones. Only a junior officer of the National Security and Civil Defence Corps attached to one of the camps was interviewed in the last senatorial district, using the same set of questions.

For the livestock guards, one member of management staff and one field officer were interviewed, while four participated in group interviews in two of the senatorial zones.<sup>36</sup> The members of different vigilante groups, who are youths in either the indigenous community or in the IDP camps, were also interviewed.<sup>37</sup> A total of three individuals were interviewed, while 11 participated in group interviews or FGDs in the three senatorial zones. All the security officers were male.

The officials of the Benue State government comprised officials from different offices. Two members of management staff at the Benue State Ministry of Agriculture and Natural Resources Development who are involved in policy-making were interviewed. One member of the management staff from the Benue State Emergency Management Agency was also interviewed. Both groups were asked the same set of questions on possible synergies between the different levels of government. A representative of the local government area (LGA) chairman was also interviewed on possible synergies, with a slightly different set of questions crafted in respect to their context. This was in one of the local government areas with the most casualties. In addition, one former principal officer of the Benue State House of Assembly, who was actively involved in the making of the law prohibiting pastoralism in the state, was also interviewed with a different set of questions, pertaining to the processes in the making of the law. There was a challenge in accessing the LGA chairmen and former legislators, resulting in only one person from each group participating in the research.

Other stakeholders were asked different sets of questions on their roles and their views on the causes of the crisis between farmers and herders. These included traditional rulers (Fulani, Tiv and Idoma), religious leaders (Muslims and Christians) and a civil society organization. A different set of questions was used when interviewing women and youths on how they are affected by the crisis and their views on its causes. The advocacy groups were asked about their role and influence on law- and policy-making. Officials of the Federal Ministry of Agriculture and Rural Development were interviewed on possible synergies between the levels of government.

34 The Miyetti Allah Cattle Breeders Association of Nigeria is a Fulani socio-cultural association which aims to liaise with government at all levels to settle the nomadic members of the association by providing them with grazing lands, water and schools for their children.

35 Observation from fieldwork.

36 The livestock guards are a civilian task force tasked by the Benue state law to enforce the law prohibiting pastoralism in Benue State.

37 Vigilante groups are informal security networks organized by local communities to help in patrolling and mounting surveillance within these spaces, due to the shortage of security personnel.

Face-to-face interviews have often been perceived as the “gold standard” of qualitative research because “they are more naturalistic than other interview modes”.<sup>38</sup> For instance, they enable researchers to create a personal connection with participants due to physical proximity and allow researchers to consider and analyse participants’ non-verbal language and cues. Therefore, although the research was in a conflict area, the researchers pre-planned to conduct all the interviews face to face in order to gain these benefits. Unfortunately, not all the interviews could be conducted face to face due to the dangers associated with the conflict and the pandemic.

Ethical considerations were observed at all times, in line with the approval from the Research Ethics Committee of the Faculty of Law, UCT. Most of the participants allowed the team to record the interviews, while some allowed photographs to be taken. Field notes were kept by every member of the team and these were used during the data analysis. Preliminary data analysis was done while in the field in order to seek new data for further clarification on issues emerging from the interviews. Data saturation was ensured before the team was debriefed.

### Data analysis

Data analysis is the process that helps a researcher “comprehend, interiorize and interpret raw data” to produce new knowledge based on the data collected.<sup>39</sup> It usually involves data coding, theme generation and data reporting. Before data from an interview is analysed, it has to be in text form. Transcription involves transforming the interview conversations from the device or document it was recorded on into a formal text. Some of the team members who had experience with transcribing, as well as a few professional transcribers, were used in order to shorten this time-consuming process. A total of five transcribers were involved. The need for confidentiality was emphasized during transcription. Thereafter, the transcripts from interviews in English were double-checked against the original audio recordings for accuracy. Although most of the interviews in Hausa were interpreted into English and double-checked, they were further checked by an independent Hausa speaker to confirm the accuracy of the interpreters. Unfortunately, the interviews that were conducted in the Tiv and Idoma languages without interpreters could not be double-checked. Thereafter, the data set was anonymized and the excerpts were de-identified before analysis.

Thematic analysis is a qualitative data analysis method that entails identifying and interpreting patterns of meaning amid a qualitative data set.<sup>40</sup> It was chosen as the data analysis method for a number of reasons. Firstly, it is the most appropriate method to use while seeking to “understand a set of experiences, thoughts, or behaviours across a data set”.<sup>41</sup> Secondly, it has been adjudged a good analytic method for novice qualitative researchers.<sup>42</sup> Thirdly, it is very suitable for summarizing, highlighting and interpreting a plethora of data sets. With thematic analysis, the research builds themes to “reframe, reinterpret, and / or connect elements of the data”.<sup>43</sup>

For the coding and theme development, the six recursive steps developed by Braun and Clarke were followed.<sup>44</sup> These comprise familiarizing oneself with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the report. The PhD researcher immersed herself in the data by reading the data set several times, saving it electronically

38 B Self “Conducting interviews during the COVID-19 pandemic and beyond” (2021) 22/3 *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, available at: <<http://dx.doi.org/10.17169/fqs-22.3.3741>>.

39 P Martin-Rodilla, JI Panach, C Gonzalez-Perez et al “Assessing data analysis performance in research contexts: An experiment on accuracy, efficiency, productivity and researchers’ satisfaction” (2018) 116 *Data & Knowledge Engineering* 177 at 177.

40 V Clarke and V Braun “Thematic analysis” in AC Michalos (ed) *Encyclopaedia of Quality of Life and Well-Being Research* (2014, Springer) 6626.

41 ME Kiger and L Varpio “Thematic analysis of qualitative data: AMEE Guide No 131” (2020) 42/8 *Medical Teacher* 846. DOI: 10.1080/0142159X.2020.1755030.

42 V Clarke and V Braun “Thematic analysis” (2017) 12/3 *Journal of Positive Psychology* 297.

43 Kiger and Varpio “Thematic analysis”, above at note 41.

44 V Braun and V Clarke “Using thematic analysis in psychology” (2006) 3/2 *Qualitative Research in Psychology* 77.



and printing it. Thereafter, the texts of the raw data set relevant to the research questions were highlighted using different colours. The data analysis method was modified from using NVivo software to manual analysis, due to limitations occasioned by the COVID-19 travel restrictions.<sup>45</sup>

### Challenges encountered in the research

The challenges encountered in this research can be divided into three: the regular challenges of most socio-legal research work, the peculiar challenges in conducting research in a conflict area and the idiosyncratic circumstances presented by the pandemic. Recommendations are made on how these challenges were and can be mitigated.

### Challenges in socio-legal research

Several challenges exist in conducting socio-legal research, including methodological and practical challenges. Choosing the right methodology can be taxing and needs deliberate and systematic consideration. While the methodology derives from the research question, the ability and skill set of the researcher are also key considerations. Thus, while the research may have benefited from mixed methods, using both a quantitative time-series analysis with the adopted qualitative data collection methods of interviews and FGDs, the lack of a quantitative skill set on the part of the researchers limited the inclusion of this method.<sup>46</sup> While this does not affect the conclusions made, it would have strengthened the argument that the introduction of laws at different times triggered the conflict. The limitation of not using quantitative tools was addressed by emphasizing the frequent conflicts that occurred immediately following the introduction of significant laws in the jurisdiction.

In addition, adopting a theoretical framework can be challenging. A theoretical framework in legal research is the lens through which a study will be interrogated and serves as the structure to define how the research will be advanced philosophically, epistemologically, methodologically and analytically.<sup>47</sup> While the use of theoretical frameworks is employed more in the social sciences, they are increasingly being used in socio-legal studies.<sup>48</sup> This may prove challenging for emerging researchers in law. Although the new NRUCA framework was developed in the research, it was quite challenging for the PhD researcher, who did not have prior expertise in the use of theoretical frameworks.<sup>49</sup>

45 The details will be discussed below.

46 A time-series analysis is a “time-oriented or chronological sequence of observations on a variable of interest”; see DC Montgomery, CL Jennings and M Kulahci *Introduction to Time Series Analysis and Forecasting* (2nd ed, 2015, Wiley) at 26.

47 C Grant and A Osanloo “Understanding, selecting, and integrating a theoretical framework in dissertation research: Creating the blueprint for your ‘house’” (2014) 4/2 *Administrative Issues Journal: Connecting Education, Practice and Research* 12 at 13.

48 S Taekema, “Theoretical and normative frameworks for legal research: Putting theory into practice” (2018) *Law and Method*. DOI: 10.5553/REM/000031.

49 This was mitigated by her taking extra courses on social science methods within and outside the university. For instance, she underwent rigorous training courses on “Advanced Training for Multi-Method and Policy-Oriented Research” and “Engendering Social Science Research Methods”, both administered by the Partnership for African Social and Governance Research, and on “Law and Society in Africa” in the Centre for Law and Society, UCT, as well as other short interdisciplinary courses on empirical research, literature reviews and thesis writing; see <<https://www.pasgr.org/our-programmes/professional-development-training/>> and <<https://law.uct.ac.za/cfs>> (last accessed 17 August 2023). Other relevant and beneficial courses included “Academic Writing” in the Nigerian Institute of Advanced Legal Studies and “Understanding Research Methods” at SOAS, University of London; see <<http://nials-nigeria.org/>> and <<https://www.london.ac.uk/courses/understanding-research-methods>> (last accessed 17 August 2023). Some useful texts used include Grant and Osanloo “Understanding, selecting, and integrating”, above at note 47; Dobinsons and Johns “Qualitative legal research”, above at note 4; Salter and Mason *Writing Law Dissertations*, above at note 3; Nielsen “The need for multi-method approaches”, above at note 6; P Adu and DA Miles (eds) *Dissertation Research Methods: A Step-by-Step Guide to Writing Up Your Research in the Social Sciences* (2023, Routledge); D Kember and M Corbett *Structuring the Thesis: Matching Method, Paradigm, Theories and Findings*

There were also practical challenges. In particular, the language barrier was a major difficulty; the PhD researcher spoke none of the indigenous languages, which presented some issues. This challenge was mitigated by assembling an indigenous team, with the multilingual and bilingual team members serving as either interpreters or independent interviewers. Nevertheless, the interpretation and translation made the interviews longer than usual and had the potential to fatigue both the participants and the research team.

Lastly, there was also a constraint in accessing the texts of some of the recent laws and cases in Nigeria. For instance, the staff of the Nigerian judiciary embarked on industrial action from 6 April to 9 June 2021, which frustrated efforts to access some of the most recent laws and cases cited in the research.<sup>50</sup> This limitation was mitigated by accessing information about the cases from reliable media houses that reported them.

### *Challenges in conducting research in a conflict area*

Empirical research in conflict zones is challenging for methodological, practical and ethical reasons.<sup>51</sup> One of our research sites, Benue State, is a conflict zone, arising from the crisis between farmers and herders. The uncertainty in conflict-affected areas and the heightened vulnerability of residents in these zones call for conscientious consideration of the research methods employed, the levels of evidence sought and ethical requirements.<sup>52</sup> Reflections on whom to talk to, how to recruit them and what to talk about need painstaking deliberation.<sup>53</sup> Recruiting research participants can be challenging in any research, but it becomes even more challenging in a conflict zone. For instance, for the empirical work in Benue State, most of the herders were recruited from contact with an official of the Miyetti Allah Cattle Breeders Association, which may have influenced their responses to some of the interview questions, as mentioned above. News that a group of persons was asking questions about the conflict also travelled fast into their secluded community, which may have provided opportunities for potential participants to be coached on what to say. The research team tried to mitigate this problem by accessing random herders and their wives in the main town and markets. Similarly, due to the limited availability of potential herder participants, some of the Fulani women had to be accessed in a rowdy market where they were selling their *nunu*.<sup>54</sup> This made some of the interviews quite long, as there were distractions from their customers and the interviews had to be paused to allow them to attend to their trade. Owing to the level of mistrust between the herders and the native communities, some of the herders were only comfortable with having the interviews conducted in the central Makurdi mosques. Non-Muslims are not allowed inside the mosque; therefore, the research team had to sit outside to conduct some of the interviews, which were affected by the noise of hooting and chattering passers-by.

Conflicts also exacerbate vulnerability and inequality. Interventions in a conflict setting could open old wounds and give false expectations of hope. Owing to the fact that incentivizing people in conflict to participate in research may produce poor-quality data, the research team offered no tangible incentives to participants, with a few exceptions.<sup>55</sup> Although the team undertook to

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(2018, Springer Singapore), <https://doi.org/10.1007/978-981-13-0511-5>; and L Fisher “Craft matters: Seven tips for legal scholars” (2023) 35/1 *Journal of Environmental Law* 11, <https://doi.org/10.1093/jel/eqad001>.

50 A Ejekwonyilo “Updated: JUSUN suspends two-month-old strike” (9 June 2021) *Premium Times*, available at: <https://www.premiumtimesng.com/news/headlines/466763-breaking-jusun-suspends-two-month-old-strike.html> (last accessed 12 June 2021).

51 Wood “Ethical challenges”, above at note 12 at 373.

52 Ford, Mills, Zachariah, et al “Ethics”, above at note 12 at 3.

53 Goodhand “Research”, above at note 12 at 426.

54 *Nunu* is the local name for traditionally fermented milk that has the consistency of yoghurt.

55 KD Bond, M Lake and SE Parkinson “Lessons from conflict studies on research during the coronavirus pandemic” (2 July 2020), available at: <https://items.ssrc.org/covid-19-and-the-social-sciences/social-research-and-insecurity/lessons-from-conflict-studies-on-research-during-the-coronavirus-pandemic/> (last accessed 5 July 2022).

meet the potential interviewees anywhere that was convenient for them to reduce their costs, transport fares were voluntarily given to some of the interviewees who had to travel on motorcycles to meet the team in a less dangerous or more convenient place. No other form of compensation was given to any of the participants, as this was against the ethical policy of UCT. This was very challenging, as most of the poor participants expected the team to offer them some palliatives, as is done by non-governmental organization researchers. Some of the potential participants refused to take part in the study once it was made obvious that no material benefit would accrue to them. This challenge was mitigated by offering voices to the participants, to air their opinions. But this then influenced the large data set that eventually emanated from the research project, as some potential participants were eager to air their opinions and be part of the research without being shut out.

Additionally, the inequality and power relations between the research team and participants in the IDP camps had to be recognized and managed. The latter saw the team as possessing some power to alleviate their suffering. They requested the team relay their burdens and suffering to appropriate authorities and wanted the team to undertake or make promises as to when they could safely return to their abandoned communities. This challenge was mollified by explicitly explaining to them that the team does not work for the government and has no apparent power to help or lessen their burdens, except to hope that law- and policy-makers would engage with the outcome of the research, revealing the voices, views and complaints of the camp inhabitants.

Lastly, the heightened insecurity in conflict areas cannot be overemphasized. Team members had to cross rivers in local canoes in order to access some of the IDP camps. On one such day, the team ran into a violent scene: two warring communities were attacking each other and setting houses on fire. Women and children were seen with their loads on their heads, heading towards neighbouring communities while fervently asking for a ride to escape the violence. It was a very traumatic experience for the team, as one of the youths charged at one of the team's cars with large stones. The attacker later retreated when he noticed the team comprised mostly non-indigenous people. Although a counsellor was included in the team to attend to participants who may undergo some trauma during the interviews, it was ironic that it was the counsellor who totally broke down and wept profusely at the violent encounter. This highlights the vulnerability of both the researchers and the participants in a conflict zone, despite preparations to alleviate this.

### *Challenges in conducting research during a pandemic*

The importance of face-to-face interviews was highlighted above. Unfortunately, due to the pandemic, not all the interviews could be conducted face to face. Luckily, though, most of the local communities had already been interviewed before the COVID-19 restrictions were put in place. Thus the remaining interviews were conducted over the phone. Even though conducting interviews via telephone is less preferable because of the lack of visual cues, some researchers have argued that telephone interviews can elicit rich descriptive accounts from participants.<sup>56</sup>

Although it was planned to use NVivo software for data analysis, the pandemic also prevented the PhD researcher from attending the UCT's scheduled NVivo software coding training; therefore, manual coding was adopted instead. While manual coding has some advantages over software, as it keeps the researcher very close to the data at all times, it can be time-consuming. To ensure effective coding and theme development, Braun and Clarke's six recursive steps were followed for the thematic analysis process.<sup>57</sup> Due to COVID-19 complications on people's health and welfare, and

56 S Kusumaningrum et al "Social research in the time of the pandemic: Impact of the COVID-19 pandemic on research about, for, and with children and vulnerable populations" (version 1, 2021, PUSKAPA working paper) at 20, available at: <<https://puskapa.org/en/blog/publication/1222/>> (last accessed 24 February 2024).

57 Braun and Clarke "Using thematic analysis", above at note 44 at 82.

which affected most people's productivity, the number of transcribers for transcribing the audio to text had to be increased; some of the team members who had experience with transcribing, as well as a few professional transcribers, were used.

### Lessons for future studies

Based on reflection on the experiences described above, salient lessons can be shared for the benefit of future researchers. The first to emphasize is the need for researchers to document and share their experiences in conducting socio-legal research; this would help to develop a body of knowledge and information to guide future efforts. This point has been echoed in the past, but we suggest that it has not been taken seriously.<sup>58</sup> The value of socio-legal research as an emerging and important approach to legal research is most appreciated because of its potential to improve the credibility of research findings, due to its transparency, verifiability and the fact that errors can be caught and corrected.<sup>59</sup> The methodology in socio-legal research is not merely to “add together social science knowledge from social data and legal knowledge from law data, and call it ‘socio-legal’ knowledge”.<sup>60</sup> It is more nuanced, considering the research question and the context, as well as the skill sets for data collection and analysis. Therefore, the need to make socio-legal methodology explicit and organized cannot be overemphasized, given that in current legal scholarly publications, research designs and the methods used are usually not discussed in detail.<sup>61</sup>

Secondly, there are also important lessons in participant empowerment. While incentivizing participants is discouraged because of the possibility of it acting as an inducement or bias, there may be a need to provide research participants in conflict areas with some tangible benefits, without tampering with the quality of the data. Recent studies have proved that incentivizing research participation does not necessarily serve as “undue inducements by diminishing people's sensitivity to research risks or unjust inducements by preferentially increasing enrolment among underserved individuals”.<sup>62</sup> It all depends on the context. The fundamental point is that the aim of research incentives is to show appreciation for participants' time and effort. Therefore, while research incentives should not be “coercive or in any way entice subjects to participate in research”, they must help to eliminate costs and make up for the time spent.<sup>63</sup> It is important to ensure that even with the use of incentives, participation must remain voluntary and can be withdrawn at any time during the research. For most socio-legal research, however, research incentives should not usually create any bias or act as an inducement, given the likely topics under this domain of research.

For this reason, the principle of no incentivization in research provides a major challenge. It was frustrating to look at helpless mothers and children staring at the research team in Benue State, hoping that some kind of palliative would flow from the visit. As funds may not always be readily available to provide this relief, innovative ways can be used to provide care for these communities, without incentivizing potential participants. For example, the research team could pool used clothes and books from donations and take these along to give to these vulnerable, less privileged members

58 See P Langbroek et al “Methodology of legal research: Challenges and opportunities” (2017) 13/3 *Utrecht Law Review* 2.

59 J Chin et al “Improving the credibility of empirical legal research: Practical suggestions for researchers, journals, and law schools” (2021) 3/2 *Law, Technology and Humans* 1 at 2–3.

60 TB Dawson “Legal research in a social science setting: The problem of method” (1992) 14/3 *Dalhousie Law Journal* 445 at 450.

61 Langbroek et al “Methodology”, above at note 58 at 2.

62 SD Halpern et al “Effectiveness and ethics of incentives for research participation: 2 randomized clinical trials” (2021) 181/11 *JAMA Internal Medicine* 1479. DOI: 10.1001/jamainternmed.2021.5450; see also B Abdelazeem et al “The effectiveness of incentives for research participation: A systematic review and meta-analysis of randomized controlled trials” (2022) 17/4 *PLoS ONE* 17 e0267534, <https://doi.org/10.1371/journal.pone.0267534>.

63 Eastern Michigan University “Guidance for research incentives”, available at: <<https://www.emich.edu/research/compliance/human-subjects/incentives.pdf>> (last accessed 5 October 2022).

of society. In the case of the IDP camps in Benue State, for example, the children were out of school for the duration of their stay and would have benefited from textbooks and novels.

Thirdly, time and finances have always been underscored as important resources for any research; this cannot be over-stressed. Funding facilitates tasks that help to save time, a resource that most researchers do not have the luxury of. For instance, the availability of funds helped to engage more transcribers, even with the attendant extra costs.<sup>64</sup> Funding also helped to assemble a larger research team of eight members, which helped in attending to the 196 respondents and collecting a rich data set within a short period of time. In setting timelines, researchers must also factor in unforeseen circumstances, like the one that was presented by the pandemic. Post-COVID-19, researchers will benefit from adequate funding in order to take care of some of these unforeseen circumstances. This includes the need to fund the pandemic precautionary measures for safety, including safety and hygiene materials, as well as costs incurred in complying with COVID-19 social distancing, etc. Funds may also be needed to close any gaps in timelines by engaging more hands, for example for data transcription or analysis.

Fourthly, the security and safety of both the researchers and participants are paramount. Researchers are strongly advised to exercise caution and plan for both their and participants' physical safety and mental health. For instance, while steps were taken to avoid conflict-stricken routes by taking longer routes, our team still ran into a violent scene on a different route, and this could not have been prevented. However, proper counselling of all the team members, including the counsellor, is important, as it was found that adequate measures had not been put into place to care for the counsellor themselves. Post-COVID-19, researchers will also have to prioritize psychological safety in addition to physical security. In addition, they must consider ways of reducing the risk of COVID-19 and the transmission of other infectious diseases and must develop a "safe research plan" to guide the research.<sup>65</sup> Researchers should not hesitate to modify their pre-scheduled data collection and analysis methods where the physical or mental health of either the researchers or the participants is threatened due to pandemic-related complications. This will include more sensitivity to what time is convenient for the interviewee and their preferred modes of communication. For example, in order to meet timelines, structured interview questions could be sent ahead to a participant where their physical or mental health does not allow for an interview in person.

Lastly, granted that face-to-face interviews are still the gold standard, in order to capture non-verbal cues, researchers can train themselves and be alert while conducting virtual interviews. The increasing centrality of online environments to today's everyday life is indeed pushing traditional qualitative research methods to virtual options for generating data and highlights the need for qualitative research methods that respond to the particularities of online worlds.<sup>66</sup> Therefore, there is a necessity to improve skills in note-taking and being more alert to capturing moments of hesitation, long pauses and side remarks, which might offer the cues that non-verbal language portrays. Training can be arranged on perfecting these virtual options, in order to minimize the disadvantages of face-to-face interviews. Although virtual interviews present a challenge in remote rural areas because of limited access to electricity and internet services, people in rural areas increasingly have access to mobile phones and alternative methods of communication. Phone and online settings also have the advantage of making the interviewees feel more comfortable in

64 This research project benefited from funding from the Alexandre Burman Memorial Grant, the IBA/SEERIL Award for Energy & Natural Resources Law Studies, the Dikgang Moseneke Grant and the Margaret McNamara Memorial Grant as well as UCT and Law Faculty bursary awards. Special appreciation is given to these grant bodies.

65 A safe research plan demonstrates that the necessary precautions and protocols are in place to protect research participants as well as the research team from unintentional transmission of COVID during research. See University of British Columbia, "Behavioural research COVID-19 guidance" (30 August 2022), available at: <<https://ethics.research.ubc.ca/behavioural-research-ethics/behavioural-research-covid-19-guidance>> (last accessed 5 October 2022).

66 SM Carter et al "Conducting qualitative research online: Challenges and solutions" (2021) 14/6 *Patient* 711 at 717.

sharing their stories and perspectives, while virtual interviews can be immediately transcribed with software such as Zoom.<sup>67</sup>

## Conclusion

Socio-legal methodology, like all fields of methodology, is perpetually “in the making”. Reflections and lessons can be drawn from different experiences, with a view to developing new insights into how legal research can be conducted in different contexts using different methods, and how these can be modified given peculiar circumstances. In this article, we explored challenges that may be generally encountered in three main types of context. Firstly, there are inherent challenges in conducting any research, including potential risks to the researchers’ and participants’ mental and physical health, language barriers, empowerment and power relations. These may present certain limitations that must be considered in line with the objectives of the research.

Secondly, hostility and dangers are heightened in a conflict setting, with concerns about the physical and mental safety of both the researchers and the participants. Conflict widens the vulnerability of both groups, affecting the time, place and cost of conducting the research. This may affect the quality of the data set and raise issues of ethics. Navigating these issues requires deliberate considerations and trade-offs in order not to undermine the robustness of the research.

Lastly, while the impacts of COVID-19 on research and training are unprecedented, they offer researchers an opportunity to always plan for and factor in these unforeseen circumstances. This may require modifying the data collection and analysis methods, including shifting from face-to-face interviews to virtual interviews in response to government restrictions and safety concerns. Nonetheless, these virtual options may prove very useful for future researchers conducting research in a conflict or in hard-to-reach zones, or during a pandemic, in order to ensure the safety of the researchers and participants, while still ensuring that the data set is of top-notch quality. Following these lessons will help researchers conduct socio-legal research smoothly and avoid experiences fraught with methodological, practical and ethical challenges.

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67 S You “Challenges and gains in conducting online interviews during the pandemic” (3 March 2021), available at: <<https://www.kcl.ac.uk/challenges-and-gains-in-conducting-online-interviews-during-the-pandemic>> (last accessed 5 July 2022).