

The Origin of Conflict to Dispute in Nigeria Construction site

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Abstract

Conflict in the construction industry is so complex that if not properly handled, can escalate to litigation or reduce productivity, this result to varieties of people involved in construction production. Conflict is inevitable in Nigeria construction site due to diverse religion, ethnicity, tribes and other man made factors. Hence, conflict often leads to dispute. Disputes have become an endemic feature of the Nigeria construction industry; if they are not resolved promptly they can result in drawing back construction projects with considerable cost. The survey method adopted for this work through questionnaire; the questionnaires were distributed to contractors, clients and consultants in the construction site in Lagos state, Nigeria. The data collected were analyzed in rating form to determine the major causes of conflict to dispute in Nigeria construction site. The results obtained from ranking analysis shows that specification and design oversight, poor materials usage, bankruptcy of contractor, cost overrun, delay and time overrun and poor workmanship were rank high on the causes of disputes in Nigeria construction site. The research concluded that dispute causes more harm than good in construction project, therefore action should be taken to minimize such dispute in construction site in order to improve the effectiveness and efficiency of construction industry.

Keywords: Conflict, Conflict management, Dispute, Delay, Construction site.

Introduction

It is apparently impossible for people with diverse background skills and norms to work together, strive to meet project objectives and goals without conflict (Okuntade, 2014). Conflicts will nevertheless seek us out most often when we try to avoid it. Conflict is one of the things most of us dislike intensely but it is inevitable. The fact that a construction project consist of varieties of people from different ethnicity, background, belief or religion defines conflict itself (Chaitanya and Nityanand, 2015). The nature of construction industry is such that there is an inherent conflicting issue between the major construction project client/clients, stakeholders, consultants, design professionals and contractors. One must be wondering whether there is a hope for the industry for reducing the intensity and extend of such interests, given the inevitability of conflict interests of human nature.

According to Mba (2013) the word conflicts brings to the mind impression such as struggles between parties, antagonism, threat and opposition processes to cooperation but not all conflicts come in these forms especially in the construction industry, they come in form of desires to be satisfied, disagreements to be settled, ideals to be shared that eventually leads to change of attitudinal feelings and perception.

Technically, a dispute implies assertion of a claim by one party and repudiation thereof by another. Thus, neither a mere claim without repudiation, nor a pair of claim and counter claim, can be called a dispute (Norazian and Hamimah,2013)

Serious disputes concerning construction contracts have become increasingly common in construction projects, in the past two decades. It is common practice for contractors, designers and owners to negotiate uncomplicated disputes but more complex and larger ones often hinder the project through the introduction of lengthy legal issues (Emre and Pinar,2014)

Literature

Managing a project without any form of ill- feeling, crisis and mis-understanding is almost impossible because misunderstanding is natural to human being in every sphere of life. This can also be described as an occasion where an individual or group feels negatively affected by another individual or group.

Borvon (2011) opined that there is no project which can be considerable shielded from conflict such conflicts can leads to financial damages. Hence, if there are no conflict there would never be a solution, it is natural that human engage in a negative disagreement and end up with a positive agreement in other to make progress. Conflict can therefore be said to be inevitable because it is the only solution to an accomplishment. Many times, the construction project brings together organization or individuals that are separate and dispartate to form what has been termed a temporary multi-organization or a temporary project coalition (Martin, 2013)

In the opinion of Ogunbayo (2013) the fact that individuals involved are from different orientation and values are to work on those complex issues on the project to have the expected outcome that satisfy all stakeholders is adequate to resolve conflict within the limits of the project. Hence, when the stakeholders express their collective satisfaction, project success is typically generated (Irefin, 2013). When conflicts get to a stage where it escalates into dispute, then the progress of a project being undertaken will be affected or delayed. Dispute only develop when conflicts is not properly managed; hence, dispute is the dysfunctional or unnecessary element.

Disputes are one of the main factors which prevent the successfully completion of the construction project. Thus, it is important to be aware of the causes of disputes in order to complete the construction project in the desired time, budget and quality. Parties involved in a construction dispute, or indeed any commercial dispute, generally prefer to retain control over the outcome and maintain a working business environment (Zhang, 2012)

However Matijevic (2008) argued that in developing countries there are distinctive problems that cause disputes in construction. The disputes can be classified into five (5) main groups: parties to the dispute, causes of the dispute, Amount of the dispute or financial value that is the subject of the dispute, length or duration of the dispute and manner of resolution.

In the opinion of Poh(2005) classified three different types of disputes arising from contractual relationships in the client organization:

- i. Time related (claims from contractor for extension of time for completion of the project)
- ii. Money related (claims from contractor for payment of the value of variations and/reimbursement of loss and expensed)
- iii. Quality related basically (assertions by the client of defective materials and workmanship)

Jeffery (2002) listed out the common cause of construction disputes in his own research as : issues arising during the design phase, bid and contract award disputes, issues arising the construction phase and final project close out issues.

Methodology

The questionnaires were collected personally from persons given under the studies area. The target respondents are the professionals in the construction industry, contractors, consultants and stakeholders in the construction organization in Lagos state. Fifty questionnaires were completed and returned while ten were not returned. This shows a response of 83.3% which was adequate for the study.

Qualitative description method of analysis was used to summarize all the data generated from the study. The following methods of data analysis were adopted; the percentage score method, the index method and the ranking method. All data were analyzed using computer aided spread sheet application. In the tabular presentation, the data were arranged in columns and rows; this will eliminate unnecessary references to data. The tables are numbered for rapid and positive identification, and any textural references to the data can be made by citing specific table number.

Findings

Table 1.1 Elements that contribute to dispute on construction site

Elements	Most severe 5	Severe 4	Moderately severe 3	Fairly severe 2	None severe 1	% Score	Index XN	Rank
Contract and specification	6	14	24	6	0	170	3.40	1 st
Variations	3	14	24	6	0	157	3.14	2 nd
Employer's representative	2	14	22	11	1	155	3.10	3 rd

Source: Field survey: 2018

The table 1.1 shows the elements that contribute to dispute on Nigeria construction site. From the survey carried out, contract and specification were ranked (3.40) as the highest factors which causes dispute on Nigeria construction site follow by variation which had 3.14. This makes them the most significant tools used to investigate the causes of dispute in Nigeria construction.

Table 1.2: Parties to the dispute

S/N	Parties to the disputes	Below 10%	11-20%	21-30%	31-40%	41-50%	51 above	Average index (Xn)	Rank
1.	Clients	7	21	11	4	2	5	2.76	8 th
2.	Architects	8	7	8	10	7	10	3.62	3 rd
3	Quantity surveyor	7	9	19	8	6	1	3.00	7 th
4.	Site supervisor	5	7	17	14	6	1	3.24	5 th
5.	Resident Engineer	6	3	12	22	5	2	3.46	4 th
6.	Contractor	2	10	6	16	12	4	3.76	2 nd
7.	Workers	4	16	11	8	8	3	3.18	6 th
8.	Sub-contractor	2	2	12	14	16	4	4.04	1 st

Source: Field survey: 2018

The above table 1.2 shows the parties to the dispute on Nigeria construction site. Among the various personnel in construction site that contribute to dispute, sub contractor was ranked high followed by contractor being ranked second in the ranking, while the clients took the least.

Table 1.3: Contributing factors to disputes

s/n	Components of the disputes	Below 10% 1	11-20% 2	21-30% 3	31-40% 4	41-50% 5	51 above 6	Average index (Xn)	Rank
1	Poor material usage	3	4	3	7	14	19	5.24	1 st
2.	Design and specification oversight.	3	3	8	14	12	10	4.78	2 nd
3.	Bankruptcy of contractor	5	1	5	5	9	25	4.54	3 rd
4.	Cost overrun	4	5	4	10	14	13	4.28	4 th
5.	Delay and time	2	1	7	23	10	7	4.20	5 th
6.	Poor workmanship	4	1	3	17	13	12	4.16	6 th
7.	Design error	7	3	8	9	11	12	3.76	7 th
8.	Payment and budget	7	2	5	19	9	8	3.74	8 th
9.	Contractor over-billing	6	5	9	15	7	8	3.72	9 th
10.	Negligence	3	6	9	20	8	4	3.72	9 th
11.	Contractual problems	3	8	8	22	6	4	3.70	11 th
12.	Ineffective communication	4	5	13	18	7	3	3.56	12 th
13.	Uncertainty	7	3	8	21	8	2	3.46	13 th
14.	Slow decision making	2	5	11	17	10	5	3.26	14 th
15.	Site condition	6	18	13	2	8	3	2.94	15 th

Source; Field survey: 2018

The above table: 1.3, shows contributing factors to dispute and the finding revealed that poor material of usage is the major contributing factor to dispute with average index 5.24. Design and specification oversight was ranked second with average index 4.78 while bankruptcy of contractor ranked third with average index 4.54. Followed by other contributing factors to disputes, site condition has the lowest average index of 2.94 which shows that they are not significant.

Conclusion

Construction has a built – in – recipe for conflict but good management is the preventive measure of dispute. It is therefore important to try and solve any grievance among parties involve in a conflict before it escalate and/or degenerate into dispute. The fast growing of disputes in Nigeria construction needs revolutionary mitigating measures in all ramifications. In practice, this phenomenon is expected to continue unless management takes action to control these causes right from the tender stage. In an attempt to minimize the cause of disputes, strategies to build trust between parties and improve teamwork, communication, joint problems solving and inter – organizational relationships in projects should be utilized including; partnering arrangements and alliancing. The use of partnering management and alliancing can enable conflict between parties to be managed to the point of preventing a dispute from emerging.

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