

UNIVERSITY OF NAIROBI

School of Journalism

Master of Arts in Communication Studies

COURSE Code: KCS 620

**Communication and Conflict: A Case Study of
Indigenous mechanisms of conflict resolution among the
Mijikenda.**

Submitted By

Sammy Yaah Baya

REG NO: K50/70306/2007

**UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION**

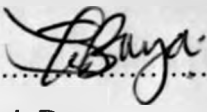
**Research project submitted to the School of Journalism in
partial fulfillment of the award of a Masters of arts degree in
Communication Studies.**

SEPTEMBER 2009

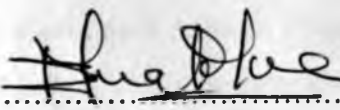


Declaration

I hereby declare that this project is my original work and has not been presented for a degree in any other University.

Signed.......... Date..... 13TH NOVEMBER 2009
Sammy Yaah Baya
Candidate

This project has been submitted for examination with my approval as University Supervisor.

Signed.......... Date..... 16:11:2009
Mr. Patrick Maluki
University Lecturer
School of Journalism

Abstract

For a long time, Africa has been saddled and bogged down by intermittent conflicts both within and between its states. From Algeria to Sierra Leone, Liberia to Sudan, the Horn, East and Central Africa and the Great Lakes Region armed conflicts are increasing and are almost exclusively within rather than between states. Even countries that were once regarded as island of peace and tranquility such as Ivory Coast have fallen victims of the escalating armed conflicts in Africa. In these conflict scenarios, poorer and more marginalized people are the principal victims rather than members of the armed forces. In addition to death and wanton destruction that it brings in its wake, the conflicts also contribute to displacement and disruption of livelihoods of the poor people.

Grassroots leadership has been largely ignored, but ordinary individuals in the community continue to play a role in addressing conflicts on a daily basis. How can this valuable resource and knowledge be shared with others? Sustainable peace requires exploration of indigenous conflict resolution processes traditionally used by communities who have experienced conflict and warfare, and are rebuilding their country. Cultural identity and traditional values are reflected in these traditional methods. With a focus on the Mijikenda people of the Kenya Coast, the paper will identify traditional conflict resolution methods that were used by the Mijikenda people and discuss how they can be effectively used to resolve conflicts at home, work and community. The cultural diversity among the nine tribes of the Mijikenda community makes it an excellent case study to examine appropriate methods of conflict resolution, and their increasing importance in addressing cross-cultural conflicts.

This paper also discusses the issue of Communication and conflict, and more intensively the indigenous mechanisms of conflict resolution in Africa. It also looks at the role played by traditional communications in conflict resolution and the use of effective communication in conflict resolution. On the basis of this discussion, a number of conclusions and recommendations are proposed on issues about communication and conflict, specifically on the use of indigenous methods of conflict resolution.

Dedication

I dedicate this academic work to the people of Kenya and especially the Mijikenda Community as they make their contribution towards the country's quest for peace.

I also dedicate this work to my wonderful family for their invaluable support. My father, David Baya, always encouraged me whenever I got overwhelmed trying to balance academic and career demands. My late Mother, Sophia, also deserves a special mention for the role she played in motivating me not to give up. I also wish to single out Everlyn and baby Stephanie who put up with all the extra hours that I got involved in academic work without complaining even once.

Acknowledgement

I wish to express my sincere gratitude and appreciation to all those who made the completion of this project study a reality.

I wish to acknowledge the invaluable support and guidance from my lecturer and project supervisor, Mr. Patrick Maluki. He has been phenomenal in his guidance to ensure that this project has seen the light of day.

My gratitude too goes to Kitsao "Banzi" and Patrick Yaah for assisting me in data collection. I also want to thank all those who took time to respond to my questionnaires and sharing their thoughts and ideas for this project. To David, my gratitude for enduring long hours to have my data well analyzed.

Lastly, I am equally indebted to my colleagues at my work place for the encouragement that they gave me during my studies.

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

TABLE OF CONTENTS

	<u>Page</u>
Declaration.....	ii
Abstract.....	iii
Dedication.....	iv
Acknowledgement.....	v
Table of contents.....	vi
List of Tables.....	viii
List of figures.....	ix
CHAPTER 1: INTRODUCTION.....	1
1.0 Definition of terms.....	1
1.1 Background.....	2
1.2 Statement of the problem.....	6
1.3 Objectives.....	8
1.4 Justification.....	9
1.5 Theoretical Framework.....	10
1.6 Hypotheses.....	13
1.7 Scope and Limitations.....	13
1.8 Chapter Outline.....	14
CHAPTER 2: LITERATURE REVIEW.....	15
2.1 Introduction.....	15
2.2 General overview of conflict in the Society.....	15
2.3 Causes of conflict in the society.....	17
2.4 Stages of conflict.....	20
2.5 Impact of conflict.....	21
2.6 Ways of resolving conflicts.....	23
2.7 Indigenous Mechanisms of Conflict Resolution in Africa.....	27
2.8 Use of Communication in Conflict Resolution.....	52
2.9 The Mijikenda People and how they resolved their conflicts.....	56

CHAPTER 3: METHODOLOGY	62
3.1 Introduction.....	62
3.2 Research Design.....	62
3.3 Research Strategy.....	63
3.4 Location of the study.....	64
3.5 Population of the study.....	64
3.6 Sample and Sampling Design.....	65
3.7 Data Collection	66
3.8 Data analysis and presentation.....	66
3.9 Validity and reliability.....	66
CHAPTER 4: RESEARCH FINDINGS AND DATA PRESENTATION	67
4.1 Findings	67
CHAPTER 5: SUMMARY, CONCLUSION AND RECOMMENDATIONS	96
5.1 Summary.....	96
5.2 Strengths of indigenous mechanisms of conflict resolution.....	97
5.3 Weaknesses of indigenous mechanisms of conflict resolution.....	99
5.4 Constraints to the utilization of indigenous peace mechanisms.....	102
5.5 Conclusion.....	104
5.6 Recommendations.....	105
Annex 1: Questionnaire.....	120

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

List of Tables

Table 1.1: Respondents age brackets.....	67
Table 2.1 Respondents by Gender.....	69
Table 3.1 Mijikenda sub-tribe.....	70
Table 4.1 Highest Level of Education of respondents attained.....	72
Table 5.1 Whether respondents experience disputes.....	73
Table 6.1 Causes of conflict.....	74
Table 7.1 Whether communication has any role in conflicts/disputes.....	76
Table 8.1 Whether there are traditional methods of solving disputes.....	77
Table 9.1 Traditional ways of communication.....	78
Table 10.1 Have you ever heard of Kajiwe.....	79
Table 11.1 Role of Kajiwe in conflict resolution.....	80
Table 12.1 Traditional methods used in conflict resolution.....	81
Table 13.1 Role of women in conflict resolution.....	82
Table 13.2: Role of elders in Conflict Resolution.....	83
Table 13.3 Role of witchdoctors in conflict resolution.....	84
Table 14.1 Symbols of peace in the community.....	85
Table 15.1 Have traditional methods of resolving conflicts been successful?.....	87
Table 16.1 Strengths of traditional methods of conflict resolution.....	88
Table 17.1 Weaknesses of traditional methods of conflict resolution.....	89
Table 18.1 Strengths of modern conflict resolution methods.....	90
Table 19.1 Weaknesses of modern conflict resolution methods.....	91
Table 20.1 How to improve the efficiency of traditional methods of conflict resolution.....	92
Table 21.1 How to improve the efficiency of modern methods of conflict resolution.....	93
Table 22.1 What can be learnt from traditional methods of resolving conflicts.....	94

List of Figures

Figure 1.1.....	68
Figure 2.1.....	69
Figure3.1.....	71
Figure4.1	72
Figure5.1	73
Figure 6.1	74
Figure 7.1.....	76
Figure 8.1	77
Figure 9.1	78
Figure 10.1	79
Figure 11.1	80
Figure 12.1	81
Figure 13.1	82
Figure 13.2.....	83
Figure 13.3.....	84
Figure 14.1	86
Figure 15.1	87
Figure 16.1	88
Figure 17.1	89
Figure 18.1	90
Figure 19.1.....	91
Figure 20.1.....	92
Figure 21.1	93
Figure 22.1.....	95

CHAPTER 1

INTRODUCTION

1.0 DEFINITION OF TERMS

Communication is the process of transferring information from one source to another. It is also the imparting or interchange of thoughts, opinions, or information by speech, writing, or signs. It is also a two-way process in which there is an exchange and progression of thoughts, feelings or ideas towards a mutually accepted goal or direction.¹

Conflict is used to refer to inconsistencies in the motions, sentiments, purposes, or claims of entities, and sometimes to the process of resolving these inconsistencies². It is also a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other.³

Conflict Management refers to interventionist efforts geared towards preventing the escalation and negative effects, especially violent, ones of ongoing conflicts.⁴

Conflict resolution is the process of attempting to resolve a dispute or a conflict.⁵

Peace building is an action taken at the end of a conflict to consolidate peace and prevent a reoccurrence of confrontation.⁶

Indigenous conflict management mechanisms refer to community-based conflict mitigation, traditional mediation, and grassroots approaches to peace.⁷

Conciliation refers to voluntary referral of a conflict to a neutral external party that either suggests a non-binding settlement or conducts explorations to facilitate more structured techniques of conflict resolution.⁸

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

¹<http://en.wikipedia.org/wiki/Communication>. Accessed on 15/6/2009

²Burton, John W., and Frank Dukes, eds. (1990). *Conflict: Readings in Management and Resolution*. New York: St.Martin's Press.

³Joseph R. *State, Conflict and Democracy in Africa*, Lynne Rienner, Colorado, 1999 pp 42

⁴Patrick M.Maluki (2008) *Conflict Management and Peace Building*. Paper presented at the Kenya Institute of Administration on June 27,2008

⁵Joseph K. (2008) *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA, pp 128

⁶http://www.peacemakers.ca/publications/peacebuilding_definition.html. Accessed on 17/6/2009

⁷http://www.caii.com/CAIISTaff/Dashboard_GIROAdminCAIISTaff/Dashboard_CAIAdminDatabase/resources/ghai/toolbox4.htm. Accessed on 16/6/2009

⁸I. William Zarnan (ed.), (1997) *Governance as Conflict Management: Politics and Violence in West Africa*, Washington, D.C., Brookings Institution Press.

1.1 Background

All societies are caught up in a complex web of conflict. According to Mwagiru, Munene and Karuru, it cannot be otherwise because wherever people are, there will always be conflict. Conflict, both violent and non-violent, is as old as humans (Mwagiru, Munene and Karuru, 1998).⁹ According to Kurgat (2000), conflict is an inevitable and sometimes functional or even a favorable condition for inter-state relations. Conflict exists when people have incompatible goals. It is only when the disagreement becomes violent that negative effects become manifest.¹⁰

A relationship with frequent conflict may be healthier than one with no observable conflict. Conflicts occur at all levels of interaction; at work, among friends, within families and between relationship partners. When conflict occurs, the relationship may be weakened or strengthened. Thus, conflict is a critical event in the course of a relationship. Conflict can cause resentment, hostility and perhaps the ending of the relationship. If it is handled well, however, conflict can be productive leading to deeper understanding, mutual respect and closeness. Whether a relationship is healthy or unhealthy depends not so much on the number of conflicts between participants, but on how the conflicts are resolved.¹¹

People adopt a number of different styles in facing conflict. First, it is very common to see a person avoid or deny the existence of conflict. Unfortunately, in this case, the conflict often lingers in the background during interaction between the participants and creates the potential for further tension and even more conflict. A second response style is that of one person getting mad and blaming the other person. This occurs when a person mistakenly equates conflict with anger. This stance does nothing to resolve the

⁹Mwagiru, M., Munene, M., and Karuru, N. (1998). *Understanding Conflict and its Management* Centre for Conflict Research. Nairobi.

¹⁰ Kurgat, P. (2000). "Kenya's Foreign Policy and Africa's Conflict Management" In P.G.Okoth. and B.A.Ogot.,Eds.,*Conflict in Contemporary Africa*.Nairobi:Jomo Kenyatta Foundation

¹¹ Article titled *Interpersonal Conflict and Effective Communication*.

<http://www.drbalternatives.com/articles/cc2.html>. Accessed on 22/6/2009

conflict and in fact only serves to increase the degree of friction between the two participants by amplifying defensiveness.¹²

A third way which some people use to resolve conflict is by using power and influence to win at the other's expense. They welcome conflict because it allows their competitive impulses to emerge, but they fail to understand that the conflict is not really resolved since the "loser" will continue to harbor resentment. Similarly, some people appear to compromise in resolving the conflict, but they subtly manipulate the other person in the process, and this, again, perpetuates the conflict between the two parties and compromises the trust between them. There are better ways to handle interpersonal conflict.¹³

There is an underlying principle that underscores all successful conflict resolution. That is, both parties must view their conflict as a problem to be solved mutually so that both parties have the feeling of winning or at least finding a solution which is acceptable to both. Each person must participate actively in the resolution and make an effort and commitment to find answers which are as fair as possible to both. This is an easy principle to understand, but it is often difficult to put into practice.¹⁴

We may get so caught up with our own immediate interests that we damage our relationships. If we disregard or minimize the position of the other person, if fear and power are used to win, or if we always have to get our own way, the other person will feel hurt and the relationship may be wounded. Similarly, if we always surrender just to avoid conflict, we give the message to the other person that it is acceptable to act self-serving at our expense and insensitive to our needs. Our feeling of self-worth suffers, resentment festers, and we feel poisoned in the relationship. Instead, it is healthier if both parties can remain open, honest, assertive and respectful of the other position. Mutual

¹²<http://www.workplaceissues.com/arconflict.htm>. Article Titled Conflict in the Workplace by Mary Rau-Foster. Accessed On 10/6/2009

¹³ Article titled *Interpersonal Conflict and Effective Communication*.
<http://www.drbalternatives.com/articles/cc2.html>. Accessed on 22/6/2009

¹⁴ Personal communication with Mr. Leley, Keboi, February 10, 2007

trust and respect, as well as a positive, constructive attitude, are fundamental necessities in relationships that matter.¹⁵

Once found in a conflicted situation with someone, it is important to reduce emotional charge from the situation so that you and the other person can deal with your differences on a rational level in resolving the conflict. All conflict resolution processes necessitate effective communication. There are various effective communication techniques that can be employed to solve conflicts. Okoth (2000) argues that negotiation, one approach of conflict resolution, involves effective communication.¹⁶

Conflict is inherent in every aspect of human life and can be positive as a source of creativity and change. However, conflict becomes destructive when it is allowed to degenerate into violence.¹⁷ Given the current patterns of interpersonal violence, the growing international arms trade, human rights abuses, computerized battlefield and lethal weaponry, violence is simply too dangerous a strategy to pursue or permit in the course of conflict resolution. Therefore there is the need to explore possibilities of resolving conflicts non-violently.¹⁸

Different mechanisms and processes have been unsuccessfully used to promote peace in Africa due to changing nature of conflict. Therefore, this changing nature of conflict needs a more relevant approach in conflict resolution in Africa. There is need to find out if there are conflict resolution mechanisms that can be used to compliment the existing efforts in order to promote peace in Africa. Just like modern Kenya, independent communities before the colonial period had to deal with social conflict because it is part and parcel of human existence and it is found to exist in all communities.

¹⁵ Article titled *Interpersonal Conflict and Effective Communication*.

<http://www.drbalternatives.com/articles/cc2.html>. Accessed on 22/6/2009

¹⁶ Okoth, P.G.(2000). "Conflict in Contemporary Africa." In P.G.Okoth and B.A.Ogot, eds., *Conflict in Contemporary Africa*. Nairobi: Jomo Kenyatta Foundation.

¹⁷ Fry, Douglas P. & Fry C. Brooks (2003) *Cultural variation in Conflict Resolution-Alternatives to violence* (Dept of Political Science-Florida University)

¹⁸ Murithi, Tim (14-16 June 2006) *African Approaches to Building Peace and Social Solidarity*: CCR Addis Ababa, Ethiopia

Then, as of now, conflict could be experienced at different levels: Personal at the psychological level, and socially, it was experienced at the inter-personal, intra-institutional, for example, within the family; inter-generational, inter and intra-gender, inter-states, between the rulers and the ruled, and the rich and the poor. In all of these conflict scenarios, pre-colonial communities had different mechanisms which went into managing and solving conflict. Behind the various mechanisms of conflict management and resolutions, there existed unifying underlying principles.¹⁹ These were:

The Principle of Common Humanity

This principle stressed the central value that, despite cultural and ethnic differences, human beings are basically the same. This principle gave birth to the so-called African communal way of life. The crucible norm of communal living was the acceptance that access to basic needs was a basic human right to every member of a given community. This value formed an important grounding in conflict resolutions whenever conflict over resources such as land or livestock.²⁰

The Principle of Reciprocity

This principle not only emphasized the ethic of sharing, but more importantly, it is the one which sustained a sense for collective security through a social set-up which supported an egalitarian social living.²¹

The Principle of Respect

Social conflicts were avoided or resolved based on this principle. Respect for the elders, parents and ancestors was a major value which our communities inculcated in their members. This respect was codified in taboos and the concept of social distance. What one could do, whom to talk to and how to relate to one another according to one's sex, age and status. The principle was also environmentally friendly because the first to be respected was

¹⁹Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

²⁰Mkangi, K., *The African Debt Crisis: A Radical Human Perspective*, ACLCA, Nairobi, 1993 revised edition

²¹Mkangi, K., *The African Debt Crisis: A Radical Human Perspective*, ACLCA, Nairobi, 1993 revised edition.

the "Mother Earth" and her endowments such as mountains, caves, river springs, forests and big trees, huge rocks, rivers and lakes, animals, etc.²²

Whenever conflict arose, the three principles were mobilized through the use of many and different mechanisms in search for solutions and resolutions. Some of such mechanisms included the use of kinship ideology, use of women and male elders, the third party approach, the consensus approach amongst others.²³

These indigenous mechanisms for social conflict resolutions are not exhaustive. However, what should be borne in mind is that, they did work because also in place, were elaborate restitution mechanisms. That is why, in most of our pre-colonial societies, neither a standing army nor a police force did exist. These are mechanisms which still hold sway in our rural areas. Unfortunately, their influence is waning by the day because of the existing social forces which are an antithesis to the three principles mentioned above.

There is therefore an urgent need to research into these mechanisms in order to devise ways which could make them relevant and of use in Africa of today.²⁴

1.2 Statement of The Research Problem

African Traditional Conflict Resolution Mechanisms can still be used in solving conflict in Africa today. According to Tim Murithi (2006), " the African continent continues to be faced with the challenge of peace and development. Vast amounts of resources have been utilized to craft peace agreements, which have collapsed in a short while under the weight of the competing interests of the disputing parties. It is necessary to examine whether there are other peace building strategies that can be adopted to compliment existing efforts to promote peace on the continent." ²⁵

²² <http://pavson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 1/6/2009

²³ Mkangi, K., *Indigenous Social Mechanism of Conflict Resolution in Kenya: A Contextualized Paradigm for Examining Conflict in Africa*, 1997.

²⁴ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

²⁵ Murithi, Tim (14-16 June 2006) *African Approaches to Building Peace and Social Solidarity*: CCR Addis Ababa, Ethiopia

However, there are two general constraints which discourage the popular use of indigenous peace mechanisms and institutions. These are: The general lack of awareness regarding their existence, and therefore, how they could be put into use and an ideological orientation which reinforces this general state of unawareness. In regarding conflict in Africa as an act of instinctive and irrational phenomenon - rather than being one aspect of "normal" human social behaviour, the tendency has been to look for resolution from outside whenever generalized conflict takes place. It is a perspective which takes off from the premise that while causes of conflict are indigenous to Africa (inter-ethnic rivalry for example), solutions must be imposed from outside. The assumption being that, such solutions are rational and therefore, more objective.²⁶

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

It is an approach which has failed to notice conflict resolution mechanisms inherent in African communities. The fact that while two sides might be in conflict, mechanisms for solutions to such a conflict are also inherently existing between them. Thus, the role of individuals, elders, women, age groups and socio-cultural institutions and beliefs, are resources with indigenous grounding which can be utilized for conflict resolution. Women are extremely important in the process of peace conflict. When fighting is occurring, they sing "songs of war," taunting their men to continue the conflict. Likewise, their singing "songs of peace" can shame the men into stopping the fighting.²⁷

Most conflicts in Africa escalate out of control because of the poor and inadequate manner in which they are handled from the start. Western solutions to African problems just do not work. African society is quite dynamic and the social-cultural diversity cannot permit the peace processes that disregard this aspect. This in effect means that any 'imported solutions' will end up crumbling. What is actually needed is a traditional arrangement that takes care of all the parties concerned.

It is evident that many peace initiatives in Africa, which are initiated by the Western world, often fail, due to the fact that such initiatives tend to be imposed rather than being

²⁶ <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 1/6/2009

²⁷ Dekha Ibrahim & Janice Jenner, "Wajir Community Based Conflict Management", a mimeo 1996:14

internally generated by the people that are affected by the conflict. It is rather evident that many ongoing peace processes in Africa do not engage the creative energies and inputs of the elders and other local authorities, especially opinion leaders and chiefs. It is therefore a fact that for any peace initiatives in Africa to be effective, they should be indigenous, in order to achieve the objectives. The achievement of lasting peace in Africa will mean that investments and development efforts can smoothly proceed, translating to more prosperous Africa. It can also lead to the resuscitation of traditional African Conflict resolution methods which combined with widely used western methods, will produce a suitable and appropriate blend.

This study addresses the following research questions:

1. To what extent can African Traditional Conflict Resolution mechanisms be applied in contemporary conflicts?
2. Are African Traditional Conflict Resolution processes more efficient than other Conflict Resolution processes?
3. To what extent can African Indigenous Conflict Resolution mechanisms succeed even if the nature of the conflict is not indigenous?

1.3 Objectives of The Study

1.3.1 The general objective of this study is to discuss the various African Traditional Conflict Resolution Mechanisms that exist.

1.3.2 Specific objective:

- a) To examine the use of African Traditional Communications in Conflict Resolution.
- b) To analyze how the Mijikenda People of Kenya Coast resolved their conflicts.
- c) To Compare African Traditional Conflict Resolution Processes with Contemporary Conflict Resolution mechanisms.

1.4 Justification of The Study

With regard to conflict in Africa, the tendency has been to look for resolution from outside whenever generalized conflict takes place. It is a perspective which takes off from the premise that while causes of conflict are indigenous to Africa (inter-ethnic rivalry for example), solutions must be imposed from outside. The assumption being that, such solutions are rational and therefore, more objective. It is an approach which has failed to notice conflict resolution mechanisms inherent in African communities.²⁸

African Traditional Conflict resolution mechanisms can address some of the proximate factors that help fuel conflict at the local level and can provide appropriate, sustainable and long-term solutions. While local peace processes are not likely to stop a large conflict, they can help prevent small disputes from escalating into larger conflicts.

Many communities perceive conflict resolution activities directed by outsiders as intrusive and unresponsive to indigenous concepts of justice, and prefer to resolve conflicts within the community. Conflict mediators from the local community are generally more sensitive to local needs than outsiders and are immersed in the culture of the violence-afflicted community. Their activities are rooted in conflict's context, address some of its immediate causes, and can bring long-term solutions. They can draw people away from the conflict, breaking its momentum.

African Traditional Conflict resolution mechanisms aim to resolve conflicts locally, preceding or replacing external dispute resolution and thereby reducing reliance on external structures. Traditional mediation helps the community keep control over the outcome of the dispute. Implementing this approach does not require sophisticated party structures or expensive campaigns; it provides a low-cost, empowering means of resolving conflicts within a relatively short timeframe.²⁹

²⁸Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

²⁹<http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 1/6/2009

One fundamental condition is to re-educate the African elites (leaders) who are the chief agents and instigators of conflict. "The ideological consciousness of Africa's young, educated people - the elite – is very crucial. Often in Africa, instead of young people being at the forefront of the struggle for social justice, they are in the forefront of the struggle for privileges."³⁰

Therefore Policy wise, this study aims at exploring the viability of reviving the use of traditional African solutions to solve African problems. This research paper will attempt to influence policy makers, to consider the incorporation of African Traditional Conflict measures in any future peace initiatives.

Another justification for this research is the need to acknowledge the use of traditional communications in enabling people to resolve their conflicts.

As an Academic justification, this study will add immensely to the body of knowledge that already exists on Conflict Resolution. During the course of this research, it became apparent that the existing literature on African traditional conflict resolution mechanisms is limited. It is therefore highly expected that this research paper will add value to the existing collection of written material on Conflict Resolution and also help to further research and academic analysis in this important field.

1.5 Theoretical Framework

This research is mainly based on the problem solving theory advanced by John Burton in 1974. This theory emphasizes controlled communication as a means of achieving lasting solution to a conflict. The technique is based on the human needs theory of conflict, which points out that most deep rooted conflicts are caused by one or more person's or group's inability to obtain its fundamental human needs- for instance, identity, security, or recognition.

³⁰ Museveni, K. Yoweri, *What is AFRICA'S PROBLEM?*, NRM Publications, Kampala 1992:161.

According to John Burton, over time all societies experience conflicts between the institutional values and structures of society on the one hand, and human needs at the level of the individual on the other hand. Individuals in striving to meet their needs will interact with other individuals. As a result of this interaction, individuals identify with, and join in various associations that might facilitate the satisfaction of their needs. The requirements of maintaining certain social institutions are often inconsistent with individual human needs, since social institutions tend over time to express the bargaining power of elites and higher status groups. Societies that thus fail to meet the needs of their members eventually become unstable over time. If they are to survive and be seen as legitimate by the vast majority they will ultimately be forced to undergo change.³¹

John Burton contends that societies must of necessity acknowledge the failure of power methods and come up with strategies of satisfying violated human needs. By identifying the underlying needs that are lacking, parties are often able to redefine the conflict in a way that facilitates joint problem solving and collaboration, when such was impossible before.³²

With time, all societies experience conflicts. These conflicts often are between institutional structures and values on one hand, and human needs on the other. In all human relationships there are inevitably constant disagreements over resource allocations, roles and rights. In some cases there can be acceptable compromises and adjustments made. This is usually so when material resources are the source of differences. In these cases the traditional means of settlement such as power bargaining, negotiation, mediation and arbitration may be appropriate. But there are other cases in which it seems that there can be no compromise. These are cases in which there are values and goals, such as group identity and personal recognition, which cannot be divided up, as can material resources. Juvenile street gangs become violent in the

³¹Jerel A. Rosati, David J. Carroll and Roger A. Coate, "A critical Assessment of the Power of Human Needs in World Society" in John Burton and Franck Dukes, eds., *Conflict: Readings in Management and Resolution*, Virginia: Macmillan press, pp 162

³²Jerel A. Rosati, David J. Carroll and Roger A. Coate, "A critical Assessment of the Power of Human Needs in World Society" in John Burton and Franck Dukes, eds., *Conflict: Readings in Management and Resolution*, Virginia: Macmillan press, pp 156-179

promotion of their separate identities and the protection of their territories, and in their struggles for recognition as persons. Members of ethnic communities will slaughter others and sacrifice themselves in the preservation of ethnic identity and of the personal recognition and security it provides.³³

Each and every society at one time or other, experience this sort of a dilemma, as there is no perfect Government that can satisfy all in society at the same time.

The gist of the problem solving theory is to get disinterested consultants to chair a meeting with the disputing parties. These consultants are specialists who analyze the dispute before them and proceed to resolve the conflict. In such a case, the disputing parties are expected to be involved and come up with a solution to their problem or predicament. The assembly of both parties to the conflict should collaborate and not negotiate; in order to come up with a solution to their joint predicament. This should be achieved through accommodation of all parties. When disputing parties collaborate, there are gains for both sides to the dispute, as opposed to when parties negotiate (bargain) and come with a solution that involves some losses.³⁴

From the content analysis done so far, it is evident that the African Traditional Conflict Mechanisms made use of persuasion as a means to achieving the desired agreements. There was the fostering of mutual respect by the disputing parties, for each other and for the resolution that was arrived at the end. Consultants i.e. specialists in conflict resolution such as elders, were engaged to pursue such tasks and see that conflict resolution was achieved.

³³Article titled: *Conflict Resolution: towards problem solving*, John W. Burton <http://www.gmu.edu/academic/pcs/burton.html>

³⁴M.A. Dissertation, Kamene Ochieng (2007): *The role of traditional conflict management mechanisms in conflict prevention and resolution in Africa*.

1.6 Hypotheses of The Study.

1. Application of African traditional conflict resolution mechanisms can de-escalate conflicts in Africa.
2. African traditional conflict resolution mechanisms are more effective than modern conflict resolution processes.
3. Use of traditional conflict resolution methods ensures lasting peace among the Mijikenda communities in Kenya.

1.7 Scope and Limitations

Scope

This research majorly looks at African Traditional Conflict Resolution Processes using a case study of the Mijikenda people in Kenya. The research will be conducted by critical analysis of existing literature on the subject. This includes books, journals, papers presented at various forums and material sourced from various sites in the Internet.

Some of the relevant books will be identified mostly from the reading lists provided by the department.

Limitations

There is a seemingly limited amount of literature on the subject. There is seemingly lack of an in-depth study of African Traditional Conflict Resolution mechanisms. To overcome this, there will be need of administering questionnaires to the Mijikenda people to get more information.

The research period given is limited and brief. Some vital information required in the research may take longer to get than the research time frame. There will be need of good time management if more vital information is to be gathered.

There is some information which is regarded as community secrets that individuals would not easily reveal to a stranger. The subject therefore may be denied access to some vital

information. A lot of persuasion would need to be done so as to get the information needed.

Some people ear-marked as critical, for providing relevant information may not be available. Some may not be reached over for comment due to the positions they hold. There will be need to book appointments in time.

1.8 Chapter Outline

The study has five chapters. Chapter one will be the research proposal which contains statement of research problem, objectives of the study, justification, theoretical framework guiding the study, hypothesis, scope and limitations and the chapter outline.

Chapter two contains the literature review specifically on indigenous conflict resolution mechanisms in Africa. This chapter looks at a general overview of conflict in the society, use of communication in conflict resolution, conflict resolution among the Mijikenda people of Kenya coast.

Chapter three contains the research methodology and chapter four focuses on Data presentation and analysis of indigenous conflict resolution mechanisms among the Mijikenda people.

Chapter five contains the conclusion and recommendations. This will include a comprehensive summary of the research drawing conclusions on the basis of facts brought out by the research and suggesting areas of further research.

CHAPTER 2

2.0 LITERATURE REVIEW

2.1 Introduction

The literature review for this study encompasses an array of texts, reports, papers and journals touching on themes such as the general overview of conflict in the society, use of communication in conflict resolution, and mainly on indigenous mechanisms of conflict resolution in Africa. The literature review will also touch on how the Mijikenda People of Kenya Coast resolved their conflicts.

2.2 General overview of conflict in the society

Conflict is always concerned with a distribution of power. Indeed, an exertion of power is prerequisite to the retention of a share in the determination of future relations- as well as for the acquiring or retaining of other benefits.³⁵ The word conflict is derived from the Latin word *confligere* meaning to strike together.³⁶ It can also refer to a disagreement or clash between ideas, principles, or people.³⁷

A conflict exists when two people wish to carry out acts which are mutually inconsistent. They may both want to do the same thing, or they may want to do different things where the different things are mutually incompatible. For example the logical inconsistency of two billiard balls being in the same place at the same time is resolved by the conflict which results in their rolling to different positions.³⁸

According to Wikipedia, Conflict is actual or perceived opposition of needs, values and interests. A conflict can be internal (within oneself) or external (between two or more

³⁵Joseph K, (2008) *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

³⁶Burton, John W., and Frank Dukes, eds. (1990). *Conflict: Readings in Management and Resolution*. New York: St.Martin's Press.

³⁷http://encarta.msn.com/dictionary_1861599517/conflict.html. Accessed On 17/6/2009

³⁸Kurt Singer (1941). *The Idea of Conflict*. Melbourne: Melbourne University Press.

individuals).³⁹The Resource Pack approach understands conflict as a "multi-dimensional social phenomena essential to social change and transformation."⁴⁰

There are many conflicts experienced variously and individually in the society. Conflicts could be termed as surface conflict, no conflict, latent, violent or open. While the surface conflict refers to under developed conflict which is oftenly small and emerges out of misunderstanding of goals which can be addressed by improved communication, the no conflict situation refers to a possibility of conflict arising from a peaceful family, society or even a nation. The advantages here is that the affected are able to nib it in the bud before it escalates.⁴¹

Violent conflict is used to describe acts of open hostility. In conflict theory it is but one stage of a dynamic conflict cycle, which may proceed from a situation of tensions, escalation, crisis phase, possibly resulting in a stalemate or de-escalation.⁴²

Latent conflict is used to describe situations of tensions, which may escalate into violence. It is deeply rooted conflict but not pronounced. It needs to be brought in the open and addressed before it erupts. It might be latent to the individual, couple, family, community, through to the national and international level.⁴³

The open conflict is a visible conflict with deep roots; one that has persisted for several generation e.g. the north rift conflict in Kenya between the various pastoral communities over livestock i.e. cattle rustling among others. Causes and effect of such conflicts needs to be addressed in order to resolve the conflict. Surface and latent conflict often yields open conflicts if unchecked. As a consequent, open conflict causes more physical, social, psychological and environmental damage than any other type.⁴⁴ Open conflict can be triggered by an incident and suddenly become real conflict.⁴⁵

³⁹<http://en.wikipedia.org/wiki/Conflict>. Accessed On 17/6/2009

⁴⁰International Alert, *Resource Pack for Conflict Transformation*, London: March 2003 section 2:3.

⁴¹ Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁴² <http://www.bing.com/search?srch=106&FORM=AS6&q=violent+conflict>. Accessed On 17/6/2009

⁴³ International Alert, 2003:5

⁴⁴ Joseph K(2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁴⁵ <http://www.etu.org.za/toolbox/docs/building/conflict.html>. Accessed On 17/6/2009

Conflict can also be physical in which two or more entities try to occupy the same space at the same time and is distinguished from political conflict by which a group tries to impose its policy on others and Ideological conflicts in which systems of thought or of values struggle with each other. Legal conflicts is whereby controversies over claims or demands are adjusted by mutually recognized procedures.⁴⁶

2.3 Causes of conflict in the Society

When you consider what a diverse society we live in, with so many different backgrounds, perspectives and approaches to life, it is not surprising that conflict is established as part and parcel of our everyday life. This is because people will have competing interests and competing perspectives in relation to the same issues, and so we should not be surprised when tensions exist between individuals and groups. The idea of ever achieving a society with no conflict is clearly a pipedream. However, this is not necessarily a problem, as conflict can also be creative and constructive. Many important changes in our society and in the organisations in which we work have occurred as a result of conflicts.⁴⁷

The short answer to the question of what causes conflict is quite simply, life. Bringing people together in social interaction necessarily involves a set of interpersonal dynamics which sooner or later will lead to conflict. There are various causes of conflicts: Unclear definition of responsibility as well as competition for limited resources inevitably lead to interpersonal and interdepartmental conflict.⁴⁸

The way a society is organized can create both the root causes of conflict and the conditions in which it's likely to occur. Any society which is organized so that some people are treated unequally and unjustly is likely to erupt into conflict, especially if its leaders don't represent all the members of that society. If an unequal and unjust society

⁴⁶Kurt Singer (1941). *The Idea of Conflict*. Melbourne: Melbourne University Press.

⁴⁷<http://www.avenueconsulting.co.uk/human-solutions/conflict-1.html>. Accessed On 17/6.2009

⁴⁸<http://www.workplaceissues.com/arconflict.htm>. Article Titled Conflict in the Workplace by Mary Rau-Foster. Accessed On 17/6/2009

is reformed, then conflicts will be rare. It is inequality between groups rather than individuals that increases the prospect of violent conflict.⁴⁹

The collapse of state institutions has caused internal and regional conflict. Collapse is rarely sudden, but arises out of a long degenerative process that is characterized by predatory government operating through coercion, corruption and personality politics to secure political power and control of resources. The state finds itself unable any longer to provide basic services or security to its people and loses its legitimacy. The collapse of infrastructure completes the break up of the state. The combination of breakdown of institutions and physical infrastructure coupled with the use of ethnic violence creates self-sustaining and factional warfare.⁵⁰

Continuous economic decline plays a major part in state collapse and conflict. Economic shock is a more direct and potent cause. This can take various forms ranging from natural catastrophe to sudden large shifts in terms of trade. The Ethiopian famine of 1974 was the main factor in the overthrow of Haile Selassie's government and the violence that ensued. Famine can cause mass displacement increasing pressure on scarce resources.⁵¹

Countries with high levels of unemployment among young men where male educational levels are low face a far higher risk of conflict. Throughout Africa, factional conflict has drawn on a pool of marginalized or socially excluded young men e.g. South Africa, violence against foreigners.⁵²

The most common conflict of scarcity relate to the control of grazing and water rights for nomadic people. Countries, whose economies are dependent on natural resources such as oil and minerals, face a very high risk of conflict. In these wars of abundance, groups

⁴⁹http://www.ppu.org.uk/learn/conflict/st_conflict1.html. Article titled: Underlying causes of conflict. Accessed On 17/6/2009

⁵⁰ Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁵¹http://www.ppu.org.uk/learn/conflict/st_conflict1.html. Article titled: Underlying causes of conflict. Accessed On 17/6/2009

⁵²<http://www.bing.com/search?srch=106&FORM=AS6&q=causes+of+conflict+in+the+society>. Accessed On 17/6/2009

compete for control of these resources, which become the "prize" for controlling the state and can lead to coups, as the case in some countries in the world.⁵³

Political leaders and belligerents in Africa have made increasing use of ethnic hatred. Such abuse prolongs conflict, creates long-term divisions that reduce the effectiveness of peace building efforts. The war in the DRC and recent ethnic violence in Kenya provides a ready example of the abuse of ethnicity.⁵⁴

The ready availability of small arms in Africa is a major factor in sustaining and fuelling conflict. Caches of arms exist throughout the continent and Africa has active trading networks that move arms between countries. The increasing capacity within Africa to manufacture ammunition has removed yet another constraint on the use of small arms. The ready availability and relatively low cost of small arms has been coupled with the emergence of a network of both local and international dealers who trade arms for minerals or to other resources.⁵⁵

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

The tendency by the post-colonial leaders to cling to power even when constitutionally agreed terms end is a fertile source of conflict in many African countries. Real and perceived benefits of capturing and maintaining political power are a key source of conflicts in Africa including Kenya. The winner takes it all attitude and subsequent benefits associated with power is a good recipe for conflict.⁵⁶

Lack of adequate and balanced information is bound to cause conflicts. In the run up to 2007 election in Kenya, 'ethnic based media' especially the FM stations played a big role psychologically by portraying negatively those in different political camps. This was a replica of the situation in 1994 during the genocide in Rwanda. There is therefore need

⁵³Burton, John W., and Frank Dukes, eds. (1990). *Conflict: Readings in Management and Resolution*. New York: St.Martin's Press.

⁵⁴http://www.csc.noaa.gov/cmfp/process/conflict_causes.htm. Accessed On 17/6/2009

⁵⁵Joseph K,(2008) *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁵⁶http://www.ppu.org.uk/learn/conflict/st_conflict1.html. Article titled: Underlying causes of conflict. Accessed On 17/6/2009

for accurate, professional and balanced relay of information by the media to avoid instigating civil strife.⁵⁷

2.4 Stages of Conflict

The handling of conflict requires awareness of its various developmental stages. If leaders in the situation can identify the conflict issue and how far it has developed, they can sometimes solve it before it becomes much more serious.⁵⁸

The first stage is the Pre-Conflict stage when you first "know" or believe there's a difference that isn't immediately resolved. You may begin feeling frustrated by the failure to resolve the difference easily and quickly, and by the fear that goals may be blocked.⁵⁹

The perception of conflict is based on what the people involved believe to be true, their assumptions about the situation, particularly the differences involved. These perceptions may be inaccurate, and there may be no real conflict. Frustration caused by the sense of impending conflict may escalate into stronger emotions, such as anger.⁶⁰ Intolerant and unhealthy discussion and differences emerges. As a result, tension builds up; views become fixed and people begin to criticize their opponents whom they view as enemies.⁶¹

The Confrontation stage is the second stage whereby disputes escalate, different sides take extreme positions in a more determined manner whatever the repercussions. Threats and counter threats are made but not executed. However, the period is characterized by supporters' engagement in demonstrations or other confrontation behaviour.⁶²

⁵⁷ Burton, John W., and Frank Dukes, eds. (1990). *Conflict: Readings in Management and Resolution*. New York: St. Martin's Press.

⁵⁸ http://www.beyondintractability.org/essay/conflict_stages/. Accessed On 17/6/2009

⁵⁹ Hoffman, Stanley. (1986). *The Balance of Power*. In Herbert Levine (Ed), *World Politics Debated*, 2nd Edition, New York: MacGraw Hill.

⁶⁰ <http://www.etu.org.za/toolbox/docs/building/conflict.html>. Accessed On 17/6/2009

⁶¹ Burton, John W., and Frank Dukes, eds. (1990). *Conflict: Readings in Management and Resolution*. New York: St. Martin's Press.

⁶² Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

The crisis stage is the peak of conflict with open hostilities devoid of communication between belligerents. People take hard-line stances convinced that their way is right. Violence, force, and destructive approach to the problem at hand are used.⁶³

The outcome stage is the last stage. Violence continues within the party determined to be the "winner" as it hopes the other surrenders or a cease-fire is reached. Peaceful or forceful intervention by outsiders may suffice in quelling the violence.⁶⁴ Anan's peace initiative in Kenya is a good example. In these four stages, differences develop into tensions where there is unlikely to be a shortcut to an agreement or quick solutions. If there has to be any settlement, the opposing groups must open up channels of communication towards an agreement.⁶⁵

2.5 The Impact of Conflict

Conflict viewed as incompatibility of goals has both positive and negative results (Gurr & Hurff, 1994).⁶⁶ During the last decades, sub-Saharan Africa has been the most conflict-affected region in the world. Conflict has been responsible for more death and displacement than famine or floods in Africa. The main elements of this tragedy is the millions of people who lost their homes and livelihood, the increasing numbers of civilian casualties and increased level of violence, abuse and mutilation.⁶⁷

Africa has the highest level of internal displaced persons in the world. Internally displaced persons now outnumber refugees by a ratio of three to one. Almost 1 in 20 of all deaths in Africa is clearly attributed to war. Violence in Africa is now deliberately

⁶³ http://www.international.gc.ca/peace-paix/conflict-conflict.aspx?lang=en&menu_id=9&menu=R. Accessed On 17/6/2009

⁶⁴ MacFarlane, Neil. (2005). "International Politics, Local Conflicts and Intervention." In Mychajlyszyn, Natalie, *Twisting arms and Flexing muscles: Humanitarian Intervention and Peace building in Perspective*. ASHGATE.

⁶⁵ http://www.unc.edu/courses/2005fall/nurs/090/001/class10/conflict_stages.html. Article Titled Stages of conflict. Accessed On 17/6/2009

⁶⁶ Gurr, T.R., and Hurff, B. (1994). *Ethnic Conflict in World Politics*. Boulder, San Francisco, Oxford: Westview Press

⁶⁷ <http://www.bing.com/search?srch=106&FORM=AS6&q=impact+of+conflict%20in%20society>. Accessed On 17/6/2009

targeted at civilians rather than armed groups and at entire groups rather than individual.⁶⁸

Children have become one of the main targets of violence and in turn are being used to perpetuate it. Children have been deliberately indoctrinated into a culture of violence and used as a specific instrument of war. There are now approximately 350,000 child soldiers worldwide of which 200,000 are in Africa.⁶⁹

Society's development is threatened by conflict. The effect of war cut across all levels of the economy down to the household level. War has a direct and immediate economic impact through the physical disruption it creates, denying access to land, key resources and markets. In the recent post-election violence in Kenya, people were denied access to their land at critical planting periods. This reduces the total agricultural production of the country.⁷⁰

Conflicts and war damages the infrastructure such as roads, rail, ports, airports, electricity, water supply, sewers, and telecommunications. Poor infrastructure leads to weak fragmented and highly unstable markets, which in turn contribute to hyperinflation and a volatile currency.⁷¹

For African states to achieve Millennium Development goals, conflicts and wars must be reduced if not stopped completely. The aim of conflict resolution is to move away from despairingly ossified interest and positions of parties, towards constructive outcomes by processes where third parties or impartial outsiders play a catalytic role in helping replace mutual antagonism by new ways of thinking and the creation of new relationships that transcend old stereotypes and barriers. The corpus of conflict resolution literature

⁶⁸ Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁶⁹ <http://www.un.org/rights/introduc.htm>. Accessed On 17/6/2009

⁷⁰ Joseph K, (2008) *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁷¹ Burton, John W., and Frank Dukes, eds. (1990). *Conflict: Readings in Management and Resolution*. New York: St.Martin's Press.

argues that it is possible to transcend conflict, if parties can be helped to analyze, explore, question and reframe their interests and positions.⁷²

2.6 Ways of Resolving Conflicts

Conflict resolution is a range of processes aimed at alleviating or eliminating sources of conflict. The term "conflict resolution" is sometimes used interchangeably with the term dispute resolution or alternative dispute resolution. Processes of conflict resolution generally include negotiation, mediation and diplomacy.⁷³

There are various ways of resolving conflicts for example, surrendering, overpowering your opponent, etc. However, the underlying causes of the conflict should be addressed. For instance, if broken relationships are the root cause of conflict, peace building must include reconciliation as well as resolving the disagreement. This is seen in the family, community, national and international levels. The causes and the symptoms must be dealt with if change or peace is to be sustainable.⁷⁴ If relationships are restored, other issues of conflicts can be avoided in future since there is better understanding between opposing groups. It is important to note that organizations or authorities seeking to resolve them cannot do so on their own, their role is to provide an enabling environment and an opportunity for opposing sides to communicate with each other in order to reconcile. For instance, the Kenyan government is only supposed to oversee the settlement process of internally displaced without forcing them back to their land. People should have been given an opportunity to talk to and cry with each other to vent out their long built emotions. It is only by doing so that lasting solution could be found.⁷⁵

Some of the Conflict Resolution methods comprise negotiation, mediation, mediation-arbitration, inter-community conferencing and information dissemination.

According to Wikipedia, negotiation is a dialogue intended to resolve disputes, to produce an agreement upon courses of action, to bargain for individual or collective

⁷² <http://www.fmreview.org/FMRpdfs/EducationSupplement/10.pdf>. Accessed On 17/6/2009

⁷³ <http://www.answers.com/topic/conflict-resolution>. Accessed on 20/6/2009

⁷⁴ Ikle, Fred. (1964). *How Nations Negotiate*. New York

⁷⁵ Joseph K, (2008) *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

advantage or to craft outcomes to satisfy various interests. It is the primary method of alternative dispute resolution.⁷⁶ It is discussion among the warring factions with a goal of reaching an agreement.⁷⁷

According to Wikipedia, the free encyclopedia; mediation is a form of alternative dispute resolution (ADR) or "appropriate dispute resolution", aims to assist two (or more) disputants in reaching an agreement. The parties themselves determine the conditions of any settlements reached— rather than accepting something imposed by a third party. The disputes may involve (as parties) states, organizations, communities, individuals or other representatives with a vested interest in the outcome.⁷⁸ It is voluntary and confidential process which a neutral party facilitates to help people discuss difficult issues and negotiate an agreement. It involves gathering information, framing the issues, developing options, negotiating and formulating agreements. Parties in the conflict create their own agreements since the moderator does not have decision-making power over the outcome.⁷⁹

Mediation-Arbitration is a hybrid process of both mediation and arbitration. The disputing parties agree to mediation, and then give the neutral third party the authority to make a decision if Mediation is not successful. Arbitration is where the third party listens to the argument from the warring factions and makes a decision to solve the dispute.⁸⁰

Inter-Community Conferencing is a structured conversation involving all members of the community who have been affected by the conflict. People are given an opportunity to say how they were affected and how they wish to address the effects of the conflicts.

⁷⁶ <http://en.wikipedia.org/wiki/Negotiation>. Accessed On 17/6/2009

⁷⁷ Joseph K., (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁷⁸ <http://en.wikipedia.org/wiki/Mediation>. Accessed On 17/6/2009

⁷⁹ Ikle, Fred. (1964). *How Nations Negotiate*. New York

⁸⁰ Zartman, William. (1976). *The Fifty Percent solution*. New York.

Such environment may lead to unconditional forgiveness and the resolve to make a new beginning.⁸¹

Although the approaches highlighted above are handy in conflict resolution, information dissemination is an important component in resolving conflicts. Without adequate information and communication among the conflict belligerents and peacemakers before and after outbreak of the conflict, the conflict cannot be avoided. Thus, if there is access to the right information by all citizens, conflicts can be avoided. In this case, information is the stimulus that reduces uncertainty. It embodies the knowledge communicated concerning particular subjects and events.⁸²

For any society to make meaningful impact in conflict resolution, information is paramount. Early warning information is needed to make all sundry to have knowledge that the situation is volatile and therefore requires urgent remedial measures. Prompt alerts or communication about potential conflicts is relevant, but only relevant if it is complemented by early political action. National intelligence service is supposed to effect early warnings in order for the state to initiate preparedness, prevention and mitigation of conflicts.⁸³

Early warning information is transmitted via media such as Internet, community radio, television, email, print media and reference services. Through this media, society may be forewarned about the serious implications of conflicts and therefore nib it in the bud. Effective dissemination of information on conflict and peace building related issues will put people and leaders alert on facts of potential conflicts, their causes, consequences and solutions⁸⁴.

⁸¹ <http://www.bing.com/search?srch=106&FORM=AS6&q=Inter-Community+Conferencing>. Accessed On 17/6/2009

⁸² Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

⁸³ <http://www.bing.com/search?srch=106&FORM=AS6&q=impact+of+conflict%20in%20society>. Accessed On 17/6/2009

⁸⁴ Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

According to Wikipedia, the free encyclopedia; collective bargaining is the method whereby workers organize together (usually in unions) to meet, converse, and negotiate upon the work conditions with their employers normally resulting in a written contract setting forth the wages, hours, and other conditions to be observed for a stipulated period.⁸⁵

Collective bargaining entails having mechanisms in place for groups of people who may be antagonistic (e.g. management and workers) to collectively discuss and resolve issues. Representatives of each group come together with a mandate to work out a solution collectively. Experience has shown that this is far better than avoidance or withdrawal, and puts democratic processes in place to achieve "integrative problem solving", where people or groups who must find ways of co-operating in the same organization, do so within their own agreed rules and procedures.⁸⁶

2.7 Indigenous Conflict Resolution Mechanisms in Africa

Conflict exists to some degree in every community. The form and intensity of conflicts vary widely by place, and over time within each community. The ways in which communities and their members respond to conflicts also vary considerably. Significant diversity often exists within communities in terms of knowledge, opinion, material wealth, power, and status. Therefore, conflicts and the way they are handled should be examined from a social and historical perspective, with an understanding and appreciation of the range of local viewpoints.⁸⁷

All communities possess ways of resolving conflicts. These mechanisms may be formal or informal, violent or peaceful, equitable or not. While specific mechanisms vary, communities rely to varying extents on the same basic procedural modes to handle disputes: avoidance, coercion, negotiation, mediation, arbitration, and adjudication (Nader and Todd 1978).⁸⁸

⁸⁵ http://en.wikipedia.org/wiki/Collective_bargaining. Accessed On 17/6/2009

⁸⁶ Kline, Fred. (1964). *How Nations Negotiate*. New York

⁸⁷ <http://www.fao.org/DOCREP/005/AC696E/AC696E09.htm>. Accessed on 20/6/2009

⁸⁸ Nader, L. and H. Todd (eds.), 1978. *The Disputing Process*. University of California Press, Berkeley.

Indigenous conflict management and resolution mechanisms refers to community based, traditional or local, indigenous mediation, community based, conflict mitigation; grassroots approaches to peace. Indigenous conflict resolution processes uses local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities. Local mechanisms aim to resolve conflicts without resorting to state-run judicial systems, police, or other external structures.⁸⁹

Africa has sufficient indigenous traditions for peace building, which can foster healing, and reconciliation and re-establish social solidarity.⁹⁰ These include the Akan conception of personhood, the *cieng* concept of human relationships among the Dinka people of southern Sudan, the *ubuntu* concept found among the Bantu communities of south and central Africa, *mato Oput* of the Acholi people as well as the Gacaca judicial system of Rwanda among other African traditional Conflict resolution mechanisms. The infusion of these traditional approaches into our current system of conflict resolution and peace building can enhance social solidarity in our institutions of governance.

Gacaca system of justice

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

Conflict resolution and ethnic cohesion would be incomplete without making reference to the Gacaca Courts in Rwanda. Rwanda set up traditional courts known as Gacaca to hear victims and culprits testimonies after which elders delivered judgements based on traditional doctrines.⁹¹ The Gacaca courts were resorted to as an indigenous form of restorative justice. The principles and process of these courts was to mitigate the imperfections of the national courts and sought to punish or reintegrate the genocide suspects. Its restorative foundations required that suspects be tried and judged by neighbors in their community. Importantly, resorting to Gacaca as a necessary conflict resolution strategy was because it was locally driven, people-centered and people-owned, evoking the pre-colonial *Ubumwe bw' Abanyarwanda* (the unity of Rwandans).

⁸⁹ http://www.caii.com/CAIStaff/Dashboard_GIROAdminCAIStaff/Dashboard_CAIAdminDatabase/resources/ghai/toolbox4.htm. Accessed on 20/6/2009

⁹⁰ Pendzich, Christine, Garry Thomas and Tim Wohlgenant. 1994. *The Role of Alternative Conflict Management in Community Forestry*. Food and Agriculture Organization, Rome.

⁹¹ Nairobi Star, Friday, 5 June, 2009

Gacaca Jurisdiction in Rwanda is an old age system of resolving conflict. The chief would sit under a tree and listen to the two aggrieved parties, usually on matters of theft, witchcraft or murder. The chief would then call the two parties and tell them what he thought about the issue as a way of resolving the conflict. Some of the future deterrent measures to such bad habits would be excommunication from the land and confiscation of the aggressors' cattle. The aggressor would also be requested to change behaviour.⁹²

Gacaca, which literally means discussing together in a grass patch, is part of a complex system, which wielded the individual into the community in Rwanda society. Rwandan society rested on a complex set of social and moral codes, which cemented unity and ensured social mobility of all people from one class to another. This preserved the fluidity of status between the cattle keeping Tutsi and the agriculturist Hutu.⁹³

In Rwanda society, cattle are seen as a status symbol and all live endeavors revolve around them. If an agriculturist worker through enterprise acquire cattle, he would pass through and be counted as a Tutsi. If a Tutsi lost cattle for whatever reason, he would pass through and become Hutu. Consequently, because of this institution Hutus and Tutsi in Rwanda did not develop an ethnic distinctiveness. As a concept Gacaca went beyond conflict resolution and was used to rehabilitate offenders who would come back to the community after complying with the prescribed punishment in order to be woven back into society. The system had a healing effect where offenders were not ostracized. It emphasized the importance of societal interests superceding the individual interest by compelling the individual to ask for forgiveness before he or she is accepted back to the community. This system enhanced inter-ethnic tolerance, solidarity and conflict resolution.⁹⁴

In 1994 a million people lost their lives in Rwanda in one of the worst genocides in living memory but the country now stands out as a peace model because the war –fatigued citizens said enough is enough and chose the path of forgiveness and reconciliation. Their

⁹² http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

⁹³ Joseph K. *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA.pp 39

⁹⁴ Joseph K. *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA.pp 39

leaders took charge and rallied both the perpetrators and victims of the violence to reconcile and look to the future with hope.⁹⁵

Gumma System in Ethiopia:

In case of a conflict that would result into death, the elders from the aggressor would cry for a number of days, the aggrieved would also respond by crying. The elders on both sides would then converge and sentence the killer to live in the bush for three years and live as a beggar. The money collected during this time as a beggar would be given to the aggrieved side after three years. An animal is sacrificed and both sides would smear its blood as symbol of reconciliation. The ceremony would have brought the wrangle to an end.⁹⁶

Mediation on land wrangles:

In boarder conflicts alongside Ethiopia and Sudan, war leaders and clan elders are called to a conference. If they reach a consensus, nobody would fight.⁹⁷

The Mato Oput of the Acholi people

Mato-oput is a reconciliation mechanism amongst the Acholis in Uganda. In addressing the conflict at hand, the council of elders listens to both conflicting parties, and agrees on a reconciliatory mechanism that must bring peace. An animal is sacrificed, and later the two parties feast by eating and drinking from the same dish as a symbol of reconciliation. The Acholi of Northern Uganda have for generations used Mato Oput as means of reconciliation within the context of their tradition. They believe in leadership through consensus allowing everyone in the clan to have a voice while the traditional head of the clan rules by consent. The traditional chiefs act as arbitrators and reconcilers when disputes occur to restore peace and maintain harmonious relations between families and clans.⁹⁸

⁹⁵ Kenya Times, Friday, June 5, 2009

⁹⁶ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

⁹⁷ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

⁹⁸ http://www.beyondintractability.org/case_studies/acholi_traditional_approach.jsp?nid=6792. Accessed on 21/6/2009

Mato Oput process generally involves the guilty acknowledging responsibility and repenting. Then he or she asks for forgiveness and pays compensation. Finally is the reconciliation of the guilty with the victim's family by drinking the bitter drink-Mato Oput. The bitter drink symbolizes the psychological bitterness that prevails in the minds of the parties in conflict resolution. It is also believed by many Acholi that *Mato Oput* "can bring true healing in a way that formal justice system cannot."⁹⁹ Acholi leaders argue that unlike the formal justice system that alienates the offender, the *Mato Oput* system focuses on reconciliation and compensation of the victims.¹⁰⁰

Burial of the gun, shield and spear:

In Ethiopia, this practice has been done as a way of ceremonially barring the use of such equipment in the case of a conflict. The site for this is guarded, and when a communal war breaks out, it was believed that the buried weapons had been unearthed, sending a curse to the community.¹⁰¹

The Akan concept of personhood

The culture of the Akan people of West Africa dates from before the 13th century. Like other long-established cultures the world over, the Akan have developed a rich conceptual system complete with metaphysical, moral, and epistemological aspects. Of particular interest is the Akan conception of *persons*, a conception that informs a variety of social institutions, practices, and judgments about personal identity, moral responsibility, and the proper relationship both among individuals and between individuals and community.¹⁰²

The Akan people of Ghana view personhood in social terms with meaning, purpose and human needs ingrained within a reciprocal interdependence of this social reality. To them personhood constitutes a self within self which in turn exists within successfully

⁹⁹ Afako, B. (2002), "*Reconciliation and Justice: 'Mato Oput' and the Amnesty Act,*" *Accord: An International Review of Peace Initiatives*, Issue 11, 67

¹⁰⁰ <http://www.uggpulse.com/articles/daily/print.asp?ID=1025>. Accessed on 21/6/2009

¹⁰¹ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

¹⁰² Article titled: *Akan Philosophy of the Person*. First published Wed Dec 27, 2006

<http://plato.stanford.edu/entries/akan-person/>. Accessed on 21/6/2009

expanding self such as lineage, nation or country. This creates sympathetic impartiality, which they consider to be the first principle of all morals, and situates kinship structure as an essential sphere, which provide for a sense of belonging for all members of society.¹⁰³

In the Akan society humanness is a social condition where rights and responsibilities are thought to contribute towards a sacrosanct common good. Therefore the moral character of personhood along with social nature of morality suggests the need for reinforcing socially desirable conduct the medium of culture and customs. The individual of personality and the intricate social ties this concept advocates help to neat society together and enhance social solidarity. Peace initiatives at our tertiary institutions can blend their good work with this conception to foster peace and social solidarity among the university communities.¹⁰⁴

Land wrangles in Kenya:

The elders on both sides would regularly meet to deliberate on the issue that has brought about the conflict. During that time there would be a lot of feasting amongst the elders as a temporary mitigation measure. During this very slow process, the party being thrown off the land would continue tilling that land until the wrangle would be solved. It gave an opportunity to the landless to have a source of food, and kept the wrangle under control.¹⁰⁵

The Cieng Concept of Human relationship

“Cieng literally means ‘to live together,’ ‘to look after,’ or ‘to inhabit.’ At the core of cieng are the ideals of human relations, family and community, dignity and integrity, honor and respect, loyalty and piety and the power of the word.”Cieng has the sanctity of a moral order not only inherited from the ancestors, who had in turn received it from God, but is fortified and policed by them. Failure to adhere to its principles is not only

¹⁰³ Wiredu, Kwasi (1990). “An Akan Perspective on Human Rights,” in A. An N’aim and F.Deng, eds., *Human Rights in Africa: Cross-Cultural Perspectives*. Washington: Brookings Institution.

¹⁰⁴ <http://louisville.edu/conference/africanphilosophy/about-kwasi-wiredu> Accessed on 21/6/2009

¹⁰⁵ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

disapproved of as antisocial, but more importantly, as a violation of the moral code...”¹⁰⁶

Among the Dinka people of Southern Sudan, the family is the cultural organ that infuses blood of life to all other organs of social structure. It is the back bone of society and the foundation of its value system. Thus in the Dinka community, the family, the lineage and the clan are institutions in which moral and culture values of society are anchored. At the center of this system is the *cieng*, which means to live together or to look after. *Cieng* gives social meaning to human relationship through interconnectedness between the individual and society. It incorporates values of dignity and integrity, honour and respect, loyalty and the power of persuasiveness.¹⁰⁷

As in the Akan view, the individual draws from society and grows in it. He is never isolated since everything in society is linked to the service of human values and needs. In matters of unity and social harmony, the *cieng* emphasize active participation of the individual in assisting and working with others. It suggests that the individual centers on the self-coexisting with others in a setting that is regulated by social laws and customs that give everybody a sense of belonging, dignity, honour and pride. Dinka concept of *cieng* ‘places emphasis on such human values as dignity, integrity, honour, and respect for self and others, loyalty and piety, compassion and generosity, and unity and harmony.’¹⁰⁸

Aunts resolve domestic wrangles in Uganda:

The aunts or *sengas* among the Baganda in Uganda resolve family level conflicts. This is usually on issues of sexual denial, promiscuity and laziness. Here the man would compensate the wife by giving her the traditional dress.¹⁰⁹

¹⁰⁶ Deng, Francis M., and I. William Zartman, eds. (1991). *Conflict Resolution in Africa*. Washington: The Brookings Institution.

¹⁰⁷ Deng, Francis M. (1995). *War of visions: Conflict of Identities in the Sudan* Washington: The Brookings Institution.

¹⁰⁸ <http://courses.essex.ac.uk/hu/hu901/HU901%20Weeks%20Ten%20&%20Eleven.doc>. Accessed on 21/6/2009

¹⁰⁹ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

The Ubuntu concept of social responsibility

Africa consists of many countries which in turn comprise of many ethnic groups who each have their own cultures. African people have a strong sense of social responsibility. The emphasis is put on the group rather than on the individual. So, what is ubuntu? Ubuntu is an expression which has its origin in the concept of umantu -- human being. According to the Bantu philosophy, the human being is divided into two beings: the outside, which exists from the presence of the inside being and the inside, which gives life and shape to the outside. The inside is also understood to be the heart -- the center of human personality, feelings, thoughts and human will. This is the center of human values.¹¹⁰ According to Wikipedia, Ubuntu is an ethic or humanist philosophy focusing on people's allegiances and relations with each other. The word has its origin in the Bantu languages of Southern Africa.¹¹¹

The concept of ubuntu can also be understood as the essence of God's presence and manifestation among human beings, therefore, it is considered as a universal value. Africans believe that anyone who has ubuntu understands the values of human life. They would rather use their abilities for the good of the common cause. Ubuntu teaches them to love oneself, love others and their belongings, and helping the community achieve what it has set out to achieve. The content of ubuntu sounds out the love and compassion of God.

The concept of Ubuntu is associated with Bantu speaking communities of central and southern Africa. Ubuntu tries to articulate what it means to be human and its central view is that a person is a person through other people. Put subjectively, "I am because you are and you are because I am." We are human because we live through others, we belong, we participate and we share. Ubuntu emphasizes the human beings moral character and suggests that the concept of human dignity is essentially relational and require that conducts and character can only be rationally justified by the degree to which they enhance collective life and common pursuits.¹¹²

¹¹⁰ http://library.thinkquest.org/C0126261/concept_of_ubuntu.htm. Accessed on 21/6/2009

¹¹¹ http://en.wikipedia.org/wiki/Ubuntu_%28ideology%29. Accessed on 21/6/2009

¹¹² http://peacefulschoolsinternational.org/index.php?option=com_smf&Itemid=58&topic=417.0. Accessed on 26/6/2009

According to Tim Muriithi, person with Ubuntu is open and available to others and does not feel threatened when others achieve because he or she recognizes that they belong to a greater whole.¹¹³ The lesson for peace building from this tradition is that by adopting and internalizing the principles of Ubuntu we can contribute towards creating healthy relationships based on the recognition that within the web of humanity everyone is linked to every one else. The principles of forgiveness and reconciliation, which this tradition advocates, provide us with strategies for peace building. This notion of Ubuntu sheds light on the importance of building peace on the basis of peace making and peace building through the principles of reciprocity, inclusivity and a sense of shared destiny between peoples. It provides a value of system for giving and receiving forgiveness. It provides a rationale for sacrificing or letting go of the desire to take revenge for past wrongs. It provides an inspiration and suggests guidelines for societies and institutions on how to device policy frameworks to promote reconciliation and peace building.¹¹⁴

Paying cattle in Kenya:

This would be a form of compensation to the aggrieved party for their people who had been killed during the conflict, and to deter a possible revenge. The number of cattle to be compensated depended on the sex of the dead person. A male deceased fetched more cattle than a female.¹¹⁵

Cleansing among the Kikuyus in Kenya:

As a means of resolving an inter-clan conflict, a cow would be sacrificed and placed at a Mugumo tree. The meat would be left there for the dead to eat.¹¹⁶

We can also look at other methods of conflict resolution or dispute processing such as negotiation, mediation, arbitration, and adjudication. These four divisions are artificial to

¹¹³ Muriithi, Tim Ph.D (2006) African Approaches to Building Peace and Social Solidarity:CCR Addis Ababa, Ethiopia

¹¹⁴ Muriithi, Tim Ph.D (2006) African Approaches to Building Peace and Social Solidarity:CCR Addis Ababa, Ethiopia

¹¹⁵ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

¹¹⁶ http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 21/6/2009

some extent, since in practice they often show considerable overlap. However it bears mentioning also that people use other mechanisms for handling conflicts at the local level, including peer pressure, gossip, ostracism, violence, public humiliation, witchcraft, spiritual healing, the fissioning of kin or residential groups among others.

Negotiation

The process of negotiation is one of the most common forms of local-level dispute resolution, in part because it usually costs less than other methods, but also because it allows disputants to work out their own resolutions, often leading to more satisfying and enforceable settlements. The disputants seek to move beyond their impasse through discussion and persuasion, culminating in a collaborative decision. As Gulliver (1979:5) points out, however, "Each party can only obtain what the other is in the end prepared to allow." It also often includes elements of ritual ceremonies and appeals to divine justice and theatre i.e. dramatic rhetoric and unfolding suspense as the case plays itself out.¹¹⁷

Negotiation offers several advantages: it is relatively inexpensive; allows much flexibility in scheduling and procedures; respects local values and customs; encourages participation by community members; and involves collaborative decision-making by the disputants. Consensus emerges from wide-ranging discussion, often fostering reconciliation among disputants.

Negotiation seems to be most useful in intra-group disputes, where members are knowledgeable and trustful of one another. Such groups also can exert peer pressure or other sanctions to enforce the settlement. It is difficult to carry out where significant social or geographical distances separate the disputants. People from outside the community, or with few kinfolk, often encounter difficulties arranging a forum, presenting a case, or ensuring enforcement. The Arusha of Tanzania have responded to such constraints by adopting government courts to handle disputes between strangers, while retaining negotiations for lineage and age-set affairs (Colson 1974).¹¹⁸

¹¹⁷ Gulliver, P., 1971. *Neighbours and Networks*. University of California Press, Berkeley.

¹¹⁸ Colson, Elizabeth., 1974. *Tradition and Contract*. Aldine, Chicago.

The initial step in negotiation usually involves agreement on an appropriate arena for airing the dispute. Sometimes informal leaders or local authorities decide on the arena to be used. Where disputants have a choice of forums, however, they are likely to seek the arena they believe holds the most advantage for their side.

Negotiations sometimes occur in intentional but informal public meetings such as the "moots" among the Gwembe Tonga in Zambia (Colson 1995) and¹¹⁹ Ndendeuli in Tanzania (Gulliver 1971). These quasi-legal or extra-legal forums are composed of kinfolk and neighbors, summoned as the need arises. The legitimacy of the meetings derives from the moral authority of the community and its members.¹²⁰

Local socio-cultural and political institutions can also serve as a framework for dispute processing. Kinship groups, neighborhood or village councils, age-sets or generation-sets (organized groups of men or women of similar ages), religious groups, ethnic and caste associations, work-related groups, and local authorities provide formal or informal forums for negotiation by their members. Disputes may be handled by these groups in the course of general-purpose meetings, in specially convened public moots, or in limited-access conclaves. Chagga communities in rural Tanzania, for example, use informal kin and neighbourhood moots, church leaders, and local authorities for negotiations (Moore 1986).¹²¹

Each party recruits kinfolk and neighbors to assist in the negotiations. The purpose of this is twofold: to build a stronger case for oneself, and to improve the chances for a settlement by including skilled negotiators in the process. The need to attract and maintain supporters often compels a disputant to pursue only pressing issues, since kinfolk and neighbors may not show up for matters they regard as trivial. The credibility of a case can be undermined before negotiations begin if a disputant fails to attract sufficient allies. Disputants seek gifted orators, skilled inquisitors, and wise

¹¹⁹ Colson, Elizabeth., 1995. The Contentiousness of Disputes. In: Caplan 1995: 65-82.

¹²⁰ Gulliver, P., 1971. Neighbours and Networks. University of California Press, Berkeley.

¹²¹ Moore, S., 1986. Social Facts and Fabrications. Cambridge University Press, Cambridge.

advisors to build a convincing case (Ross 1995). Many societies encourage disputants to pick spokesmen known to be capable of negotiating in a detached manner.¹²²

Ideally in negotiations, persuasive arguments and peer pressure will narrow differences, and the contesting parties gradually reach an agreement through consensus. As will be discussed below, mediators frequently play a major role in gaining concessions and building consensus. Reaching "closure" usually involves not only settling the original point of contention, but other disputes which emerge during bargaining. In many places the settlement receives ritual or social affirmation by prayer, ceremonies, oaths, embracing, feasting, gift giving, or other means.¹²³

The joint decision-making of negotiation does not necessarily produce more harmonious or longer lasting settlements than other conflict-resolution mechanisms (Colson 1995).¹²⁴ There are many reasons why people will accept unfavourable decisions: their case, or its public support, is weak; they need to maintain ongoing social relations; peer pressure compels them to do so; they fear the dispute may escalate; or they plan to appeal to another forum.

There is usually no formal means to ensure compliance with a decision, and enforcement can be especially difficult if significant social or geographical distance separates the disputants. Community members often use a variety of measures to encourage compliance: persuasion, peer pressure, withdrawal of aid, social ostracism, and threats of escalating the dispute and conflict.

Mediation

Negotiations often involve the use of mediators, individuals who help disputing parties reach a decision. Mediators by definition lack the authority to impose a settlement. Yet, when effective, they can considerably influence the negotiating process. Their goal is to foster an ongoing exchange of views so that a dialogue of compromise may emerge

¹²² Ross, H., 1995. Aboriginal Australians' Cultural Norms for Negotiating Natural Resources. *Cultural Survival Quarterly*, 19: 33-38.

¹²³ <http://www.fao.org/DOCREP/005/AC696E/AC696E09.htm>. Accessed on 20/6/2009

¹²⁴ Colson, Elizabeth., 1995. The Contentiousness of Disputes. In: Caplan 1995: 65-82.

(Gulliver 1979). A mediator may be selected ahead of time by the disputants, but in other cases individuals emerge in that role in the course of negotiations. Being a mediator offers diverse rewards: enhanced prestige; confirmation of local leadership; the ability to build a clientele; and sometimes payment for services rendered.¹²⁵

The mediator's role often involves conciliation, communicating separately with the disputing parties to foster the process of compromise. During negotiations in hamlet meetings in northern India, for example, local lineage leaders constantly take aside contending parties, urging them to modify their demands (Cohn 1967).¹²⁶ Among the Gikuyu, mediators are often elderly males who have distinguished themselves through skillful argument and wise decisions in past litigation. They are generally prosperous, generous, engaged in local political and religious affairs, and, nowadays, literate.¹²⁷

Traditional Ndendeuli mediators are also informal leaders or 'notables' with demonstrated skills in negotiations and other personal achievements. Such individuals seek prestige and influence, but within community-defined limits. Gulliver (1971: 66) records: "Foolishly over-ambitious notables endangered the very influence they had achieved."¹²⁸ Northern Somali society has a tradition of both religious and secular mediators. A wadaad is an Islamic religious authority responsible for directing Friday prayers, leading religious feasts, and other spiritual duties. The wadaad is not supposed to engage in lineage politics. However, the wadaad often serves as a mediator, bringing together rival groups. He has no ritual sanction, nor any temporal powers, but only a serious determination to "mediate between man and man, and between man and God" (Lewis 1961:217). Secular mediators include sultans, who are kin-group leaders, as well as notable elders who have distinguished themselves in prior negotiations.¹²⁹

¹²⁵ Gulliver, P., 1979. *Disputes and Negotiations*. Academic Press, London.

¹²⁶ Cohn, B., 1967. *Some Notes on Law and Change in North India*. In Bohannan 1967: 139-159.

¹²⁷ <http://www.fao.org/DOCREP/005/AC696E/AC696E09.htm>. Accessed on 20/6/2009

¹²⁸ Gulliver, P., 1971. *Neighbours and Networks*. University of California Press, Berkeley.

¹²⁹ Lewis, I., 1961. *A Pastoral Democracy*. Oxford University Press, Oxford.

Arbitration

The process of arbitration involves submitting a dispute to a mutually agreeable third party, who renders an advisory or binding decision. Indigenous peoples and rural communities generally use a bargaining model based on collaboration, consensus building, and mutual agreement for both processes (Nader 1990).¹³⁰

Many indigenous arbitration forums closely resemble the moots that handle negotiations. The Kpelle of Liberia, for example, use an informal meeting that is very similar in structure and process to the assemblies used by the Gwembe Tonga and Ndendeuli (Gibbs 1967). But the Kpelle moot has the moral authority to impose a decision if the disputants cannot reach a settlement. Its decision is shaped by the give-and-take of bargaining and a desire to compromise. Indigenous arbitrators share many of the characteristics of mediators. They tend to be prosperous male elders, often renowned for their speaking skills and sound judgment. In many cases they possess formal or informal leadership positions. Kpelle arbitrators, for example, commonly hold such influential roles as town chief or quarter elder (Gibbs 1967).¹³¹

In northern Somalia, the clan and sub-clan sultans often serve as mediators and arbitrators. The sultans' process of arriving at a decision is often collaborative, allowing the disputants an active role in shaping a compromise. Indeed, to be heavy-handed undermines a sultan's authority, as expressed in a Somali proverb: "Three things bring down of Sultans; biased judgement (in the settlement of disputes), dryhandedness (meanness) and indecision" (Lewis 1961).¹³²

Adjudication and Communities

Decision-making in adjudication is vested in judges and administrators, who possess the authority to impose a settlement on disputants. It is sometimes depicted as the antithesis of negotiation. According to Gulliver (1979), adjudication is more likely to

¹³⁰ Nader, Laura, 1990. *Harmony Ideology*. Stanford University Press, Stanford

¹³¹ Gibbs, James L., 1967. The Kpelle Moot. In: Bohannon 1967: 277-289.

¹³² Lewis, I., 1961. *A Pastoral Democracy*. Oxford University Press, Oxford. 1961: 205

apply legal norms in a rigid manner, to offer all-or-nothing decisions, to be expensive, and to show little concern about the complexities of local relationships. There are many issues about the accessibility and appropriateness of adjudication for processing disputes in small communities,¹³³

The Gwembe Tonga increasingly prefer to submit disputes through local courts instead of neighbourhood moots. This change in their legal procedures reflects new social and political realities: growing individualism in matters regarding property; rejection of illiterate elders by schooled young people; and a desire to challenge opponents in matters once regarded as too trivial for local moots. Filing a case with the village court is not expensive, and it bestows to Gwembe Tonga villagers the satisfaction of seeing one's opponent compelled to answer a complaint (Colson 1995).¹³⁴

Of course the use of courts by no means ensures the protection of indigenous rights. Biased justices and laws, the high cost of litigation, logistical difficulties in carrying out courts cases, unfamiliarity with the state legal system, and related reasons make it difficult for rural communities to pursue litigation. National governments can be formidable opponents or very ambivalent allies. Nevertheless, in some circumstances national and international courts may offer indigenous peoples a level playing field in which to compete.¹³⁵

Council of elders

The primary indigenous conflict resolution institution is the council of elders. ITDG Practical Action EA (2003) in their study of indigenous conflict resolution mechanisms amongst the pastoralists Pokot, Turkana, Marakwet and Samburu, they established that the institution of the elders is very much in use even today but somewhat weakened as the elders are unable to enforce the punishment meted out.¹³⁶ Most traditional societies had a council of elders, which was the premier institution charged with the responsibility of managing and resolving conflicts. The institution of elders was greatly respected. Elders

¹³³ Gulliver, P., 1979. *Disputes and Negotiations*. Academic Press, London.

¹³⁴ Colson, Elizabeth., 1995. *The Contentiousness of Disputes*. In: Caplan 1995: 65-82

¹³⁵ <http://www.fao.org/DOCREP/005/AC696E/AC696E09.htm>. Accessed on 20/6/2009

¹³⁶ http://practicalaction.org/index_text.php?id=indigenous_democracy. Accessed on 20/6/2009

were seen as trustworthy and knowledgeable people in the community affairs thus enabling them to make informed and rational decisions.¹³⁷

Utani or Joking Relations

Joking relationships are customary ties that link various groups and individuals. In this mechanism, a number of African communities made permanent peace treaties among themselves. They were bound to offer support and protection to their respective members who happen to be within their respective territory. This social institution can be found in many parts of Sub-Saharan Africa.¹³⁸ In The Gambia, such ties can exist between the members of different ethnic groups and of different patricians, between the people of specific villages, between kinfolk such as cousins and grandparents and grandchildren, and between people whose lineage is connected with certain regions.¹³⁹ These relationships often signify a symbolic or fictional kinship. Joking relationships signaled a past relationship between two clans or communities that had special significance in antiquity.

Kinship ideology

Under the kinship ideology, real and putative kin relations had to be established to form the framework within which conflict could be viewed and solutions sought. The idea was, kin or relatives never really fight because, "blood is thicker than water".¹⁴⁰ Affinal kinship relationship was recognized to exist between whole communities. An example is the athoni (in-law) relations between the Kamba and the Kikuyu. These relations forbid the two communities from fighting one another irrespective of how provocative the circumstances might be. Thus, it is almost next to impossible to have an "ethnic cleansing" conflict

¹³⁷ In 2003 ITDG Practical Action EA conducted a study on traditional conflict resolution mechanisms as practiced by the Pokot, Turkana, Samburu and Marakwet pastoralists and agro-pastoralists communities in Kenya. This study was funded by USAID/Kenya and East Africa Cross-Border Biodiversity Project (EACBBP).

¹³⁸ http://www.beyondintractability.org/essay/joking_kinship/?nid=6754. Accessed on 20/6/2009

¹³⁹ In Gambia The grandparent-grandchild relation is known as *mamariiyaa*, and the relationship between cousins is referred to as *sanaweyaaa*.

¹⁴⁰ Among the Mijikenda, they have a saying which says: "*kondo ya ndugu usijenjirire* (don't try to take sides in a conflict where relatives are involved. They might forget their differences and start to accuse you as poisoning their brotherly or sisterly loving relations.)

between these them. It is a relationship which politicians from the two communities have exploited to get support across the ethnic divide.¹⁴¹

The Role of Women Elders

Women played ¹⁴²a pivotal role and in some communities like the Kalenjin, a crucial one in conflict resolutions. In most African communities women were regarded as the epitome of peace. A Tanzanian study (Lihamba, 2003:115) particularly revealed “Tanzanian women have always played a critical part in maintaining equilibrium in their society by bringing up their children as responsible members of the community. Women taught their daughters and sons, proper behaviour and the ethos of society, and impressed on them the importance of such values as honesty, uprightness and the necessity to compromise. As such, women have always been active promoters of harmony in the community, which can be referred to as a culture of peace”. In her view, this natural role of women is not unique to any particular ethnic group in Tanzania, but rather is generalized throughout the country.

The study by Mathey et al (2003) revealed that a fundamental fact of traditional Central African societies was the sacred character of the respect given to the elderly in general, and to elderly women in particular. “The elderly woman,” according to respondents from that study, “was respected by all, and played a key role in crisis management and conflict resolution. Thus, when a conflict degenerated into armed violence, an appeal would usually be made to a third party of mature years to calm the tension and reconcile the combatants. Such an appeal for mediation was usually made to a woman who enjoyed the consideration and respect of all who knew her.”¹⁴³

¹⁴¹However, in the 1997 general elections, Kanu won majority seats from the Wakamba than any other party. This caused generated some tension between the Kamba and Kikuyu. This tension was however easily absorbed,

¹⁴²Lihamba, A. (2003). Women's Peace Building and Conflict Resolution Skills, Morogoro Region, Tanzania. In UNESCO, *Women and Peace in Africa* (pp.111-131). Paris: UNESCO Workshops.ed by their athoni relations.

¹⁴³Mathey, M.J., Dejan, T., Deballe, M., Sapiro, R., Koulaninga, A., & Moga, J. (2003). The Role Played by Women of the Central African Republic in the Prevention and Resolutions of Conflicts. In UNESCO, *Women and Peace in Africa* (pp. 35-46). Paris: UNESCO Workshop.

The same study revealed that if war broke out among the Zande, “the oldest women of the clan would go to meet opposing clan, and to interpose themselves between the fighters in order to make them see reason. When words proved fruitless, the women would threaten to expose their nakedness or to go down on their knees. In either case, the gesture signified a curse for those who bore the responsibility for such grave acts. Because of the respect that the enemy soldiers had for the women, they would usually put down their weapons before the fateful acts were accomplished.”¹⁴⁴

This made them better emissaries of peace as they were regarded to be the most non-partisan when it came to wars and extreme distressing situations. That is why, in a war situation, women and children were never killed. They were simply captured and were later fully assimilated into the community which had captured them. This is the total opposite of what is happening to African women and children to day in Kenya, and in Africa as a whole.

The Role of Male Elders

Like their women counterparts, men elders also were mechanisms of conflict resolutions. But theirs was due to respect accorded to them because of their personal wisdom and temporal powers. Whereas women elders' respect accorded them was due to their spiritual powers.¹⁴⁵

Fear Appeals

Fear appeals involved use of measures aimed at instilling fear in the disputing parties thus ensuring that they were willing to amicably reach a solution. These fear appeals included punitive measures such as oath making, ostracism, warfare, financial penalties among others.

¹⁴⁴ Mathey, M.J., Dejan, T., Deballe, M., Sapiro, R., Koulaninga, A., & Moga, J. (2003). The Role Played by Women of the Central African Republic in the Prevention and Resolutions of Conflicts. In UNESCO, *Women and Peace in Africa* (pp. 35-46). Paris: UNESCO Workshop.

¹⁴⁵ <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 20/6.2009

Oath Making

Before the advent of Africa's colonization, conflict resolution was not a problem to the elders because traditional oaths administered on culprits had irreversible fatalistic consequences on liars. Oaths were a deterrent to impunity and recurrence. The effects of traditional oaths that vary from one African Community to another are dreaded by even the most learned in society. For instance one cannot bear false witness under Luo mbira, the Kikuyu muma, the Meru Njuru Ncheke and the Kamba Kithitu.¹⁴⁶ In oath taking ritual objects were assembled and the gods invited to witness the ceremonies and to be prepared to punish any party that might transgress the spirit of the agreement reached.¹⁴⁷

In the course of mediation by the Buem community of Ghana, trial by ordeal was a reference to oath taking. The Buems would traditionally resort to the use of oaths to determine guilt or innocence, particularly in theft cases in which evidence could be so conflicting that adjudicators often found it difficult to come to a decision by secular means.¹⁴⁸

Ostracism

Ostracism was a procedure under the Athenian democracy in which a prominent citizen could be expelled from the city-state of Athens for ten years. While some instances clearly expressed popular anger at the victim, ostracism was often used pre-emptively. It was used as a way of defusing major confrontations between rival politicians (by removing one of them from the scene), neutralizing someone thought to be a threat to the state, or exiling a potential tyrant.¹⁴⁹ It also refers to the act of excluding someone from society by general consent¹⁵⁰

Ostracism involved declaring an individual or group a social pariah or outcast in society. If the dispute was between clans or communities, the offending party or clan would be banished from the rest of the community. The process was very public with members of the community taking part, and the individual being forced to parade in front of everyone before

¹⁴⁶ Kenya Times, Friday, June 5, 2009

¹⁴⁷ Nairobi Star, Friday, 5 June, 2009

¹⁴⁸ Kamene Ochieng (2007): The role of traditional conflict management mechanisms in conflict prevention and resolution in Africa. M.A. Dissertation.

¹⁴⁹ <http://en.wikipedia.org/wiki/Ostracism>

¹⁵⁰ <http://www.thefreedictionary.com/ostracism>

being banished. It was the equivalent of life imprisonment in solitary confinement. Among the Buem/Kator community of Ghana-Togo Border in West Africa, ostracism was a measure that was used as a last option after all other available means of conflict resolution had been tried and found ineffective. The Buems believed that the effects of ostracism were so powerful that one was bound to die from it. Relatives of the ostracized individual would associate with him at the risk of incurring public wrath. People were often pressurized by relatives to reform in order to avoid being ostracized. Relatives would pay fines imposed on individuals by the community courts, in order to avoid default as this would automatically lead to ostracism.¹⁵¹

Supernatural powers

Invocation of supernatural powers was another measure used to instill fear in individuals and ensure compliance with societal demands. Certain communities were known to be superstitious and the mere thought of the spiritual realm was enough to ensure compliance with communal law. In East Africa, the Akamba community is known to be wary of supernatural powers. In the event of a dispute, individuals known to practice or process magical powers could be approached to invoke such upon the person guilty of perpetuating the conflict.¹⁵² One other way of enforcing judicial decisions was through threat of supernatural sanctions. If a person refused to abide by a decision of the communal court, the chief and his elders may "by imprecation or the threat thereof, compel him to do so." Radcliffe-Brown (1952).¹⁵³

The Third Party Approach

Irrespective of whether the deliberations were being held in private or in the open, conflict tension was minimized by the protagonist not addressing each other directly. They stated their cases through a third party who acted as the "voice", spokesperson, advocate and agent

¹⁵¹ Kamene Ochieng (2007): The role of traditional conflict management mechanisms in conflict prevention and resolution in Africa. M.A. Dissertation.

¹⁵² Kamene Ochieng (2007): The role of traditional conflict management mechanisms in conflict prevention and resolution in Africa. M.A. Dissertation.

¹⁵³ Radcliffe-Brown, A.R. (1952). *Structure and Function in Primitive Society*. London: Cohen and West.

provocateur all rolled in one. In this way, parties could openly accuse one another without being rude. It is an approach which is still being used in marriage negotiations.¹⁵⁴

The Consensus Approach

In most conflicts, resolutions were reached based on consensus, rather than on winner-takes-all approach. This is a mechanism which attempts to save face of those in conflict by finding that both of them were not entirely free of blame. The emphasis here was put on what united them than on their differences. It was an approach which appealed to the individual's sense of decency, self introspection and therefore the need for reforming oneself so that harmony, peace and security could prevail.¹⁵⁵

The rika (age-grade) Social Groups

The rika social organization structure existed all over Kenya and Africa. Among the Fulani it is known as samaria and moran among the Maasai¹⁵⁶. These were the social organizations which Baden Powell and his wife used as models for their Boy Scouts and Girl Guides movements. Belonging to an age-group, meant adhering to specific set of rules, duties and rights. It demanded discipline and created a lasting sense of comradeship among people who belonged to the same rika. Thus, conflict between rika age-group mates and even age-mates, was considered taboo. Age-mate parents were expected to be peace-makers whenever conflict existed between their offsprings or relatives.¹⁵⁷

Use of African Traditional Communications as an indigenous mechanism in Conflict resolution

Management of any conflict naturally necessitates communication. Early people are known to have communicated with one another by sounds and gestures. After the development of language, people exchanged news chiefly by word of mouth. Runners carried spoken messages over long distances. People also used drumbeats, fires and

¹⁵⁴ <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 21/6.2009

¹⁵⁵ <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 20/6.2009

¹⁵⁶ UNESCO (1990), *Tradition and development in Africa today*, Paris.

¹⁵⁷ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

smoke signals to communicate with other people who understood the codes they used. Later paintings and drawings took shape.¹⁵⁸

Communication for conflict resolution in traditional Africa was centred around traditional laws and customs. These laws and customs depended on the reliance on the parties concerned to accept the judgment of the people and the fear of the balance of nature or of the community. The disregard of either principle leads to the punishment and destruction of the individual or the community at large. Traditional communication culture emphasized that the individual or his/her family, owed a duty of care to each other and to the community at large. In exchange the individual enjoyed certain rights and was protected and sustained by the respective units. The superiority of family and communal interests was so respected under the African traditional society that any individual adjudged guilty and punishable would be dealt with by his or her own members of the family and community without having to rely on other external forces.¹⁵⁹

Besides prescribed compensation and fines which were expressed in tangible goods and recognized services, the traditional African Society developed and nurtured various fictional but effective remedial notions such as magic, the swear, the curse, taboos and ritual sacrifices of appeasement, which notions were intended to supplement the enforcement mechanisms of the law. They were considered with awe and were obeyed by those they applied to.¹⁶⁰

Communication in traditional Africa meant getting news around and this took many forms: songs, story telling (legends), drumming, proverbs, use of signs and even by the use of mouth among others. A group of elders from Malawi enumerated more ways that messages were communicated in their village, namely: dancing and work songs, village

¹⁵⁸ <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

¹⁵⁹ <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

¹⁶⁰ Kamene Ochieng (2007): The role of traditional conflict management mechanisms in conflict prevention and resolution in Africa. M.A. Dissertation.

crier, using a bell, folk tales, proverbs and riddles and ceremonial occasions like initiations, funerals, weddings, etc.¹⁶¹

The Use of Parables and Proverbs

The languages of Africa are rich in proverbs.¹⁶² Of all forms of verbal art, proverbs are the most valued by the Africans themselves. A Parable is a short clear narrative designed to teach a moral lesson. It has characteristics of sayings though not being only a statement but a narrative with a message from which the audience construes an advice to do or not to do something. It also explains a certain situation by using a message that is contained in it. Proverbs are short popular sayings with words containing a message of advice or warning. A proverb is made of two situations but when they are compared and contrasted one gets the message. If that message is contemplated with the matter or situation being treated in a speech one gets a message of advice or of a warning e.g. “A stitch in time saves nine” or “look before you leap”. Proverbs are both new and old. New ones are being invented all the time and old ones are falling into disuse. At the same time, they are not oracles for every proverb said, there is another asserting the opposite point of view.¹⁶³

Parables and proverbs are seen as distilled wisdom of the ancestors and are unmistakably so regarded by the African peoples. Parables are very appropriate in a society whose bulk of the population is illiterate and therefore most likely to pay attention to parable stories than to direct speech or abstract words.¹⁶⁴ example of proverbs from the wolof The house-roof fights with the rain, but he who is sheltered ignores it. To love the king is not bad, but a king who loves you is better. Allah does not destroy the men whom one hates.¹⁶⁵

¹⁶¹ <http://www.fao.org/sd/CDdirect/CDan0029.htm>. Accessed on 21/6/2009

¹⁶² Brians. P. (1998). African Proverbs. In P. Brians, M. Galwey, D. Hughes, M. Myers, M Neville, R. Schlesinger, A. Spitzer, S. Swan (eds.) Readings from Around the World. American Custom Heritage Books.http://www.wsu.edu:8080/~wldciv/world_civ_reader/world_civ_reader_2/african_proverbs.html

¹⁶³ <http://www.unesco.org/culture/ich/doc/src/00374-EN.pdf>. Accessed on 21/6/2009

¹⁶⁴ Boadi, L. A. (1988). The Language of the Proverb in Akan. In R. K. Priebe (ed.) Ghanaian Literatures. New York, NY: Greenwood Press.

¹⁶⁵ <http://www.angelfire.com/ny4/pharra/bibliography.html>. Accessed on 21/6/2009

Proverbs had a deterrent effect on wrong doing. If a man is tempted by his own desire or by the suggestion of an evil friend and in the process remembers a proverb, he would desist immediately. In arguing cases in traditional courts, proverbs are cited in much the same way that western lawyers cite statutes and precedents. The more proverbs a man has at his command and the better he knows how to apply them, the better spokesman he is considered to be.¹⁶⁶

Riddles

Riddles are simple puzzles that quote a natural phenomenon or reactions to man's environment. In a community, a riddle exercises the mind, teaches how to reason, enables one to relate life to nature, offers training of the mind and offers entertainment or recreation. The respondent answers by equating phenomenon to day-to-day life. Riddles take their shape according to how the society usually conceives nature and day-to-day life in a given community. Riddles are usually influenced by their valuation of nature. For example, the moon, mushroom and riddles associated with animals are common among African communities¹⁶⁷

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

Gestures (prostration) were often used to express gratitude say before the throne if a chief was appointed or was an act of total surrender to the superior.

Legends sought to explain the origin of states and how the ancestors settled disputes. The legend tries to explain the social stratification and the creation of classes to minimize conflict within their society. Among the Luo there is the legend of Gipir and Labongo. This explained how two sons of the king (Rwoot) had a quarrel over the spear and bead. Their inability to resolve the quarrel peacefully and the consequences it had on the two was evident. The risks to life which culminated in the death of Labongo's child in an effort to recover the bead and the subsequent separation of the brothers, one going

¹⁶⁶ Arewa, E. O., Dundes, A. (1964). Proverbs and the Ethnography of Speaking Foklore. American Anthropologist. 66/2 (6) 70-85.

¹⁶⁷ <http://www.unesco.org/culture/ich/doc/src/00374-EN.pdf>. Accessed on 21/6/2009

North of the Nile and the other North East demonstrated the impact of conflicts and stressed the need for peaceful resolution of the same.¹⁶⁸

The use of songs

One of the best means of communication is through a song. Singing is a poetic way of communicating messages by words put in a melody. It is generally done for entertainment where they serve to communicate certain messages to members of the community. They also serve as forms of communication about the environment. Singing is one of the oldest forms of communication that man invented. In early times, ancestors used bones as their musical instruments and horns of animals as flutes to make noise or sound. There are different types of songs which communicate different messages in different ways and on different occasions. This include: songs of praise; songs of invitation; songs of prayer; songs of thanksgiving; Lyric songs (songs expressing grief, sorrow, anxiety, hope, love); heroic songs; folksongs; traditional songs; mourning songs; songs for babies (lullabies); songs for children; songs expressing criticisms; songs expressing complaint; and songs expressing advice. Physical singing is purely oral and sometime accompanied by string instruments, wind instruments and drums.¹⁶⁹

In a song one expresses deep-seated feelings not permissibly verbalized in other contexts. "You can say publicly in songs what you cannot say privately to a man's face, and so this is one of the ways African society takes to maintain a spiritually healthy community."¹⁷⁰ Songs can also serve as political weapons against oppressive regimes in Africa. Owing to the special kind of power that singing apparently gives in Africa, it can contribute effectively to conflict resolution processes.¹⁷¹

¹⁶⁸ <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

¹⁶⁹ <http://www.unesco.org/culture/ich/doc/src/00374-EN.pdf>

¹⁷⁰ *Conflict Resolution in Uganda*. (1989). Report of a conference on Internal Conflicts, Edited by Kumar rupesinghe,

¹⁷¹ Kamlongera, C. F and Mwanza, W.B(1993): *An Anthology of Malawian Literature for Junior Secondary*. Dzuka Publishing Company, Blantyre

The use of ritual symbolism

a landmark, something that connects the unknown with the known. The process of ritual symbolization is to make visible, audible, and tangible beliefs, ideas, values, sentiments and psychological dispositions which cannot directly be perceived.

Among the Baganda, the ritual blood brotherhood (*omukago*) was commonly applied. This practice involved the sharing of a coffee bean smeared with the blood of another and this in effect meant that the two warring parties would not go to war again or it was evidence that every member of the clan treats another as brother no matter what. The act of '*okutta omukago*' (creating a blood brother) imposed a duty of one clansman towards another in addition to true friendship. The act bound every member of his own clan to the same obligations that he is under in relation to his blood brother.¹⁷²

Blood brotherhood created a sense of a strong family tie and a corresponding duty to assist one another in case of trouble¹⁷³

The use of evening fire

The evening fire served as one of the most effective traditional ways of solving intra-clan conflicts in the tribe. The clan elders would sit around a fire and discuss their grievances or conflicts. It was a peaceful symbol and means of resolving conflicts by the men, women and children. Such symbolic ways of communicating did reinforce the culture of learning, tolerance and acceptance of all peoples and groups to help build confidence among peoples in society. Often the traditional way of acknowledging guilt and asking for forgiveness was an act by the guilty person drinking a glass of water, spitting it while asking for forgiveness. It would also involve the guilty person who would touch the feet of the aggrieved in a bid to achieve the same.¹⁷⁴

¹⁷²<http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

¹⁷³<http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

¹⁷⁴<http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

Use of Drums

Drums were a very effective medium of communication. In Buganda for example, the drum could summon people in case of trouble (gwanga mujje) or to call for hard work (sagala agalamidde). It was also a symbol of royalty, power and authority.

The Ganda shield and spear symbolized on the one hand the king's readiness to protect the interests of his people while on the other hand the people expressed their readiness to fight in defence of their king.¹⁷⁵

These indigenous mechanisms for social conflict resolutions are not exhaustive. However, what should be borne in mind is that, they did work because also in place, were elaborate restitution mechanisms. That is why, in most of our pre-colonial societies, neither a standing army nor a police force did exist. These are mechanisms which still hold sway in our rural areas.

Unfortunately, their influence is waning by the day because of the existing social forces which are an antithesis to the three principles mentioned above. There is therefore an urgent need to research into these mechanisms in order to devise ways which could make them relevant and of use in the Kenya and Africa of today.¹⁷⁶

2.8 Use of Communications in Conflict Resolution

Management and resolution of any conflict naturally necessitates communication. Communication is sharing information or providing entertainment by speaking, writing or other methods.¹⁷⁷ People communicate in many ways; it could be verbal communication or non-verbal communication.

Modern communication is increasingly dependent on sophisticated technology. Thus there is a direct and growing correlation between national development and the country's

¹⁷⁵ Geertz, C. (1973). *The Interpretation of Cultures: Selected Essays*. New York, NY: Basic Books.

¹⁷⁶ The book by Unesco, *ibid.*, is one good example of such efforts.

¹⁷⁷ Basil Davidson. *The Search for Africa. History, Culture, Politics*. Time Books. New York. USA

ability to support its communication technology infrastructure.¹⁷⁸ Modern communication technologies provide easy access to information as gadgets are becoming increasingly user friendly and easy to manage and so are their programmes. The following media make modern communication a success: Radio and television, telephones, telefax, film and cinema, mobile telephony, Internet.¹⁷⁹

Use of Radio and Television Broadcasting

Radio is all over, with community radio experiencing a boom; TV is rapidly expanding throughout the continent (mostly but not exclusively in urban areas); The duo is very effective means of communicating to the masses.¹⁸⁰ The Media can be used positively to spread a message of peace. Drawing from the Kenyan example, during that post election violence time all TV stations in the country dedicated one hour daily in the evenings to pass that message of peace. Basically 'all' radio stations had peace slogans.¹⁸¹

Telephones and the Mobile telephony

Telephones are used in conflict resolution as helpline points. In the event that there is an aggressive situation that is likely to erupt, the authorities will be notified before it gets out of hand. Secondly, helplines provides civil court users with information and advice on mediation. Helplines are also used to take calls in the cases of violence.

Mobile telephony is taking the world places. During the 2007 post-election violence era in Kenya, there were messages like One Nation, One people; Choose Peace each and every time one could top up airtime or check his/her airtime credit. Such messages on a routine basis inculcate an element of peace in the minds of people. Though useful, these gadgets can also be used in harmful way like spreading hate messages.¹⁸²

¹⁷⁸ http://mfoa.africanews.com/site/ROLE_OF_MEDIA_AND_ICT_IN_PROMOTING_PACE/list_messages/21067. Accessed on 22/6/2009

¹⁷⁹ Joseph K, (2008). *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

¹⁸⁰ <http://www.nai.uu.se/research/network/media/>. Accessed on 22/6/2009

¹⁸¹ http://www.mediasupport.org/documents/papers_and_articles/the%20media.doc. Accessed on 22/6/2009

¹⁸² http://mfoa.africanews.com/site/ROLE_OF_MEDIA_AND_ICT_IN_PROMOTING_PACE/list_messages/21067. Accessed on 22/6/2009

Internet

There are sights dedicated to the area of conflict resolution where people can post their views on the same. Online databases have also been set up that have information on how to handle conflict in a variety of environments-home, school, work, local community etc-at times with real time examples. In addition, there are even audio talks or films that are accessed online that give insights on how to mediate. A good example is one found on <http://www.youtube.com> that has some headings like Workplace Conflict, How to deal with Difficult People at Work, Mediation conflict Video, Mediation Meeting and so on.

Negative use of Communication in fuelling conflict

Politicians have used these media for personal gain in spreading hate messages. Examples include the Rwanda Genocide of 1994 where, the broadcast media especially the radio was used to quell the hate campaign. Secondly, is the Kenyan example where it is claimed that some vernacular FM stations were used to incite people. TV shows/broadcasts sometimes show an old photo of say burning houses but fail to indicate file photo so that anyone watching the TV would imagine clashes have erupted a fresh. Violent activities broadcasted and shown live create more tension and hatred, and sparks violence in other regions.¹⁸³ Wide coverage and broadcast of violence in a certain region may otherwise give perpetrators more idea of how to carry out violent acts. Availability and use of mobile phones make it very easy for the perpetrators of violence to plan, communicate and coordinate acts of violence. The Internet can also be used to rapidly disseminate false or inflammatory information.¹⁸⁴

Using Effective Communication Techniques to Reduce Conflict

Once you find yourself in a conflicted situation with someone else, it is important to reduce the emotional charge from the situation so that you and the other person can deal with your differences on a rational level in resolving the conflict.¹⁸⁵

¹⁸³<http://www.bing.com/search?srch=106&FORM=AS6&q=Negative+use+of+Communication+in+fuellin+g+conflict>. Accessed on 22/6/2009

¹⁸⁴<http://www.bing.com/search?srch=106&FORM=AS6&q=Negative+use+of+Communication+in+fuellin+g+conflict>. Accessed on 22/6/2009

¹⁸⁵<http://www.drbalternatives.com/articles/cc2.html>. Accessed on 22/6/2009

The Defusing Technique: The other person might be angry and may come to the situation armed with a number of arguments describing how you are to blame for his or her unhappiness.¹⁸⁶ Your goal is to address the other's anger – and you do this by simply agreeing with the person. When you find some truth in the other point of view, it is difficult for the other person to maintain anger. For example, “I know that I said I would call you last night. You are absolutely right. I wish I could be more responsible sometimes.” The accusation might be completely unreasonable from your viewpoint, but there is always some truth in what the other person says. At the very least, we need to acknowledge that individuals have different ways of seeing things. This does not mean that we have to compromise our own basic principles. We simply validate the other's stance so that we can move on to a healthier resolution of the conflict. This may be hard to do in a volatile situation, but a sign of individual strength and integrity is the ability to postpone our immediate reactions in order to achieve positive goals. Sometimes we have to “lose” in order, ultimately, to “win.”

Empathy: Try to put yourself into the shoes of the other person. See the world through their eyes. Empathy is an important listening technique which gives the other feedback that he or she is being heard. There are two forms of empathy. Thought Empathy gives the message that you understand what the other is trying to say. You can do this in conversation by paraphrasing the words of the other person. For example, “I understand you to say that your trust in me has been broken.” Feeling Empathy is your acknowledgment of how the other person probably feels. It is important never to attribute emotions which may not exist for the other person (such as, “You're confused with all your emotional upheaval right now”), but rather to indicate your perception of how the person must be feeling. For example, “I guess you probably feel pretty mad at me right now.”¹⁸⁷

¹⁸⁶ Article titled: *Three Steps to a Happier Relationship (Step 3)*.

<http://consciousloving.com/2008/04/03/three-steps-to-a-happier-relationship-step-3/>. Accessed on 22/6/2009

¹⁸⁷ Article titled: *Handling Conflict with Effective Communication*

<http://consciousloving.com/2003/12/01/handling-conflict-with-effective-communication/>. Accessed on 22/6/2009

Exploration: Ask gentle, probing questions about what the other person is thinking and feeling. Encourage the other to talk fully about what is on his or her mind. For example, "Are there any other thoughts that you need to share with me?"¹⁸⁸

Using "I" Statements: Take responsibility for your own thoughts rather than attributing motives to the other person. This decreases the chance that the other person will become defensive. For example, "I feel pretty upset that this thing has come between us." This statement is much more effective than saying, "You have made me feel very upset."¹⁸⁹

Stroking: Find positive things to say about the other person, even if the other is angry with you. Show a respectful attitude. For example, "I genuinely respect you for having the courage to bring this problem to me. I admire your strength and your caring attitude."¹⁹⁰

2.9 The Mijikenda People and Conflict Resolution

Mijikenda literally translates to "the nine cities".¹⁹¹ The Mijikenda is a broader grouping that includes the coastal Bantu sub groups of the Kauma, Chonyi, Jibana, Giriama, Kamabe, Ribe, Rabai, Duruma and Digo.¹⁹² All of them speak the Mijikenda Language only with different dialect. Out of the nine ethnic groups, the Digo also live in Tanzania owing to their proximity to a shared border. The Mijikenda people are said to have originated from the north of Somalia coast called Shungwaya, and migrated south 300 years ago due to attacks from the hostile Oromo tribes.¹⁹³ The Giriama and the Digo are the biggest and famous groups. The Mijikenda live in the areas along the coast of Kenya

¹⁸⁸ <http://www.bing.com/search?srch=106&FORM=AS6&q=Using+Effective+Communication+Techniques+to+Reduce+Conflict>. Accessed on 22/6/2009

¹⁸⁹ Article titled Crazy Making Communication. <http://consciousloving.com/2008/01/30/crazy-making-communication/>. Accessed on 22/6/2009

¹⁹⁰ Article titled *Interpersonal Conflict and Effective Communication*. <http://www.drbalternatives.com/articles/cc2.html>. Accessed on 22/6/2009

¹⁹¹ <http://en.wikipedia.org/wiki/Mijikenda>. Accessed on 19/6/2009

¹⁹² <http://www.kenya-advisor.com/mijikenda-tribe.html>. Accessed On 19/6/2009

¹⁹³ Allen, J. de V. Shungwaya, the Mijikenda, and the Traditions In International Journal of African Historical Studies Vol.16(3) pp.455-84, 1983

and Tanzania. Since they have close links with the Coastal Swahili tribe in trade, their languages have a lot of similarities.¹⁹⁴

The Mijikenda people have a sacred forest, the Kaya used as a place of prayer conducted by chosen elders of the specific ethnicities. This forest is a World Heritage site. They are officially "national monuments" in Kenya with the aim of protecting their diversity. Having been untouched for years; they contain many rare or endangered species. They integrated the fables of their origins, as well as a narrative of their kaya-based, stratified societal structure, into a documentation of their Culture, and is thus passed on to their children.¹⁹⁵

The kaya, a shrine for prayer, sacrifices and other religious rituals are individually owned by each Mijikenda clan. The kayas are situated deep inside the forests and it was seen as a taboo to cut the trees or vegetation surrounding them. Members of the oldest age-set; the Kaya elders, often were believed to possess mystical powers like the ability to make rain.¹⁹⁶ If they weren't successful in bringing rain during droughts, sometimes it meant being fired from the hierarchy of power since they couldn't head the Kaya without the ability to bring rain. Most Mijikenda are nowadays either Muslims or Christians due to the assimilation into modern cultures some on the other hand still stick to their indigenous beliefs.¹⁹⁷

Coconut palm is the major item in the Mijikenda farming activities. Now they grow other crops like Cashew nuts, sweet potatoes, cassava, yams and millet.¹⁹⁸ To meet the demands of the tourist industry; more and more Mijikenda are taking up commercial farming to supply the demand of the hotel industry. Today, their architecture comprises of coral blocks and corrugated aluminum sheeting. They prefer building the rectangular houses with rooms on either side of a central corridor, replacing the grass thatched old

¹⁹⁴ <http://whc.unesco.org/en/list/1231>. Accessed on 19/6/2009

¹⁹⁵ Mwangudza, Johnson A. Kenya's People: Mijikenda Nairobi, Kenya: Evans Brothers, 1983

¹⁹⁶ Mutoro, H.W. The Mijikenda Kaya as a sacred site In D. Carmichael & J. Hubert & B. Reeves & A. Schanche (eds.), Sacred Sites, Sacred Places (Routledge, 1994)

¹⁹⁷ <http://www.kenya-advisor.com/mijikenda-tribe.html>. Accessed on 19/6/2009

¹⁹⁸ <http://www.everyculture.com/Africa-Middle-East/Mijikenda-Economy.html>. Accessed on 19/6/2009

age building style. They have an exciting folk music culture. Their music is largely Percussion and quite rhythmic.

Sociopolitical Organization

According to ZelezaTiyambe (1955) Traditional Mijikenda society was primarily a gerontocracy: old men had authority over young men, and both old and young men had authority over women. If members objected to their positions in the hierarchy, they could leave and find other sources of power or support.¹⁹⁹ Rabai women, for example, created their own sacred friction drum, which was used to extract fees from any outsiders who inadvertently saw it. Similarly, spirit possession by women, who could become mediums for messages from the ancestors, has been used to extract material goods from men. These female mediums sometimes formed tactical alliances with kaya elders.²⁰⁰

The power of the elders was sometimes challenged in disputes over rain magic. Given that insufficient rains often led to famines, control over the rain was a highly valued skill. Such control was a source of ritual power for kaya elders because it was their duty to take corrective actions, usually in the form of organizing rainmaking ceremonies, if the rains stopped. Sanctions for not fulfilling their duties included physical attacks and accusations of witchcraft, which could result in murder.²⁰¹

The Mijikenda were not directly involved in the slave trade, but they did buy, sell, and kidnap people for their labor. These people were not classified as slaves, but as resources of a clan. As such, they could be used as a form of exchange between homesteads or between an individual family and a nonkin patron, especially in times of need like during famines. Dependents could be moved between homesteads of their own accord or transferred to another homestead by the homestead head. The person

¹⁹⁹ Zeleza, Tiyambe (1955) *Mijikenda*. New York: Rosen Pub. Group, (p. 59-60)

²⁰⁰ <http://www.bing.com/search?srch=105&q=mijikenda+people&first=21&FORM=PORE>. Accessed on 19/6/20092009

²⁰¹ Bergman, J.L.A (1988) *Symbol, Spirit, and Social Organization: A Comparative Study of Islam and Indigenous Religion among the Two Mijikenda People Seminar Paper No.182*, Institute of African Studies, University of Nairobi, Kenya:

handed over occupied a generally low position, but his or her transfer still served to strengthen the family that acquired the dependent and was not regarded as slavery. This kind of arrangement also occurred between distantly related or nonkin groups: individuals could sell themselves or their dependents to a patron who could provide them with the immediate needs for their survival. This practice was known as "pawning"; there was always the possibility that the pawns could be sold if the original loan was not repaid.²⁰²

Because young men and, especially, young women were the least powerful people in the homesteads, it was they who bore the brunt of any shortage of food. Also, the wealthier families could call in their debts in time of famine and rely on the support of those networks that their wealth had created.²⁰³ The dependents of lesser patrons, without such support, often tried to place themselves in new networks by leaving the homesteads of their paternal kin in search of new patrons before their seniors sold them or pawned them for food. Such migration was not always in response to famines; sometimes it was prompted by arguments between the generations.

How The Mijikenda People Resolved Conflicts.

The Mijikenda people of Kenya Coast have many elaborate institutions and mechanisms for resolving conflict. Arising from the belief that major catastrophes like drought and famine, pestilence and epidemics do not just occur, but are rather caused by the minds of evil geniuses known as *atsai* (*mtsai*, singular).²⁰⁴ It so happens that even those responsible are known to the general public. But due to their status and kinship linkages, it becomes difficult and dangerous to accuse them in public. As a collective sense of frustration builds up, people's sense of helplessness spreads over the community. The heat generated provided a social environment where conflict between co-wives, siblings, extended family members and potential enemies, becomes sharpened and more visible.

²⁰² Chittick, H.N. *The Book of Zenj and the Mijikenda* In *International Journal of African Historical Studies* Vol.9, pp.68-73, 1976

²⁰³ <http://dickinsg.intrasun.tcni.edu/nations/kenya/duruma.html>. Accessed on 19/6/2009

²⁰⁴ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

Nowadays, such conflict among the Mijikenda community is solved through "mob justice." Anybody suspected of being a mtsai (sorcerer) in these days, a gang of youth carry out instant justice through mob justice lynching. Burning such suspects or fatally attacking them at night has become the norm.

According to an article in the Daily Nation of June 18, 2009, provincial commissioner Ernest Munyi said that the backward practices like witchcraft have prevented Coast province from developing economically. He said the negative beliefs had affected education and economic development, making the region a food deficient area with high poverty levels. The PC also said reports of killings of elderly people suspected to be practicing witchcraft sent bad signals and scared away investors.²⁰⁵

But the most popular and participatory method of conflict resolution has been the emergence among the Mijikenda, of a great muganga who is endowed with superior knowledge and powers to zuza (smell) and render the atsai's evil powers ineffective. Once such a muganga emerges, a cleansing crusade is carried out almost throughout Mijikendaland. The suspects, once exposed, have their paraphernalia demobilized through the sprinkling of decontaminating herbal water known as vuo. A suspect's power are also defused by taking an oath. The oath involves a sprinkling and a sipping of the vuo.²⁰⁶

UNIVERSITY OF NAIROBI
EASTAFRICANA COLLECTION

To stop potential atsai or those not yet exposed from practicing, the muganga had also to kota chiraho - cleansing the earth. This was done by burying powerful dawa (medicine) either in homesteads or at roadforks. Immunity against sorcery was offered to the general public either by the sprinkling and sipping of the vuo; wearing a certain charm or a combination of all of these. This immunity was to be effective as long as one did not become a sorcerer. If one broke this condition, then once dead, his/her corpse would bleed; or one would die a horrible death, thus exposing his/her hypocritical double life. Such a discovery greatly ashamed and embarrassed his/her

²⁰⁵ Article titled Witch's hand seen in Coast poverty. Daily Nation, Thursday, June 18, 2009.

²⁰⁶ Brantley, C. Historical Perspective of the Giriama and Witchcraft Control In Africa Vol.49(2) pp.112-133, 1979

family and close relatives.²⁰⁷ The cleansing was carried out through dancing and festivities by the general public. The public's odium towards sorcerers was suddenly replaced by forgiveness and reintegration of the suspect into the community once such a suspect's evil powers had been demobilized by the muganga.²⁰⁸

In the recent past, three great Waganga personalities have emerged among the Mijikenda. These have been Wanje (early thirties), his son Kabwere (late forties/early fifties) and Tsuma wa Washe, alias Kajiwe (mid-sixties/early seventies). Kajiwe's powers were known all over Kenya. The Kenyatta Government even became afraid of his powers.²⁰⁹ Thus, after detaining him, Kajiwe was made the government's only chief witness on sorcery in courts. After Kenyatta's death, the Moi "Christian" regime used the colonial anti-witchcraft law against Kajiwe to frustrate him irrespective of the fact that his services were becoming increasingly sought for nationally.²¹⁰ He died relatively young, but after he had built a primary school in his village at Kiwanja cha Ndege, Rabai. The school carries his name: Kajiwe Primary School.

Had Kajiwe been alive, there is a likelihood that the prevailing tension over land by the Mijikenda people, would have been expressed more in a "peaceful metaphysical" manner, than the overt political way it is being expressed now.²¹¹ But since the westernized state of Kenya sees no useful role to be played by Kenyan indigenous waganga in conflict resolution, the waganga have been left with no other role but to offer reinforcement medicine for war. The same could be said of other personalities like the Laibon of the Maasai, the "Mugambi wa Agambi" ("Judge of the Judges") of the Ameru also known as Raiboni, and other such personalities in other Kenyan and African communities.²¹²

²⁰⁷ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

²⁰⁸ Orchardson-Mazrui, E.C. Spirit Possession among the Mijikenda In Kenya Past and Present Vol.21 pp.29-32, 1989

²⁰⁹ Caruso, J.S. Witchcraft Eradication as Political Process in Kilifi District, Kenya 1955-1988 (Mijikenda, Tsuma Washe Kajiwe) PhD Thesis Columbia University, 1992

²¹⁰ <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 22/6/2009

²¹¹ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

²¹² <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 22/6/2009

CHAPTER THREE

3.0 METHODOLOGY

3.1 Introduction

This chapter examines in detail the methodology adopted in carrying out the study. It covers the following aspects; research design, location of the study, population of the study, sample and sampling method, instruments for collecting data, procedure for collecting and analyzing data. The researcher has discussed these aspects by highlighting the reasons why some techniques were selected for the research design.

3.2 Research Design

Research is any form of systematic and arranged investigation to organize facts or gather data, and is often related to a problem that has to be solved. Research is the study of materials, sources, and data in order to get conclusions. Research is the process of finding out new data based on facts collected in ways that minimize observable prejudice.²¹³

Research design can be thought of as the structure of research -- it is the "glue" that holds all of the elements in a research project together. We often describe a design using a concise notation that enables us to summarize a complex design structure efficiently.²¹⁴

The study is somewhat descriptive as data is collected and analyzed.

Descriptive designs result in a description of the data, whether in words, pictures, charts, or tables, and whether the data analysis shows statistical relationships or is merely descriptive. No matter what method is chosen to collect the data, all descriptive designs have one thing in common: they must provide descriptions of the variables in order to answer the question. The type of description that results from the design depends on how much information the researcher has about the topic prior to data collection.²¹⁵

²¹³ Article Titled Research Design. http://essay-paper.net/42-research_design.html. Accessed on 20th July 2009.

²¹⁴ Article Titled Introduction to Design. <http://www.socialresearchmethods.net/kb/desintro.htm>. Accessed on 20th July 2009

²¹⁵ http://cbdd.wsu.edu/e/dev/NetTOM_ToT/Resources/Other/TOM614/page53.htm. Accessed on 20th July 2009

The research purpose and research questions of this study indicate to a great extent that the research design is an exploratory descriptive design. The word “exploratory” indicates that not much is known, which means that a survey of the literature failed to reveal any significant research in the area. Thus, you cannot build on the work of others; you must explore the topic for yourself.²¹⁶

Exploratory Research Design entails studying a phenomenon that is not known sufficiently and its purpose is to provide detailed explanations of phenomenon that is less known. Usually the scope for employing flexible means of observation, end product is normally theories or hypotheses²¹⁷. Descriptive research is often used when a problem is well structured and there is not intention to investigate causes/effect relation (Yin, 1994).²¹⁸

According to Orodho (2003), a study concerned with obtaining information by interviewing or administering a questionnaire to a sample of respondents is a descriptive survey.²¹⁹ Survey research method was also used because Mugenda argues that survey method is seen as the best method of collecting data from a population that is too wide to observe directly.²²⁰ These research designs have dictated the choice of research strategy.

3.3 Research Strategy

The selection of research strategy depends upon, the type of research questions asked. Precisely, there are five primary strategies in the field of social sciences, experiment, survey, archival analysis, history and case study (Yin, 1993).²²¹

²¹⁶http://cbdd.wsu.edu/edev/NetTOM_ToT/Resources/Other/TOM614/page53.htm. Accessed on 20th July 2009

²¹⁷<http://www.hhs.csus.edu/HomePages/SW/AntonyappanJ/SW210/tsld010.htm>. Accessed on 20th July 2009

²¹⁸ Yin, R.K. (1994). *Case Study Research: Design and Methods*. (2nd ed.) Thousand Oaks, CA: Sage.

²¹⁹ Orodho, A.J. (2003). *Essentials of Educational and Social Sciences Research Methods*. Nairobi: Masola Publishers.

²²⁰ Mugenda, O.M & Mugenda, A.G. (2003). *Research methods: Quantitative and Qualitative Approaches*. 2nd rev.ed. Nairobi: ACTS Press

²²¹ Yin, R. K. (1993). *Applications of Case Study Research*. Newbury Park, CA: Sage

As a research strategy, the case study is used in many situations to contribute to our knowledge of individual, group, organizational, social political and related phenomena. The case study allows investigators to retain the holistic and meaningful characteristics of real-life events- such as individual life cycles, organizational and managerial processes, neighborhood change, international relations and the maturation of industries.

In this research, the strategy used was determined in part, based on the formulation of the research questions. The most common forms of research questions are formulated on 'how' or 'why', hence the research benefits by using a case study (Yin, 1994).²²² This study is qualitative and quantitative in nature.

3.4 Location of the study

The study was carried out in different parts of Bahari constituency of Coast Province. This was due to the intention of collecting data from a sample of all the nine sub tribes of the Mijikenda people namely, the Giriama, the Kauma, the Chonyi, the Ribe, the Kambe, the Jibana, the Rabai, the Digo and the Duruma. Bahari constituency is made up of a mixture of all the nine mijikenda sub tribes.

3.5 Population of the study

A population in research refers to the entire set of relevant units of analysis, or data. It can also be described as the aggregate of all cases that conform to some designated set of specifications. Population refers to the entire group of individuals, events or objects having a common observable characteristic.²²³ The study was conducted mainly in Kilifi District in Bahari Constituency, Coast Province. To qualify as a respondent, the individual had to be a Mijikenda. 120 questionnaires were distributed and administered to the respondents.

²²² Yin, R.K. (1994). *Case Study Research: Design and Methods*. (2nd ed.) Thousand Oaks, CA: Sage.

²²³ Mugenda & Mugenda (2003) *Research Methods Quantitative & Qualitative Approaches*

3.6 Sample and Sampling Design

Collecting data in research, from all the potential units of analysis included in the research problem is often impractical. Therefore a sample has to be chosen to represent the relevant attributes of the whole set of units termed 'population'. However, due to the fact that samples are not perfectly representative of the population from which they are drawn the researcher cannot be absolutely certain that the conclusion drawn generalize the entire population.²²⁴ According to Saravannel (1991), a sample is composed of some fraction or part of the total number of elements or units in a defined population.²²⁵ Sampling was adopted in this study because the population studied is big but was well covered through a sample. Through a sample, the costs of undertaking the study were reduced.

Random sampling method was used. This was for convenience purpose due to the broadness of the population under study. According to Mugenda, previous studies have indicated that random sampling can provide one with accurate information on groups that are too large to study in their entity.²²⁶

According to Miles and Huberman examining contrasting cases can help further the understanding of a single case finding by specifying how 'and' where' the story concepts take place. Thus authors maintain that if finding holds true in one setting as well as another comparable setting, the finding may be said to be more robust (Miles and Huberman 1994).²²⁷ Furthermore, although contrasting cases are used, a sampling frame is needed. The sampling frame of this study consisted of and was drawn from members of the Mijikenda Community in Bahari Constituency.

²²⁴ Leanne Kamau (2008): *Role of the media in conflict transformation in somalia: A case study of radio Galkayo*. M.A. Dissertation.

²²⁵ Saravannel, P. (1992). *Research Methodology*. 3rd ed. New delhi: Kitab Mohab.

²²⁶ Mugenda & Mugenda (2003) *Research Methods Quantitative & Qualitative Approaches*

²²⁷ Miles, M.B. and A.M. Huberman, (1994) *Qualitative data analysis*. Thousand Oaks, CA

3.7 Data Collection

There are many methods and instruments for collecting data. However, the choice of any one of them depends on the type of data to be collected, time available, money and personnel available to assist the researcher in gathering data. These factors helped the researcher decide on which data collection instruments and methods to use in this study.

The data collection methods used in this study included administration of questionnaires and interviews. The primary data was gathered through questionnaires. The questionnaires were both open ended and closed ended. The distribution of the questionnaires was done randomly, based on a willing participant basis. They were distributed by the researcher who engaged the assistance of two field assistants. Interviews were also conducted with key informants. The researcher had them scheduled.

3.8 Data analysis and presentation

A total of 120 Questionnaires were distributed to respondents but only 80 were brought back. The data obtained was analysed using SPSS software. Since most of the questions were open-ended; they were first coded into variables that could make the analysis easier. The findings were presented using frequency tables, charts and tables.

3.9 Validity and reliability

In this study, an attempt was made to avoid leading and subjective questions by utilizing a well-structured questionnaire so as to increase reliability. In this study however, a two field assistants were entrusted to conduct and administer the questionnaires. This basically implies a slight possibility of negative impact of reliability of the general findings a case that possible is controlled by the numbers in external validity.

Chapter Four

4.0 Research findings and data presentation

This chapter will present the findings in tables and bar graphs and also present the observations on these findings.

4.1 Findings

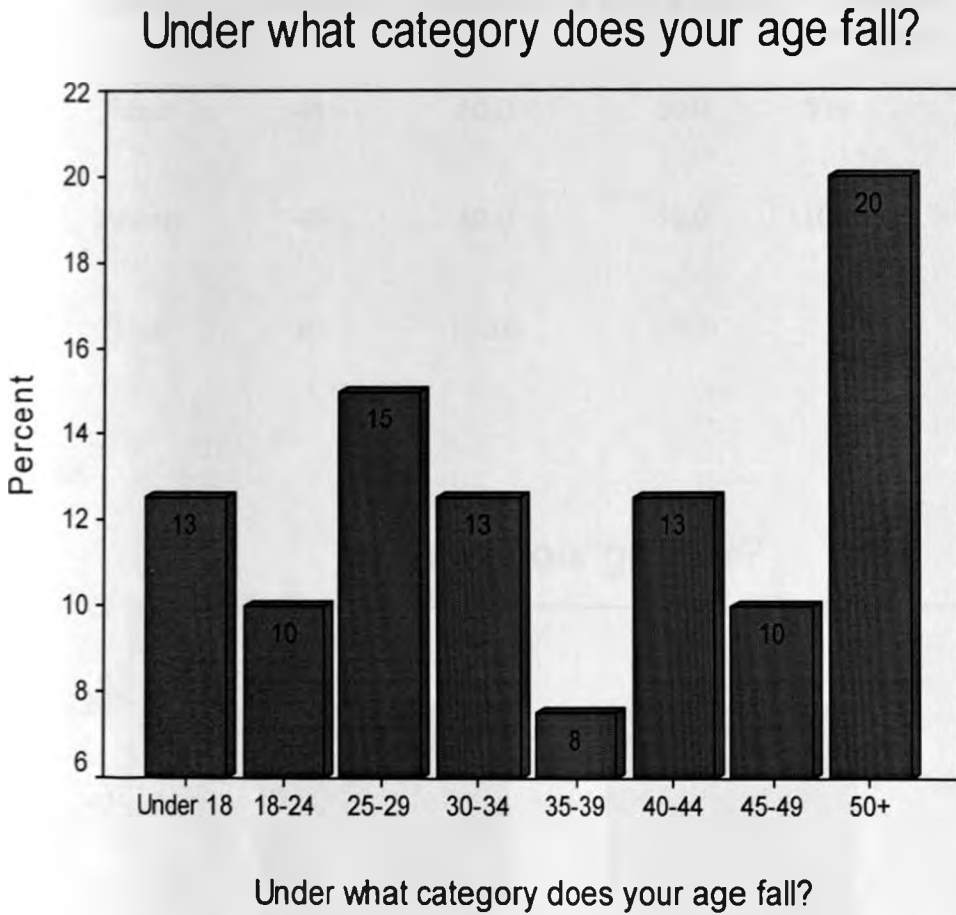
Section A: Personal information

1. Under what category does your age fall?

Table 1.1: Respondents age brackets

Age bracket	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Under 18	10	12.5	12.5	12.5
18-24	8	10.0	10.0	22.5
25-29	12	15.0	15.0	37.5
30-34	10	12.5	12.5	50.0
35-39	6	7.5	7.5	57.5
40-44	10	12.5	12.5	70.0
45-49	8	10.0	10.0	80.0
50+	16	20.0	20.0	100.0
Total	80	100.0	100.0	

Figure 1.1:



Concerning age, all the respondents were almost evenly spread across the eight age groups. However, the largest group of the respondents was in the above 50 years age bracket. The smallest group of respondents was in the 35-39 years age bracket.

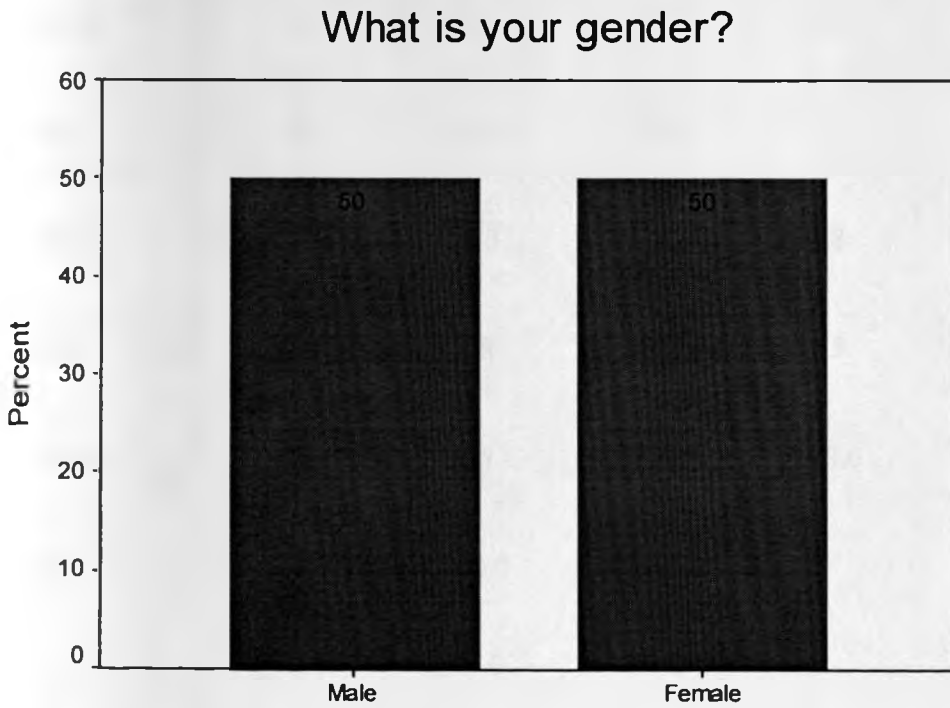
The second largest group of respondents were in the 25-29 years age bracket. Surprisingly, three groups of respondents in the different age brackets had the same percentage of 13%, these were the under 18 years, 30-34 years, and the 40-44 years age brackets. The second last groups of respondents were in the 18-24 years and the 45-49 years age brackets with 10%.

2. What is your gender?

Table 2.1: Respondents by Gender

Gender	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Male	40	50.0	50.0	50.0
Female	40	50.0	50.0	100.0
Total	80	100.0	100.0	

Figure 2.1



What is your gender?

Regarding the gender, out of the 80 respondents, 50% were male and 50% were female. That clearly indicates that half of the respondents, that is 40, were male and the other half, 40 were female.

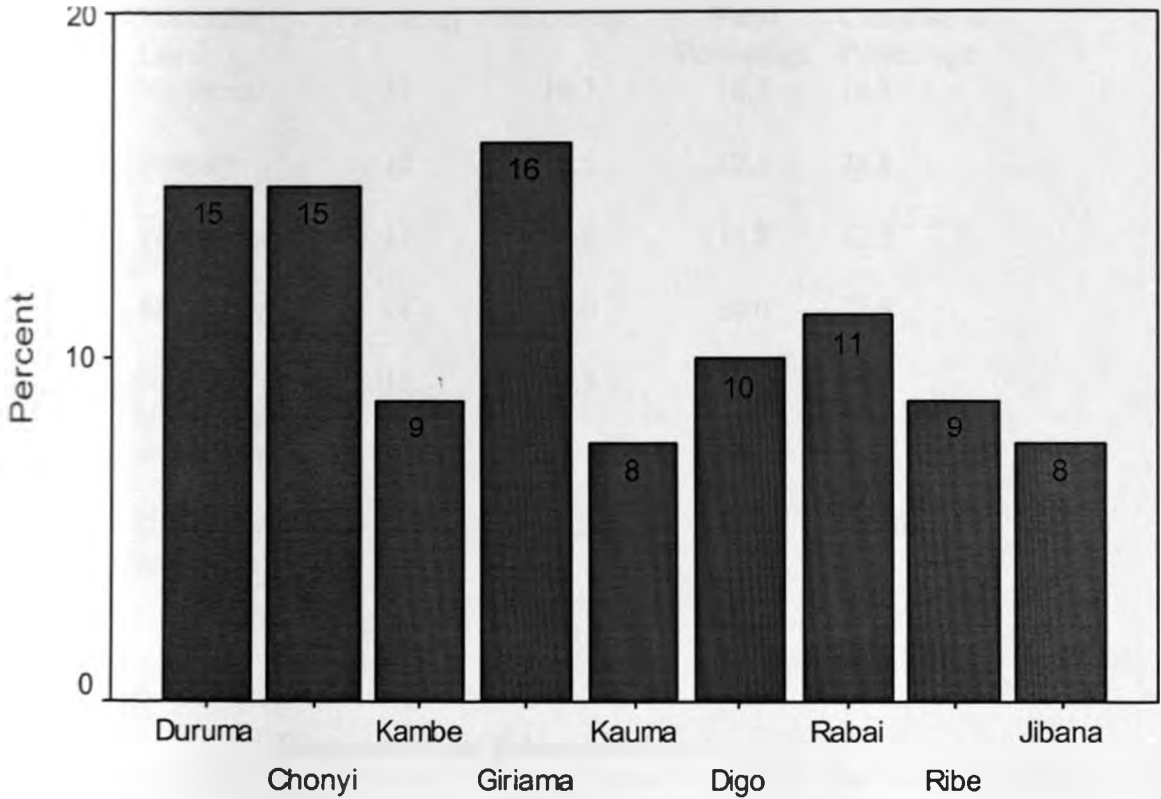
3. What is your Mijikenda sub-tribe?

Table 3.1: Mijikenda sub-tribe

Sub-tribe	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Duruma	12	15.0	15.0	15.0
Chonyi	12	15.0	15.0	30.0
Kambe	7	8.8	8.8	38.8
Giriama	13	16.3	16.3	55.0
Kauma	6	7.5	7.5	62.5
Digo	8	10.0	10.0	72.5
Rabai	9	11.3	11.3	83.8
Ribe	7	8.8	8.8	92.5
Jibana	6	7.5	7.5	100.0
Total	80	100.0	100.0	

Figure 3.1

Mijikenda Tribe affiliation



What is your Mijikenda sub-tribe?

All the Mijikenda subtribes were evenly represented. However, the Giriama was the most represented at 16%. This was closely followed by the Chonyi and Duruma tribes at 15% each. Then Rabai and the Digo followed with 11% and 10% respectively. Ribe and Kambe were represented at 9% each. The lowest represented were the Jibana and the Kauma at 8% each.

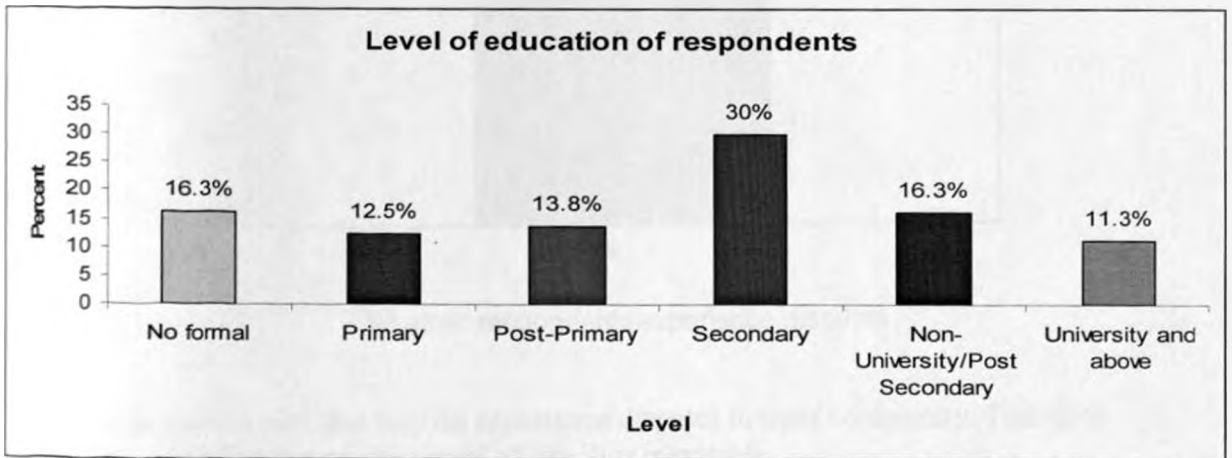
4. What is the highest level of education you have attained?

Table 4.1 Highest Level of Education of respondents attained

Education Level	Frequency	Percentage	Valid Percentage	Cumulative Percentage
No formal	13	16.3	16.3	16.3
Primary	10	12.5	12.5	28.8
Post-Primary	11	13.8	13.8	42.5
Secondary	24	30.0	30.0	72.5
Non-University/Post Secondary	13	16.3	16.3	88.8
University and above	9	11.3	11.3	100.0
Total	80	100.0	100.0	

Figure 4:1

Respondents by Education Level



Contrary to the popular belief that most people from the Coast and specifically the Mijikenda are not educated, the study found that the highest of the sample at 30% had Secondary education and 16.3% had post secondary education. About 11.3% had University education and above. However, 16.3% of the respondents had no formal education. 12.5% had primary education while 13.8% had post-primary education.

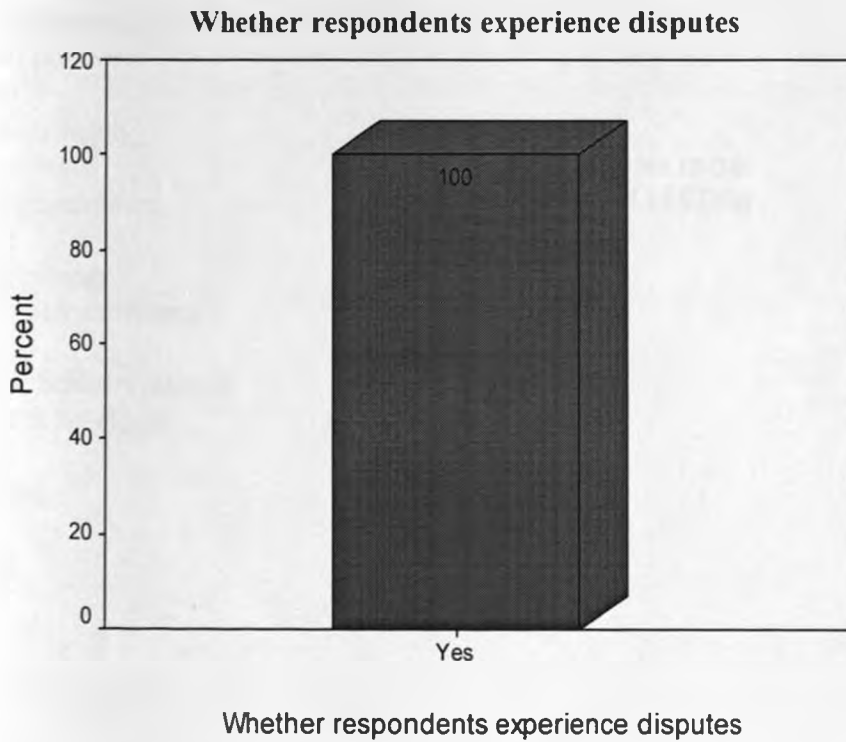
SECTION B: CONFLICT AMONG MIJIKENDA

5. Do you experience disagreements or disputes in your community?

Table 5.1 Whether respondents experience disputes

Response	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Yes	80	100.0	100.0	100.0

Figure 5.1



All the respondents said that they do experience disputes in their community. This goes to show that conflict is part and parcel of life. It is inevitable.

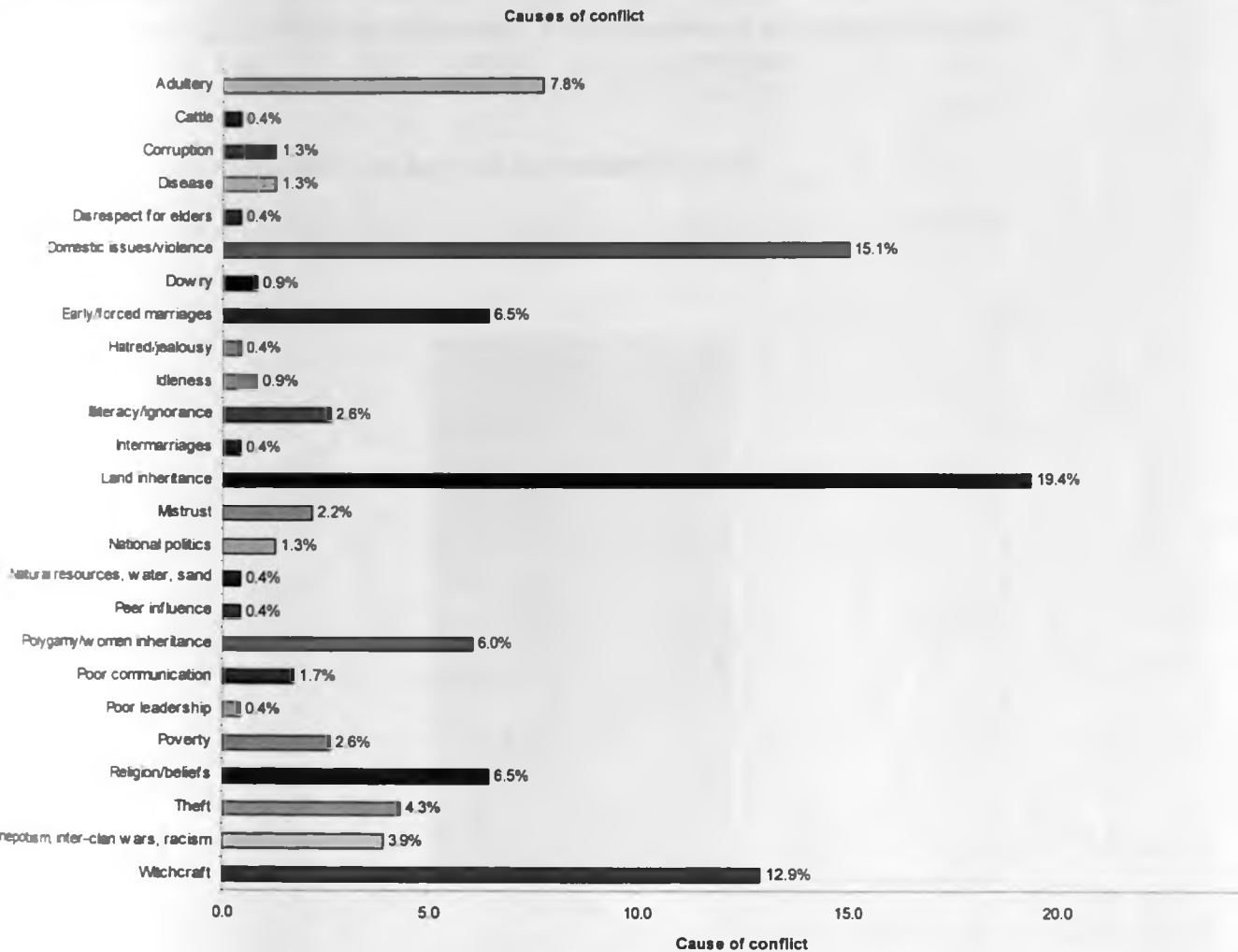
6. If yes. What would you consider to be the cause of these conflicts or disputes?

Table 6.1: Causes of conflict

Cause of conflict	Relative importance (%)
Witchcraft	12.9
Tribalism/nepotism, inter-clan wars, racism	3.9
Theft	4.3
Religion/beliefs	6.5
Poverty	2.6
Poor leadership	0.4
Poor communication	1.7
Polygamy/women inheritance	6.0
Peer influence	0.4
Natural resources, water, sand	0.4
National politics	1.3
Mistrust	2.2
Land inheritance	19.4
Intermarriages	0.4
Illiteracy/ignorance	2.6
Idleness	0.9
Hatred/jealousy	0.4
Early/forced marriages	6.5
Dowry	0.9
Domestic issues/violence	15.1
Disrespect for elders	0.4
Disease	1.3
Corruption	1.3
Cattle	0.4
Adultery	7.8
	100.0

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

Figure 6.1
Causes of Conflicts



19.4% of the respondents attributed the cause of conflict to land inheritance. This was closely followed by Domestic disputes and witchcraft at 15.1% and 12.9% respectively. 7.8% of respondents said adultery is a cause of conflict. Religion and early forced marriages had 6.5% each. 6% of respondents said polygamy was a cause of conflict. 4.3% said it was theft, 3.9% said it was tribalism. Literacy and poverty had 2.6% each. 2.2% of respondents said mistrust was a cause of conflict. Other causes of conflicts which got a less than 2% respondents include Poor communication, poor leadership, peer influence, natural resources, national politics, intermarriages, idleness, corruption, cattle, dowry, diseases, hatred and disrespect for elders.

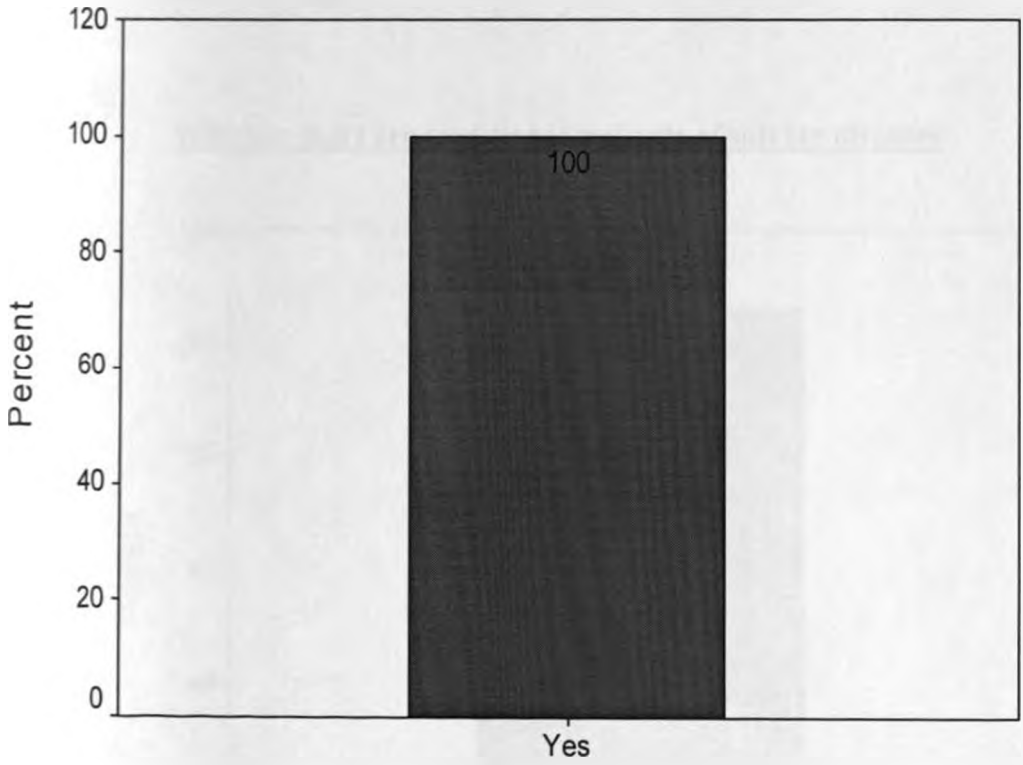
7. In your own view does communication have any role in Conflict or disputes?

Table 7.1: Whether communication has any role in conflicts/disputes

Response	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Yes	80	100.0	100.0	100.0

Figure 7.1

Whether communication has any role in conflicts/disputes



Whether communication has any role in conflicts/disputes

All the respondents said that communication plays a role in conflicts.

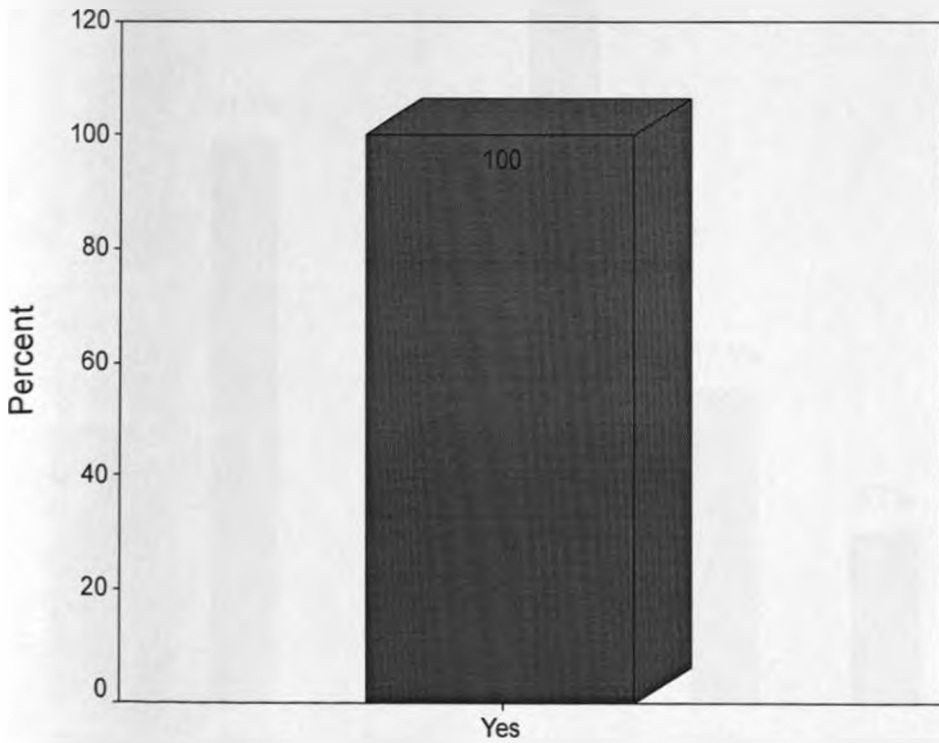
8. Are there or were there any traditional ways of communication used in solving problems or disputes?

Table 8.1 Whether there are traditional methods of solving disputes

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Valid				
Yes	80	100.0	100.0	100.0

Figure 8.1

Whether there are traditional methods of solving disputes



Are there traditional methods of solving disputes?

All respondents said that there exist traditional methods of solving disputes or conflicts.

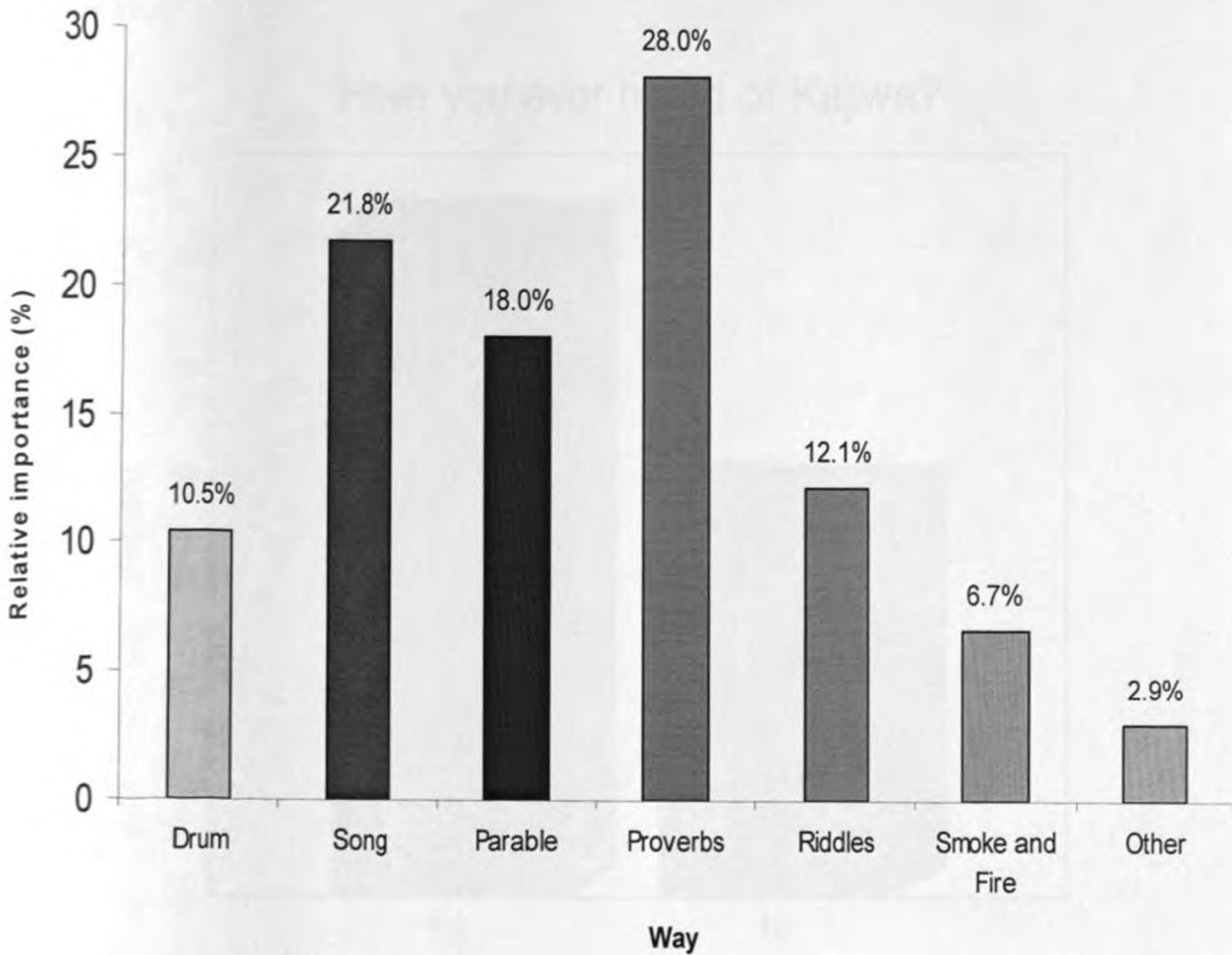
9. If yes, which ones?

Table 9.1: Traditional ways of communication

Way	Drum	Song	Parable	Proverbs	Riddles	Smoke & Fire	Other	
Percentage	10.5	21.8	18.0	28.0	12.1	6.7	2.9	100

Figure 9.1

Traditional ways of communication



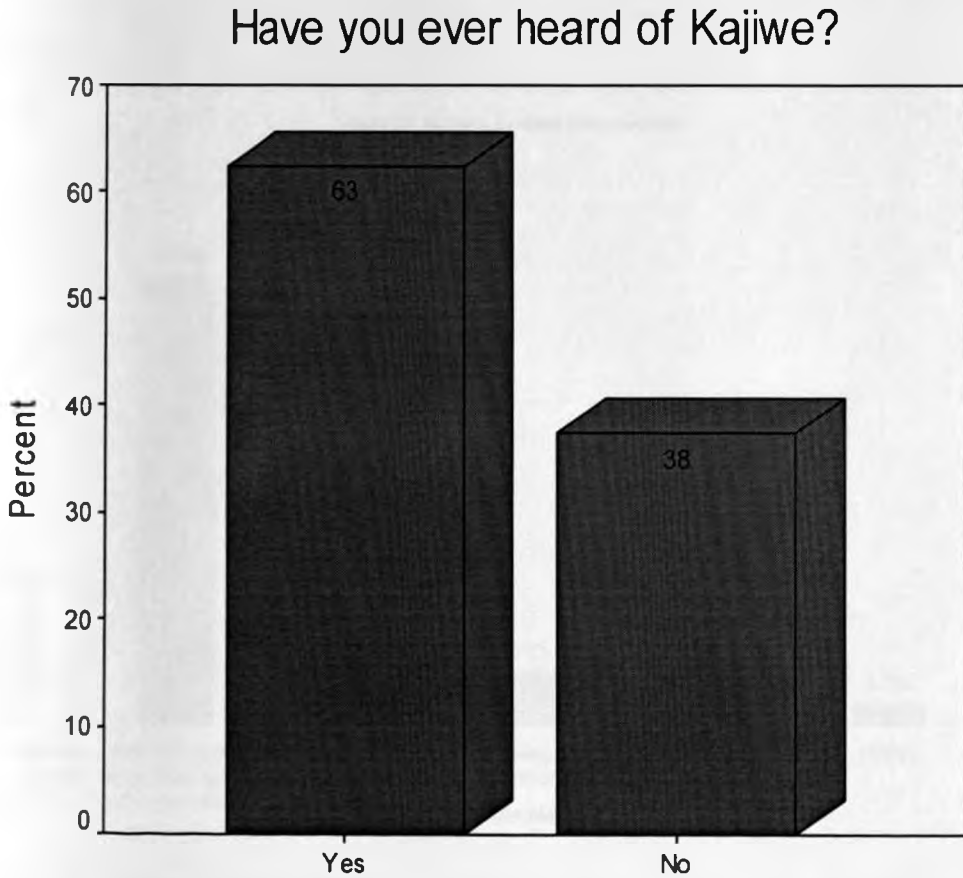
The use of proverbs and songs were identified as the major traditional ways of communication at 28% and 21.8% respectively. 18% of respondents said that use of parables is a traditional way of communication. 12.1% said it was riddles, 10.5% said it was drum, 6.7% talked of smoke and fire while 2.9% said traditional ways of communication included storytelling amongst others.

10. Have you ever heard of Kajiwe the great *mganga*?

Table 10.1: Have you ever heard of Kajiwe?

Response	Frequency	Percentage	Valid Percentage	Cumulative Percent
Yes	50	62.5	62.5	62.5
No	30	37.5	37.5	100.0
Total	80	100.0	100.0	

Figure 10.1:



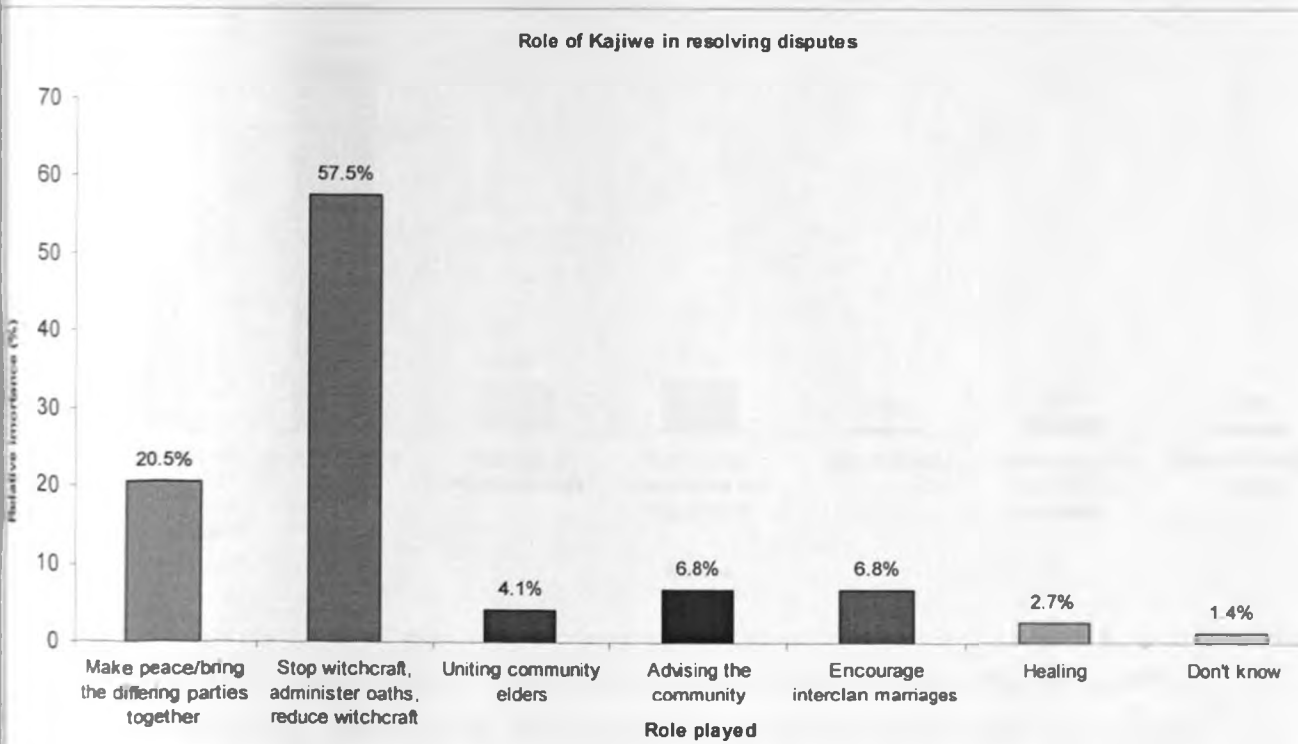
The majority of the respondents, 63%, said they have heard of Kajiwe, while 38% have not heard about him.

11. If yes, what role did he play in resolving disputes?

Table 11.1: Role of Kajiwe in conflict resolution

Response	Relative importance (%)
Make peace/bring the differing parties together	20.5
Stop witchcraft, administer oaths, reduce witchcraft	57.5
Uniting community elders	4.1
Advising the community	6.8
Encourage inter-clan marriages	6.8
Healing	2.7
Don't know	1.4
	100.0

Figure 11.1



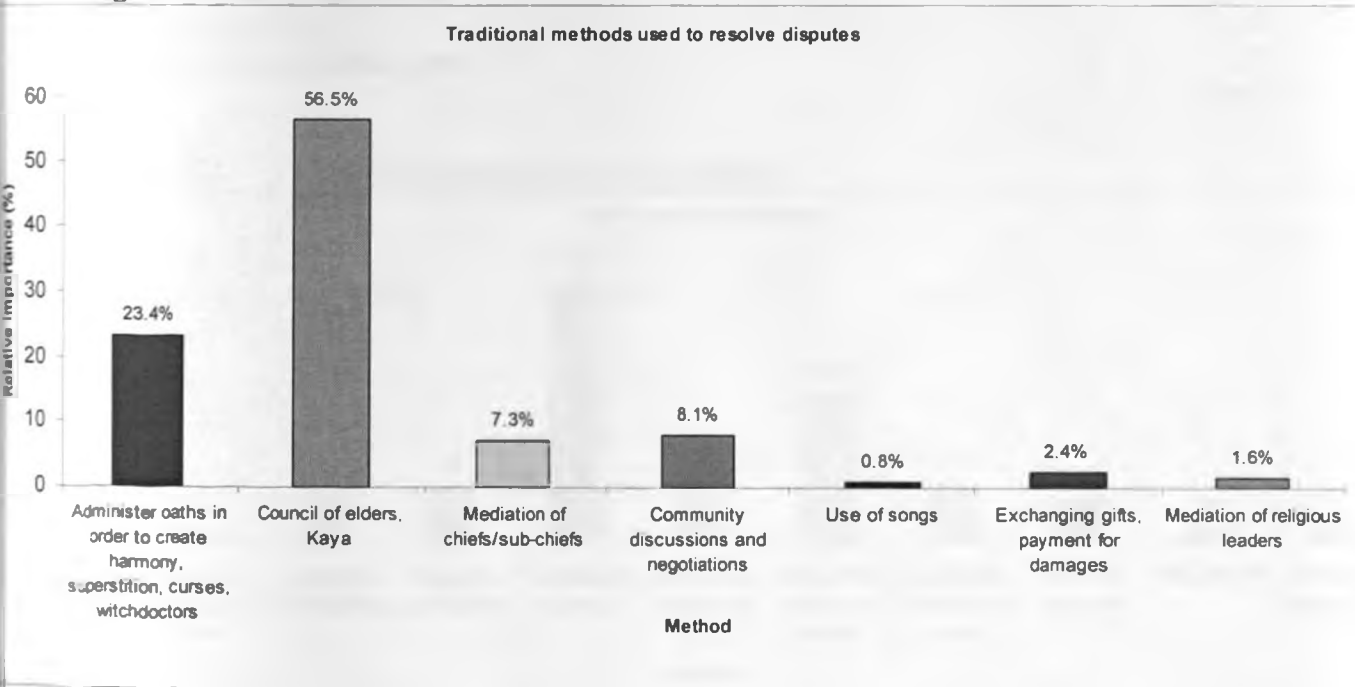
The majority of the respondents at 57.5% said that Kajiwe’s role in solving conflicts involved stopping witchcraft and administering oaths. About 20.5% of respondents said Kajiwe was involved in bringing the differing parties together. 6.8 % of respondents said that Kajiwe encouraged interclan marriages, another 6.8% of respondents said that he was a community adviser. 4.1% said that he united community elders, 2.7% said that he was a healer and about 1.4% did not know.

12. When conflicts occur between members of your community and other communities, what traditional methods/institutions were used or are still used to resolve the conflicts?

Table 12.1: Traditional methods used in conflict resolution

Administer oaths in order to create harmony, superstition, curses, witchdoctors	23.4
Council of elders, Kaya	56.5
Mediation of chiefs/sub-chiefs	7.3
Community discussions and negotiations	8.1
Use of songs	0.8
Exchanging gifts, payment for damages	2.4
Mediation of religious leaders	1.6
	100.0

Figure 12.1



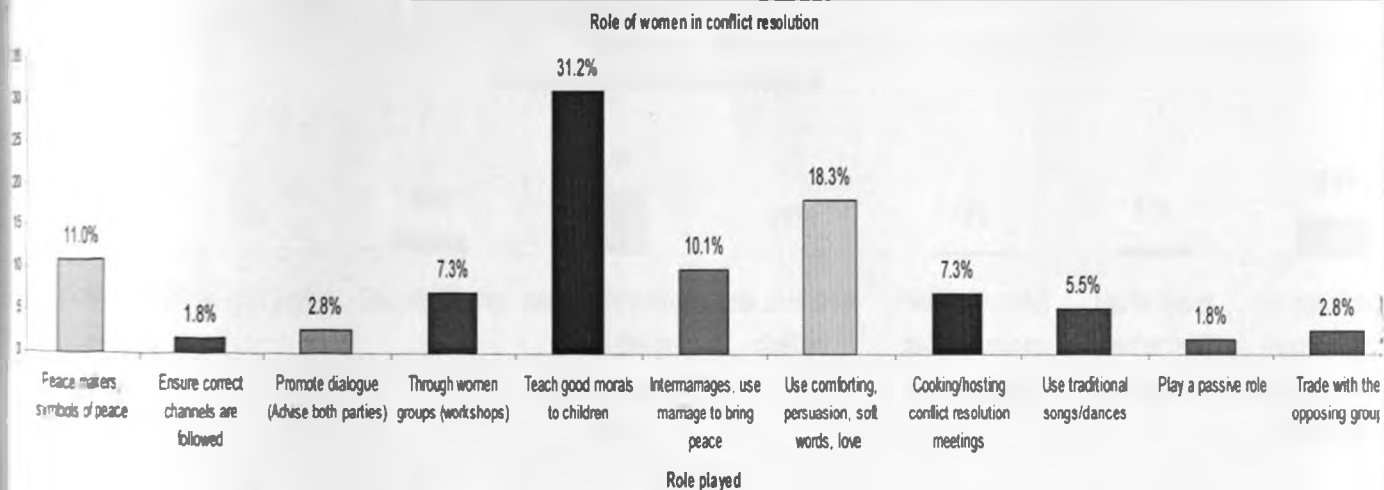
56.5% of respondents said that traditional methods used in conflict resolution include council of elders. About 23.4% of respondents said traditional methods used include Administering of oaths in order to create harmony, use of superstition, curses, and witchdoctors. 8.1% said methods used include community discussions and negotiations. 7.3% said mediation by chiefs is used as a traditional method of communication. 2.4% said gifts were exchanged while 1.6% said mediation was done by religious leaders. 0.8% of respondents said songs were used as a traditional method of solving conflicts.

13. What roles do the following groups of community members play in conflict resolution? (i). Women

Table: 13.1: Role of women in conflict resolution

Response	Role played
Peace makers, symbols of peace	11.0
Ensure correct channels are followed	1.8
Promote dialogue (Advise both parties)	2.8
Through women groups (workshops)	7.3
Teach good morals to children	31.2
Intermarriages, use marriage to bring peace	10.1
Use comforting, persuasion, soft words, love	18.3
Cooking/hosting conflict resolution meetings	7.3
Use traditional songs/dances	5.5
Play a passive role	1.8
Trade with the opposing group	2.8
	100.0

Figure 13.1 Role of women in conflict resolution



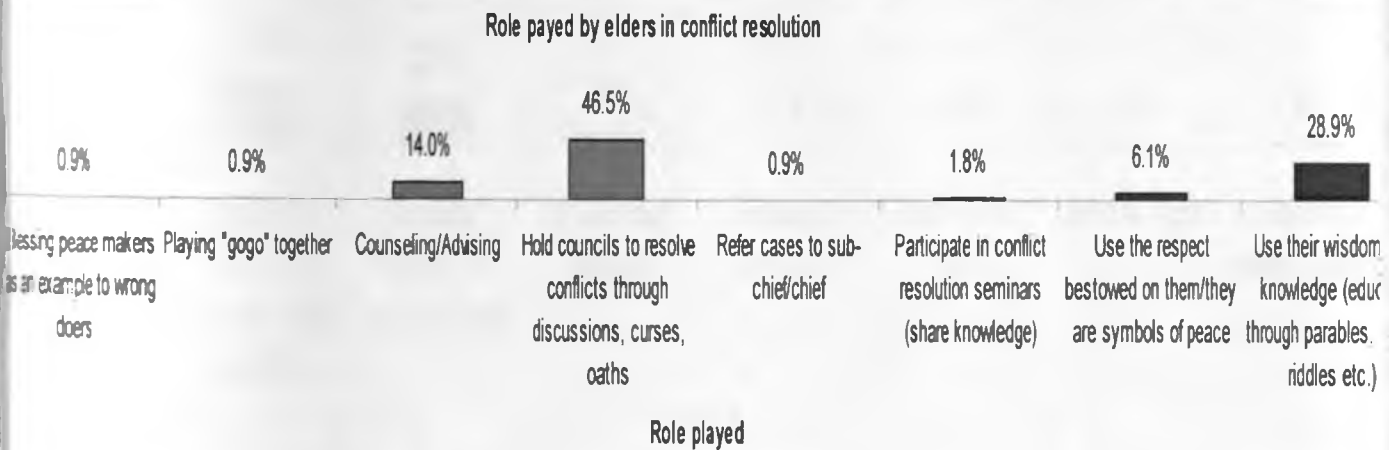
31.2% of respondents said women’s role in conflict resolution included teaching good morals to children.18.3% said women use persuasion and words of love.11% of respondents said women are symbols of peace.10.1% said that through intermarriages, women bring peace.7.3% of respondents said women solve conflicts through organizing workshops. Another 7.3% said that women cook while hosting conflict resolution meetings.5.5% said women use traditional songs and dances. Other respondents with less than 3% talked of trade with opposing groups and promoting dialogue.

13. What roles do the following groups of community members play in conflict resolution? (ii) Elders

Table 13.2: Role of elders in Conflict Resolution

Blessing peace makers as an example to wrong doers	0.9
Playing "gogo" together	0.9
Counseling/Advising	14.0
Hold councils to resolve conflicts through discussions, curses, oaths	46.5
Refer cases to sub-chief/chief	0.9
Participate in conflict resolution seminars (share knowledge)	1.8
Use the respect bestowed on them/they are symbols of peace	6.1
Use their wisdom and knowledge (educate through parables, song, riddles etc.)	28.9
	100.0

**Figure 13.2
Role played by elders in Conflict Resolution**



A majority of the respondents at 46.5% say that elders hold councils to resolve conflicts through discussions, curses and oaths. Other respondents at 28.9% say that elders use their wisdom and knowledge to educate through parables, songs, riddles etc. 14% of respondents said that elders are counselors and advisors. 6.1% of respondents said that elders use the respect bestowed on them and hence they are symbols of peace.

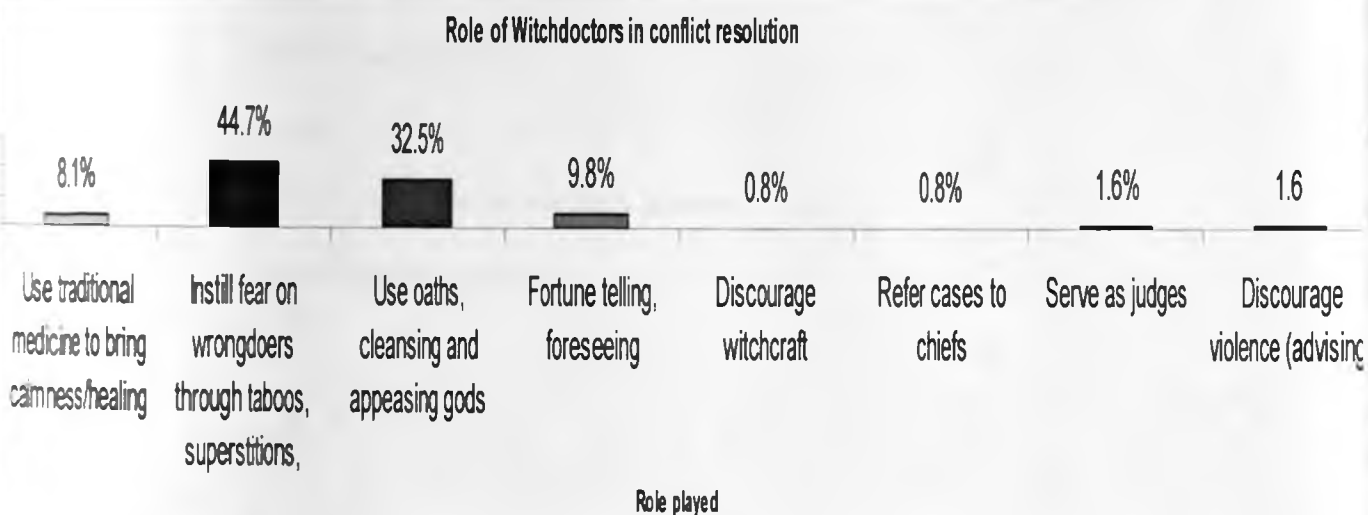
13. What roles do the following groups of community members play in conflict resolution? (iii) Witchdoctors

Table 13.3 Role of witchdoctors in conflict resolution

Use traditional medicine to bring calmness/healing	8.1
Instill fear on wrongdoers through taboos, superstitions, threats	44.7
Use oaths, cleansing and appeasing gods	32.5
Fortune telling, foreseeing	9.8
Discourage witchcraft	0.8
Refer cases to chiefs	0.8
Serve as judges	1.6
Discourage violence (advising)	1.6
	100.0

Figure 13.3

Role of witchdoctors in conflict resolution



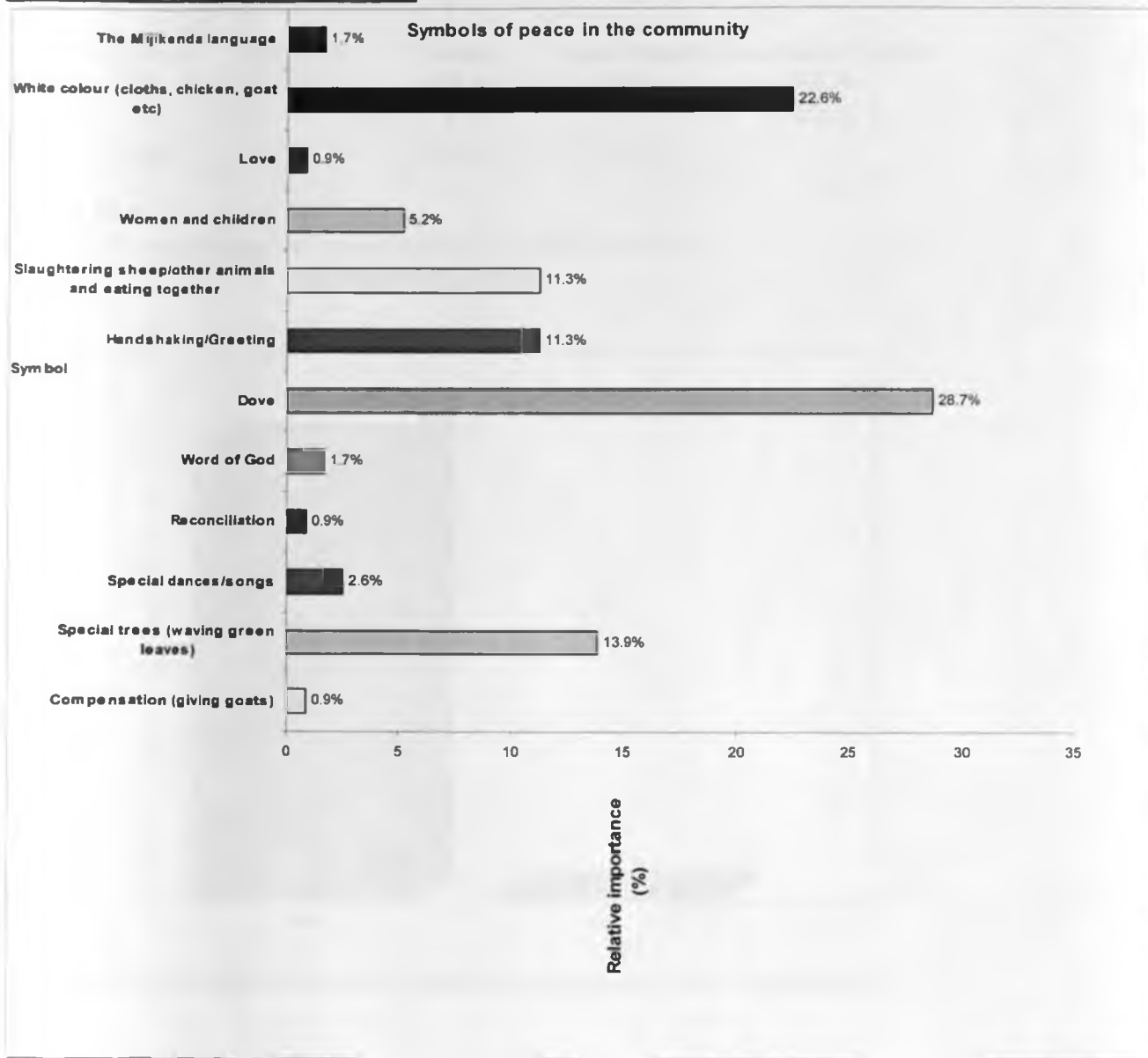
44.7% of respondents said that witchdoctors instill fear on wrongdoers through taboos, superstitions and threats. 32.5% of respondents said that witchdoctors use oaths, cleansing and appeasing of gods. 9.8% of respondents said witchdoctors use fortune telling and foreseeing to resolve conflicts. Still 8.1% said that witchdoctors use traditional medicine to bring calmness and healing. 1.6% of respondents said that the witchdoctors discourage violence through advice. Another 1.6% of respondents said that witchdoctors serve as judges.

14. What symbols represent peace in your community?

Table 14.1: Symbols of peace in the community

Compensation (giving goats)	0.9
Special trees (waving green leaves)	13.9
Special dances/songs	2.6
Reconciliation	0.9
Word of God	1.7
Dove	28.7
Handshaking/Greeting	11.3
Slaughtering sheep/other animals and eating together	11.3
Women and children	5.2
Love	0.9
White colour (cloths, chicken, goat etc)	22.6
The Mijikenda language	1.7
	100.0

Figure 14.1
Symbols of peace in the community



Majority of the respondents at 28.7% said that the Dove represents peace in the Mijikenda community. This was closely followed by 22.6% of the respondents who said white colour, i.e anything white represented peace. 13.9% said that waving green leaves of special trees represents peace in the Mijikenda community. 11.3% talked of handshaking and another 11.3% talked of slaughtering animals and eating together. 5.2% of respondents said that women and children represented peace. Other respondents at less than 3% said peace was represented by special songs.

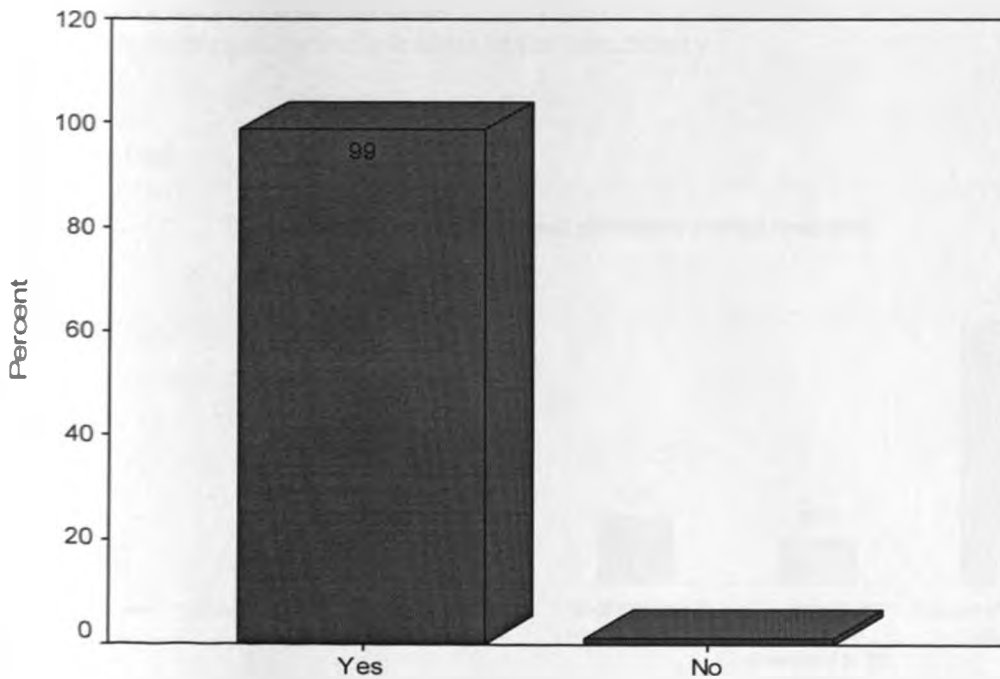
15. Have traditional methods of resolving conflicts been successful in your view?

Table 15.1: Have traditional methods of resolving conflicts been successful?

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	79	98.8	98.8	98.8
No	1	1.3	1.3	100.0
Total	80	100.0	100.0	

Figure 15.1

Have traditional methods of resolving conflicts been successful?



Have traditional methods of resolving conflicts been successful ?

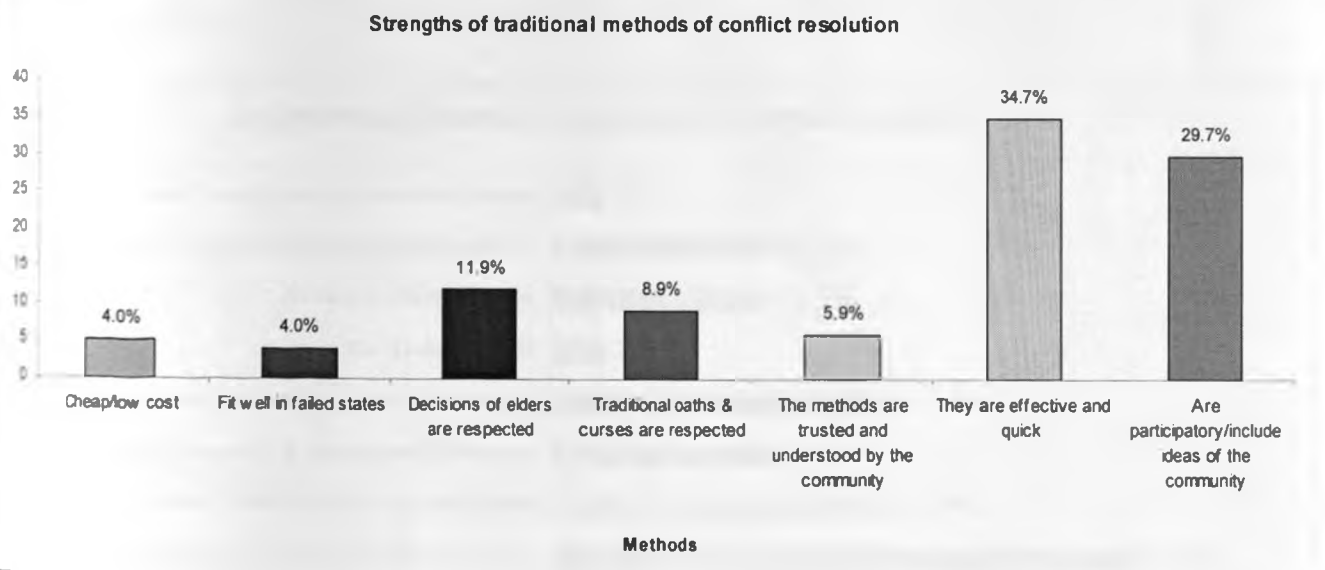
98.8% of the respondents said that traditional methods of resolving conflicts have been successful. Only 1.3% of the total respondents said that the traditional methods have not been successful.

16. What are the strengths of traditional methods of conflict resolution in your view?

Table 16.1: Strengths of traditional methods of conflict resolution

Cheap/low cost	5.0
Fit well in failed states	4.0
Decisions of elders are respected	11.9
Traditional oaths & curses are respected	8.9
The methods are trusted and understood by the community	5.9
They are effective and quick	34.7
Are participatory/include ideas of the community	29.7
	100.0

Figure 16.1



A majority of the respondents at 34.7% said that the strengths of traditional methods of conflict resolution is that they are effective and quick. 29.7% of the respondents said that traditional methods are participatory in that they include ideas of the community. 11.9% said that elders decisions are respected. 8.9% said that traditional oaths and curses are respected. 5.9% said that the methods are trusted and understood by the community. 4% said the method fits well in failed states while 4% said the method is cheap.

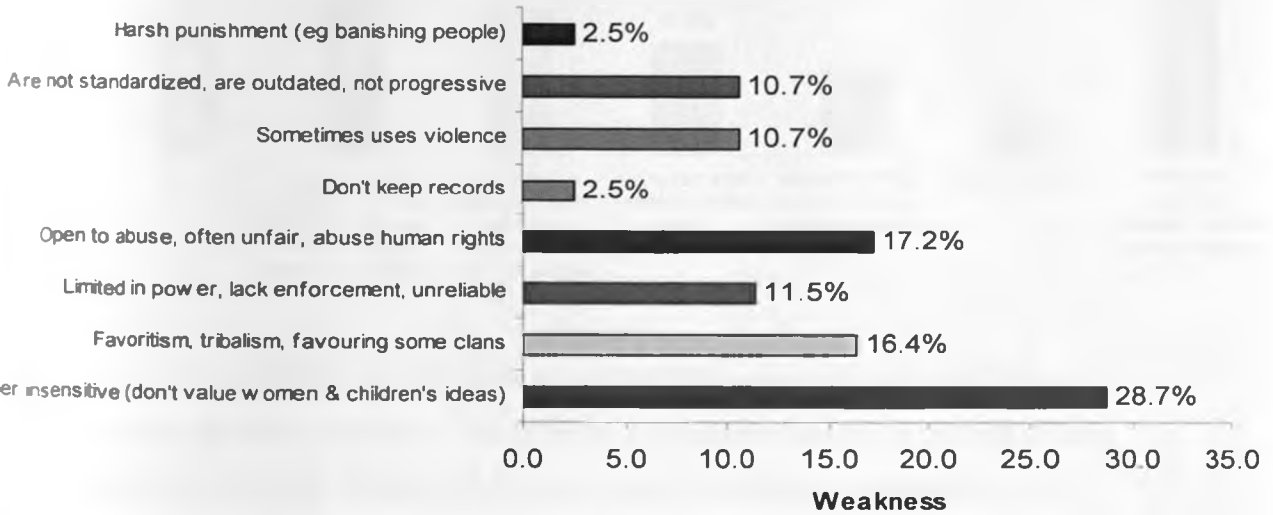
17. What are the weaknesses of traditional methods of resolving conflicts in your view?

Table 17.1 Weaknesses of traditional methods of conflict resolution

Gender insensitive (don't value women & children's ideas)	28.7
Favoritism, tribalism, favouring some clans	16.4
Limited in power, lack enforcement, unreliable	11.5
Open to abuse, often unfair, abuse human rights	17.2
Don't keep records	2.5
Sometimes uses violence	10.7
Are not standardized, are outdated, not progressive	10.7
Harsh punishment (e.g. banishing people)	2.5
	100.0

Figure 17.1

Weaknesses of traditional methods of conflict resolution



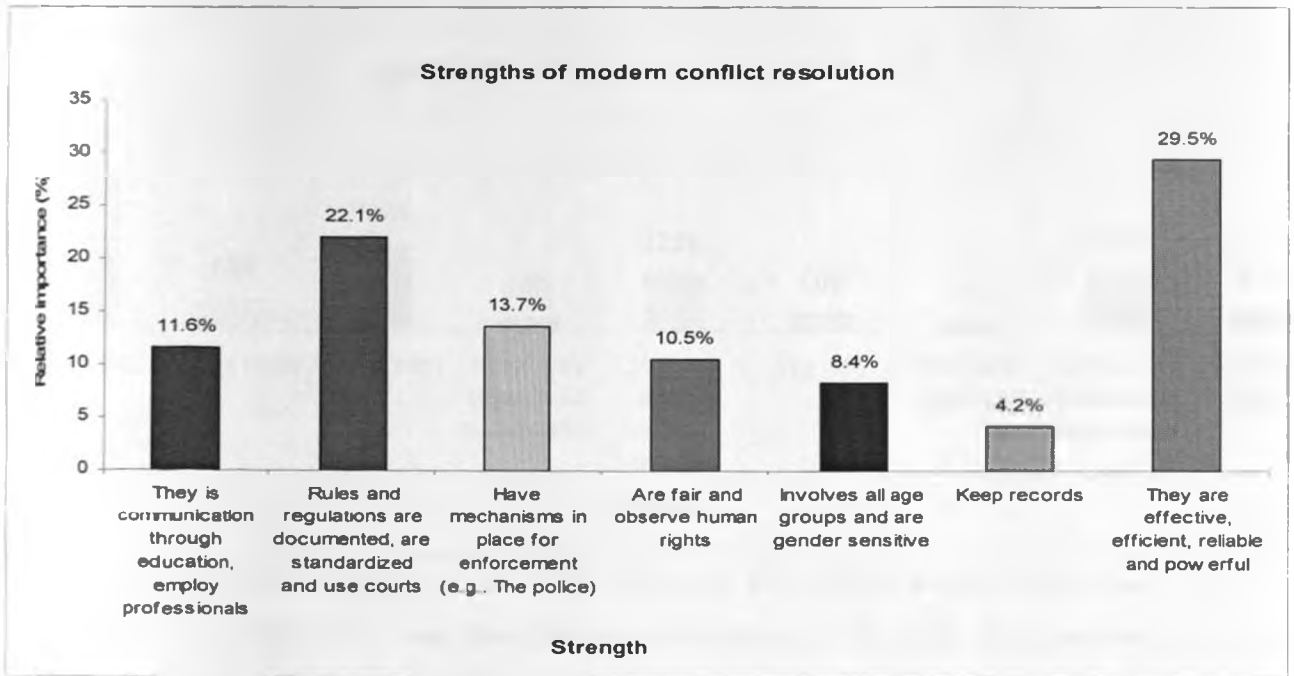
Majority of the respondents, 28.7%, said that traditional methods of conflict resolution are gender insensitive, 17.2% said they are open to abuse, often unfair and that they abuse human rights. 16.4% said that they are linked to favoritism and tribalism. 11.5% said that traditional methods of conflict resolution lack enforcement. 10.7% of respondents said that the method uses violence and 2.5% said they don't keep records.

18. What are the strengths of modern conflict resolution methods in your view?

Table 18.1: Strengths of modern conflict resolution methods

They is communication through education, employ professionals	11.6
Rules and regulations are documented, are standardized and use courts	22.1
Have mechanisms in place for enforcement (e.g. The police)	13.7
Are fair and observe human rights	10.5
Involves all age groups and are gender sensitive	8.4
Keep records	4.2
They are effective, efficient, reliable and powerful	29.5
	100.0

Figure 18.1



29.5% of the respondents said that modern conflict resolution methods are effective, efficient, reliable and powerful. 22.1% of the respondents said that rules and regulations are documented and standardized. 13.7% said that enforcement mechanisms are in place. 10.5% said they observe human rights. 8.4% said that they are gender sensitive.

19. What are the weaknesses of modern conflict resolution methods in your view?

Table 19.1: Weaknesses of modern conflict resolution methods

Corrupt/fair	35.6
Promotes impunity	6.9
Non-participatory	18.8
Not effective at the local level or for small conflicts	3.0
Tolerates Nepotism, tribalism, unfairness	12.9
Very costly	4.0
Not effective in failed states	2.0
Contrary to local traditional values, foreign oriented	12.9
Not trusted by people	4.0
	100.0

Figure 19.1



The majority of the respondents, at 35.6% said that the modern conflict resolution methods are corrupt. 18.8% said they are not participatory. 6.9% said they promote impunity. 4% said it is costly and another 4% said the method is not trusted by people.

20. What do you suggest to improve the efficacy/efficiency of traditional methods of resolving conflicts both within and without your community?

Table 20.1:

How to improve the efficiency of traditional methods of conflict resolution

Structuring, documentation, incorporation of modern methods	9.2
Stop tribalism, nepotism, favouritism	9.2
Improve communication skills, educate the community	57.5
Advocate for gender equality	12.6
Strengthen, empower them	6.9
Ensure human rights are honoured	4.6
	100.0

Figure 20.1



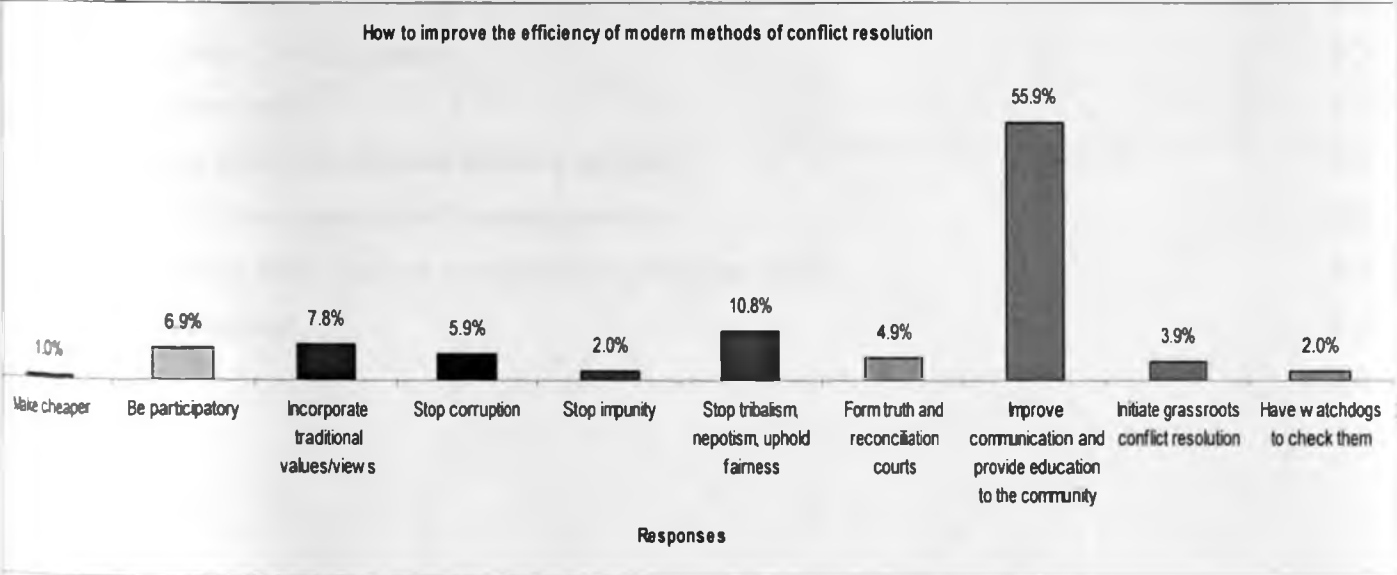
Majority of the respondents at 57.5%, said that improving communication skills and educating the community would improve the efficiency of traditional methods of resolving conflicts. 12.6% talked of the need of advocating for gender equality. 9.2% talked of stopping tribalism and favouritism. 9.2% talked of incorporating modern methods. 9.2% talked of structuring, documentation and incorporation of modern methods. 4.6% talked of ensuring human rights are honoured.

21. What do you suggest to improve the efficacy/efficiency of modern methods of resolving conflicts both within and without your community?

Table 21.1: How to improve the efficiency of modern methods of conflict resolution

Make cheaper	1.0
Be participatory	6.9
Incorporate traditional values/views	7.8
Stop corruption	5.9
Stop impunity	2.0
Stop tribalism, nepotism, uphold fairness	10.8
Form truth and reconciliation courts	4.9
Improve communication and provide education to the community	55.9
Initiate grassroots conflict resolution	3.9
Have watchdogs to check them	2.0
	100.0

Figure 21.1



Majority of the respondents, about 55.9% said that improving communication and providing education to the community would improve the efficiency of modern methods of conflict resolution. 10.8% of respondents said that stopping tribalism would improve efficiency. 7.8% talked of incorporating traditional values and 6.9% said there is need to make modern methods more participatory. 5.9% of respondents said corruption has to be stopped to improve efficiency of modern methods.

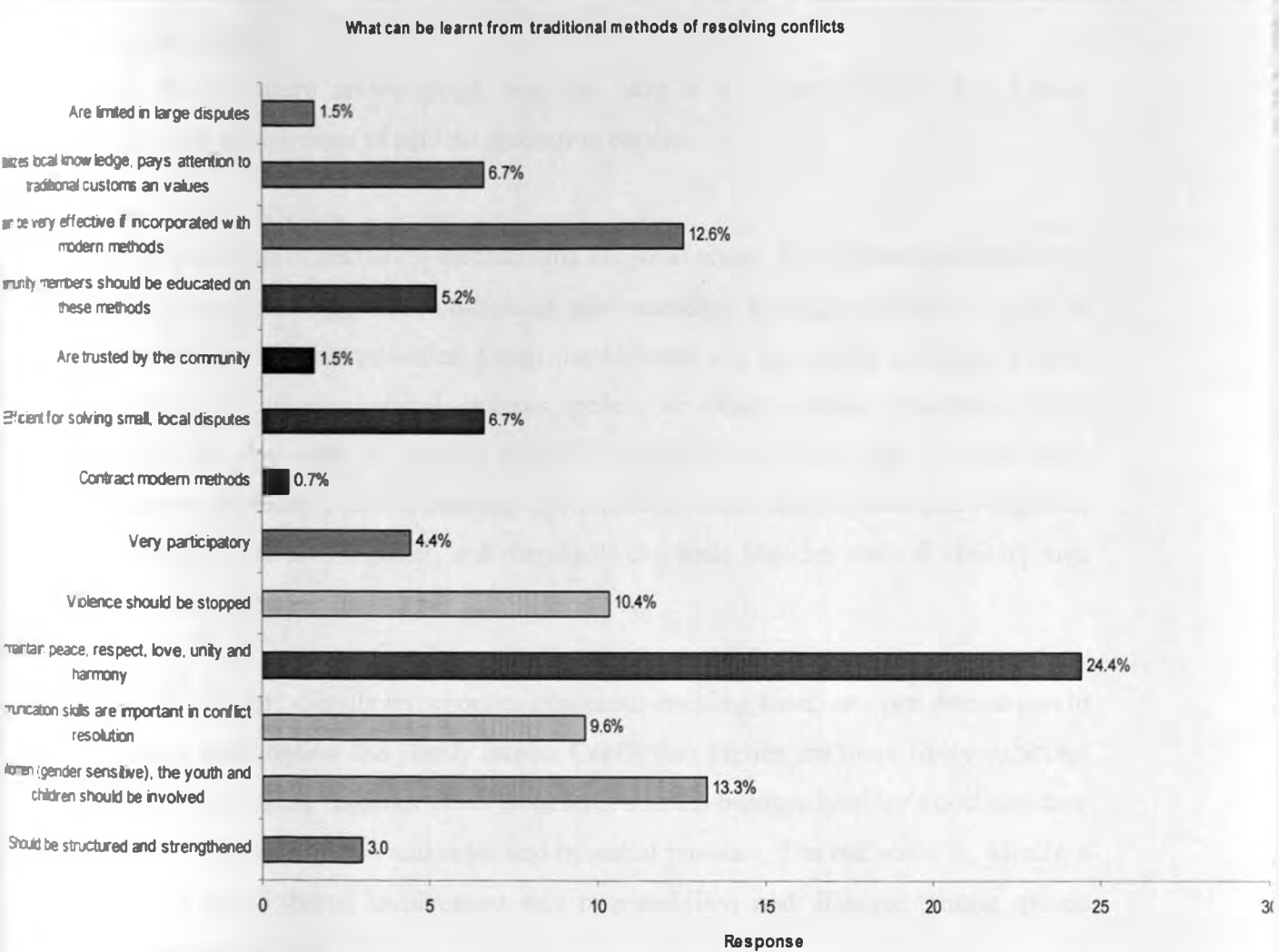
22. What more can we learn from the traditional methods of resolving conflicts?

Table 22.1: What can be learnt from traditional methods of resolving conflicts

ould be structures and strengthened	3.0
nen (gender sensitive), the youth and children should be involved	13.3
munication skills are important in conflict resolution	9.6
y maintain peace, respect, love, unity and harmony	24.4
ence should be stopped	10.4
y participatory	4.4
ract modern methods	0.7
ient for solving small, local disputes	6.7
trusted by the community	1.5
munity members should be educated on these methods	5.2
be very effective if incorporated with modern methods	12.6
zes local knowledge, pays attention to traditional customs an values	6.7
limited in large disputes	1.5
	100.0

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

Figure 22.1



24.4% of respondents said that traditional methods of conflict resolution maintain peace, respect, love, unity and harmony. 12.6% said that traditional methods of resolving conflicts can be very effective if incorporated with modern methods. 13.3% said that the traditional methods of conflict resolution should be gender sensitive. 10.4% of respondents said that violence should not be used in traditional conflict resolution. 9.6% said that Communication skills are important in conflict resolution. 6.7% of respondents said that they are efficient in solving small disputes. 5.2% of respondents said that Community members should be educated on traditional conflict resolution mechanisms.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Summary

From the literature review done, one can have a summary of what the African indigenous mechanisms of conflict resolution entails.

Indigenous conflict resolution mechanisms use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities. Local mechanisms aim to resolve conflicts without resorting to state-run judicial systems, police, or other external structures. Local negotiations can lead to ad hoc practical agreements which keep broader inter-communal relations positive, creating environments where nomads can graze together, townspeople can live together, and merchants can trade together even if military men remain unreconciled.

Local mediation typically incorporates consensus-building based on open discussions to exchange information and clarify issues. Conflicting parties are more likely to accept guidance from these mediators than from other sources because an elder's decision does not entail any loss of face and is backed by social pressure. The end result is, ideally, a sense of unity, shared involvement and responsibility, and dialogue among groups otherwise in conflict.

Indigenous mechanisms intervene to resolve community disputes before they escalate to large-scale violence or to prevent a resumption of violence after a period of calm. Generally one or both parties to a dispute request intervention by an elder, the elder council, or other community member. Occasionally, elders unite and take the initiative in forming a local council to represent the community's interests. Community members involved in the conflict participate in the dispute resolution process. These community members can include traditional authorities such as elders, women's organizations, local institutions and professional associations.

5.2 Strengths of indigenous mechanisms of conflict resolution

From the literature review done, one can summarize the following as strengths or advantages of implementation of indigenous African conflict resolution mechanisms.

Curses, taboos and superstitions have proved to be very effective methods of conflict resolution and management both within and without the community. This institutionalized fear and awe of traditional conflict management processes has deterred potential troublemakers in society and forced them to embrace peace. The effects of the supernatural powers are beyond individuals and could affect a whole clan if cleansing isn't done in time.

Indigenous conflict resolution mechanisms can address some of the proximate factors that help fuel conflict at the local level and can provide appropriate, sustainable and long-term solutions. While local peace processes are not likely to stop a large conflict, they can help prevent small disputes from escalating into larger conflicts.

It is also observed that unlike the formal court system, some communities trust customary institutions of conflict management and resolution since they understand and appreciate the mechanisms and framework under which it operates. Since the system is based on the customary law and order, definitely nothing but the truth will prevail. Customary courts rulings are objective, just and culturally acceptable unlike the police and formal court systems that are riddled with corruption and graft cases. Customary law in some communities has ensured that the social fabric and cultural heritage has been kept intact. The law has kept the society closely knit both in times of war and peace and is seen as a unifying factor and community's identity. Perhaps the customary law and norms in society under which traditional conflict resolution mechanisms are modeled have preserved the culture of these communities.

Indigenous African mechanisms provide for inclusion and participation. A solution can only be achieved by consensus. Every side has to perceive the resolution as a win-win outcome, compatible with its own interests. Praying, singing and dancing together

considerably contributed to the success of traditional conflict resolution mechanisms. Customary dispute settlement necessitates the participation and commitment of all members of the parties involved in conflict. Trying to include all stakeholders at all levels of society is a key factor that was never overlooked in traditional settings. Peace talks and negotiations were each attended by dozens, if not hundreds of the people affected in any way by a conflict.

Many communities perceive conflict resolution activities directed by outsiders as intrusive and unresponsive to indigenous concepts of justice, and prefer to resolve conflicts within the community. Conflict management mediators from the local community are generally more sensitive to local needs than outsiders and are immersed in the culture of the violence-afflicted community. Their activities are rooted in conflict's context, address some of its immediate causes, and can bring long-term solutions. They can draw people away from the conflict, breaking its momentum.

Indigenous conflict management and resolution mechanisms aim to resolve conflicts locally, preceding or replacing external dispute resolution and thereby reducing reliance on external structures. Traditional mediation helps the community keep control over the outcome of the dispute. Implementing this approach does not require sophisticated party structures or expensive campaigns; it provides a low-cost, empowering means of resolving conflicts within a relatively short timeframe.

In many societies, elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes. Local conflict mediators typically possess moral status, seniority, neutrality and respect of the community; they are acceptable to all parties and demonstrate leadership capacity. Resolutions are generally accepted and respected by all concerned parties.

Indigenous mechanisms fit in situations of state fragility and failure. In view of the absence of modern state-based institutions and mechanisms for the control of violence and the regulation of conflicts, people take recourse to pre-state customary ways.

Due to the fact that indigenous mechanisms are not state-managed or organized, they are credited with legitimacy by the communities in which they are sought. They can be pursued without recurrence to the task of state and nation building. Instead of trying to impose western models of the state and the nation on societies to whom these models are alien, one can draw upon existing indigenous mechanisms of conflict resolution which have proven their efficiency.

Traditional are characterized by their slowness and slowness breaks any resistance. This factor is deliberately built into conflict resolution and conflict transformation, so as to give conflict parties time to calm down, to assess the state of the process so far and to reformulate their position. The slowness was also meant to ensure that there was enough time for the representatives of the parties to adjust, to spend time with each other without the duress of a tight time schedule. This proved to be very important for overcoming the tense atmosphere which almost naturally prevails when people who have been at war for years commence negotiating.

5.3 Weaknesses of indigenous mechanisms of conflict resolution

From the literature review done, one can summarize the following as weaknesses or disadvantages of African indigenous conflict resolution mechanisms.

Customary methods of arbitration and conflict management among some communities have been bogged down by lack of a framework or approach to enforce its rulings. After the traditional court has made its ruling, it is socially and culturally assumed that the concerned will just abide by it. However lack of a community police to enforce the rulings have weathered down the role and efficacy of the customary methods of arbitration. The whole system is prone to bias and favouritism. Some individuals, especially deadly warriors are accorded undue attention in such informal court proceedings because it is presumed that the society needs their braveness and stamina in killing enemy soldiers. Some families who are thought to have superstitious powers are also feared and if they are involved in disputes with other members of the society, justice

might not be administered fairly. Nobody would for instance talk against a soothsayer because the consequences might not be pleasant.

In addition to curses, the traditional system of arbitration mostly relies on the fear of witchcraft, which is not objective. *Witchcraft* has been greatly challenged by modern thinking, as it is scientifically unverifiable. The advent of Christianity and Islam has also discredited witchcraft as ungodly thus nobody would like to be associated with or enjoined in it. The emergence and appreciation of modern civilization has greatly diminished the role and credibility of customary law. More and more people are turning to modern formal courts in solving their problems.

The educated elite's, Christians, Muslims and town dwellers regard customary law as archaic and barbaric and argue that it should be discarded. Such kind of thinking has greatly diminished the credibility and relevance of traditional conflict resolution mechanisms in the present day traditional communities.

Indigenous mediators often bring important social influence but may lack the power and the means to enforce the resolutions adopted. Advice is only accepted when both parties agree to it, and both parties must feel their concerns were properly addressed. Traditional structures' power to prevent the occurrence of violence is limited.

Indigenous conflict resolution mechanisms do not necessarily put an end to violence in the long term. In a traditional context, recourse to violence is a normal option. Every peace deal that has been achieved is under the provision that it might be revoked in the near or distant future. Sometimes fighting can be a means of constituting and re-establishing harmony. Violence often contradicted universal standards of human rights e.g. violence towards women through wife beating was seen as a means of instilling discipline in wayward women. Swapping of women between conflict parties or gift of girls as compensation or raping of women and girls as compensation after negotiations by male community leaders contradicts universal standards of human rights and democracy.

Some traditional conflict mitigation efforts may be weakened by age or gender bias—for example, in cases with no women elders, some women may believe that male elders are biased against women and that this will be reflected in their decisions. Indigenous, traditional authorities generally are not progressive elements of social change.

Local conflict management's potential effectiveness is diminished where traditional authority has eroded and armed authority has increased, since these trends run counter to traditional values and ways of social organization, including those of handling conflict. International agencies' efforts to build local capacity and enhance participation should question whether traditional authority structures are being undermined, what their role is in keeping the society intact and managing conflict, and whether it is important to make efforts to retain such structures.

Traditional methods of resolving conflicts are open to abuse. The relevance and applicability of traditional strategies have been greatly disenabled by the politicization, corruption and abuse of traditional structures, especially traditional rulership, which have steadily delegitimized conflict management built around them in the eyes of many and reduced confidence in their efficacy. The traditional rulers as agents of the state, and their manipulation to serve partisan ends, which dates back to colonial times, not to mention the corruption of modern traditional rulers, have considerably reduced the reverence and respect commanded by this institution and, therefore, the ability of traditional rulers to resolve conflicts.²²⁸

Indigenous mediation has a dynamic of its own and does not always respond positively to external prompting. Indigenous mechanisms require delicate and knowledgeable management, and external actors must bring an intimate understanding of local conditions.

²²⁸ Osaghae, Eghosa E. (1989). *The Passage from the Past to the Present in African Political Thought: The Relevance Question*, in J.A.A. Ayoade and A.A.B. Agbaje, eds., *African Traditional Political Thought and Institutions*. Lagos: CAAC

The role and efficacy of some traditional conflict resolution mechanism has been greatly eroded, marginalized and diminished by modern civilization and development thinking. The system is regarded as archaic, barbaric and an outdated mode of arbitration. The emergence of the modern court system has marginalized traditional conflict resolution mechanisms among some African communities. Despite the existence of an elaborate mechanism of conflict management among some of the communities, conflicts have taken toll. Criminals have largely gone unpunished .In some cases, they have refused to be enjoined in the proceedings and the ensuing rituals. The customary system of arbitration is also gender insensitive since women are culturally not allowed to contribute to the 'traditional' proceedings. Women, especially if their in-laws are present in such courts, are barred from talking. This practice has denied women their rights to assembly, speech and natural justice.

5.4 Constraints to the utilization of indigenous peace mechanisms

There are two general constraints which discourage the popular use of indigenous peace mechanisms and institutions. These are the general lack of awareness regarding their existence, and therefore, how they could be put into use and an ideological orientation which reinforces this general state of unawareness.²²⁹

In regarding conflict in Africa as an act of instinctive and irrational phenomenon - rather than being one aspect of "normal" human social behaviour, the tendency has been to look for resolution from outside whenever generalized conflict takes place. It is a perspective which takes off from the premise that while causes of conflict are indigenous to Africa (inter-ethnic rivalry for example), solutions must be imposed from outside. The assumption being that, such solutions are rational and therefore, more objective.

It is an approach which has failed to notice conflict resolution mechanisms inherent in African communities. The fact that while two sides might be in conflict, mechanisms

²²⁹ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

for solutions to such a conflict also inherently exist between them. Thus, the role of individuals, elders, women, age-groups and socio-cultural institutions and beliefs, are resources with indigenous grounding which can be utilized for conflict resolution. Women are extremely important in the process of peace conflict in the society. When fighting is occurring, they sing "songs of war," taunting their men to continue the conflict. Likewise, their singing "songs of peace" can shame the men into stopping the fighting.²³⁰

For the ideological orientation approach to be effective, one fundamental condition is to re-educate the African elites (leaders) who are the chief agents and instigators of conflict. The ideological consciousness of Africa's young, educated people - the elite - is very crucial. Often in Africa, instead of young people being at the forefront of the struggle for social justice, they are in the forefront of the struggle for privileges. The African leaders need to be empowered through a process of weaning them from constraints such as dependency on foreign powers, subordination of national interests to foreign ones, blind acceptance and reliance on Western epistemologies, philosophies and beliefs and also from being defined by others and reflecting such a stereotype.

Had Kajiwe been alive, there is a likelihood that the prevailing tension over land by the Mijikenda people, would have been expressed more in a "peaceful metaphysical" manner. It is a conflict whose solution a respected personality such as Kajiwe could have been used by the government to defuse. But since the westernized state of Kenya sees no useful role to be played by Kenyan indigenous waganga in conflict resolution, the waganga have been left with no other role but to offer reinforcement medicine for war.²³¹

Violence which natives used to resist European conquest and domination was easily labelled as being irrational, activist and a characteristic of a people who were at a lower level in the evolutionary ladder. It was this separation of violence from conflict

²³⁰ Dekha Ibrahim & Janice Jenner, "Wajir Community Based Conflict Management", a mimeo 1996:14

²³¹ Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

and the clever distinction of the type of violence and its source, which both legitimized and justified European colonial and neocolonial control over Africa.

It should also not be forgotten that, violence is the public admittance of the existence of conflict, and it being one possible solution towards solving it. But as for violence to be the ultimate solution to a given conflict, calls for the existence of great imbalances and inequalities between the conflicting parties.

In Africa, while social pyramids, social structures of inequalities and competition for resources existed prior to European colonial and neocolonial rule, the thrust of mainstream culture was to manage conflict to the point that violence did not become the main solution. Conflict was managed through different social institutions and scenarios. The unifying principle among them was the minimization of the use of violence in the public domain. While, whenever violence was resorted to, the intention was to have as few casualties as possible. To bolster this orientation, it became a taboo in most African cultures to kill children, and also kill and rape women in times of war or conflict.²³²

5.5 Conclusion

The dynamic nature of society makes conflict unavoidable. However, though we cannot avoid conflict, we can try to manage it by dealing with it in a way that shows due respect to human dignity and the concomitant rights.²³³

Given the disintegration of traditional societal structures in many regions of the world, the potential of traditional approaches for conflict resolution is limited. Traditional approaches only are applicable in specific circumstances and in confined niches, and even then, they alone most probably will not suffice when used on their own. Nevertheless, it would be a mistake to ignore the potential that such approaches have and not to make use of it wherever possible.

²³² <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 11/8/2009

²³³ <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 22/7/2009

A way forward to mutual positive accommodation of traditional approaches on the one hand and western state-based and civil society approaches on the other might be the sober way to go considering that society has undergone dynamic changes. Such an approach challenges today's fashionable mainstream discourse on fragile and failing states and its practical political fallout. The western perception of the weakness or fragility of traditional approaches as a problem and an obstacle to the maintenance of order is far too shortsighted.

For a successful conflict resolution, resources should be targeted at mobilizing home-grown solutions to home-felt conflict. A more focused appreciation on the existence of indigenous conflict resolution resources and mechanisms in African countries, could help in saving lives and reduce social strife. But this has to be given the necessary support in the form of resource allocation, training of personnel and the capacity to utilize as well as institutionalizing the search and use of the indigenous mechanisms of conflict resolution.²³⁴

5.6 Recommendations

The African indigenous mechanisms of resolving conflicts can still be used because our population is still relatively homogeneous. People are still living in rural areas and are still on their ancestral lands. But even if they are settled in other areas, the practice is a zonal settlement pattern whereby people sharing the same cultural background living contiguously. For example, in Kenya the Kambas in Mariakani and Shimba Hills in the Coast Province. Also, these homogenous cultural/ethnic zones can still be found to exist in urban areas. For example, the "Kisumu ndogos" found in almost all urban areas "settled" by Luos

The fact that the urban-rural divide is rarely recognized as people are still tied to their ancestral homes through ownership of property in the form of land, livestock and culture. Inter-ethnic marriages are on the increase. This phenomenon helps to

breakdown existing ignorance across our different cultures, but simultaneously, helps to discover the existence of common features among them.

The fact that, in most cases of conflict resolution, what is at stake is not an individual's wealth or property, but rather, honour and respect. Kenyan communities have coexisted for centuries together by bestowing a collective sense of honour and respect to one another as a way of maintaining peace.

This indigenous approach to peace and conflict resolution is already being put into practice. The work of Hizkias Assefa and his monograph on Peace and Reconciliation as a Paradigm. Also, another attempt is contained in a booklet which has been sponsored by Coordination in Development, Inc. (CODEL) of New York.²³⁵

The applicability of traditional strategies to modern conflicts is determined, among other factors, by the extent to which the nature of modern conflicts can be shown to be similar or comparable to conflicts in traditional societies. If indeed, modern conflicts are a direct consequence or a continuation of past formations and tendencies, then traditional strategies may be more relevant to managing modern conflicts than society has been willing to acknowledge. The challenge remains to construct an eclectic model of conflict resolution that draws from common values and perceptions of conflict and its resolution all over Africa and that incorporates various relevant and time-tested strategies. This is a necessity if African themselves have not only to play a more active role in the resolution of their own conflicts but also to contribute to the growing demand for more creative models of conflict resolution all over the world.

The following recommendations are therefore applicable given the findings of this research:

- Conflicts are inevitable but could be a healthy process if well managed. We need a proper understanding of their root causes in order to prescribe the best solutions.

²³⁵ <http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 11/8/2009

- Evaluate some of the traditions and approaches to peacemaking that worked in the past, and thinking through how they can be helpful today. The various customary mechanisms of conflict management and respective peace agreements should be linked and harmonized. This will not only provide a framework for recognition and legislation of laws and policies that recognize and promote customary mediation but will also aid in wider inter-community collaborations and enhance complimentary efforts in solving conflicts. Traditions that promote conflicts should be discarded and replaced with cultural overtones that embrace peace and unity in society.
- Communication is an important feature in the management of Africa's socio-political conflicts. It is important to explore those culturally relevant methods and marry them with the modern methods to enhance understanding, social cohesion and the notion of peace within our contemporary societies and also encourage promotion and facilitation of inter-community dialogues.
- Learn, analyze and document the best attributes of traditional conflict resolution methods and disseminate the same to a larger constituent of peace activists and the general public. Learning could take place through exchange visits and inter-community meetings.
- Nurturing a culture of respect will need the efforts of everybody: Government, the religious groups, on-governmental organizations, professional associations, the academics, the private sector and the international community to work in unison for the protection of rights through all available means at their disposal.
- It is necessary to change the current perspective i.e. not to think in terms of fragile states, but hybrid political orders in which pre-modern, modern and post-modern elements mix and overlap. Acceptance of both state and non-state or indigenous mechanisms and institutions is a promising way to make use of hybridity.

- Given the hybridity of many of today's large-scale violent conflicts, conflict resolution mechanisms need to be of a hybrid nature, combining and blending indigenous approaches.
- In order to dispel fears that customary law is an archaic, barbaric outfit and a competitor of modern formal courts, governments, international and local agencies should promote local dispute resolution mechanisms to ensure that local actors participate in conflict management by partnering with the local institutions.
- External players such as humanitarian organizations, UN officials, peacekeepers and official delegations can empower local mediation groups by acknowledging their relevance, meeting with them when visiting an area and securing their input into planning.
- The external players can also empower local mediation groups by building on traditional structures for peace and conflict resolution, and using those structures in dealing with ongoing conflicts; Sponsoring forums to develop comprehensive strategies for conflict resolution activities in the region and also helping them to evaluate some of the traditions and approaches to peacemaking that worked in the past, and thinking through how they can be helpful today.
- It is important to strengthen and support media for peace programmes and campaigns.
- There is need to challenge the thinking which assumes that all societies have to progress through "western" stages of state and society development and that weak incomplete states have to be developed into 'proper' western-style states.
- Develop a strategy for identifying conflict arbitrators and peacemakers within each community while validating and empowering existing conflict arbitrators, and creating opportunities for their interaction with other communities.

- Conduct workshops to focus on processes of empowering local groups in managing conflict.
- Train elders in basic modern judicial system, democratic governance and rule of law. Inter-community dialogue should be facilitated as much as permissible as a way of bringing warring communities together. Negotiations will increase communities' interactions as a first step towards discarding stereotypes and prejudices that have fuelled conflicts.
- There is need for corporation of customary law into the formal education system so as to inculcate the societal norms and laws into the minds of future generation. Cultural norms and practices that hinder or prohibit participation of women in conflict resolution activities and public discourses should be discarded. The various fines and punishment imposed by the customary courts should be synchronized so as to come up with a set of consistent and uniform punishments and compensation scheme.
- Women play a unique role in conflict resolution in some societies. External agencies can recognize the importance of this role and promote the inclusion of women in negotiations through measures such as; holding regional workshops to promote dialogue among women, sponsoring training to develop women's conflict resolution skills and facilitating the evolution of regional women's organizations as mechanisms for information-sharing and coordination and to maximize participation of women in reconciliation and development processes.

REFERENCES

- Allen, J. de V. Shungwaya, (1983) *the Mijikenda, and the Traditions In International Journal of African Historical Studies.*
- Arewa, E. O., Dundes, A. (1964). *Proverbs and the Ethnography of Speaking Foklore.* American Anthropologist.
- Afako, B. (2002), *Reconciliation and Justice: 'Mato Oput' and the Amnesty Act Accord: An International Review of Peace Initiatives.*
- Bergman, J.L.A (1988) *Symbol, Spirit, and Social Organization: A Comparative Study of Islam and Indigenous Religion among the Two Mijikenda People Seminar Paper No.182,* Institute of African Studies, University of Nairobi, Kenya.
- Boadi, L. A. (1988). *The Language of the Proverb in Akan. In R. K. Priebe (ed.) Ghanaian Literatures.* New York, NY: Greenwood Press.
- Burton, John W., and Frank Dukes, eds. (1990). *Conflict Series: Readings in Management and Resolution,* New York: St.Martin's Press.
- Colson, Elizabeth., (1974). *Tradition and Contract.* Aldine, Chicago.
- Colson, Elizabeth., (1995). *The Contentiousness of Disputes.* In: Caplan.
- Conflict Resolution in Uganda.* (1989). Report of a conference on Internal Conflicts, Edited by Kumar rupesinghe
- Deng, Francis M., and I. William Zartman, eds. (1991). *Conflict Resolution in Africa.* Washington: The Brookings Institution

Deng, Francis M. (1995). *War of visions: Conflict of Identities in the Sudan* Washington: The Brookings Institution

Gibbs, James L., (1967). *The Kpelle Moot*. In: Bohannan.

Gulliver, P., (1971). *Neighbours and Networks*. University of California Press, Berkeley.

Gurr, T.R., and Hurff, B. (1994). *Ethnic Conflict in World Politics*. Boulder, San Francisco, Oxford: Westview Press

Hoffman, Stanley. (1986). The Balance of Power. In Herbert Levine (Ed), *World Politics Debated*, 2nd Edition, New York: MacGraw Hill

Ikle, Fred. (1964). *How Nations Negotiate*. New York

International Alert (2003), *Resource Pack for Conflict Transformation*, London.

I. William Zartman (ed.), (1997) *Governance as Conflict Management: Politics and Violence in West Africa*, Washington, D.C., and Brookings Institution Press.

Jerel A. Rosati, David J. Carroll and Roger A. Coate, (1990) "A critical Assessment of the Power of Human Needs in World Society" in John Burton and Franck Dukes eds., *Conflict: Readings in Management and Resolution*, Virginia: Macmillan press.

Joseph K., (2008) *Conflict Resolution: The Role of Information and Knowledge Management*, Nairobi: KLA

Kamlongera, C. F and Mwanza, W.B (1993): *An Anthology of Malawian Literature for Junior Secondary*. Dzuka Publishing Company, Blantyre

Kurt Singer (1941). *The Idea of Conflict*. Melbourne: Melbourne University Press.

Lewis, I., (1961). *A Pastoral Democracy*. Oxford University Press, Oxford.

Mkangi, K. 1997; *Indigenous Social Mechanisms of Conflict Resolution in Kenya: A contextualized paradigm for Examining Conflict in Africa*, University of Nairobi.

Mkangi, K., (1993) *The African Debt Crisis: A Radical Human Perspective*, ACLCA, Nairobi.

Moore, S., (1986). *Social Facts and Fabrications*. Cambridge University Press, Cambridge.

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

Mugenda, O.M& Mugenda, A.G. (2003). *Research methods: Quantitative and Qualitative Approaches*. 2nd rev.ed. Nairobi: ACTS Press

Nader, Laura, (1990). *Harmony Ideology*. Stanford University Press, Stanford

Nader, L. and H. Todd (eds.), (1978). *The Disputing Process*. University of California Press, Berkeley.

Orchardson-Mazrui, E.C. (1989) *Spirit Possession among the Mijikenda In Kenya Past and Present*.

Orodho, A.J. (2003). *Essentials of Educational and Social Sciences Research Methods*. Nairobi: Masola Publishers.

Osaghae, Eghosa E. (1989). *The Passage from the Past to the Present in African Political Thought: The Relevance Question*, in J.A.A. Ayoade and A.A.B. Agbaje, eds., *African Traditional Political Thought and Institutions*. Lagos: CAAC

Pendzich, Christine, Garry Thomas and Tim Wohlgenant (1994). *The Role of Alternative Conflict Management in Community Forestry*. Food and Agriculture Organization, Rome.

Radcliffe-Brown, A.R. (1952). *Structure and Function in Primitive Society*. London: Cohen and West

UNESCO (1990), *Tradition and development in Africa today*, Paris.

Wiredu, Kwasi (1990). *An Akan Perspective on Human Rights* in A. AN'aim and F.Deng, eds., *Human Rights in Africa: Cross-Cultural Perspectives*. Washington: Brookings Institution.

Yin, R. K. (1993). *Applications of Case Study Research*. Newbury Park, CA: Sage

Yin, R.K. (1994). *Case Study Research: Design and Methods*. (2nd ed.) Thousand Oaks, CA: Sage.

Zartman, William. (1976). *The Fifty Percent solution*. New York.

Zezeza, Tiyaambe (1955) *Mijikenda*. New York: Rosen Pub. Group.

JOURNALS AND PERIODICALS

Caruso, J.S. Witchcraft Eradication as Political Process in Kilifi District, Kenya 1955-1988 (Mijikenda, Tsuma Washe Kajiwe) PhD Thesis Columbia University, 1992

Fry, Douglas P. & Fry C. Brooks (2003) Cultural variation in Conflict Resolution- Alternatives to violence (Dept of Political Science-Florida University)

Kamene Ochieng (2007): *The role of traditional conflict management mechanisms in conflict prevention and resolution in Africa*. M.A. Dissertation.

Murithi, Tim Ph.D (2006) *African Approaches to Building Peace and Social Solidarity*:
CCR Addis Ababa, Ethiopia

Patrick M.Maluki (2008) *Conflict Management and Peace Building*. Paper presented at
the Kenya Institute of Administration on June 27,2008

Nairobi Star, Friday,5 June,2009

Kenya Times, Friday, June 5, 2009

ARTICLES FROM THE INTERNET LINKS

<http://en.wikipedia.org/wiki/Communication>. Accessed on 9/6/2009

http://www.peacemakers.ca/publications/peacebuilding_definition.html. Accessed on
9/6/2009

[http://www.caii.com/CAIStaff/Dashboard_GIROAdminCAIStaff/Dashboard_CAIAdm
inDatabase/resources/ghai/toolbox4.htm](http://www.caii.com/CAIStaff/Dashboard_GIROAdminCAIStaff/Dashboard_CAIAdm
inDatabase/resources/ghai/toolbox4.htm). Accessed on 9/6/2009

Article titled *Interpersonal Conflict and Effective Communication*.

<http://www.drbalternatives.com/articles/cc2.html>. Accessed on 9/6/2009

http://encarta.msn.com/dictionary_1861599517/conflict.html. Accessed On 9/6/2009

<http://en.wikipedia.org/wiki/Conflict>. Accessed On 9/6/2009

<http://www.bing.com/search?srch=106&FORM=AS6&q=violent+conflict>. Accessed On 9/6/2009

<http://www.etu.org.za/toolbox/docs/building/conflict.html>. Accessed On 10/6/2009

<http://www.avenueconsulting.co.uk/human-solutions/conflict-1.html>.
Accessed On 10/6/2009

<http://www.workplaceissues.com/arconflict.htm>. Article Titled Conflict in the Workplace
by Mary Rau-Foster. Accessed On 10/6/2009

http://www.ppu.org.uk/learn/conflict/st_conflict1.html. Article titled: Underlying causes
of conflict. Accessed On 10/6/2009

http://www.beyondintractability.org/essay/conflict_stages/. Accessed On 11/6/2009

<http://www.etu.org.za/toolbox/docs/building/conflict.html>. Accessed On 12/6/2009

[http://www.international.gc.ca/peace-paix/conflict-
conflict.aspx?lang=en&menu_id=9&menu=R](http://www.international.gc.ca/peace-paix/conflict-conflict.aspx?lang=en&menu_id=9&menu=R). Accessed On 13/6/2009

http://www.unc.edu/courses/2005fall/nurs/090/001/class10/conflict_stages.html. Article
Titled Stages of conflict. Accessed On 14/6/2009

<http://www.bing.com/search?srch=106&FORM=AS6&q=impact+of+conflict%20in%20society>.
Accessed On 15/6/2009

<http://www.un.org/rights/introduc.htm>. Accessed On 16/6/2009

<http://www.fmreview.org/FMRpdfs/EducationSupplement/10.pdf>.
Accessed On 16/6/2009

<http://www.answers.com/topic/conflict-resolution>. Accessed on 16/6/2009

<http://en.wikipedia.org/wiki/Negotiation>. Accessed On 17/6/2009

<http://en.wikipedia.org/wiki/Mediation>. Accessed On 17/6/2009

<http://www.bing.com/search?srch=106&FORM=AS6&q=Inter-Community+Conferencing>. Accessed On 17/6/2009

<http://www.bing.com/search?srch=106&FORM=AS6&q=impact+of+conflict%20in%20society>. Accessed On 17/6/2009

http://en.wikipedia.org/wiki/Collective_bargaining. Accessed On 17/6/2009

<http://www.fao.org/DOCREP/005/AC696E/AC696E09.htm>. Accessed on 17/6/2009

http://www.caii.com/CAIStaff/Dashboard_GIROAdminCAIStaff/Dashboard_CAIAdmInDatabase/resources/ghai/toolbox4.htm. Accessed on 17/6/2009

http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 17/6/2009

http://www.beyondintractability.org/case_studies/acholi_traditional_approach.jsp?nid=6792. Accessed on 18/6/2009

<http://www.ugpulse.com/articles/daily/print.asp?ID=1025>. Accessed on 18/6/2009

Article titled: Akan Philosophy of the Person. *First published Wed Dec 27, 2006*

<http://plato.stanford.edu/entries/akan-person/>. Accessed on 18/6/2009

<http://louisville.edu/conference/africanphilosophy/about-kwasi-wiredu> Accessed on 18/6/2009

<http://courses.essex.ac.uk/hu/hu901/HU901%20Weeks%20Ten%20&%20Eleven.doc>.
Accessed on 19/6/2009

http://library.thinkquest.org/C0126261/concept_of_ubuntu.htm
Accessed on 19/6/2009 21/6/2009

http://en.wikipedia.org/wiki/Ubuntu_%28ideology%29. Accessed on 19/6/2009

http://peacefulschoolsinternational.org/index.php?option=com_smf&Itemid=58&topic=417.0. Accessed on 26/6/2009

http://www.isis.or.ug/bkp/conflict_2.php. Accessed on 19/6/2009

<http://www.fao.org/DOCREP/005/AC696E/AC696E09.htm>. Accessed on 20/6/2009

http://practicalaction.org/index_text.php?id=indigenous_democracy.
Accessed on 20/6/2009

http://www.beyondintractability.org/essay/joking_kinship/?nid=6754.
Accessed on 20/6/2009

<http://en.wikipedia.org/wiki/Ostracism>. Accessed on 20/6/2009

<http://www.thefreedictionary.com/ostracism>. Accessed on 20/6/2009

<http://payson.tulane.edu/conflict/Cs%20St/MKACON2.html>. Accessed on 20/6.2009

<http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

<http://www.fao.org/sd/CDdirect/CDan0029.htm>. Accessed on 21/6/2009

<http://www.angelfire.com/nv4/pharra/bibliography.html>. Accessed on 21/6/2009

<http://www.unesco.org/culture/ich/doc/src/00374-EN.pdf>. Accessed on 21/6/2009

<http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol11no3/jamr011003004.pdf>. Accessed on 21/6/2009

<http://www.drbalternatives.com/articles/cc2.html>. Accessed on 22/6/2009

<http://www.nai.uu.se/research/network/media/>. Accessed on 22/6/2009

[http://www.mediasupport.org/documents/papers and articles/the%20media.doc](http://www.mediasupport.org/documents/papers_and_articles/the%20media.doc).

Accessed on 22/6/2009

[http://mfoa.africanews.com/site/ROLE OF MEDIA AND ICT IN PROMOTING PACE/list_messages/21067](http://mfoa.africanews.com/site/ROLE_OF_MEDIA_AND ICT_IN_PROMOTING_PACE/list_messages/21067). Accessed on 22/6/2009

<http://www.bing.com/search?srch=106&FORM=AS6&q=Negative+use+of+Communication+in+fuelling+conflict>. Accessed on 22/6/2009

Annex 1: QUESTIONNAIRE

Introduction

My name is Sammy Yaah Baya and I am a post-graduate student at the school of Journalism, University of Nairobi, Kenya, undertaking a Masters Degree in Communication Studies. This questionnaire is in relation to my research topic ``Communication and Conflict: A Case Study of Indigenous mechanisms of conflict resolution among the Mijikenda.''The findings will be confidential and used for academic purposes only.

Thank you very much.

Personal Information

1. Under what category does your age fall? (Please tick one)

- (i) Under 18
- (ii) 18-24
- (iii) 25-29
- (iv) 30-34
- (v) 35-39
- (vi) 40-44
- (vii) 45-49
- (viii) 50+

2. What is your gender? (Please tick one)

- (i) Male
- (ii) Female

3. What is your clan affiliation?

.....

4. What is the highest level of education you have attained? (Please tick one)

- (i) No formal education
- (ii) Primary education
- (iii) Post-primary education
- (iv) Secondary education
- (v) Non-university, post secondary
- (vi) University and above

SECTION B: CONFLICT AMONG MIJIKENDA

5. Do you experience disagreements or disputes in your community? (Please tick one)

i) Yes

ii) No

6. If yes. What would you consider to be the cause of these conflicts or disputes?

.....
.....
.....
.....
.....
.....

7. In your own view does communication have any role in Conflict or disputes?

(Please tick one)

i) Yes

ii) No

8. Are there or were there any traditional ways of communication used in solving problems or disputes? (Please tick one)

i) Yes

ii) No

9.If yes, which ones? (Please tick one)

i) Use of Drums

ii) Songs

iii) Parables

iv) Proverbs

v) Riddles

vi) Smoke and Fire

vii) Other (Please specify).....

.....
.....
.....

10. Have you ever heard of Kajiwe the great *mganga*?

(Please tick one)

i) Yes

ii) No

11. If yes, what role did he play in resolving disputes?

.....
.....
.....
.....
.....

12. When conflicts occur between members of your community and other communities, what traditional methods/institutions were used or are still used to resolve the conflicts?

.....
.....
.....
.....
.....

13. What roles do the following groups of community members play in conflict resolution?

i). Women

.....
.....
.....
.....

ii). Elders

.....
.....
.....
.....

iii) Witchdoctors or Waganga

.....
.....
.....
.....

14. What symbols represent peace in your community?

.....
.....
.....
.....

15. Have traditional methods of resolving conflicts been successful in your view?

(Please tick one)

(i) Yes

(ii) No

16. What are the strengths of traditional methods of conflict resolution in your view?

.....
.....
.....
.....

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

17. What are the weaknesses of traditional methods of resolving conflicts in your view?

.....
.....
.....
.....

18. What are the strengths of modern conflict resolution methods in your view?

.....
.....
.....
.....

19. What are the weaknesses of modern conflict resolution methods in your view?

.....
.....
.....
.....

20. What do you suggest to improve the efficacy/efficiency of traditional methods of resolving conflicts both within and without your community?

.....
.....
.....
.....

21. What do you suggest to improve the efficacy/efficiency of modern methods of resolving conflicts both within and without your community?

.....
.....
.....
.....

22. What more can we learn from the traditional methods of resolving conflicts?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Annex 1: QUESTIONNAIRE

Introduction

My name is Sammy Yaah Baya and I am a post-graduate student at the school of Journalism, University of Nairobi, Kenya, undertaking a Masters Degree in Communication Studies. This questionnaire is in relation to my research topic "Communication and Conflict: A Case Study of Indigenous mechanisms of conflict resolution among the Mijikenda." The findings will be confidential and used for academic purposes only.

Thank you very much.

Personal Information

1. Under what category does your age fall? (Please tick one)

- (i) Under 18
- (ii) 18-24
- (iii) 25-29
- (iv) 30-34
- (v) 35-39
- (vi) 40-44
- (vii) 45-49
- (viii) 50+

2. What is your gender? (Please tick one)

- (i) Male
- (ii) Female

3. What is your clan affiliation?

.....

4. What is the highest level of education you have attained? (Please tick one)

- (i) No formal education
- (ii) Primary education
- (iii) Post-primary education
- (iv) Secondary education
- (v) Non-university, post secondary
- (vi) University and above

SECTION B: CONFLICT AMONG MIJIKENDA

5. Do you experience disagreements or disputes in your community? (Please tick one)

i) Yes

ii) No

6. If yes. What would you consider to be the cause of these conflicts or disputes?

.....
.....
.....
.....
.....
.....

7. In your own view does communication have any role in Conflict or disputes?

(Please tick one)

i) Yes

ii) No

8. Are there or were there any traditional ways of communication used in solving problems or disputes? (Please tick one)

i) Yes

ii) No

9. If yes, which ones? (Please tick one)

i) Use of Drums

ii) Songs

iii) Parables

iv) Proverbs

v) Riddles

vi) Smoke and Fire

vii) Other (Please specify).....
.....
.....
.....

10. Have you ever heard of Kajiwe the great *mganga*?

(Please tick one)

- i) Yes
- ii) No

11. If yes, what role did he play in resolving disputes?

.....

.....

.....

.....

.....

12. When conflicts occur between members of your community and other communities, what traditional methods/institutions were used or are still used to resolve the conflicts?

.....

.....

.....

.....

.....

13. What roles do the following groups of community members play in conflict resolution?

i). Women

.....

.....

.....

.....

ii). Elders

.....

.....

.....

.....

.....

iii) Witchdoctors or Waganga

.....
.....
.....
.....

14. What symbols represent peace in your community?

.....
.....
.....
.....

15. Have traditional methods of resolving conflicts been successful in your view?

(Please tick one)

(i) Yes

(ii) No

16. What are the strengths of traditional methods of conflict resolution in your view?

.....
.....
.....
.....

17. What are the weaknesses of traditional methods of resolving conflicts in your view?

.....
.....
.....
.....

18. What are the strengths of modern conflict resolution methods in your view?

.....
.....
.....
.....

19. What are the weaknesses of modern conflict resolution methods in your view?

.....
.....
.....
.....

20. What do you suggest to improve the efficacy/efficiency of traditional methods of resolving conflicts both within and without your community?

.....
.....
.....
.....

21. What do you suggest to improve the efficacy/efficiency of modern methods of resolving conflicts both within and without your community?

.....
.....
.....
.....

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

22. What more can we learn from the traditional methods of resolving conflicts?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....