



**CHALLENGES AND SOLUTIONS TO THE EXISTENCE OF AFRICAN
TRADITIONAL SYSTEM OF CONFLICT RESOLUTIONS IN NANGOMA
WARD IN MUMBWA DISTRICT.**

By

NYUNDO ADAM

715810879

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of the Requirements for the award of the degree of Master of Science in Peace, Leadership
and Conflict Resolution**

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DECLARATION

I, **NYUNDO ADAM**, do hereby solemnly declare that this dissertation is my own original work and that it has not been previously submitted for an award of a master degree at this or any other university.

1. Signed.....Date.....

DEDICATION

I humbly devote this study to my wife Chilufya Mwila whose support and encouragement created in me a driving force to complete the study successfully. The research has also been dedicated to Aunt Barbra Chiyobeka and indeed the entire family for the support. It requires mentioning that, the research is also a special dedication to my beloved and late mother Elly Nyundo, for what she could have loved to see had become a reality in her absence. I greatly miss her and may her soul rest in eternal peace.

CERTIFICATE OF APPROVAL

This dissertation, by Nyundo Adam , is approved as a partial fulfillment of the requirements for the award of the degree of Master of Science in Peace, Leadership and Conflict Resolution at the University of Zambia.

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ABSTRACT

This research was a partial fulfillment for the award of a degree of Master of Science in Peace, Leadership and Conflict Resolution. It was conducted in Nangoma ward of Mumbwa District. The purpose of this study was to investigate challenges and finding out solutions to the existence of African Traditional Systems of conflict resolution in Nangoma ward of chief Shakumbila in Mumbwa District. The specific objectives were to identify methods of conflict resolution in African traditional society of Nangoma ward as well as to determine the effectiveness of African Traditional systems of resolving conflicts in Nangoma ward. The other objective investigated challenges to the existence of African traditional systems of resolving conflict in Nangoma ward. The last objective sought to identify measures that can be put in place to overcome the challenges African traditional system of resolving conflict is facing in Nangoma ward.

It requires mentioning that, the study used qualitative approach, which enabled the researcher to come into direct contact with the respondents whose information about the problem, was collected. A sample of 30 consisting of five village heads (one village Head from each village) and five residents from each of the five villages was drawn from the population of about 3000 people. The study used simple random sampling and purposive sampling to pick villages and village residents respectively. The study also employed guided interviews and focus group discussions as data collection instruments.

The research findings showed that, elders and village heads that were at the centre of traditional system of conflict resolution were not given respect by subjects. This meant that elders had lost power of presiding over cases and as such people had lost confidence in them. Apart from that, population growth had also contributed to the challenges African traditional system of resolving conflicts was facing. Therefore, among measures to be taken, there is need to strengthen the newly formed traditional council. This council should embark on awareness (sensitization) programmes that would educate people about their culture so that they get back to their roots and there is need to amend the constitution to empower elders and village heads with authority so that they preside over cases properly.

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CHAPTER ONE

1.1 Introduction

Conflicts are part of our human existence and much as they can be resolved they are also unavoidable in all human societies due to differences in interests, goals, values and aims among people. Most conflicts arise in the basic units of society such as within families, clans, villages, locations, communities or other small units. Indeed conflicts are a common phenomenon of the world. Suffice to say, countries within this world are experiencing conflict in one way or the other. In this connection, Zambia is not exclusion. Nangoma Ward of chief Shakumbila of Mumbwa district is one part of the country experiencing conflicts of different nature caused by different factors. The people of this community have been resolving complex conflicts through various systems, namely through traditional system and the court or modern systems. Moreover, African Traditional System of conflict resolution has been in existence since time immemorial and helped a great deal in bringing about peace and co-existence in this community. Despite existing for so many years, African Traditional System of resolving conflicts is almost coming to extinction in this community due to challenges. This research intends to investigate the challenges and solutions to the existence of African Traditional System of resolving conflicts in Nangoma Ward of Nangoma constituency of chief Shakumbila in Mumbwa district.

1.2 Background to the study

According to Kazeem (2009: 60-67), the avalanche of violent crises in the African continent has made the region very volatile and depicts an environment where violent conflict has been institutionalized. Omotosho (2004: 2) has posited that African conflicts are spread all over the continent and there are no regions without conflicts. This means conflicts are a part of our human existence and are omnipresent in all societies. This concludes to the understanding that, countries of this world are experiencing conflicts in one way or the other. Conflicts are inevitable in all human societies due to differences in interests, goals, values and aims among people. Most conflicts arise in the basic units of society such as within families, clans, villages, locations or other small units (Kazeem, 2009: 60-67). In this regard, Zambia is not exclusion. As part of the country, Nangoma ward of chief Shakumbila of Mumbwa district has been experiencing conflicts of different nature caused by different factors. This is the area that is

mostly occupied by the Kaonde-Ilas, the salas, the Lenjes and the Tongas. The people of this community have been resolving complex conflicts mostly through two systems, namely through traditional systems and the court or modern systems.

Moreover, African Traditional System of conflict resolutions has been in existence since time immemorial and helped a great deal in bringing about peace and co-existence in this community. African Traditional System of conflict resolution has always been preferred to the modern or court system because it plays a vital role for social stability as solutions are given based on the social norms. This mechanism takes into account not only facts but also values involved in the dispute. Hence, when the disputes are resolved conflicting parties do reconcile not only with each other but also with the social value they have deviated (Boege, 2006).

As Boege (2006) has argued that, traditional conflict resolution mechanisms are nearest to the people. Hence, local communities have easy access to them and submit their cases to the concerned local actors of traditional conflict resolution mechanisms. They avoid the unnecessary costs which is taken in the court proceeding, such as court fee, lawyers fee, costs of transportation, costs for preparation of pleading, payments in relation to witness as allowance. However, Bayeh and others (2015) quoting (Ebissa, 2014), argues that Traditional ways of conflict resolution are oral practices and has no documentation, thereby leading to some problems. Moreover, African traditional system is being regarded as inferior in comparison to formal justice system. The inferiority is as result of the suppression of African customary law, which holds normative framework providing norms, values and beliefs that motivate tradition dispute resolution (HWO Okoth-Ogendo, 2002). In addition, it has also being observed that, now days whenever conflicts emerges especially those that rise over theft or even assort or manslaughter, people are more quick to take their cases to police which in most cases ends up to courts of law as opposed to their elders. Owing to the above, Traditional system of resolving conflicts in Nangoma is almost coming to extinction.

According to Nwolise (2005: 152-168), generally research has been done across African and Zambia in particular, to determine the successfulness of Traditional Systems of resolving intra-state conflicts. However, there is a gap as to why Traditional Systems of resolving conflicts is no longer preferred as they used to be in the past due to significant challenges that has hit the existence of African Traditional System of resolving conflicts. These challenges includes lack of

documentation, corruption, modernity, lack of accountability, negative attitude by modernized African (Uwazie, 2011). Indeed, these challenges are working against this systems and have caused people of Nangoma ward to be subjected to unnecessary costs, such as court fee, lawyers fee, costs of transportation, costs for preparation of pleading, payments in relation to witness as allowance. An argument is that, conflicting parties are taking time to solve their disputes.

It requires mentioning that, if these challenges to the existence of African Traditional Systems of resolving conflicts are unearthed and worked on, chances are high that the glory of this traditional system would be restored like it was in the past. The modern courts would be decongested as some of the cases would be dealt with locally without having to travel a long journey or waiting for a long time before disputes are resolved. Therefore, this call for urgent attention to this matter as leaving it hanging will enhance the demise of the African Tradition Systems of resolving conflicts. As Uwazie (2011) argues, there is need to develop a clear legal and policy framework for the application of traditional dispute resolution by elders. In addition, there is need to give elders engaged in the process adequate remuneration to prevent chances and opportunity for corruption. This would prevent corruption as has been observed that corruption of elders among some African communities have influenced the conflict resolution process (Nwolise, 2005).Consequently , the results obtained from this research would go a long way in helping policy makers, civil society organizations and other stake holder to formulate policies and work towards strengthening African Traditional Systems of resolving conflicts.

1.3 Statement of the problem

The overall research problem addressed in this study is that despite its long standing history of being reliable as argued by Myers and Shinn (2010), African Traditional System of resolving conflicts in Nangoma ward is almost coming to extinction due to challenges. Little has been done not only to analyze challenges but also to find a lasting solution to these challenges in order to restore the system's long standing history of being reliable in the villages of Nangoma ward.

1.4 Main objective of the study

The purpose of this study is to investigate challenges and solution to the existence of African Traditional Systems of conflict resolution in Nangoma ward of chief Shakumbila in Mumbwa District.

1.5 Research objectives

In this study, the specific objectives are;

1. To identify methods of conflict resolution in African traditional society of Nangoma ward.
2. To determine the effectiveness of African Traditional systems of resolving conflicts in Nangoma ward
3. To investigate challenges to the existence of African traditional systems of resolving conflict in Nangoma ward
4. To identify measures that can be put in place to overcome the challenges African traditional system of resolving conflict is facing in Nangoma ward.

1.6 Research questions

1. What kinds of methods are used in Conflict resolution in African Traditional society of Nangoma ward?
2. How effective and efficient are the African Traditional System of resolving conflicts in Nangoma ward?
3. What kind of challenges did African Traditional System of resolving conflict face in Nangoma ward?
4. What kind of measures can be put in place to overcome the challenges the African traditional system is facing in Nangoma ward?

1.7 Significance of the study

The findings of the study may contribute some knowledge to policy makers in the country to consider the value of African Traditional systems of conflict resolution and find ways of strengthening these important systems. Moreover, the strengthening of this system would save the poor locals from unnecessary expenses they incur in modern courts.

1.8 Delimitation

The research covers the ward of Nangoma of Mumbwa District which is made up of approximately 44 villages. Nangoma ward is located in Mumbwa District of Central Province of Zambia. It is a fast growing rural area and endowed with fertile soils that support the growing of cotton, soya beans, and maize to mention but just a few. The choice of the area is in regard to the continuous conflicts and failures of the once relied upon African traditional system of resolving conflicts to resolve most of these conflicts in the recent years.

1.9 Limitation of the study

It requires mentioning that, most of the people in this area are illiterate and answering the questions in English may be found to be a bit of a challenge. The research also may encounter time and financial limitation. The research will neither look at causes of conflicts in this area nor will it look at the formal justice system but it will be limited to challenges facing the traditional African system of resolving conflicts in Nangoma ward as well as the solutions to these challenges

1.10 Definitions of terms

A Conflict: It is a misunderstanding between two or more parties. A conflict can also be said to be a relationship in which two or more parties have incompatible aims or means of achieving those aims.

Conflict Resolution: This refers to different methods of ending conflict through the constructive solving of problems. In this process, it is expected that root causes of the problem are unearthed and resolved and behavior is no longer violent nor attitude unfriendly any longer.

African Traditional Conflict Resolution System: This refers to the non- violence system of settling disputes and it is an alternative to the official conventional means which is done mainly through litigation and courts.

African Traditions Dispute Resolution: This attaches a great deal of community interests and needs than that of individual. This may involve inviting suitable individuals mostly elders, where materials would be gathered for rituals such as sacrificial animals and local drink for libation. This kind of conflict resolution differs from culture to culture.

Reconciliation: This is where the third party intervenes to help out the conflicting parties to identify causes of their differences and the significance of various issues at hand. The third party or conciliator does not impose or command solution. The whole process is left to the parties concerned to agree on mutually acceptable settlement.

Arbitration: This is the method that allows the arbitrator to determine the issue on which parties have failed to agree. In this method, the third party or arbitrator has power to determine the case. The arbitrator makes a decision solely in favour of either party's final position.

Negotiation: This method is aimed at harmonizing the interests of the conflicting parties concerned. It is a structured dialogue between conflicting parties about their incompatible views on the matter. In this process, usually there is a pre-established procedure between representatives of parties involved in the conflict.

Mediation: This is the method where the mediator creates an enabling environment for the parties to carry out dialogue session leading to resolution of pending conflict. The mediator does not give directions but facilitates the process to enable the conflicting parties listen to each other and have a solution to the conflict.

Nangoma ward: This is an area in Nangoma constituency of chief Shakumbila of Mumbwa district. It consists of not less than forty villages.

Collaboration: This means working hand in hand or in partnership.

Western Justice System or Modern/ formal /Court System: This is the win-loss system that involves complex technical procedures. In this system, appeals to do with the decision of the lower court can be filed to the higher court.

1.11 Summary

In summary, this chapter has given the introduction and the background to this study. It has discussed the statement of the problem, the main objective of the study, research objectives, the research significance of the study, delimitation, limitation and finally the definition of terms. The chapter which follows will review literature related to the study of the challenges and solutions to the existence of African traditional system of conflict resolution.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

To start with, most African societies if not all places high value on communal life and maintaining positive relation within the society. Elders in African societies hold supreme authority and customs demands that they be given due respect and honours both in their presence and absence. They are at the center of conflict resolution in African tradition because they play a key role. This chapter first deals thoroughly with the methods of conflict resolution in African traditional system in general. Secondly, the chapter will review literature on the effectiveness of African traditional System and thirdly the chapter gives the review of the challenges of African traditional system of resolving conflicts. The last part of this chapter will be a summary.

2.2 Methods of conflict resolution in African traditional system

Traditional system of conflict resolution process is part of a well-structured, time-proven social system geared towards reconciliation, preservation and enhancement of social relationships. The methods, procedures and rules are deeply rooted in the customs and traditions of peoples of Africa. The importance of these methods, lie in the fact that they try to restore a balance, settle conflict and eradicate disputes (Choudree, 1999: 1). Traditional processes are relatively informal and thus, less intimidating. Those who use them are also more at ease in a conversant environment. The role of chiefs, elders, family heads, and others is not only to resolve conflicts but also to anticipate and stop or intercept conflicts (Kwaku and Rankopo, 2008)

Suffice to say that, at every level there are elders who exist to give advice to the decision makers. Additionally, committees in villages exist to support and compliment the dispute resolution. The parties may call their relatives during the hearing and their relative participates in the conflict resolution process. It requires mentioning that, a spiritual dimension in African traditional system of conflict resolution mostly due to the centrality of the spiritual agency in human sphere. Traditional healers, diviners, herbalists, spiritual seers and healers also play an important role in conflict resolution. These experts play a critical role in truth seeking because of the respect and

reverence they have in society. They also mediate between the living, ancestors and God (Kwaku and Rankopo, 2008)

Group relationships and rights are as important as individual ones as emphasis is on restoring relationships and reconciling groups (Choudree, 1999). Therefore, the methods used in the African traditional system of conflict resolution include mediation, reconciliation, arbitration, adjudication and negotiation. As Theresa and Oluwafemi (2014) argues, African traditional method of conflict resolution also include employing extra – judicial devices and usage of legal proverbs to persuade or convince the disputants about the consequence or otherwise of their behavior. Additionally, emphasis is made to say, African traditional system of conflict resolution, use local actors and traditional community-based judicial and legal decision-making mechanisms to manage and resolve conflicts within or between communities. Local mechanisms aim to resolve conflicts without resorting to state-run judicial systems, police, or other external structures. Local negotiations can lead to ad hoc practical agreements which keep broader inter-communal relations positive, creating environments where nomads can graze together, townspeople can live together, and merchants can trade together even if military men remain unreconciled (Lowry, 1995).

2.2.1. Mediation

As Theresa and Oluwafemi (2014) put it, mediation is an old method of conflict management surrounded by confidentiality. It involves non-coercive intervention of the mediator(s) called third party either to reduce or go beyond or bring conflict to peaceful settlement. Mediation as a method of conflict resolution in African tradition is so critical. The mediator usually endeavors that peace and harmony reign supreme in the society at whatever level of mediation. This is also usually understood with the motto of no victor no defeated as supported by proverb (Isurmona, 2005). Mediation is viewed as a very important method in the traditional system of conflict resolution. In this case the mediator goes to the complainant and pleads on behalf of the wrong doer. “It is a conflict reduction process that implies the avoidance of conflict” (Okrah, 2003: 2). In this respect, one party may admit guilt and plead for mitigation. The mediator will plead on behalf of the offender. In another instance, one may plead through a mediator for the use of, for example, land or other property, thus avoiding a situation that may potentially lead to conflict. Where mediation is used, the mediators are sought within the community of the parties.

Mediators are people with status, recognition, integrity and experience in the community. The elders and mediators may use pressure, persuasion, recommendations, suggestions, and relevant norms, and rules to arrive at a solution (Brock–Utne, 2001).

According to Kwaku and Rankopo, (2008) a conflict in the making or which has just started can be stopped before it escalates by a peace loving third party who offers to intervene as a mediator. A case that is pending hearing at the chief's court can be withdrawn so that it is resolved at home. The chief may in his own accord refer the case to the elders or clan heads for resolution. Alternatively, a third party may plead to withdraw the case for settlement at home. The mediators accept responsibility to settle the dispute outside the traditional court and to report back to the chief. Bukari (2013) quoting Nwolise (2005) says that every society has its way of resolving conflict which is made up of the traditions of the people . He gives the example of traditional actors in Bawku (An area made of three districts in Ghana) who admitted that traditional mechanisms exists in the area and are useful in resolving conflicts at family , the clan and the community levels . Moreover, Nwolise (2005) , has given an example of Kusasi tradition of people of Ghana who uses the rites of the earth cult in which there is blood cleansing rites, purification rites, blood collecting and sacrifice of animals as a major way of conflict resolution. The use of the rites of the earth cult is a major approach of conflict resolution in Northern Ghana (Kirby, 2006).

Bukari (2013) has mentioned that, according to Kusasi tradition, conflict is an infringement on the gods and the spirits of the earth. They (people of Kusasi tradition) therefore assert that when conflicts occur and human blood is shed, the gods and spirits of the earth need to be pacified to avoid calamity on human beings. Bukari (2013) says that the first step of the performance of the rites of the earth cult is blood-collecting and blood cleansing. This involves sacrificing animals to pacify the land in areas where human lives were lost during the conflict. Here, a goat and a cock are killed and used with “pito” (a local brewed beer) to pacify the land. Bukari (2013) further says that, the sacrificed animal is often roasted and eaten by the conflicting parties together. The eating of the together sacrificed animal by the conflicting parties signifies their resolve to work together towards peace. The chief priests of the respective areas normally perform these rites with the invocation of chants calling on the spirit of the earth god to forgive

them for the mistake they make. This rite (Blood-collecting and blood cleansing) is important since it is the first step to making peace in any conflict situation.

Suffice to say that, from the above authors or researchers; it is very clear that the elders and experts in African tradition societies play a vital role in conflict resolution. They are key players and they use mediation method to resolve conflicts. Besides that and as Myers and Shinn (2010) puts it, spiritual component in this process go a long way in achieving peace even between the living and the dead. However, there are questions as to why the African traditional system of conflict resolution in Nangoma ward is faced with challenges that are threatening its existence despite the application of mediation methods by elders which in the past worked well in conflict resolution. What really are the challenges currently faced by African traditional system of conflict resolution? Is it the current application of the mediation methods or others? These are the gaps that this research intends to highlight in Nangoma ward of Mumbwa District of Central province of Zambia.

2.2.2 Reconciliation

This is another method used in African tradition to resolve conflicts. In this method, peace is restored by persuading parties involved in a conflict or dispute. Theresa and Oluwafemi (2014) argue that, the restoration of peace and harmony is always anchored on the principle of give a little and get a little. This idea supports the idea of disputing parties to give concession. A feast is usually organised to confirm the readiness of the conflicting parties towards reaching points of compromise. The reconciliation function is practiced by an authority figure that mediates between conflicting parties but is empowered to make binding judgement. The purpose is not to render judgement in law but to reconcile the parties in conflicts and its norms.

According to Smock and others (1995) also argues that, reconciliation process restore order and normality to a conflict situation at hand. It means a way of reaching agreement or compromise towards healing the wounds of misunderstanding. In other words reconciliation is a positive means of restoring friendly relationship and thereby prevents chaos or crisis (Punier, 1995). It is a method of conflict resolution in traditional African societies. Driberg (1934) argues that reconciliation as a method of conflict resolution facilitated peace and harmony in traditional

African societies. It recognizes the dynamics of pacification and the calming “medicine” for the provoked parties to the conflict. The process of pacification and persuasion revolved around the expertise and experience of the pacificator.

Communicating the process and significance of reconciliation to the parties in conflict loomed large in the cultural heritage of the Africans. The language of pacification and persuasion is a soothing balm and permeates to the psyche and conscience of the parties to the conflict. This is why proverbs and maxims are instrumental to nailing the truth and ascertaining the facts expressible in the issues of conflicts in traditional African societies (Schapera, 1966). The reconciliators are to exhibit transparent concern for the parties to the conflict on one hand and the society on the other. Thus, the responsibility of the reconciliators in traditional African society are to see to it that injured feelings are reduced, peace is reinstated and acceptable, compromise to both disputants is reached and satisfy the insatiable desires of the people for social justice (Matson 1953:48). Moreover, reconciliation paves the way for further development in traditional African societies to the extent that it manifested in the psyche of the traditionalists. It allows for the demonstration of human face and the upholding of good conscience and mannerism in traditional African societies. The Africans have the nature of mutual understanding and social harmony which facilitates good neighbourliness and acts of brotherhood. Reconciliation saves time and energy for the parties to the conflict and the reconciliators. It requires mentioning that conflict can ignite destruction of goods and properties as well as allow for character assassination of the parties to the conflict. Good time is saved, energy invigorated and fortunes are restored in the process of reconciliation (Gluckman, 1956).

Theresa and Oluwafemi (2014) argue that one vital aspect of the characteristics of reconciliation in traditional African societies is that the process often bridges gaps in societal goals and understanding. Additionally, through this process, solidarity among groups in society is born. Moreover, Africans engage in communal living which has afforded them common understanding and destiny. Thus, when conflict arises, the process of reconciliation is important as far as where restoration of order and peace concerned. Njambi (2015: 14) argues that peace which is the concern of all in traditional African societies is promisingly based on the substance of reconciliation. It is very important to know that the collective will and ethos of the society make

reconciliation productive and practical. Thus, reconciliation is the preserve of all in traditional African societies. It is upheld as the collective responsibility such that the parties to the conflict usually submitted to the persuasion and pacification of the reconciliators. It is very clear from the above review that researchers have argued that reconciliation as a method of conflict resolution in African traditional system of conflict resolution is very important. However, despite using this method from time immemorial, African traditional system of conflict resolution is facing challenges which have endangers its existence. It is not clear on whether there is a difference in terms of competencies between the reconciliators used in the past and those that are been used in contemporary African tradition societies. This research intends to unearth challenges that the traditional system of conflict resolution in Nangoma ward and clearly indicate whether these challenges border on the competencies of reconciliators.

2.2.3 Negotiation

According to Theresa and Oluwafemi (2014: 151), Negotiation harmonizes the interests of the conflicting parties. Thus even when the conflict involves a member against his or her society, there is an emphasis on the healing and reinsertion of errant member back into its place in society. Thus, even when the conflict involves a member against his or her society, there is an emphasis on restoration of errant member back into their place in society. The recovery of a rebellious member can just as well be seen as the restoration of the harmony and integrity of the community, as the assertion of value consensus and social cohesion, so that the management of the conflict favours the concerns of both parties William (1995). For example, in Yoruba traditional society, peace is negotiated and apology for wrongs done to individuals and the entire community is a feature of negotiation. Such apology is channeled through Yoruba elders, compound heads and chiefs of high calibre in the society. It is done on the representative level or quasi-representation. The Babaogun (patron) played the role of a representative in the sense of conflict resolution Olaoba (2005).

Moreover, traditional justice system councils in Kenya have developed conflict resolution mechanisms that reduce conflicts in the region. They send messages calling for a dialogue or a meeting to resolve the problem. Adoption of dialogue and showcasing diplomatic relations had from time immemorial, prevented both intra and inter-communal conflicts in traditional African

societies. This art is always demonstrated at the end of wars, where elders come together from both parties to end the fascinating dispute Vanwalraven (ed) (1998).

The art of listening is no doubt a significant means of preventing or solving conflicts. It involved the art of persuasion aiming to prevent or end conflicts. Listening to other person's grievances (at individual level) or responding early to the ultimatum of the other community helped to solve conflicts Olaoba (2007). Based on good character and level of tolerance, a person may voluntarily prevent conflict especially with confidence in the realm of apology Diallo (1986). Regular consultation of the oracle (place at which advice or prophecy is sought to determine future occurrences of conflict) often worked miraculously in the prevention of conflict in traditional African societies. There is no gain saying the fact that the wisdom of the Oracle in the African society is quite significant to helping the Africans determine the direction of conflict and the magnitude of resolution. All that is required is the truthful attachment to the Oracular mechanism and device (Deng 1986).

The adoption of any of the preventive measures depended so largely on the nature of the people living in the society. This entails that prevention of conflicts, which is desirable in African society, is differently achievable from one society to the other. It is noteworthy, however, that no African society failed to put in place many of the conflict preventive measures to galvanize solidarity, public will and whims as well as ascertain peace process and harmonious living (Osaghae, 2000). However, Gulliver (2000) argues that neither negotiation necessarily correlates to norm making nor mediation necessarily concentrates on narrow issue in dispute. There are short sighted negotiators who do not worry of the future relations, whereas there are empathetic mediators that make decisions appealing to norms and values of the disputants. Gulliver (2000) further admits that there are certain factors that encourage disputants to choose either negotiation or mediation, if both options are available. Lower costs, relative ease, secrecy, desire for face-saving outcomes, hatred towards alien courts push people towards local negotiation. In the meantime, disputants appreciate the different alternatives and the opportunities that each offers in different contexts. They often make tactical move from one method to the other to strengthen their own position, or to persuade or enforce the opponent to submit to one's own interest. This fact shows that no mode is very exclusive; rather there is a possibility of employing two or more

ways of dealing with dispute simultaneously. Similarly, Hamer (2002), in his monograph on the Sidama, shows that disputants manipulate the existing alternatives to achieve the most favourable outcome.

2.2.4 Adjudication

Theresa and Oluwafemi (2014:150) quoting Olaoba (2005) claims that in traditional African society, Adjudication involve bringing all disputants in the conflicts to meeting usually in the chambers or compounds of family heads quarter heads and palace court as the case maybe. Dialogue is linked with the adjudicatory processes in traditional. Adjudication can simply be defined as the process of reaching and concluding decision on issues of conflict. It is an organized method to pronouncing judgement on conflicting situation. This suggests that, points of judgement are anchored on adjudication in order to identify guilt and innocence in a conflicting atmosphere. It is not a surprise that this definition is western oriented (Olaoba, 2008). However, there is a similarity and difference between African and western meaning of adjudication. The African method of Adjudication is not so much of pronouncing judgement and declaring the guilty party but it is the kind of judgement where punishment is not the ultimate even though found desirable. Even in instances when judgement is linked up with punishment it is not a total issuance of draconian punishment. Thus, judgement in African adjudicatory process is mild and reassuringly restorative of peace and harmony in the society (Allott, 1970).

Adjudication is one method of conflict resolution in traditional African societies which is projected towards formalizing the rule of law to the degree that it is similar to determining right or wrong in a conflict issue (Fadipe, 1991). This suggests that adjudication is a procedural means of adjudging the right or wrong sides of conflict with a view to designing appropriate treatment or handling of the conflict. It is, however, punishment inclined and focused. Moreover, determining the right or wrong side of conflict issues is, indeed, a difficult task requiring great attentions, designing mind, sound memory, quick action and objective identification of issues. The pronouncement of such determination of conflict issues comes only when they have been thoroughly subjected and addicted to questioning and confirmation. The task also involves rapt attention, skillful listening and utmost thought to the degree that the subsequent results become profile-raising to the various institutions and agencies engaged in the method (Olaoba, 2008).

Following the above submissions, researchers have argued that adjudication is just a process of reaching and concluding decision on issues of conflict. They further say it is systematic method

to pronouncing judgement on conflicting situation. It is also clear that this method is the kind of judgement where punishment is not the ultimate even though found desirable. Moreover, even when judgement is linked up with punishment it is not a total issuance of draconian punishment. This method indeed promotes social harmony and encourages the restoration of social bonds. But the question still remains as to why the traditional system of conflict resolution is facing challenges now. Is it the process of determining the right and wrong which is the problem or the people handling the process? This research bridges the gap as it brings to light challenges facing the traditional system of conflict resolution in Nangoma ward of Mumbwa district.

2.2.5. Arbitration

Arbitration can basically be defined as the enabling will and power to decide and determine a course of action quite important to decision making. The level of reaching out to a decisive and quick action characterizes arbitration. This definition enables one to understand African will-power to engage in the absolute control of conflict resolution in their environment (Ezejiolor, 2005). Apparently, the flexibility proposition and the non-formal approach to the arbitrages usually make the decisions of the arbitrators quite acceptable and worthwhile in traditional African societies. The decisions reached and concluded by the arbitrators in arbitral proceedings is not done in isolation of the supernatural who monitors, controls and influences such decisions. The levels of justice with which the decisions are instructed are therefore, beyond man's or human's efforts. They are divinely derived and implemented on the axis of divine order (Allot, 1957).

Truth is yet another axis upon which arbitration revolves. The supernatural also requires elements of truth to plan and implement judicious decisions. Moreover, it is interesting to know that the conflicting parties should hold truth and honesty of purpose to allow for positive and immediate arbitrage. No one is excused or excluded from blessing and respecting the truth in the context of fruitful and functional arbitration in traditional African societies (Elias, 1956). This method is used and also goes a long way in conflict resolution in African tradition societies. However, it is not known what kind of challenges African traditional system of conflict resolution in Nangoma ward is undergoing.

2.3.0 Effectiveness and efficiency of African traditional system of conflict resolution.

Furthermore, as earlier mentioned conflict resolution amongst African communities has since time immemorial and continues to take the form of negotiation, mediation, reconciliation or arbitration by elders. This makes African traditional system of conflict resolution system very effective. Communally, disputing parties may sit together informally and resolve disputes and conflicts to maintain social harmony and restore social bonds. Thus, all the methods of dispute resolution have the aim of restoring social order. Conflict resolution is wholesome and tries to resolve all the underlying causes of conflict by ensuring that the parties to the conflict participated and reached a settlement. In some cases, fines and compensation are used but only as means to acknowledge the wrongs done and restore the parties. The fines and the compensation are not retributive in nature but compensatory. The social bonds and social ties referred to as social capital, enables elders to resolve disputes since the threat of exclusion from the community made parties willing to settle (Pkalya et al, 2004).

Additionally, the concept of social harmony and peace is not only among the living but also between the living and the dead. For some wrongs such as murder, rituals and cleansing has to be carried out to allow the spirit of the dead to rest in peace and not to disturb the living. Some dispute resolution mechanisms involve reference to ancestors and spirits due to the importance of lineage and ancestry among Africans. Reference to spirits, trials by ordeal, rituals and cleansing in dispute resolution are the preserve of traditional healers, diviners and seers, who compliments elders in the dispute resolution process (Myers and Shinn, 2010).

2.3.1. African Traditional System of Conflict Resolution Approaches

Suffice to state that effectiveness of the African Traditional System of conflict resolution can also be attributed to the approaches used. According to Ademowo (2014) they exist some of the approaches through which conflicts are prevented, managed and resolved in Africa. These enable the system of resolving conflict in African traditional to be effective and efficient. These approaches were used especially before the coming of the colonialists but still exist and add value to the African Traditional System of conflict resolution. The following are some of the approaches:

Socialization

The indigenous African see human existence as unified, interlinked, and integrated in a web. In most communities of the South of Africa, there exists the concept “Ubuntu” which means “collective personhood” or “member of the human family” This concept is contained in the Nguni proverb that states, “I am because we are”. From childhood, people are taught to live in harmony with others and avoid a situation of trying to win at all cost in the case of conflict and dispute settlement Indigenous Africans impart in their offspring that quarrel and fight with others are to be seen as quarrel between blood relations (Ademowe, 2014) .

Inculcation of Myths

The use of proverbs, idioms, folktales and songs to describe the nature of the world and how to live in it is another way of preventing, managing and resolving conflicts in Africa. The need to live harmoniously with others and avoid violent conflict because of the dangers inherent in it is one of the reasons for inculcating these myths through the use of proverbs, idioms etc. on the children at tender age (Kenyata, 1938).

Use of Traditional Institutions in Conflict Monitoring

The institutions of family, council of elders, clan, female born of a village etc. were used in the task of conflict monitoring and prevention. Each family head is employed and mobilized to prevent conflict through peace education, conflict monitoring, mediation and reconciliation (Ademowo, 2014).

Ritual Treaties and Blood Covenant

Rituals treaties and blood covenant are used to remove fear, and engender trust, blind families and villages and to avoid war. Such treaties and covenants involve powerful deities, which makes it not easy to violate as violation would bring terrible consequences (Nwoliise 2005).

Institution and Celebration of Festivals

There are instituted celebrations of festivals during which the virtues of peace, harmonious living, honesty etc. are extolled in songs. Rituals and scarifies are performed to the village deities and ancestors for peace, protection, good works, fertility etc.(Majasan,1975).

Use of Sanctions

Sanctions are imposed on families and individuals who are seen to have contradicted the customs and traditions of the people in order to deter others from engaging in behaviours that would engender conflict. Sanctions are seen on such misbehaviour as stealing, wilful murder, incest, abuse of elders, wilful damage to property, lying, bearing false witness, poisoning, rape etc. Such sanctions includes those that are imposed by the deities such as accidents, sickness, death, famine, poverty, misery, barrenness and loss of children etc. to the ones imposed by the society in such as exile, ostracism, fines, compensation, restitution, rendering apology etc. (Adamowe, 2014).

Use of Marriages

Marriage is one of the means to the prevention, management and resolution of conflict before slave trader, colonialism and religion changed the societal life of the indigenous Africans. Marriages reduce inter-group wars as children who possessed mixed blood are used to prevent, manage and resolve conflict. Most of those marriages are not just intra-tribal but inter-tribal and most times involve the royalty (Ademowo, 2014).

Oath Taking

One of the approaches used in the pre-colonial days and in some societies today to prevent, manages and resolve conflict is oath taking. This is a practice to establish truth and guilt and discourage dishonest attitude and evil actions in society (Oguntomisin 2004). Most times this is done at the shrine of a very powerful deity over something that could be an avenue for contacting such deity. People are always warned before taking oath on the consequence of doing so on falsehood in order to avoid shame, or even death.

According to Uwazie (2011:3), the notion of Alternative Dispute Resolution (ADR) fits comfortably within traditional concepts of African justice, particularly its core value of reconciliation. The author above argues that ADR projects in Ghana, Ethiopia, and Nigeria have generated positive results and illustrate the suitability of ADR in African contexts. Under these arrangements, ADR is used as the default resolution method. Formal court litigation, or instances where the judge actually judges, are reserved for cases of constitutional or legal interpretation,

where there is a need to set precedence, in cases with major public policy implications, or as a last resort after ADR has been tried.

As part of a project on judicial reform, (Uwazie, 2011) gives an example of Ghana that held its first mediation week in 2003 in which about 300 cases pending in select courts in Accra were mediated over 5 days. The effort was a major success, with 90 percent of surveyed disputants expressing satisfaction with the mediation process and stating that they would recommend it to others. The achievements of this initiative led to a follow up ADR round in 2007 where 155 commercial and family cases from 10 district courts in Accra were mediated over 4 days. Almost 100 cases were fully mediated or concluded in settlement agreements. Eighteen cases reached partial agreement and were adjourned for a later mediation attempt. A total of 37 cases were returned to court.

The 2007 the program was expanded through 2008, and over 2,500 cases in seven district courts in Accra were mediated, with over 50 percent of the cases completely settled. This demonstrated both the scale and potential reduction in backlog that ADR can generate. More than 40 district courts in Ghana have since initiated court-connected ADR programs. In the ADR Center in the town of Ashaiman, for example, a group of five mediators settled 476 of 493 cases considered between January and June 2011. By 2013, all district, circuit, and high courts in Ghana will have functioning mediation programs, with a projection of 10,000 case mediations annually thereby significantly reducing the pressure on Ghana's court system (www.judicial.gov.gh). African traditional system of conflict resolution is effective because it aims to resolve disputes locally, preceding or replacing external dispute resolution and thereby reducing reliance on external structures. Traditional mediation helps the community to keep control over the outcome of the dispute. Implementing this approach does not require sophisticated party structures or expensive campaigns. Rather, it provides a low-cost, empowering means of resolving disputes within a relatively short timeframe. In many societies, elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes. Local conflict mediators typically possess moral authority, seniority, neutrality and respect of the community. They are acceptable to all parties and demonstrate leadership capacity. Resolutions are generally accepted and respected by all concerned parties (Njambi, 2015 : 16)

Additionally, African traditional system of conflict resolution is effective and vital as cases results in a win- win consequence. Putting it differently, both conflicting parties are winners in their proceeding. At the top of that, traditional conflict resolution mechanisms have a paramount importance on the conflicting parties' prospective relationship (Ebissa, 2014). The conflicting parties are reinstated to their former position and resume their previously existed relationship. In other words, African traditional mechanisms provide amicable future relationships by producing equal satisfaction of both parties. Traditional conflict resolution mechanisms are easily accessible. Therefore, local communities can easily access them and submit their cases to the concerned local actors of traditional conflict resolution mechanisms (Bayeh et...al .2015).

Bayeh et...al (2015) further argues that African traditional system of conflict resolution is effective because it enables people to avoid the unnecessary costs which could be taken in the court proceeding, such as court fee, lawyers fee, costs of transportation, costs for preparation of pleading, payments in relation to witness as allowance. Therefore, African traditional system of conflict resolution is effective and economically viable. Besides, African Traditional conflict resolution system has a vital role for social stability as solutions are given based on the social norms. These mechanisms take into account not only facts but also values involved in the dispute. Hence, when the dispute is resolved conflicting parties reconcile not only with each other but also with the social value they have deviated. By considering the values and norms of the society they create better solution.

As argued by various authors above, indeed it is also the view of the researcher that the traditional system of conflict resolution is effective because it is cheap, faster and of course near the people. Besides that, some of the approaches and methods used are all what African societies need to resolve conflicts. The elders play an important role in the process and are highly respected people in African societies. As (Boege, 2006, Castrol and Ettenger,1996) puts it as well, the African traditional system of conflict resolution is effective because it is not merely about adjudication of who is right or wrong and the punishment of culprit, but the reconciliation of parties involved to end conflict. The aim is to transform conflict to the point where parties are satisfied and willing to let go of their pain and forgive each other. African traditional system of conflict resolution is effective as it aims at restorative justice, restoration of order, harmony and

the maintenance of relationships with the community through reintegrating disputing parties for true reconciliation. However, it is not clear how effective this system is in Nangoma ward of Mumbwa district. This is the more reason why this research intend to address this gap by establishing the effectiveness of this system in this area

2.4.1 Challenges to the existence of African traditional system of conflict resolution

Suffice to say that, without under valuing its effectiveness, African Traditional System of conflict resolution is undergoing challenges that have threatened its existence. Some of the challenges facing the African traditional system of conflict resolution include:

2.4.2 Negative attitudes by modernized Africans

African traditional system of conflict resolution is facing challenges because most of the practices such as rituals, cleansing, and trials by ordeals which are key in resolving conflicts have been outlawed under most legal systems. eg in Ethopia the Borana-Oromo Gadda ritual system has been criticized as paganism and there laws that prohibit the practice of watchcraft regardless of the role it plays in conflict resolution (Pkalya et al, 2004).

2.4.3 Lack of documentation

Suffice to say that there is also lack of documented reference on customary law, norms and taboos. This has been cited as either slowing down or hindering the work of customary courts. It is difficult to refer to preceding cases for guidance while handing down a sentence. This deficit slows customary court proceedings. It is also hard to pass on such customary knowledge and practices to future generations (FIDA, 2011).

2.4.4 Bribery, modernity and corruption

This is really a challenge in African traditional society. The elders in societies are at the centre of African traditional system of conflict resolution. In pre-colonial era, elders were very affluent people in society as they had land and livestock. Owing to this, their wealth and respect enabled them to be autonomous during dispute resolution process. However, nowadays young people have accumulated wealth and mostly they rely on the younger people. This means most Elders are no longer rich now and this has enabled dispute resolution by elders to be affected by bribery,

corruption and favouritism. Consequently, this limits the faith that people have for them (Kariuki, 2015).

2.4.5 Modernity and westernization

In the pre-colonial days the most important family system was the extended family. However, modernity and westernisation has preferred nuclear system to extended family system. This has brought about an increasingly individualistic society which has played a role in the breaking down of the close social ties and social capital between families and kinsmen. In addition the breaking down of communal system or extended family system coupled with the superiority of westernised judicial and legal system has reduced the influence of elders in African societies (Kariuki, 2015).

2.4.6 Lack of accountability

Despite laying emphasis on accountability, generally traditional justice systems are not accountable (although they are usually conducted in public view). The right to appeal is integral to an accountable and transparent legal system but is not always present in informal justice system. The ruling depends on the knowledge and moral values of individual mediator. Generally there are no minimum standards that have to be followed. As such fairness of proceedings is up to the person conducting them (FIDA, 2011).

The community elders are generally not elected, but are rather appointed or take their office based on descent or standing in society. Thus there are no checks or balances in place as generally exist in formal system for selection and appointment of judges. Informal justice actors with the authority to resolve conflicts may abuse their power to benefit those who they know or who are able to pay bribes. They are often insufficiently paid or not paid at all and may rely on gifts and bribes for an income, influencing the outcome of the hearing (FIDA, 2011).

2.4.7 Sometimes work against human rights and democracy

African Traditional system of conflict resolution approaches sometimes may contradict universal standards of human rights and democracy. If councils of elders for instance broker peace deals between conflict parties and if these councils actually consist of old men only, this type of gerontocracy rule is problematic by modern democratic standards, all the more so if the young

and the women who are excluded from decision-making processes become the subjects of these decisions. Women often are the victims of customary conflict resolution processes that are dominated by males in order to resolve conflicts between males, e.g. swapping of women between conflict parties or gift of girls as compensation, or compensation negotiated by male community leaders and exchanged between males for the rape of women or girls (FIDA, 2011).

2.4.8 Lack of proper legal frame work

African traditional system of conflict resolution has no proper legal framework. Lack of proper and efficient enforcement instruments and mechanisms has reduced the relevance of traditional customary methods of dispute resolution. Apart from mainly curses, there is no prescribed system of enforcing rulings by the council of elders' courts. This means there is generally lack of a framework or approach to enforce its rulings. After the traditional court has made its ruling, it is socially and culturally assumed that the concerned will just abide by it. However, lack of a community police to enforce the rulings has weathered down the role and efficacy of the customary methods of conflict resolution (Kariuki, 2015).

2.4.9 Bias against women/children

African Traditional system of conflict resolution is facing challenges like bias against women/ children and the indigent in decision making, traditional leaders do not have adequate power of enforcement, inadequate knowledge of human rights principles, cruel and degrading punishment in some cases e.g. public canning, cursing someone etc. women are restricted in their participation in traditional dispute resolution both as decision makers and as litigants, membership in most traditional justice system is open to men only and even where women are allowed to be members, their role is limited to matters relating to women's sexual and social issues such as HIV/AIDS, rape to mention but a few. Gender biases and use of certain cultural norms often operate to the disadvantage of women's claims, particularly poor women (FIDA, 2011) .

2.5 Measures to the challenges facing African traditional system of conflict resolution

According to Kariuki (2015), most African customs and practices are neither written nor codified since they are passed from generations to generations through word of mouth. They are at great

risk of dying away and should therefore be taught not only for use in dispute resolution but also for posterity and appreciation by present and future generations. Need for codification of key concepts, practices and norms of traditional dispute resolution to protect them. Further, such codification increases uniformity and consistency of application of traditional dispute resolution mechanisms by elders.

Suffice to say, there is need to develop a clear legal and policy framework for the application of traditional dispute resolution by elders (Nwolise, 2005). In this regard, we can learn from the challenges and advantages of the Black Administration Act in South Africa. Additionally, emphasis should be placed on traditional dispute resolution as the first option in resolving disputes. Parties in certain personal relations such as marriage, divorce, child custody, maintenance, succession and related matters should first opt to traditional dispute resolution before approaching the formal legal system. This has been well used in Botswana and South Africa though with a lot of limitation on areas of application. There is need to give elders engaged in the process adequate remuneration to prevent chances and opportunity for corruption. This would prevent corruption as has been observed that corruption of elders among the Karamoja, Teso, Oromo, Borana and Nuer communities have influenced the dispute resolution process (Kariuki , 2015).

2.6 Theoretical framework

Myers (1993) in Kariuki has argued that optimal psychology theory uses culture to describe people's opinions on reality, how they live and resolve conflicts. There is optimal psychology in dispute resolution when people use their culture to resolve conflicts. As a result of this, conflict resolution and other real life circumstances are not at best (sub-optimal) when done through a foreign culture. The Western justice system such as the courts does not work best in African context due to different cultural context. This can be seen in the fact that, for example while African traditional system of conflict resolution is restorative and communal in nature, the western justice system is retributive and individualistic in nature.

This theory enable us to understand the resilience of African traditional system of conflict resolution amidst challenges that are coming as result of westernised and modernised African societies. This means that, African tradition system of conflict resolution must exist in African

societies because it is the answer to the many African conflicts as it is rooted in the African culture (Myers, 1993).

2.6 Summary

In African traditional system of conflict of conflict resolution, there are methods that they use to settle conflicts. These methods among others include reconciliation, negotiation, mediation and arbitration. This makes African traditional system of conflict resolution system very effective. As already alluded to, disputing parties may sit together informally and resolve disputes and conflicts to maintain social harmony and restore social bonds. Thus, all the methods of dispute resolution have the aim of restoring social order. As Ademowo (2014) puts it, they exist some approaches through which conflicts are prevented, managed and resolved in Africa. It requires mentioning that, the effectiveness of the African Traditional System of conflict resolution can also be attributed to the same approaches that are used. They enable the system of resolving conflict in African traditional to be effective and efficient. These approaches were used especially before the coming of the colonialists but still exist and add value to the African Traditional System of conflict resolution. These approaches include oath taking, use of marriages, use of sanctions, and inculcation of myths to mention but a few. The literature review has also highlighted some of the challenges facing the African traditional system of conflict resolution that includes lack of documentation, modernity and westernisation, lack of accountability, lack of proper legal framework and bias against women and children. However, this chapter has also given some of the solutions to the challenges. Lastly, the theoretical framework has also made part of this chapter. The next chapter discusses the methodology used in this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This section presents methods that will be used to collect data. Qualitative methods will be used. The researcher intends to employ interviews and focus group discussion for headmen/women and residents respectively. This method will help generate responses that will be collected and organized for analysis. During the preliminary, the researcher has noted that many scholars have written about challenges of African traditional system of conflict resolution in various countries but there is no scholar that has explored this topic in Nangoma Ward hence the researcher's desire to cover the topic in this area.

3.2 Study Design

Research design is a scheme, an outline or plan that is used to generate answers to research problems. It constitutes the blueprint for the collection, measurement and analysis of data (Orodho, 2003). The research design that shall be used in this study is descriptive survey. The study aims at collecting information from respondents on their attitudes and opinions in relation to the challenges and solution that the African traditional system of conflict resolution is facing in Nangoma ward. The research therefore, will use qualitative approach, which will enable the researcher to come in direct contact with the subjects whose information about the problem, is collected. Suffice to indicate that, data for this study will be collected from both primary and secondary sources. Secondary data will be collected from books, articles, internet, journals and other sources, while Primary data will be obtained using interviews and focus group discussions.

3.3 Study Area

The study will be conducted in Nangoma ward of chief Shakumbila of Mumbwa district. The ward consists of about 44 villages

3.4 Study Population

The study population includes the village headmen and women, senior elders of the community and community residents of Nangoma ward. Suffice to indicate that, the figure of the population

under study is estimated at four thousand. It is from this population that the sample will be drawn.

3.5 Sample Size Determination and Sampling Procedure

According to Orodho and Kombo (2002) in Tromp and Kombo, Sample size refers to the number of items to be selected from the universe to constitute a sample. Saunders (2008) adds that sampling provides a valid alternative to a census when it is impracticable to survey the entire population. The sample will consist of 30 respondents divided as follows; five village headmen and women and five groups of five community residents also consisting of men and women. To come up with the sample, simple random sampling and purposive sampling methods will be used. Random sampling is used to select villages from approximately 44 villages. Purposive sampling will be used to select villagers who should make up a group of five in each village. This helps the researcher to select information rich for in-depth analysis related to the central issue of challenges facing the African tradition system of conflict resolution. At least two persons per village will make up a sampling frame.

3.6 Data Collection Methods and Tools

Interview guide and focus group discussion guide will be used to gather qualitative information. The interview guide will be used on the village heads while the focus group discussion will be used on community residents. The interview guides are aimed at obtaining in-depth information and views from headmen/women on the challenges and solution to the existence of African traditional system of conflict resolution in Nangoma ward. Focus group discussion schedules will be used to collect more profound data on the challenges and solutions to the existence of African traditional system of conflict resolution from the village residents in order to bring out their feelings, views, attitudes and beliefs. The village residents will be in a group of five per village and composed of both male and females.

3.7 Data Analysis

The purpose of data analysis is to build up an intellectual model in order to draw meaningful conclusion. Blaxter et al (2001) describe data analysis as an attempt to organize, account for and provide explanation of data so that some kind of sense can be made of them.

Therefore, this analysis of interview responses will involve the process of structuring of data into a form that allows patterns to be identified and hypothesis to be generated. This was done using the constant comparative analysis. The response will be recorded and interpretive analysis will be used to establish themes and sub-themes from the data. The qualitative analysis of the respondents' inner views will provide for a detailed and more meaningful explanation of the data. The strategy will involve grouping the respondent's answer into central issues or themes explaining different perspectives on the issues under discussions.

3.8 Quality Control and Ethical Considerations

A research permit to conduct the study will be obtained from the University of Zambia (Department of Graduate Studies and Research). Further approval will be obtained from the local administrations of the study areas and finally, verbal consent will be obtained from the participants and/or respondents themselves. The confidentiality of participants shall be maintained at all times. To further maintain confidentiality, no form of identifier will be in the questionnaire and the information in the report will be presented in an anonymous format. Participation is voluntary and participants will be informed that they could withdraw from the study at any stage of the interview if they so desire, without any penalty.

In conclusion, this chapter has explained the methodology which the study will use. It has given reasons for the choice of the type of research chosen, that is qualitative study and it has also given reasons for the type of instruments and methods which will be used. The next chapter will present the research findings.

CHAPTER FOUR

RESEARCH FINDINGS

4.1 Introduction

This chapter presents the data gathered from the interviews and focus group discussions conducted to investigate challenges to the existence of African traditional system of conflict resolution in Nangoma ward of Mumbwa district. The findings are given under three captions, namely: methods of conflict resolution in African traditional society of Nangoma ward, effectiveness of African traditional system of conflict resolution, challenges to the existence of African traditional system of resolving conflict in Nangoma ward and measures that can be put in place to overcome these challenges. These headings are derived from the four objective of the study.

4.2 Methods of conflict resolution in African traditional society of Nangoma ward

(a) Village Headmen/ women

One of the major roles of the village headmen/ women is to ensure that there is peace in their villages. So in order to identify the methods used in African traditional system of resolving the conflicts, I asked the village heads what kind of methods they use to resolve conflicts. Their responses are reported in this section.

Headman Chimbwemaoma said:

When two people have differences, we do not impose or recommend solutions. We leave the conflicting parties to agree on a resolution to the dispute. The only thing we do is to encourage them to continue to talk to each other until they agree without interfering in the actual process.

In my interview with Headman Shintelu, he disclosed the following methods of conflict resolution in Nangoma ward:

Sometime we do provide an environment in which two people who have differences can carry out dialogue session leading to the resolutions of a pending conflict. We just facilitate by helping the two sides to listen to each other, communicate clearly and reach a common understanding of the problem and have solutions to the conflict.

Headwoman Shinkanga also made a list of interviewees in this research and in my interview with her, she had the following to say:

When the two conflicting parties are unable to agree, we do come in and make a decision in favour of either side. The decision is made based on what both have presented as well as their witness.

In my interview with Senior Headman Shambana he disclosed the following:

bantu bobilo nabazwangana, chimwichindi balabandika bobilo amakani bahamana chakutashika kuli banduna meaning sometimes two conflicting parties settle their differences by just negotiating between themselves without even taking their case to the village headman /woman

The village Headwoman Mundabuleya who I last interviewed disclosed the following:

We just help conflicting parties to help resolve their differences by just creating an environment where they are able to freely meet and resolve issues without interfering in the process of discussion. However, sometimes they iron out their difference without our help.

When I asked a follow up question on how people ironed out their differences without the help of village heads, Headwoman Mundabuleya had this to say :

Balakala bobilo bapusana akutelezyana kutashika kumwami meaning the two conflicting individuals sit and negotiate their differences without seeking the help from the village head

4.3 Effectiveness of African traditional system of conflict resolution in Nangoma ward.

With regard to the effectiveness of African traditional system of conflict resolution, the village heads revealed that African traditional system of conflict resolution is effective but not the way it used to be during their childhood time. The system had become very weak due to challenges such as corruption, lack of respect to mention but a few. Moreover, this ineffectiveness had made most people to prefer the western type of system (court) to the indigenous one. They felt that, western justice system resolved their disputes fairly.

They added that, the contribution of African traditional system of conflict resolution to consolidating social relationship was also lesser than it used to be 40 or 50 years ago.

It is not even as efficient as it used to be years ago. However, other heads said, depending on the nature of conflict cases, this system is very effective, efficient and very helpful in bring about social harmony.

4.4 Challenges to the existence of African traditional system of resolving conflict in Nangoma ward

The heads and other elders have been and are still at the centre of African traditional system of conflict resolution. So in order to investigate challenges facing African traditional system of resolving the conflicts; I asked the village heads what kind of challenges African traditional system of conflict resolution in Nangoma ward is facing. Their common responses were that, Elders and village heads that are at the centre of traditional system of conflict resolution are not given respect by subjects. This meant that elders had lost power needed for them to preside over the cases that came in and as such people had lost confidence in them. Apart from that, population growth has also contributed to the challenges this system is facing. This is because people were very few then and handling of cases was very easy compared to today when there are too many people and so many cases. Additionally, there are so many people who had come from different places to come and live in Nangoma ward. These people had brought with them different rules from those which already exist and this had led to disobedience and lack of respect for elders

Furthermore, Lack of cooperation by those who were naturally rude had also weakened the traditional system of conflict resolution in Nangoma area. Such people were making the work of elders very difficult thereby weakening the system. Headman Chimbwemaoma disclosed that offenders who were rude did not obey even if they were told to follow certain instructions that would lead to conflict resolution or peace. The village Head went further to give an example, that sometimes offenders don't show up even if they were summoned to attend a conflict resolution session at the village court. That was a problem especially to their family members.

Moreover, human rights had also contributed to the weakening of the African traditional system of conflict resolution. Head woman Shinkanga said *tutokwalilwa kupa mulawo kubana nkambo ka milawo yabakuwa na ma human rights*, meaning they were failing to discipline their own

children because of the human rights. She indicated that, elders and parents in particular risked to be jailed if they physically instilled discipline in their children. She said that their culture and human rights did not agree in many cases

A follow up question was asked as to how the human rights were at variant with culture. The Head woman had this to say: *iswe twakali kuumwa maningi na twalubizya ku bazyali, ono sunu nawauma mwana maningi wangwa*, meaning that long time ago their parents used to beat them hard when they erred but nowadays but nowadays when one beats their own child hard they risked to be jailed. Headman Shintelu also added that, African traditional system was weak because some powers had been grabbed from them by government. For example, cases like assault were no longer handled by them at the moment. Contrary to that, was that long time ago elders and village heads presided over these cases without going to police or court.

Lack of education on how our forefathers used to live was also a challenge to the existence of African traditional system of conflict resolution. Young ones were ignorant of their culture. The absence of traditional initiations ceremonies for boys and girls had denied them important lessons that can make them better people in society. Headwoman Mundabuleya said *bintu byakachinja taku bisungu abikuta byakamana* meaning things have changed, initiation ceremonies were no longer there and they were no longer sitting with their boys around the fire to teach them. Besides the above, Headman Chimbwemaoma observed that modernity had become a challenge because young ones were refusing to follow or obey their (elders) teachings on how they used to live with their forefathers. The Headman revealed that, their children told them to say *mbyakalekale ibwo mudala* meaning that, that was the old way of living big man.

4.5 Measures that can be put in place to overcome these challenges

Village heads and other elders play a critical role in resolving challenges that villagers encounter. So in order to find out measure that can be put in place to overcome challenges to the existence of African traditional system of resolving the conflicts, I asked the village heads what kind of measures can be put in place to overcome these challenges. Their common responses were that there was need to strengthen the newly formed traditional council. This council should embark on awareness (sensitization) programmes that would educate people about their culture so that they got back to their roots. Headman Shintelu suggested the need to create council offices in each village that would act as information centre in each village. He further went on to say that,

there is need to put in a national constitution a clause that would empower village heads and other elders who were at the centre of African traditional system of conflict resolution. He also added that, there is need to amend the constitution to harmonise human rights with culture. His suggestion was that Human rights should not override their culture. That would restore back the respect and the powers they had lost to handle any conflict case in the village.

Headman Shambana suggested that there was need for them to be empowered with skills in conflict resolution. That would make them skilled and competent as they handle conflicts. He also suggested the need to combine efforts among stakeholders to strengthen the weakened system. He opined that, the issue of strengthening the African traditional system of resolving conflicts should not be left to traditional leaders alone. There was need to work hand in hand with government, civil society organisation, every well-meaning Zambian and other stakeholders to promote their own system of conflict resolution.

(b) Village residents (villagers)

As a major group which is a direct beneficiary of African traditional system of conflict resolution, village residents needed to be consulted in this study. Therefore, focus group discussions with village residents (five per group women and men) were conducted in five villages to bring out their views on the challenges and solutions to the existence of African traditional system of resolving conflict. Their main views were that, they were a lot of conflicts that were going on around that area. It was further head that they resolved the differences by way of negotiating and reconciling with each other. Residents revealed that sometimes someone like the village head came in between and enabled them resolve their differences.

The residents also pointed out that African traditional system of conflict resolution system was currently not very effective and its results sometimes were not all that sustainable as they used to be long time ago. This is because there was too much favouritism. Those that are close to the village heads or elders were more favoured than those who were not. It also came out from the focus group discussions that corruption was also there in some cases among elders and village heads and this was due to poverty. Poverty especially among village heads and elders who are at the centre of this system was slowly becoming high and that had caused them to be corruptible.

Moreover, some village residents also disclosed that lack of respect by both village leaders and village resident had weakened their indigenous system of resolving conflict.

Other issues that arose from the focus group discussions were that there was too much love for money and hatred among each other and that weakened the system even further. Added to the above was lack of leadership qualities. Some village leaders lacked qualities needed for them to lead and preside over conflicts in the villages. The village residents revealed that unequal application of law weakened the African traditional system even further. It was also heard from the focus group discussions that, for example when one person did something wrong in the village, the village or elders would be very quiet. Let the same case be committed by someone especially the poor, they spoke loud and force was applied at the very highest. Contrary to that is that, the village heads and elders developed fear especially when they handled cases that involved people seemingly rich and that weakened African traditional system of conflict resolution. It was also discussed that lack of education was a threat to the existence of African traditional system of conflict resolution in that area mainly because some elders and village heads who were key in the system lacked necessary skills in conflict resolution. Above all, it was reported that one of the major challenge that African traditional system of conflict resolution was facing was that of being inferior to that of the western justice system

CHAPTER FIVE

DISCUSSION OF FINDINGS

5.1 Introduction

Conflicts are inevitable in all human societies due to differences in interests, goals, values and aims among people. Most conflicts arise in the basic units of society such as within families, clans, villages, locations or other small units (Kazeem, 2009: 60-67). Nangoma ward of chief Shakumbila of Mumbwa district has been experiencing conflicts of different nature caused by different factors. This is the area that is mostly occupied by the Kaonde-Ilas, the salas, the Lenjes and the Tongas. The people of this community have been resolving complex conflicts mostly through two systems, namely through traditional systems and the court or modern systems.

As already indicated African Traditional System of conflict resolutions has been in existence since time immemorial and helped a great deal in bringing about peace and co-existence in this community. African Traditional System of conflict resolution has always been preferred to the modern or court system because it plays a vital role for social stability as solutions are given based on the social norms. This mechanism takes into account not only facts but also values involved in the dispute. Hence, when the disputes are resolved conflicting parties do reconcile not only with each other but also with the social value they have deviated (Boege, 2006).

Boege (2006) has argued that, traditional conflict resolution mechanisms are nearest to the people. Hence, local communities have easy access to them and submit their cases to the concerned local actors of traditional conflict resolution mechanisms. They avoid the unnecessary costs in modern court proceeding, such as court fee, lawyers fee, transportation, costs for preparation of pleading and payments in relation to witness as allowance. Despite these advantages, African Traditional system of resolving conflicts in Nangoma ward is almost becoming forgotten.

This study, therefore, aimed at investigating challenges and solution to the existence of African traditional system of conflict resolution in Nangoma ward. The study is being guided by four major objectives and it is under these objectives and subtopics that the findings are presented in

the last chapter and will now be discussed in this chapter. They include: methods of conflict resolution in African traditional society of Nangoma ward, effectiveness of African Traditional systems of resolving conflicts in Nangoma ward, challenges to the existence of African traditional systems of resolving conflict in Nangoma ward and measures that can be put in place to overcome the challenges African traditional system of resolving conflict is facing in Nangoma ward.

5.2. Methods of conflict resolution in African traditional society of Nangoma ward

Both the residents and village residents admitted to the fact that conflicts were and are inevitable. Suffice to say, one of the most important method that is currently used in African traditional system of conflict resolution in Nangoma ward is reconciliation. When two people have differences, leaders do not impose or recommend solutions. They leave the conflicting parties to agree on a resolution to the dispute. The only thing they (village heads/ elders) do is to encourage them to continue talking to each other until they agree without interfering in the actual process. This was echoed by village Headman Chimbwemaoma during interviews who said:

When two people have differences, we do not impose or recommend solutions. We leave the conflicting parties to agree on a resolution to the dispute. The only thing we do is to encourage them to continue to talk to each other until they agree without interfering in the actual process.

The above is in agreement with Smock and others (1995) who argue that , reconciliation process restores order and normality to a conflict situation at hand. It means a way of reaching agreement or compromise towards healing the wounds of misunderstanding. In other words reconciliation is a positive means of restoring friendly relationship and thereby prevents chaos or crisis (Punier, 1995). It is a method of conflict resolution in traditional African societies.

As argued by Theresa and Oluwafemi (2014), one vital aspect of the characteristics of reconciliation in African traditional system of conflict resolution is that the process often bridges gaps in societal goals and understanding. Additionally, through this process, solidarity among groups in society is born. Moreover, Africans and the people of Nangoma ward in particular engage in communal living which has afforded them common understanding and destiny. Thus, when conflict arises, the process of reconciliation is important as far as where restoration of order and peace concerned. Njambi (2015: 14) argues that peace which is the

concern of all in traditional African societies is promisingly based on the substance of reconciliation. It is very important to know that the collective will and ethos of the society make reconciliation productive and practical. However, it is also important to note that, currently this method is not used as much as it was used some years ago.

Another important method used to settle conflicts in Nangoma ward as indicated by village heads and village residents is mediation. Elders or village heads provide an environment in which two people who have differences can carry out dialogue session leading to the resolutions of a pending conflict. They facilitate the process by helping the two sides to listen to each other, communicate clearly and reach a common understanding of the problem and have solutions to the conflict. This is supported by Headman Shintelu, who disclosed the following :

Sometime we do provide an environment in which two people who have differences can carry out dialogue session leading to the resolutions of a pending conflict. We just facilitate by helping the two sides to listen to each other, communicate clearly and reach a common understanding of the problem and have solutions to the conflict.

As Theresa and Oluwafemi (2014) put it, mediation is an old method of conflict management surrounded by confidentiality. It involves non-coercive intervention of the mediator(s) called third party either to reduce or go beyond or bring conflict to peaceful settlement. Mediation as a method of conflict resolution in African tradition is so important. The mediator usually endeavors that peace and harmony resign supreme in the society at whatever level of mediation.

The mediator pleads on behalf of the offender. In another instance, one may plead through a mediator for the use of, for example, land or other property, thus avoiding a situation that may potentially lead to conflict. Where mediation is used, the mediators are sought within the community of the parties. Mediators are people with status, recognition, integrity and experience in the community. As Brock–Utne, (2001) argues, the mediators may use pressure, persuasion, recommendations, suggestions, and relevant norms, and rules to arrive at a solution

The village head or elders in Nangoma ward use arbitration in an event when the two conflicting parties are unable to agree. They do come in and make a decision in favour of either side. This is supported by Headwoman Shinkanga who said that:

In an event when the two conflicting parties are unable to agree. We do come in and make a decision in favour of either side. The decision is made based on what both have presented as well as their witness.

This is also consistent with (Ezejiofor, 2005) who said that, arbitration is basically the enabling will and power to decide and determine a course of action quite important to decision making. The level of reaching out to a decisive and quick action characterizes arbitration. This definition enables one to understand African will-power to engage in the absolute control of conflict resolution in their environment.

Apparently, the flexibility proposition and the non-formal approach to the arbitrages usually make the decisions of the arbitrators quite acceptable and worthwhile in traditional African societies. The decisions reached and concluded by the arbitrators in arbitral proceedings is not done in isolation of the supernatural who monitors, controls and influences such decisions. The levels of justice with which the decisions are instructed are therefore, beyond man's or human's efforts. They are divinely derived and implemented on the axis of divine order (Allot, 1957). It is also clear from the respondents that negotiation method is also used to resolve conflicts in Nangoma ward. This is backed by what Senior Headman Shambana revealed when he said :*bantu bobilo nabazwangana, chimwichindi balabandika bobilo amakani bahamana chakutashika kuli banduna* , meaning sometimes two conflicting parties settle their differences by just negotiating between themselves without even taking their case to the village headman /woman.

The above is in consistent with what Theresa and Oluwafemi (2014: 151) who argued that negotiation harmonizes the interests of the conflicting parties. Thus, even when the conflict involves a member against his or her society, there is an emphasis on restoration of errant member back into their place in society. The recovery of a rebellious member can just as well be seen as the restoration of the harmony and integrity of the community, as the assertion of value consensus and social cohesion, so that the management of the conflict favours the concerns of both parties William (1995). Negotiation harmonizes the interests of the conflicting parties. Thus even when the conflict involves a member against his or her society, there is an emphasis on the healing and reinsertion of errant member back into its place in society. Thus, even when

the conflict involves a member against his or her society, there is an emphasis on restoration of errant member back into their place in society.

5.3 Effectiveness of African Traditional systems of resolving conflicts in Nangoma ward

With reference to the responses given by respondents, it is clear that African traditional system of conflict resolution in Nangoma ward is effective but not the way it used to be years ago. The use of methods like mediation, negotiation and others makes African traditional system of conflict resolution in Nangoma ward very effective. This is consistent with (Njambi, 2005) who said that, African traditional system of conflict resolution is effective because it aims to resolve disputes locally, preceding or replacing external dispute resolution and thereby reducing reliance on external structures.

Traditional mediation helps the community to keep control over the outcome of the dispute. Implementing this approach does not require sophisticated party structures or expensive campaigns. Rather, it provides a low-cost, empowering means of resolving disputes within a relatively short timeframe. In many societies, elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes. Local conflict mediators typically possess moral authority, seniority, neutrality and respect of the community. They are acceptable to all parties and demonstrate leadership capacity. Resolutions are generally accepted and respected by all concerned parties (Njambi, 2015)

Additionally, African traditional system of conflict resolution is effective and vital as cases results in a win- win consequence. Putting it differently, both conflicting parties are winners in their proceeding. At the top of that, traditional conflict resolution mechanisms have a paramount importance on the conflicting parties' prospective relationship (Ebissa, 2014). The conflicting parties are reinstated to their former position and resume their previously existed relationship. In other words, African traditional mechanisms provide amicable future relationships by producing equal satisfaction of both parties. Traditional conflict resolution mechanisms are easily accessible. Therefore, local communities can easily access them and submit their cases to the concerned local actors of traditional conflict resolution mechanisms (Bayeh et...al .2015).

As argued by Pkalya and et al (2004) , communally, disputing parties sit together informally and resolve conflicts to maintain social harmony and restore social bonds. Thus, all the methods of dispute resolution have the aim of restoring social order. It is also clear that people in Nangoma ward still use socialisation and traditional institutions such as family council of elders and others in monitoring conflicts. Moreover, respondents said depending on the nature of conflict cases, this system is very effective, efficient and very helpful in bring about social harmony. However, it also noticeable that, the contribution of African traditional system of conflict resolution to consolidating social relationship is lesser than it used to be 40 or 50 years ago. It is not even as efficient as it used to be years ago. The absence of other approaches such as the use of marriages, oath taking, inculcation of myths, use of sanction and others have made the system to be almost forgotten. This ineffectiveness has made people to prefer the western type of system (court) to the indigenous one.

5.4 Challenges to the existence of African traditional systems of resolving conflict in Nangoma ward

To start with, elders and village heads that are at the centre of traditional system of conflict resolution are not given respect by their subjects. Moreover, population growth has also contributed to the challenges this system is facing. This is because people there are too many people today compared to the way our forefathers were hence so many cases. Additionally, there are so many people who have come from different places to come and live in Nangoma ward. These people have brought with them different way of life from those which already exist and this has led to disobedience and lack of respect for elders. This is in line with what (Kariuki, 2005) who also noted the lack of respect for elders among subjects of African traditional cultures.

Apart from the above and in line with what Kariuki (2015) and Pkalya and et al (2004) have argued, village heads highlighted lack of cooperation by those who are naturally rude. Such people are making the work of other elders very difficult thereby weakening the system. Offenders who are rude sometimes do not obey even if they are told to follow certain instructions that will lead to conflict resolution or peace. It is also clear that respondents attributed high levels of indiscipline by their young ones to the high presence of human rights. Human rights have

contributed to the weakening of the African traditional system of conflict resolution in Nangoma ward for fear of being arrested. Elders are failing to discipline their own children or offenders in their villages because of the human rights. It is important to note that in some African countries, colonialists introduced laws that limit the application of customary laws and these laws still exist Kariuki (2015). In Zambia, for instance, cap one of 1996 constitution, Article 15 and Article 11 prohibits the use of traditional justice system in a manner that contravenes the Bill of Right. This implies that practices such as rituals, cleansing and trials by ordeals which are central in resolving conflicts have been declared illegal and repugnant to justice and morality.

It also requires mentioning that, some powers that belonged to village heads / elders have been taken away by government. For example, cases like assault are no longer handled by them nowadays. However, long time they used to preside over these cases without even going to police or court. Besides the above lack of education by modern generation on how our forefathers used to live is also a challenge to the existence of African traditional system of conflict resolution in Nangoma ward. Young ones are ignorant of their culture. The absence of traditional initiations ceremonies for boys and girls has denied them important lessons that can make them better people in society. Modernity is also a challenge to the existence of African traditional system of conflict resolution in Nangoma ward because young ones are refusing to follow or obey the old teachings on how elders lived with our forefathers. This is also in consistent with Kariuki, (2015) who also pointed out lack of education as result of absence of initiation ceremonies in some African traditional societies.

5.5 Measures that can be put in place to overcome challenges of African traditional system

Myers (1993) in Kariuki have argued that optimal psychology theory uses culture to describe people's opinions on reality, how they live and resolve conflicts. There is optimal psychology in dispute resolution when people use their culture to resolve conflicts. As a result of this, conflict resolution and other real life circumstances are not at best (sub-optimal) when done through a foreign culture. This theory enable us to understand the resilience of African traditional system of conflict resolution amidst challenges that are coming as result of westernised and modernised Africa societies. This means that, African tradition system of conflict resolution must exist in

African societies because it is the answer to the many African conflicts as it is rooted in the African culture (Myers, 1993).

In line with the above arguments, the village heads and residents of Nangoma ward suggested their own measures that could be put in place to offset challenges that African traditional system of conflict resolution was facing in that area. It was disclosed that, there was need to strengthen the newly formed traditional council. The village council is a group of elders who represents the chief in a given area. The traditional council consists of senior headmen and women who are appointed by the chief. The chief works through this council in situation where he/she is needed. Therefore, this council should embark on awareness (sensitization) programmes that would educate people about their customs so that they got back to their roots. It was also suggested that If possible traditional council offices be created in each village that would act as information centre in each village. Secondly, there was need to put in a national constitution a clause that will empower village heads and other elders who are at the centre of African traditional system of conflict resolution. This would restore back the respect and the powers that the village heads and elders had lost.

Added to the above, was that there was a need to empower village heads and elders with skills in conflict resolution. The empowerments of skill could be done through workshops . This would make these people at the centre of conflict resolution to be more competent and equal to the task. Suffice to say, there was also need to amend the constitution to harmonise human rights with culture. It was suggested that Human rights should not take precedence or override their culture. Moreover, there was need to combine efforts among stakeholders. It was suggested that the issue of strengthening the African traditional system of resolving conflicts should not be left to traditional leaders alone. There was need to work hand in hand with government, civil society organisation, every well-meaning Zambian and other stakeholders to promote our indigenous system of conflict resolution.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 Conclusions

Data have shown that, there are challenges to the existence of African traditional system of conflict resolution in Nangoma ward. This is so because the elders and village heads that are at the centre of traditional system of conflict resolution are not given respect by subjects. Moreover, population growth has also contributed to the challenges this system is facing. Additionally, there are so many people who have come from different places to come and live in Nangoma ward. These people have brought with them different rules from those which already exist and this has led to disobedience and lack of respect for elders.

Apart from the above, village heads highlighted lack of cooperation by those who were naturally rude. Such people were making the work of other elders very difficult thereby weakening the system. Offenders who were rude sometimes did not obey even if they were told to follow certain instructions that would lead to conflict resolution or peace. Human rights had contributed to the weakening of the African traditional system of conflict resolution in Nangoma ward. That was because elders and village head fear of being arrested if they instilled discipline in their people as some discipline measures were at variant with human rights.

As may be re-called, this study had four objective : firstly, methods of conflict resolution in African traditional society of Nangoma ward, effectiveness of African traditional system of conflict resolution, challenges to the existence of African traditional system of resolving conflict in Nangoma ward and measures that can be put in place to overcome these challenges. From the findings, it can be conclude that, notwithstanding its importance, African traditional system of resolving conflict in Nangoma ward is experiencing challenges that have made it almost forgotten. It is clear that among the challenges to the existence of African traditional system of conflict resolution included lack of respect for elders, corruption, lack of quality leadership, Favouritism, inferiority complex , unequal application of law, poverty to mention but a few.

Therefore, there was need to strengthen the newly formed traditional council. This council should embark on awareness (sensitization) programmes that would educate people about our culture so that we go back to our roots. If possible there was need to create council offices in

each village that would act as information centre in each village. Additionally, there was need to put in a national constitution a clause that would empower village heads and other elders who were at the centre of African traditional system of conflict resolution. That would restore back the respect and the powers that they had lost in handling village cases. There was need to amend the constitution to harmonise human rights with culture. That was because some human rights were at variant with traditional practices. Therefore, human rights should not override indigenous culture. Furthermore, there was need to combine efforts among stakeholders. That issue of strengthening the African traditional system of resolving conflicts should not be left to traditional leaders alone. They needed to work hand in hand with government, civil society organisation, every well-meaning Zambian and other stakeholders to promote our own system of conflict resolution. That would go a long way in reviving the strength of African traditional system of conflict resolution in Nangoma ward.

6.2 Recommendations

In view of the foregoing findings and conclusions, the following recommendations are proposed:

1. There should be an amendment to the constitution through the National Assembly that will give power to village heads and elders to preside over conflict cases only cases were they fail. The clause in the constitution will give them more power and in turn they will restore the lost respect. Article 11 and Article 15 of the Zambian constitution are articles that needs amendments.
2. Government through the Ministry of Justice should embark on educational programs aimed at empowering village heads and elders with skills in conflict resolution, peace building, peacemaking, reconciliation and psychology that will help them execute their roles competently.
3. The Ministry of justice in collaboration with National Assembly and indeed the people of Zambia should harmonize the human rights with our local African traditional norm, values, beliefs and practices in order for the two to complement each other. For example, a girl child has right to education. Therefore both the humane rights and African traditions should speak and promote the same thing. Unlike where most African traditions practices discourages the girl child education

4. The Ministry of Justice and other stakeholders should come in to strengthen the newly introduced traditional council. This council should be responsible for among others sensitizing the community about the importance of African traditional system of resolving conflict in our societies. Such a council requires legal backing and people involved need to be trained in necessary skills for them to do their jobs competently.
5. There is need to give elders or village heads of Nangoma ward who are involved in conflict resolution process enough remuneration to prevent chances and opportunity for corruption. This would prevent corruption as seeing in Nangoma ward.
6. African traditions and customs should be co-opted into formal education system to enhance the respect for our culture. Most African customs and practices and those of Nangoma ward are not written since they are passed from one generation to another through word of mouth.

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Appendix I

Questions for the Village Focus Group Discussion

1. How often do you experience conflicts in this area?
2. What kinds of methods do you use in resolving conflicts in this society?
3. How do you evaluate the efficiency of indigenous conflict resolution?
4. How do you evaluate the effectiveness of indigenous conflict resolution? Is the result of indigenous conflict resolution sustainable?
5. What kind of challenges are facing African traditional system of conflict resolution mechanism in your area?
6. How are you resolving these challenges?

Appendix II

Interview Guide

1. What kind of methods do you use to resolve conflicts?
2. How effective and efficient are these methods?
3. What is the preference of the people between court and indigenous conflict resolution Mechanism today and Why ?
4. How effective is indigenous conflict resolution mechanism in Comparison to the formal court system?
5. What are the challenges of indigenous conflict resolution mechanisms?
6. What measure have you put in place to resolving these challenges?

