

**THE CONTRIBUTION OF TRADITIONAL COURTS IN CONFLICT RESOLUTION
MECHANISM: A STUDY of KAOMA DISTRICT WESTERN PROVINCE OF
ZAMBIA**

BY

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**Dissertation submitted to the University of Zambia in Partnership with the Zimbabwe
Open University in partial fulfilment of the requirement for the award of the Degree of
Masters in Science in Peace Leadership and Conflict Resolution**

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DECLARATION

I **Nosiku Situmbeko**, do hereby declare that the research report titled “exploration of the contribution of traditional courts in conflict resolution mechanism: A case study of Kaoma District of Western Province of Zambia.” Is the true outcome of my own effort and that its contents have never been presented elsewhere? It is being submitted to the University of Zambia in Partnership with the Zimbabwe Open University in partial fulfilment of the requirement for the award of the Degree of Masters in Science Peace Leadership and Conflict Resolution. It has not been submitted before for any degree or examination in any other university. I also declare that the narratives, figures, tables, or statistics contained in this report were generated by myself except for those whose origin have been acknowledged. I further declare that the views and opinions contained in the report do not in any way represent those of the University of Zambia nor those of Zimbabwe Open University but my own.

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CERTIFICATE OF APPROVAL

This desertation by **Nosiku Situmbeko** was approved as partial fulfilment of the requirement for the award of the Degree of Masters of Science in Peace Leadership and Conflict Resolution.

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Prof G Muleya

DEDICATION

This research project is dedicated to my parents and my siblings for their love and moral support throughout my studies at the University of Zambia. Above all, I dedicate it to God almighty for making it possible for me to complete this research.

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First and Foremost, I would to thank Jehova God for his never ending grace and mercy during the course of this project untill now. Secondly, I would like to express my deep ,sincere gratitude to my research supervisor **Prof. Gistered Muleya** for providing invaluable guidance throughout this research, his dynamism,vision,sincerity and motivation have deeply inspired me. I had a great privilege and honor to work with and study under his guidance. All his coaching are greatly appreciated, I would have not completed my dissertation without his insightful assistance. Special thanks goes to the University of Zambia for according me a chance to study the Masters of Science in Peace Leadership and Conflict Resolution. This Research Report cannot be a success without acknowledging most key people and institutions that have made this dissertation a success. Lastly but not the least, I acknowledge with thanks the support from civic and government staff in Kaoma district and respondents who were very helpful.

ABSTRACT

The study sought to explore the contribution of traditional courts in resolution mechanisms in Zambia. A study of the Kuta traditional court system of Kaoma District Western Zambia. The study was necessary because disputes in any society are often inevitable. The study also noted that from distant past till now, traditional court system has played a critical role in resolving conflicts in Africa particularly in Zambia. As a result, there have been calls to appreciate the role of the traditional leadership in resolving such conflicts. Many community development projects have suffered stagnation or complete failure due to conflict resulting mostly from internal disputes within the rural communities. If therefore this situation is not addressed, there are chances that these challenges will negatively affect the development agenda. Traditional leadership play a significant role in conflict resolution, hence the exploration of the contribution of traditional courts in conflict resolution mechanism in Zambia is critical not just to the promotion of peace and resolution of conflicts but also to the development of the country.

The study employed a qualitative approach using a case study design. A case study was used to gather data for this research. Data was gathered using structured interviews and focus group interviews/discussion. The study targeted 30 participant's association with traditional court system in Kaoma, Kuta including chiefs, Barotse Establishment Indunas, subjects, Social workers as well as Civic leaders from Kaoma District.

The results of the study revealed that Kuta traditional court system play an important role in promoting peace and stability in the country. It has a vital role in community building by providing a platform where people could come with their problems and with the hope of being helped. The study also found that traditional courts were very effective in fulfilling in conflict resolution. It was found that all the cases that come before the court are recorded in a book for future reference and for the purpose of transparency and sometimes the cases are even referred to the local court or magistrate court for redress depending on the magnitude of the case. The most common ways that this court uses to address conflict in their communities included mediation, arbitration, adjudication, reconciliation and negotiation.

The results also showed that there no established or codified standards of sentencing the offender or the wrong doer because the purpose is to bring about reconciliation and peace among or between the conflicting parties. The challenges faced by traditional courts in dispensation of their roles in conflict resolution and peace building were identified among them poor infrastructure, lucky of government will and support to the traditional court system, inadequacy knowledge on law and conflict resolution to mention but a few. The study therefore, recommended that there should be increased collaboration and networking between the government and customary institutions of governance. In particular, the government should recognize and aid customary courts enforce their rulings.

Key words: Role, Effectiveness, Kuta, Traditional Court, Conflict Resolution.

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CHAPTER ONE: INTRODUCTION

1.1 Overview

The chapter presents the background to the study which is the preliminary information on the topic of study, it also highlights the problem which necessitated the study. It further looks at the purpose of the study, objectives of the study, research questions, significance of the study, limitations of the study and theoretical framework as well as definitions of the key terms.

1.2 Background of the Study

Disputes in any society are often inevitable (Muigua, 2017; IIDEA, 2008). From distant past till now, traditional court system has played a critical role in resolving conflicts in Africa particularly in Zambia (Mwalula, 2018). Before the advent of colonialism, the communities living in Africa had their own conflict resolution mechanisms . Those mechanisms were geared toward fostering peaceful co-existence among the Africans. Existence of traditional conflict resolution mechanisms such as negotiation, reconciliation, mediation and others is evidence that these concepts are not new in Africa (Makaza, 2022). They are practices that have been in application in Africa for a long period. Conflict resolution among the traditional African people was anchored on the ability of the people to negotiate, however, with the arrival of the colonialists, western notions of justice such as the application of the common law of England were introduced in Zambia (Mwalula, 2028; Ghebretেকে & Rammala, 2019; Moumakwa, 2010). The common law brought the court system which, being adversarial, greatly eroded the traditional conflict resolution mechanisms (Ghebretেকে & Rammala, 2019; Muigua, 2017.; Theresa, 2014). The misconception of the African communal way of life, conflict resolution institutions and prejudice against their traditional way of life saw the Europeans introduce the western ideals of justice which were not based on political negotiations and reconciliation which are still used today. On the other hand traditional court system is characterised by simple and informal procedures, compensation, and other forms of punishment (Moumakwa, 2010). It also follows the common law principles especially when it comes sentencing. The principle of natural justice is also adhered to, which means that for every judgement passed sentencing must be based on deterrence, retribution or reformation (Theresa, 2014). Hover et.al (1990) states that, “the goal of a tribal court was to reach a decision which would satisfy not only the parties, but also the kinship group to which each party belonged. Egbokwe (1998) argued that vast majority of African still use traditional courts to resolve conflicts due to various reasons.

In Zambia, there has always existed conflict resolution processes which are employed by the traditional court system (Mwalula, 2018). Village chiefs, headmen and traditional counsellors all had and they still holding varying roles in the administration of justice and resolution of conflicts within a given and specified society . The essential function for both the chief and the village headmen even up to today remains the same. It is that of administering justice through presiding over various cases and conflicts that happen in the community (Silungwe, 1998).

Traditional conflict resolution mechanism has gained widespread acceptance among both the general public and the legal profession in recent years (IIDEA, 2008; Moumakwa, 2010; Theresa, 2014). The rationale for the relative importance of traditional rulers in the process of conflict resolution in the Zambian society is premised on the fact that they have a vast knowledge of the acceptable traditional methods and procedures have been passed from one generation to another (Mwalula, 2018; Silungwe, 1998). Furthermore, traditional rulers have a deep understanding of the morals, values and ethics of the society. Indeed, there is no question that every society recognised and mandated the traditional rulers the with some measures of power to maintain law and order, ensure security, manage, control and resolve conflicts among individuals and groups (Oyedele, 2007; Otite and Albert, 2009). However, it is still not clear as to how much contribution that traditional court makes to conflict resolution especially here in Zambia, most of the studies done of traditional courts concentrated on factors and challenges affecting traditional courts in conflict resolution. Thus, even though, such court systems are existent but not much is known in terms of their effectiveness at adjudicating cases grounded in conflict resolution brought before them in traditional settings. It is against this background; this study therefore seeks to explore the contribution of traditional courts in resolution mechanisms in Zambia. A study of the Kuta of Kaoma District, western province Zambia.

1.3 Problem of the Statement

Traditional leaders play a pivotal role in settling community disputes across rural Africa and Zambia is not an exception, as such they are regarded as custodians of traditional law and receive the bulk of the cases dealing with violence which might be political, domestic or antisocial behavior (Mwalula, 2018; Ghebretkle & Rammala, 2019; Theresa, 2014). Yet it appears that they lack the power and knowledge to prevent and adequately respond to violence as pointed out by Igbokwe (1998). Egbokwe (1998) argued that vast majority of African still use traditional courts to resolve conflicts due to various reasons. Most of the studies done of traditional courts concentrated on factors and challenges affecting traditional courts in conflict

resolution. Even though, such court systems are existent but not much is known in terms of their effectiveness at adjudicating cases grounded in conflict resolution brought before them in traditional settings. Thus not much has been done to verify their effectiveness in traditional contexts today.

Similarly, like the Chongwe district Question, in the past decades, the Chongwe community's development projects have suffered stagnation or complete failure due to conflict resulting mostly from internal disputes within the rural communities (Times of Zambia, 2014). If therefore this situation is not addressed, there are chances that these challenges will negatively affect the development agenda. This (Boutros-Ghali, 2008) confirms this by attesting that the cost of inability by communities to manage disputes contributes to underdevelopment and poverty. Traditional leadership in conflict resolution becomes essential hence the exploration of the contribution of traditional courts in conflict resolution mechanism in Zambia in this study. It is against this background, that this study sought to explore the contribution of traditional courts in resolution mechanisms in Zambia; a study of the Kuta of Kaoma District Western province Zambia

1.4 Purpose of the Study

To explore the contribution of traditional courts in conflict resolution mechanism in Kaoma District of Western Province of Zambia.

1.5. Specific Objectives

1. To establish the contribution of the traditional courts in conflict resolution.
2. To describe how traditional courts address conflict in their communities.
3. Identify challenges associated with traditional courts in resolution of conflict in their communities
4. To highlight alternative conflict resolution strategies that can be used by traditional courts

1.6 Research Questions

The following research questions were formulated to guide the research effort:

1. What role do traditional courts play in conflict resolution in their communities?
2. What are the processes that the traditional courts follow in conflict resolution?

3. What are the challenges do traditional leaders face in dispensation of their roles in conflict resolution and peace building?
4. What alternative strategies should be used to remedy the challenges faced by traditional courts in conflict resolution in their communities?

1.7 Significance of the Study

The purpose of this study was to explore the contribution of traditional courts in resolution mechanisms in Zambia. A study of the Kuta of Kaoma District, western province Zambia. It has been envisioned that the outcome of this study may help legal institutions to establish the contribution of traditional court system in conflict resolution. In doing so the study may contribute to the already existing scholarly and professional body of knowledge and would provide suggestions, guidance and recommendations to establish positive contribution and effectiveness of the traditional court system in resolving conflicts in communities more especially in rural set up. The results that have been obtained in this study may be shared with relevant stake holders and policy makers so that positive adjustments can be made to traditional court system in quest to improve its contribution to peace and conflict resolution in the community especially in areas where conventional modern courts are far away. This study may act as the basis for future studies on the contribution of traditional court system to peace and conflict resolution not just in Zambia but also Africa at large.

1.8 Limitations of the Research

Study limitations refers to influences that are beyond the researchers control in the study. They are the shortcomings, conditions or influences that are beyond the ability of the researcher and may place restriction on the conclusions of the study and their application to other situations. (Kombo, 2009) Based on this understanding, the researcher experienced several limitations as follows; During interviews, some participants were not able to disclose adequate information for fear of being victimised once they disclosed what they regarded as confidential information.

It is also expected that in order to communicate effectively and solicit information from the respondents, the interview schedules were translated into local language (Lozi) in order to make it easier for the respondents to have a clear understanding and insight of the research questions and for the purpose of making clarifications and dispel ambiguity. This had a negative bearing on the time allocated to complete the research.

1.8 Theoretical Framework

This study used the social control theory for understanding and analysing traditional conflict management generally. The social control theory is also known as the social bond theory. Under the social control theory, individuals are believed to break the law due to breakdown with their social bond. The Social Control Theory was developed by Travis Hirschi in 1969 to understand how people become law-abiding citizens. The theory initially was called “social bond” because it suggested that criminality is the product of lack of meaningful connection with society. Basically, it contends that people break the law because they have lost respect, appreciation or their sense of belonging towards society. Later the theory became known as the “social control” theory, which posits that when social constraints on antisocial behaviour are weakened or absent delinquent behaviour emerges. Thus, Hirschi (2015) believes that it is not so much the lacking “bond” that motivates people to break the law or commit crime, but the lack of control that a person has over the environment, society and our own conditions. Hirschi stresses that people become involved in society in four distinct ways namely: (a) attachment (b) belief (c) commitment, and (d) involvement.

Additionally, he contends that attachment comes as a result of our daily dynamics and interaction with the environment that surrounds us. For instance, our attachment to friends, family, colleagues, co-workers, and other likeminded people makes us more connected to the world in which we live. When such attachment to society is stronger then, people are less likely to deviate and vice versa. Our beliefs consist of our system of values, religious background, or any other connections to something that we consider worthy of deep respect. And involvement means that once an individual is engaged in meaningful activity, the chances of him committing crime will greatly diminish.

In Africa, the deities, gods and ancestors were used as means of social control and were invoked so as to secure compliance to peace agreements. Whenever the deities were used in resolving conflicts between disputants, there was always a tendency for the parties to obey and comply with the decisions reached in a tor-bue because disputants were generally afraid of the wrath or punishment from the ancestors. The people generally believed that the deity and ancestors had the capacity to inflict death punishment on them in case of a failure to adhere to peace agreements. As a result, the likelihood for people to disobey such peace resolution was very low. Thus in traditional African conflict management system, the deities or ancestors provided a means through which the people became attached and bonded to their communities, because there was a general belief in the efficacy of their punishment should disputing parties disregard

decisions and or resolution reached in a taboo. It was also believed that the wrath from the ancestors and gods were severe if invoked in murder cases and other offences that could offend the gods of the land. Similarly, among the Yorubas, the gods and ancestors (the living dead) were also called upon and their spirit invoked for conflict management. In fact, during such conflict resolution process especially at the family, the Baale reminded everyone particularly disputants of the aftermaths of their wrath should they disobey or failed to say the truth (Ajayi, 2014). Additionally, the perspectives held by the society and international community about the use of traditional leaders in peace processes had an impact on the success of mediation process. There seems to be more success when the society and international community had positive views on the use of traditional leaders in the management of peace processes than when they possess negative perspectives about the same. Furthermore, the approaches adopted towards the management of the challenges facing use of traditional leaders in mediation determine the success of the peace process. There tends to be more success in the peace process when the proactive and strategic approach is adopted than when the tactical and reactive approach is adopted (Balman, 2006).

1.9 Definition of Key Terms

Different terms used in this research used are provide and they include but not limited to;

Conflict resolution: The informal or formal process that two or more parties use to find a peaceful solution to their dispute

Descriptive study: This is a type of research design that aims to obtain information to systematically describe a phenomenon, situation, or population.

Induna: Advisor, great leader, ambassador, headman or commander of a group of warriors. It can also mean spokesperson or mediator who often acted as a bridge between the people and the king.

Kuta: Zambian traditional courts presided over by chiefs or Indunas in the western part of Zambia.

1.10 Summary

This chapter has presented and discussed the key issues on the background of the study. It has further presented in their various entities, the problem statement, theoretical frame work and definition of key terms among others. The next chapter will present and discuss the review of related literature.

CHAPTER TWO: REVIEW OF RELATED LITERATURE

2.1 Overview

In order for the research to be comprehensive; various literatures will be reviewed concerning the contribution of traditional courts in conflict resolution mechanism in Zambia. This chapter discusses various literature related to the topic at hand from the global perspective to the national perspective. It further discusses some theories with regards conflict resolution mechanisms their contribution to peace building. Traditional courts which are also referred to as chiefs' courts or customary courts still form an important part of the administration of justice in much of rural Africa, including Zambia (IIDEA, 2008). Traditional court is known from time immemorial to be a reliable and indispensable institution in the administration of justice and conflict resolution. Traditional court system is a justice system that is established in line with the traditional norms and customs of a particular ethnic group. According to The South

2.2 Contribution of the traditional courts in conflict resolution.

It is apparent that the traditional leaders possess basic knowledge and skills of the customs, traditions, and values of their people and the indigenous patterns of conflict resolution that place them in the better position to play a role in mitigating conflict and ensuring peaceful co-existence of the people in Africa (Theresa, 2014). In strengthening this point, different studies examine the impact of indigenous patterns of conflict resolution and peacebuilding in Africa. For example, Osei-hwedie&Rankopo (2012) in their case study of indigenous conflict resolution in Ghana and Botswana observe that the values embedded in the traditional institutions and cultural processes have a positive impact on the arbitration of conflicts to the extent that people favour the traditional pattern of conflicts resolution than by the courts. This is because the traditional conflict resolution is based on the customs, traditions, and values which are more comprehended, accustomed, and accepted by the people. They concluded that the indigenous patterns of conflict resolution pave a way for peace and harmony to prevail in society. Supporting this argument, Bukari (2013) posits that the modern conflict resolution employed in the case of Bawku conflict in Ghana has failed to resolve the long-age conflict bedeviled the area. He further asserts that the Kusasi and Mamprusi traditional patterns of the conflict resolution can have a positive impact in resolving the conflict hence the prevalence of peace and harmony in the area.

Similarly, a study conducted by Sharma (2017) in Botswana shows that traditional customary courts have adjudicated over 75-80% the criminal and civil cases in the country. These studies emphasize the strength of the indigenous conflict resolution patterns in restoring peace without giving due consideration to its weakness. They also affirm to the fact that people prefer indigenous mechanisms for the resolution of conflict, despite the absence of written laws that could guide the process. In contrast, Loveness and Mathew (2017) in their case study on the role of the indigenous knowledge system in peace-building in the Umguza District in Zimbabwe discover that traditional leaders play a significant role in the arbitration of conflict and disputes, however, the process of indigenous conflict resolution has been fraudulent, subjective and politicized. This problem was attributed to the absence of any written law that can guide the process and prevent the traditional rulers to adjudicate according to their personal whim. Therefore, the study suggested the need to assign formal role to the traditional institutions in the resolution of the conflict so that the process will be protected against corruption and any other personal interests.

Studies with different approaches like the one done in Nigeria which examined the extent to which traditional leaders play a role in resolving a range of conflicts from ethno-religious, farmer/herder clashes, militancy, Boko Haram insurgency among others. In the results it found that Kano Emirate has played a vital role in the resolution of such ethno-religious conflicts by using an informal mechanism. As a result, peace and harmony has been restored between Hausas and Igbos in such a way that majority of the people showed preference to the conflict resolution by Kano Emirate over modern patterns by the police and courts in the state. Although the study has proved the legitimacy and respect the Kano Emirate still enjoy from the people in the state, it negates the fact that when conflict becomes violent it must involve the formal pattern (by security personnel like the military and police) of resolving and restoring peace in the situation (Aliyu et al., 2021).

Similarly, according liyu et al's argument, Okonji (2016) postulates that the local chiefs contributed in resolving and restoring peace in the case of ethno-religious conflict in Kosofe in Lagos. In addition, he found out that 88.8% of the respondents of the study acceded to the decisions of the traditional chiefs over other actors in the arbitration of the conflict in Kosofe LGA in Lagos State. This shows that the traditional leaders played a vital role in the resolution of ethnic and religious conflicts and therefore, such conflicts are best handled by them because people honour, respect, and accept their decisions. Similarly, Hamisu, Makinta, Muhammed, Garba, & Umar (2017) examine the impact of traditional leaders in resolving farmers/herders'

conflict in Borno State. They found that majority of the people involved in the conflict believed that traditional leaders played a vital role in resolving the conflict between them. As a result, peace has been restored in the area. This study concluded that the strategy employed by traditional leaders in resolving such conflict contributed in bringing peace and normalcy in the area. This is an empirical case study whose finding can be applied to other parts of the country where such a conflict is taking place.

In their studies Chizea & Osumah (2015), Nweke (2012), Olusola & Aisha (2013) argued that most of the crises such as ethno-religious crises, militancy in the Niger Delta, Boko Haram insurgency, farmer/herder clashes, among others occur and aggravate in Nigeria as a result of not involving the traditional rulers at the initial stage of the crises. They further believed that the traditional rulers have the knowledge of values, norms, culture, and traditions of their people with which they can resolve and manage conflicts and crises and ensure peace and harmony prevail in their areas of domain. This assertion is true because evidence in the past (during pre-colonial and colonial periods) has clearly showed that the traditional leaders resolved and managed conflicts effectively and ensured peace reigned in their respective areas of jurisdiction.

Traditional conflict management practice is a part of well social system which has been proven over time to be efficient in reconciliation since it improves social relationships by restoring balance, settling disputes and managing conflict because it is deeply rooted in the customs and traditions of Africa. Conflict management involves a healing process which should involve all stakeholders to rebuild the social harmony that was lost during the conflict. Traditional conflict resolution mechanisms still prevail at the grass root level where the communities exchange gifts and slaughter animals for example the Karamoja in Uganda and other pastoralist societies in Kenya through their traditional elders still do these to solve conflicts among themselves hence promoting reconciliation (Burns, 2000).

The role of African traditional leaders in conflict management is important since the basic objective of the traditional elders is to maintain peace in their clans in addition, community networking in Africa are usually constantly respected, maintained and strengthened since priority is always given to restoring relationships whereby relationships are given prior attention mostly presided over by the clan elders after a dispute which the modern techniques of conflict management such as peace keeping has overlooked. An external mediator will not have an in depth understanding of a conflict compared to the traditional leader because they

usually start at the point of initial conflict while the elder will go way back forming a social reference which will reveal long standing grievances and the wide difference in interests between the parties involved in the conflict hence helping to find out the deeply rooted causes of the conflict at hand. This is perhaps the major reason why conflicts in Africa have escalated at the national front and not at the clan level (Englebert, 2005).

Conflict resolution provides an opportunity to interact with the parties concerned, with the hope of at least reducing the scope, intensity and effects of conflicts. During formal and informal meetings, conflict resolution exercises permit a reassessment of views and claims as a basis for finding options to crisis and to divergent points of view. Those who organize conflict resolution exercises or meetings usually constitute the third party in a triangular arrangement and consist of traditional rulers.

Traditional leadership plays a critical and vital role in traditional communities in relation to the administration of justice. It is part of the cultural heritage of the African people. Customary law has existed since time immemorial and is recognized in most African legal system. A large number of people who lives in traditional communities subscribes to the principles of customary law and embraces the traditional court systems that apply this form of law. (Penal reform international, 2000).

The institution of traditional leadership plays a crucial role in promoting social cohesion, peace and harmony in communities. Traditional leaders resolve disputes through local and informal courts. The importance of traditional court derives from the fact that they are closest to the communities and use the language and methods that the community understands better than the procedures applied by formal courts. Traditional justice system is guided by tradition of the community in which they operate. In this way, justice is dispensed easily and quickly, (Galanter, M.2003).

In traditional African Society, extra-judicial methods were employed in conflict resolution. These took the form of ordeals and the invocation of supernatural forces to expose all sides to the conflict. Olaoba has shown quite clearly that oath taking which was one of the extra-judicial methods usually assisted the judge or adjudicators to locate areas of weaknesses in the conflict.

Traditional leadership embodies the preservation of culture, traditions, customs and values of the African people, while also presenting the early forms of societal organization and governance. The role of traditional institutions in the administration of justice can be traced

back since time immemorial. Bennet, (2006), explains that the institution of traditional leadership has its origin from ancient times when communities sharing the same beliefs and kinship were allocated land for occupation and grazing, (Bennet, Murray, 1999).

Informal justice systems often reflect local social norms and are closely linked to the local Community (Ghebretkle & Rammala, 2019). Community members often have a sense of ownership. Informal justice actors have local legitimacy and authority that is not afforded to formal justice. They are relevant because they are linguistically and culturally bound by ties of mutual dependence. Informal justice often understands local problems and is capable of finding practical solutions to their problems (Ghebretkle & Rammala, 2019; Moumakwa, 2010). They are sometimes regarded to have supernatural powers enhancing their capacity to resolve local disputes and ensure enforcement.

Informal justice system is usually close to the homes of the people who fall within their jurisdiction (Ibid). Informal justice system is within a walking distance of their homes. Most people feel that informal justice system is easily accessible. Traditional justice system is readily available, accessible, affordable and timely in their decision making. The procedures followed by traditional justice system allow opportunity for parties to be heard and to appeal to higher levels if dissatisfied with the decision of a traditional justice system (Ibid). Traditional justice system serves the function of maintaining cohesion and harmony in the community. Traditional justice system is also involved in social issues in the community such as HIV/AIDS, Female genital mutilation (FGM), environmental management, boundary demarcation etc. and in some instances in spiritual matters (Ibid). This provides a more holistic approach to conflict management than that of the formal courts.

In a study done by Baguma (2013) it was observing that, “Initially, many Rwandans placed their hopes in the well-funded International Criminal Tribunal for Rwanda (ICTR) but it has been plagued by inefficiencies and delays. Although the Rwandan national courts have tried a significantly larger number of cases than the ICTR, they are also criticized as being too slow. Therefore, the government of Rwanda has proposed using the Gacaca traditional courts to accelerate post-genocide justice”. The use of the Gacaca to try the cases concerning the genocide is a clear indication that traditional court system is an effective and prudent way of resolving conflicts. Suspicion will promote morality, social cohesion and harmony that in turn will lay down a strong foundation for the reconstruction of Rwandan society. Thus based on this article, it is clear to say that traditional court system has also proven to be a force to reckon

with in so far as the resolution of conflicts is concerned. For example, the Ethiopian legal system has its roots in the traditional court system which has been in existence for a long time. Haile Selassie I, Emperor of Ethiopia "No modern legislation which does not have its roots in the customs of those whom it governs can have a strong foundation" What the emperor was referring to was simply the effectiveness of traditional court system in addressing matters that affect the masses. Traditional or customary courts as they may be called in Ethiopia played and has continued to play a critical in fostering peace and harmony in a diverse society. As Fisher (2002) points out, "Ethiopia is a country which embraces a complex variety of ethnic elements representing a veritable mosaic of races, tribes, and linguistic groups. Joined together in the Empire with the dominant highland Christian groups are large Muslim and pagan groups of the most diverse socio-economic organization."

Merry (2012), argued that the penalties, instituted usually focus on compensation or restitution in order to restore the status quo, rather than punishment in many countries traditional authorities play a paramount role as mediators of violent conflict. In pre-colonial Africa the traditional leaders' forum in a number of societies assumed a more adjudicatory role for the most serious crimes such as murder and witchcraft. In such cases capital punishment would be considered. Otherwise their role as chiefs has been to bring disputing parties together and to create an atmosphere in which they can resolve their differences. Thus, the traditional leaders act as facilitators in conflict resolution.

The fact is that traditional elders have not always been successful in mediating conflicts; Gundel (2005) argues that renditions accounting for failure of traditional elders in conflict management can be traced to the period of colonial occupation. It was observed that during the colonial era, many African countries were colonized and South Somalia is one of the countries colonized by Italy. Italians destroyed the traditional conflict management systems and in the process rendered the elders ineffective thereby, the role of traditional elders in conflict management and peace building disappeared in comparison to Somaliland, which was colonized by Britain where they kept traditional conflict management mechanisms in place, values and norms were not disrupted. Perhaps it is because of this reason that Puntland has managed to maintain substantial stability as compared to Somaliland. It is argued that traditional elders as actors have emerged and earned a permanent place on the Somali political game board. Traditional elders are generally groups which can exert considerable power and influence in Somalia but which are poorly organized and divided, hence not actors in the politically strict sense. This inhibits the role of traditional actors in the process of mediation,

negotiation or reconciliation. Traditional leaders are important part of the local political fabric in Africa that we cannot talk about democracy from below, from the grassroots, without talking about the chieftaincy.

2.3 Methods of traditional justice system in conflict resolution

In post-conflict settings, perhaps the most significant transformation is that traditional mechanisms, which were historically used to address ordinary disputes and crimes at the local level, are now used to address serious conflicts ‘committed for example in a war context (Roberts and Beatrice, 2017). In this sense, these traditional practices are being modified and adapted to address unique post-conflict realities (Mary, 2008).

The art of listening was no doubt a significant means of preventing or solving conflicts. It involved the art of persuasion aiming to prevent or end conflicts. Listening to other person ‘s grievances (at individual level) or responding early to the ultimatum of the other community helped to solve conflicts, (Olaoba.O. B, 2014). Based on good character and level of tolerance, a person may voluntarily prevent conflict especially with confidence in the realm of apology, (Diallo, .2015). Regular consultation of the oracle (place at which advice or prophecy was sought to determine future occurrences of conflict) often worked miraculously in the prevention of conflict in traditional African societies. There is no gain saying the fact that the wisdom of the Oracle in the African society was quite significant to helping the Africans determine the direction of conflict and the magnitude of resolution. All that was required was the truthful attachment to the Oracular mechanism and device. The oracles in African society, were known for their airplay and judicious problem solving mechanisms, ((Ghebretkle & Rammala, 2019).

The adoption of any of the preventive measures depended so largely on the nature of the people living in the society (Management, 2006). This entails that prevention of conflicts, which was desirable in African society, was differently achievable from one society to the other. It is noteworthy, however, that no African society failed to put in place many of the conflict preventive measures to galvanize solidarity, public will and whims as well as ascertain peace process and harmonious living.

2.4 Challenges associated with traditional courts in resolution of conflict in their communities

Before the advent of contemporary conflict resolution mechanisms, local African communities developed and refined, over time their own mechanisms for resolving local level disputes, both within their communities and with others. These mechanisms were based on solid traditional

institutions such as mediation through a council of elders. These institutions were respected by community members and hence those affected generally complied with decisions, including punishment of offenders and compensation, (Olumwullah, 2010). The decline in power of the traditional systems for regulating conflicts began in colonial times, when the administrators created a new structure of leaders. In this way the traditional elders were sidelined, they had to report to their sons, something that is unthinkable within the system of age sets. Poverty has affected all sectors of the population, including the elders, who have traditionally greater wealth than other members of the community. This has made the elders lose their status in the community and consequently their effectiveness in intervening in conflicts (Ibid).

Traditional justice system equally suffer from deficiencies such as; bias against women/children and the indigent in decision making, traditional leaders do not have adequate power of enforcement, inadequate knowledge of human rights principles, cruel and degrading punishment in some cases e.g. public canning, cursing someone etc. (Moumakwa, 2010; Theresa, 2014). women are restricted in their participation in traditional dispute resolution both as decision makers and as litigants, membership in most traditional justice system is open to men only and even where women are allowed to be members, their role is limited to matters relating to women 's sexual and social issues such as HIV/AIDS, FGM and rape. Gender biases and use of certain cultural norms often operate to the detriment of women's claims, particularly poor women (Moumakwa, 2010).

On the other hand, the role of traditional leaders is seen as a preserve of men, this is regarded as an intentional attempt to malign women who also are part of the clan ruling system. Davidson (2013) observes that in African society it is men, specifically the elders, who traditionally have the means to make peace through dialogue and mediation. But although women are typically excluded from decision making forums where peace accords are negotiated, their position within the clan system gives them the ability to bridge clan divisions and to act as a first channel for dialogue between parties in conflict. Women influence elders to intervene in conflict and mobilize resources to finance peace meetings and support demobilization. While men typically focus on achieving political settlement, with the assumption that peace will ensue, women's vision of peace exceeds this and includes sustainable livelihoods, education, truth and reconciliation. In addition, women have been instrumental and responsible for the innovative committee dealing with Kenyan-Somali border

disputes while at the same time they participated in the 2013 Ngok of Abyei Peoples Conference in Sudan so they should also be considered in indigenous conflict management.

In addition, the traditional leadership has also been strongly rejected in Africa such as Botswana where there is high level of corruption, poor economy and low standards of living yet the King and his council continue to live in lavish lifestyles. It is the men who are always chosen to be traditional leaders silencing the women and the youth in a community. This often creates division in society since the women and the youth also feel they should be involved in traditional conflict management since the conflict mostly affects the vulnerable in society who are children, women and the youth who become child soldiers or get involved in criminal activities because of idleness (Maumakwa, 2010).

2.5 Alternative conflict resolution strategies that can be used by traditional courts

In view of the African style of living, certain mechanisms had to be employed in resolving conflicts. Africans used most of the mechanisms popularly known as Alternative Dispute Resolution (ADR), only that they had not been tagged as such (Ghebretkle & Rammala, 2019). They used negotiation, mediation, Med-Arb⁴¹ and conciliation in resolving their disputes. It could happen informally by people sitting down and agreeing to resolve their differences. The mechanisms they used include kinship systems, joking relations, third party approach, consensus approach, (age-sets) social groups, women/men elders and blood brotherhood. Most of these mechanisms resembled modern day ADR mechanisms such as negotiation, mediation, reconciliation and arbitration (ibid).

2.5.1 Kinship System

By *kinship system* it was believed that relatives or kin never really fight as “*blood is thicker than water* (Ghebretkle & Rammala, 2019).” Through kinship ties and group identities people could make statements such as, “*we are all part of the same village, we are all of the same ethnic group, we are all Africans*”. According to the study done in Kenya by Muigua, (2017) on traditional conflict resolution and mechanisms. It was revealed that Kinship relationship is very significant to conflict resolution in the traditional court systems. These relations were geared towards preventing conflict and to create or restore relationships that could have been damaged by conflict. That is why whenever there was a conflict between different parties or communities, the first thing that is done is an attempt at rebuilding and fostering the broken relationships. Kinship system among the Agikuyu was formed by family group (*mbari* or *nyumba*) and the clan (*muhiriga*). The family group (*mbari*) brought together all those related

by blood such as a man, wife or wives, children, grand and great-grandchildren while the clan (*muhiriga*) knits together distant relatives, facilitating a feeling of rendering mutual support in all important matters in the interest of the clan (Ghebretkle & Rammala, 2019; Theresa, 2014). Kinship ties were further fortified by the age-grading which united and solidified the whole tribe in all its activities.

2.5.2 Joking Relations

Joking relations is a typical African social phenomenon employed to avoid conflicts between neighbouring ethnic groups through verbal exchanges, attitudes, behaviours, sometimes with “violence” and “aggressiveness”, but always with a joking tone (Ghebretkle & Rammala, 2019; Theresa, 2014). In most communities, they were a daily practice, a kind of “agreement” between the numerous ethnic groups, aimed at banning anger and hatred which are sources of conflicts. In some cases, joking relationships were established after social conflicts or wars, as a way of saying “no more” war (Ibid). Those resolving conflicts could thus invoke these ties to show that there were established relations and hence no need for war. In modern conflict resolution parlance, therefore, joking relations can be an effective mode of settling ideological differences which cannot be resolved using bargaining skills. Joking relations would be successful in mitigating and resolving such conflicts since they are premised on forgiveness and tolerance (Ghebretkle & Rammala, 2019; Theresa, 2014). They also provide the mediator with power, influence or control over the conflicting parties and ensure disputants observe decorum in view of their relations to the same community (Ibid). This implies that in the African context, the third party had more resources to use in resolving the conflict.

2.5.3 Consensus Approach

Another mechanism used in most African Traditional courts is the *consensus approach*, where resolutions were attained on the basis of consensus rather than on winner-takes-all approach. Consensual outcomes were highly regarded as they created confidence and parties had autonomy over the process (Moumakwa, 2010; Muigua, n.d.). Thus, the decision of the elders was effective, durable and long lasting. An agreement reached through consensus could be communicated to the whole community and affirmed as a social contract in a ritual way. This was done to pass the news of the satisfactory conclusion of the conflict resolution process. In terms of implementing the agreement, the parties and the entire community followed up to confirm compliance with the agreement.

2.5.4 Traditions, customs and norms

The *traditions, customs and norms* of a particular community played a pivotal role in conflict resolution. Traditions, customs and norms were highly valued and adhered to by the members of the community (Ghebretkle & Rammala, 2019; Muigua, n.d.). Disregard of some of these beliefs could attract the wrath of the gods, ridicule and reprimand from members of the society hence ensuring that persons shunned conflict-causing conduct.

2.6 Identified research Gap

This literature review consulted, a number of researchers generally researched on the traditional court system particularly the historical aspect of them and the different roles they play. However, there was not much information on the contribution of traditional courts in conflict resolution mechanism in Kaoma District of Western Province of Zambia. Hence, the importance of the need to conduct the current research.

2.7 Summary

This chapter presented the literature review on the existence of the traditional courts from an Africa perspective. The chapter explicitly explored the meaning of traditional courts and highlighted roles, practices and ways of resolving conflict practiced in traditional court system around the continent of Africa. It further analysed the specific traditional court system and the effectiveness of traditional court system as well as the review of related literature. The chapter concludes with an identification of the research gap to be filled by this study. The next chapter is a presentation of research Methodology of the study.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Overview

This section consists of the methods to be used in this study, thus it consists of research paradigm, research design, research site, target population, study sample, sample size, samplings strategy, data collection, data analysis, and ethical consideration.

3.2 Research paradigm

The researcher employed a qualitative research method to provide insights into the contribution of traditional courts in conflict resolution mechanism in Zambia (Kuta) of Kaoma District, Western Zambia. Qualitative research approach was chosen because of its relevance, flexibility and interactive in nature. This allowed the researcher to get in depth information on the subject matter. Using this approach, the researcher was able to interact with the research participants in their natural setting face to face in order to observe and make conclusions on hidden feelings and emotions, Philip (2000). Qualitative approach is a particular tradition in social science which is aligned to interpretivism position and researchers who believe in this approach holds that, there is no objective truth waiting to be discovered instead, knowledge and reality has to be socially constructed by human beings. Additionally, a qualitative design involves open-ended questions that focus on obtaining in-depth explanations of the issues under investigation. It is also appropriate for the study as it bring out the contribution of traditional courts in conflict resolution mechanism in Zambia (Willis, 2007).

3.3 Research design

Case study was used to represent a wider population. This is to use a small population to represent a larger population. As noted in the introduction to the study, Kaoma district has not tasted a relatively peaceful period of positive success in formal peace. A case study focuses at providing an in-depth analysis of phenomena. In in this research a variety of people were engaged in the research to explore the contribution of traditional courts in resolution mechanisms in Zambia. A study of the Kuta of Kaoma District. This type of design was used to get people's attitudes and opinions on the issues raised above. The case study approach has considerable advantage in generating the answers. The design is valuable since it is used to narrow down a broad field of research. This research design helped the researcher to construct questions that helped to solicit for the desired information in carrying out the research and summarize the data in a way that provided the desired information.

3.4 Study Area and Population

3.4.1 Study Area

The study on exploration of the contribution of traditional courts in resolution mechanisms in Zambia. Was conducted from Kuta of Kaoma District of western Province. Kaoma sits on geographical coordinates; 14°47' 0'' South, 24° 48' 0'' East. Koama idistrict has a reasonable population estimated at 230,000 based on recent population statistic of 2022 and the dominant tribe found there is Nkoya, or Mankoya land from where the district got its former name from. All tribes present includes but not limited Lozi, Mbunda along with other smaller tribes.

3.4.2 Study population

The study population comprised of the chiefs, Ndunas, social workers, subjects, representative from the Barotse Loyal Establishment and civic officials. The population of the division is estimated to be 230,000 people (CSO, census estimate, 2022) and the dominant religion of the population is said to be Christianity. The predominate tribes in Kaoma district Nkoya Lozi's, Mbundas and other tribes. However, this population has been partially or fully affected by protracted conflicts since time immemorial. These conflicts included land issues, succession issues, domestic, family, inter-family, inter-cultural, land, environmental conflicts among others.

3.5 Sample size

The sample size for this research was 30 participants. Thus 10 key informants and 20 participants. These comprised of 10 Indunas,4 representatives from the Baroste Royal Establishment (BLE),2 from the civil societies involved in matters of peaceful conflict resolution in the communities,2 officers from the local government and 3 officers from the District office for Chiefs and Traditional Affairs 1 Magistrate from the Subordinate Court and 2 officer from council to represent local government and from the Department of Social Welfare respectively. When conducting qualitative research, 15 to 30 sample size is enough to come up with enough evidence or the study (Price, 2007), a sample size be chosen from the overall population with the study features of interest to the researcher. When conducting research, it is recommended to collect data from 15-30 participants; this sample size was used to avoid saturation of data (MacQueen and Milstein, 1999). Therefore, going by this assumption, sample size of 30 participants was considered as it can be used to make generalizations about the characteristics of the total population of residents of Kaoma District.

3.6 Sampling Technique

A homogenous purposive was used to select the 30 participants acting in their capacity as citizens, while being privileged and knowledgeable in the issues of the operations of local courts. Sampling procedure is a research plan that indicates how cases will be selected for the study. The researcher used purposive sampling where a specific group of people will be conveniently picked for the objective of the research findings. The sample represented the entire population.

3.7 Research Instruments

3.7.1 Data sources

The researcher used primary and secondary information sources. Eyewitness accounts, contemporaneous journalist reports, or even memoirs and oral histories which are created well after the actual event was also considered in the primary sources. On the other hand, secondary sources were through majorly using library research of scholars “works and related documents like the state and civil unrest in the world.

3.7.2 Interviews

The researcher guided interviews, during data collection process by a low degree imposed by the interviewer, open questions; a focus on specific situation and action sequence in the world of the interviewee rather than abstractions and general opinions.

3.7.3 Documentary method

These had the potential to inform and structure the decisions which people make on a daily and a longer-term basis and this involved incidences that occurred and the researcher was not aware of and this gave the researcher an opportunity to read important documents.

3.8 Data analysis

Qualitative and quantitative methods of data analysis were employed to analyze data on the topic under study. In these methods, interpretation and description, coding and tabulation was used to reflect in frequency tables and graphs. This was possible with the assistance of a computer package of SPSS version 26. Continuous checking for consistency, accuracy and completeness of responses was always done in the field by the interviewer. All information collected was cross checked. But still, the researcher also checked the response sheet to ensure they were accurate and consistent.

3.9 Quality control

Pre-testing of the questionnaires ensured Reliability and Validity of the instruments and interview guides in the selected zones. The researcher employed a triangulation method which means that the researcher used several methods of collecting data to investigate the same concept. The methods constituted observation, in depth interview guide, focus group discussions and questionnaires. According to Patton (1994) Combining multiple methods and data sources, researcher can overcome the intrinsic bias that comes from single observer and single data theory studies. Data quality control was ensured through content validity, and reliability.

3.9.1 Trustworthiness and Dependability

Elo (2014) qualitative content analysis is one of the several qualitative methods currently available for analyzing data and interpreting its meaning (Schreier, 2012) As a researcher method, it represents systematic and objective means od describing and quantifying phenomenon as stated by Downe- Wamboldt (1922. A prerequisite for successful content analysis is that data can be reduced to concepts that describe the research phenomenon by creating category concept, model, conceptual systems and conceptual maps.

According to Noble and Smith (2014) Reliability describes the consistency within which the analytical procedures are being used. Therefore, validity and reliability are necessary to establish the trust worthiness and credibility of research.

3.10 Data collection

This study used interview guides to collect primary data. Primary research is defined as a methodology used by researchers to collect data directly, rather than depending on data collected from previously done research. Technically, they “own” the data. Primary research is solely carried out to address a certain problem, which requires in-depth analysis. Information will be gathered through interviews and focus groups. The study gathered primary data from respondents; in this case who are the targeted population in this study. Primary data was vital in this study for the attainment of ground data on traditional courts, making primary data of great significance to this study (Earnest & Plummer, 2003).

3.11 Approval and Informed consent

The study sought permission from school thereafter, permission will have sought from the Kaoma District office and discuss the research visits. The researcher will further seek consent from participants.

3.12 Study Limitation

An aspect of this study that may have negatively affected the results but over which the researcher has no control includes the co-operation of respondents. Some respondents might not fully participate by completing questionnaires in time and answering the entire question. However, the study will structure the interview guides in a simple fashion easy to be understood by all respondents. The study also ensured that the researchers be frank with respondents and to assure them that their identities would not be disclosed and their responses will be treated with confidentiality and will only be used for the purpose of the study, (Mugenda and Mugenda, 2003).

3.13 Ethical Consideration

All participants who participated in this study were treated with respect; their identities will be treated with high confidentiality. Additionally, the respondents were assured that there are no right and wrong answer and that what the study is interested in is their honest opinion on the contribution of traditional courts in conflict resolution mechanism in Zambia. The researcher did not intimidate the respondents, bribe or take advantage of the respondents' condition to get data from them. The purpose of the study was fully explained to the respondents that will enable them make judgments whether to participate in the study or not, and the respondents will also be guaranteed that the information given will to be treated confidentially. The information obtained from the respondents will be used for the purpose specified for the study. Consequently, the researcher will conduct the research without bias while being clear, open minded and objective about the study purpose.

3.13 Summary

This chapter discussed the methodology and the paradigms that were used in the study. It has also presented the research design, target population, sample size, sampling procedure, data collection tools and data analysis methods to be used in the research.

CHAPTER FOUR: PRESENTATION OF THE FINDINGS

4.1 Overview

This section of the study presents the findings and discussion of the results from the research findings on the contribution of traditional courts in conflict resolution mechanism in Zambia. Findings from the respondents and key informant interviews were analysed and discussed to get a complete understanding of the contribution of traditional courts in conflict resolution mechanism in Zambia. A Study of the Kuta of Kaoma District, Western Zambia indigenous conflict resolution mechanisms. The study findings were based on four principle set objectives that included; exploring the role traditional leaders play in conflict resolution and peace building in Zambia communities, establishing the capacity gaps traditional leaders have in the dispensation of their roles in conflict resolution and peace building, highlighting the training received by traditional leaders to enhance their conflict resolution and peace building skills, and assessing the challenges faced by traditional leaders in dispensation of their roles in conflict resolution and peace building.

4.2 Demographic Profile of Research Participants

This section presents the demographic profile of the participant. Demography of participants denotes the statistics relating to the people who took part in the research which are commonly referred to as participants/respondents. It is a composition of all the background information of the research participants deemed necessary and relevant to the study by the researcher. A research participant, informant or respondent is someone who is well grounded in the social phenomenon being studied and who is willing to provide information on it. The demographic representation of the participants was as follows: Two (02) respondents representing 7% were social and research workers, (2) participants representing 7% were chiefs one for the Nkoya and the other for the Lozi present at Kuta, four (4) representing (13%) were representative members of Barotse Loyal Establishment (BLE), Four (6) representing 20% were Ndunas from both Nkoya and Lozi speaking people or Eleven percent (11%) were Members of the Royal Establishment. Eight (08) representing (27%) were Civic leaders from Kaoma district administration and (08) participants representing (27%) of the participants were the subjects (men and women).

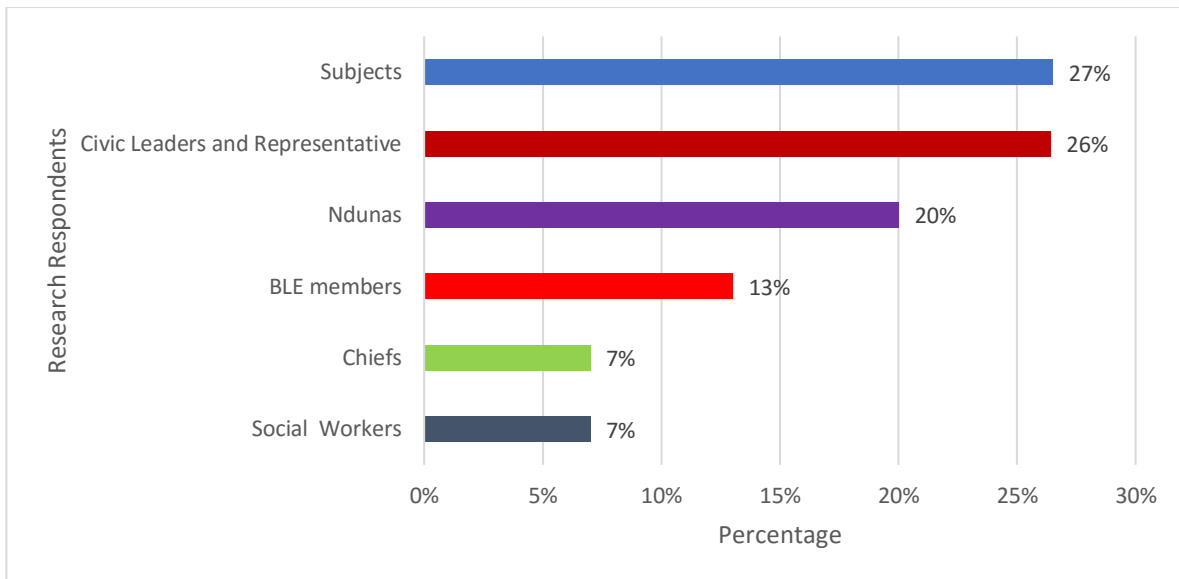


Figure 1: Showing research participant's Distribution

Source: Fieldwork (2022)

Respondent distribution by Tribe

From the field data, it was found that, there are several tribes in Kaoma district formerly known as Nkoya or Mankoya Land. Respondent distribution by tribe showed that; Out 30 respondents 33% were Lozi, 47% were Nkoyas, 7% were Mbundas and 13% included other small or rather weaker tribes rather than the four dominant tribes (Figure 2).

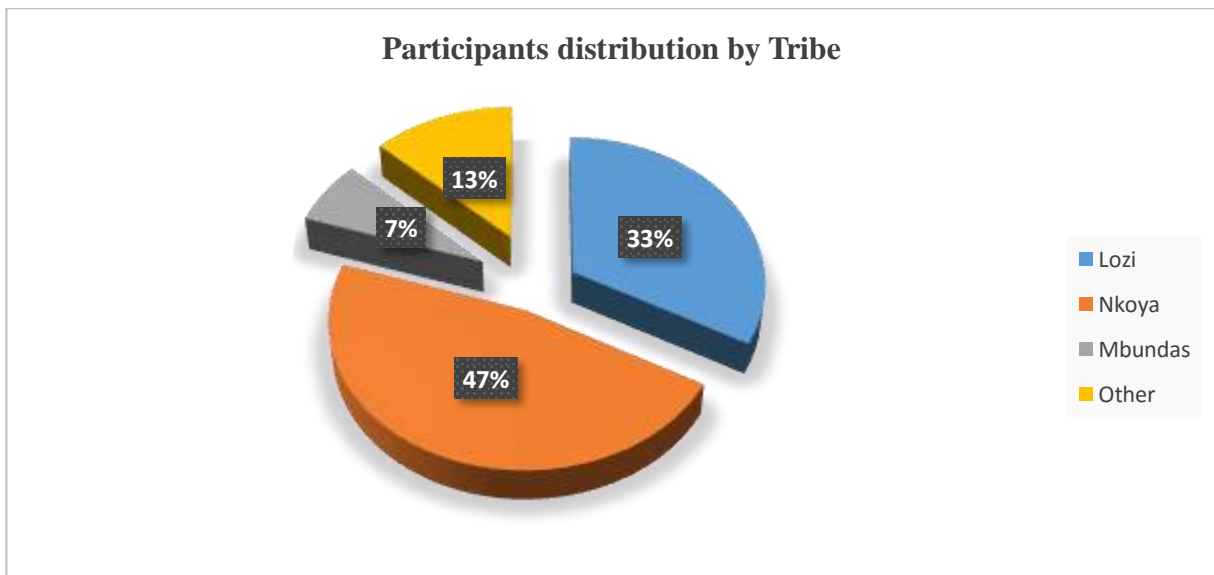


Figure 2: Pie Chart distribution of the participants by tribe

Source: Fieldwork (2022)

4.3 The roles and Contribution of traditional leaders in conflict resolution and peace building in Kaoma communities.

Under this objective the researcher sought to investigate role traditional leaders play in conflict resolution and peace building in local communities. The study targeted the residents of kaoma district. This led to some crucial findings of the study that have been mentioned below.

Figure 3 shows the findings on the role traditional leaders' play in conflict resolution and peace building in Kaoma district.

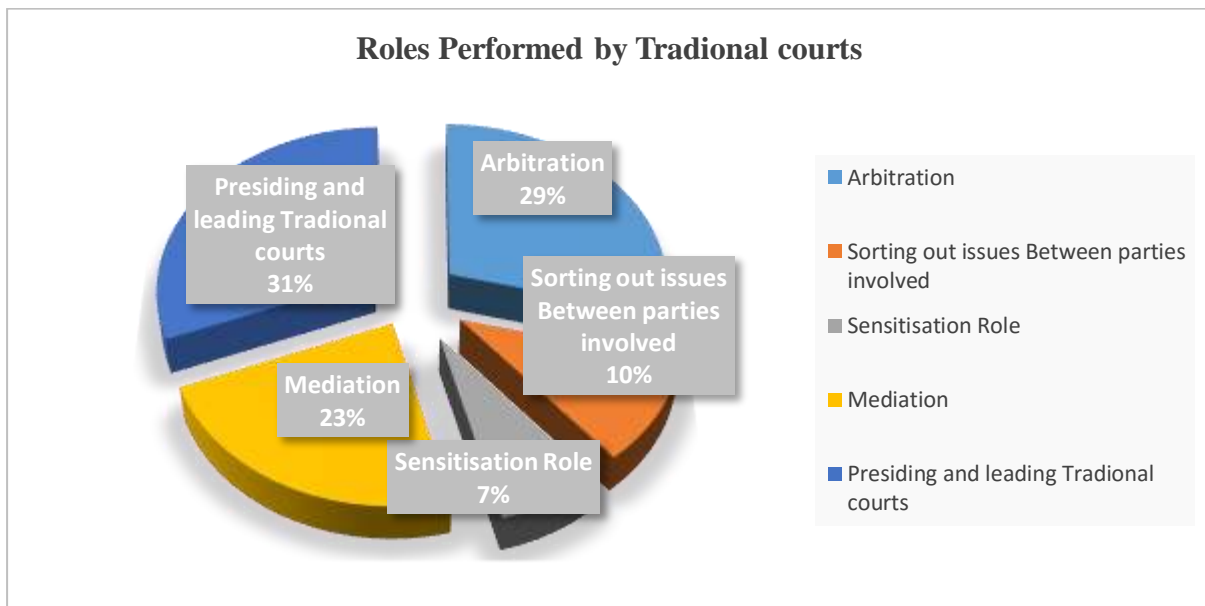


Figure 3 Pie char distribution of roles performed by traditional courts

Source; Field data 2022.

Most respondents said traditional leaders perform the role of arbitration, sorting out problems between parties involved, in so doing leaders call the involved parties to hear their sides of the story before making judgements. Thus in doing mediation, the traditional leaders make reference to the laws of the country. It was also discovered that traditional leaders play a sensitization role by sensitizing the community about different types of crimes. Traditional leaders are mediators, thus facilitating the process of peace building between and among the involved parties. Additionally, traditional leaders play a very important role of presiding and leading traditional courts. The study found out that the principles of social cohesion, social harmony, peaceful coexistence, transparency, respect, tolerance and humility are central elements emphasized in traditional conflict resolution mechanisms among the local people. The notion of restoration of peace, social solidarity and reconciliation within the community lies at the centre of traditional conflict resolution mechanisms. This is very crucial not only for

individuals' wellbeing but also for the wellbeing of the general community. Some participants pinpointed that: Above all, elders focus and work to restore and maintain what the two conflicting parties lost because of the conflict. The conflict breaks the normal relationship of conflicting parties as well as families and surrounding communities.

Therefore, traditional courts really contribute greatly to peace and conflict resolution. The chief, Ndunas or the jury facilitates the mediation. Depending on the matter, for instance a family conflict, the resolution would most likely be mediation. However, in many instances of petty conflicts or disputes emanating from the ward, the Ndunas settles them at the Kuta without the need of going to the conventional government courts or police.

4.3.1 Effectiveness of the Traditional Court System in Kaoma (KUTA)

The study revealed that the traditional courts were very effective in fulfilling in conflict resolution. In emphasising the effectiveness of the traditional court system in conflict resolution one participant said:

All the cases that come before the court are recorded in a book for future reference and for the purpose of transparency (Participant 2; July, 2022).

During focus group discussion, it was revealed that in instances where the court failed to handle the case an appeal was made to the chief who in turn scrutinised the case and made further adjustment to the verdict. Sometimes the chief recommends that the case be taken to the local court especially cases that involve fines and awards.

In relation to this study revelations one woman said:

Sometimes they refer us to the local court or magistrate court for redress depending on the magnitude of the case (Participant 3; July 2022).

In line with the finding above, one man said:

The Traditional courts or rather the kuta are very important because they promote peace and emphasises reconciliation” (Participant 1; July, 2022). On the other hand, the other participant mentioned that, “I have never taken a case to the Kuta nor appearing there but what I know is that the kuta is very fair and effective in resolving the conflicts that happens in our community” (Participant 4, July, 2022).

4.4 Ways that traditional courts address conflict in their communities.

The research sought to ascertain ways that traditional courts use to address conflict in their communities' tradition court system in Kaoma. The study revealed that in Kaoma and throughout Barotseland they have what they call Kuta which is a Zambian traditional courts presided over by chiefs or Indunas in the western part of Zambia. The most common ways that this court uses to address conflict in their communities included mediation, arbitration, Adjudication, reconciliation and Negotiation. One of the Nduna when asked at to how cases reported to kuta were resolves, The Nduna asserted that:

The cases we handle are reported to the Kuta when something happens they come to report to the Kuta. Then the council appoints either the mediator or arbitrator of the judge to preside over the case before them after a lengthy deliberation. The verdict passed is subject to approval by the kuta. The Counsellors preside over cases and forwards the judgment to the Chief for approval and judgement endorsement (Nduna 1; July, 2022).

Also related to research findings above, chief said that:

There are no established or codified standards of sentencing the offender or the wrong doer because the purpose is to bring about reconciliation and peace among or between the conflicting parties. However, those found peddling conflicts in the villages maybe given some form of punishment which the kuta may deem fit depending on the magnitude of the cases. Those found guilty of such offences like insulting, theft they are charged penalties ordered to do some manual work either for the community of the ndunas or even for chiefs which may include cleaning the chief's (Chief 1; July, 2022).

4.5 Challenges faced by traditional leaders in dispensation of their roles in conflict resolution and peace building.

Under this objective the researcher sought to establish challenges traditional leaders face when dispensing their roles in conflict resolution and peace building. The findings of the research indicated that there are several setbacks that have been identified to limit chiefs in their dispensation of their roles. Figure 4 shows the possible challenges faced by traditional leaders when dispensing their roles in Kaoma District.

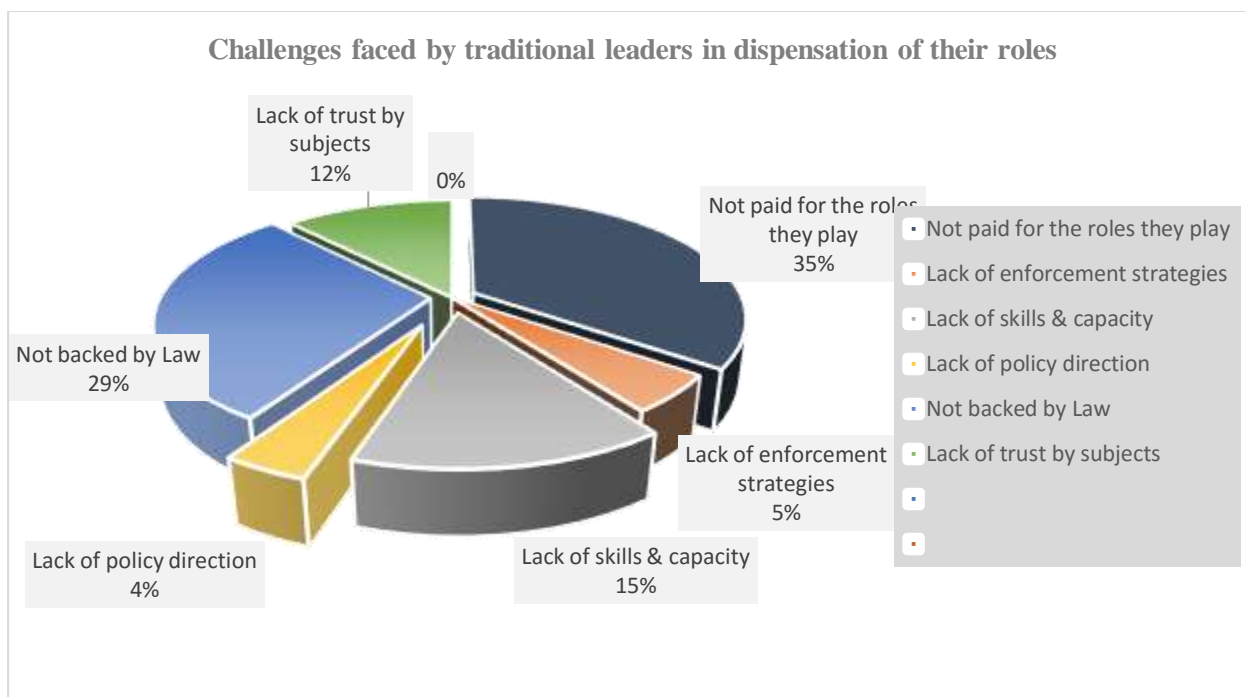


Figure 4 Pie chart Distribution of findings on Challenges faced by traditional leaders in dispensation of their roles

Source; Field data 2022.

The research discovered that there were different challenges face by traditional leaders in the dispensation of their roles namely; 35% traditional leaders are not paid for the role they do, 15% they also lack capacity, 29% not backed by any law, 12% lack of trust by subjects in the traditional courts, 5% Lack of appropriate and effective enforcement strategies and unknown, 4% Lack of policy direction.

4.5 Alternative strategies should be used to remedy the challenges faced by traditional courts in conflict resolution in their communities

4.5.1 Capacity gaps traditional leaders have in the dispensation of their roles in conflict resolution and peace building.

This objective sought to identify the gaps traditional leaders have in the dispensation of the roles in conflict resolution. In addressing this objective, the following gaps were identified: Political interference by politicians 54%, Lack of understanding of the laws 32%, not trained to be judges 10% and traditional leaders involved in partisan politics 4%. Figure 5 below shows the findings as discussed above.

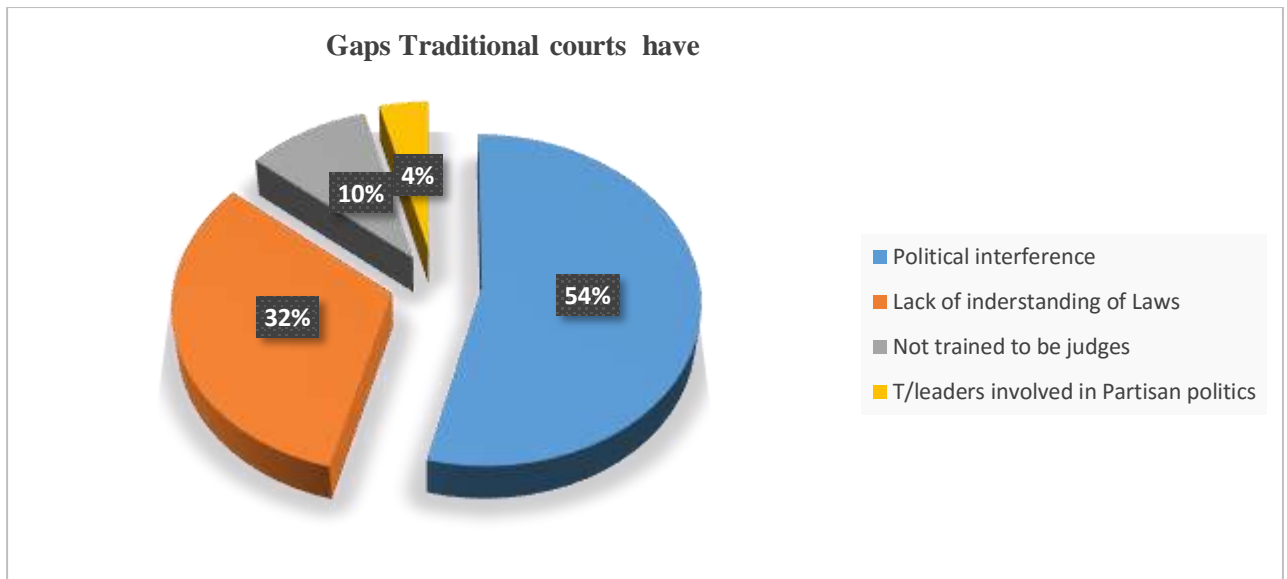


Figure 5 showing the findings on gaps and Alternative means of peace and conflict resolution that can be used by Traditional courts

Source; Field data 2022.

It was noticed in the findings that there were a number of gaps traditional leaders have in the dispensation of the roles in conflict resolution.

One induna indicated that:

“The government has not taken keen interest to build capacity in the traditional leaders in terms of educating them about the various laws. Thus the degree of knowledge and skills possessed by traditional leaders for conflict resolution is average. However, traditional leaders need to keep abreast with the trends in the country or world at large so as to be more effective in their conflict resolution strategies. The mere fact that they move into leadership positions mainly through succession casts a doubt on their effectiveness in conflict resolution. Hence the success of such an important avenue for community development should not be left to chance”

4.5.2 To highlight the training received by traditional leaders to enhance their conflict resolution and peace building skills.

The research discovered that there was no training received by traditional leaders to enhance their conflict resolution and peace building skills. Only a handful of community members were concerned about the lack of training offered to traditional leaders to prepare them for their various roles in conflict resolution. It also came out loud and clear that there is lack of leadership skills amongst some of the traditional leaders. These inadequacies in some of the

traditional leaders affected their performance in the area of arbitration, mediation and conflict resolution. It was noted that there is need to equip the traditional leaders with relevant knowledge and skills in order for them to be effective in their roles.

4.6 Summary

This chapter has presented the findings of the study based on the formulated objectives the findings are presented in figures. The data has revealed that Kuta traditional court system play an important role in promoting peace and stability in the country. It has a vital role in community building by providing a platform where people could come with their problems and with the hope of being helped. The study also found that traditional courts were very effective in fulfilling in conflict resolution. It was found that all the cases that come before the court are recorded in a book for future reference and for the purpose of transparency and sometimes the cases are even referred to the local court or magistrate court for redress depending on the magnitude of the case. The most common ways that this court uses to address conflict in their communities included mediation, arbitration, adjudication, reconciliation and negotiation. It was also revealed that there no established or codified standards of sentencing the offender or the wrong doer because the purpose is to bring about reconciliation and peace among or between the conflicting parties. The challenges faced by traditional courts in dispensation of their roles in conflict resolution and peace building were identified among them poor infrastructure, lack of government will and support to the traditional court system, inadequacy knowledge on law and conflict resolution to mention but a few. The following chapter five will discuss the findings. The chapter will relate the literature review and the findings presented in chapter four. The data was presented thematically in line with the research objectives. The next chapter will discuss the findings of the research

CHAPTER FIVE: DISCUSSION OF FINDINGS

5.1 Overview

This chapter discusses the findings of the study based on the following thematic areas of the study which are; exploring the role traditional leaders play in conflict resolution and peace building in Zambia communities, establishing the capacity gaps traditional leaders have in the dispensation of their roles in conflict resolution and peace building, highlighting the training received by traditional leaders to enhance their conflict resolution and peace building skills, and assessing the challenges faced by traditional leaders in dispensation of their roles in conflict resolution and peace building.

5.2 The roles and Effectiveness of traditional courts system in conflict resolution and peace building

The findings of the study indicate that traditional leaders perform the role of arbitration, sorting out problems between parties involved, in so doing leaders call the involved parties to hear their sides of the story before making judgements. Thus in doing mediation, the traditional leaders make reference to the laws of the country. It was also discovered that traditional leaders play a sensitization role by sensitizing the community about different types of crimes. Traditional leaders are mediators, thus facilitating the process of peace building between and among the involved parties. Additionally, traditional leaders play a very important role of presiding and leading traditional courts. The study found out that the principles of social cohesion, social harmony, peaceful coexistence, transparency, respect, tolerance and humility are central elements emphasized in traditional conflict resolution mechanisms among the local people. The notion of restoration of peace, social solidarity and reconciliation within the community lies at the centre of traditional conflict resolution mechanisms. This is very crucial not only for individuals' wellbeing but also for the wellbeing of the general community. Some participants pinpointed that: Above all, elders focus and work to restore and maintain what the two conflicting parties lost because of the conflict. The conflict breaks the normal relationship of conflicting parties as well as families and surrounding communities.

These findings are in line with what Pickell (2000) found in his study. He discovered that traditional leaders help individuals to come together, discuss their issues and resolve the conflict. The offender will compensate for any kind of harm he/she made up on the victim. Finally, peace and order happens through reconciliation of the two parties. If the parties are satisfied that reasonable justice has been done by elders and once the offender admits his/her mistakes and make compensation for it, then peace is restored. The idea of indigenous conflict

resolution encompasses removing the fundamental causes of the conflict, resolving the conflicting parties honestly and making everyone satisfied in the conflict resolution. This ultimately requires finding the truth behind the conflict, promoting harmony and achieving collective well-being and contentment. One of the participants of the study notably reported that “the most important advantage of indigenous conflict resolution is it helps to search for the true cause of the conflict. Sometimes the cause may be hidden for police officers because of lack of evidence.

The study further revealed that traditionally conflicts are mainly managed by traditional leaders. This is often done by bringing the parties in conflict together to discuss the cause of the conflict, find a solution and reach a settlement. This process is supported by Pickell (2000) in Morgenmen (2003) who posit that reconciliation does not mean getting back together but it means helping the parties negotiate a workable way of living together. Responsibility for conflict resolution lies in traditional leaders, friends, relatives, church leaders and police depending on the gravity of the case. Traditional leaders’ role in conflict resolution is that of mediation and arbitration. Forgiveness and reconciliation are not easy to attain in all conflicts as memories of certain cases were not always easy to live with. Disputants must to some degree be able to say that justice has been done. According to van der Merwe (1999) this is important for the creation of a unified moral order; the feeling of correcting the wrongs has to be mutual. This is the main limitation in attaining full forgiveness and reconciliation. It is important for traditional leaders to address the need for justice. In political differences, political rivals often view forgiveness and reconciliation as a sign of defeat and weakness. It therefore needs a cunning traditional leader to formulate mechanisms which will result in a win-win situation or a win-lose situation without brewing discontent.

The issue of compensation employed by the traditional leaders is in concurrence with what Merry (1982) said. She argued that the penalties focus on restitution in order to restore the status quo rather than punishment. It is with this view in mind that the role of traditional leaders in the resolution of conflict was said to be the most uniting factor in the whole community and responsible for finding peaceful solutions to various conflicts that arose in the community and various groups they led. The study revealed that civil cases are the ones arbitrated upon by traditional leaders within communities. Criminal cases are handed over to the state police. However traditional leaders failed to exercise impartiality in their judgement especially in cases where they are interested parties such as political rivalry and boundary disputes if there are relationship linkages. This position assumed by traditional leaders in conflict resolution is in

contradiction with the concept of ethics as propounded by Avolio and Locker (2002). It is the traditional leaders' conduct and actions in conflict resolution that become a point of scrutiny by the community. This traditional leaders' ineffectiveness in arbitration/mediation could be attributed to inadequate public relations, mediation skills and knowledge on state laws. The respondents expected the traditional leaders to possess the following qualities: impartiality; patience; knowledge; sympathy; integrity; trustworthy; understanding; and ability to consult transparently and to always avail themselves when called upon.

Consistent with the findings of this study, several authors [Osei-hwedie & Rankopo, 2012; Kariuki, 2015; Theresa & Oluwafemi, 2014] mentioned that indigenous conflict resolution mechanisms focus on the principles of empathy, sharing and cooperation in dealing with common problems which underline the essence of humanity (Ubuntu). Cultural approaches to resolving and managing disputes play a vital role in promoting and sustaining social cohesion, consensus, building, peace, harmony, co-existence and social order in communities. The process of indigenous conflict resolution involves a high level of community participation. There is also direct participation, dialogue and opportunity for understanding between conflicting parties and all the constituencies involved in the conflict resolution process and in setting resolutions. When conflict happens between members of a local community, it is regarded as a problem which affects the whole sections of the community not only the conflicting parties alone. The participation of conflicting parties in deciding the resolution, the opportunity for understanding, and the flexibility in setting resolutions increase the satisfaction and compliance of conflicting parties to the decisions made. Conflicting parties are free to exchange information before elders at local level. They are allowed to explore into the past feeling of resentment and narrate their past good relations with each other. Conflicting parties are more likely to accept regulations from elders because an elder's decision is backed by social pressure.

In relation to this, Kariuki (2015) established that respect for elders, ancestors, parents, fellow people and the environment is cherished and firmly embedded in the mores, customs, taboos and traditions amongst Africans. Hence, the end result is a sense of unity, shared involvement, responsibility and dialogue among conflicting parties. Furthermore, the process of indigenous conflict resolution is voluntary based and the decision is based on the agreement of the two conflicting parties without which no decision is made. The sincere approval of the process by the two parties is very important for the effective restoration of social harmony, social cohesion and social order in the community. One key informant interviewee reported as: "if the two

conflicting parties are not willing to take part in the process no one will force them. The process is based on the willingness of the parties.” The principles of indigenous conflict resolution are directly relevant for restoring, maintaining and strengthening community relationships. Participants reported that indigenous conflict resolution mechanisms provide preventive and deterrent measures of conflicts within the community. They focus on balance, compromise and restoration of peace within the community not on punishing the offender. The concept of justice for local communities extends much more than simply punishing the criminal. It includes things like reimbursing the victim, renovating harmony inside the community and reconciliation of the two conflicting parties. Indigenous conflict resolution mechanisms facilitate the restoration of relationships among conflicting parties and ultimately facilitate a sense of community. Consistent with this finding, Boege (2006) found that traditional conflict approaches aim at the restoration of order and harmony of the community. Consequently, the issue at stake is not punishment of perpetrators for deeds done in the past, but restitution as a basis for reconciliation. Reconciliation is necessary for the restoration of social harmony of the community in general and of social relationships between conflict parties in particular. The ultimate aim of traditional conflict resolution is the restoration of relationships.

These findings are in line with Osei-Hwedie and Rankopo (2012), who in their study confirmed the important role played by the chiefs in cultural processes, institutions, and values in conflict resolution and peace building among the Akans of Ghana and the Tswana of Botswana. They discovered that it was evident that most individuals, families and communities still prefer indigenous conflict resolution processes in the two countries because they are based on cultural concepts, values, and procedures that are understood and accepted. Similarly, other authors such as [Kariuki, 2015; Midodzi & Jaha, 2011; Bukari, 2013; Emanuel & Ndimbwa, 2013; Ladan, 2013; Theresa & Oluwafemi, 2014] also studied indigenous conflict resolution mechanisms of various communities in Africa and noted their roles in conflict resolution. Malan (n.d) also pointed that indigenous methods have definitely values, approaches and practices embodied in them that deserve to be maintained. However, he stated that there are also criticisable aspects, such as old-fashioned ideology [e.g. gender inequity] or methodology [e.g. pressurizing mediation]. Another study established that the continuing role and influence of traditional leadership in modern African is hard to miss. Nonetheless, there is no clear-cut formula regarding the interactions between the state and traditional institutions (Ladan, 2013). Abebe, Samson and Tessema (2015) investigated the role of indigenous conflict resolution mechanisms among the Kembata society in Ethiopia.

Regarding effectiveness of the Traditional Court System in Kaoma (KUTA). The study revealed that the traditional courts were very effective in fulfilling in conflict resolution. It was found that all the cases that come before the court are recorded in a book for future reference and for the purpose of transparency and sometimes the cases are even referred to the local court or magistrate court for redress depending on the magnitude of the case. However, all in all based on the results, it was established that traditional courts or rather the kuta are very important because they promote peace and emphasises reconciliation. This is in line with finding from similar authors (Ghebretkle & Rammala, 2019; Management, 2006; Moumakwa, 2010).

5.3 Ways that traditional courts address conflict in their communities.

The study revealed that in Kaoma and throughout Barotseland they have what they call Kuta which is a Zambian traditional courts presided over by chiefs or Indunas in the western part of Zambia. The most common ways that this court uses to address conflict in their communities included mediation, arbitration, Adjudication, reconciliation and Negotiation. It was also revealed that there no established or codified standards of sentencing the offender or the wrong doer because the purpose is to bring about reconciliation and peace among or between the conflicting parties. This outcome obtained in this study is similar to the results obtained by Muigua, (2017) who found that negotiation, mediation and reconciliation have deep roots in traditional African communities' conflict resolution mechanisms. They are not alien concepts. It is thus correct to say that these were informal processes.

5.4 Challenges faced by traditional courts in dispensation of their roles in conflict resolution and peace building.

The findings of the research discovered that there was a general lack of trust in the subjects concerning the fairness of the traditional leaders. Additionally, subjects naturally are scared of their traditional leaders. It was further discovered that even though indigenous conflict resolution mechanisms play an important role in restoring and maintaining social harmony, order and law, they are faced with some challenges that need serious attention by the government and other concerned bodies. Indigenous conflict resolution mechanisms are ineffective in resolving conflicts involving conflicting parties who decline to participate in the resolution process. Lack of appropriate and effective enforcement strategies has also reduced the relevance of indigenous conflict resolution mechanisms for the wider community. One Induna confirmed this as "elders do not have the power to force individuals who have no interest to participate in the resolution process." Furthermore, indigenous conflict resolution

has been greatly downgraded and weakened in the formal justice system which makes them to be unrecognized and unknown, as described by this participant, traditional leaders do very important things in resolving conflicts and peace building. However, there is no any encouragement or incentive from the government side. The government does not give adequate recognition for elders and indigenous conflict resolution mechanisms. The court and/or judges fails to give credit for the contributions of elders.

The findings further revealed that another most important challenge is related to the absence of a policy direction and comprehensive laws that deal with the institutionalization and harmonization of indigenous conflict resolution mechanisms within the country's legal system. There is lack of clear legal framework which states the role, functions and legal status of indigenous conflict resolution mechanisms. Even though the Zambian Constitution recognizes traditional law where it allows citizens to use religious or customary laws in cases of personal and marital disputes, it limits them to personal and family matters excluding their application to criminal matters in spite of the fact that they are serving for many types of crimes in reality. The absence of strong laws and policies related to the validity of indigenous conflict resolution mechanisms and their affiliation with the formal justice system, the possibility of application of their authority are found to be serious challenges that need urgent attention by the government and policy makers. There is a need to develop a clear legal and policy framework for the utilization of indigenous conflict resolution mechanisms by traditional leaders. Additionally, traditional justice system equally suffers from deficiencies such as; traditional leaders do not have adequate power of enforcement, inadequate knowledge of human rights principles, cruel and degrading punishment in some cases.

The study revealed that some traditional leaders do not understand community dynamics, hence their failure to mobilize people for a common cause. Some of the traditional leaders are egocentric and lack basic participatory principles. They do not consult community members on major decisions thereby allowing room for speculation and mistrust from the people. Some traditional leaders are involved in partisan politics hence do not command trust among people to handle disputes especially in matters of political rivalry. It is in this context that traditional leaders as actors should help conflicting parties understand that supporting human rights may enhance their negotiation position and co-operation if a solution to a dispute is to be found. The traditional leaders need to understand the relationship between rights and conflict and in particular the conflict-causing potential of human rights denial for them to come with the best intervention strategy.

It should be noted that failure by traditional leaders to resolve conflict hampers development. For example, the research found that there are some land disputes between the Lozi's and the Nkoya's where they kill each other or investors leave because both tribes are claiming ownership of the same land. These factors taken together indicate that the role of traditional leaders in conflict resolution hinges on their ability to arbitrate in relation to the establishment of facts, stating rules of law, and applying them as a way of restoring harmony within a disturbed community. The ability to settle conflict between the conflicting parties is an important component in peace building. The main focus was on the role of traditional leaders in conflict resolution within rural communities. Literature has already drawn a link between conflicts and social events. This is more applicable to the African way of life. Bob-Manuel (2000) cited in Birgit (2001) and Mararike (2003) concur with this principle. In view of this, it is important not to ignore these cultural commitments in the process of conflict resolution initiatives. In some communities traditional leaders are controversial people. The literature reviewed indicated the fallibility of the human person. Some traditional leaders abuse their powers by way of accepting bribes. This tends to compromise on their effectiveness in conflict resolution. One of the major challenges facing traditional leaders in conflict resolution is the restoration of social harmony. In arbitration, restoration is dependent on the accused being prepared to compensate the complainant. The study indicated that mediation and arbitration are both important components in conflict resolution. In mediation unlike arbitration, the parties to a conflict are the ones who are responsible for making a decision as regards their differences. Reconciliation is essential to the construction of sustainable peace. The related literature indicated that it is a profound process of dialogue between conflicting parties leading to the recognition of the other and respect for the differences, interests, and values. The study highlighted a number of essential competencies expected of someone responsible for solving conflicts. It can be argued that some form of training should be undertaken before one is appointed into a leadership position.

5.5 Alternative strategies that should be used to remedy the challenges faced by traditional courts in conflict resolution in their communities

The research findings revealed that there were a number of gaps traditional leaders have in the dispensation of the roles in conflict resolution. One induna indicated that: "The government has not taken keen interest to build capacity in the traditional leaders in terms of educating them about the various laws. Thus the degree of knowledge and skills possessed by traditional leaders for conflict resolution is average. However, traditional leaders need to keep abreast

with the trends in the country or world at large so as to be more effective in their conflict resolution strategies. The mere fact that they move into leadership positions mainly through succession casts a doubt on their effectiveness in conflict resolution. Hence the success of such an important avenue for community development should not be left to chance”. This therefore, shows that there is need for government to put up measures and programs to build capacity in chiefs in order for them to execute their duties effectively and efficiently.

5.6 Summary

The research discovered that there was no training received by traditional leaders to enhance their conflict resolution and peace building skills. Only a handful of community members were concerned about the lack of training offered to traditional leaders to prepare them for their various roles in conflict resolution. It also came out loud and clear that there is lack of leadership skills amongst some of the traditional leaders. These inadequacies in some of the traditional leaders affected their performance in the area of arbitration, mediation and conflict resolution. It was noted that there is need to equip the traditional leaders with relevant knowledge and skills in order for them to be effective in their roles.

CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

6.1 Overview

In this chapter, conclusions and recommendations are drawn based on the literature and results.

6.2 Conclusion

The research looked into the roles carried out by leaders in conflict resolution as well as identifying the capacity gaps that exist in their operations. It also sought to find out if there is any form of training undertaken by traditional leaders prior to assuming their responsibilities. The research found out that people generally acknowledge the importance of the role played by traditional leaders in resolving conflicts and disputes. The study also revealed that the traditional arbitration process is vulnerable to bias as there are no written rules and judgement is at the discretion of the chief or the appointed presiding officer. Some of the arbitrators are often ignorant of state laws on an issue they may be arbitrating over hence likely to pass judgement that may be at variance with state laws. There is no formal training that the traditional leaders undergo prior to practicing their leadership role in the community. Since there is an outcry for peace in the country at large and in particular rural communities, ways of improving the efficiency of traditional leaders in conflict resolution has to be devised.

6.3 Recommendations

Based on the findings of the study. The following are the recommendations:

- Capacity building for traditional leaders. There is a lot of expertise amongst the traditional leaders in rural communities. However, there is need to compensate for their shortcomings in terms of exposure to state laws and their interpretation; and to enhance their effectiveness in conflict resolution
- There is need for government to have written rules for traditional courts. Because some of the arbitrators are often ignorant of the provisions of state laws on an issue they may be arbitrating over hence likely to pass judgment that may be at variance with state laws.
- Establish collaboration between the traditional court systems and the State Judicial courts in Zambia.
- Modernization and increased institutional recognition of the “Kuta traditional courts is needed.

6.3.1 Recommendations for Future Studies

The focus of the study was to explore the contribution of traditional courts in conflict resolution mechanism in Kaoma District of Western Province of Zambia. The study revealed enough information to justify the role, practices, challenges and effectiveness of traditional courts in resolving conflicts. A number of gaps were noticed during the study and therefore some of the issues for future research may include:

- No research has been conducted in Western province regarding the roles, practices, challenges and effectiveness of traditional courts in conflict resolution. Before the study was conducted very little if not none was known about the effectiveness of traditional courts in conflict resolution. In order to mainstream these traditional courts into structures for conflict resolution there is need to carry out a nationwide research so as to ascertain their effectiveness in resolving conflicts. That will help in winning back the confidence of the people in resolving conflicts through traditional systems as the case was in Rwanda after the genocide.
- There is also need to explore the nature of collaboration between the traditional court systems and the State Judicial courts in Zambia.

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APPENDICES

Appendix 1: Work Plan

The chart below shows the sequence that is going to be followed to carry out the activities of this research.

Table 1: Work plan

ACTIVITY	MONTH				
	April 2021	May 2021	January 2022	February 2022	March 2022
Develop proposal					
Collect data					
Analyze data					
Write the Report					
Submit the Report					

Research budget

Table 2: Budget

N ^o	Item	Amount (in Kwacha)
01.	Research assistants transport to and from the field	K 2500.00
02.	Meals	K 500.00
03.	2 reams of paper	K 100.00
04.	Photocopying data collection instruments	K 250.00
05.	Printing data collection instruments and research report	K 350.00
06.	Binding Research Reports (5 copies)	K 250.00
TOTAL		K3,950.00

Appendix II: Interview Schedule (Chief, Ndunas and members of BLE, Civic Leaders and Subjects)

Topic: To explore the contribution of traditional courts in conflict resolution mechanism in Kaoma District of Western Province of Zambia.

Dear Respondent,

I am a studentand currently undertaking a research titled exploring the contribution of traditional courts in conflict resolution mechanism in Kaoma District of Western Province of Zambia.

Please note that the information provided will be treated with the strict confidentiality and will be used for academic purposes only.

Thank you in advance

Appendix III Interview guide for Focus Group Discussion

1. Participant's Title / Position.....
2. Participant's Ethnicity by Tribe.....
3. What role do traditional courts play in conflict resolution in their communities?
 - How effective are the traditional courts in resolving conflicts
 - How easily or fast do traditional courts resolve conflicts?
 - How fair do the traditional courts resolve conflicts?
4. What are the processes that the traditional courts follow in conflict resolution?
 - What laws are used in resolving the conflicts by traditional courts?
 - Are the processes followed thoroughly when resolving the conflict?
5. What are the challenges do traditional leaders face in dispensation of their roles in conflict resolution and peace building?
 - Are there barriers which hinder conflict resolution in traditional courts?
 - Is there lack of appropriate and effective enforcement strategies to improve the relevance of indigenous conflict resolution mechanisms for the wider community?
 - is there policy direction and comprehensive laws that deal with the institutionalization and harmonization of indigenous conflict resolution mechanisms within the country's legal system
 - Do you face any infrastructure issues in resolving conflicts?
6. What alternative strategies should be used to remedy the challenges faced by traditional courts in conflict resolution in their communities?
 - What solutions do you think can be put in place to mitigate the challenges faced?
 - What recommendations would you give that would improve the effectiveness of the traditional courts

THANK YOU