

# *Indigenous Conflict Resolution Mechanisms in Africa: Lessons Drawn for Nigeria*

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**Abstract:** *This article examines the efficacy of indigenous conflict resolution mechanisms in grappling with myriad of conflicts that have ravaged the continent of Africa, and draws out lessons for the Nigerian State. For decades, mechanisms adopted in resolving African conflicts were largely western, excluding the indigenous models. However, today's African conflict theatre has assumed shocking dimensions due to relapse of some conflicts that were resolved using western strategies. Scholars have attributed this imbroglio to insensitivity on the part of actors to adopt methods that are suitable to African conflict milieu and the abandonment of indigenous models for western approaches. From a positional standpoint, this study proposes two of these indigenous mechanisms and draws out lessons for Nigeria.*

**Key words:** Indigenous, conflict resolution, mechanisms in Africa, Gacaca system, MatoOput mechanism, Nigeria.

## **Introduction**

Historically, Africa profiles the highest statistics of violent conflicts in the world (Nwadike and Ekeanyanwu 2012:3; Zeleza 2000:1; Adedeji 1999:3; Bujra 2002:1). These conflicts range from land/border disputes, resource control, ethnic cleavages to wars of liberation, to mention a few. Moreover, Africa's conflict theatre seems to have taken a crescendo right from the end of cold-war,

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with independence struggles, ethno-religious conflicts, and intra/inter-state wars taking the centre stage. For example, during the four decades between the 1960s and the 1990s, there have been about 80 violent changes of governments in the 48 sub-Saharan African countries (Gurr, 1991: 153; Adedeji 1999: 3; Bujra 2002:1). Beginning with the Sudanese conflict, countries such as Democratic Republic of Congo, Angola, Ethiopia, Mozambique, Uganda, Zimbabwe, Namibia, Nigeria and Eritrea took centre stages from the 1960s to 1970s. Although there were restoration of peace in majority of them, other countries including Sudan, Democratic Republic of Congo, Angola, Mozambique, Uganda experienced a reversion from the 1980s with new ones such as Chad and Liberia, and worsened in the 1990s in Angola, Mozambique, Sudan, Liberia, Sierra Leone, Rwanda, Cameroun, Somalia, Burundi, Guinea and Cote d'Ivoire. Almost one third of the world's genocides between 1960 and 1988 (eleven of thirty-five) took place in Africa (Harff and Gurr, 1988: 359-371). Consolidating the statistics, Uppsala survey argued that the period between 1990 and 2002 witnessed the intensification of wars and armed conflicts in Africa. As of February 2008, there were only five active wars ongoing in the continent; Sudan (Darfur region), Kenya (post-election violence between December 2007 and February 2008), Somalia (excluding Somaliland), DR Congo (eastern region) and Chad. Between 2010 and 2013, there were armed conflicts in Cote d'Ivoire, Mali, Equatorial Guinea and Central African Republic with awful consequences, generating intervention at the regional, extra-regional and international levels. These variables and indicators portend one thing: to present Africa as a continent of deep horror, with people who cannot live peaceably among themselves and ungovernable.

Unfortunately however, the dilemma confronting Africa today is not really the occurrence and/or egregiousness of the conflict in the real sense, but how to resolve these conflicts in such a manner as to prevent the past ones from re-occurring and also contain the present ones from escalating and degenerating into full-scale war. Since conflict is path of human interaction, the choice of right methods/instruments, appropriate techniques and suitable strategies for its resolution in Africa is one issue of concern to various stakeholders. Besides, most of the numerous conflict resolution strategies adopted were of western configurations, thus excluding the indigenous mechanisms. Unfortunately, Africa's indigenous methods of conflict resolution have recorded tremendous results for decades, even in post-cold war era. What are these methods? How effective are they? Can they be deployed in today's conflict theatre? Who are the actors? Therefore the essence of this article is to examine among others, two major indigenous mechanisms of conflict resolution in Africa, i.e. the MatoOput of northern Uganda and the Gacaca court system of Rwanda, and how lessons can be drawn for the Nigerian State. However, there is the need to do a brief explanation of the causes of conflict in Africa.

### **Methodology**

The researchers in this article have adopted qualitative research approach through document analysis because of its suitability for an article of this nature. De Vos, Strydom, Fouche and Delpont (2011:376) list; observation method, interview method, documents and secondary analysis as different approaches a researcher might adopt under qualitative methodology. Although, the last two methods (documents and secondary analyses) are similar and often overlap but the two are not the same

and should not be used inter-exchange-ably (de Vos et al 2011: 376). Documentary analysis involves the study of existing documents, through which a deeper understanding of the content might be gained (Ritchie and Lewis (2003:35). A good number of documents are available to the social researcher and such can be found in the study of literature (Neuman, 2000: 395).

Documents to be analysed can either be personal or official (non-personal), such documents are maintained on a continuous basis by large organisations such as government institutions. Mass media such as radio, cinema, television (and many more) are some of the categories of documents that are freely available for a social researcher and even the public for analysis (de Vos, 2011:379). When a social researcher focuses on factual data, mass media can be viewed as excellent sources of information (de Vos et al, 2011.379). Despite numerous merits associated with research approach of document analysis, the same method could be vitiated by factors as confidentiality, anonymity, limitation of using available data base and difficulty of obtaining sources (de Vos et al, 2011:388). This article is akin to such difficulty of obtaining primary information on African indigenous conflict resolution.

### **Why Conflicts in Africa?**

Conflict is the pursuit of incompatible interests and goals by different groups. It is a global phenomenon, and an integral part of human interactions right from creation. Even in contemporary time, conflict of violent nature has been associated with Europe, Asia and Africa. However, the enormity of conflicts in Africa is incomparable to any other continent to the extent that it is perceived to be a "house at war against itself." Conflict is a calculated attempt to pursue an actor's political and socio-economic objectives, which are reflected in their values, needs, interests and positions. It is pertinent to note that African conflicts are basically of two types, namely inter-state and intra-state conflicts. Inter-state conflict was more pronounced during the independence era. This is related to the Cold War saga. Its devastating impact on the continent led to the genesis of what was portrayed as 'post-Cold War wars' in Africa, hampered by the crisis of legitimacy and motivated by the opportunities of neoliberal globalization (Francis, 2006, 80-85; Kaldor, 1999; Duffield, 2002). During the cold war, the global rival inferno particularly between East and West made any country, especially in Africa, an entity of strategic consideration. Such conflicts centred on the control over government and territories such as that occurred between Chad and Libya over Aouzzou strip, Ethiopia and Somalia over the area, and an intervention by Tanzania in Uganda to remove the regime of Idi Amin.

Nevertheless, from the end of the Cold War, armed conflicts of intra-state configurations have manifested in various dimensions in Africa (Wallenstein, 2007: 121). It is dissimilar to military coups, which sometimes result in limited violence, attempted coups, temporary rebellions, demonstrations by militias, armed gangs, freedom movements and terrorist organisations. Intra-state conflicts are typically classified as identity conflicts, propelled by questions of ethnicity, religion, and space among others; resource conflicts (Gurr, 2000; Collier, 2000, 2003; Zartman, 1995); conflicts linked to superpower rivalry and its aftermath; and conflicts associated more broadly with governance failure. Mary Kaldor (2006: 1-2), describes African wars of the post-cold war dispensation as the 'new wars'

distinguished by an obscuring of the distinction between (conventional) wars, organised crime and upsetting violation of human rights or to use Robert Kaplan's (1994) exaggeration, 'criminal anarchy'. Expanding its context, the United Nations described the 'new wars' as complex political proliferation of major crises in transitional societies, the majority of which are intra-state conflicts, characterised by various causes, and requiring multidimensional international responses, including a combination of military intervention, peace support operations, humanitarian relief programmes, high-level political intervention and diplomacy (Francis, 2005: 14). However, most of the sources of these conflicts are complex, multifaceted and deep. They are caused by a range of factors which can be mostly adjudged as the root causes of the conflict.

**Legacy of Colonialism** is one of the profound causes of African conflicts. According to McGraw (2012:2), the impact of colonialism is still being felt in most independent African States till date. Contemporarily, several African countries are still struggling to grapple with the challenge of nation building and a number of developmental issues due to the parasitic effects of colonialism, which has metamorphosed into imperialism in post-colonial and post-independent era. Imperialism has brought about a direct and indirect manipulation of Africa by the Western powers to maintain a dominant hold on her economies; siphon her resources, and ensure a constant flow of capital from the South to the North (Rodney 1983). Colonialism led to the integration of Africa into the world capitalist system in which Africa primarily serve as the source and supplier of raw materials for the Western industrial production on one hand, and a dumping ground for European industrial waste on the other. It was a business enterprise which to Andre Gunder Frank was based on "unequal exchange". This was further expanded in the works of scholars like Samir Amin, Walter Rodney, to mention a few. For instance, Walter Rodney (1983) argues in his book *How Europe Underdeveloped Africa* that the foundation of Africa's underdevelopment today is the consequence of the Western capitalist system of dominance, unequal exchange and exploitation.

Colonialism also brought about an illogical soldering of diverse African societies and ethno-cultural regional groups into single State entity that were destined to split. Most of these disparate groups with age-long adversarial and historical enmities as reflected in their tribes, clans, kingdoms and empires, were fused to form sovereign states during colonial era. Taylor (1991) argued that bringing them together further heightened the age-long acrimonies and strives. For instance, the vast territory of Nigeria that was carved out of West Africa enclosed three major nations and several smaller ones. Among the large groups, the Yoruba in the West were different from the Muslim Hausa in the North, who in turn were quite distinct from the Ibo in the east. The artificial fusion led to the Nigeria civil war of 1967-70 (Henderson 2000:52).

**Religion and Ethnicity** are major causal factors fuelling conflict in Africa till date. While the vast majority of Northern African conflicts were prosecuted on religious ground, the Southern and other regions in Africa were of ethnic dimensions. Algeria for example witnessed the worst conflict in Northern Africa which occurred between Islamist and military secularists, and religion, though

politicized. Mortimer (1996) argues that it is one of the nastiest and intractable armed conflicts in the world.

On the other hand, in the 1990s, African conflict theatre took the form of ethnic cleavages. The genocidal war in Rwanda for instance was essentially the direct consequence of ethnic cleavages between the Hutus and the Tutsi. Burundi and Sudan also witnessed ethnic violence in the 1990s (Osaghae 2005:111).

**Widespread poverty, high level of illiteracy and unemployment** are problems that have stirred-up conflict in most African States. These issues bring about inequalities, which consequently wet the ground for tensions and uprisings. According to UNESCO (2008) report, in 1990, there were over 177 millions illiterates in all of Africa, but by 2008 there were over 200 million. Similarly, there is an increasing rate of unemployment in Africa that is taking place in the face of rapid demographic growth which ultimately creates a consortium of idle group of persons with daring reactions. High levels of illiteracy consolidated by these pools of idle population breed insurgency, and on the other hand serve as bait for recruitment into insurgent groups by terrorist organizations and political extremists (Michailof, Kostner and Devictor 2002:3).

**Resource Control** has been a major contending issue at the root most African conflicts (Oluwaniyi 2011). This paradox of 'suffering amidst plenty' which is attributed largely to corruption and bad management of African states' natural resources by corrupt ruling class and governing elites, state weakness and a range of external factors (African Development Bank, 2007: xv-xix). For instance, in Liberia, the control and exploitation of diamonds, timbre and a range of other natural resources account and was part of the agitations of the conflicting parties to the Liberia's civil war. It is similar to the experience in Angola where several peace-processes failed to yield any meaning result owing to the interest of warring factions over the control of the country's diamond fields. Most African economies are weakly built around the exploitation and export of one or a combination of strategic natural resources such as diamonds, gold, uranium, cobalt, copper, rock, phosphate, timber and oil (Oluwaniyi 2011:146). But greed and economic opportunities rather than genuine grievances account for the proliferation of predatory and militant groups in many conflict-affected countries of Africa (Niger Delta in Nigeria and DRC to mention but a few) coupled with extraverted structures of capital accumulation in contributing to instigating shadow state and, to a greater extent, aggravating conflicts in Africa (Oluwaniyi 2011:146).

An assessment of these causes of African conflicts shows a linkage between the historical and a range of contemporary factors, though interrelated. The impacts of these conflicts are huge and excruciating, especially for women and children who are mostly affected. It leads to the destruction of state institutions including its social fabrics; rape, maiming, deaths of vast majority of adults and the promotion of migration flow of refugees, to mention a few (Allen, 1999: 318-319). Regrettably, these wars have proved very difficult to resolve due to its complex and dynamic nature.

The venomous and protracted nature of African conflicts have made it imperative to seek and adopt measures that will facilitate the resolution of these conflicts in such a manner that will be agreeable to conflicting parties; with the goal of rebuilding broken relationships, and by extension achieve sustainable peace and socio-economic development. Unfortunately, most the frontline mechanisms adopted in resolving these conflicts have not been enduring in addressing its root causes due to the complex and dynamic nature of most of these conflicts.

### **Conflict Resolution in Africa: A Conceptual framework**

In opposition to realists' (Deutsch 1973; Morgenthau 1973:4; Walt 1959:232) argument about the inevitability and irresolvability of violent conflict in Africa except its management, some scholars (Miall 2004; Best 2004; Albert 2008) have shown optimism of the possibility of resolving conflicts. Conflict resolution aims to address causes of conflict and seeks to build new and relationships by helping them explore, analyse, question and reframe their positions and interests; it helps in alleviating, eliminating or transforming actual and potential violent conflict into peaceful (non-violent) processes for social development, human safety and political change; it moves conflicting parties from the destructive patterns of zero-sum conflict to positive sum (win-win) constructive outcomes (Mwajiru, 2001: 5; Miall, 2004: 3-4). Conflict resolution, therefore, becomes a process that leads the action-system to a state where the conditions of conflict are no longer present; the system must no longer have two or more incompatible goal-states (Galtung, 1965: 351). Within this context, solutions to such conflicts must be mutually acceptable, self-perpetuating and sustaining to all parties concerned because deep-rooted sources of conflict are addressed, behaviours are changed towards non violence, attitudes are no longer hostile, and structures are no longer exploitative (Klare, 2001:36).

A number of actors engage in Africa's conflict resolution design (Midodzi and Jaha 2011:196). Starting with the nation-state, in which local and national initiatives are employed as the first level of response to conflict before other external interventions follow; b) sub-regional bodies such as the East African Community (EAC) and Economic Community of West African States (ECOWAS) involved in conciliatory and mediatory roles, including taking up military role in Africa's conflict (Bujra 2002:40; Clapham 2011). A distinct case is the West African group forming ECOWAS Military Monitoring Group (ECOMOG), which has helped to create peace in crises areas within the sub-region; c) regional framework in Africa such as the African Union (AU) and other international frameworks such as the European Union and lastly, the international organisation basically referred to as the United Nations, has been at the centre stage of conflict management and resolution globally, working through the Security Council, General Assembly or special representatives (Clapham 2001). The UN Charter explains the various means of resolving conflicts such as negotiation, mediation, arbitration and other third party intervention mechanisms.

### **1. Negotiation**

This involves directly, dialogue between warring parties in resolving their differences and forging stable peace. Negotiation constitutes the “art of the dialectics of wills that use force (and/or peaceful measures) to resolve their conflict (Luttwak, 1987: 241). Strategies and tactics, in addition to options and the available resources, constitute the pillars of negotiating dynamics. Their overriding principle is to take advantage to the extent possible of the adversary’s weaknesses and oversights. The configurative outcome determines the agreements reached and how they are implemented. In this sense, negotiation is a double-edged sword: it can resolve conflict or exacerbate it. While it is impossible to predict with certainty the result of a negotiating process, a number of premises may indicate its direction. Therefore, the final outcome of negotiations usually reflects the relative power configuration of the parties concerned; “where one ends up depends on where one starts” (Raiffa, 1982: 215). If the weaker side does not exhibit considerable firmness to establish a credibility threshold sufficient to make demands or uphold positions, diminished will automatically gives the stronger party the opportunity to dominate agenda. It becomes a positional or distributional form of negotiation because incapability allows for the unilateral alteration of the rules of the game and for redefining the norms that all actors must follow in their mutual relations. This dimension supports Kissinger’s observation that ‘the weak do not negotiate’ (cited in Sabet, 1998: 7).’ But negotiation can be collaborative when synergies are displayed by the disputing parties and are able to constructively engage in positive simulation.

### **2. Third Party Intervention**

This occurs when conflict goes beyond mere negotiation, of the direct disputants or warring parties to involve an external intervener such as a mediator, facilitator, observer, arbitrator, and peace enforcer to mention but a few (Isumonah 2008:1999). The myriad of armed conflicts and wars of varying intensities in African post-colonial history has provided a theatre for diverse shades of third party interveners. The third party intervention methods are varied and mixed, and they can be peaceful or military in nature. Some of the peaceful forms are: mediation, arbitration, preventive diplomacy, and peace support operations.

### **3. Mediation**

Mediation is voluntary, non-coercive and non-binding. Therefore, it is less risky for conflicting parties as it does not take away much of their control. With guidance from skilled mediators, the mediation process nudges disputants towards a mutually acceptable agreement and creates potential for transforming conflicts so that they do not recur (DeRouen and Bercovitch, 2012: 22). Eralp, Quinn and Wilkenfeld, (2012: 24) in their study observe that some form of mediation occurred in 69% of all violent ethnic crises in Africa for the period 1990-2005. There are three main styles of mediation, namely; facilitative style, which is more or less a two-way conduit of information for actors to understand the common ground on which agreement might take place. It is the lowest level of intervention that mediators can adopt; formulative style involves making substantial proposals to the parties, including suggestions for a framework for an acceptable outcome or concession parties could make. The

mediator becomes more assertive and is no longer simply a channel of information; lastly, in the manipulative style, the mediator becomes proactive by offering inducements and/or sanctions to effect disputant behaviour. Scholars agree that for more effectiveness, it is much better to adopt broadest range of styles possible when they intervene in violent intrastate crises that take place within ethnically protracted conflicts in Africa (Eralp, Quinn and Wilkenfeld, 2012: 24).

The mediator deals predominantly with the sharing of ideas and evaluations regarding specific issues and recommendations. It attempts to facilitate a negotiated settlement on a set of specific issues. But sometimes, tactics used maybe manipulative in nature. Mediation in civil war is neither a panacea nor a placebo; rather, it is a policy tool that is occasionally effective. Though mediation can assist negotiations by influencing the subjective perceptions and the objective environment of the disputants, it can intensify fears of continued fighting and add to the sense of urgency surrounding deliberations. For instance, the peace negotiations in Burundi were stalled by the proliferation of mediators (13 in all) (Ould-Abdallah, 2000: 131). It can also lessen fears of settlement and provide a way for parties to test their perceptions about the character, aims and needs of their opponents. Therefore, mediation requires leverage, problem-solving abilities, strategy and timing (Ould-Abdallah, 2000: 131).

#### **4. Arbitration**

It is a dispute resolution process in which the disputing parties present their case to a third party who examines all the evidence and then makes a decision for the parties in conflict (Best 2004:91). In other words, arbitration imposes settlement and its role is directive, coercive as well as evaluative in the sense that one party wins and the other loses. In this case, the parties commit themselves to accepting the outcome of a court of arbitration. However, arbitration may be difficult to apply to conflicts dealing with governmental power or a regional balance of power. The mechanism was successfully used to determine the Bakassi oil-rich Peninsula dispute between Nigeria and Cameroun in 2002 (Anyu 2007:46).

#### **5. Preventive diplomacy**

It is a set of diplomatic actions aimed at preventing violent disputes from arising between parties, aiming to mitigate or prevent the likelihood of existing conflict escalating into open violence, and to limit the spread of violent conflicts when they spread (Boutros-Ghali, 1995). Preventive diplomacy has evolved along three tracks involving different sets of actors. Track 1, which is the oldest model, applies to state-based or interstate diplomacy and initiatives to mitigate conflicts. Track II is the diplomacy applied by intergovernmental organisations such as ECOWAS, Inter-Governmental Authority on Development (IGAD) in the Horn of Africa and the Southern African Development Community (SADC), the African Union (AU), and UN agencies. Track III diplomacy of local and international civil societies such as Greenpeace, Environmental Rights Action (ERA), Oxfam, International Alert, and Amnesty International to mention but a few. But a constructive application of the three strands, which tends to be the preferred practice in most contemporary armed conflict, is known as multi-track diplomacy. The practical challenge of multi-track diplomacy is usually how to coordinate and reconcile the activities of



the different third party interveners- a challenge that often becomes more problematic if intervention involves some powerful external actors representing hidden national, institutional or corporate interests (Best 2004:95).

Most times, peaceful intervention is usually difficult to achieve without bringing military forces, even though military intervention has remained a contentious issue in Africa's armed conflicts over issues of sovereignty. Military responses are necessary to help mediators and negotiators, facilitate the emergence and implementation of Peace Accords as the case maybe (Galadima 2004). The major military responses recognised by the AU and UN range between peacekeeping operations and peace enforcement.

## **6. Peacekeeping operations**

Peacekeeping operations are measures instituted after a ceasefire and subsequently, peace agreement-they are there to implement what has been agreed and have an impartial role after a devastating war when the conflicting parties are not likely to be able to cooperate easily with each other as a means of resolving the conflict. The number of new peacekeeping operations-renamed 'peace operations'-, using the definition given by the UN, reflects closely the dimensions of resolutions passed by the Security Council (Isumonah 2005:199).

First developed by the UN in 1948 following the creation of the United Nations Truce Supervision Organisation (UNTSO), deployed to monitor the ceasefire between the Israelis and the Arab states in the war that followed the creation of the new state of Israel, it has graduated from traditional or first generation peacekeeping to a multidimensional or second generation force, based on the consent of conflicting parties to assist in the supervision of ceasefires, regroupement and demobilization of forces, their reintegration into civilian life and the destruction of their weapons, the design and implementation of de-mining programmes; the return of refugees and displaced persons, the provision of humanitarian assistance, the supervision of existing administrative structures, the establishment of new police forces; the design and supervision of constitutional, judicial and electoral reforms; the observation, supervision and even organisation and conduct of elections; and the coordination of support for economic rehabilitation and reconstruction (Boutros-Ghali, 1995: 6).

From the period UN peacekeeping operation was deployed to former Zaire (now DRC), known as the UN Operation in the Congo (ONUC) from July 1960 to June 1964, Africa has been a recipient of over 60 percent of the UN peacekeeping operation globally. Between 1989 and 1999, a total of sixteen UN peacekeeping missions were deployed to Africa (USIP, 2004: 4). They are Namibia, Mozambique, Angola, Burundi, Liberia, Sierra Leone, Sudan, and the DRC to mention but a few. Efforts of the AU and sub-regional organizations like the Economic Community of West African States (ECOWAS) are geared toward peacekeeping operations including sending observer missions to conflict areas in Africa.

## **7. Peace enforcement**

Unlike peacekeeping operations, peace enforcement operations lack the consent of the relevant warring parties. It employs military might on the ground in the attempt to force parties to reach political settlements, including defeating recalcitrant armies deemed to be enemies of peace (Iheme 2004). There were two attempts between 1990 and 1995 directed at peace enforcement in African civil wars. First, a sub-regional effort by the ECOWAS group through its military group, ECOMOG to impose a peace settlement in Liberia; and second, the intervention by the United States and United Nations to establish peace in Somalia. Enforcement efforts failed in both contexts, revealing the difficulties of peace enforcement in civil wars.

Many a time, the intervention mechanisms to a conflict right from its onset can be problematic and can even be a source of conflict itself (Kador 2007). Conflicts often occur within certain political, economic, social and cultural milieu. Today, many of the conflicts that occur or what Kaldor (2007) called 'new wars' are more internal, non-conversational and culture-sensitive (Boege 2006). Many of these 'new wars' need intervention mechanisms that are culturally-based and relate to their environment of occurrence, hence the need for indigenous conflict resolution methods or what is commonly referred to as "African Alternative Dispute Resolution" (ADDR) mechanisms.

Moreover, all the aforementioned methods reveal top-down approach to resolving conflict in Africa. The western-oriented systems imposed on African people are often framed in the context of the 'liberal peace project.' To Sorbo and Vale (1997), they were produced in the context of international peace, security and cooperation at the end of the cold war and therefore, focus exclusively on how members of the international community come to make, create and keep peace on the continent. It not only hides the contributions that traditional conflict management systems in Africa can make towards ensuring peace but sometimes perpetuates conflict situations (Albert, 2007: 31).

### **The indigenous models**

Indigenous conflict resolution mechanisms are an-age long systemic instruments of reconciliation and relationship building (Cloudree 1999:1). These systems, procedures and regulations are contained in the customs and traditions of African countries. The importance of these systems is that it aims to unravel the underlying causes of conflicts, resolve conflicts and help to heal and restore broken relationships. These mechanisms are departures from the European concept of justice which is an adversarial contention of evidence with the aim of ascertaining the guilty and the guiltless, thereby punishing the guilty. Whereas the African approach implored the guilty to accuse to confess in order to start a healing process of reconciliation (Tutu 1999, Fred-Mensah, 2008).

The relevance of some of these models is in the settlement of dispute for peace to be restored (Cloudree 1999:1). Indigenous models are usually employed in a familiar socio-cultural milieu that is informal (Osei-Hwedie and Rankopo 2000:34), involving the values, beliefs, suspicions, attitudes, among others (Brock-Utne 2001:6). The importance of these systems is its capacity to unravel the

underlying causes of conflicts, resolve conflicts and help to heal and restore broken relationships (Osei-Hwedie and Rankopo 2000:36). Hence, the underlying causes of conflict must be unraveled to portray common understanding of the past and present (Osei-Hwedie and Rankopo 2002:36). Brocke-Utne also affirmed that the remote aim is to re-build broken relationships, correct wrongs and restore justice (Brock-Utne 2001:9). The objective of indigenous models is not necessarily to accuse or punish offenders, but to settle dispute, heal wounded hearts and reach a compromise that may assist to improve future relationship (Brock-Utne 2001).

### **GACACA SYSTEM IN RWANDA**

The Rwandan Gacaca traditional systems of conflicts resolution dates back to the 17<sup>th</sup> century. The king who is otherwise referred to as *mwami* assumed the link between the natural and the supernatural world; also governed the several smaller territories that made up Rwanda. While the *mwami* was the highest arbitrator of the land, the *abiru* who are the guardian of the tradition assisted in administration of justice. The *Inzu* who is the village head on the other hand was responsible for the observation of ancestral cult, arrangement of marriages, and control of the collective title on land or cattle, among others. The uniqueness of the system is in the fact that societal problems are first addressed by the *Inzu*, which is the lowest unit of the Rwanda society in historical epoch. This practice became what is referred to as the *gacaca* gatherings. The word *gacaca* which means 'justice on the grass' was derived from the kinyarwanda word 'umugaca' which has to do with a plant that is so soft to sit on that people preferred to gather on it (Reynljens 1990:34). The rationale behind the gathering however was the restoration of social harmony, the establishment of truth about an incidence, and the punishment of the perpetrator, or even compensation through a gift (Werchick 2003). However, colonialism almost suppressed this traditional system with the introduction of Western legal system, but the *gacaca* system was still maintained as a conflict resolution mechanism at the grassroots level (Reynljens 1990:36).

In responding to the genocidal war at the international level, the UN Security Council Resolution 955 established the International Criminal Tribunal for Rwanda (ICTR) to prosecute individuals responsible for crimes of genocide and other violation of international law in order to ensure that these kinds of gross violation of human rights would not go unpunished. Unfortunately, the relation between the ICTR and the Rwandan government has always been difficult, mostly because of the possibility that the tribunal might also investigate war crimes committed by Rwandan Patriotic Front (RPF) soldiers and their commanders. Hence, on Rwandan soil, the ICTR is portrayed and perceived an instance of the Western way of doing justice - highly inefficient, time consuming, expensive and not adapted to Rwandan custom.

The Rwandan Government established the Gacaca Law to indigenous courts a mandate to try crime cases committed during the genocide. Gacaca is an indigenous mechanism of conflict resolution that was originally practiced among the Banyarwanda, who use it to resolve dispute at the grassroots level through dialogue and a community justice system. It is an intricate process based on custom, tradition,

and social norms. Gacaca is one of the largest community based restorative justice process in post-genocide Rwanda (Mutisi 2009). Traditionally, gacaca emphasized morality as a basis for adjudication. As a result, gacaca courts were run by members of the community known as the 'Inyangamugayo', or persons of exemplary conducts, who were renowned for courage, honour, justice and truth.

The Gacaca system often ended with the parties in dispute sharing a traditional libation and meal as a gesture of reconciliation. Serious offences would result in an offender being ostracized from the community. This system (Gacaca) resembles similar processes that developed in other parts of Africa, including matooput in northern Uganda, the 'gadaa' system among the Oromo of Ethiopia, and the guuirt of Somaliland.

Truth telling is the fundamental principle of the gacaca system. The validity of evidence is cross-referenced or cross-examined by a number of witnesses in the community who can attest to alleged atrocity committed.

However, this indigenous model has been criticized on its capacity to address traumatic issues. Human Right Watch (2003) advanced that gacaca courts have handled close to a million accused persons. Similarly, gacaca courts are handling serious crimes comprising of murder and other atrocities perpetrated during the genocide which are matters beyond the scope of the pre-colonial gacacas. These cases are overwhelming for the traditional gacaca system to handle, since it is not a minor or less serious dispute.

The pre-colonial gacaca system was considered an indigenous institution for communal justice, however, it has been streamlined, ritualized and stretched through the machinery of the State to function in the jurisdiction of retributive or criminal justice. On the surface it still maintains the "open atmosphere status", in the actual fact, the gacaca system functions like a formal court embraces the prosecution-like approach to justice (Karbo&Mutisi 2008). Michael (2003) reveals how the gacaca court system was used to threaten the current Rwandan regime critics and opponents; thus, undermining the restorative notion of this indigenous model, and replacing it with retributive.

The Gacaca system places premium on 'truth-telling', but unfortunately, it is facing the same challenge of 'telling the truth'. As a matter of fact, truth telling does not always lead or culminate in peace. It has implications for peace which are revealed in the aftereffects of telling the truth. Since telling the truth involves recounting verbal memories of intimidation, violence and ordeal, the process could itself fuel identity-based animosity and consequently resuscitate identity challenges (Karbo & Mutisi 2008). To further buttress this point, Minow (1998) opines that 'truth telling' strategies in hanging somewhere in between "vengeance and forgiveness". However, other factors such as: gender exclusion; lack of formal training for judges in relation to gender based violence and crime; overcrowding of Rwandan prisons; inequitable and ethnic bias against the Hutus, to mention a few, undermines the original conception of the gacaca indigenous system.

## MATO OPUT

The MatoOput mechanism of conflict resolution is dominant among the Acholi people of northern Uganda and it hinged on the understanding of conflict as a devastating phenomenon (Wasonga 2009). The Acholi people place the interest of the community first, and above their individual and group interests. Their allegiances are also reflected in the celebration of life and believe in their ancestral spirit, otherwise referred to as *jok* who guide their moral standing. As it is practiced, when a wrong is committed, the ancestor sends *cen*, the spirit of the dead person in the form of misfortune, unless the elders and the offender take appropriate action to restore the broken relationship. This phenomenon of *cen* illustrates the centrality of relationships between the natural and the supernatural world in Acholi, the living and the dead, (and) the normative continuity between an individual and the community (Wasonga 2009:32).

The traditional Acholi society has no formal or informal courts of law, so judgement depends upon the truth and a readiness to accept responsibility for one's actions. These Acholi principles are embodied in the practice of matooput. The word 'mato' means 'drinking' and oput is a type of tree with bitter herb. Hence, MatoOput literally means 'drinking of bitter herb,' made from the leaves of the oput tree. The drinking of the bitter herbs symbolically means that the two conflicting parties accept the bitterness of the past and promise never to taste such bitterness again (Wasonga 2009:33).

MatoOput is an indigenous approach to justice and the re-integration of offenders which involves mediation of truth, accountability and reconciliation through certain symbolic acts and spiritual appeasement (Wasonga 2009:33). This principle emphasizes the necessity of harmonious living and the restoration of social order in the society, especially after a typically long process of mediation between the two conflicting parties and only when the offender is willing to take responsibility. A cleansing ceremony or process is carried out especially in murder cases (which is a major breakdown of communal social fabrics). It is to appease the spirit of the dead in order to prevent being haunted by the spirit of the deceased. Moreover, this cleansing process help to heal the wounds in the heart of the bereaved so as to see or feel that justice is done. The entire cleansing process is premised on certain fundamental values they shared which include reconciliation and acceptance of responsibility, repentance, forgiveness, and compensation for the restoration of the social fabrics that was broken down (Wasonga 2009:33). The elders act as mediators and perform the rituals only when the offender is willing to confess so as to establish the truth, because cheating or deceit based on the believe of the Acholi could dire consequences including the provocation of ancestral judgment.

As a follow-up to the above, forgiveness also play a vital role in the process of relationship build and in the restoration of peace to the Acholi's society. While confession brings about the acknowledgement of guilt and offence committed, forgiveness on the other hand is geared towards settlement of disputes and reconciliation. The settlement is usually in the form of compensation to the bereaved family or

community. This could take the form of giving out a girl as a gift to the bereaved family or community. She is to serve as ransom for the offence committed and to help open up the lines of communication that was closed due to the offence committed initially. The compensation is followed by elders' invitation of the two parties in conflict (i.e. the offender and the offended) to the actual matooput ceremony, which is a cleansing process that takes place usually along the borders of the conflicting parties or their communities. It commences with an exchange of rams and goats, after which the conflicting parties/communities drink the oput water from the same calabash. This is a symbolic exercise. While the herb in the calabash represents or symbolizes the bitterness of shedding the innocent's blood, the drinking of the water (usually with hands behind their backs and sipping the bitter juice simultaneously with their heads touching each other during the process) is a demonstration of their willingness and commitment to make peace, heal and restore broken relationship.

Furthermore, this is followed with the sharing of meals. This is premised on the assumption that their ancestors take part with them in the entire process and are witnesses to the process of reconciliation for peace. Meals sharing in Acholi culture is a form of re-union, since the dross and stain that soiled the relationship in the community has been removed and normalcy has been restored to the social fabrics of the community.

However, this indigenous model is not without any gap, especially in its sustainability and capacity to restore real peace in post-conflict era in Uganda. For, instance, it is a known fact that for a peaceful resolution of conflicts, all parties must be fully represented and actively participate in the peace process. Unfortunately, the matooput model is somehow relatively exclusionary in its approach. There is no clear structure that can be tailored for the inclusion of the Ugandan government as party to the conflict. Hence, any peace process that is selective as to ignore certain parties risk being inadequate. The implication is that this model not all-encompassing. Therefore, for matooput to be effective and credible, it would require the participation of both President Yoweri Museveni (Former Ugandan President) and the Lord's Resistance Army (LRA) rebel leader - Joseph Kony in the ceremony as counteracting parties in the conflict. If this is done, it will enhance the credibility and sustainability of this mechanism in the long run.

The compensation aspect of the entire cleansing process is also questionable in terms of its proportionality. Though it will appease the offended parties/community and the ancestors, but it might not be proportionate to the crime committed. Besides, the demise of both the crime perpetrator and the victim (the offender and the offended), and their ultimate absence from the cleansing process or scene may stall the credibility of the conflict resolution exercise.

Lastly, given the devastating effect of the conflict on virtually all spheres of the social fabric of the Ugandan State, there is the skepticism on the usefulness and capacity of the matooput mechanism of conflict resolution and restoration of peace and justice to generate sustainable peace.

### **Any lesson for the Nigerian State?**

Indigenous mechanisms of conflict resolution abound among the numerous ethnic configurations that make up the Nigerian State. For example, the Southeastern part of the country which is made up of five Igbo-speaking States – Abia, Anambra, Ebonyi, Enugu and Imo States have indigenous institutions of conflict resolution which include the family, Amala (council of elders), Okpara system (eldest male), Umunna (clan), Umuada (females born in a town but married out), age-grades, assembly of the people, Ohanaeze (assembly of the people and king), hunters' association, and agbara (local deities or oracles (Nwolise 2005:157). These are not very different from those found in other parts of traditional Africa. For example, among the Yoruba tribe, they have the council of elders (Agba), family heads (Oloriebi), ward heads, the Ogboni, etc. Traditional rulers also play vital role in conflict resolution both in the pre-colonial, colonial and in post-colonial era. In fact, their role in contemporary conflict situations in Nigeria cannot be overemphasized. Traditional rulers such as: the emirs in the northern part of Nigeria, the Obis among the Igbo speaking, the Olu/Oba in the mid-western States, and Obas in the Western part of Nigeria, have played prominent role in the containment and resolution of pockets of conflicts in their domains (Nwolise 2005:155). For instance, the Ooni of Ife (an Oba) played crucial roles in the resolution of Ife-Modakeke conflict (Olayiwola and Okorie 2010:958). Unfortunately, however, their impacts and the currency of influence they wield today is a complete departure from the past. Hence, there is a cloak of silence on the efficacy of traditional or indigenous models of conflict resolution in contemporary Nigerian State. This is why Nwolise (2005:152) argued that the abandonment of utility-laden indigenous methods of conflict resolution for the Western models is largely responsible for the multiplicity of avoidable violent conflicts all over the continent. According to Harsanyi (1969), a mere land dispute between two families or communities leads to murder and destruction of hundred of houses and killing of several people today; whereas in traditional Africa, the mechanisms put in place to monitor, manage and resolve conflicts would have readily prevented such wanton damage.

It is pertinent to note that most of the recent uprisings in Nigeria are products of failed conflict resolution processes. Most of the models adopted to a large extent enable one side to take everything leaving the other side with nothing; as discovered in the concept of zero-sum game. A typical zero-sum game results in a win-loose situation. In Nigeria and other parts of Africa, zero-sum game nullifies the philosophy of 'live and let's live', and the concept of being our brother's keeper, to mention a few.

Both the gacaca and matooput indigenous systems of conflict resolution are two major pronounced and popular mechanisms in Africa owing to their uniqueness, local acceptance and their capacity the produce results. Notwithstanding their shortcomings, these indigenous models help to bring to the fore, the whole essence of conflict resolution in the African context which are as follows: to establish the truth; remove the root causes of conflicts; reconcile conflicting parties genuinely; preserve and ensure enduring peace in the society; set the right milieu for societal production and development;

promote good governance, law and order, security of lives and property, among others. All these can be adopted and utilized in today's conflict resolution theatre for peace to be achieved in Nigeria, and Africa.

These are in contrast from what obtains in Nigeria today where nobody cares about the truth. The objective of the Shari'a or Native Court system is to *win* the case. Where there is violence between two groups, government deployed the police (or the military personnel) to keep peace, and follow this up at times by setting up a commission of enquiry, whose report may or may not see the light of day, and whose recommendations may never be implemented. All these worsen, rather than resolve disputes.

Moreover, contemporarily, Nigeria seems to be helpless and perplexed in the face of pockets of conflicts, one of which tend to threaten its sovereignty as a State: the Boko-haram insurgency and/or a terrorist group. Though it is a contestable argument whether to classify the operations of this group as a new form of 'ethno-religious war', which tends to adopt a jihadist campaign to Islamize Nigeria, and make the northern region of the country Islamic States. From another lens, it is perceived as the hand-work of certain radical elements to frustrate the administration of Nigeria's president – Goodluck Jonathan.

Boko-haram has been unleashing horrific attacks on vulnerable groups since 2009, especially women and children; places of worship; markets; military establishments; to mention a few, that have claimed the lives of thousands of people in the Northern part of Nigeria till date. The biggest blow on the Nigerian states was recent kidnapping or abduction of over 200 female college students, which generated an outcry on a global scale (Punch Newspaper 2014). Several efforts were made to rescue these girls often in a brute-force-like manner but it has not yielded any meaning result till date. Though there was a global clamor for United Nations to intervene but little or no result has been recorded. Nigeria is in a precarious situation today even as her citizens are psychologically traumatized and are constantly in fear of this perilous situation. All these experiences underscore the fact that the methods adopted have not been effective.

However, it is pertinent to state at this juncture that Boko-haram just like other terrorist organizations has an origin, ideology, and proponents who are accessible to their traditional institutions and local communities. Moreover, Nigeria has a wealth of traditional techniques / methods for resolving conflicts ranging from appeals, use of emissaries, local bargaining, compensation, to mention a few; which could be brought to bear to resolve this quagmire. Hence, Nigeria need to look inward through the use of what Olaoba (2008:148) referred to as 'rear-mirror' to unlock her hidden indigenous conflict resolution potentials to resolve this deadlock. Subsequently, elements of the two aforementioned methods (Matooput and the Gacaca) could also be adopted to heal broken relationships and to promote the spirit of unity and togetherness. Hence there is an urgent need for more emphasis on



traditional methods of conflict resolution in contemporary times, and to find what William Zartman (2000:4) called 'traditional cures for modern conflict' in Nigeria, and Africa.

### Conclusion

From the foregoing, indigenous conflict resolution mechanisms are common practices in pre-colonial Africa. However, the protracted nature of African conflicts in the Post-cold war with its attendant grave consequences on the civilian populations as casualties, especially women and children, spur the international and regional communities under the aegis of their organizations to adopt several intervention strategies that were targeted not just at containing the conflicts but to seek appropriate ways of resolving them within the best possible time. These strategies as earlier mentioned were to support peace and ensure the resolution of conflicts, but sometimes in a brute-force-like fashion. However, the relapses of some of those conflicts are pointers to the ineffectiveness of some of the instruments used in the first instance. These limitations have left Africa with an option to look elsewhere for the resolution to its conflicts. However, since most African conflicts take place in a particular context and milieu, it is therefore logical and imperative for African conflict resolution actors to tune inward, discover and embrace African Indigenous models like the two that were enunciated above in tackling incessant conflicts that are ravaging the continent in recent times. Nigeria should also adopt and deploy these two methods into her conflict theatre, especially when most of these earlier methods employed by the government and other actors have yielded little or no result. Focus should therefore be on the indigenous models owing to its uniqueness and effectiveness, which are susceptible to generating tremendous results not only in contemporary Nigerian, but in African conflict setting.

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