



**TRADITIONAL AND MODERN DISPUTE RESOLUTION
MECHANISMS: AN ANALYSIS OF THE PREFERRED
METHOD BY THE PEOPLE OF SENIOR CHIEF NDUBENI'S
CHIEFDOM**

By

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Declaration

I, Billy Moonga, hereby declare that the work herein is my own, and that all the works of other persons used have been duly acknowledged, and the work has not been presented at the University or indeed another institution for similar purposes.

Signed Date

Certificate Of Approval

This dissertation of Billy Moonga is approved as fulfilling part of the requirements for the award of Master of Science in Peace, Leadership and Conflict Resolution by the University of Zambia in collaboration with Zimbabwe Open University.

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Dedication

I dedicate this dissertation to the people who gave me support during the period of this study. My parents Mr and Mrs B.T. Moonga, my two brothers, Bradley Moonga and Nchimunya Moonga, my wonderful sister, Abigail Moonga, and to My Beautiful and Lovely Fiancée, Womba Muleya.

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Abstract

Traditional societies are those that are governed by customs and traditions of a particular group of people. The leadership structures of such societies consist of a chief or a king, and village headman and other local leaders. These are the people who take care of the day to day happenings in the chiefdom or village and they help to make sure that people live in harmony. Despite the presence of all these leaders, conflicts still occur among the people and this threatens the peace. The focus of this study was to investigate the occurrence of conflicts in senior chief Ndubeni's chiefdom and establish what method of dispute resolution is preferred by the local people of this chiefdom between the modern or western dispute resolution mechanism and the indigenous or traditional dispute resolution mechanism.

The study was undertaken in order to understand how conflicts are resolved between people in a traditional society, particularly senior chief Ndubeni's chiefdom in Mpongwe district. The research process involved the collection of data through scheduled semi-structured interview guides which were administered in person by the researcher in order to obtain primary data. The major findings of the study were that the local people of senior chief Ndubeni's chiefdom prefer to use the indigenous method of dispute resolution to the western method. The two methods of dispute resolution, the traditional and the western, are available to the people of chief Ndubeni's chiefdom but there is a perceived preference for the indigenous method due to its easy accessibility and affordability to the local people.

The study found out that the common causes of conflicts among the people in the chiefdom include high consumption of alcohol especially by the younger members of the community. The reason why there is so much beer drinking is because of lack of access to education and the lack of recreational facilities to keep the young people engaged. It is therefore imperative that measures be put in place to address these issues which increase the likelihood of conflict by establishing recreational facilities such as soccer fields, basketball courts and other sporting facilities. Also, there is need to increase access to education for the young people so that they can be kept away from the abuse of substances such as alcohol. It is also necessary that measures be put in place to increase awareness among the local people on the importance of both the indigenous methods and the western methods of resolving conflicts.

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CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Fisher (2000) notes that conflicts are facts of life, often inevitable and creative. They may exist within an individual (intrapersonal conflict), between individuals (interpersonal conflict) and also within and between states (intrastate and interstate conflicts respectively). Conflict is a phenomenon that is inevitable in all human societies due to differences in interests, goals, values, beliefs and aims among people (Fayemi, 2009). Conflicts also occur in the society's basic units such as the family, clan, neighbourhood, village and other small units.

The primary concern about conflicts today is not about the occurrence of these conflicts but how to resolve them. Societies have always had ways of resolving their conflicts before modernity. In the past, traditional societies resolved their conflicts through their customary laws and other traditional systems under the leadership of elders, diviners, village headmen/women and chiefs. Kariuki (2014) is of the view that the advent of colonialism, however, impacted the social, cultural, political and economic aspects of Africans in the most fundamental and radical way.

Kariuki (2014) further notes that colonialism in Africa brought a new system of resolving conflicts. He observes that colonialism introduced a western or modern legal tradition which was imposed on Africans. This western or modern legal

system side-lined the African approaches to conflict resolution, it severely weakened, undermined and disregarded the African values which provided a normative and undergirding framework for conflict resolution (Kariuki, 2014). The African systems were looked at as nothing but primitive ideas which no longer had any importance since the modern methods had taken over.

Despite all this, African methods of dispute resolution were not completely exterminated as evidenced in their continued existence in many African societies today, particularly the rural traditional societies. Much of this traditional approach to dispute resolution has been resilient and is still in good use in many traditional societies. These two methods of dispute resolution, (the traditional or indigenous method, and the modern or western methods of dispute resolution) are sometimes used almost simultaneously by some societies depending on the matters at hand. They exist together and used to resolve differences according to the nature of the dispute and the circumstances surrounding those dispute.

The focus of this study was not to look at traditional societies in general but it was narrowed down to a specific traditional society of Zambia. This is Senior Chief Ndubeni's chiefdom.

Senior Chief Ndubeni's chiefdom is situated in Mpongwe District of Zambia on the copperbelt province about 70 Kilometres south of Luanshya town and lies with the central plateau of Zambia. Mpongwe District shares borders with Kapiri Mponshi, Masaiti, Lufwanyama and it extends to Kasempa across the Kafue river.

The district is also connected to the national electricity power grid. The main rivers in mpongwe are *Kafue, Kafulafuta, Lukanga, Luswishi* and *Mpongwe*. Mpongwe has six chiefs and these are; *Malembeka, Ndubeni, Mwinuna, Kalunkumya, Lesa* and *Machiya*. The first five chiefdoms are collectively known to belong to the '*Nyendwa Clan*', (*abena Nyendwa*) whereas *Machiya* is said to be an independent chiefdom under the '*abena Nsoka* clan. With a growing population, Senior Chief Ndubeni's chiefdom is no exception to interpersonal disputes.

From the few years that the researcher has lived among the people of Senior Chief Ndubeni's Chiefdom, it has been observed that just like most traditional societies, Senior chief Ndubeni's chiefdom experiences a range of disputes such as land disputes, marital disputes, disputes with regard to witchcraft accusations as well as succession disputes, to mention but a few. These may not be the only disputes faced by the people and so there is room for further investigation.

Though it is dominated by the *Lamba* Speaking people, the chiefdom is also home to other people from various parts of Zambia such as the *Tonga* speaking people who have been drawn by the fertile land and the abundant rainfall for farming, as well as others who have come to work as Teachers at the New Boarding School (Mpongwe South Boarding Secondary School) and other schools within the Chiefdom. Some *Ndebele* and *Shona* speaking people from Zimbabwe also came to settle earlier and have since intermarried with the local people have become integrated into the chiefdom. This intermarriage is may be a source of conflict owing to the fact that the mixing of people who have different backgrounds and

have different values and beliefs can create mistrust and suspicions which are necessary for conflict to occur.

Due to the good soils and rainfall patterns, Mpongwe is ideal for agricultural investment either commercial or subsistence. The district is easily accessible to other markets and this makes the transportation of goods to other markets easy although the road network is still not very good. The abundance of water in the district makes it not only ideal for agriculture but also for tourist activities. For example, Lake Kashiba which is situated in St. Antony's area within the chiefdom provides a beautiful site for tourism and other related activities.

This research was intended to find out the preference of the local people in Senior Chief Ndubeni's chiefdom between the two dispute resolution mechanisms, that is, the Traditional or Indigenous dispute resolution mechanism and the Modern or Western dispute resolution mechanism. It sought to establish what method or mechanism of resolving disputes is preferred by the local people and the reasons for such preference. It also sought to examine how the local people in Senior Chief Ndubeni's Chiefdom perceive the two dispute resolution mechanisms in terms of their effectiveness and efficiency. This basically shows that the local people have the two mechanisms of dispute resolution available to them, but they prefer one which satisfies their needs.

1.2 Statement of the problem

Settlement of disputes is sometimes a difficult process especially with regard to the best method to be used, one which can satisfy the needs of the parties to a

particular conflict. Many people in traditional societies are faced with the challenge of choosing the method to use in resolving their disputes. There are two methods of conflict resolution in Senior Chief Ndubeni's chiefdom, namely, the traditional method and the western method of conflict resolution. It is however not known which method is preferred by the local people.

There seems to be some kind of confusion among the people in the conflict resolution processes with regard to the usage of the available methods. This study therefore sought to establish what method the local people prefer to use in their day to day settlement of disputes.

1.3 Purpose of the Study

The purpose of this study was to explore the dispute resolution mechanisms available to the local people in Senior Chief Ndubeni's Chiefdom and to establish the dispute resolution mechanism preferred by these people. It also sought to establish the reasons for this preference. The methods of conflict resolution available to the local people are the indigenous/traditional methods or mechanisms and the western/modern dispute resolution methods.

1.4 General objective

The main objective of this study was:

To establish the conflict resolution method preferred by the local people of Senior Chief Ndubeni's Chiefdom, between the indigenous dispute resolution mechanism and the Western dispute resolution mechanism.

1.4.1 Specific objectives

The specific objectives of this study were as follows:

1. To establish the method of conflict resolution preferred by the local people of Senior Chief Ndubeni's chiefdom.
2. To identify the types of disputes experienced by the local people in Senior Chief Ndubeni's Chiefdom.
3. To find out how the local people in Senior Chief Ndubeni's chiefdom settle their disputes.

1.5 Research Question

The main research question for this study was:

1. What is the preferred method of resolving conflicts in Senior Chief Ndubeni's chiefdom?

1.5.1 Sub- Research Questions

The sub-research questions for this study were as follows:

1. What are the common types of disputes experienced in Senior Chief Ndubeni's chiefdom?
2. In what ways are conflicts resolved in Senior Chief Ndubeni's chiefdom?
3. What are the reasons advanced for the preference of the conflict resolution mechanism used in Senior Chief Ndubeni's chiefdom?

1.6 Significance of the Study

This study was intended to give an analysis of the preferred method of dispute resolution by the local people in Chief Ndubeni's Chieftdom. The study was expected to show how people in a traditional society such as Senior Chief Ndubeni's Chieftdom choose the dispute resolution mechanism that they use in settling disputes between themselves. It was also expected to show why a particular method of dispute resolution is preferred over the other so that the areas of need may be addressed in order to come up with a mechanism that may satisfy the conflicting parties in a manner that promotes peace and harmony in the chieftdom. The study was intended to suggest ways of re-building social equilibrium regardless of the methods of resolving conflicts employed.

This study is also expected to serve as reference literature about conflict resolution methods in the chieftdom since there was no readily available literature that was found during the period of this study. The study will help the researcher partially fulfil the requirement for the award of Master of Science in Peace Leadership and Conflict Resolution (MScPLCR).

1.7 Conceptual Framework

A conceptual framework is described as an analytical tool that involves several variations and contexts, often used to make conceptual distinctions and organize ideas. Miles and Huberman (1994) state that a conceptual framework is a written or visual presentation that; explains either graphically, or in narrative form, the main things to be studied-the key factors, concepts or variables, and the presumed

relationships among them; It is imperative at this point to define the key terms or concepts that are used in this research proposal.

The terms or concepts to be defined are; Dispute, Traditional (indigenous) dispute resolution mechanism, Western (modern) dispute resolution mechanism, and Dispute resolution.

The term 'dispute' according to Lempert (1981) may be defined as controversies involving two (or more) parties, each making a special kind of claim: a normative claim of entitlement. According to Bukari (2013), Traditional Dispute Resolution Mechanisms maybe understood to be those methods of resolving conflicts that involve the traditions, customs, norms and values of the Africans. He further states that Western or modern method of conflict resolution refers to the use of formal and external bodies, and structures in attempting to end a conflict. Dispute resolution therefore, maybe understood as the process or processes involved in resolving conflicts between or among people (Bukari, 2013).

It must be stated here that some terms or words in this study were used interchangeably. For example the words *Dispute* and *Conflict* were used interchangeably, *traditional* and *indigenous*, *Modern* and *Western*, and *Methods* and *Mechanisms*, were also used interchangeably.

The figure below attempts to describe the conceptual frame work for this research study.

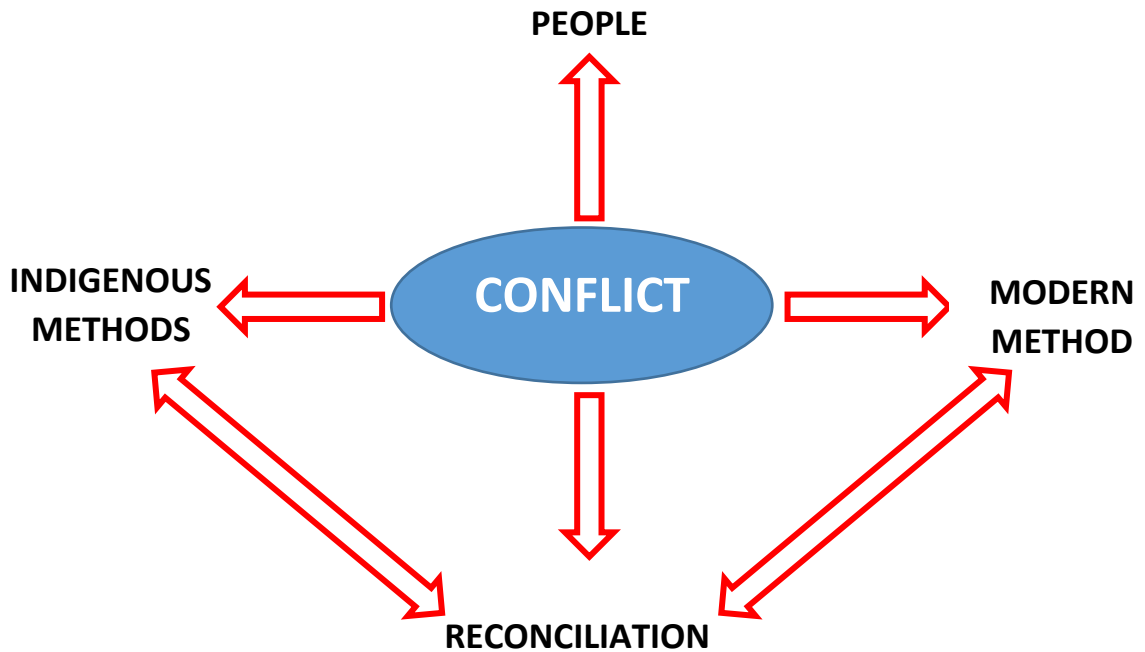


Figure 1: Conceptual Framework

The above figure was an attempt to explain the conception of dispute as it exists in a society. As an inevitable factor of all human existence, conflict in all its forms needs to be resolved in order to promote peace and harmony in the communities. The resolution of conflict differs depending on what method is employed. Whether the traditional or indigenous method or the modern or western method is used, the ultimate goal is to attain the pacific settlement of the conflict at hand. And the ultimate result should be the re-establishment of broken relationships through reconciliation, as shown in figure 1 above.

1.8 Conclusion

This chapter highlighted the intended area of study which was in Senior Chief Ndubeni's Chieftdom in Mpongwe district. The background to this study has

been given and the purpose of the study has been clearly stated, which is to establish the preferred method of dispute resolution by the local people in Senior Chief Ndubeni's Chiefdom. The problem statement brought to light the need to understand the difficulties that the local people in Senior Chief Ndubeni's chiefdom encounter with regard to dispute resolution methods, particularly, the selection of the most suitable method between the available methods, that is, the traditional or indigenous methods and the modern or Western methods. Key terms in the study area were clearly defined according to the understandings of different scholars. The stage for the research study was therefore set.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

According to Basavanthapa (2007) literature review refers to an extensive, exhaustive and systematic examination of publications relevant to the research project.

One of the greatest problems of the world today is the issue of conflict in diverse places. It is a known fact that conflict is ubiquitous in almost every society. It is for this reason that many scholars, researchers and writers have developed literature to explain reasons behind these conflicts, and suggest possible solutions to this unrelenting problem. In my attempt to study about the problem of conflict in a traditional society, I opt to focus my attention on the dispute resolution mechanisms that exist today and find out which mechanism is preferred by a traditional society, particularly Senior Chief Ndubeni's chiefdom as a case study.

In Africa, these dispute resolution mechanisms can be classified into two forms, that is, the *modern dispute resolution mechanism or western legal style* of resolving conflicts, and the *traditional dispute resolution mechanism or indigenous method* of conflict resolution.

In this study, literature was reviewed for the following reasons:

- i. To investigate or examine what exists on the subject and determine the strength and weaknesses of the appropriate scholarly publications;

- ii. To show the gaps in knowledge in order to generate questions for this inquiry; and
- iii. To familiarise with methods of enquiry in earlier works including their success and shortcomings (Basavanthapa, 2007) in order to select the method appropriate for this study.

2.1.1 Indigenous Methods of Dispute Resolution at the Global Level

Indigenous methods of conflict resolution at a global level may be understood to be all encompassing methods that combine several conflict resolution mechanisms which include mediation, negotiation, adjudication, arbitration and reconciliation. For example, in Nepal during the ancient period, indigenous institutions such as the *Gram Parishad* (village Council) were utilized and these used to organize discussions to mediate conflicts. These institutions used to take the perspectives of all the conflicting sides, find identity of interests and construct a solution (Dahl and Bhatta, 2008).

The societies in Nepal sought the services of local leaders such as the *Purohit* (priests), local school teachers, village headmen (*mukhiya*), and the *Dharmadhikar* (officer responsible for enforcing regulation). These leaders are mostly locally trusted elderly people who enjoy socially eminent status and authority granted by indigenous traditions and customs.

The Kirant regime (800 BC to 300AD) utilized *Mukhiya*, (village chief), *Bichari* (person who is knowledgeable on legal matters) and *Pancha-Bhaladami* (five elderly gentlemen) to mediate most of the local conflicts. Dahal and Bhatta (2008)

note that tribal societies often considered elderly persons as source of wisdom and implemented their advice on matters of public and private concern.

It seems, from the above systems of resolving disputes in Nepal, that societies the world over, have always had mechanisms through which they resolved their conflicts. Regardless of the geographical differences, human societies have had structures that helped in the resolution of disputes between their inhabitants. The presence of these structures or mechanisms suggests that conflict is inevitable in all human existence and thus the need find amicable solutions to conflicts is quite urgent.

According to a study by UNDP in Cambodia through the ministry of Justice, and ministry of Interior, indigenous communities overwhelmingly trust, use and support their customary laws and conflict resolution processes within their communities (UNDP, 2007). Among the reasons for this choice or preference are the beliefs by a majority of the respondents during the same research, that the traditional mechanisms are more fair, more pro-poor and easier to access than the formal justice systems especially for the local people. The preference for the traditional dispute resolution mechanism by the villagers from Reu Hon Village in Cambodia is also as a result of the belief that in the formal modern courts, *“what is wrong is right and what is right is wrong”*, (UNDP, 2007).

This research brings out clearly the preferred method of dispute resolution by the local people in Reu Hon Village in Cambodia. What is not clearly stated is whether these methods can be used simultaneously sometimes or it is just one method for each given conflict. These were the findings of a participatory action

research Case Study into Indigenous Traditional Legal Systems in *Rattanakiri* and *Mondulkiri* Provinces (the Case Study).

2.1.2 Dispute Resolution Methods in Africa

Dispute resolution processes are basically just as old as the African societies themselves because inevitably, conflicts are always present wherever there is a group of people. African societies have always had their own indigenous ways of resolving conflicts within their communities even before the coming of colonialism which later relegated the traditional mechanisms to the side-lines. Traditional methods or mechanisms of conflict resolution are taken from the way traditional African societies resolved their conflicts in the past. These are believed to be processes which normally made use of wise and respected elders who intervened between conflicting groups, talked to both sides, listened to their concerns and used their wisdom to convince each party to the conflict to stop the fighting (Mpangala, 2004).

The concept 'Traditional society' according to Olukayode (1997) refers to small isolated non-literate, and homogenous groups. He further notes that a traditional society is a society in which people feel they belong together because they are of the same kind. This however, is not the case in every traditional society. For example, not everyone in Senior Chief Ndubeni's chiefdom is illiterate today. With the establishment of a modern Boarding secondary School in the chiefdom, many children are gaining access to secondary education and will most likely be able to advance to higher levels in the education system. It is noteworthy that not all traditional societies are 'homogenous' as opined by Olukayode.

Some traditional societies have incorporated non-indigenous members and accommodated them peacefully as is the case with Chief Ndubeni's chiefdom as earlier mentioned. Broom and Selznick, (1968) state that people are simply born into it (society) or grow into it in the way the bonds of friendship grow. In contrast, Olukayode (1997) argues that modern societies are large, non-isolated, literate and heterogeneous groups. In this society, the major social bonds are voluntary and based upon the rational pursuit of self-interest.

Whatever the conception of these methods might be, it is still obvious that both dispute resolution methods are still used by many societies and depending on the nature of the dispute, sometimes the methods maybe used side by side. Muigua (2010) notes that many African countries today still hold on to customary laws under which the application of traditional dispute resolution mechanism is common. Muigua (2010) further notes that in the spirit of Ubuntu, African societies believe and emphasize harmony/togetherness over individual interests.

This is what draws many African societies to their traditional methods of resolving conflicts because they still promote the restoration of social relationships between the disputing parties. Kariuki also notes that the aim of traditional dispute resolution by elders in Western Ethiopia for example, a tribal milieu, is not to punish the wrongdoers but to restore social harmony (Kariuki, 2014). Putting emphasis, Osei-hwedie & Rankopo (2008) argue that in traditional dispute resolutions, parties to a conflict are both winners and they will be reinstated to their former position and resume their previously existed relationship.

Dzivenu (2008) rightly observes that every society holds a unique set of methods, procedures or mechanisms for resolving disputes. He observes that the African traditional societies are known to use their own indigenous methods in resolving conflicts such as land disputes, marital disputes, witchcraft and theft among others. The mediums for these mechanisms are the traditional authority structures such as the family heads, elders, headmen/women and chiefs. Kirby (2005) further notes that in Africa, traditional mechanisms use both local socio-political actors and traditional community based judicial and control structures in managing and/or resolving conflicts. These methods were the only means by which African societies sought to bring forth justice and build consensus among the disputing parties.

According to Abera (2003) indigenous mechanism to conflict resolution in Ethiopia is made by the people and not by the state and it drives its legitimacy from participation and consensus of the community and its recognition of the same by the government. This basically implies that Ethiopia is one of the African states whose traditional societies have held on to their customary practices including traditional mechanisms for resolving disputes. These methods are different from one African community to another in terms of practical application.

Ethiopia is home for various ethnic groups and each of them has developed indigenous mechanisms of conflict resolution (Mekonnen, 2016). The difference is so much in the procedures and accompanying ceremonies, and in the ultimate result or goal of the resolution process itself. The *Gadaa*, *Joburas*, *Agnuak* and

Shimagelle in Ethiopia are some of the mechanisms used for dispute resolution. The *Gadaa* system is a traditional system of governance used by the Oromo people. The *Anuak* are a small minority group in Ethiopia and Sudan, residing mainly in the Gambella region of southwestern Ethiopia. This group is believed to be peaceful as evidenced in their ability to enjoy peace and coexistence with other minority groups.

In Rwanda there is the *Gacaca* which is a local system that was used even during the trying of the perpetrators of the 1994 genocide, in Uganda there is the *Mato Oput* which was a mechanism for forgiveness and reconciliation among the Acholi people (it involve the drinking of the bitter herb), in South Africa the *Truth and Reconciliation Commission*.

In Rwanda, the term 'Gacaca' is Kinyarwanda concept which literally means 'justice on the grass' (APCJ, 2009). It describes a system of dispute resolution where people sit outside on the grass to settle their disputes in the full presence of members of the affected community. In its original precolonial form, gacaca was basically useful in settling disputes such as land use, cattle ownership, marriage, inheritance and petty theft.

According to the African Peace and Conflict Journal APCJ (2009), the whole system is premised on the voluntary confession, demonstration of remorse, apology and request for forgiveness by perpetrators. As a system of adjudication carried out by members of the community known as *inyangamugayo*, gacaca culminated in a ritual when the dispute was resolved to indicate the importance

of the process. Further, it notes that gacaca often ended with the parties sharing a traditional libation or a meal as a gesture of reconciliation.

The APCJ (2009) describes *Mato Oput* as a reconciliation ceremony found among the Acholi people of northern Uganda. The word '*mato*' in acholi language means 'drinking', and '*oput*' is a type of tree with bitter herbs. Thus *mato oput* literally means drinking of bitter herbs made from the leaves of the oput tree. The Acholi traditional society is believed to have no courts of law and thus depends upon the truth and readiness to accept responsibility for one's actions.

Offenders or perpetrators of crimes are expected to undergo a process of cleansing before they can be accepted back into the village. This is meant to protect the offender and his family from the vengeful spirits of the dead which are believed to haunt them. The drinking of the bitter herbs signifies the acceptance, by the conflicting parties, of the bitterness of the past and the promise to never taste such bitterness again (APCJ, 2009).

In trying to comprehend the two mentioned dispute resolution mechanisms, that is, the modern and the traditional dispute resolution mechanisms, Endalcachew *et al* (2015) attempted to explain the attitude of the Ambo town people in Ethiopia towards traditional and modern dispute resolution mechanisms. Their findings suggest that there is a high tendency among the people in Ambo town (Ethiopia) to use the traditional dispute resolution mechanism more than the modern system. Among the reasons given for this preference of the Traditional dispute resolution mechanism over the modern western system is that the traditional mechanism is capable of producing a win-win result where all the parties are

satisfied and have their relationship restored to its previous state where as the modern mechanism mostly, if not always, produce win-lose result and relationships stay broken.

Dejene (2002) is of the view that Oromo people (Ethiopia) also encourage the parties to a conflict to make use of the indigenous methods of conflict resolution. Gowok (2008) notes that Ethiopia has for centuries been using the Traditional mechanisms of conflict resolution such as the institutions of *Gadaa* among the *Oromo*, *Joburas* of the *Agnuak* and the *Shimagelle* by the *Amhara* among many others. The gadaa is a system of age-grade classes that succeed each other in assuming political and social responsibilities. A complete cycle of gadaa according to the APCJ (2009) consists of five age grades. It says that the authority held by elders is derived from their position in the gadaa system. Endalcatchew *et al* (2015) posit that even though sometimes cases are submitted to the courts (modern mechanisms) they are often pushed back to the local elders or other leaders of the society for amicable resolutions. For this reason they argue that traditional dispute resolution mechanisms are better than the modern court systems of resolving conflicts.

Dahal (2008) explores the traditional dispute mechanisms and notes that traditional societies often tend to use their own local mechanisms in resolving conflicts. He further points out that traditional dispute resolution mechanisms are so much based on high levels of social consensus and legitimacy, rather than on evidence and majority vote. He notes that the local society members often prefer to use the traditional methods to resolve their conflicts because mostly these poor

and illiterate people do not always have the documentation (or keep 'evidence') and mostly cannot afford the cost of going to the modern courts.

Local people in traditional societies especially villages prefer the traditional dispute resolution mechanisms because they still believe and trust the advice of elders in resolving local conflicts for two obvious reasons. First, their advice tend to be politically neutral with social sensitivity and second, they are less expensive in nature and can provide resolutions that do not take too long (Bhattachan, 2002). Local mechanisms of resolving conflicts are based on values and customs (*rit-thiti*), and this plays a crucial role in binding people together for collective action and holding culprits accountable to their actions.

The National Open University of Nigeria takes a comparative analysis on the relevance and practicability of the two methods of dispute resolution, that is, the Traditional method and the Modern or Western method of resolving conflicts. The National Open University of Nigeria in its course PCR831 (African Traditional Methods of Conflict Resolution) suggests that it is difficult to establish which method may be preferred by a particular society because each of the methods may be appropriate to a specific situation and nature of the dispute, basically implying that dispute resolution mechanisms are context specific. Yesufu *et al* (2010) observe that it is difficult to establish if the methods can be applied simultaneously to the same conflict not until situations arise whereby the practical solution preferred may be so significantly relevant.

They compare the Western and Traditional dispute resolution mechanisms and their main observation is that both the Traditional and the Western methods

represent a particular culture and civilization and they are products of totally different eras and epochs of development. Yesufu *et al* (2010) established that the western methods are often very flexible and this flexibility renders them prone to manipulation and pliability.

They further note that traditional methods are mostly based on laid down customs and norms implying that traditional methods of dispute resolution are directly linked to the daily life style and beliefs of the indigenous people and cannot easily be manipulated. Yesufu *et al* (2010) focus so much on the linkages between the traditional methods and the western methods of dispute resolution and the advantages of each method over the other. Their findings suggest that each method has its own advantages and disadvantages and their use may depend on the nature of the existing conflict.

Olukayode (1997) also compares the Nigerian (Traditional) dispute resolution method and the Western methods. He observes that in matters to do with dispute resolution, the western method tends to be more individualistic and because of this it has resulted in strict enforcement of individual rights and duties, while the Nigerian (Traditional) method recognizes individual rights and obligations within the context of communal rights and obligations. Ultimately, the western legal culture culminates in the *Rule of Law*, whereas the Traditional culture focuses on maintaining the Social Equilibrium. However, what is not addressed is the preference of the local indigenous Africans of the two methods. It is not clearly stated as to which method the indigenous communities prefer and the reasons for such preferences.

It is noteworthy that the research conducted by the National Open University of Nigeria does not address how the traditional method can effectively be applied in a community that has a diversity of members living together but coming from different cultural backgrounds, for example, a society like Mpongwe which is originally inhabited by the Lamba speaking people but has recently seen a growing number of Tongas, Bembas and some Ndebeles from Zimbabwe. So the question here is, how can a traditional method be applied in a case where there is a conflict between two parties from different cultural backgrounds?

Though the underlying fact is that all the parties to a conflict fall under the African traditional culture system, they still have different procedures in carrying out the dispute resolution process. And so this variation may also appear to favour one party to a conflict over the other. What needs to be done is to create consensus between the conflicting parties and establish which method will be suitable and beneficial to both. Dispute resolution mechanisms should not just resolve the dispute at hand but should also focus on rebuilding broken relationships and restoring social equilibrium.

On the aspect of reinforcing discipline in the communities, offenders are punished through the traditional structures. Fadipe (1970) noted that among the Yoruba of Nigeria, there are sorts of punishment for crimes and these, apart from death, include flogging, whipping, beating, tying, chaining, lacerating and fines. He further recognised the following as criminal actions, witchcraft, incest, divulging secrets of certain religious and political or organisations, pronouncing a curse, manslaughter, malicious wounding, arson, theft, burglary, and poisoning.

2.1.3 Dispute Resolution Methods in Zambia

Zambia has always had dispute resolution structures as far back as the pre-colonial period. Conflicts/disputes date as far back as human existence itself. Man has from time immemorial devised ways of resolving his conflicts with fellow men in order to promote peace.

Dispute resolution mechanisms in pre-colonial Zambia were primarily based on the indigenous customary laws of the different ethnic groups. There were persons with authority to address dispute. For example, at the family level, the father was the head of the house and therefore was the one to intervene in all matters of conflict between the members of the family while allowing the disputants to arrive at a peaceful agreement.

In the traditional Zambian societies, justice systems were formally established in the traditional social structures of the villages in which chiefs, headmen/women, elders and councillors all played vital roles in the provision of justice and the resolution of conflicts/disputes within the community. For example, among the lozi people of western province, disputes between the members of the community at the village level were brought before the village council who then sought to find a solution to the problem. If the solution was not found, the matter would then be referred to the King who presides over the *Kuta* (court or village council) (Gluckman, 1995). The idea was to arrive at a solution that was acceptable to both parties to a conflict.

According to Mipunga (2003) the indigenous judicial system was characterised by simple and informal procedures that primarily focused on compensation other

than punishment. This was the traditional norm in that the intention was always to maintain harmonious relationships and not the creation of life long enmity. It points out to the pacific resolution of disputes where the ultimate goal is to send all the disputants with a clear mind and a forgiving spirit for the resumption of working relationships between or among all the members of the community.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

A research is a systematic inquiry into a problem. The fact that it is systematic, makes it scientific. The methodology of a research study is the science of any research which is properly planned to be undertaken. This chapter therefore sought to explain the science of this research study which was about the data collections techniques which were used in gathering and analysing data. The research used qualitative method which involved the use of semi-structured interview guides.

3.2 Research Design

The research design of a study is basically a guide on the direction to be taken in trying to answer the research questions. The Research design of this study was a descriptive case study where qualitative tools were used. Parahoo (2006) states that a design selected for research should be the one most suited so as to achieve an answer to the proposed research question. Qualitative research methods were utilized in order to study people in their natural social settings (naturalism), with the focus of research being on the meanings and understandings of what individuals and social groups attach to their social world. In this study, qualitative research methods were employed in establishing the conflict/dispute resolution mechanism that is preferred by the local people in Senior Chief

Ndubeni's chiefdom between the two available mechanisms, that is, the traditional/indigenous method and the western/modern methods.

Given that the social world is an open rather than a closed entity, qualitative methods cannot (nor should not attempt to) limit the range of variables being investigated. Such approaches produce rich and complex data, which presents both a challenge and opportunity for the interpretative analytical techniques that are generally utilized in qualitative research (Burns & Grove, 2009).

3.3 Study Site

This research study was conducted in Mpongwe district of the copperbelt province of Zambia, particularly in Senior Chief Ndubeni's chiefdom within Mpongwe district. For this study, the researcher desired to have view points from the local leaders of four villages within the chiefdom, that is, *Kantatamwe, Minsongwe, Mulela and Mukumpu*. The district whose population stood at 91,765 as of the 2010 census, is also said to have a growth rate of 3.6%. Mpongwe district is based on a matrilineal kind of kinship and succession to chieftainship is through the nephews and nieces.

3.4 Population

This study was carried out in Senior Chief Ndubeni's Chiefdom in Mpongwe district of the Copperbelt Province of Zambia. According to White (2005), a study population refers to a collection of objects, events or individuals having some common characteristics that the researcher is interested in studying. A selection of a few respondents was done targeting the Senior Chief Ndubeni, village

Headmen/women and the village elders in order to get comprehensive views from them.

3.5 Sample Size

The target sample size for this research was a total of 15 respondents from the chiefdom including the 'acting Chief'. That is, the acting Senior Chief, 2 elders from the palace, 3 elders from the four main communities in the chiefdom; *Kantatamwe, Minsongwe, Mulela and Mukumpu*.

3.6 Sampling Procedure

The sample was arrived at by considering the fact that each of the four main villages in the chiefdom has a headman who is assisted by village elders. The researcher used the purposive sampling technique in selecting respondents as the study focal points as well as study participants. The selection of participants was done through locally acceptable procedures as follows:

- a) Permission to conduct research was sought from the District Education Board Secretary's office, Mpongwe, as well as from the acting Senior Chief and from the participants themselves.
- b) The village headmen/women and elders of each of the four main villages in the chiefdom were asked for permission.

The researcher was helped by local staff who are well familiar with the chiefdom norms and the language for easy translation. The researcher also followed advice given by MacNealy (1999), who talks about purposive sampling and opines that a researcher who desires to have sampling units that are necessary and specific to

answer questions about a certain matter or product should consider this type of sampling technique.

3.7 Data Collection Techniques

Qualitative data was collected using the semi-structured interview guides for the purpose of allowing the interviewees to bring forth more information regarding the topic of inquiry. The open-ended questions were meant to give respondents an opportunity to give detailed information about the subject of investigation. The information obtained helped in understanding how the local people prefer to handle their conflicts. Interview guides were used by the key informants to produce valuable information about the subject under investigation so as to help the researcher obtain more meaningful information about the area on study.

3.8 Data Analysis

According to Burns and Grove (1999) qualitative data analysis occurs in three phases: description, analysis and interpretation. Data analysis started once all the data had been collected. The qualitative data was manually analysed, coded and processed using emerging themes. According to (Zoppi and Epstein 2002), coding is a short phrase, letter or word that symbolically assigns a summative salient, essence-capturing and/or evocative attribute for a language-based or visual data.

3.9 Delimitations

The study was exclusively conducted in Senior Chief Ndubeni's Chiefdom in Mpongwe district. The reaserch findings of this study are not meant to be

generalised to other traditional societies. Some of the names of the respondents used in this study are not the real names of the actual respondents due to ethical considerations. Some of the respondents demanded that their names be kept hidden and so the researcher did as wished.

Other personal information of the respondents is not included in the research report because permission was not granted by the individual respondents. Also, some negative comments and the information that was not useful for this study was left out. The research was largely based on primary data because there was not secondary data that was found during the period of research.

3.9.1 Limitations

This study did not go without any limitations. Firstly, it was quite challenging to set up appointments with most of the respondents due to their unpredictable schedules since they have no fixed types of employment. Sometimes their schedules did not coincide with my available times away from work and so there were constant postponements. Secondly, it was difficult to find any written materials about the chieftom particularly on dispute resolution. Also, some of the participants did not have sufficient information that addressed what was not already told by the other respondents.

Finally, the research process was constrained and slowed down due to a lack of adequate funding since the researcher used personal funds to carry out the research process. In some instances, the respondents only agreed to share information on account that they are paid either in monetary form or material things. It was also difficult to commute from one village to another collecting

data because there is no regular transportation. Therefore sometimes the researcher had to walk long distances to collect data.

It was not easy for the researcher under such circumstances but through the help and encouragements of friends and colleagues the research went on up to this far. Problems of appointments were overcome by rescheduling the appointments to other available times. Financial challenges were overcome by using the little resources which were available for the work which was affordable. As for the transport logistics, walking was always the easy way to go. Sometimes well-wishers offered transport to the data collection points.

3.9.2 Ethical Imperatives

Considering the site in which the research was carried out, that is, in a traditional community or a chiefdom, it became important that ethical considerations be made. The identities of some of the informants concealed as demanded by the respondents themselves and the description of practical examples from narrated stories did not include actual sites or places where these incidences occurred. In other words, all sensitive details were kept confidential so as to safeguard the confidentiality rights and safety of the informants and also to avoid creating unnecessary conflicts. This research tried as much as possible to report on the actual findings from the field without any manipulations. The findings of the study are expected to influence policy so that the areas of need by the local people in the chiefdom can be addressed. Permission was sought to enter into the research sites by way of an introductory letter from the University of Zambia, Institute of Distance Education (UNZA, IDE).

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.1 Introduction

This chapter presents the data that was collected during the period of research. The research was based on the following key research questions:

1. What are the common types of disputes in Senior Chief Ndubeni's chiefdom?
2. In what ways are conflicts resolved in Senior Chief Ndubeni's chiefdom?
3. What are the reasons advanced for the preference of the dispute resolution mechanisms used in Senior Chief Ndubeni's chiefdom?

A semi-structured interview was used in this research and this helped to obtain more information from the respondents. The targeted respondents were the leaders of the chiefdom who make up the leadership structure consisting of the chief, village headmen/women, section chairpersons and section committee members (elders).

4.2 Demographic Characteristics of the Participants

The data on the demographic characteristics of the participants was obtained from the participants who were interviewed. 13 of the 15 successfully interviewed respondents were men while only two were women. This reflection of gender inequality does not represent the overall participation of women in the decision-making processes in the chiefdom in the sense that from the distribution of leadership positions of women and men at the village level, it is shown that

there is still gender sensitivity in the chieftdom because a good number of women are included in the local committees which are led by section chairpersons.

For example, the section chairperson for Minsongwe is female and in Mulela and mukumpu there are women who sit on the local committees also. However, during the research process, men were more readily available than were the women and so it was easy to schedule appointments with men. The age distribution of the participants were as follows: Female - 45 to 55 years, and Male - 50 to 75 years.

Table 1. Distribution of Respondents by Age

Age	Frequency
45 - 50	1
50 - 55	3
55 - 60	3
60 - 65	4
65 - 70	3
70 - 75	1
Total	15

4.3 Common Disputes experienced in the Chieftdom

The respondents were asked to state their views on what they believed were the common disputes in their villages. The aim was to find out what disputes are frequently experienced by the members of their villages. Their responses varied

but they still presented some common themes which led to the understanding that the participants had common ideas about the occurrences in their communities. The information which was presented by the respondents showed that the common disputes faced or experienced by the local people include; dispute over theft, debt, adultery, accusations and suspicions of witchcraft, and general misdemeanours especially among the young members of the village communities.

When asked about the disputes often experienced in the locality, Mr, Mabena stated,

I cannot point out exactly which ones are common, but I have seen the frequency in disputes to do with pre-marital relationships especially among the young people. I have also noticed that people argue about debts and gossips. These are more common today especially when people are intoxicated with alcohol.

The acting Senior Chief stated that many of the cases that reach the higher levels of the chieftom (the palace) have to do with people being caught in adultery, and others involve accusations of witchcraft. But at the lower levels such as the section, cases such as theft, debts, arguments that arise from the bars and taverns when people are on a drinking spree especially the young, are more common.

The results show that the chieftom does not have any unique conflicts compared to those of other places. Most rural society experience conflicts or disputes as a result of theft, debt, adultery, and allegations of witchcraft among others. These

are not just common disputes in Senior Chief Ndubeni's chiefdom but also other Chiefdoms in the rural areas especially.

4.3.1 Common causes of conflicts

One of the purposes of this study was to find out the common possible causes of conflicts in Senior Chief Ndubeni's chiefdom. Former local court Magistrate, Chilimuna said that conflicts sometimes come up as a result of small misunderstandings, misjudgement or misinterpretation of information and situations. In many social settings, conflicts arise as a result of frustrations caused by poverty, overpopulation and sometimes suspicion and mistrust. He added on to say, when a person is in poverty, he can easily be irritated and most such people tend to be argumentative and sometimes violent. Otherwise the causes of conflict vary.

The above information is given according to what the respondents believed are the main causes of conflicts in societies. Magistrate Chilimuna was targeted specifically for his great knowledge of both the traditional/indigenous mechanisms and the western/modern mechanisms of resolving disputes. As a retired magistrate, he brought forth information from his experience as a magistrate and as an elderly member of the chiefdom with vast indigenous knowledge.

In senior chief Ndubeni's chiefdom, one of the main causes of disputes is the lack of adequate education. Many of the people especially the youth have not attained an education that can better their living standards, for this reason most of them

are found doing nothing much but consuming alcoholic products. The only mode of employment that they engage themselves in is to work in the fields during the cultivation and harvest periods. This leaves them susceptible to activities such as theft and fist fights. There are so many factors that bring about conflicts in communities but for the purpose of this study these will only be minimally addressed.

Table 2. Common Causes of Disputes

Dispute	Possible Causes
Debt	Poverty
Theft	Unemployment
Marital dispute	Unfaithfulness/infidelity
Land dispute	Unclear boundaries
Witchcraft	Mistrust/suspicion
Other	Substance Abuse

4.3.2 Conflict/Dispute Resolution Procedure

When asked about the traditional dispute resolution mechanism procedure as practiced in Senior chief Ndubeni’s chiefdom, the respondents explained that traditional societies are complex and sometimes difficult to comprehend due to many factors such as lack of exposure to the modern happenings in the towns, as well as lack of adequate education or literacy levels among the local people which are relatively low. When people are faced with a dispute which they themselves have failed to settle, they often seek the help of the local elders (*bafilolo*) who then

sit them down and hear what their concerns are. After that, they suggest solutions to the problem or matter of concern.

If the situation proves to be difficult to handle. It is referred to the next level, that is, to the village headman/woman who is the direct link to the Chief. Only when the matter cannot to be resolved by the headman/woman does it go to the palace for the chief's ruling. It was noted that the chief is always the last resort unless the matter is too serious to be handled by the local elders or the village headman. This applies also to the fact that, the young generations today are becoming more of law breakers instead of being law abiding people.

One of the respondents Mr. Mumbi explained that in the modern traditional society, the problem in the effective resolution of disputes lies in the so called elderly men and women of the community who have become overtaken by the consumption of alcohol. He explained that in the typical traditional society, young people often looked up to the elderly men and women who are believed to have vast knowledge and experience about the community and have a good understanding of its beliefs, traditions and customs. The problem, according to Mr Mumbi, is that the young people have nowhere to seek for advice or guidance anymore since the elderly people have themselves seemingly lost their role as the moral educators. They are the ones who are in the fore front drinking and dancing in the local pubs and other beer drinking venues.

How then can the young people seek for help or advice from the elderly who have apparently lost their way as the sore holders of the traditional norms and

values that are necessary for the teaching and guidance of the young people of their societies? The answer is obvious, no way.

Senior chief Ndubeni's chieftom has apparently become a harbour of many beer drinking venues such as bars, pubs and taverns. These have a high attendance rate of the young people, mostly the underage, those below the legal age of eighteen. This has been a contributing factor to the growing number of conflicts in the community as the rate at which alcohol and other substances are abused is becoming a matter of serious concern which if left unchecked, may worsen the situation in terms of conflicts.

It was explained that as part of the modern world, the chieftom, particularly the leadership at the palace have been sensitized by the state authorities such as the police as to what matters they can and should preside over and which ones they should leave to the state authorities to handle. Cases vary in nature and indeed some are too serious to be presided over by the traditional leaders and their methods of conflict resolution. For example, criminal cases such as assault, murder and defilement which has become common in rural areas, and other serious crimes should be left to the state prosecutors to handle.

The traditional systems are rendered powerless to preside over such matters and are thus compelled to involve the police, who are locally referred to as *abafisote* (those who wear head dresses). Civil cases which are not too serious such as dispute over debts and land may be addressed through the traditional dispute resolution procedures which are aimed at resolving disputes among the members

of the chiefdom with the aim of re-establishing broken relationships and restoring social order.

4.3.3 Reconciliation Process

Asked about the reconciliation process, the respondent pointed out that reconciliation is mostly a process that occurs with the willingness of the two parties to a conflict. It is difficult to achieve reconciliation if one or both of the disputing parties are unwilling to loosen up and exercise the spirit of brotherhood where the wrong doer acknowledges his wrong and the offended exercises forgiveness. Usually forgiveness is motivated by the wrong doer's admission of guilt and willingness to make thing right. Former Magistrate, Chilimuna explained as follows:

Back in the days, people used to undertake a process of reconciliation which may be termed "ukufitulukanshyanya". This word is derived from the Lamba term for 'forgiveness' ukufitulukila', to forgive. The disputants would meet with a mediator and discuss or negotiate the best solution to their problem. When a negotiated agreement has been reached, the two parties to a conflict would sit down and eat together or drink from the same cup, water or a traditional drink (munkoyo) as a sign of a renewed relationship of trust and brotherhood. The meaning is that, if people still have hate between themselves, they cannot agree to share a drink or a meal.

Usually, this marks the resolved dispute and a reconciliation process that restores peace and harmony to the community. It is sometimes difficult for disputants to sit, eat or drink together and so when the two parties to conflict agree to undertake this process, it would be an indication of a successful reconciliation process. The respondent added on to say, sometimes the offender would do

something to show admittance of guilt and to show that he is sorry for the wrong act. The presentation of a white chicken to the offended would sometimes be the way to go in showing that the offender is sorry for the offence and is willing to make a new start.

Sometimes just a minimal payment of money to the wronged individual would be enough to show the willingness of the wrong doer to reconcile with his victim. This indicates that the reconciliation procedure in Senior Chief Ndubeni's Chieftdom is not marked by a single common process. It may take any of the forms that were explained, though the act of eating together from the same plate or drinking from the same cup stands out prominent.

Sometimes reconciliation takes more than just the intervention of the local leaders but courage of the parties to a conflict to settle their dispute. One respondent narrated how from his own experience he courageously faced his oppressor and demanded for dialogue between the two so as to find a solution to the existing problem. He explained that in a matter in which there was alleged witchcraft being used against him and his household, he approached the accused to challenge him in person and demand for an explanation from the accused as to why he was after his life.

He further explains that in a rare gesture of brotherhood, the accused admitted to the allegations and requested for forgiveness from his victim who willingly forgave and cautioned him never to make an attempt on his life again. The end result was marked by the sharing of the local drink '*munkoyo*' in a spirit of renewed friendship for a peaceful and harmonious co-existence. This is a brief

description of a typical traditional society and how people resolved their disputes. It might be the case in today's traditional societies but it still remains part of what was the common practice in the past years. This narration may not be fully reported as was told by the victim but it helps to understand how a resolution can be reached and reconciliation carried out.

4.3.4 The Preferred method of dispute resolution

People in this chiefdom prefer to use the traditional methods of resolving their disputes. They have a system which they follow each time they are faced with a dispute which they have failed to resolve. They take the matter to the Section chairperson(s) from which the matter goes to the headman and to the chief as the final point.

The preference of the method for resolving disputes in Senior Chief Ndubeni's Chiefdom among the local people was determined by the response from the interviewed people. The traditional methods tend to be more utilised in the resolution of disputes between members of the community. These methods that involve the use of the traditional structures are apparently easily accessed by the local people.

The structural process of resolving disputes is as was explained by the respondents. The acting Senior Chief, when there is a dispute between two people, the matter is taken to the section chairperson(s) who is/are the overseers of the sections within a village. This process is basically the official structural procedure but in a more practical sense, when two people are faced with a

dispute, they seek the help of any elderly person who sits them down and helps them resolve their conflict.

If the chairperson(s) fail to resolve the dispute or if the disputants are not satisfied with the ruling of the section chairpersons, they may proceed to the village headman/woman who is the overall person in the village and leader of the village leaders (ifilolo) who constitute the section Chairpersons who are appointed from among the elders. The village headman/woman is the connection of the village to the chief. All matters that need the attention of the chief must first pass through the headman/woman who refers them to the chief provided they are beyond his capacity to handle.

The traditional method of dispute resolution is mostly preferred by the local people as evidenced in responses given by the interviewed persons. For example, Mrs Tembo who is one the female section leaders explained that it is not necessary for the local people to seek modern solutions to a conflict in an indigenous society. She explained that the traditional systems are well capable of settling all manner of disputes without the help of the police and the state courts. On the same issue, Magistrate Chilimuna noted that in these modern times cases of murder for instance are no longer under the jurisdiction of the customary legal systems. All criminal cases are to be handled by the state authorities. He further explained that there is a limit to which the traditional mechanisms can go as far as handling conflicts is concerned.

In other cases, some of the respondents showed no sign of preference between the available methods. For them, any method that would be convenient at that moment was okay as long as it could address the matters of concern.

Mr Mupanga added his word to the issue and said that the method of resolving a dispute between two people depends on the two people themselves and what they seek to get out of the resolution process. If for example one is only interested in punishing the other person for his offence, he may go to the police where it is believed that stiffer punishment can be given. If on the other hand the idea is to help the other realise his wrong and make reform for the good of the community, one may seek the help of traditional leaders. And so for Mr. Mupanga, whatever method is used to settle a dispute is welcome as long as it leads to the desired outcome. Personally, he claims to have no specific preference from the two methods.

The former Magistrate, Chilimuna, explained that Zambia has a system of laws and regulations which are followed in the governance processes and other legal matters. The constitution which is the supreme law of the land gives all the necessary guidelines on how conflicts can be resolved. He stated that the Zambian legal system is divided into two, the English law which was inherited from the British government and the customary law which is based on the traditions and customs of the various ethnic groups. And so the modern system has dominated the legal scene. Even so, in the more typical rural areas the traditional systems are still regarded with high esteem and are therefore trusted to resolve local disputes.

One respondent, representing 06% of the total number of respondents, showed preference for the modern or western dispute resolution mechanism. One more respondent expressed neutrality. This respondent, identified as Mr Isaac, showed no specific preference but stated that any available method can be used as long as it produces the intended results. The following was his response,

For me any method is okay. It just depends on the nature of the conflict which people are facing at that particular time. I think traditional method and the modern methods are both used.

Table 3. Respondents' Preferred Method

Method	Preference	Percentage
Traditional method	13	93%
Western method	1	06%
Any method	1	06%
Total	15	100%

Table 3 above shows the preference of the local people in Senior Chief Ndubeni's Chiefdom according to the respondents. It shows the number of respondents and the percentage of respondents who were interviewed and their preferences of the two dispute/conflict resolution mechanisms. From the results, it is shown that 13 respondents representing 93% of the total number of the targeted respondents (15) prefer to use the traditional/indigenous dispute resolution mechanism.

4.3.5 Reasons for the Preference of the Traditional Methods

Asked about the reason or reasons why they felt that people in the chiefdom prefer the traditional/indigenous dispute resolution mechanism, the respondents brought out the following as their perceived reasons.

One of the reasons for the preference of the indigenous method of dispute resolution in Senior Chief Ndubeni's Chiefdom is that, this method is easily accessible to the local people. The police and the courts of law are not easy to access by the local people because of the distance. Mr Kabunda explained that the distance of about 25 kilometres from the chiefdom to the nearest police station, without a regular transport network, poses a big challenge to the local people in terms of access to the police services and the courts of law. Those who are lucky to own a bicycle can cycle all the way just to access the services of the police. This is not an easy thing to do and that is why most people prefer to settle their disputes using the readily available mechanisms, the indigenous mechanisms. One can easily take his grievances to the section leaders who are members of the local community and can be approached at any time.

It was explained by most of the respondents that the expenses that one has to incur to go to the police or the courts sometimes are more than the resolution which the courts or the police will come up with, and so people become reluctant to push matters further away from the local mechanisms of resolving conflicts.

Also, the perceived benefits from the traditional methods are believed to be more than those from the modern mechanisms. One respondent explained that, if one for example, takes another to the traditional elders for the alleged offence of theft,

the resolved dispute may culminate in the victim receiving some kind of compensation which may even be equal in value to the item which was stolen. This occurs where the accused or offender admits that he is the perpetrator of the alleged crime and is willing to pay compensation to the victim.

On the other hand, people in the chiefdom have become sceptical of the modern systems of dispute resolution which they say do not offer any real benefit in the end as the perpetrators are simply locked up in the cells for a few days and the story ends without the recovery of the lost properties. Sometimes the courts decide to imprison the offender and the offended remains at a loss still, so then what is the benefit realised from the process? Nothing at all.

Talking about the reasons for preference of the traditional method, Mrs Nkomeni stated that, she personally feels that the indigenous mechanisms are better because they are quicker. One doesn't have to wait for days before his concerns are addressed. Also that in the indigenous processes there is no corruption. She said that there is too much corruption by the police and so these cannot be relied upon in settling disputes.

In the traditional systems, everyone is present to listen to the deliberations and witnesses are free to come in and speak out according to what information they have. But in the courts of the state, everyone maybe present but not everyone is allowed to speak out unless otherwise he or she is categorised as a witness.

In terms of reconciliation also, it was established that people in Chief Ndubeni's Chiefdom prefer to use the traditional methods in resolving their disputes because these methods do not aim at only punishing the offenders but also to

rebuild broken relationships and to restore peace and harmony among the members. The modern mechanisms such as the courts are perceived to be lacking in that area. Usually these methods (modern methods of dispute resolution) are inclined towards punitive measures, where the offenders are punished for their offences without focusing on the implications of those actions on the community and the relationships of the members.

Punitive justice is all about punishing the offender as a means of vengeance with little or no regard for reconciliation or reparation relationships. Once the offender has been found guilty and charged, the law (state law) takes its course and punishment is administered either through fines or imprisonment. But then, what happens after that? Relationships are left broken and sometimes even worsened. If for example a person returns home from prison, he may still have the hate towards those responsible for his incarceration and may not have good working relationships with them. Such is the disadvantage of the modern mechanisms over the traditional mechanisms.

One of the respondents gave an illustration where a man is caught in adultery with another man's wife and is taken to the courts of law (state courts), and there he is made to pay a fine and does that. The implication maybe that, he may not stop the act of adultery because he will feel capable of paying another fine if so charged, or he will feel he has been given a green light to continue, after all he paid an amount of money. So it becomes a challenge for the local people to ride along the idea of using the modern methods of resolving disputes which they have become sceptical about.

From the information given by the respondents the study also established that traditional/indigenous mechanisms are preferred by the local people because these methods are not just easily accessible to the local people but also tend to be cost effective. They prefer the traditional mechanisms because they want to avoid the unnecessary costs which are mostly associated with court procedures. For example, transport costs are too much for the local people who are not in formal employment or profitable businesses as they have seasoned incomes from their small farming activities.

Also, they have no resources to pay court fees, to hire lawyers, costs and payments for witness allowances. Sometimes the time frame within which disputes are resolved has been a contributing factor in the preference of the traditional mechanisms. One respondent explains that apart from the distance that one may have to move to access the police or court services, the time taken by the courts in form of appeals and adjournments is also a reason why the local people of Senior chief Ndubeni's chiefdom prefer to stick to their local traditional mechanisms.

It was further explained that the attitude of the police sometimes does not motivate the local people to trust and depend on the modern mechanisms. One may go to the police with a case to present and returns home empty handed or with a 'call out' to go back and give the other person with whom they have a conflict. One of the respondents explained that sometimes due to lack of adequate resources, the police may ask the complainant to provide transport in order to go to the place or site where an incidence occurred.

This definitely is discouraging and one may think twice the next time he or she has a matter of concern. The local people feel that the traditional mechanisms present quicker trials and are able to offer resolutions to disputes faster than the time which would have been taken in the state courts and their lengthy proceedings due to unpredictable and unnecessary adjournments. Local people prefer the traditional mechanisms because they feel more comfortable expressing themselves in front of the familiar faces of the village. It is apparent that sometimes in the courts of law people become too scared that they fail to speak out for themselves and thus end up wrongly charged. But when they are in the local traditional courts they feel more loosened up and are able to fully express themselves.

4.3.6 Actions taken to discipline offenders

The nature of conflicts that occur vary, some are as a result of trivial matters such as minor misunderstandings, but others are serious matters that require immediate attention of the relevant authorities, either the traditional/indigenous authorities or the state authorities. For example, minor issues such as gossiping do not require the attention of the chief or the police. These can be settled from elderly men or women in the family. More serious issues however require the attention of the section chairman or even the headman/woman, or even the chief or the state police. Such issues may include assault, disputes over land, marital disputes and theft.

Typical indigenous or traditional systems are said to have had some kind of disciplinary measures put forward for offenders. For example, the chief would

instruct his messengers (*ba kapaso*) to detain a troublesome offender for a period of time which the chief himself decided. The offenders would be detained for as long as a month depending on the gravity of the offence committed. Mr Kambani noted,

In our chieftdom, just like it used to be in the old traditional communities before the coming of the western courts, offenders who were found wanting would be detained at the palace for a period of time. Sometimes for days, weeks, or months depending on the gravity of the offence committed.

During this period of detention, the offender was expected to show some remorse for his crimes and prove to have reformed fully and ready to be reintegrated back into the community. The detention involved activities such as sweeping the surrounding areas in the palace or other activities which the chief would decide to give. The detention was not for a fixed period but it was dependent on the perceived rehabilitation and reformation that has taken place in an offender.

This system is more-less like the modern detention systems where the prisoner is monitored and examined for any signs of real rehabilitation and reformation which is necessary for the good of not only the victims but the community as a whole. This old practice of detaining offenders (in the traditional societies) seems to have remained only theory and not in actual practice. This is because the data that was obtained from the research showed that there were no recorded cases of detention for over a decade. Meaning that the practice is either dying a natural death or the traditional mechanisms have really been overtaken by the western

mechanisms which continuously undermine the effectiveness of the traditional systems of dispute resolution.

The other disciplinary action that was undertaken by the traditional societies in the resolution of disputes was the payment of fines. The offender was commanded to pay an amount of money to the offended person as compensation or as a token of reconciliation. Money was not the only means by which payments were made. It was reported that the offenders were sometimes asked to pay their fines in material form such as a chicken or goat. All this was aimed at the reformation and rehabilitation of the offender so as to render him useful to the community. The reintegration of the offender back into the community was expected to be marked by full reconciliation and the restoration of relationships which were broken.

4.3.7 Challenges to the dispute resolution process

The process of resolving disputes in a community is not an easy one. There are a number of challenges that are experienced in the dispute resolution processes. Sometimes the lack of understanding of the dispute itself can impact on the effectiveness and success of the mechanism employed in the resolution process itself. It was established that sometimes attempts at resolving disputes fail to yield any positive result because the mediators or the people expected to help resolve the conflict lack adequate information to come up with the best solution to the problem at hand. Generally, the successful resolution of a dispute depends on the ability of those involved in the resolution process to understand and analyse the nature of the conflict.

Another factor that poses a challenge to the effective resolution of disputes is the fact that many of the elderly men and women have lost their direction or position as guardians of the traditional norms and as tutors and transmitters of the traditional values to the young people. The increasing rate of substance abuse particularly alcohol is not just a national problem. It is especially highly pronounced in the rural areas where people have little or no activities to keep them occupied apart from spending hours consuming alcohol which increases the risks of conflict.

This problem is not just among the young people but also the elderly men and women. Some of the elderly people, men and women alike, are found caught up together with the young in the taverns drinking beer and engaging in other activities that are morally unacceptable. This has led to a loss of status of these elderly people because the young generations has no one to look up to for moral guidance and that is why there has been an increase in lawlessness and unnecessary disputes. This unfortunate reality has become a challenge as far as the resolution of dispute is concerned because the people who are expected to be looked up to for dispute resolution are themselves found at the centre of the disputes.

The question thus is, how can these elderly people help resolve disputes among the young people if they themselves are part of it? So it is difficult for such elders to sit the young people down to guide them or worse still to be listened to. The young people look at these elderly people as nothing more than just drinking partners who are not in position to offer advice or guidance to the young because

they cannot lead by example. This unfortunate turn of events has heavily impacted on the status of the traditional societies' integrity. The younger generations of people need the guidance of the old men and women who have lived their life and understand the traditional society better. But the moral decay that has come with globalization has not only affected the young people but also some elderly men and women of our societies.

CHAPTER FIVE

DISCUSSION, CONCLUSION & RECOMMENDATIONS

5.1 Introduction

This chapter sought to analyse the data that was presented in chapter four. The discussion in this chapter explains what the findings of the research were and the meaning thereof. It states what method of conflict resolution is preferred by the people of senior chief Ndubeni's chiefdom. It also explains the traditional dispute resolution mechanisms and how they are employed in the resolution of disputes among local people in Senior Chief Ndubeni's chiefdom. The chapter further gives some recommendations which may help to improve the lifestyle of the people in a traditional society and how they relate with each other. It also gives recommendations on how conflicts or disputes may be reduced in order to ensure that peace and harmony are established.

The chapter discusses the findings from the data obtained throughout the research period from the knowledge and experience of the people who were targeted for research. The respondents were well equipped with knowledge and experience and thus they gave out meaningful and useful information which helped in making the research study worth the effort.

The chapter then gives a conclusion of the study as a whole restating the main research objective, the research questions, and the significance of the study.

5.2 Method of conflict resolution preferred by the local people of Senior Chief Ndubeni's Chiefdom

The study findings show that there is high preference of the traditional or indigenous dispute resolution method by the majority of the people in Senior Chief Ndubeni's Chiefdom. As shown in table 3 on page 49, the data collected showed that there is a high preference for the indigenous method of dispute resolution in the chiefdom as compared to the western method. This finding is similar to Dejene (2002) who observed that disputants among the Oromo people of Ethiopia tend to resolve their conflicts through indigenous means of conflict resolution. It also relates to Endalcachew *et al* (2015) who found out that there is a tendency in Ambo town, also Ethiopia, to use traditional mechanisms to resolve their conflicts. These traditional societies all show that the indigenous methods are most preferred by the local people in traditional societies such as senior chief Ndubeni's chiefdom.

5.3 Types of Disputes Experienced

In senior chief Ndubeni's chiefdom, just like in many other traditional societies, the common disputes experienced are over debts, adultery, accusations and suspicions of witchcraft and other conflicts. Many people fail to pay their debts at or on the agreed date and this results in conflict between the debtor and the creditor and this sometimes it ends into violent conflict. Pre-marital relationships and adultery have become common disputes faced by people of senior chief Ndubeni's chiefdom. Young people have little or no activities to keep them away from such vices and this leads to an increase in conflicts and

violence in the communities. This is as was stated by Mr. Mabena that pre-marital relationships among the young people in the chiefdom have resulted in conflicts. These are not the only conflicts experienced in the chiefdom but are some of the common ones often experienced by the local people.

5.4 Settling of Disputes in Senior Chief Ndubeni's Chiefdom

The settling of dispute in senior chief Ndubeni's Chiefdom involves a procedure that starts with the local leaders at the 'Section'. The section is a smaller unit of the village which is led by a section chairperson and some elders (*bafilolo*). These local elders preside over all matters in their 'section' and only refer them to the village headman when they fail to come up with a resolution. This is in line with what was highlighted by the acting chief Mr. Kambani who stated that matters of conflict follow the procedure, from the section chairperson, to the village headman, and finally to the palace for the attention of the chief. The chief only attends to cases which have proved difficult to resolve by other local means.

This settling of disputes in the traditional society is aimed at establishing working relationships between the disputants rather than just finding out who was in the wrong and looking for suitable punishment for the offender. The resolution process is expected to end up in reconciliation which is vital for peaceful existence. This is what the former Senior Presiding Local Court Magistrate, Chilimuna explained, stating that reconciliation

(ukufitulukanshyanya) was the process where the disputants reach a negotiated settlement and the offender is forgiven and social harmony is restored.

5.5 Reasons for preference of the traditional methods

The reasons for preference are that indigenous mechanisms are more reliable, much faster and can help in restoring social order. Most of the respondents interviewed believed that traditional systems are still very much alive and that they have not been fully replaced by the modern systems. While not completely ruling out the western mechanisms, the respondents still showed more inclination to the traditional mechanism. For example, Mr. Kabunda noted that the western methods tend to be unreliable because sometimes people go to the police and are sent back without any satisfactory assistance.

This relates to Dejene (2002) who noted that even though cases are submitted to the court system, they are usually pushed back to the local elders and other mechanisms of amicable resolution of conflict. This therefore indicates that the traditional mechanisms are more reliable because they do not leave any question marks in the minds of the disputants.

It is generally believed that the advent of colonialism and most recently globalisation, have played a role in pushing indigenous structures to the side lines and considering them as primitive, backward and outdated. This unfair perception of the traditional mechanisms has also contributed to the growing negative views of the indigenous mechanisms by some Africans themselves.

The belief by some Africans especially the young, that western culture is 'cool' has killed the dignity of local culture.

The other reason cited for this preference is that, compared to the modern/western methods of resolving conflicts, traditional methods are highly efficient when it comes to rebuilding and restoring social relationships among the members. This relates to what Endalcachew *et al* (2015) noted, that traditional mechanisms take into account not only facts but also values involved in the dispute. They further noted that the resolution of conflict by traditional means does not only reconcile the parties with each other but also with the social values they have deviated.

Because the disputes are often brought before the local elders who are familiar with the community and the members therein, they are more concerned about the good of the community. The idea or aim behind the traditional mechanisms is not merely to establish justice but to repair and improve relationships among community members which is necessary for peace.

The traditional method of resolving conflicts is more preferred to the western method by the local people of Senior Chief Ndubeni's Chiefdom. One other reason advanced for this preference was the fact the courts and police tend to be selective and corrupt especially in the more recent years. One respondent argued that he does not feel the police can be reliable because of the rampant corruption that has crept into the service. This is similar to what Yesufu *et al* (2010) established when they noted that the western methods are prone to manipulation and pliability due to their flexibility.

The best way to prevent conflicts in the community is by building solid relationships between members of the community so as to ensure that peace and harmony are sustained. Many traditional norms and values have seemingly sank and been buried under the wave of modernity that has dominated the contemporary justice delivery systems, where the state police and the courts of law are the prominent methods through which conflicts are resolved.

The findings of the study show that the resolution of disputes in senior chief Ndubeni's chieftom settles on two methods or mechanisms, the traditional or indigenous mechanism and the western or modern mechanisms. The two methods are all available to the local people but as has been shown, there is a high preference for the traditional mechanisms. Among the reasons advanced for this preference are that, the traditional mechanisms provide more effective resolutions to disputes in the sense that the resolution process does not only establish who the defaulter is but also seeks to reconcile the disputants. This leads to the re-establishment of broken relationships.

The other reason for the preference of the traditional mechanisms was related to the distance from the chieftom to the nearest police station which is about 25 km, without a good road network. For one to get to the nearest police station, he has to spend a substantial amount of money which is not always easy to find. As noted by most of the respondents, sometimes after spending all that amount of money for transport to the police, one ends up going back home without any satisfactory help. This is similar to the reason given by Dejene (2002) who states that unlike the court system, which may not be easily

accessible due to geographical distance, traditional mechanisms are nearest to the people. Hence the local communities can easily access them and submit their cases to the concerned local actors of traditional conflict resolution.

So people in the chiefdom prefer to approach the local elders for help in their conflicts because they do not have to worry about transport logistics and other costs. Also, when matters reach the state courts, it becomes difficult for the local people who are already financially challenged to seek the help of a qualified lawyer or to meet the required court fees. This also has had a role to play in making the traditional mechanisms more preferred than the western mechanism. This was also noted by one respondent identified as Mukabe who lamented that it becomes costly for the poor local villagers to take their matters to the police or the courts due to expenses they have to incur and that is why they settle for the traditional mechanisms.

Where a quick solution to a problem is required, the traditional dispute resolution mechanisms seem to provide quick and faster hearings to conflicts than does the modern courts. This is what was given by Mrs Nkomeni who state that indigenous methods of resolving conflicts are better because they offer quicker and faster resolutions to conflicts. This is also similar to the findings of Endalcachew *et al* (2015) that disputes can be resolved faster with the traditional mechanisms without taking longer time which would have otherwise been taken in the court proceeding.

A conflict between two members of the community in a village setup does not only affect the disputants but it also affects their families and village at large. And so there is a risk of an outbreak of a much larger conflict if other supporters join in. This is why there is always need to quickly start the resolution process in order to maintain the social equilibrium in the village and ensure that petty conflicts are quickly resolved and forgotten.

On the other hand, even what may be termed as petty conflict, in the western courts, they may still take time to be resolved as there are always procedures to be followed. For example, one has to get a summon from the courts in order to have his matter heard therefrom. This lengthy process makes it difficult for the local people to go that direction because they have an easy way at their disposal, the indigenous method of conflict resolution.

It can therefore be deduced from the respondents' views that the main reasons for the preference of the indigenous mechanisms of dispute resolution are that these mechanisms are easily accessible and convenient for the local people, they are cheaper, that is, one does not have to spend too much resources for transport and other costs, and also, that they are quicker and possess very few ambiguities. These methods are unlikely to face corruption from the mediators as maybe the case with the state courts and the police which are dented with corrupt activities and manipulation. Where those who are rich and have a higher status in society can escape unpunished because they are well connected and have the resources to bribe whosoever they can.

It was found out that reconciliation is important for sustainable peace and harmony in the communities. The traditional methods of resolving conflicts are designed in such a way that a peaceful resolution of dispute is reached. This occurs through a successful dialogue between the conflicting parties. Dialogue is not something easy to get by especially when both parties to a conflict do not want to face each other. It takes a neutral third party to bring the parties together to negotiate the terms for dialogue so that an agreement can be reached where everyone goes back home happy with the outcome. Without this, peace may prove to be elusive and so it is important that all conflict resolution processes are aimed at reconciling the conflicting parties.

The research findings presented some similarities in some instances between the modern methods and the indigenous methods of resolving disputes. For example, it was found out that offenders in the chiefdom were sometimes punished by detention at the chief's palace for a certain period of time. This is similar to Fadipe (1970) who noted a number of punishments for crimes which include flogging, whipping, beating, tying, and chaining. This also is in line with what Mr Kambani, the acting senior chief Ndubeni, who explained that sometimes offenders can be punished by detention at the palace for a period of time decided by the chief himself.

Common information obtained from the respondents suggests that the indigenous mechanism promotes reconciliation than does the western mechanism. The process where the two people who are in a conflict agree to sit,

eat or drink together is a sign of a successful resolution of a dispute and shows that reconciliation has occurred.

5.6 Conclusion

The main aim of this study was to establish the dispute resolution method preferred by the local people of Senior Chief Ndubeni's Chiefdom between the indigenous method and the modern dispute resolution method. It also sought to find out the reason or reasons why the people make a preference for one of the methods. It was also aimed at finding out the common disputes that are experienced in the villages within the chiefdom. The study went further to identify the main causes of conflicts among the people in the chiefdom as a whole. Further, it examined the resolution process as it occurs in the villages. The measures that are put in place to enforce discipline to the offenders were also highlighted.

Following these aims, the study established that the local people of chief Ndubeni's chiefdom have two methods of dispute resolution available to them, that is, the modern methods which has to do with the state police and the courts, as well as the indigenous method which involves the traditional processes of resolving disputes through village leaders such as the section chairpersons, village headmen/women and the chief. The research findings lead to the understanding that though the two methods are available to the local people of senior chief Ndubeni, there is a perceived preference for the indigenous method which is more accessible. The indigenous method helps the

conflicting parties to resolve their disputes peacefully and at the same time restore social cohesion.

Modern methods are not in this case seen to be ineffective but they process and manner in which some resolutions are reached at may leave relationships broken thereby increasing the risk of the recurrence of conflict. For example, when two people have a matter which they drag each other to court, the court may rule in favour of one and leave the other unhappy and unwilling to face the other person. Such is the reality with the modern courts.

The indigenous methods are preferred because they are believed to easily accessible, reliable, and are faster in handling and settling disputes. People are more comfortable when their conflicts are being addressed by their local leaders and they can freely express themselves.

The main causes of conflicts cited by the respondents were among others, substance such as alcohol, also mistrust and suspicions, as well as unfaithfulness among the married. It was established that the level of alcohol consumption especially among the young people is a matter of serious concern not just to the chieftom but the nation at large. This has greatly resulted in a number conflicts and criminal activities such as theft. The youth who are unemployed and have become addicted to beer drinking can easily be tempted to steal so that they can have money to buy beer. Other conflicts arise when those who are drunk become a nuisance to each other or other community members.

Resolving disputes is not an easy process because if the issues are not well handled the desired end may not be reached. And so there is need to have mediators who can lead the conflicting parties to the negotiation table so that a solution to the problem is established and peace be restored. That is why, the traditional leaders are often carefully selected. These are men and women who have enough knowledge and experience to handle disputes between the members of their communities. It becomes a challenge also to have effective dispute resolutions in the communities considering that the effects of modernity are also reaching the rural communities and the elderly men and women in the villages have become engrossed with beer drinking as are the young people. This is a problem because the elderly people are supposed to be the moral educators of the young and not their companions on these beer drinking expeditions.

5.7 Recommendations

There is a clear understanding that both methods of dispute resolution are important in various ways. There is also a clear distinction between the cases that can be handled locally by the indigenous leaders and those that are to be handled by the state authorities such as the police and the courts of law. The nature of conflicts that are experienced in Senior Chief Ndubeni's Chiefdom and the perceived causes lead to the need for some reforms and adjustments in certain areas thus the following recommendations are made in order to suggest such reforms.

- Increasing access to education among the young people is necessary so as to keep them occupied and away from substance abuse. Many of the young people are not in school because they have finances to pay school fees and others because there is no parental guidance to push them to school. Many parents are themselves uneducated and have no resources to take their children to school. Government must therefore put up measures to increase access to education for these children in the rural areas by reducing school fees and building more schools that are within the reach of the children in the village.
- There is need to regulate the consumption of alcohol in the village especially among the under aged youths. Alcohol is one of the main causes of conflicts in homes and the community as whole. For instance, if a man of the house is engaging in beer drinking whilst not providing enough for his household, there may be conflict in the home. Also, the community is at a risk of violence when there is too much abuse of alcohol among its members. This can happen in that people would do anything just to have money to buy beer, even if it implies stealing or venturing into illegal deals. Therefore the chief and his elders must put measures to regulate the consumption of alcohol in the village.
- The state authorities must also enforce the law on under age beer drinking so as to prevent the young people from abusing alcohol at the expense of schooling. This puts them at a risk of abuse such as defilement.
- The availability of land in the chieftom provides an opportunity for the development of youth sporting centres which can keep the youths off the bottle. Strengthening the local soccer league and making it more beneficial to the

youth can help reduce the rate at which alcohol and other substances are abused. Sports is a unifying factor and it can promote peace in the chiefdom.

- There is also need to harmonise the operations of the modern system and the traditional system in the processes of resolving conflicts. This can be done through community sensitization programs where the local people told the importance of both the traditional mechanisms and the modern mechanisms of resolving disputes. It must be explained to the people that there are conflicts that are suited to local dispute resolution mechanisms and those that are suited to the modern mechanisms. It is must be made clear to the village community that it is not just about what method they prefer in the resolution of disputes but which one is suited to the customary law and which one goes with the state law.

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APPENDIX
INTERVIEW GUIDE

1. What is your name? (optional)
2. How old are you? (optional)
3. How long have you lived in senior chief Ndubeni's chiefdom?
4. How is the leadership structure of the chiefdom organized?
5. What are the common disputes experienced in the chiefdom?
6. What are the common causes of conflicts?
7. What do you do as a member of the local leadership in ensuring that conflicts are minimized or avoided?
8. Have you ever found yourself in a conflict?
9. If yes, how did you resolve that conflict?
10. How do people in the chiefdom settle their disputes?
11. What is the preferred method of resolving conflict among the people in the chiefdom?
12. What are the reasons for the preference of that method?
13. Are there any challenges faced in the resolution processes?
14. How do people reconcile after a conflict?
15. What disciplinary measures are undertaken to discipline offenders?
16. Is there any other information you would like to share?
17. If yes, what would you like to share that was not addressed in the interview?