Indigenous Approaches to Conflict Resolution in Africa:

A Study of the Barolong People of the North-West Province, South Africa

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ABSTRACT

Motivation: To highlight the role of indigenous conflict resolution initiatives and their significance in cases where state machinery is inadequate, inaccessible or unavailable.

Problem Statement: The ubiquitous and recurrent nature of conflicts in Africa implicates the need to search for alternative mechanisms for managing and resolving such conflicts beyond the purview of the Western adversarial model.

Approach: This study considers a number of empirical outcomes from indigenous conflict resolution models among the Barolong people of the North-West Province, South Africa, and how they have helped in managing and/or resolving conflicts within and among their communal groups.

Results: The practices among the Barolong people have often constructively dealt with conflicts so that social life, livelihoods and communal harmony can continue or be restored.

Conclusions: While the Barolong customary conflict resolution models may have some limitations, it nonetheless has the potential to productively resolve local conflicts, especially in remote areas where state machinery is inadequate, inaccessible or unavailable. Furthermore, the core principles of consensus-making, reintegration and rebuilding relationships are valid far beyond the indigenous community examined, and may assist conflict resolution initiatives around the African continent.

Keywords: *Conflict; Conflict Resolution; Indigenous Approaches; the Barolong.*

INTRODUCTION

As in any other human community, diverse kinds of conflict manifest in various communities across Africa. The responses towards these conflicts have been as varied as the communities affected. In contemporary times, there has been a noticeable upward trend in the recognition of the role of indigenous approaches to resolving high-tempo, mid-tempo and low-tempo conflicts, all in an effort to promote harmonious coexistence in society. While the approaches to conflict resolution available within Africa's indigenous communities are not monolithic, underlying the approaches is the principle that peace is not only about the ending of hostilities or settling of a conflict; it is more about restoring relationships (Malan, 1997; Komuhangi, 2006). This principle is rooted in the indigenous and traditional approaches to conflict prevention, resolution and peace building which have largely been excluded from dominant conflict resolution processes.

What was the nature of conflicts in pre-colonial African societies? What methods of conflict resolution existed? How do conflicts in traditional Africa compare with those of the region's contemporary ones? In what ways can a new understanding of the indigenous conflict resolution approaches ameliorate present conflicts? Can common forms and spirit of indigenous conflict resolution be escalated to develop a broader conflict resolution framework? Can indigenous methods be integrated with Western models to produce a more effective home-grown approach? Can Africa develop an alternative dispute resolution (ADR) system that will enable it to cope with its ubiquitous and seemingly intractable conflicts? What role should indigenous approaches to peace-building play in conflict resolution in Africa? What lessons do the Barolong people portend for the rest

of Africa? What are the types and sources of conflict in the area handled by the Barolong indigenous conflict resolution mechanism? How are the ancient procedures of Barolong conflict resolution mechanism practiced in the modern times? What is the enforceability of the Barolong indigenous conflict resolution mechanism? How sustainable is the Barolong indigenous conflict resolution mechanism? What are the strengths and weaknesses of the Barolong indigenous conflict resolution mechanism? The foregoing are some of the critical questions emerging from the concerns underpinning this paper and an attempt is made to proffer responses to them in narrower terms.

Without being prescriptive, the main objective of this paper is to provide an opportunity for conflict and peace stakeholders to reflect on the opportunities and challenges that are inherent in the traditional approaches that are used to resolve conflicts and in peace-building processes in the African region, with specific lessons from the Barolong communities of southern Africa.

For the avoidance of doubts, the word "indigenous" is used here without any assumption of any technical meaning usually ascribed to "indigenous peoples" in international law. The word is invariably applied as reference to that which was part of traditional, customary, pre-colonial Africa as opposed to models which were imported by virtue of colonial legal heritage. In other words, everywhere the expression "indigenous" is found in this paper, a ready substitute will be "traditional" or "customary".

CONTEXTUALISING CONFLICT IN AFRICA

There is no dearth of valuable resources on the subject and theories of conflict. Conflict is implicated in any situation where two or more principles, perceptions and beliefs are antagonistic or incompatible in nature, or disquiet from fear, uncertainties or from want of accomplishment (Omoluabi, 2001). Conflict is practically unavoidable and often engenders beneficial outcomes, depending on how each case is managed (Lederach, 1997; Omoluabi, 2001; Behre, 2012). It may be safe to posit that the conceptualisations of conflict theories and conflictology are as varied as the number of their proponents. While Nathan (2007) declared that conflict is also an expected consequence of social transformation and of public demand for major political or economic changes, Spangler (2003) stated that conflicts tend to arise over

non-negotiable issues such as fundamental human needs, intolerable moral difference or high stakes distributional issues regarding essential resources such as water or land. Differences in interests and opinions among groups are normal, however, the manner in which such differences are expressed and managed determine if conflicts manifest themselves in either non-violent or violent ways. Accordingly, conflict is inherent to all human societies.

It is empirically verifiable that, as in any human society, conflicts were part and parcel of indigenous African communities. Quarrels could result from indebtedness, breach of contract, larceny, slander, adulterous affairs, allegations of bewitchment, among various other incidents common to human beings. They could also result from marital misunderstandings, injuries against persons, and damage to property. Sharp differences could result from misunderstanding over succession, inheritance or land boundaries as well as over access to traditional hierarchies. Conflicts could also occur among people of different communities or ethnic groups normally over the determination of rights ownership of natural resources and raid of livestock. Therefore, an evocative search for viable alternative conflict resolution systems for Africa must start with a reconciliation of this contradiction.

Most African societies emphasised social harmony as the overriding ideology of social control. One such model is the concept known as Ubuntu, which is observed in numerous African communities, albeit under different labels and names. The foundation of the Ubuntu philosophy is basically that all humans are symbiotic. We are all human simply because we all belong to, participate in, and have stakes in our respective human societies. In societies upholding Ubuntu, maintaining constructive social relations is a communal undertaking to which every person is committed (Murithi, 2006a). This has been a major field of research in the conception and application of the philosophies of Ubuntu among the indigenous communities of Southern Africa; omoluwabi (code of good conduct) among the Yoruba people of West Africa; kanye ndu bowi among the Buem of Ghana and Togo; and the gacaca process of Rwanda (Albert, Awe, Hérault & Omitoogun, 1995; Omoluabi, 2001; Ben-Mensah, 2004; Masango, 2005; Murithi, 2006b; Metz, 2011; Harrell, 2003).

AFRICAN INDIGENOUS APPROACHES TO CONFLICT RESOLUTION: THE CASE OF THE BAROLONG PEOPLE

Zartman (2005) underscored the viability of African indigenous approaches to conflict resolution when he posited that:

Traditional societies in Africa and elsewhere are reputed to hold secrets of peacemaking locked in their ways, formed from centuries of custom before the disruption of colonization. In places and practices that modernization has passed by, these traditions are often claimed to still be in use, keeping the heart of society in harmony while imported overlays such as states and currencies are collapsing in conflict around them. Some of these smacks of the 'noble savage' of romantic literature, and other aspects may merely be the invention of a current conflict management fad that ignores the pervasiveness and creativity of conflict. But some of Africa's reputation in conflict management has historic and even contemporary footnotes.

Generally, the conflict resolution methods deducible from traditional African communities include mediation; adjudication; diplomacy, among others (Ben-Mensah, 2004; Ajayi & Buhari, 2014).

Mediation ranks as the most popular dispute-settling tool in traditional Africa. The administrators of mediation are usually lineage title holders, hereditary elders, priests, traditional warrior chiefs or noble personas who are known for their wisdom, skills, and trustworthiness in their official spheres or private relations. These persons, who are regarded as the watchers over the community, enjoy excellent reputation within their communities and have the capability to persuade individuals who have been summoned to attend hearings. It often happens that lineage heads or influential individuals who have excelled in the art of negotiation, persuasion, conciliation, and advice are often invited to mediate conflicts outside of their own kindred or communities. Mediation normally avoids explicit parade of power, win-lose mindset, social blemishes, and acrimony that are normally associated with adjudication. Disputants seek mediation generally because it is considered inexpensive, flexible, and adaptable. As a conflict resolution method, mediation helps to achieve a settlement through negotiation, conciliation, persuasion, inducement, and compromise. It was therefore rational and usual for the people to pursue mediation because

disputants usually looked for a more congenial and less adversarial conflict settlement to continue to live together amicably (Ben-Mensah, 2004). Adjudication is a more elaborate process than mediation. It typically proceeds through stages and routinely involves exhaustive cross-examination and assembling of witnesses and, where necessary, exhibits would be tended in as evidence. Africans in general prefer mediation to adjudication, primarily because the former is not only less time-consuming and cheaper; it also avoids winner-loser conclusions, which makes post-settlement conciliation more difficult. Also, cases that were submitted for adjudication normally include those that had either failed to be resolved by mediation or arbitration or were constitutionally defined as criminal (Ben-Mensah, 2004; Ajayi & Buhari, 2014).

Traditional African societies and communities also dealt with the challenges of maintaining peaceful relationships with their neighbouring ethnic groups through diplomacy. A failure of diplomacy would lead to war or the resumption and or escalation of a conflict. Central to the diplomatic efforts were clan elders, or, in the case of centralised political systems, delegates of the reigning monarch. These diplomats, often classified as chiefs, emissaries, courtiers or elders, were like mediators; individuals who had acquired exceptional skills in the use of language and had distinguished themselves in the art of negotiation, persuasion, and conciliation (Osamba, 2001; Conteh-Morgan, 2005; Okoro, 2010).

Broadly speaking, therefore, African indigenous conflict resolution systems characteristically focus on agreements through deliberations, negotiations and reflections to ascertain facts and clear up problems (Behre, 2012). Conflicting parties are therefore more prone to accepting direction from their traditional mediators than from outsiders because an elder's verdict does not cause shame and is supported by communal norms. The outcome is, ideally, a sense of harmony, mutual participation and obligation as well as interchange among conflicting sides. The Barolong people who form the fulcrum of this exposition typify the foregoing assessment.

A long list of works exists on the glowing attributes and practical outcomes resulting from the Barolong approach to conflict resolution (Mathews, 1945; Ngcongco, 1979; Ntsoane, 2003; Ramoroka, 2009; Croucamp & Roberts, 2011). It serves no purpose to becloud this discussion with a revisit to those ample works beyond the extrapolation from

what commonly runs through them. In his seminal work on this subject, Ramoroka (2009) made the following observations on the observable elements of indigenous approaches to conflict resolution among the Barolong people of the North-West Province of South Africa: (a) commitment to dialogue; (b) repeating dialogue as often as may be necessary; (c) healing frayed relationships; (d) references to the sub-structures of the affected communities; and (e) respect for the person and dignity of all individuals involved in a dispute.

Who, then, are the Barolong people?

Rolong is one of the tribal names by which the Setswana-speaking people of North-West Province of South Africa are known (Barolong is the plural word). They are mainly located in Mahikeng (seat of the Barolong boo rra Tshidi). Other Barolong communities are found in Lotlhakane and Thaba Nchu (Barolong ba ga Moroka), in the Free State Province. The Bafokeng (another group of Setswana-speaking people) have their own traditional seat in Rustenburg, within the same North-West Province of South Africa. Other major Tswana tribes include the Bakgatla, the Bakwena, the Balete, the Bangwato, the BaNgwaketse, the Batawana, the Batlokwa, and the Bahurutshe (Mesthrie, 1995).

Historically, all these groups are kith and kin of the larger Sotho-Tswana groups that migrated from the Congo Basin in the central African region many centuries ago before the advent of Europeans, and are now found across the southern African region (Setiloane, 1976; Ngcongco, 2003). Against the background of their being a huge population of several migratory epochs, often forming clans that mixed people of different sub-cultures and dialects, with no one clan archetypally tied to another and people moving in between the different clans, conflicts and tensions were rife, well into the time of the European settlement of African borders (Ramoroka, 2009). This explains why Sol Plaatjie recorded that "the Barolong fought their way down from the great lakes and were known among other tribes as *baga Rungoana le bogale* ("the people with the sharp spear")…. (Willan, 1996: 413).

How do the Barolong resolve the numerous and incessant low- and mid-tension conflicts that arise among them in light of their semi-nomadic lifestyles and cultures?

The Barolong indigenous conflict resolution model relies exclusively on local actors – kgosi (chief), uncles (*malome*) and aunties (*rakgadi*) – and traditional community-based quasi-judicial and legal decision-making routines to manage and resolve conflicts within or between communities. These traditional methods target resolving conflicts without resorting to state-run judicial systems, the police, or other peripheral arrangements. Their home-grown negotiations often lead to informal but concrete bargains which keep larger inter-communal relations positive, creating environments where *modisa* (shepherds) can graze their cattle together, where residents can co-habit peaceably, and traders can carry out their interests together without further reference to previous imbroglios (Mathews, 1945; Ntsoane, 2003).

The underpinning premise of the elucidation here is the retention of the communal spirit and holistic wellbeing of the community in conflict resolution efforts as evinced by the Barolong model. Members of the communities themselves are insiders to the processes and are therefore closely involved in the resolution of conflicts, unlike the Western approaches that often depend on external actors.

The obvious benefits accruing from the Barolong indigenous approaches to conflict resolution will invariably include: (a) the durability of the processes as handed down and practised through several generations; (b) the ownership of the process by members of the communities themselves which assists in the accountability and healing process of the community; (c) the sustainable terms of peace-making and reconciliation along the tenets of *Ubuntu*; (d) the ample opportunity created for parties to express themselves under the supervision of dispassionate, independent and respected members of the community which helps in getting to the root cause(s) of disputes; and (e) the transparency of the processes that helps other members of the community to observe and understand the evolution of their unique rules and norms of social coexistence and harmony (Ntsoane, 2003).

Of course, there is no perfection in the Barolong indigenous approaches to conflict resolution, just as there is no perfection in any other milieu. One critical challenge of the Barolong model is the relatively limited roles assigned to women. Beyond preparing the meals, drinks and taking responsibility for the general welfare of participants

at a *kgotla* (meeting) for peace talks or other conflict resolution hearings, women are not allowed to preside over or direct the affairs of such hearings. In this age of the global campaign for gender equality and gender empowerment, the role of women in conflict resolution mechanisms among the Barolong is unacceptably minimal and should thus be transformed and expanded.

COMPARATIVE ASSESSMENT OF THE INDIGENOUS AND WESTERN-ORIENTED APPROACHES TO CONFLICT RESOLUTION

One cardinal difference between the African indigenous approaches to the Western/European ideas of conflict resolution lies in the very foundations of each system. Whereas the Western/European model evolved as an alternative to the harshness of their home-grown adversarial system, the African indigenous approaches were not developed as alternative(s) to any original system. Africans have always had their conciliatory, mediatory and arbitral ways of resolving conflicts (Berhe, 2012). Wars only resulted after these peaceable ways have been exhausted (Ajayi & Buhari, 2014).

Western-oriented approach to disputes stresses the finding of guilt and levying retribution and punishment without reference to the victims or their lineages or consideration for the future reinstatement of the offender into his/her community. The approach relies on sanctions, penalties and coercion in getting the accused or guilty party to conform to social standards. The goal of that approach is often more about deterrence than reconciliation. Procedurally, Western approach to conflict and dispute resolution is adversarial in its form and content and evidence must be adduced to establish guilt or innocence. The process of hearing is winner-loser in all its ramifications while the actors leave no room for sympathies or forgiveness (Run, 2013).

Contrariwise, in indigenous African communities, social order is to be maintained through inherent sanctions, not necessarily involving imprisonment, heavy fines or exclusion. There were numerous effective methods through which community members are shaped to respect social norms, invariably creating a sort of civil religion, embraced as spiritual or mental codes, for the benefit and honour of the whole community (Ben-Mensah, 2004).

Sadly, despite the increasing recognition of the necessity to find viable alternatives approaches

to conflict resolution in Africa, marking a departure from the top-down, prescriptive Western model, the dominant thought revolves around the alien, exclusionary, winner-takes-all approaches imported from the West which not only aggravate conflicts and disputes but also deliberately denigrate the positive roles that African indigenous conflict resolution approaches can offer in building peace and maintaining social harmony.

Without demonising the prescriptions of the Western approaches to conflict resolution, some of the tenets they offer for the enhancement of African indigenous approaches would include: (a) constituting the actors and terms of the resolution process in such a way as to be acceptable to the parties; (b) building on what is already established as facts with regard to the conflict such that future disputants can be assured of the predictability of outcomes rather than hazy appreciation of possible outcomes; (c) sustaining the confidence of disputants in the processes of conflict resolution, for example, by clarifying the roles of interveners and guaranteeing an ambience of fairness for all parties.

FUTURE OF INDIGENOUS APPROACHES TO CONFLICT RESOLUTION

The successes of the Barolong conflict resolution processes are dependent on certain factors. One, the processes are inclusive, with all parts of society participating. Two, the processes are locally owned and locally driven, which means their validity and legitimacy are never in question. Three, the constructive nature of the conflict resolution processes – solidly entrenched in the tenets of *Ubuntu* – always help in ensuring that the core objectives of reconciliation, social harmony and social solidarity were served.

However, while the indigenous African processes of peace and conflict resolution might be perhaps best suited to deal with modest intra-communal conflicts, they portend relevance in situations of violent conflicts among larger interests and groups. Why, for instance, can the violent insurgencies and border clashes in Africa not be ameliorated through the use of massive peace conferences, with participants from a large number of neighbouring groups?

It is salutary that various African national legal systems now recognise the role of traditional conflict resolution systems for their relative competence in matters of local traditions and customs. Some countries, such as the Benin

Republic, Ethiopia, Lesotho and South Africa, among others, have even integrated them by way of national legislation. This is commendable as it essentially means that matters falling within the jurisdiction of customary authorities can be referred to such bodies by the regular courts. Thus, disputes relating to customary marriages, maintenance, rural lands, and so on, can be taken before the customary arbitral bodies for determination (Ben-Mensah, 2004).

The vital instructions to be extrapolated from the *Ubuntu*-based processes of the Barolong people would include: (a) that public participation is imperative in conflict resolution as it is the anchor of social trust; (b) that supporting both sides to a dispute is crucial towards peace-making; (c) that the acceptance of responsibility and show of remorse as well as pardon are veritable ingredients for reconciliation; (d) the integrity of the mediators in terms of impartiality, transparency and fairness must be sacrosanct; and (e) that the interest of the larger community must be paramount to establish good neighbourliness and social solidarity beyond the immediate injury and wrong.

However, these ideals are not going to be replicated or attained overnight in similar African communities. To enable indigenous approaches to play a significant role in conflict resolution, education and training programmes based on African cultural values should be put in place for government functionaries and civil society actors. African policy makers can also explore some of the enduring qualities of the main indigenous African conflict resolution processes and seek ways and means of applying them to the contemporary conflict resolution practices. It is also recommended that greater recognition be accorded to the traditional institutions in Africa. Since local leaders wield enormous influence, it will be in the best interest of each government to carry them along in its governing efforts.

The above suggestions are in tandem with the "African solutions for African problems" mantra of the African Union (AU) and other commentators (Run, 2013: 27) as well as the growing pan-African recognition of the positive role that indigenous approaches can play in government policy on peace-building and conflict resolution, as evinced by the Regional Dialogue on Conflict and Peace Building in Eastern Africa: Planting Seeds for Justice, Lasting Peace and Sustainable Development from 2 to 4 October 2006, in Arusha, Tanzania.

CONCLUSION

There is no doubt that conflict is universal, and that it is an inevitable mainstay of human societies and their interactions. It is common in all political systems. However, conflicts can be altered or managed in a way that brings out lasting benefits to society. Africa has indeed been labelled the epicentre of conflicts. This is because most of the on-going violent conflicts occur in Africa with many of them intrastate in form and effect. Regrettably, many of these conflicts like that of the Boko Haram in north-eastern Nigeria have remained seemingly intractable. Lives are being wasted and the humanitarian crisis is deepening. War crimes are intensifying with minors being conscripted as child soldiers. African indigenous approaches to conflict resolution cannot be excluded from these raging violent conflicts.

This paper conceptualises that peace should not only be about the end of aggressions or resolving of a conflict. It is also about the renewal of relationships. This perspective is entrenched in the African indigenous approaches to peace, peace-making, peace-keeping, conflict prevention, resolution and peace-building, as we have seen in several studies on the subject. So far, little premium is placed on the African indigenous approaches which have remained largely excluded from the dominant efforts on conflict resolution.

A modest attempt has been made to showcase how the experience among the Barolong people is indicative of a veritable pathway to conflict and dispute resolution in modern African states. Modernity should not unduly obliterate indigenous practices that have helped in building and maintaining social harmony.

Far from being an *ex cathedra* pronouncement on the dynamics that should inform the modalities and trajectories for the vigorous inclusion of indigenous African approaches in current conflict resolution, this paper would have served its purpose if it stimulates further intellectual discourses.

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