

## **Chapter 2: Indigenous Dispute Resolution and Reconciliation: Past, Present and Future**

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### **Introduction**

In this chapter, thoughts are shared about the disposition towards indigenous methods of dealing with conflict, and about timelessly valid values and features embodied in them. The emphasis falls on the realism and pragmatism with which conflict and its resolution were approached, and on the objective of restoring social harmony. Furthermore, suggestions are made about elements of indigenous methods that are still undoubtedly relevant, and those that obviously need to be changed.

In the current context, in general terms, ways of dealing with conflict refer to the insights and techniques that have developed in the human sciences and applied human sciences over the past fifty or more years. Indigenous methods, however, tend to take a leap back into the fairly remote past, and feelings may vacillate between commiseration with primitiveness and commendation of timeless wisdom. In simple terms, indigenousness is categorized as either good or bad.

### **1. The Inevitability of Ethno-cultural Belongingness**

‘Indigenous’ is not just a scientific tag; it is a reality-based term. But the human reality on which it is based is an identity-related one which has always been a problem-beset phenomenon. Bauman (1996:18-19) has justifiably said: ‘at no time did identity “become” a problem; it was a problem from its birth’. Taking this metaphor a step further, it can be said that in many, if not most, cases the two factors that define identity

are insecurity and superiority. Bauman (1996:19) elaborates on the insecurity aspect: 'One thinks of identity whenever one is not sure of where one belongs'. A striking example of 'struggles for identity' was for instance found in the period when colonies became independent states (Niezen 1999:150).

The superiority aspect is a result of the fact that identity perceptions do not arise in isolation, and that they inevitably lead to comparisons. It is indeed so that 'identity is a consequence of the interaction of self-conception and the perceptions of others' (Alperson 2002:68). But the self, or the own group, does not only take note of perceptions by others; it anyway forms its own perceptions of others (Jordaan and Jordaan 1998:644). The resulting identity concepts are therefore not only about 'who we are' and 'who they are' but especially about 'how much better we are than they'.

There is thus good reason to call 'identity' an 'uneasy concept' (Taylor and Spencer 2004:1). But then, the same can be said of 'indigeneity', a concept which usually arises where there is a contrast between (past) settlers and indigenes or between outsiders and local population groups. In such a situation, the tendencies are to compare, compete and oppose. Such tendencies are deeply rooted. They cannot be wished away or preached away. So also, these 'uneasy' concepts cannot be ignored or sidelined, the phenomena they denote should be understood.

It is necessary to accept inevitable belongingness to the group (or groups) into which each person is born. Each person's belongingness is a comprehensive and ongoing loyalty to, or captivity in, his/her nature and his/her nurture. As people grow up, however, they may venture into critical thinking about their ethno-cultural upbringing and perhaps develop misgivings about it. That was what some white South Africans felt obliged to do with the horridly unjust apartheid their ethno-cultural group expected them to uphold. Apartheid was a pertinent and extreme example of exclusiveness embedded in a cultural system – and, moreover, it was entrenched as divinely instructed.

But any culture can be marred by customs of exclusivity and superiority. All these understandable realities about inevitable ethno-culturalities can therefore be convincing that no group should go overboard with loyalty to their 'superior' way of life, but that each group should also become fearlessly honest about its cherished traditions.

There is a rare but very commendable example from Africa in this regard: ‘...the Borana community [a pastoralist group in Kenya] spends much of its time thinking about their culture and making deliberate attempts to modify their customs’ (Duba et al 1997:16). It should be remembered that it is possible to complement appropriate loyalty to one’s own group with fellow-human inclusiveness towards other groups.

It is such open-mindedness that should be practised when we are dealing with the ‘uneasy’ concepts of identity and indigenesness. In daily life, people may constantly be surrounded by own-group members who think, talk and act as if their ‘identity’ is better than the ‘identities’ of others, and as if ‘indigenesness’ is timelessly good or primitively bad. However, people should venture out of everyday stereotypes and enter into frank dialoguing about indigenously traditional ways of thinking, communicating and doing.

## **2. The Normality of Everyday Problems and Disputes**

From the mere fact that so many societies have developed and are maintaining their traditional methods of dealing with conflict, important inferences can be drawn. For instance:

- Our ancestors seem to have taken conflict as a reality that had to be approached in a realistic way and had to be addressed in a common-sensical way.
- Apparently they did not regard conflict as an embarrassing phenomenon that had to be denied or brushed aside. They seem to have accepted it as something that had a valid reason, or was at least perceived to have had a valid reason.
- Therefore, instead of idealistically sermonising to the parties in a top-down way, they encouraged them to frankly talk the problematic things out in a bottom-up way.<sup>1</sup> The parties had to identify the underlying cause, or if this was common

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<sup>1</sup> ‘Traditional African approaches are predominantly bottom-up processes, while the national and international conflict resolution mechanisms are essentially top-down processes’ (Murithi and Pain 2000:viii, 38).

knowledge already, they had to call it by its name. If there were different perceptions or perspectives about the real problem, these had to be talked out and listened out.

- Such honesty (or assisted honesty if necessary and if possible) could then lead to understanding (preferably mutual understanding) and consensus (or at least some bilaterally acceptable agreement).

The important point to note is that the indigenous methods seem to have developed where experienced elders and socially cohesive communities accepted the normality and the resolvability of conflict in everyday life. They must have been realistically minded about ways in which conflicts between individuals or groups can arise and escalate. Some of the causes could have been understandable ones, related to various kinds of injustice (or perceived injustice), while others were probably unacceptable ones, based on selfishness or own-groupishness. But then, our ancestors were apparently also definitely oriented towards resolving the conflicts by penetrating to root causes and moving to satisfactory agreements. When the cause seemed to have been an unacceptable one, they did not begin by condemning the guilty party, but by providing an opportunity for frank talking and receptive listening. The learning we can probably derive from most traditional methods is that a conflict should be approached in a matter-of-fact and ethically unprejudiced way.

Related to the issue of avoiding ethical pressurising, there is an urgent but difficult question to be confronted, however: Are the increasingly popular peace-plus-participate terms (such as peace making, peace keeping and peace building) appropriate in all situations? This set of terms (Miller 2005:56-60, 61-62) has been coined in a United Nations context and seems to have gained a world-wide usage. Conflict-resolving organisations tend to make less use of the conflict-plus-noun terms (such as conflict prevention, conflict management and conflict resolution) and more of the peace-plus-participate ones. Obviously, there are important arguments in favour of these peace terms. They positively emphasise the objectives of attaining and maintaining peace. They are endorsed and supported by peace promoters who undoubtedly make up a global majority.

The problem is, however, that the peace terms may estrange the conflict

propagators who care little or nothing about peace and are only focused on the demands and objectives of the conflict they are waging. They may be an insignificant minority, but they can violently nullify or even reverse the apparent achievements of the peace-seeking majority. In situations where there are strong anti-peace sentiments, it may therefore be wise to shift the emphasis from the goal of peace to the goal of justice,<sup>2</sup> and to use appropriate wording to acknowledge the valid role of justice-seeking conflict,<sup>3</sup> but then point the way to non-violent ways of moving from conflict to coexistence.

It is not only on conflict-oriented people that an obsession with peace may have an unwanted influence. Such an approach may also tempt some of the peace-oriented people to take shortcuts to ‘peace’.<sup>4</sup> With good intentions they may try to rush to peace. They may think that it is a waste of time to identify root causes, or to take trouble to get a difficult party at the talks. They, especially if they are religiously minded, may try to sermonise antagonistic parties into a forgiving friendliness.

Terms such as ‘peace making’, ‘peace keeping’ and ‘peace building’ may not be appropriate in all situations. Therefore, it is necessary to: remember that these terms are misunderstandable – both by those who are bent on continuing the struggle<sup>5</sup> and by those who are pushing for a quick-fix peace,<sup>6</sup> and recognise that there may be valid reasons for an aggrieved party to instigate a conflict and carry on with it until the grievance-causing party’s eyes have been opened.

And as a clinching emphasis in this regard, it is useful to note what Davies and Kaufman (2002:3) say about citizens’ diplomacy and its objective of ‘a dynamic and

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<sup>2</sup> Or ‘justpeace’, as recommended by Jean Paul Lederach 1999:27-36.

<sup>3</sup> Twenty three years ago, when we were still in the protracted struggle against apartheid, we were planning to introduce a post-graduate course in conflict resolution at the University of the Western Cape (UWC). We did not even think of calling it ‘Peace Studies’, but thought that ‘*Conflict Resolution*’ would be suitable – especially since we emphasised that nothing less than root cause-removing resolution was meant (Malan 1987:1-2). If a key word in the title would appear to be against the struggle, it would discredit the course. So we called it ‘*Conflict Studies*’.

<sup>4</sup> ‘Establishment parties (e.g. mayors, police chiefs, and college presidents) seem most eager to resolve conflict, for they generally wish to stop it as quickly as possible so that their institutions can “get back to normal”’ (Laue 1981:68).

<sup>5</sup> Under the widely popular slogan of ‘A luta continua!’

<sup>6</sup> Who, if they are Christians, may do it under the banner of ‘Blessed are the peacemakers’ (Matthew 5:9) – while they conveniently forget that in the same paragraph blessedness is also promised to those who ‘do hunger and thirst after righteousness’ (Matthew 5:6). (Quotations deliberately from an older, more literal translation of the New Testament.)

just peace’:

The field aims, therefore, not merely to contain or manage violent conflict but to prevent or resolve it through addressing its root causes, transforming violent or contentious relations into sustainable working partnerships dealing constructively with those root causes. There is no effort to resolve or eliminate conflict as such, since social conflict (the perceived incompatibility of the interests or aspirations of two groups) is an inevitable feature of social relationships.

### **3. The Possibility of Solving Problems and Resolving Disputes**

It seems our ancestors accepted the normality of conflict, and also the possibility of resolving it. The indigenous methods seem to have accepted conflict as an understandable phenomenon in normal inter-human interaction. They obviously had to cope with several ‘normal’ phenomena about which they could do little or nothing, such as illness, physical and mental disability, accidents, drought, and adverse weather. But when a dispute appeared on the scene and threatened to disrupt relationships,<sup>7</sup> they seemed to have approached it as a type of problem about which something could indeed be done. According to Ngwane (1996:51), [t]he desire to solve problems amicably is the main thrust of the African character’. Thus, the main objective of the indigenous methods seems to have been to resolve a conflict by reaching consensus on the most effective way of dealing justly and fairly with its root cause(s) and the best possible way of reconciling the parties and restoring social harmony.

Dealing with conflict has probably never been a pleasant, easy or quick job. It is a challenging task, and usually an urgent one. But our ancestors apparently took up the responsibility to do what they could. They seem to have looked further than the difficulties and complexities of the conflict situation and been pulled by the prospect of restored harmony. And when elders or chiefs were called upon to deal with a conflict –

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<sup>7</sup> Most probably the common sense of the elders prevented them from trying to intervene in each and every squabble or quarrel in their community.

by a party or by the community or by their own convictions – they were probably pushed by encouraging incentives. They had their experience of life, and of the value of talking things out. If an ethno-cultural group already had developed a method of dealing with conflict, it knew how satisfactory outcomes had been reached and implemented. They could therefore undertake the daunting task with accumulated wisdom, by means of a home-grown method, and in a problem-solving mode. Even if a particular case appeared to be a very revolting and difficult one, the elders could have felt somewhat relieved and reassured by the fact that they would not be required to deliver judgement as in a court of law. They would be assisted by the outspoken contributions of the parties, witnesses and members of the public. The drive towards consensus would hopefully prevent the process from reaching an erroneous outcome.<sup>8</sup>

What clearly seems to have been a core element of the indigenous methods was that the matter concerned was unhurriedly talked out and that the talking was oriented towards eventual consensus. In a generalizing way, it may be said that the indigenous methods did not function as a court of litigation, but rather as a truth and reconciliation commission. The initial objectives were obviously to expose the truth about what had gone wrong and who had been responsible. Free and frank talking apparently formed the core of traditional methods – although elders seem to have had the option of giving a party (or parties) a pep talk when they (and the community concerned) found it necessary. This means that indigenous methods accepted conflict as something that has to be talked about and talked out.<sup>9</sup> The subsequent objectives, however, were to rectify the wrong through restorative justice and restorative reconciliation,<sup>10</sup> but if the situation demanded it, retributive justice could be pursued. There was no obsession with the punishment of the guilty party, but rather a concern about admission of guilt, appropriate compensation, possible forgiveness, and especially about restored

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<sup>8</sup> ‘Consensual agreement was the hallmark of conflict resolution in the traditional societies’ (Murithi and Pain 2000:19).

<sup>9</sup> In ACCORD’s training of learners and educators, we have used (as hand-out) a 50-page booklet with the title Conflict – something to talk about (ACCORD 1997).

<sup>10</sup> A comparison between litigation and reconciliation always tends to open up the perennial debate about retributive and restorative justice. We have to admit, therefore, that at all times there must have been the cases where public opinion called for a punitive verdict instead of reconciliatory re-integration. We still have such cases.

relationships and social harmony.

To endorse the aptness of these comparisons, an interesting present-day example may be mentioned to show how and why people prefer a traditional institution to state courts – that is, of course, in cases where such a choice is possible. Zeleke (2010: 63-64) states:

Apart from the lack of capacity under which it suffers, the state legal system can also be criticised for a high degree of preferential treatment due to corruption, so that justice is provided only to a few. Furthermore, the ideology of the state legal system is drawn mainly from the western legal philosophy which is highly influenced by an individualistic orientation and does not fit the strong social orientation on the ground where it is being implemented... The strong social tie existing in the community makes the significance of reconciliation, the key role of traditional institutions, indispensable.

According to Zeleke (2010:71), there are four main reasons why people prefer the traditional institution. It focuses on reconciliation and re-establishing social harmony, it is well embedded in the culture of the society, and it allows flexibility in its procedures where needed. It can be trusted – while the effectivity and trustworthiness of the state legal system are under suspicion. There are obviously cases of more serious offences, in which – in our time at least – formal court procedures are essential. However, well established and historically based (on Western philosophy) these legal procedures may be, they are surely not perfect.<sup>11</sup>

#### **4. The Desirability of Restoring and Sustaining Social Harmony**

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<sup>11</sup> In cases where retributive justice has to be applied, the traditional methods may have an advantage. They are not bound by technicalities and legalities that often cause an obviously guilty party to walk out of a sophisticated court scot-free.



With regard to indigenous methods of dealing with conflict, it is necessary to find our way in a field full of diversity, but also full of commonalities. While it is important to steer clear of superficial generalization, some degree of generalizing is inevitable. In my opinion, the landmark All-Africa Conference on African Principles of Conflict Resolution and Reconciliation held in Addis Ababa in 1999 provided a sound, Africa-developed and Africa-owned synopsis, which may be used with confidence.<sup>12</sup> In particular, a ‘Summary of Principles from across Africa’ was drawn up in consensus style (Murithi and Pain, 2000:95-96; Appendix)

The ‘Summary of Principles from across Africa’ (Appendix) has provided us with a quite authentic and very significant frame of reference. The linkage between conflict resolution and reconciliation was clearly emphasized. But justice and fairness were also stressed.<sup>13</sup> The context implies that restorative justice was meant, but in light of the emphasis on ‘open agenda’, ‘accountability’ and ‘consensus’ one may assume that retributive justice could also have been applied where necessary.<sup>14</sup>

It is interesting to note that the orientation to reconciliation was apparently not only present in cases of family and neighbourhood conflicts, but also in more ‘political’ situations. Assefa and Wachira (1996:57-58) point out that ‘[r]econciliation politics...seems to be more consistent with many African traditions, which emphasize community rather than individualism and competition’.

## **5. The Validity of Time-proven Ways of Resolving Disputes**

Traditions were handed down from generation to generation. But no group remains

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<sup>12</sup> Twenty-one African countries were represented, and of the 123 participants, 113 were from Africa. Of the 64 presentations, 70% contained descriptions and discussions of traditional methods of particular groups or areas. The conference was co-organised by eight organisations.

<sup>13</sup> See 2.7 and 3.4 (Appendix).

<sup>14</sup> See the summary of Prof Hannah Kinoti’s presentation on Lessons from the traditional Gikuyu administration of justice (*Kihooto*): Special reference to lawsuits and litigation (Murithi and Pain 2000:29-30).

unchanged through the decades and centuries of its history. Tensions may therefore develop between conservatism and progressivism. Members of a group, perhaps as smaller groupings or as individuals, may find themselves hesitating between long-established customs and up-to-date practices.

There are no (well) documented records of the indigenous methods in the past. What are available are oral traditions handed down over long periods, and our own imaginations with which we may think ourselves into the history concerned. Where the existing narratives do not reach back to the origins of a method, we may, tentatively but confidently, use clues from our own experience. After all, although our early ancestors lived in very different circumstances, we may surely assume that they were as basically human as we are. We know how new ways of doing things come into being in our time. We know, for instance, the difference between democratic and autocratic processes. These modern names did not exist in the remote past, but in the behaviour of human leaders a similar distinction could have been possible. What this means that some of the indigenous methods could have taken shape in a truly consensual way, but there could also have been some methods or some aspects of a method that were imposed on a group by a dominating leader. Dominating leaders can of course come up with ideas that may be to the benefit of all, but too often they tend to impose their own, or their own group's ideas on subservient followers and/or disempowered minorities.

On the whole, the indigenous methods that have survived to the present day were based on carefully pre-meditated ideas and practices, accepted by consensus, and embraced by the communities concerned. It should be remembered, however, that sudden 'inspirations' of charismatic leaders could have found their way into such methods and could have been adopted unthinkingly. Moreover, general mindsets of those days, particularly patriarchalism, could have been tolerated uncritically. The only 'proof' of the soundness of a method may be found in its effective implementation over the years.

It can indeed be said of these traditional methods that they essentially consist of applied values and insights that are of timeless validity. The methods may contain some procedures or ceremonies, usually around the confirming of a final agreement, that were

of a local nature. But aspects as the following can be approved and used in any situation and at any time: Taking time to talk things out - the talks were usually started without wasting time, so that escalation of the conflict could be prevented. Talks could even be started at the stage of early warning signals, since prevention was taken very seriously.<sup>15</sup> But during the talks ample time was allowed to everyone from the parties, families, neighbourhoods or communities who wished to take part. Dealing with root causes of conflicts - the obvious objective of the unhurried talking was to penetrate to the cause(s), and especially the underlying one(s), in order to resolve the conflict effectively and satisfactorily.

Typical causes long ago were poverty (scarcity of food and other resources), land issues (as trespassing), livestock issues (as robbery) and personal issues (as rivalries). Being oriented toward consensus - the expression of 'talking things out' is usually used for talking from all perspectives, through all the difficulties concerned, and out of them. As problems and grievances are frankly emphasised, discussed and understood, the difficulties may diminish and a consensus about a solution may develop. Promoting relational interdependence - the concern with relationships seems to have been one of the core elements of indigenous methods. Note was taken of how the pre-conflict relationships were disturbed by the conflict, and a solution was sought that would at least restore the relationships, but perhaps even improve them.

The undoubted value of procedures like these is that they are clear manifestations of the orientation to togetherness in the spirit of *ubuntu* (authentic humanhood and genuine humaneness).<sup>16</sup> In an increasingly materialistic world they deserve to be upheld and implemented.

## **6. The Adaptability of Traditional Ways in the Contemporary Context**

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<sup>15</sup> See the underlying principle at the beginning of the quotation of 'Summary of Principles from Across Africa' in section 1.4 above. For a contemporary emphasis on conflict prevention, see Toure 1999:23-26.

<sup>16</sup> Cf. Murithi and Pain 2000:76-77.

A question may be asked as to why we delve into remnants from the remote past while we have access to all the novelties and niceties of today's world - information and technology, multiplying at exponential rates. After all, in seconds we can get to millions of information packages about everything – including conflict resolution and reconciliation. Moreover, in the past fifty years,<sup>17</sup> a contemporary discipline of dealing with conflict has been established and developed. It is made up of interdisciplinary scientific theory and pragmatic methodology.

A responsible reply may be that in the entire field of human interaction and interdependence, the wisdom of the past cannot be simply ignored and we cannot become obsessed with the tools of the present. It is not a matter of either-or but rather of both-and. But then, not both-and in the form of adding on or joining things that are incompatible. Also, it is not a matter of eclectically putting together agreeable features of different approaches. What would be necessary, is first, a distinguishing between ephemeral peculiarities and timeless insights and meanings, and second, a very well considered process of integrating the relevant and meaningful elements of traditional methods and of current theories and practices.

The objective All-Africa conference of 1999 was not to romanticise and prioritise the indigenous methods of the past. 'These approaches would not seek to replace current modern approaches but rather they would complement the on-going efforts and support existing mechanisms that aim to build a culture of peace in Africa' (Murithi and Pain 2000:v).

While an integrating and complementing perspective should be adopted, there is another perspective that should also be taken seriously. There is the South post-colonial perspective (Wa Thiong'o 1986) according to which the science of Conflict and Peace Studies that has developed in the 20th century appears to be a neo-colonial import into Africa. Although the struggles of disadvantaged groups against socio-economic and political injustice played a prominent part in the coming into being of this science, these same people tend to deplore the fact that the 'new' techniques of negotiation, mediation,

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<sup>17</sup> Or even more than 80 years, if the introduction of collective bargaining and mediation in the field of labour-management relations is taken into account (Henderson 1974:59-91).

arbitration and conciliation were mainly cultivated in the cultural contexts of the West and the North.

Fortunately, however, there are people in the North and the West who acknowledge that the new science of dealing with conflict cannot only be attributed to their own expertise, but is definitely based on inputs from other sectors of the globe.<sup>18</sup> And there are people from the South who admit that '[o]bviously, not all traditional values are good; nor are all colonial or Western values bad' (Murithi and Pain 2000:15).<sup>19</sup>

To deal with 'the challenge of integrating indigenous approaches into national and international mechanisms for conflict resolution (Murithi and Pain 2002: viii), preparatory research should be done in three directions: a general study of such methods, a study of representative examples from all over the globe, and a concentrated study of methods used by particular groups in the country or area concerned. A few representative examples that can be recommended are:

- The Wajir peace initiative, where 'women [took] the peace lead in pastoral Kenya' (European Centre for Conflict Prevention 1999:243), and which has been summarised as follows: 'In essence, the Wajir peace initiative has taken the region back to the future, by reviving basic methods of conflict resolution used in pre-colonial times to encourage the equitable sharing of the region's limited resources' (European Centre for Conflict Prevention 1999:244).
- The Ho'ō Pono<sup>20</sup> process in Hawaii, where the community, including perpetrators, victims and others, and 'wise person' moderates gather in a circle, and where the process is one 'through which the community will reach a consensus agreement on how to resolve the conflict' (Partners in Conflict in Lesotho Project 2004:14).

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<sup>18</sup> Davies and Kaufman (2002) have even given their book (and its introductory article) a combined north-south title: *Second Track/Citizens' Diplomacy*. (Their explanation is given at Davies and Kaufman 2002:183.)

<sup>19</sup> Quoted from the summary of the very first presentation (after the keynote speeches) at the All-Africa conference. It was by Ms Titilayo Ogundipe-Leslie, and on the topic 'The necessity of African principles of conflict resolution and reconciliation'. (It was my great privilege to deliver the second presentation, on 'Africa's attitudinal, relational and traditional art of dealing with conflict'.)

<sup>20</sup> A Polynesian concept meaning 'to put right'.

- The ‘big meeting’ (Kacoke Madit) tradition in northern Uganda, in which ‘[c]onsensus leadership allows everyone to contribute to decision making of their society. A major function of the traditional chiefs is to act as arbitrators and reconcilers when disputes occur in order to restore peace and maintain harmonious relations between families and clans. The process ends in a significant ceremony of “Mato Oput”, the traditional drinking of a bitter herb of the Oput tree’ (Lanek 1999:2). In cases of murder or war, this ceremony is followed by “the bending of spears” ‘to symbolise a total end to the conflict’ (Lanek 1999:4).

When we focus on traditional methods in any particular area, there is of course the reality that not all societal or ethno-cultural groups have their own specific methods of dealing with conflict (or that two groups in conflict, may each have its own method<sup>21</sup> . There may also be the problem that although there is a local method, the present generation may be disowning their ownership of their indigenous method. One particular reason for abandoning a once trusted method may be that it is tainted with an old-fashioned patriarchy which can no longer be tolerated, or was not inclusive. Instead of rejecting a whole method, however, it is possible to modify it from outdated elements. At the All-Africa conference, three sets of strategies were formulated for ‘developing and integrating African principles of conflict resolution and reconciliation’, and one of them was a set of ‘strategies for enhancing the participation of women in peacemaking in Africa’ (Murithi and Pain 2000:100).

## **6. Conclusion - The Implementability of Appropriate Approaches on our Way Forward**

Indigenous methods in general and specific examples in particular, have definitely values, approaches and practices embodied in them that deserve to be maintained and perpetuated. However, there are also criticisable aspects, such as old-fashioned ideology

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<sup>21</sup> For instance, the Mato Oput tradition is used by the Acholi, but the nearby Langi have a different tradition (Nabukeera-Musoke 2009:122).

(for instance, gender inequity) or methodology (for instance, pressurising mediation).

While accepting the need for change in a constantly changing world, we should be able to dispense with methods and ceremonies that have become incompatible with contemporary ways of dealing with conflict, and to endorse and promote the spirit that vitalised the traditional ways and still radiates from them. After all, if those traditions arose in realistic and pragmatic ways, we may surely be realistic and pragmatic in our context. The only problem lies in the nature of conflict and their historical root causes.

What society, especially those who were not brought up in an *ubuntu* culture of inter-human interrelatedness, should realise, however, is that relational conflict resolving and relational living have to be internalised. A societal way of living cannot simply be added onto an individualistic way of life. *Ubuntu* rhetoric without *ubuntu* coexistence misses the point. Coexistence as a duty and therefore as an effort, is a mere show.

Therefore, to improve current methods by integrating indigenous methods with them, scholars and society have to fully understand what should be done. It will not be a matter of adding an extra chapter to our training manuals. It will probably have to be nothing less than rewriting almost everything with a changed mindset. Those who think this is unnecessary may carry on doing good work or even very good work by means of current best practices. Excellent material is available on up-to-date theory and practice. Malan (2003:2) made an astute observation on ‘significant inputs from our global village’: ‘In this regard we happen to have the very recent and very useful results of a survey about ‘best practices’.

It is not uncommon, however, that contemporary material does include perspectives from traditional methods. In the world-wide field of dealing with conflict, there are signs of more attention being given to relationships. A very good example is found in Kriesberg’s (1998), where there is a consistent focus on the relationships between people. Kriesberg (1998:42-47, 133-139) gives due attention to the relationship between adversaries, which is frequently ‘the crucial component of a conflict’s origin’. He also focuses on changes in relations (Kriesberg 1998:157-159, 194-196, 261, 318-324), and regards ‘[a]n improved relationship between former adversaries’ as ‘another

marker [in addition to equity and justice] of constructive outcomes'. Nevertheless, however, a determined and committed search for insights into and learnings from indigenous methods of dealing with conflict can be surprisingly rewarding, and can be strongly recommended to researchers and practitioners.

In actual practice the unwillingness of a party to listen, understand, admit, and consequently accept an agreement – and implement it – can lead to a deadlock, even when the most appropriate method and most experienced facilitators have been used. Therefore, if an unwilling party-friendly method could be used by unwilling party-friendly facilitators, it might lead to a breakthrough. That is why I would like to conclude by emphasising that we should internalise, from indigenous methods or from any contemporary influence – which might be building blocks for a new approach:

- an unprejudiced attitude about group-belongingness and group-loyalty,
- a commitment to be outspoken about discriminatory aspects in our own cultures,
- an open-mindedness about the reasons and purposes of conflicts,
- an unrelenting standpoint against superficial pursuits of 'peace',
- an allegiance to interconnected justice and peace,
- a willingness to get together and talk problems out, and
- a commitment to coexist as diverse but interrelated human beings.

## References

African Centre for the Constructive Resolution of Disputes (ACCORD). 1997. *Conflict – something to talk about: Training manual for a conflict management programme in high schools in the Bellville area*. Bellville, ACCORD.

Alperson, Philip ed. 2002. *Diversity and community: An interdisciplinary reader*. Oxford, Blackwell Publishing.

Assefa, Hizkias and George Wachira eds. 1996. *Peacemaking and democratisation in Africa: Theoretical perspectives and church initiatives*. Nairobi, East African Educational Publishers.



- Bauman, Zygmunt 1996. From pilgrim to tourist – or a short history of identity. In: Hall, Stuart and Paul du Gay eds. *Questions of cultural identity*. London, Sage. Pp.18-36.
- Davies, John and Edward (Edy) Kaufman eds. 2002. *Second track/Citizens' diplomacy: Concepts and techniques for conflict transformation*. Lanham, Rowman & Littlefield.
- Duba, Kana Roba, Yara G. Kalacha, John Rigano, Fred Lesekele, Mohammed A Seikhow, Francis Nikitoria ole Sekuda, Jonathan Akeno and Sammi Emweki 1997. *Honey and Heifer, Grasses, Milk and Water: A heritage of diversity in reconciliation*. Nairobi, Mennonite Central Committee Kenya, with assistance from the National Museums of Kenya.
- European Centre for Conflict Prevention 1999. Women take the peace lead in pastoral Kenya: Back to the future. In: European Centre for Conflict Prevention, *People building peace: 35 inspiring stories from around the world*. Utrecht, European Centre for Conflict Prevention. pp. 243-247.
- Henderson, George 1974. *Human relations: From theory to practice*. Norman, OK, University of Oklahoma Press.
- Jordaan, Wilhelm and Jackie Jordaan 1998. *Mense in konteks* ('People in context') Third edition. Johannesburg, Heinemann.
- Kriesberg, Louis 1998. *Constructive conflicts: From escalation to resolution*. Lanham, Rowman and Littlefield.
- Lanek, Richard 1999. 'Mato Oput', the drinking of bitter herb. Paper presented at the All-Africa Conference on African Principles of Conflict Resolution and Reconciliation, Addis Ababa, 8-12 November 1999.
- Laue, James H. 1981. Conflict intervention. In: Olsen, M.E. and M. Micklin, *Handbook of applied Sociology: Frontiers of contemporary research*. New York, Praeger. pp 67-90.
- Lederach, Jean Paul 1999. Justpeace: the challenge of the 21st century. In: European Centre for Conflict Prevention, *People building peace: 35 inspiring stories from around the world*. Utrecht, European Centre for Conflict Prevention. pp. 27-36.

- Malan, Jannie 1987. A Conflict Resolution course at UWC? A proposal submitted to the Academic Planning Committee of the Senate of the University of the Western Cape, May 1987.
- Malan, Jannie 2003. On designing a Centre for Conflict and Peace Studies. Paper presented at the SADC Experts Consultative Meeting on the Establishment of a Centre for Peace Studies at the University of Botswana, Gaborone, 13-15 August 2003.
- Miller, Christopher E. 2005. *A glossary of terms and concepts in Peace and Conflict Studies*. Second edition. San José, Costa Rica, University for Peace.
- Murithi, Timothy & Dennis Pain eds. 1999. *All-Africa Conference on African Principles of Conflict Resolution and Reconciliation, November 8-12, 1999, United Nations Conference Centre – ECA, Addis Ababa, Ethiopia: Final Report*. Addis Ababa, Shebelle-Ethiopia Conference Services.
- Nabukeera-Musoke, Harriet 2009. Transitional justice and gender in Uganda: Making peace, failing women during the peace negotiation process. *African Journal on Conflict Resolution*, 9 (2), Special issue on Gender and transitional justice in Africa, pp.121-129.
- Ngwane, George 1996. *Settling disputes in Africa: Traditional bases for conflict resolution*. Yaoundé, Buma Kor.
- Niezen, Ronald 2004. *A world beyond difference: Cultural identity in the age of globalization*. Oxford, Blackwell Publishing.
- Partners in Conflict in Lesotho Project. 2004. (National University of Lesotho, Moshoeshoe Center for Diplomacy and Conflict Management, and University of Maryland, Center for International Development and Conflict Management). Hand-out at Workshop on Integrative Approaches to Peace-building and Conflict Transformation in the Region, Maseru, 26-29 February 2004.
- Taylor, Gary and Steve Spencer eds. 2004. *Social identities: Multidisciplinary approaches*. London and New York, Routledge.
- Toure, Amadou Toumani 1999. Mastering African conflicts. In: Adedeji, Adebayo ed. *Comprehending and mastering African conflicts: The search for sustainable*

*peace and good governance*. London, Zed Books. pp. 22-30.

Wa Thiong'o, Ngugi 1986. *Decolonizing the mind: The politics of language in African literature*. Nairobi, East African Educational Publishers.

Zelege, Meron 2010. *Ye Shakoch Chilot* (the court of the sheikhs): A traditional institution of conflict resolution in Oromiya zone of Amhara regional state, Ethiopia. *African Journal on Conflict Resolution*, 10 (1), pp. 63-84.

## **Appendix: Summary of Principles from across Africa**

### 1. Underlying Principle:

1.1 To *prevent latent conflict* escalating into violence, through *open dialogue and consensus* decision-making, and, where required, to *reconcile all parties* and to re-establish non-exploitative relations or *re-incorporate offenders* into the community and to *maintain social harmony*.

### 2. Values:

2.1 *Consensus leadership* with views being heard from all and debated exhaustively with the leader expressing the consensus once reached;

2.2 Counsellors and judges consist of those showing *wisdom, integrity and maturity* in a spirit of calmness;

2.3 *Participation by all*, men and women;

2.4 *Open agenda* where no perspectives or parties are removed from public discussion of grievances except by the parties themselves;

2.5 *Transparency and accountability* to the community – no decisions behind closed doors;

2.6 *Equal access to and sharing of resources* as God-given gifts to all;

2.7 Emphasis on *justice and fairness*;

2.8 *Eradication of economic injustice*;

2.9 *Non-violence against women, children, the old and the weak*;

2.10 *Respect for life*;

- 2.11 *Forgiveness, tolerance and co-existence;*
- 2.12 *Acknowledging and celebrating diversity.*

### 3. Processes:

- 3.1 *Investigate total context* and all roots to a conflict or offence. This was traditionally carried out by elders, initially behind the scenes, with evidence being broad and unbounded. This tradition can be reflected in the modern choice of respected experts and leaders;
- 3.2 *Build consensus around expected outcomes* that will emerge from any public discussion of the conflict/offence and the attitudes of the parties towards a resolution;
- 3.3 *Public admission of responsibility and expression of remorse/repentance* for negative actions, including sharing of the responsibility by the family/group/clan;
- 3.4 Determination of damage and redressing the victim/aggrieved party by way of *reparation, including compensation*, whether symbolic or proportional;
- 3.5 *Public act of reconciliation* entered into by all parties which is binding on the parties with the sanction on breaches being exclusion from society;
- 3.6 Importance of *mediation* and third-party principle;
- 3.7 Use of expressive arts – poetry, song, dance, dramatic representations.

### 4. Strengths:

- 4.1 Addresses latent conflicts and removes bitterness and suspicion and accommodates interests of various groups;
- 4.2 Emphasises impartiality through participation;
- 4.3 Dignity and value of individual maintained;
- 4.4 Focuses on future harmony, not past discord;
- 4.5 Recognition of importance of relationships and of harmony in the community;
- 4.6 Rooted in local structures and more likely to survive than externally negotiated solutions;
- 4.7 Cost-effective and sustainable.