

Theoretical and Exploratory Analysis of Indigenous Conflict Resolution Approaches in Selected African Societies

EMEKA CAMILLUS NWADIKE
Nasarawa State University Keffi, Nigeria.

Abstract- The need for a hybrid justice system that incorporates the modern and indigenous justice systems to enhance cost-effective and efficient adjudication processes underscores the need to explore the theoretical and exploratory analysis of indigenous conflict resolution approaches in selected African societies. In lieu, the study relied on the desk review method to infer indigenous conflict resolution approaches vis-à-vis modern jurisprudence to find that despite the growing backlash of the traditional justice system in contemporary times, the potency of the traditional justice system engrossed in the norms and traditions is never in doubt. Indigenous conflict resolution approaches are reconciliatory and non-punitive, unlike the zero-sum game Western litigation system. It is cost effective and time efficient with merry-making in the adjudication processes to restore broken relationships. Despite these advantages, there are drawbacks of gross human rights violations and the violation of the principle of double jeopardy within the traditional justice system. On this premise, the study relied on the framework of conflict transformation advanced by Lederach that stressed the need for conflict resolution by addressing the underlying issues from different perspectives to recommend synergy between the modern and indigenous conflict resolution systems as evident in the Gacaca Court and Abunzi framework in Rwanda that enhanced peace in the post-Rwanda genocide of 1994.

Indexed Terms- African Societies, Conflict Transformation Theory, Indigenous Conflict Resolution Approaches, Peacebuilding

I. INTRODUCTION

African societies exhibit different and sometimes similar practices on issues of conflict resolution and peace building. There are between 1,500 and 2,000 languages and cultures in Africa (Anouk, 2019), making it home to one-third of the world's languages. Many disputes resulting in inter-ethnic wars have been documented in various literature. From literature in the

public domain, this article attempts to examine some indigenous conflict resolution strategies and their associated theoretical perspectives. Thus, relevant theories of dispute resolution, adjudication, and hybrid conflict resolution mechanisms are reviewed to provide theoretical support to the study. Selected examples, including that of the Gbagyi cosmic view and peace-building processes, are explored.

II. CONCEPTUAL REVIEW

The concept of "Conflict" is an inevitable social transformation tool and a paradigm for new social order in a society (Ani, J., Innocent, O. and Oji, R. O., 2021; Burton, 1990). It emanates from the Latin word *Cou* (coming together) and *Fligere* (to strike) (Jegade, 2019). Conflict could be negative or positive. While the negative conflict is injurious and aims to inflict harm or eliminate the opposing party, positive conflict strives to usher in a new social order and creates a platform for resolving social differences. The positive school of thought, Albert (2001) submitted that conflict is a mechanism through which goals and aspirations of individuals and groups are articulated; it is a channel for a definition of creative solutions to human problems and a means to the development of a collective identity. His assertion implies that social problems are inevitable among humans as social beings, which require tussle and friction to uphold collective entity and mediation to the conflicting problem. This assertion implies that conflict is inevitable in human societies and sometimes can lead to positive changes or positive transformation. In view of the preceding, Musingafi, Mafumbate and Khumalo (2019) submitted that the challenges facing us are not the elimination of conflict but rather how to effectively address conflict when it arises to foster peace and social cohesion. Seeing conflict as a tool for achieving societal goals, Hocker and Wilmot (1985) defined conflict as the interaction of independent

people who perceive incompatible goals and interference from each other in achieving those goals. From the foregoing perspective of positivists, conflict is an inevitable tool in forming social cohesion and a paradigm for a new order in societies. Though conflict is inevitable, the management of conflicts are important as the lack of it could result in harm to the parties involved.

On the other hand, the negative school of thought sees conflict as fissures, contentions and strives as conflicting parties aim to suppress, harm, and neutralize the opposing party. In this light, Coser (2010) defined conflict as a struggle over values or claims to status, power, and scarce resources, in which the aim of the conflicting parties is not only to gain the desired values but to neutralize, injure, or eliminate their rival. Similarly, Quincy (1971) sees conflict as a relationship between states or rival factions within a state which implies subjective hostilities or tension manifested in subversive economic or military hostilities.

While these schools of thought provided a solid foundation for conflict theorizing, emphasis on conceptualizing conflict within the African perspective is lacking. This is partly due to Lot (2022) view that defining conflict from an African perspective is challenging. He conceptualized conflict as the magnitude of rage, rift, misunderstanding, family and market brawls, skirmishes and wars, public insurrections and assaults, chieftaincy, and boundary disputes. Similarly, conflict reflects incompatible goals or clash of interests between parties such as individuals, ethnic groups, and states who struggle over goals that may be overt or subtle, manifest or imaginary (Burton, 1990).

The concept of conflict as defined by Lot (2022) has some relevance for the study of the conflict resolution among the Gbagyi indigenous societies. Conflict in Gbagyi societies revolves around land disputes, murder and manslaughter, marital dispute, selection and enskinment of traditional chiefs, and communal fault lines. Oral history of Gbagyis suggests that in the event of a murder, the Gbagyi indigenous conflict resolution mechanism goes beyond sanction and restitution to implore ritual cleansing to appease the land and the deceased's spirit (J. Wuye, Personal

Interview. 23/06/2023). A deep insight into indigenous conflict resolution, which is restorative than retributive, is assessed subsequently.

2.1.1 Indigenous Conflict Resolution Mechanisms in selected African societies

Conflict resolution mechanism or strategy is a formal and indigenous framework employed to suppress existing conflict in a society, enhance peace and security, and prevent violent relapse (Dereje, 2010). According to Murithi (2006) a social framework is embedded in norms and customs in society to effectively unite the members of society through laydown principles and terms of the relationship. Issifu & Asante (2016: 11) stressed that the term “indigenous” refers to a set of African cultural practices and products, which are native to that region or environment. In other words, it refers to practices that belong or associated to a particular place or culture rather coming from somewhere else. They asserted that indigenous connotes “African culturally related practices and belief systems, including norms, folklores, and native worldview that have endured the test of time, and contemporarily relevant.”

In Rwanda, the Gacaca court and Abunzi frameworks were used as mechanism for resolving conflicts and were potent tools for fostering forgiveness, restitution and peaceful coexistence in the post-1994 genocide in Rwanda. In Ethiopia, notable indigenous conflict resolution mechanisms include Gada framework deployed for adjudication and conflict resolution among the Oromos, Shimagelle communities (Tegel, 2022).

Indigenous conflict mediation mechanisms are ancient frameworks passed from generation to generation that are employed by Africans to manage conflict situations (Kariuki, 2018). Also, they are communal approaches utilized to mediate conflict, provide justice for all, and to enhance sustainable living (Atakpa, Udoms, & Enang, 2021).

Among the Nigeria societies, Atakpa et al. (2021) stressed the potency of the *Mbiam* traditional jurisprudence among the Ibibios of Akwa Ibom State, Nigeria, which covers both civil and criminal cases with emphasis on land tenure crisis, inheritance, socio-

communal development strategies, interpersonal relationships, and sundry avenues.

Indigenous conflict resolution mechanisms are contemporary belief systems, traditions, customs, and norms attributed to a group of people and employed to enhance sustainable peace and development. In addition, indigenous conflict resolution mechanisms are pre-colonial African mediation frameworks embedded in tradition, custom, ritual, and incantation with efficacies on peace building, integration, and co-existence. In the view of Okrah (2003), indigenous conflict resolution mechanisms entail peace building through cultural and internal social apparatus, including truth saying, culture, and belief systems that tend to promote a non-zero-sum game approach to a sustainable peace than the conventional zero-sum game approach (Issifu & Asante, 2016).

In Akwa Ibom State, Nigeria, notably among the Ibibios, the *Mbiam* framework is a potent conflict mediation tool whose potency is never in doubt (Lot, 2022). It is accurate in fishing out perpetrators of heinous crimes, building peace in conflicting situations, and instilling truth-telling among the Ibibios. When the perpetrator refuses to admit wrong, whatever befalls the accused is deemed a just call. The above statement is evident in the adage that *Mbiam ami ado adue ukot akpa itong* which literally translates as “this oath, he who misses a step, losses his neck” (Lot, 2022). *Mbiam* efficacy is also highlighted in Lot (2022), where he opines that the *Mbiam* oath-taking among the Ibibios is utilized in critical conflicting situations that could be detrimental to the perpetrator and the community at large if the case is left unresolved. In congruence with Lot’s (2022) assertion of *Mbiam* as a potent peace building mechanism, Ituen in Lot (2022) submits that in a perennial conflicting situation among the Ibibios, administering *Mbiam* oaths will instill peace as a measure to avoid the wrath of *Mbiam*. More also, Iboro in Lot (2022) observed that in a conflict situation with difficulties in ascertaining the offender, the administration of *Mbiam* will fish out the perpetrator within days of performing the ritual. The foregoing potency of indigenous conflict resolution mechanisms ensue the need to infer their relevance in peace building which is treated subsequently.

2.1.2 Peace Building

It is imperative to scrutinize the essence and aim of indigenous conflict resolution mechanisms. While early models of Western jurisprudence is retributive, the indigenous conflict resolution mechanism for the most part is skewed towards the restoration of a broken relationship, forgiveness, reconciliation, and social harmony, which revolve around the concept of peace building. Peace building theorizing is attributed to Galtung (1975), whose positive peace theorizing sees peace as not just the absence of violence, but that peace which leads to restoration of relationships, and the creation of social systems that serve the needs of the whole population. His concept of peace stresses the need for structural changes that address the root cause of conflict rather than the negative peace concept of curtailing conflict from the surface level. Building on his ideology, Boutros-Ghali (1992) submitted that Peace building is seen as post conflict social and political reconstruction activities, which are aimed at preventing a relapse into conflict (Boutros-Ghali, 1992). Similarly, Brahim (2022: 3) opines that peace building “involves activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.” In other words, peace building is about those efforts that engenders the transition from conflict to peace and reduces the risks of lapsing or relapsing into conflict.

2.1.3 African Traditional Chiefs

Among the Gbagyi communities, the traditional chiefs (also seen as traditional rulers or kings) command immense respect. This is evident in traditional ceremonies such as festivals where obeisance and homage are dully accorded to traditional chiefs by the council of elders and members of society (Sarki & Jeremiah, 2021). In traditional African societies, traditional chiefs are revered as the custodians of laws, norms, traditions, and are important mechanisms to uphold order and peace in society. For instance, in Sierra Leone, notably among the Mende tribe, traditional rulers employed the interplay of negotiation, mediation, adjudication, and reconciliation embedded in the principles of *ngohutei* (hand heads) and *taemugalei* (begging fee) to maintain peace and social cohesion (Momoh, 2021).

Traditional Chiefs are the custodians and protectors of sacred laws, norms, ideologies, and values in society, often at the community level, as they interface with the community on daily activities. Wadma cited in Abdulsalam, Olokooba, Okafor & Adika (2020), opines that traditional rulers are leaders or persons by virtue of heredity or people with proven tracked records who are nominated, appointed and installed in line with the provisions of their native laws and customs. A traditional ruler is seen as a traditional head of an ethnic unit or clan who, for the time being, is the holder of the highest traditional authority whose title is recognized as a traditional title by the government of the state (Yahaya cited in Abdulsalam et al., 2020).

The rationale for the relative importance of traditional chiefs in the process of conflict resolution in Nigerian society is premised on the fact that they have a vast knowledge of the acceptable traditional methods and procedures that have been passed from one generation to another (Abdulsalam et al., 2020). The deep knowledge of the norms and values of the society and the sacred responsibility of the chief custodian of the society incentivize traditional chiefs to promote peaceful coexistence by mediating and reconciling disputants on social issues ranging from land disputes, farmers-herders conflict, family, clan related disputes, among others in society. The relevance of the traditional African institution is seen in a report by Vaughan (2000), who sees the failure of most African states in the 80s and 90s to be a result of the neglect of the traditional political structure to the superimposing of the Western and modern model of governance which essentially did not fit into African societies. In a study on the traditional peace mechanism of the Ibibio people, Peter (2018) x-rayed the importance of traditional chiefs and council of elders as a conflict resolution framework in dispute settlement and peace building through the instrumentalities of *ayeyin*, *ekpo nyoho*, *esop mbong isong* (the highest court in the land), *ayeyin* (grandchildren and ambassadors), *Abase ayeyin* (god of grandchildren), *Ukod* (in-laws), *mbianm* (oat taking), and *Ukang* as they were effective in fostering peaceful coexistence before the permeation of the western litigation courts.

The role of the Sultan as a conflict mediator across Nigeria is seen in a study by Blench Longtau, Hassan

and Walsh (2006), where the paramount ruler mediated and engaged in peace building in the Kafancha crisis of 1999 and Zangon-Kataf crisis of 1997, the Tiv-Jukun crisis in 1992, Jos crisis 2001-2004, Tafawa-Balewa crisis in 1995, the 2002 Miss World pageant crisis in Kaduna State, and the 2005 Shi'ites and Izala crisis in Sokoto State. These conflicts occurred across Nigeria with death tolls across religions, ethnicity, and tribes, with several efforts to halt the ferociousness of the rate of casualties to no avail. The intervention by the Sultan aided in abating these conflicts across the country. The relevance of the traditional chiefs also was seen in the study where in Fika Emirate in Potiskum, Yobe state, the Emir responded on time to avert the ensuing conflict between Christians and Muslims in the Emirate when 19 churches were burnt by the Izala sect in 1994 and in 2006, where seven churches were burnt in relation to the cartoon riots. The quick intervention of the traditional leader prevented further escalation and reprisal attacks by the Christian faithful.

The ultimate aim of the African traditional peace mediating framework is not to impose fines or punitive sentences but rather to enhance and promote peaceful coexistence, forgiveness, reconciliations, and healing process as Ajayi & Buhari (2014) opined that in the traditional judiciary system in Yoruba land, fines of damages are not usually awarded by the mediators in civil cases. The utmost aim is to restore peace by settling disputes amicably. In other words, the restoration of harmony is what is paramount in the traditional judicial system.

2.2 Theoretical Reviews

Theories are sets of ideas that are intended to explain facts or events. They are usually formulated to explain, predict and understand phenomena and in many cases to challenge and extend existing knowledge, within the limits of critical bounding assumptions. This paper reviews some theories that aim at aiding the understanding of the indigenous conflict resolution approaches.

2.2.1 Conflict Transformation Theory

Conflict transformation theory by Lederach was advanced based on a religious framework. It was developed by Anabaptist-Mennonite that stressed the need for peace and sustainable living engrossed in

justice, establishing right relationships, and social structures embedded in radical respect for human rights and non-violence as a way of social cohesion in society (Lederach & Maiese, 2009). Despite being modeled in the framework by Anabaptist-Mennonite, conflict transformation theory has been a concept frequently employed by Lederach on the heels of intensive experience in Central America in the late 1980s. The theory sees conflict as a necessary social framework through which structures and norms are transformed to usher in a desired society, economy, and political system. The paradigm of a new social process through the conflicting process is attained by combining and using different lenses to assess conflicting societal situations. Lederach and Maiese (2009) assert that conflict transformation is a way of looking and seeing, and it provides a set of lenses through which we make sense of social conflict. These lenses draw our attention to certain aspects of conflict and help us to bring the overall meaning of the conflict into sharper focus. Going further, Lederach gave a hypothetical example of a set of glasses with three progressive lenses that aided in bringing into focus things at a distance, projecting a clearer view of the object at mid-range, and with the third, aiding in reading and threading a fish line through a hook.

Conflict transformation theory provides a framework that holds different views of a conflicting situation, as using a single lens undermines the vision of other lenses. The preceding avails the need to understand conflicts particularly conflicts in Africa with lenses and from different perspectives to provide a lasting solution and sustainable peace. Adopting only the Western conflict resolution style will blur our sight from seeing the underlying norms and cultural practices that detect social functioning and conflict in African societies. On the other hand, employing only the indigenous approach to peace building might be counterproductive in the long run owing to the increasing shortfall in using indigenous peace building mechanisms. Leading drawbacks in the use of indigenous peace building are evident in the human rights violation and the violation of the principle of double jeopardy embedded in the use of the Chalo framework among the Mems of Ethiopia (Nigatu & Jobir, 2022). In addition, the use of *Mbiam* among the Ibibios of Akwa Ibom State, Nigeria, is heavily criticized as a framework that violates human rights,

and it is subject to manipulation by the custodians to pervert justice and inflict harm on innocent people.

The theory is relevant to this article in providing different perspectives to resolving conflict. A synergy between the Western court litigation and the indigenous peace building mechanisms will provide a framework for seeing African conflicts from different perspectives to create a lasting solution to African conflicts and sustainable peace in African societies. In congruence, Lederach & Maiese (2009: 2) deduced that:

...we need a lens that helps us envision a framework that holds these together and creates a platform to address the content, the context, and the structure of the relationship. From this platform, parties can begin to find creative responses and solutions.

2.2.2 The Law-Jobs Theory

The law-job theory is a dispute mediation theory hypothesized by Llewellyn in pursuit of dispute prevention and amicable settlement of conflicts, usually outside court litigation. Twining (1993) summarized the theory as all of us are members of groups, such as a family, a club, a teenage gang, a school or commercial organization, a trade union, a political party, a nation-state, and the world community with specific objectives and aims. Certain jobs need to be carried out to achieve these objectives and aims in society. The first of these jobs is to build a negative peace society where conflict and dispute are prevented and curtailed to zero. The first objective is hardly attainable. When conflicts arise, the second job is to engage in a peaceful resolution framework that mediates and reconciles the disputing parties to prevent disintegration. The third job is to derive adaptation measures to changing behavior and environment. Conflict prevention and resolution are feasible in an environment where measures and adaptations enable society to adapt to the changing environment. Indigenous conflict resolution mechanisms are devoid of these changing dynamics as they are characterized by rigid and static adherence to lay down principles and laws by deities and supernatural forces bestowed on humanity.

The fourth job is specifying authority and power by the constitution to regulate and check against abuse of power by decision-making groups. The last job is the

'job of juristic method', which connote dispute resolution, making reforms and changes due to changing human behavior and environment, and creating an enabling environment for resolution and decision. This stage entails constitution and amendment to inculcate the interest of varying cultures, tribes, clans, and ethnicity in a state. This brings the relevance of the theory in the study, which strives to sieve the drawbacks in indigenous conflict resolution mechanisms and incorporates the positive elements with Western jurisprudence. A hybrid jurisprudence will mitigate the mounting litigations and caseload in the modern court system in FCT, Nigeria, and brings justice closer to the grassroots.

2.2.3 Bentham's Theory of Judicial Organization and Adjective Law

Jeremy Bentham (1748-1832) was an English jurist and utilitarian, famous for his central theme of welfarism and the greater good of the majority. Adjective law theory posits that the object of adjudication is the implementation and application of positive law made by the legislator to promote utility. The direct end of adjective law is the rectitude of decision, that is, the correct application of substantive law to true facts" and that "the court system should be organized to promote cheap, simple, accessible, local, public justice (Twining, 1993). Bentham's theory of adjective law was primarily built on experiences and experiments from Danish and French proceedings on reconciliation in cases where the disputants are both aggrieved and wronged.

Adjective law theory advocates adequate remuneration of lawyers and legal personnel to avoid indecision and partial judgment or manipulation of judgment due to financial inducement. The theory also advocates for complete and truthful testimonies during proceedings to avoid unfair judgment. Despite being a theory of litigation, adjective law theory is relevant to the study in hypothesizing a dispute resolution framework and a mechanism that is fair, cheap, accessible to all, and with the central message of promoting utility and wellness in a society that encompasses the central message in indigenous conflict resolution and peace building.

2.3 Review of Literature

Bamidele (2014) examined indigenous African conflict resolution mechanism in line with the Gacaca courts introduced to foster peace in the aftermath of the Rwandan genocide of 1994 and the clan and eldership systems employed in Somalia up till the collapse in 1992 after the regime of Siad Barre. The study took a historical insight into the backlash of the indigenous African mechanism embedded in the Semitic underpinning that linked Blacks as the descendants of Ham, accursed by his father, Noah. In addition, the study attributed the superimposition of the unfit Euro-Centric Colonial White Dominate Approach (EUCCWDA) to African societies as the result of the undue influence of the Portuguese and Spanish explorers in 1500 and the continued usage by African leaders in the decolonization era of the 1940s. Consequently, the industrial revolution of the 15th century necessitated the divide and rule that pitted Africans against each other to pave the way for imperialism and the dominance of the Western litigation system over indigenous conflict resolution mechanisms. The study broadens on the efficacy of the pre-colonial colonial Gacaca courts, reformulated into a hybrid peace building framework to enhance justice and reconciliation in the post- Rwanda genocide. The formidable clan and eldership systems in peace building in Somalia until its inefficacies in the aftermath of the Siad Barre regime also provide empirical evidence of the significance of indigenous African peace building mechanisms in maintaining order and peaceful coexistence in African societies. The study concludes that the AISCRC, with a far-reaching historical success, is relegated to the background by researchers and policymakers on African peacebuilding. The study recommends that AISCRC be embedded in the curriculum across pedagogies as the frontier for empirical inquiries in African societies.

Tagel (2022), in a study on *Asha* indigenous conflict resolution apparatus of the Me'en community of Ethiopia, employed the instruments of twelve (12) Key Informants Interviews (KII) and two (2) Focus Group Discussions (FGDs) to decipher the efficacies and shortcomings of the *Asha* conflict mediation tool of the numerically disadvantaged pastoral fringe communities in the southwestern part of Ethiopia. The Me'en community, also known as Menit, Mekan, and

Tusha, have three leading indigenous conflict resolution apparatus of *Oneh*, *Tusha*, and *Asha* that focuses on mediating rape cases, conflicting situations devoid of an eyewitness, and conflicting situation involving human casualty, respectively. The *Asha* framework adopted in the study involves engaging a third party *Komorut*, to mediate the conflict to foster peace, reconciliation, and sustainable living in societies. The *Asha* framework undermines the principle of double jeopardy to levy the *Asha* ritual of seven cows and a teenage girl as penalties on the family and clan of the perpetrator after serving the government-imposed penalty. In a situation of the government's inability to apprehend the perpetrator, a fine of thirty (30) cows and a teenage girl are imposed as *Asha* on the family and clan of the perpetrator of the crime. *Asha*, as a potent indigenous conflict resolution mechanism among the Me'en community and extended neighboring communities, is often criticized for its shortcomings in human rights violation and negligence of the principle of double jeopardy. A remedial approach, such as the substitution of a teenage girl with seven cows (bringing to a total of fourteen cows), is undertaken to correct the demerit arising from the violation of the teenage girl's right to education, freedom of marriage, and physical and sexual violations. The study recommends that efforts be made to correct the anomalies arising from the *Asha* conflict mediation mechanism to align with the best indigenous African conflict resolution mechanisms, such as the *Gacaca* Courts in Rwanda and the *Ubuntu* principle in South Africa.

Nigatu and Jobir (2022) assessed the *Chalo*-indigenous conflict resolution mechanism of the Yem people and its implication for peace, security, and good governance. A qualitative method using Key Informant Interviews and FGD was used to infer the implication of the *Chalo* judiciary system on peace, security, and good governance in Southwestern Ethiopia. The *Chalo* judicial process comprised three judges (the *Mengagna*, *Aulongagna*, and *Kongagna*) and twelve (12) elders chosen from the tribe of Gazewa. The judicial process is held in April and September each year, where the revenue generated in the April session is used to purchase the goat for ritual during the September session. In the event of denial of wrongdoings by the perpetrator, a curse that is believed to be potent is laid on the perpetrator for

undermining the proceedings by the judge. The study revealed that the *Chalo* judicial system is instrumental in mediating theft and betrayal, inheritance, boundary conflict, divorce, and other conflicting situations to enhance peace in the Yem community in southwestern Ethiopia. Owing to inadequate linkage and acceptance by the conventional litigation courts, the study recommends that relevant stakeholders such as members of the public, the Woreda culture and tourism office, higher learning institutions, and the government should collaborate on promoting and sustaining the *Chalo* judicial system that is germane in fostering peace, security, and good governance in Yem society.

Debra et al. (2014) assessed the role of the Committee of Eminent Chief (CEC) implemented in November 2003 to foster peace in the intractable chieftaincy conflict between the two feuding royal families of Abudu and Adani in north-western Ghana. Preceding the committee, previously instituted legal and political mechanisms to enhance peace in the conflict that has claimed lives, property, and increasing expenditure on the government were futile. The eminent chiefs, which include the Asantehene, Otumfuo Osei Tutu II (head of Ashanti kingdom), Nayiri Naa Bohugu Abdulai Mahami Sheriga, paramount chief of Napkaduri and overlord of the Mamprugu Traditional Area and Yabonbwura Tuntumba Borsa Sulemana Japka I, the paramount chief of Damango and overlord of Gonja Traditional Area swung into action by bringing the two families together, organized the final interment of the pending deceased Ya-Na Mahamadu Abdulai IV and Andani III, and constituting the committee to enskin the new Ya-Na. The study revealed, based on the work of the CEC, that the use of the CEC approach brokered peace between the two feuding royal families with resultant positive outcomes such as the reconciliatory gesture between the two feuding families, the burial of the chiefs and the enskinment of a new Ya-Na. In addition, the study revealed that despite the prevailing challenges encountered in the process, the CEC approach effectively created an environment for sustainable peace, which was difficult to surmount by previous legal and political approaches initiated to mitigate the crisis. The study recommends that alternative mechanisms should be initiated to augment the success of the CEC to foster lasting peace in the Dagbon chieftaincy crisis.

Kansiime (2019), in a study promoting traditional ways of handling land disputes in western Uganda, undertakes a historical insight into the increased conflict embedded in the discovery of oil in the Bunyoro sub-region of Western Uganda. The action research approach attributed the decline in indigenous peace building mechanisms in the country to the growth and dominance of the conventional court litigations and ADR frameworks such as the Healthy Communities Uganda (HCU) and Navigators of Development Association (NAVODA) over the Indigenous mediation approach. Consequently, the overdependence on the liberal justice system led to a backlog in cases, delayed proceedings, and an increased financial burden on litigants. The growing constraints birthed a paradigm in the refurbished traditional mediation process known as the Bunyoro Traditional Peace Building Action Team (BTPAT), which undergoes a five rigorous process of peace building in the Bunyoro sub-region of western Uganda. The five stages include the initiation phase, where the committee conducts background investigations to ascertain if the case is within its jurisdiction. Stage two entails further background investigation and the specification of rules and regulations guiding the process agreed upon by the conflicting parties. The third stage is the mediation phase. It is the cross-examination process after the views of the conflicting parties are heard to enhance credible judgment. The stage is followed by the agreement phase, which establishes a mutual agreement between the conflicting parties. The last stage is the reconciliation phase which involves celebration and merry-making, handshakes and hugs, and jubilation embedded in the sharing and drinking of locally brewed beer to mark a successful adjudication process. The study outcome indicates that indigenous conflict reconciliation mechanisms have the capacity to mediate land disputes in the Bunyoro sub-region of western Uganda.

Ogora (2008) assessed traditional justice: A significant part of the solution to the question of accountability and reconciliation in Northern Uganda: A case study of the Acholi Local Justice mechanism of Mato Oput in Northern Uganda. The study gave a detailed procedure in the *mato oput* mediation process, which entails a fact-finding process by a neutral party, a cooling process to avert reprisal

attacks, a reconciliation process between the victim and the offender, acceptance of guilt by the offender and offering of forgiveness by the victim, the ritual process of *mato oput*, and merry making in celebration of a restored broken relationship. In addition to *mato oput*, they highlighted other indigenous peace building mechanisms embedded in the Juba Peace Accord to foster peace in the war-ravaged Northern Uganda. Highlighting the relevance of indigenous conflict resolution as a restorative justice system to enhance peace building in Northern Uganda, the study validates the *mato oput* as a truth-telling medium, as seen in a survey report in 2007 among 1,143 Internally Displaced Persons (IDPs) where a significant 97.5 percent of the respondents agreed to want to know the truth of what happened to their bereaved loved ones in the war as a measure to enhance sustainable peace. In addition, the survey revealed a significant 96% of the respondents agreed to the use of Cen (a spirit of the murdered victim) as a potent measure in compelling the perpetrator to confess a committed crime to enhance reconciliation and peace building. The study concluded that despite the indigenous peace building mechanisms' failure to satisfy the majority's needs, notably the proponents of the Western jurisprudence, it is a potent medium in instilling truth-telling, forgiveness, long-term and genuine reconciliation, and sustainable grassroots peace building.

Abukari et al. (2022), in a study, I cannot treat stupidity: The function of divination in planning and managing life crisis within the Dagbong traditional society in Northern Ghana explored the function of divination in planning and managing life crises. The instruments of interview and FGD were used to elicit information from Seventy-Five (75) participants selected through snowball and purposive sampling techniques. Thematic content analysis and observation were employed to avail that Dagbong people use soothsaying, Afal Malam, Jinwariba, & Gbanigba among others to resolve life crises. It thus recommends collaboration between allopathic medical care and divination to maintain the sustainable wellbeing of the Dagbong people.

Momoh (2021) examined the role of traditional leaders in peacemaking and conflict management among the Mende of Sierra Leone. The qualitative research design was used in the study. The study avails that the

traditional chiefs who are revered among the Mende of Sierra Leone as custodians of laws and norms in society are an important mechanism in peace building. Using the negotiation, mediation, adjudication, and reconciliation embedded in the principles of *ngohutei* and *taemugalei*, the council of chiefs/elders in Sierra Leone has strengthened the traditional peace building mechanism in the face of imperialism and globalization.

Issifu & Asante (2016) assessed the efficacy of the indigenous approach to peace building in Africa by x-raying the potency of the indigenous framework over the EUCCWDA. The study avails that while the EUCCWDA are punitive, retributive, zero-sum game (winner takes all) approach and advocates for election, trade, and political liberalization as solutions to conflict, the indigenous conflict resolution mechanism is a potent measure that strives to curtail the root causes of conflict, promote reconciliation and forgiveness, and integration of conflicting parties to enhance sustainable peace and development. In addition, the study avails that while the political and economic liberalization of the EUCCWDA employed in Mozambique and Angola provided the impetus for a relapse into crises, the indigenous conflict resolution mechanisms of Ubuntu in South Africa, the Wajir Peace Committee in Kenya, Amnesia in Mozambique, Ayei and Mbian in Akwa Ibom State, Nigeria, and Baraza in the Democratic Republic of Congo significantly impacts peace and sustainable living in the regions and countries of Africa. The study concludes that the indigenous African approach to peace building that aims to enhance mutual respect and peaceful coexistence is cost effective, flexible, participatory, and restorative than the zero-sum game, winner-takes-all, and retributive system of EUCCWDA that tends to re-ignite conflict than enhancing sustainable peace. It recommends that African leaders should develop a hybrid legal system that encompasses the indigenous and liberal systems for sustainable peace in Africa.

Uwa and Aisendion (2021) assessed conflict resolution through African indigenous institutions: A case study of the Esans in Edo State, Nigeria, using a historical research design with primary and secondary data sourced through interviews, textbooks, journal articles, and the internet. The study avails that African

indigenous conflict resolution strategies were important and potent tools in peace building and sustainable living in African societies before they jettisoned for the conventional Western litigation system. The study recommends that the government should increase advocacies and emphasize the use of traditional peace building frameworks, which are effective in mediating and fostering peace in African societies.

Ani et al. (2021) employed content analysis and observation to assess the relevance of the indigenous conflict resolution mechanism in farmers-herders conflict in Nigeria. Highlighting the shortcomings of the military and judiciary approaches employed over time in mitigating conflict in Nigeria, the study avails that symmetric strategies such as security operations and deployments were largely unsuccessful, while the amnesty program and the Disarmament, Demobilization, and Reintegration (DDR) programs by the Katsina State and Zamfara State Governments, respectively yielded a short-run effect on peace building. Highlighting the efficacy of the traditional peace building mechanisms, the study traced the origin and success story of indigenous peace building to the Greek and Chinese cultures and its relevance in Sri Lanka and the Zhou dynasty in 425 and 1,100 years before Christianity, respectively. The study deduced the need for a paradigm in indigenous conflict mediation mechanism due to the increasing shortcomings in the use of military and judiciary approaches in peace building and recommends synergy and collaborative efforts between the government and NGOs to equip the traditional institution with peace building techniques.

Atakpa et al. (2021) assessed the Ibibios' view of Mbian (traditional oath taking), a tool for adjudication in Nigeria: A policy pathway. The study aims to strengthen the modern litigation system that is laden with a weakened administrative structure to deliver expected justice with the effective and less expensive indigenous *Mbian* framework. Employing qualitative and quantitative approaches and a simple random sampling technique, a sample size of 400 respondents was determined from an estimated 2,338,538 population of Ibibios in Akwa Ibom State, Nigeria, with the Taro Yamane (1967) sampling formula. Structural functionalism constitutes the theoretical

underpinning of the study. A survey research design and questionnaire, descriptive statistics, and Chi-square found that the *Mbiam* mechanism of oath taking is a potent framework in resolving both civil and criminal conflicting situations among the Ibibios in Akwa Ibom State, Nigeria. The study recommends that the *Mbiam* framework be incorporated into administrative proceedings, such as the use of *Mbiam* oath taking by elected government officials during swearing-in ceremonies to curtail bad governance, which is the proximate factor influencing conflicts in Nigeria.

Lot (2022) assessed the effectiveness of *Mbiam* (traditional concocted oath) in conflict management in Ibibio traditional society. A survey research design, interview, and content analysis were used in the study. The study avails that modern jurisprudence's increasing difficulties in fostering peace and sustainable living calls for a pragmatic step in using traditional peace building mechanisms. The findings from the content analysis show that the fear of *Mbiam* among the traditional Ibibio societies and in modern times dissuades the people from intense conflict. Also, it aids in instilling truth-telling and social harmony in societies. The study concluded that the advent of the colonial regime, Christianity, and modern court litigation undermine the use of *Mbiam*, which permeates into the increasing conflict, corruption, and social vices in modern-day Ibibio communities. It calls for the inclusion of the *Mbiam* framework in the ongoing judiciary reforms in the country and the administration of *Mbiam* jurisprudence for effective service delivery and peaceful coexistence.

Ayuba (2016b) assessed the Gbagyi/Gbari and some aspects of their *Knunu* (tradition/culture). The objective was to critic the prevailing argument that once a Gbagyi becomes a proselyte in a foreign religion, he jettisons the indigenous *Knunu* practices. Adopting Hiebert, Shaw, and Tienou (1999) perspective of culture, the study used the variables of marriage, child naming, and burial to ascertain whether *Knunu* practices are embedded in the lives of Gbagyi people, even among the proselytes. From the ethnographic research design, the study avails that despite the continued denial of *Knunu* practices by proselytes, it remains an integral part of the Gbagyi

people. The study concluded that Gbagyi people are conscious of their lives' legitimate superordinate identity that appears inborn even though they struggle to accept it.

Nelson and Omotayo (2022) assessed the role of traditional rulers in peacemaking: An overview of the Esan traditional institution. The study revealed that the Esan indigenous conflict mediation mechanisms, which include *Odafen* (head of house), *Omigiogbe* (compound head), *Ekhaemoi* (titled chief), *Ihaza/Ohen* (chief priest), *Odionwele* (village head), and *Onojie* (king) are responsible for maintaining equilibrium, peace, and social order in societies. In addition, Esan conflict resolution mechanisms are skewed towards restoring broken relationships, reintegrating offenders, and maintaining social harmony in society. It recommends a hybrid conflict mediation mechanism that respects human rights preserves human dignity, and enhances sustainable wellbeing.

Sarki & Jeremiah (2021) assessed *ZhiBaje* ritual festival and the Gbagyi worldview. The study relied on qualitative research methodology and key informant interviews and participant observation instruments to elicit relevant information for the study. Information sourced from the field was transcribed and subjected to content analysis. *ZhiBaje* ritual festival is celebrated annually in December in Gonin Gora, Kaduna State, and varies in other Gbagyi communities (January to March) as an event to usher in the new planting season and spiritual cleansing to appease the gods in situations of calamity and wrongdoing. The result from content analysis avails that *ZhiBaje* ritual festival is philosophical and provides sundry episteme in preserving the Gbagyi comic worldview. In addition, the study revealed that *ZhiBaje* festival re-invigorates humanity to love, share, and live in harmony. While the festival revolves mainly around the celebration of planting season and ritual cleansing, other aspects of the festival are performed during marriage and other ceremonies to reconnect a Gbagyi person with the Gbagyi cosmic view of social harmony and peace. The study concluded that *ZhiBaje*, which embodies religious, social, political, or even psychological, acts as a stabilizing factor and a platform to maintain law and social order.

III. CONCLUSION AND RECOMMENDATIONS

In conclusion, indigenous conflict resolution mechanisms employed in the traditional African societies for resolving conflicts appears to be effective and potent for the communities that apply them. These conflict resolution mechanisms strive to curtail the root causes of conflict and are conciliatory in nature. They aim at bringing about forgiveness, reconciliation and restoring broken relationships among individuals, communities and societies at large. Though some limitations have been identified in the approach such as the community members seeking further adjudication in the civil and criminal courts, however, developing a hybrid system that integrates indigenous conflict resolution mechanisms into the contemporary justice system as is practiced in different parts of the country in the form of customary court and sharia courts will further strengthen and expedite justice delivery, foster peaceful coexistence among the communities and enhance peacebuilding efforts. The majority of Chiefs and community members in Gbagyi communities are satisfied in their conflict resolution structure. Efficient adjudication and resolution of conflict will enhance peacebuilding.

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