UNIVERSITY OF NAIROBI

THE ROLE OF TRADITIONAL CONFLICT MANAGEMENT MECHANISMS IN CONFLICT PREVENTION AND RESOLUTION IN AFRICA.

BY

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DECLARATION

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DEDICATION

I dedicate this academic work to my wonderful family who were always there for me. They provided invaluable support as I embarked on this academic journey. In particular, I wish to single out my husband Charles who put up with all the extra hours that I got involved in academic work without complaining even once. My two wonderful children, Brian and Janson deserve a special mention for the encouragement that they provided, especially whenever I got overwhelmed trying to balance academic and career demands.

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Background

"As humanity strives to exist in the turbulent 21st Century, enhanced conflict resolution resources, skills and institutions are an absolute necessity. 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." .(D.P Fry, K.Bjorkqvist P. 13).

Therefore, there is the need to explore possibilities of resolving conflicts without violence. According to Tim Murithi, a senior researcher at the Centre for Conflict resolution in South Africa, "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". (T. Murithi, P. 1).

A variety of peace building mechanisms have been used to promote peace on the continent but with little success. This changing nature of conflict requires a more progressive approach to resolve the conflicts in Africa.It have become necessary to examine whether there are peace-building mechanisms that can be applied or used to compliment the existing efforts in order to promote peace on the continent. It is also necessary to examine how progressive cultural practices and values can play a significant role in the reconstruction of African society.

Even though international agencies, governments, and private organizations have entered the 'business' of conflict resolution in ever increasing numbers, it is clear that most interventions in African conflicts have done little to prevent the continent from taking the debilitating course it has traversed over the last decade. The failure of these attempts demonstrates the need for more creative approaches to conflict resolution. The renewed interest in traditional techniques for settling conflicts can be seen in this light.

Cultural practices that promote human dignity and the well- being of the individuals that form society are invaluable in the promotion of peaceful social solidarity. "An implication of conflict being a cultural phenomenon is that culturally, specific ways of perceiving and responding to conflict remain invisible, as unquestioned, social assumptions to members of any given culture. Definitions of conflict are perceived as divergence of interest and of aggression as the infliction of harm." (D.P.Fry , K. Bjorkqvist, P. 9)

In one of his presentations, Tim Murithi (Phd), goes on to point out that " It is therefore evident that there are numerous challenges to the promotion and maintenance of peace, in Africa". One of the key tasks to be undertaken in peace building is the need to have "members of society recognizing each other as fellow human beings, and to recognize and beginning to share a concern in the common welfare and well being of each other. Trying to achieve social solidarity makes sense because only by ensuring the security, safety and well-being of other people, can we hope to secure our own security, safety and well-being". T. Murithi, P. 3). It is only through this that the African people can begin to achieve development and peace.

However in the process, there is need to understand that Africa is a multiplicity of ethnic, cultural and linguistic groups and so one cannot quite assume and generalize the extent to which cultural approaches to conflict resolution, will achieve the ultimate goal.

In addition, there are a lot of patriarchal leanings in the African social hierarchy. Most indigenous approaches did not include women in the primary structures of decision-making. This indicates the need to combine the present day ideas of gender equality with progressive indigenous norms and modern principles in order to create a hybrid system that will ensure dignity and inclusion of all members of society irrespective of gender.

Most conflicts in Africa escalate out of control because of the poor and inadequate manner in which they are handled from the start. Nipping a problem in the bud can and does help in saving many lives and unnecessary suffering. Most conflicts in Africa persist and end up becoming explosive while the entire world watches and only steps in after the situation gets out of hand. This is contrary to how conflicts in other areas of the world are handled. In Bosnia for example, the UN quickly mobilized the necessary resources before things got out of hand. This indicates that Africa is neglected by the rest of the world.

Unlike other conflict resolution mechanisms," the heterogeneous nature of African society cannot permit the adoption of a generic western conflict resolution method". (WANEP P. 1).

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.

In the traditional African society, it was always safer and better for conflicting parties to resolve their differences immediately, without letting issues get out of hand. The resolution methods used invariably involved a lot of dialogue. This would ensure that the problems remained within the confines of the inner clan or inner family. Inordinate delays in resolution would mean that the intervention of external forces would be required. It was observed that external forces usually misconstrued the reasons of the conflict and sometimes would either politicize or aggravate it to higher proportions, thus increasing the suffering of the aggrieved parties.

The achievement of lasting peace in African 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 .Initially, this should prove to be a challenge, given that globalization has had tremendous effects on the entire continent and that some states might not be receptive to this idea. " In order to re-establish social solidarity in war affected communities, a key step would be to find a way for members of the African communities, to re-inform themselves of our cultural logic which r emphasizes sharing and equitable resource distribution. This in effect means that we have to revive progressive cultural attitudes and values that can foster a climate within which peace can flourish" (T. Murithi, P. 4).

However as we opt for this plan, we need to be aware that to "enable culture to begin to play a significant role in the reconstruction of Africa, it will be necessary to establish education and training programs for officials and civil society actors, based on African cultural values, keeping in mind that not all traditions are empowering particularly on issues on gender equality." (T. Murithi, P. 11).

Statement of the Problem

In August 2006, retired Kenyan President Daniel Toroitich arap Moi stated the following -"Today as I look back, I am full of satisfaction at what we were able to achieve in the three years it took to hammer out a comprehensive peace deal. I have always stressed on the need for the African continent to nurture peace and for everyone to live in harmony. Right next to us were our brothers and sisters, dislocated by the brutality of war, disillusioned at the prospect of peace and dispirited by the failure of those who attempted to negotiate a peace deal. We could not pride ourselves as a country, on having peace while our next-door neighbors were languishing in bloodshed. It is thus a matter of great pride for me, for Sudan and for Africa in general, that it took an African to do what foreigners could not, and hereby reiterate the fact that solutions to Africa's problems will come from Africans themselves, from the rich recess of the continent and not from outside its borders". (The Mediator – Waithaka Waihenya)

One of the distinguishing features of Africa's political landscape, are its many dysfunctional and protracted social and political conflicts. This problem is made worse by lack of effective mechanisms to manage these conflicts. Where they exist, they are weak and thus social and political relationships in the continent have been disrupted. This has negative consequences, including the interruption of development. It has also resulted in the diversion of already scarce resources to the management of these conflicts.

F. Imhoff in his presentation; Creating space for Traditional Peace Building Mechanisms, says that Africa today is a "continent facing many setbacks such as disease, an influx of refugees and poverty. There are thousands of

internally displaced people, overcrowded prisons and rampant insecurity" (F. Imhoff . P. 5). A large percentage of these problems that bedevil Africa as a continent, are as a result of persistent conflicts that face Africa.

At the same time, the persistence of violent conflict in Africa indicates that modern international methods are also defective in facing the challenge. Despite the increased attention and improved knowledge about conflict management in the post-Cold War era (Cracker, Hampson, and Aall 1996; Zartman and Rasmussen 1997), African conflicts elude international as well as domestic efforts to bring them under control. The methods are often faulted for their foreignness and non-African nature and for ignoring the wisdom of traditional African conflict management practices. Even when examined in their own terms and according to modern concepts of conflict management, Western mechanisms have more from shortcomings than successes in Africa. (Hampson 1996; Zartman 1997).

The conclusions to be drawn on this might not be very exact and clear, since failure of a conflict resolution mechanism is not easily determined. One key issue to note is that conflicts today may be different in nature i.e. more modern in nature than traditional and therefore impervious to traditional methods. At the same time, it can be African in setting and thus resistant to international methods. Both traditional and international practices may be sound but poorly applied. Probably most telling but most difficult to deal with, methods, especially the traditional methods, may be operating effectively in keeping large numbers of conflicts under control but therefore also out of reach of the analyst, leaving only the exceptionally difficult cases to escalate their way onto the headlines. However the most notable issue now is that more work is required on the

nature of both conflict and conflict management methods in Africa so as to improve the fit between the two.

Another factor is 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 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" (WANEP P. 4).

With this in mind, it is apparent that Africa as a continent is challenged by the persistent conflicts which have had adverse effects on the various economies. They have strained the resources available for the African people and have turned many into refugees in their own continent. It is evident that for any peace initiatives in Africa to be effective, they should be homegrown or indigenous, in order to achieve the objectives.

With the above scenario in mind, this research will attempt to answer the following questions:

1. What could make most peace agreements in African states hold?
2. Can generic (indigenous/traditional/homegrown) solutions actually work where these other solutions have failed?
3. Can indigenous mechanisms succeed even if the nature of the conflict is not indigenous?

Objectives

1. To identify the various African traditional methods of conflict resolution that was in use by traditional African society.

2. To examine the role that indigenous approaches play in promoting peace by preventing existing conflicts from escalating as well as limiting their spread .

3. To establish whether indigenous resolutions can work in conflicts in Africa, that may appear to be, but are actually not indigenous in nature.

4. To highlight the role that culture plays in enabling people to amicably resolve their disputes and in strengthening the ties that bind them together.

<u>Hypotheses.</u>

1. Conflict resolution measures implemented in African are unlikely to achieve lasting peace, as long as 'Western' made mechanisms are adopted at the expense of indigenous/traditional mechanisms.

2. The Ubuntu concept of social responsibility is an ideal mechanism in the struggle to achieve lasting peace amid the persistent conflicts in Africa.

3. Conflicts in Africa are of similar nature such that whichever conflict resolution mechanism works in one state can work in any other state.

Justification.

At present, the conflict resolution methodologies that are applied in Africa are largely Western oriented. Traditional African conflict resolution tactics and methodologies are largely ignored.

1.0 Policy justification

There appears to be a deliberate disregard of the indigenous conflict resolution mechanisms when it comes to sorting out conflicts in African. This research paper attempts to highlight and discuss the invaluable contribution that indigenous mechanisms of conflict resolution, would have on the African conflicts. It also aims at exploring and highlighting the viability of reviving the use of traditional African solutions to solve African problems. Even though international agencies, governments, and private organizations have entered the 'business' of conflict resolution in ever increasing numbers, it is clear that most interventions in African conflicts have done little to prevent the continent from taking the debilitating course it has traversed over the last decade. The failure of these attempts demonstrates the need for more creative approaches to conflict resolution. The renewed interest in traditional techniques for settling conflicts can be seen in this light.

The implementation of 'African' approaches is important, since it allows Africans to be both the authors and the owners of the resolutions, which are still all too often imposed from the outside without local input or taking account of the unique characteristics of a particular situation.

Another justification for this research is the need to acknowledge the role that culture plays in enabling people to resolve their disputes and to strengthen the ties that bind them together whether as a nation or any

other type of community. The notions that make up a community's culture determine how people interact with each other and end up providing the foundation of the social norms that society lives by.

Internalization and sharing of cultural attitudes and values can actually help a society to reconstruct itself and establish social solidarity in war - affected communities. This in turn, can help in reviving positive and progressive cultural attitudes and values that enable a suitable climate for the flourishing of peace.

To a casual Western observer, the indigenous approaches to conflict resolution, appear informal, nonbonding and extralegal. This is one factor that has led to the setting aside of these mechanisms in favor of the Western approaches. However, the importance of these local solutions cannot be underestimated, as they are often the principal means by which disputes are solved and the moral fiber of a society enforced and maintained.

Another key factor to addressing the perennial challenges that African countries face (as far as governance and peace is concerned), is the need to understand the African worldview including the cultural values and institutional practices of the people. This ideally might bring forth the evolution of a framework that identifies universal or common elements of the African society that can be used in conflict resolution maneuvers.

This research paper will also attempt to influence policy makers, to consider the incorporation of indigenous conflict resolution measures, in any future peace initiatives. It is expected that the highlighting of the invaluable contribution that these measures can make in an African context, will serve to influence such a move.

2.0 Academic justification.

During the course of this research, it became apparent that the existing literature on the role of traditional (indigenous) conflict resolution mechanisms in the African context is limited. It is therefore expected that this research paper will add to the existing collection of written material on this issue.

Theoretical Framework.

Problem Solving Theory

The theoretical perspective used in this research is the problem solving theory, which is an instrument of conflict resolution.

In 1974, John Burton advanced this theory that discusses and gives insights on how to re solve conflicts between disputing parties e.g. inter state or intrastate conflicts. According to John Burton, with time, all societies experience conflicts. Theses conflicts often are between institutional structures and values on one hand, and human needs on the other. Each and every society at one time or other, experiences this sort of a dilemma, as there is no perfect Government that can satisfy all in society at the same time. This scenario is replicated to different states... It is therefore evident that conflicts are endemic in society, the only difference being the nature and the setting of the conflict.

The Problem solving theory mainly emphasizes on controlled communication as a means of achieving a lasting solution to conflict. The gist of the 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.

This research involves analysis of some indigenous African solutions to conflicts.

From the content analysis done so far, it is evident that the traditional conflict resolution methods, in Africa, 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. This made the resolutions binding to the disputing parties. Consultants i.e. specialists in conflict resolution such as elders, were engaged to pursue such tasks and see then to a conclusive end. The cultural practices of the African communities greatly enhanced social solidarity and were instrumental in the amicable resolutions that were arrived at.

Scope and Limitations

Scope.

The research was conducted by content analysis of existing literature on the subject. This includes journals, books, papers presented at various forums and material sourced from various sites in the Internet.

Limitations.

1. One of the limitations is the fairly limited amount of literature on the subject.
2. The inability to travel to various countries within the African continent, in order to conduct personal interviews with people on the roles played by various indigenous conflict resolution mechanisms.
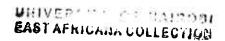
CHAPTER 2

LITERATURE REVIEW.

LITERATURE REVIEW ON CONFLICT RESOLUTION IN AFRICA

- The state of the African continent.
- General overview of conflict resolution in the African Society.
  - ➤ Role of culture in conflict resolution in African Society.
  - ➤ Types of traditional (indigenous) conflict resolution methods.
  - ➤ Enforcement methodology.
- Review of selected African communities and their respective traditional conflict management mechanisms.

The state of the African continent

According to Eghosa E. Osaghae, "The fate of Africa and Africans was arguably never before more gloomy and desperate than it has been since the late 1970s". Many states have all but collapsed, battered in the main by fratricidal wars, intractable political conflicts, and economic insolvency. The people have become more pauperized and hopeless, helpless victims of violent wars, repressive and corrupt governments, and economic adjustments that have had devastating and conflict-worsening consequences. At the core of this pathetic state,' which is threatening to further degenerate in many cases, are the violent conflicts that have torn many countries apart. It is the futility of efforts to resolve the conflicts in these countries that has partly provoked the search for more creative and contextual approaches to conflict resolution in Africa.

Some of today's large-scale violent conflicts in Africa cannot be perceived as conventional 'wars' any longer. They are neither clashes between states, nor conventional civil wars between a state government and an internal armed political opposition aimed at the overthrow of that government, regime change or secession. The main characteristic of these wars is that there is an entanglement of a host of actors, issues and motives.

The African background is one of social harmony. However, it faces limitations of traditional and political order. Traditionally sources of conflict were mainly slander, contract breaches, witchcraft, sorcery claims/accusations, marital issues, injuries, property damage, disparaging statements against public figures, inheritance, land boundaries, access/control over land and border issues with neighbors.

In his book "Conflict Resolution Wisdom from Africa", Professor Jannie Malan who is the head of research at ACCORD (a South African based organization that carries out research on the wealth of traditional conflict management practices), reminds us that "...the shape of our continent (like a question mark) can serve as a continual reminder to all of us to keep asking penetrating questions in our search for conflict resolution wisdom."

As Africans, we have held a firm belief, for a long time, that our continent has a rich heritage and history, supplemented by a colorful oral tradition that is pregnant with knowledge and expertise. We do not therefore have to look far for the answers to our challenges. Professor Jannie Malan states that " Our problem today is that the intrusion of modernity and its attendant features, especially the gravitation of communities to urban life, has robbed the African oral tradition of its utility as a tool for transferring

centuries of useful life experiences and communal approaches to problem solving".

It is in this context that traditional actors and institutions, their motives and concerns as well as their ways of resolving conflicts add an important dimension to the African conflicts. Traditional social entities such as extended families, lineages, clans, 'tribes', religious brotherhoods and ethno linguistic groups become parties to the conflict as a means of resolving the conflicts. The current situation in Africa is that the type of conflicts being experienced, combine modern and pre-modern or traditional causes, motives and forms of conflict. It is not only that under the umbrella of current internal wars that traditional conflicts between different clans or 'tribes' or other traditional societal groups are being fought out violently, but those wars themselves become permeated by traditional causes and forms of violence.

In other words: many contemporary large-scale violent conflicts are hybrid socio-political exchanges in which modern state-centric as well as pre-modern traditional and post-modern factors mix and overlap. The state has lost its central position in violent conflicts of this kind, both as an actor and as the framework of reference. The hybrid nature of many contemporary violent conflicts in Africa has to be taken into account when it comes to conflict prevention, conflict transformation and post-conflict peace building. More attention must be given to non-state traditional actors and methods and their combination with modern forms of conflict transformation, be they state-based or civil-society based.

In the same way the analysis of violent conflict has to overcome a state-centric perspective, and have the approach of control of violence and the nonviolent conduct of conflict.

Up to now, traditional approaches to conflict transformation have not been adequately addressed by scholarly research and political practice.

For the most part they are widely ignored, although empirical evidence from relatively successful cases of conflict transformation demonstrates their practical relevance.

General overview of conflict resolution in African society.

Processes of conflict resolution in Africa are characterized by three dimensions which are mainly the nature of the conflict, conflict resolutions and thirdly the outcome of such mechanisms. In understanding the nature of conflicts, there is the need to identify the types of these conflicts. Even though international agencies, governments, and private organizations have entered the 'business' of conflict resolution in ever increasing numbers, it is clear that most interventions in African conflicts have done little to prevent the continent from taking the debilitating course it has traversed over the last decade. The failure of these attempts demonstrates the need for more creative approaches to conflict resolution. The renewed interest in traditional techniques for settling conflicts can be seen in this light.

In any African community, there may be a wide variety of culturally legitimized paths of behavior dedicated to the resolution of conflict, the settlement of disputes and the allocation of responsibility for trespass against personal rights, communal interests and public morality. To the casual western observer, many of these paths may seem to be 'informal' 'extralegal', 'nonbinding' and somewhat preliminary or ancillary to formal legal and penal institutions.

As a result, students of conflict resolution and comparative law may end up neglecting or underestimating the importance of such local institutions for the mediation, arbitration and adjudication of conflicts and disputes. This often causes them to make biased, inaccurate or incomplete decisions about the importance of such local institutions in arbitration, mediation and adjudication of conflicts and disputes. It is important to note that even though such paths lack the formality of written legal codes administered by specialists and enforced by means of coercive powers to exact restitution or retribution, they are often the principal means by which disputes are settled, conflicts resolved and the moral fabric of the community maintained and enforced.

Societies where informal or customary law prevail, also have more recognizable conventional legal and penal institutions to which members of society can seek alternative or simultaneous recourse. The important aspect in conflict resolution is the dynamics in a society such that there is utilization and interrelationship between the legal systems and the other means by which individuals choose to manipulate and solve their differences.

It is also worth noting that in most societies that consist of small scale morally cohesive communities, there is often an incomplete understanding and a fundamental mistrust of formal state- run legal institutions, which are often perceived as exogenous, intrusive, uncontrollable and ill- suited for representing indigenous concepts of justice.

For this reason, one finds that there is often a distinct, almost exclusive preference for resolving conflicts in Africa, to confine oneself within the community and in the process, utilizing endogenously defined concepts and procedures.

Role of culture in traditional conflict resolution.

An attempt to analyze and the African normative world view, indicates that there are certain common values that different communities hold dear .These concepts all bring out the issue of social responsibility amongst the African people. They emphasize how the concept of social responsibility worked while resolving any conflicts that arise. Conflicts in African communities were far apart and few in number by virtue of the fact that the various concepts practiced in African society demanded social unity.

in the book 'Perspectives on the OAU/AU and Conflict management in Africa, ', the authors attempt to create understanding about the African normative worldview, including the values and institutional practices of the African people. In the book, concepts derived during a sample study of various communities (countries) in Africa, have been reviewed and it emerges that each community had a unique way of conflict resolution. The common factor about these indigenous methods is that they promote joint ownership and stake holding in any conflict. They also recognize each and every cultural community and its practices. These factors especially cultural practices played an important in the resolution of conflicts. As the authors of the book state, "An important factor in addressing African governing challenges is to understand the African worldview, including the values and institutional practice of the peoples in the countries concerned".(A. Bujra & H. Solomon - P. 39)

The Akan (Ghanaian) concept of personhood indicates that human needs are ingrained within the reciprocal interdependence of society. The Akan people "see personhood as a self within a self", which is said to expand into lineage, nation, country, society etc. It stimulates the kinship

structure that was evident in all African communities. The Akan concept actually clearly indicates how rights and responsibilities can be administered within a constitutional framework. Humanity is seen as a social condition that has rights and responsibilities which contribute towards a common good. (Wirendu P. 311.)

On the other hand, the Dinka of Sudan live by the 'Cieng concept' which literally means 'to live together', to 'look after' or to 'inhabit'. Like other African concepts of human relations, "the Cieng concept has the sanctity of moral force, buttressed by the law of God and handed over to ancestors who have the moral responsibility to enforce it". (Francis,Deng, P. 54)

At the core of this concepts are the values of dignity, honour, respect, loyalty , cultural practices and piety. It shows the interconnectedness between the individual and society. This emphasizes and links everything to service of human needs and values as well as promoting things that are good for human relations. The 'Cieng' concept encourages active involvement by the individual, in assisting and working with other members of society. It suggests that individuals co-exist with others in a setting that is regulated by social laws and customs which give everybody a sense of belonging, dignity, honour and pride. This concept links everything to the service of human values and needs, to all other aspects of social life in the community.

One other African cultural concept that is based on social responsibility is the Ubuntu concept of social responsibility which is found among the Bantu speaking people of Southern Africa. It is based on typical African values of the human being from an African point of view. Ubuntu is a traditional philosophy of governance .This concept takes the view that a

person is a person through other persons. It emphasizes the human moral nature which is acquired progressively by building relationships with others. This process one learns to accept social obligations. The Ubuntu concept implies and indeed emphasizes on the fact that for adequate character formation to take place, an individual has to be morally and rationally enhanced by collective life and common pursuits, with others in society. The consciousness of social responsibility which is present in all African cultures means that nobody in any African community is to be rejected or condemned as worthless, and so in this way, social solidarity manifests itself.

The Ubuntu concept is manifest in humankinds social settings as " the closely knit social web which brings about solidarity between persons , such that the ultimate regard for the other is to stand up "ukusukuma'''" for the needy, destitute and bereaved spontaneously and voluntarily" (A. Bujra & H. Solomon. P. 45).

The above mentioned concepts briefly discussed, clearly indicated that Africa has a wealth of experience from which to draw in addressing the challenge of resolving conflicts by managing diversity of opinions and values in society. The concepts lend credence to the idea that incorporating the African world view into the modern context, will greatly help in conflict resolutions in Africa.

In the 'Mediator' , the author discusses experiences of the Retired General Sumbeiywo, during mediation of peace in the Southern Sudan. According to the author, "the image of African as a continent languishing in endless conflicts is one that is etched in the minds of many people. Africa has invited the intervention of the international community, yet

many agree that Africa's antidote to her maladies rests with the Africans themselves." (Waithaka Waihenya, Back cover page.)

The General acknowledges that what the African person has holds dear is an amicable resolution to any conflict. This process involves listening to everyone involved in the conflict as even the so called "dull" people have a story to tell. This book clearly demonstrates that Africa is indeed capable of getting a "home made" or indigenous remedy for the malaise that ails it.

The signing of the Comprehensive peace Agreement in 2005 was the culmination of diligent efforts by the retired General and others, which effectively ended the conflict that had scarred the face of Southern Sudan for over two decades.

The General acknowledges the use of skills drawn from what he had learnt from his father who was a chief and mediator, as well as what he observed and learnt from watching elders arbitrate in disputes. "In the olden days, mediation was in the blood of elders who would sit under a tree each time there was a dispute, listen to all sides of the conflict, ask the necessary questions and rarely fail in getting a solution".(Waithaka Waihenya, P.102)

According to General Sumbeiywo, "The old men had extra ordinary capacity and wisdom. They remembered every point made, did their deductions and passed an agreeable judgment. The issues at hand ranged from land disputes, or clan quarrels to the very delicate cases of pregnancies and other marital problems" (Waithaka Waihenya P. 39-40)

What clearly emerges from this book is that certain factors really influence the peace process in Africa. The foremost factor is the ability to sit down together and reason, as well as the ability to listen to each other. The use of home grown solutions results in successful outcomes is remarkable.

Enforcement of conflict resolution measures.

The choice of a suitable mechanism for resolution of any conflict depended on the motivation by the public officials or lineage officers to achieve or enhance peace. It also depended on the need by the same enforcers to achieve trustworthiness, the threat of ostracism and the fundamental importance of traditional religion and community rituals. Before both disputing sides agree on what has happened, no resolution could be arrive at. The norm was that both disputing parties needed to achieve a mutual understanding and acceptance of the disputing process. After this, it was then possible to suggest courses of action to repair the damage or adequately address and resolve the cause of the dispute at hand.

Types of conflict resolution methods in African Society.

The main management practices/conflict resolution measures that were implemented ranged from general socialization process to adjudication procedures and through to invocation of transcendental powers.
In cases of conflict between ethnic groups, there was use of traditional symbols such as waving of leaves from special trees indicating that one or both sides had an intention of making peace.
Other measures included fission, intrinsic sanctions, ostracism and warfare. Issues that could facilitate, detain or totally prevent conflict resolution included the willingness to resolve by the disputing parties, the geographical proximity or the basis of the conflict the types of conflict

resolution measures can be classified into two namely fear appeals and inspiring appeals.

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 the following:

Ostracism.
This is a measure that involved declaring an individual or group (clan) a social pariah or outcast in society. If the dispute was between clans or communities, the offending party / 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 being banished. It was the equivalent of life imprisonment in solitary confinement.

Warfare
War was not a popular solution to conflict. This involves actual physical fighting amongst the disputing parties or individuals. In some communities, the fighting would go on until the people despaired of losing people through death... Alternatively people would grow weary of spending a lot of time engaging in war. However, there was always the risk of the fighting continuing indefinitely.

Invocation of supernatural powers

This 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 though of punishment from the spiritual realm, was enough to ensure compliance with communal law.

Oath Making

Another technique in the process of conflict resolution was oath making. 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.

Financial penalties

In traditional society it was not rare to hear of financial sanctions imposed on a person or family or group if they got on the wrong side of the communal laws. This kind of penalty involved payment of animals as well as grains or at times in the form of labour to the aggrieved persons as well as the adjudicators in the dispute.

INSPIRING APPEALS

Under this category were several measures that included the following;

Intrinsic measures

Intrinsic sanctions were subtle but persuasive means by which a community molded its members into complying with the rules of social control. They include Invocation of transcendental powers.

Fission as a means of conflict management or resolution meant that one of the groups engaged in a dispute opted to move away from the source of conflict. Protracted disputes within a clan or even between clans could

be resolved when one clan opted to move or break away from the others and sort and form a new settlement area.

Surrendering

This was simply yielding or giving in to the other side. If a mediator was involved in the dispute, it involved meant compliance with the stipulated conditions, without any objections, to end the dispute.

Running away or flight

Another option that was available to disputing groups was running away. This could happen if one felt that they stood no chance of emerging as the winner in a dispute. It was viewed as a cowardly way out of a dispute but at times, there was no better option.

Establishing Kinship as a Technique of Conflict Avoidance

The role of women was key to conflict avoidance in many African communities. The exchange of women between lineages created a bond that often resulted in other integrative events. This was another traditional way of conflict resolution as one was not likely to easily pick up quarrels with kinsmen.

Joking Relationships (Mutual Assistance Relationships).

Some African communities established mutual assistance relationships, called "joking relationships," especially in West Africa ,between ethnic groups and between clans. Joking relationships signaled a past relationship between two clans or communities that had special significance in antiquity. This kind of relationship is held in such high esteem that even in current times, special attention is paid to it.

Armistice, Arbitration, and Authority

Armistice involved reaching an agreement to suspend fighting.
Arbitration involved the hearing and settling of a dispute by an impartial referee selected and agreed upon by both sides.
Authority involved the use of courts or elders to settle a dispute.

Imposition of Fines.

This was a payment imposed as a penalty for wrongdoing. In the African society, it would be in the form of animals, honey, local brew or harvested grain.

Mediation

This was about intervention in a dispute by selected parties, in order to hear both sides and come to a peaceful agreement or settlement.

Social Relations and Peacekeeping.

This involved was a form of conflict management. Communities that practiced this believed that reconciliation in any conflict was the paramount goal and not necessarily punishment.

LITERATURE REVIEW ON AFRICAN TRADITIONAL CONFLICT RESOLUTION METHODS AMONG SELECTED AFRICAN COMMUNITIES.

The main management practices/conflict resolution measures that were implemented ranged from general socialization process to adjudication procedures and through to invocation of transcendental powers. Some measures included fission, intrinsic sanctions, ostracism and warfare. Issues that could facilitate, detain or totally prevent conflict resolution included the willingness to resolve by the disputing parties, the geographical proximity or the basis of the conflict.

Ostracism.

This is a measure that was considered intolerable and most if not all people went out of their way to avoid such a situation. One was declared a social pariah or outcast in society. Similarly if the dispute was between clans or communities, the offending party / 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 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. W. Zartman in his book Traditional Cures for Modern Conflicts, African Conflict 'Medicine, says that "The Buems are a largely agricultural, farming community who enjoy rich soils. In the process, they have depleted the forest cover in their communal land and at times, land is a

source of conflict with their neighbors and also amongst themselves." (W. Zartman-P. 39).

The Buems are the largest ethnic group in Upper Volta, and enjoy a centralized chiefdom with devolution of powers and functions .The community background is one of social harmony. Their community consisted of a paramount chief was the life president of the traditional council.

There was also a court with a Queen mother, divisional chiefs, chief farmers and a chief fetish priest.

The individual in the Buem/Kator community is seen as the largest determinant of conflict prevention. Buems are aware that most conflicts that tend to assume the extra lineage or community level dimensions originate with the individual. Kinship, politics and conflict management for this community is intertwined. As with any other community, conflicts are a post of the social life. Conflicts occur due to slander, disparaging remarks against persons, injuries or damage on property

For the Buems, ostracism was the traditional equivalent of life imprisonment or solitary confinement. Once an individual had been ostracized, nobody was willing to talk to the person. No one was allowed to visit the person even when they fell ill. The said person could not be buried in the public cemetery. An ostracized person became a pariah in society, a social outcast who was stripped of all his or her soul and dignity. Such a person existed in the community only in body i.e. physically. In a community, the fear of ostracism offered conflict managers the opportunity to exert their influence and to utilize the community pressure to persuade parties to attend dispute hearings when called summoned. It was also an opportunity to pressurize the disputing parties to reach and accept settlements that had been agreed upon.

The Buems believed that the effects of ostracism "are so powerful that one is bound to die from it"(W. Zartman. P. 41). 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. In the event of a default, the sentence i.e. ostracism, would be pronounced buy way of a curse. Curses were considered powerful enforcement mechanisms.

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 though 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 pocesses magical powers could be approached to invoke such upon the person guilty of perpetuating the conflict. If for example a man was known to be causing marital disharmony in homes, the aggrieved party would consult a known 'witchdoctor' with the intention of dealing with the person once and for all. Cases where the sorcerer's s charms had worked were common knowledge. In some instances, the guilty person had been made incapable of sexual activity. This served as a lesson and warning to any future would - be offender.

Supernatural powers were also known to be used in negotiations during conflict resolution to achieve an agreeable or favorable settlement for that particular side.. They were invoked by either side in order to achieve an agreeable or favorable settlement for that particular side.

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)

Curses were used as verdict enforcement mechanisms. They served as powerful sanctions to ensure obedience to a court's decision. The Buem had conflict-resolving forums in which curses become the media through which the gods influenced the conduct of the conflicting elements. After resolution of a case, the adversarial parties were expected to drink an alcoholic beverage, usually palm wine, or water from the same calabash. This was a Buem version of peace pipe smoking, signifying acceptance of amends and reconciliation. The community gods and ancestral spirits were invoked and implored through the pouring of libation to be alert so as to deal sternly with any of the parties who might flout the verdict and the enforcement authority of the adjudicators.(the elders)

Witchcraft and Sorcery - The Buems commonly resorted to the use of witchcraft or sorcery to settle conflict when they did not want to bring their grievances into the open. In Buem thought, witchcraft referred to non-material mystical means of attacking one's adversary, whereas sorcery invoked both non-material mystical means and material objects. The most prevalent mystical object used in sorcery was a substance literally called "black powder." To target one's victim, black powder, believed to contain malevolent spirits capable of causing damage, would secretly be sprinkled across his or her path while incantations were made. The desired effect was achieved when the targeted person become indisposed, or even died, after coming into contact with the black powder. Whereas witchcraft was s directed only at persons with whom the witch had an acrimonious relationship, sorcery can be an

effective mystical means of causing harm to any adversaries .(W. Zartman –Traditional cures for Modern conflict)

Oath taking was used as a technique of conflict resolution in several African communities. The Andoni and Bonny people took or rather made oaths in 1869 which succeeded in keeping peace between them for more than a century. In oath making, 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. Thus, oaths between two groups or communities served to eliminate conflict between them for decades or centuries.

Trial by ordeal was a reference to oath-taking in the course of mediation by the Buem. 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 (Assimeng 1981, 93 and Radcliffe-Brown 1940, xviii-Traditional Cures for modern conflicts).(Kenyatta 1938, 225; Facing Mt Kenya); Witchcraft and sorcery accusations would normally called for oath taking because most of the time, the truth in an accusation was difficult to determine by the secular processes of mediation and adjudication.

In the first stage of the oathing process, the town chief would order the disputing persons to consult a medicine man, a fetish priest, or an oracle. The disputing parties would be accompanied by appointees of the chief and the heads of their respective lineages. Whoever was found guilty by the metaphysical consultant would immediately have his or her hair shaven to the skin and be made to settle all the costs related to the travel

and the trial, as well as any s fines imposed by the town chief on their return.

Joking relationships refers to the establishment of jocular relations between states or clans or communities. The intimate and friendly ties that grew up in the eighteenth century and continued to present-day between the Asante and the Nzema have been symbolized by a joking relationship between the two peoples, making a particular level of relations that facilitates the management of conflict. Mutual assistance relationships, called "joking relationships," exist throughout West Africa between ethnic groups and between clans. Among the Fulbe (the Fulani people of West Africa), joking relationships signal a past relationship between two clans that had special significance in antiquity. This relationship is held in such high esteem that even in current times, under some conditions, an individual from one clan cannot refuse a request for help from another of a clan with whom it has the privilege and responsibility of a joking relationship. Further, in pre-colonial times, when two people from clans that shared a joking relationship were in conflict, leaders sometimes preferred to banish or otherwise do away with the two in conflict rather than allow the travesty of conflict to expand.

In one aspect, joking relationships indicated or ritualized the acknowledgment that former enemies have become friends. Joking relationships between the Fulbe and the Tiv of the north central plateau of Northern Nigeria developed as a result of land overuse.

In another aspect, joking relationships were a way of recalling or reminding people of a former favor that was done by one group for the other, such as taking in political or natural disaster refugees, or a former

dependence of one group on the other for reasons such as their arrival into the home region of the other as strangers to the host. Sometimes the latter situation resulted in a tribute-paying commitment by the strangers to the host which served as a conflict management measure..

Running away or Flight was a conflict management measure which was common among pastoralist communities in Africa. This was largely due to the fact that conflicts often had their origins in overpopulation of grazing lands. Unlike a ranching system, pastoralists traditionally do not "own" and "inherit" land in the sense that settled farming communities do. Independence of spirit is necessary to the often lonely and isolated life of a herder, who may spend weeks alone or with one or two others while pasturing cattle far from the family camp or village. Among the Fulbe, flight and avoidance were common responses to conflict. Large migrations occurred due to lack of independence, lack of pasture, and religious pressure. Other conditions that also initiated flight as a response to conflict were the breakup of a village from the scarcity of land and conflicts over leadership or over herds.

Warfare was a means of conflict management in African communities. In traditional Africa, wars arise from quarrels over fishing grounds, wrongs done to one community by another and various efforts of self-defense. The wars involved the use of traditional and rudimentary weapons, such as assegais arid shields, and diplomacy, including the use of marriages as a form of alliances, swearing of oaths, "drinking's of the gods, " and exchanges of prisoners to ensure lasting peace. An important feature of traditional West African wars was the limitation in terms of loss in human resources and time. In West Africa, people generally observed the concept of limited warfare. In most West African societies, war rarely entailed a complete repudiation of the restraints of peace, and the

regulation of peaceful contact with outsiders was also accompanied by some regulation of their warfare (Smith 1977, 4- Traditional Cures for Modern Conflicts,).

According to Gluckman 1955, 3)in the book Traditional Cures for Modern Conflicts, when conflicts in Africa erupted into war, there were people to solve them on the basis of certain moral or legal principles, of certain ethical ideals and according to certain methods, techniques, and procedures, because "these societies have such well established and well known codes of morality and laws of convention and ritual, that even though they have no written histories, many reasonably assume that they have persisted for many generations. If an outsider killed a member of the community, the council of elders was obliged to dispatch some of its members to the offender's kinsfolk asking for compensation within a specified period of time. Failure to meet their demand would lead to an intercommunity war (Jeffrey 1956, 77-78). Whenever violations of the ethical prescriptions were unclear and controversial, the council of elders adopted peaceful measures in resolving them. They would consult a diviner and traditional medicine man to seek his advice. When this was not possible, however, the elders and wise men could arrive at their own judgment, which would be pronounced by masked spirits representing the ancestors. The contending parties were obliged to accept the decisions that were made in order that they might not rouse the displeasure of the venerated ancestors (Abam 1985, 71-72).

Warfare was the usual means by which conflicts between Buems of the Ghana – Togo Border and their neighbors were settled. Most of the wars between Buems and their neighbors were over scarce resources, notably land. Interests at stake in such wars were often great that they were never resolved. The war would normally continue until both groups grew tired of

the inconvenience of fighting or the pains of losing their men in the battle. This meant however, hat there was always the possibility that such wars would continue in the future.

Buems would also fight when they perceived their neighbors' behavior to be a threat to their territorial security. They would fight a neighbor who they believed had provided military or any other form of assistance to another territory with which they were previously at war.

INTRINSIC MEASURES

This is another category of indigenous resolution measures that were applied in African societies.

Traditional African society made use of intrinsic sanctions as a means of resolving conflicts. Intrinsic sanctions were subtle but persuasive means by which a community moulded its members into complying with the rules of social control. This resulted in achieving relative calm and peace in the society. Social control was measured by the moral code, normative codes as well as the belief and value systems in the community. Intrinsic sanctions could be either both positive and/or negative in nature.

Positive sanctions involved offering rewards to individuals for conforming to socially approved behavior.

Among the Buem Community of the Ghana – Togo Border, the Buem creation of an ideology of social harmony involved the manipulation of social relationships through the use and strengthening of myths, beliefs, values, and motives (Cohen 1974, 81). The inculcation of the ideology of social harmony, as the Buem elders maintained was an ongoing process

and an integral part of the Buem socialization process—the culturally approved means by which the people strived to achieve conformity to the rules of conduct and ensure the continuity of the community.

Individuals in Buem-Kator were essentially compelled to comply with the rules of conduct, settle disputes, and abide by the outcomes of mediations or court settlements. Buem elders held the view that a failure to comply with the rules of social control undermined the social order and was tantamount to an assault on the community as a whole. Such failures were often met not only with the imposition of fines but also with strong condemnation by the public, whose duty it was to provide public officials with loyalty and support in enforcing community rules. The need to settle disputes and abide by terms of dispute settlement was also motivated by the fact that members of the community were invariably in ongoing social and economic relationships and must necessarily deal with each other in the future.

Mediation was one means of dispute handling. Mediation was most likely to succeed between disputants who's residential and kinship ties required them to deal with one another in the future. In other words, it is a phenomenon of communities. When social relationships were enduring, disputants need to find a settlement to continue to live together amicably.

After both have been heard, adjudicators would closely question each disputant on the basis of what he or she had said. The objective is to reach an agreement on a single story by eliminating ambiguous elements in the statements of the adversaries. There was extensive use of evidence, witnesses, and cross-examination. Court deliberations were usually

opened to the general public and everyone present had the privilege to cross-examine any of the disputants. Order at court was strictly enforced and the use of abusive language was discouraged and could lead to contempt of court.

Social Relations and Peacekeeping was a form of conflict management among the Igbo of Nigeria. Traditionally, the Igbos distrusted outside groups. Each family attempted to resolve intra-family disputes within, lest "enemies" or outsiders used such disputes to undermine family security.
This explains why culturally, for the Igbo, a sense of reconciliation in any conflict was the paramount goal and not necessarily punishment. Even when fault was attributed, punishment was aimed at reintegration. The disputants' representatives and other adult members participated in the resolution. The web of socioeconomic relations between disputants (e.g., spouses, family and village members, or business partners) was rationally considered in choosing a system of justice that would not upset the status quo (Van Velsen 1964).

Negative sanctions on the other hand resulted in feelings of moral discomfort that a member of society will get if he or she defaults from the socially accepted behavior. Among the Buem, the failure by an individual, to comply with the set social control rules was seem as undermining of the social order. It was regarded as tantamount to an assault on the whole community and punitive measures were in order. An individual perceived as going against the social control rules was seen as a failure and his attracted heavy fines as well as strong condemnation.

Imposition of Fines.

In most African communities, fines *were* normally imposed on the convicted parties in a conflict or dispute. Fines were traditionally in kind, involving alcoholic beverages and livestock. The size of the fine depended on the gravity of the offense, the manner in which the convicted party had conducted himself or herself throughout the deliberation, and his or her previous record. Among the Buems of the Ghana Togo Border, once the fines were paid, it was assumed that the settlement has been accepted by the disputants. With a calabash of drinks in hand, the local fetish priest would pour libation and close the deliberation by addressing the gods and the earth.

According to Hamdesa Tuso (Traditional cures for modern conflicts), indigenous processes of conflict resolution in Oromo Society was a lengthily process. The Oromo of Ethiopia worked very hard to manage conflict on three different levels i.e. to prevent social conflict from occurring and if it occurred, to prevent it from escalating. If it actually escalated then the next course of action was to make peace between the conflicting parties through the intervention of the elders of the community. Oromo systems of conflict resolution are rooted in a worldview that encompasses religion, individual basic rights, human equality, social ethics, and peaceful coexistence with non-Oromo neighbors as well as with the ecosystem. Oromo national ethos can be characterized as egalitarian collectivism.

According to Oromo tradition, the ideological themes underpinning the processes of conflict resolution were several e.g. - Society had to work at it until the conflict was fully resolved and total reconciliation is consummated because there is no conflict that cannot be resolved.

Conflict was resolved by unearthing the truth about the causes of the conflict. Also the goals of peacemaking had to include the consummation of justice. Any punishment in the form of payment for the wrongs committed was not usually excessive since the Oromo's do not have jails or the death penalty. Reconciliation was believed to be necessary to keep harmony between the creator and the creatures i.e. humans and nature. The Oromo had the Gada system of conflict management which moved through thirteen identifiable steps on its way to managing and resolving conflict and arriving at reconciliation so that harmonious relations can be restored among conflicting parties, God the Creator, the community, and the surrounding world. It aimed at reconciliation between the parties and between the community and the divine, the earth and the entire psychological and spiritual ecology. It aimed at cleansing the anger and ill feelings from everyone concerned.

The last step was bonding. The activities the conflicting parties undertook during the post reconciliation ceremony were very critical. For example, if the conflict had involved the loss of human life, family members usually would take further steps to overcome the memory of bitterness and animosity resulting from the conflict.

In the Oromo social system, women were the only group that was protected from physical attack by any party in any conflict. They were sacred humans. Thus, women played important roles as messengers of peace; they organized themselves and physically intervened between the conflicting parties in case of violence; they mobilized the community to respond to the situation of conflict quickly and appropriately; and they served as a moral voice in times of social turmoil. Research studies show that the Oromo people in general have retained and practiced these processes, with local variations, in different regions, and have used these processes, with some variations, in responding to interregional conflicts.

Oromo systems of conflict resolution are rooted in a worldview that encompasses religion, individual basic rights, human equality, social ethics, and peaceful coexistence with non-Oromo neighbors as well as with the ecosystem. Oromo national ethos can be characterized as egalitarian collectivism.

The Oromo shared a common ancestry, threads of culture, mother tongue, institutional makeup and a common colonial experience. This made them close knit with a strong and well defined belief system. It also made it easy for the clan system to work well as the coordination point of the social affairs of the nation. The Oromo believed that all were born equal and therefore deserved equal respect in most aspects of life. This explained why they spent a lot of time peacekeeping amongst themselves.

Nowhere in Africa has the debate over the utility of traditional conflict management mechanisms been more pronounced and consequential than in the Somali crisis (Farah with Lewis 1993; Sahnoun 1994; Bradbury 1993; SDRA/MCC 1994; Prendergast 1994; Gilkes 1994; Menkhaus 1996; Lyons and Samatar 1995; Thakur 1994; Spear and Keller 1996). There, the outbreak of civil war in 1988 and the total and protracted collapse of the state in early 1991 led to one of the worst humanitarian crises of the century, which in turn led to a massive international peacekeeping operation (UN Operation in Somalia, UNOSOM) and dozens of local and national peace initiatives between 1992 and 1995.

What clearly emerged from the Somali case was that traditional conflict resolution can survive the disruptions and social transformations of complex emergencies and play a useful role in conflict management.

Sudan as a country has been at war with itself since 1955, with a decade of precarious peace from 1972 to 1983. The war has largely been between successive governments in Khartoum, dominated by the Arab-Muslim North, and rebel movements in the more indigenously African South, whose modern leadership is predominantly Christian.

Reaching Out was a Ngok Dinka Principle of Conflict Management. Francis M. Deng says that this can indeed be stated as a general principle of dispute resolution in customary law. As noted about judicial procedure among the Dinka (Deng 1971, 168), reaching out is intended as a bridging function that benefits not only the most distant party in a conflict or disputer, but is also meant to protect the party nearest to the leader. Conflicts within one tribe were not taken to be the same as conflicts between separate tribes.

Reaching out must be from a position of strength, magnanimity, and generosity rather than from weakness, whether in terms of right and wrong. While the principle of reaching out is applicable to the management of conflict in all situations of human interaction, it is particularly pertinent to bridging the role of leaders of groups in conflict. It differed from the European tradition of enforcing judgment by decree (legal rights of one party) to the total exclusion of the other.

While the North-South relations appear to be deadlocked in a zero-sum conflict of identities, the experience of relations between local communities that have coexisted for centuries tend to suggest that under appropriate conditions cooperation across racial, ethnic, tribal, religious, or language lines is possible in the mutual interest of both sides. The case of the Ngok Dinka and the Homr Arabs is a good example. Ngok leaders entered into a friendship pact with their Arab counterparts that fundamentally altered the nature of their relationship, provided their people with significant protection against slave raiders, and fostered

cordial ties that transcended racial and religious differences between their respective peoples. This history is frequently recalled both to explain the deterioration that has taken place in recent years and to uphold standards that are not only desirable but achievable, and indeed were once achieved. The problem then becomes not so much the inability of local communities to co-exist, but the penetration of the state on divisive identity lines and the imbalances in the power equations that it introduces into the relationship.

Xhosa Practices of Ubuntu for South Africa

Ubuntu is an indigenous social perspective/philosophy of all African communities of South Africa. The perspective of ubuntu is not easily translatable into English. However, literally translated, ubuntu means "collective personhood" or "the art or virtue of being human."

According to Nomonde Masina, "Ubuntu is in essence, customary law whose breach brought on sanctions ranging from isolation to fines". The gravest transgression like witchcraft was followed by death. But the sanction element of ubuntu was rarely invoked because family and societal bonds were solidly communicated and therefore preemptive against major breaches. A persuasive corrective mechanism of deliberations within family, peer, and gender associations was therefore the most functional conflict resolution practice.

In traditional African societies, the belief in ubuntu is that one can be a person only through others. It is only in the spirit of ubuntu, with its emphasis of working together that problems can be solved. Managing or resolving conflicts in African communities becomes an open process, in the sense that it includes the nuclear and extended families, and even the elders of the village, chiefs, and headmen as well.

In support of this, Reuel Khosa (Christie,Lessem, and Mbigi 1993,122-123) points out that Ubuntu as an orientation to life " is opposed to individualism and insensitive competitiveness. Neither is it comfortable with collectivism where collectivism stresses the importance of the social unit to the point of depersonalizing the individual." At the same time, it places great importance on working for the common good. Khoza,Koopman (Christie,Lessem, and Mbigi 1993,48) illustrates the difference between a western approach to conflict, with that of Ubuntu. He notes that "Whites are individualistic exclusivists. When managing conflict, we therefore need to apply win/lose tactics, clear cut and defined structures and procedures. Mostly we alienate ourselves within conflict situations leading us to enter into negotiations in order to control an outcome of "rightness and wrongness". Africans are communal inclusivists. Managing conflict becomes an open sum process involving immediate family, supervisors, elders and many others within the framework of morals. This necessitates entering into a dialogue from which a sense of "fairness and unfairness" towards other parties in society can emerge.

CHAPTER 3

Research Methodology.

Sources of Data.

The research has been undertaken using one primary source data and information i.e. content analysis. This is mainly due to the inability to travel to different countries in the continent and conduct firsthand interviews with representatives of various African communities.

Content analysis.

This research has revolved around the content analysis of several books and existing literature on the African approaches to building and maintenance of peace and solidarity among the various communities in the continent. Information has been derived from existing journals and books including the autobiographies of key informants who have been actively involved in peace building efforts in various parts of the continent. Journals and Internet sites are also to be used as a source of data and information.

CHAPTER 4.

ANALYSIS OF CONFLICT RESOLUTION MECHANISMS.

GENERAL OVERWIEW OF CONFLICT

- o Definition of conflict
- o General Sources and causes of conflict
- o Results of conflict
- o Definition of conflict resolution
- o Forms of modern conflict resolution

Definition of conflict

The Collins Gem English dictionary defines "conflict" as "a struggle to resist or overcome a contest of opposing forces or powers, a battle or strife. A conflict is also defined as a state or condition of opposition, antagonism and or discord. It is a painful tension set up by a clash between opposed and contradictory impulses. No matter how hard we try to avoid it, conflict periodically enters our lives. Conflict can be termed as a struggle over values and resources. It is a disagreement, dissonance, misunderstanding or opposition by one part towards another. The aim of the struggle is to neutralize, inform or eliminate the rival or opposition.

Conflict is a normal aspect of human interaction that often arises from unmet needs, unrecognized differences, and difficulties coping with life changes. Conflict can either produce positive or negative results depending on the communication techniques used. Confrontation that includes active listening and willingness to collaborate produces positive results and allows differences to be negotiated.

Cconflict is as old as mankind and a general phenomenon to be encountered at all levels of human relationships. Not the existence of conflict needs to be classified as problematic or even threatening to peace, but ways of settling conflict which promote violence, cheat individual parties, involve power struggles and establish interests advantageous to one party where it is assumed that only one party has access to the 'truth' and 'retains the right'. Ideas of this kind easily lead to ways of thinking and acting similar to zero number games: one side's loss is the other side's gain. The chain of associations, if pursued, promotes the winner to a position of strength placing the law on his side.

In everyday life, conflict is frequently compared to dispute, contrasts of interest, power and the use of violence. The peace researcher Ulrike C. Wasmuth, points out that it is imperative to view conflicts objectively, as social facts, and not to confuse them with the manner in which they are settled. One should not attempt to limit conflicts through appraisal and not to confuse them with their causality. She defines conflict therefore as a social "condition, in which at least two parties (individuals, groups, states) are involved who (a) pursue different, incompatible aims, in relation to the originating point, or who pursue the same aim, but one which can only be achieved by a single party and/or (b) who attempt to use different, incompatible means, in relation to the originating point, in order to achieve a specific aim."

Conflicts are often perceived as battles required to be won. They often produce an internal confliction dynamic which makes peaceful, constructive and non-violent settlement difficult or impossible. Studies analysing the behaviour of people in conflicting situations have shown that the majority attempt to assert personal advantage by doubling their

efforts or sticking strictly to their principles, even when failure crops in. This pattern of behaviour is accompanied by an increasing reduction in perceptive and decisive ability.

Organiser of conflict seminars, Friedrich Glasl, writes that "conflict impairs our ability to perceive and sphere of thought and attitude so extensively, that we become no longer capable of seeing things as they are personally or in the surrounding world. It is as if our eyes become increasingly clouded over; our view of ourselves and our opponents, and the problems and events becomes narrower, distorted and wholly one-sided. Our sphere of thinking and attitudes obey compulsions which we are not sufficiently conscious of."

The real problem of conflict lies in a consistent danger of it escalating, because in settling the conflict, increasing emphasis is placed on power

Play and violence. This makes the conflict more and more difficult to control, until it spins out of control causing the threshold to violence to be crossed resulting in destruction and suffering. This makes it difficult or impossible to continue relations for a period of time.

Identification of conflicts

Processes of conflict resolution in Africa are characterized by certain common dimensions that help when it comes to identifying types of conflicts.

One is in terms of complexity. It has been observed that in Africa, there are simple and complex types of conflicts. Most of these conflicts however tend to be complex.

Another way of identifying is in terms of duration. In this context there are short-lived and protracted conflicts. Protracted conflicts are the most common in Africa e.g. the liberation wars such as in South Africa.

Another way is in terms of violence. There are conflicts violent and those which are non-violent. Non violent conflicts tend to be latent or structured. Violent conflicts on the other hand, draw at lot of attention and involve bloodshed.

The fourth way of identifying the conflicts is in terms of the scale of the conflict. In Africa, conflicts are categorized into internal, interstate, and internationalized conflicts. Purely internal conflicts are said to be few in Africa. Interstate conflicts include wars between Tanzania and Uganda (1978/79)
One other way of identifying conflicts is by the necessity or legitimacy of the conflict. While some of the conflicts are seen as legitimate and necessary, others are unnecessary and illegitimate in liberation struggles from an oppressive and exploitative regime

General Sources/ causes of conflict

Any conflict occurs because of the breakdown of trust and confidence that one group, community or organization had, in another. It occurs because of incompatibility in interests and belief systems for example capitalism and communism, or self rule and colonialism. It can also occur due to religious differences for example Christianity and Islam or differences in race and skin color for example African and Caucasian or Brown and White skin colour. Another source of conflict is the allocation of

resources as well as power. The latter is evident in the ongoing Dafur region conflict as well as in the Democratic Republic of Congo.

The main sources of conflicts can then be summed up under the following categories:

- Territorial conflicts- these are due to disputes on boundary lines or markings and or resources. An example is the Kenya /Somalia conflict which was all about exploitation o natural resources. In Nigeria, there are conflicts due to the exploitation and proceed of oil harvesting.
- Ideological differences/ Power struggles such as experienced in Uganda between the Government and Kony's Lord Resistance Army.
- Religious differences: In Sudan, one of the factors that fuel this conflict is religious differences as the Northerners are predominantly Muslims while Southerners are Christians.
- Pent up frustrations: In Kenya we have a classic example of such a case, in the Mt Elgon area where the people feel sidelined by the Government in the allocation of land. Some of the frustrations experienced could also be due to tribal rivalry especially in a cosmopolitan settlement.
- Leadership disputes: This can come about due to the ethnic diversity that is prevalent in most of the African states. Some communities tend to feel sidelined especially when Government appointments are made.
- State Terrorism: Some Governments in Africa have been known to unleash terror o particular communities within their territories in a bid to protect vested interests.

Results of conflict

Any conflict results in readjustment of social relations in society. As with any other struggle, conflict has an aim. Normally, it results in setting up of boundaries between people for example in Sudan, e.g. the Northern and Southern people of Sudan are worlds apart as a result of the ongoing conflict mainly affecting the Dafur region.

According to Morton Deutsch in the book Konfliktregelung. München (1976) the main results of conflicts can be summed up into four distinct categories as follows:

Communication: Communication becomes closed and insincere. There is an obvious cessation or death of information and an obvious proliferation of conscious misinformation. Secretiveness and insincerity grows. Threats and pressure replace open debate and persuasion among the parties involved.

Perception: Existing differences in interests and opinions and value convictions come to the fore. The factors that are drawing the parties apart as opposed to bringing them together are perceived more clearly and openly. Any reconciliatory gestures made by the opposing party are seen as attempts to out-manoeuvre the other side. Intentions are viewed with a lot of suspicion and are labelled as hostile and malicious, and the party and his manner of behaviour is perceived as one-sided and skewed.

Attitude: Any trust that existed between the parties is diminished and in its place, distrust grows. Indeed, there is a strong presence of mistrust and covert and overt hostilities increase. The readiness by any party to advice and support each other diminishes. On the other hand, the readiness to take advantage of, and expose and disparage the other party increases.

Basic Tasks: Any tasks that were as previously performed together are no longer perceived as joint tasks. Therefore the principal that such tasks can best be dealt with in practical terms through a division of labour, where each party contributes to the common aim according to his own best abilities and strengths, dies out Instead, each party tries to do everything on their own. This stops them having to rely on others, promotes independence and avoids the danger of being used or exploited.

Conflict Resolution and Mediation

In society, there are many ways to resolve conflicts such as surrendering, running away, overpowering your opponent with violence, filing a lawsuit, etc. The movement toward Alternative Dispute Resolution (ADR), sometimes referred to simply as conflict resolution, grew out of the belief that there are better options than using violence or going to court. Today, the terms ADR and conflict resolution are used somewhat interchangeably and refer to a wide range of processes that encourage nonviolent dispute resolution outside of the traditional court system. The field of conflict resolution also includes efforts in schools and communities to reduce violence and bullying and help young people develop communication and problem-solving skills.

Common forms of conflict resolution

There are some methods of conflict resolution which are increasingly in use in modern society. These include the following six methods (Source- Association for Conflict Resolution) underlined below;

Negotiation is one of the most frequently used methods in conflict resolution. It can be utilized solely or as part of a combination with other methods. Negotiation involves a discussion among two or more people with the goal of reaching an agreement.

Mediation on the other hand, is a voluntary and confidential process in which a neutral third-party facilitator helps people discuss difficult issues and negotiate an agreement. Basic steps in the process include gathering information, framing the issues, developing options, negotiating, and formalizing agreements. Parties in mediation create their own solutions and the mediator does not have any decision-making power over the outcome. Mediation is a process guided by an impartial third party, a Conflict Resolution Fellow, who facilitates the resolution of a dispute between two or more persons or organizations. Through an educational process, the Conflict Resolution Fellow promotes open communication, focusing on common interests, and problem solving for the development of a long lasting voluntary agreement among the parties disputing.

Arbitration is a process in which a third-party neutral, after reviewing evidence and listening to arguments from both sides, issues a decision to settle the case. Arbitration is often used in commercial and labor/management disputes.

Mediation-Arbitration is a hybrid that combines both of the above processes. Prior to the session, the disputing parties agree to try mediation first, but give the neutral third party the authority to make a decision if mediation is not successful.

Early Neutral Evaluation involves using a court-appointed attorney to review a case before it goes to trial. The attorney reviews the merits of the

case and encourages the parties to attempt resolution. If there is no resolution, the attorney informs the disputants about how to proceed with litigation and gives an opinion on the likely outcome if the case goes to trial.

Community Conferencing is a structured conversation involving all members of a community (offenders, victims, family, friends, etc.) who have been affected by a dispute or a crime. Using a script, the facilitator invites people to express how they were affected and how they wish to address and repair the harm that resulted.

Collaborative Law refers to a process for solving disputes in which the attorneys commit to reaching a settlement without using litigation.

Negotiated Rulemaking is a collaborative process in which government agencies seek input from a variety of stakeholders before issuing a new rule.

Peer Mediation refers to a process in which young people act as mediators to help resolve disputes among their peers. The student mediators are trained and supervised by a teacher or other adult.

Data analysis and Interpretation.

The findings of the research needed to be simplified so that anyone reading the final report would easily follow and understand. The data analysis carried out included summarizing all the data that was collected during the research, in a manner that provide answers to the research questions posed at the beginning of the research. It also included

recommendations based on the findings. The following steps were undertaken:

- As content analysis was the main method of research, there was need to be objective, creative and to critique the findings so as to obtain quality results.
- Organization of data (information) in categories or classes.
- Establishment of a data index that would provide guidance in classification of themes or subtopics.
- Confirmation that the hypotheses were either supported (approved) or disproved by the findings.

COMPARISION OF AFRICAN (TRADITIONAL) AND WESTERN (MODERN) CONFLICT RESOLUTION MECHANISMS.

Even though the Western (Modern) and African (Traditional) societies both believe in conflict resolution, the ways and means of how to achieve peace tend to differ.
Some of the major differences are as enumerated below:

Arbitration techniques

Western techniques of conflict resolution tend to concentrate or involve only on selected actors i.e. the arbitration panel. Opinions of individuals, and other people not involved in the arbitration panel, are rarely sought. Western techniques pursue an exclusive approach such that the actual process is isolated and includes only the 'leaders' of the conflict. African indigenous methods on the other hand tend to involve as many people as possible into the loop. In African society, a solution is only reached by consensus as all people are perceived as responsible for the conflict as well as the outcome. The outcome of the arbitration is not only confined to the material sphere but also to issues such as honour, prestige and saving one's face. Traditionally, peace talks and negotiations were attended by dozens if not hundreds of the people affected in any way by the conflict. They also involved praying, singing and dancing together which significantly contributed to the success of traditional conflict resolution techniques. This broad participation quaranteed the stability and implementation of agreements reached. The agreements were see as more binding and easier to implement.

State Involvement.

Western conflict resolution techniques are usually viewed as state projects because they are organized, funded and implemented by various state organizations. This means that they tend to be perceived as alien especially when seen in the light of the often bad experiences that people have had in the hands of the state. At times the state might even be indirectly involved in the conflict at hand e.g. in the case of 'state' instigated ethnic/ land clashes witnessed in Kenya in 1992 and 1997. African traditional approaches on the other hand are never state managed or organized and so they are credited with legitimacy by the communities in which they are sought and applied.

Timeliness

Western approaches are time and product oriented. They follow a predetermined path. International peacemakers seek rapid tangible and fixed results in any negotiations that they are involved in and they expect to end a conflict around a table.
African approaches on the other hand were process oriented. These approaches were characterized by their slowness which was deliberate in order to give the warring sides time to cool down. African approaches also tended to revisit and renegotiate freshly made accords, an issue that is upsetting for international diplomatic negotiators.

Final Results (outcomes).

Western approaches focus on resolving a conflict. The negotiators involved, expect to conclude the talks with an outcome that will be

enforced and respected by the various sides involved and will result in peace treaties that will definitely end the hostilities.

African approaches on the other hand were more focused on managing rather than ending the conflict. Under traditional concepts, any results achieved were only of a temporary nature and subject to further renegotiations and revisions many times over.

Human Rights Issues

Western approaches take cognizance of the human rights element in any conflict. Peace negotiators are keen to ensure that all parties in the conflict are not subject to human rights abuse.

Traditional African techniques on the other hand, could be quite insensitive especially towards women. The African communities were predominantly male. At times, resolution of a conflict involved swapping of women or girls as gifts to appease either side. Such compensation was negotiated by male community leaders without any reference to the victims.

Other times, the treatment of the perpetuators could also violate the universal human rights e.g. when it involved inflicting torture on people.

CHAPTER 5

Summary, Conclusions and Recommendations.

SUMMARY

Tradition is all too clear in present-day African politics and this, in itself, is sufficient reason to consider traditional sources of conflict management. After all, traditional strategies of conflict management are employed at the sub national level in most countries, especially in those where so-called traditional rulers are still respected e.g. Swaziland. In some of them, there are no alternatives to traditional systems.

At the political level, traditional attachments are largely responsible for the centrality of so-called traditional practices in the legitimizing strategies adopted by several leaders in Africa. They have manipulated traditional institutions and practices and reinvented traditions to mobilize and sustain support.

What traditional approaches can or cannot achieve with regard to the various types of conflict in Africa, is not an easy conclusion.

Traditional approaches may not be applicable in each and every case of conflict on the continent. They are not necessarily the panacea for the curse of violence in the African continent and for overcoming war and securing peace once and for all. Their effectiveness is dependent on a specific set of reconditions that do not always apply in every case.

Nevertheless, under certain circumstances, in some cases recourse to traditional approaches can and have made sense.

According to Volker Boege, presenting the "traditional approaches" autonomously in their own right as the sole means of addressing conflicts in Africa would necessitate thorough methodological reflections on the

possibilities of understanding and communicating across cultural differences.

Volker Boege goes on to state that the 'strengths' and 'weaknesses' of traditional approaches, are formulated within the conventional framework of 'conflict transformation'. This framework has been formulated by the Western world to suit their way of thinking and reasoning. In the process, traditional approaches are 'conquered' and usurped. They are translated into the language of Western peace and conflict studies and hence adjusted in ways that make them fit that language, allowing them to be instrumental for purposes that are derived from the framework of western thought.

STRENGTHS OF TRADITIONAL APPROACHES TO CONFLICTS
From the literature review done, one can summarize the following as strengths or advantages of implementation of traditional or indigenous in African conflicts.

- The use of traditional systems of conflict management will help to mitigate the disenabling effects produced by the perception of United Nations and Western powers' conflict resolution and management initiatives as extensions of foreign intervention of the re-colonization kind.

- Traditional approaches fit in situations of state fragility and failure. As many of today's large-scale violent conflicts in the African continent are carried out in regions where the state is absent or is merely a relatively weak actor among a host of other actors, non-state-centric forms of control of violence and regulation of conflict have to be drawn upon. In fact, a renaissance of traditional approaches to conflict transformation can be observed particularly under conditions of state failure and state collapse. 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. Volker Boege goes on to state that this only can work if customs has not been destroyed by but have survived previous processes of state-building and modernization and is still alive. In such cases, traditional approaches can actually contribute to the establishment of 'islands of peace' even in large-scale protracted violent conflicts in quasi -stateless environments. Furthermore, it can also contribute to the termination of violence and sustainable peace building, from the local to the national level, as peace building in Somaliland demonstrates (Boege 2004, 103–151).

The western viewpoint is that where there is no state (and civil society) , and no monopoly over the legitimate use of force, there must inevitably be chaos. This has been proven as false. There is and can be control of violence and nonviolent conduct of conflict beyond the state. This is true not only for some distant past, but also for contemporary weak, fragile or collapsing states. Post -colonial scholarship assumed that traditional institutions would give way to modern, traditional institutions and the power of custom has proven

to be remarkably resilient. Non- or pre-state traditional forms of conflict regulation have proven to have this type of resilience.

- Traditional approaches are not state-centric.

Due to the fact that traditional approaches 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 forms of control of violence and conflict transformation which have proven their efficiency. Pursuing such a non-state-centric approach takes into account that in general people

on the ground, have a desire for peace building. They perceive the traditional approaches as positive, whereas state-building is often perceived as irrelevant for peace and order. This is more so in the light of the often bad experiences some people have had with 'the state'. Traditional approaches make conflict transformation and peace building possible and at the same time circumvent or postpone state-building. Such a non-state centric approach opens up possibilities for dealing with the issue of legitimacy. It must not be forgotten that legitimacy is at the core of the problem of state weakness. Weaknesses of state are not only problems of structures, institutions and powers of enforcement and implementation, but also of perceptions and legitimacy. Many times, Max Weber's famous definition of the state i.e. "monopoly over the legitimate use of violence" includes both enforcement power and legitimacy. Most of the time, the state is weak because it has no legitimacy in the eyes of the people. People on the ground do not perceive themselves as "citizens of the state", as "nationals". Rather they define themselves instead as members of some sub- tribe or other entity such as kin group, tribe or village. The state' is perceived as an alien or external force. This has extraordinary consequences for their disloyalty against the state. People are loyal to 'their' group and not the state. Legitimacy rests with the leaders of that group, not with the state authorities, and people do not obey the rules of the state, but the rules of their group. Reference to those traditional authorities and institutions will enhance the legitimacy of any measures taken with the goal of conflict transformation and peace building. They take into account the time factor into due account and are process-oriented. Traditional approaches also provide for comprehensive inclusion and participation of all parties involved or interested in the conflict. These approaches tend to

focus on the psycho-social and spiritual dimension of conflict transformation in society.

- Traditional approaches are process-oriented and take the time factor into account.

Communities have a different concept of time depending on cultural contexts. This is of major significance for the success or failure of peace building processes. African time differs from European time. In this context, time as is understood in traditional African societies, opposes vectoral time that prevails in modern industrial societies. Circular time is a slow cumulative process where duration and associated functions leave their almost unnoted imprint" (Faure 2000, 161). The process of conflict transformation which tends can be very time-consuming, is more important than solutions. This is more so due to the fact that in traditional concepts, any 'results' achieved are only of a temporary nature anyhow. They are subject to renegotiations and revisions and possibly and, further down the line, renegotiations of the revised results and revisions of the revision). Menkhaus , Ken stresses the point that "Traditional conflict management mechanisms tend to be process-oriented, not product-oriented; that is, they focus on managing rather than resolving conflict. In this sense, they are somewhat more realistic than standard international (Western) diplomacy, which emphasizes on peace treaties that definitely end a conflict". Under Western diplomacy, one has to do with "ongoing rounds of talks that revisit and renegotiate issues. This approach to conflict management, particularly the tendency to begin renegotiating freshly minted accords, fits poorly with international diplomatic timetables and approaches. International peacemakers seeking rapid, tangible, and fixed results in negotiations are almost certain to be disappointed by traditional conflict management" (Menkhaus,Ken 2000,P. 198). Traditional approaches are characterized by their slowness. And slowness breaks and

"time outs" any resistance. This factor is deliberately built into 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.

- Traditional approaches provide for inclusion and participation. In the same way as all parties (and every member of each party) are responsible for the conflict, everybody also has to take responsibility for its solution. 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. These interests are not confined to the material sphere, but also comprise issues such as honour, prestige and saving one's face. Volker Boege states that to pursue an inclusive participatory approach at all levels of the conflict is extremely complex and time-consuming, but has greater chances of success than approaches that are confined to the 'leaders' of the conflict parties. 'Additional' activities that 'supplement' the 'real' negotiations also are very important in this context. According to the holistic nature of custom, it is not appropriate to isolate specific 'political' events (such as negotiations) from the overall context. "Leisure, visits, cultural events, amusements, attendance at plays, and participation should all be part of them. This mixing of activities within the negotiation setting can be highly functional with regard to the relationships that it helps to establish, reestablish, or strengthen. It makes efficient use of the nonlinear nature of the negotiation process and confirms the multiplicity of the levels at which it takes place"

Faure, Guy Oliver in Traditional Conflict Management in Africa and China, says that Praying, singing and dancing together considerably contributed to the success of traditional conflict resolution approaches. An example is Somaliland where the recitation of poems by renowned bards at peace negotiations immensely helped in communicating the message of peace. It is only in the eyes of external modern actors that such kind of activities seem to be mere decoration and superfluous accessories that have nothing to do with the' real' political issues at hand.

- 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 and not only by the political and military leadership of the warring sides. This broad participation guaranteed the stability and implementation of agreements reached. Truce and ceasefire agreements were entered into by local community or village elders as well as by traditional authorities, e.g. spiritual leaders. This made the agreements more binding and easier to implement. The representatives of both traditional civil institutions and the spiritual leaders in society took on a shared responsibility for keeping the ceasefire and stabilizing the situation. The authority of the representatives of customary social structures i.e. the elders and chiefs was recognized by all the conflicting parties. Their opinions could not be ignored if the resolutions were to work. Of special importance was the involvement of women. In some traditional communities Africa, women have a strong social position, in the context of village or clan, which stems mainly from their control of the central resource, land. While women were mainly active in peace building at a

local level and in the background, there were also women representatives attending all the decisive high-level rounds of talks and negotiations in the first phases of the peace building process. In other traditional communities, women might not have been given the chance to speak out publicly, but they felt strongly for peace. The male leaders of the conflicting parties found themselves compelled to welcome and support women's peace initiatives and to get them involved in the process.

- Traditional approaches focus on the psycho-social and spiritual dimension of violent conflicts and their transformation.

This dimension tends to be underestimated by actors who are brought up and think in the context of western enlightenment. Conflict transformation and peace building is not only about negotiations, political solutions and material reconstruction, but also about reconciliation and mental and spiritual healing. Traditional approaches have a lot to offer in this regard. They do not only deal with material issues, reason and talk, but also with the spiritual world, feelings and non-verbal communication. As has been pointed out already, reconciliation as the basis for the restoration of communal harmony and relationships is at the heart of customary conflict resolution. By means of reconciliation, relations between conflict parties are restored. At the same time, both the perpetrators and the victims are re-integrated into the community. Traditional approaches are inclusive, not exclusive. Traditional methods of purification and healing, carried out by customary healers, priests and other spiritual authorities are of utmost importance for the mental and spiritual rehabilitation of victims and perpetrators. The mental healing of those people who were deeply traumatised by the experiences of violent conflict is an aspect of peace building that is at least as important as material reconstruction. Volker Boege in his book

Traditional Approaches — Potentials and Limits, says that traditional approaches are well suited to address this dimension. They take into account the fact that conflict transformation and peace building is not only an issue of reason, rationality and talk, but that it also affects the emotions, the imagination and of the spirit of an individual or group.

WEAKNESSES OF TRADITIONAL APPROACHES

According to Volker Boege in his book Traditional Approaches — Potentials and Limits, the five major strengths of traditional approaches to conflict transformation are matched by five major weaknesses as enumerated below.

- Traditional conflict transformation does 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. A permanent pacification of the conduct of conflicts as it is given in the context of the modern state with its monopoly over the legitimate use of violence is not achievable in the traditional context. Moreover, certain highly ritualized and thus controlled forms of violence are perceived not as violation of the rules, but as integral to the societal order and as indispensable elements of conflict resolution. Fighting can be a means of constituting and re-establishing harmony. Furthermore, violence permeates the everyday life. Violence against often contradicted universal standards of human rights e.g. violence towards women (wife beating) was seen as a means of instilling discipline in wayward women.

- Traditional approaches may contradict universal standards of human rights and democracy.

If councils of elders for instance, broker peace deals between conflict parties and if these councils actually consist of old men only, this type of gerontocratic rule is problematic by modern democratic standards, all the more so if the young and the women who are excluded from decision-making processes become the subjects of these decisions. Women often are the victims of customary conflict resolution processes that are dominated by males in order to resolve conflicts between males, e.g. swapping of women between conflict parties or gift of girls as compensation, or compensation negotiated by male community leaders and exchanged between males for the rape of women or girls.

The treatment of perpetrators according to customary rules can contradict universal human rights standards, e.g. by a violation of personal integrity or even torture.

These problematic features of traditional approaches may themselves lead to conflicts. Young women and men 'infected' by modern ideas from the outside world – often are no longer willing to subordinate themselves to gerontocratic rule. Of course, the severity of this problem depends on the specific circumstances in the given community: In communities where young men and women also have a say in community affairs or where custom is adaptable, the situation is more relaxed than in rigidly authoritarian or gerontocratic circumstances.

- Traditional approaches have a limited sphere of applicability.

They are confined to the relatively small community context, to the "we"-group of family, clan, village or neighboring communities. Volker Boege in Traditional Approaches — Potentials and Limits says that this problem can be addressed to a certain extent by re-framing of the "we"-group.

At times traditional approaches in conflict situations clash with modern external and more powerful systems of conflict regulation.

At times, some actors in a conflict can be problematic. These include those members of the community who willingly or unwillingly have left the community. At times such people were so deeply alienated from their communities of origin that it is almost impossible to re-integrate them into traditional life by customary means. In communities wherever traditional societal structures and custom have been severely undermined by the impact of the modernizing powers of capitalism such as urbanization, privatization and monetarisation, it will be difficult or even impossible to apply traditional approaches to conflict transformation. However, even under such conditions it is worthwhile to look closely at the specific conditions of the given place and conflict. For example, it would be short-sighted to simply conclude that urbanization automatically leads to the breakdown of traditional structures. Often people still have very close ties to their places of origin or they transfer the 'village' and its values and rules to the new urban environment. One would therefore I have to decide on a case-by-case basis whether the traditional structures have been eroded to such an extent that customary ways of conflict transformation will no longer be applicable or whether people are

still tied into custom to such an extent that there is willingness and capacity to utilize customary ways. It would be important to first determine whether people still perceive custom as valid and legitimate, and if they are they willing to abide by customary regulations. This would give an idea of how traditional approaches would be received.

- Traditional approaches are preservative. They are geared towards the preservation of the status quo or the restoration of the 'good old' order.

Disturbances of that order have to be controlled and fixed. Traditional approaches only work in the framework of that order and are only applicable to conflicts that occur within a given community. Traditional approaches are difficult to apply with regard to conflicts against the community, conflicts that challenge the framework of values and relations of the traditional order. The conservative character of traditional approaches does not sit well with modernizing influences from either within the community – young men and women challenging traditional authorities and the 'good old ways' – or from outside the community – western external actors intervening in the name of modern values and interests such as profit, taxes, statutory law and human rights. Given these pressures from within and without, traditional approaches will have to adapt, and combinations of traditional and modern institutions and instruments of conflict transformation will have to be developed. Although traditional societies are generally characterized by a relatively slow pace of change, experience shows that custom is adaptable indeed and that positive mutual accommodation of traditional and modern approaches to conflict resolutions can be successfully achieved.

- Traditional approaches are open to abuse.

There are many examples of traditional authorities abusing their powers for their own benefit and to the detriment of the weak members of traditional communities. Misconduct commenced in colonial times when traditional authorities became instrumentalised by the colonial masters. This tendency continued in the post-colonial era, and it also is effective today under conditions of weak or failed statehood. Biased approaches on the part of elders, chiefs, etc. that are sometimes merely

motivated by personal greed are often legitimised with reference to custom. Status and prestige stemming from the traditional context is instrumentalised to gain personal advantages. With regard to Africa, Osaghae Eghosa E. states that "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" (Osaghae 2000, 215).

Whenever the modern roles of politician, entrepreneur or warlord on the one hand and traditional roles of elders or chiefs or big men on the other are united in one and the same person, a perversion of custom is imminent. This of course weakens the legitimacy of traditional authorities and discredits traditional approaches in the eyes of community members, and as a consequence traditional approaches are weakened in general. In situations in which traditional approaches no longer function and modern state-based or civil society approaches do not function either, unregulated and uncontrolled forms of violence thrive.

CONCLUSIONS

Various studies show that notwithstanding the differences in sociopolitical organization and levels of development; the nature of conflicts and the strategies devised to deal with them in traditional African societies present striking similarities. These similarities are attributable to the common social formations in the societies that derive from what is popularly called a preliterate worldview or thought system.

Given the disintegration of traditional societal structures in many regions of the world, the potential of traditional approaches for conflict prevention and peace building 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 to and not to make use of it wherever possible. Traditional approaches might give us wider insights for conflict transformation processes more generally. Traditional conflict resolution surely is not a panacea for all ills, but an approach that so far has been underestimated by actors who were brought up and taught to think in a western mindset.

Moreover, what is proposed as being appropriate when it comes to conflict resolution, is not a way back to the 'good old times' of traditional conflict resolution (these so called " good old times" might not have been that good in the first place).

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.

Today's approach to conflict , attempts is to pass conventional state-building and institution-building as the one and only avenue for nonviolent conduct of conflict. This is an approach that so far has reaped only poor results.

The conventional western perception which equates an absence of state-induced order to a complete absence of order is much too narrow. This commonly held western view fails to take into account the actual situation on the ground in many regions of the African continent. Beyond the state there is a host of actors and institutions, customary ways and means of maintaining order, controlling violence and resolving conflicts. 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 short-sighted.

RECOMMENDATIONS

Management is related to the nature of conflicts. 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, as authors like Bozeman (1976) have tried to show, 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 management that draws from common values and perceptions of conflict and its management all over Africa, and that incorporates various relevant and time-tested strategies as a possible way of overcoming most of the limitations identified above. This is a necessity if Africans 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 management all over the world.

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

1. 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.

2. One should look at the weakness of state structures and decide what works best in a conflict environment.

3. There is also 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.

4. There is need to perceive the 'actual existing states' in the crisis regions of the African Continent not from the perspective of 'incompleteness', 'not yet' properly built or 'already again' failed. Instead one has to look and see the 'actually existing states' in terms of "hybridity" of political order. Recognizing the hybrid nature of African communities is the starting point for endeavours that aim at the control of violence, conflict transformation and peace building.

5. Acceptance of both of state and non-state (traditional or indigenous) mechanisms and institutions is a promising way to make use of hybridity.

6. One has to search for new forms of statehood and political community which transcend the conventional concepts of the western state. These forms of governance beyond the state can and will have to draw on traditional actors and institutions. This will ensure that the analysis of violent conflict will need to overcome a state-centric perspective, but so have the approaches for conflict transformation.

7. If one takes seriously the insight that there is control of violence and a framework for nonviolent conduct of conflict beyond the state, then the task of state-building becomes less urgent and at the same time more complex and new political options ensue.

8. Given the hybridity of many of today's large-scale violent conflicts, conflict transformation and peace building also has to be of a hybrid nature, combining and blending traditional approaches,

state institutions and civil society approaches. This seems more promising than the mainstream state-building mantra.

A significant development in this regard is the formulation of the philosophy of *ubuntu* by black scholars and activists in South Africa. *ubuntu* is similar to formulations of African socialism in the 1960s. The (re)construction of *ubuntu* is still in its early stages and, like Nyerere's *ujamaa* and other earlier attempts to invent traditional social formations, its formulation is still far from coherent or even clear. But it has generally been well received as a potentially authentic African contribution to the theory and practice of democratic governance, and some criticism of being too basic and simplistic to meet the challenges of complex organization and conflicts can be met through further elaboration. Whatever the responses to it may be, *ubuntu* is an example of how traditional systems could be reconstructed to serve the needs of present-day requirements of conflict management.

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