

FROM Paul van Tongeren, Malin Brenk, Marte Hellema and Juliette Verhoeven *People Building Peace II: Successful Stories of Civil Society*. Boulder: Lynne Rienner, 2005

Introduction Chapter on local and traditional conflict resolution mechanisms.

Jannie Malan

Ways of preventing and resolving conflict have become widely known in their current form, which has taken shape over the last eighty years. Dealing with conflict is not a new field, however. With regard to the ancient beginnings, we have to rely on imaginative guesswork, but for reconstructing subsequent developments we can build on many traditions that have survived. These traditions are not only of historical significance; they can be of great practical value to all of us who are dealing with conflict and helping others to deal with conflict. What is therefore shared in this chapter is meant to encourage us to learn from traditional ways of dealing with conflict, and to apply the methods, insights, and skills that are indeed relevant in conflict situations of our time.

Contemporary Validity

Some traditions are undoubtedly time-proven and of lasting value, but others have become old-fashioned and sometimes also ethically objectionable.¹ Debates are therefore continuing between and within groups.² Often such discussions are mainly focused on cultural loyalty and current practicality. In many cases, however, racial and political arguments tend to complicate and intensify the debate.

From a Southern postcolonial perspective,³ for instance, the science of Conflict and Peace Studies that has developed in the twentieth century may appear to be a neocolonial import. It is true that this science was to a large extent an outcome of the struggles of disadvantaged people against economic inequity and social injustice. It is also true that in many cases civil campaigning did eventually bring about remarkable results: changed laws, regulations, structures, and some changed attitudes. Still, those who have struggled against the injustices of colonialism may resent the fact that the “new” methods and techniques of negotiation, mediation, arbitration, and conciliation were mainly developed in the cultural settings of the West and the North.

Nevertheless, people in postcolonial situations are frankly acknowledging that important insights and skills have recently been gained by the relevant human sciences all around the world and that certain aspects of traditional methods may today have to be regarded as anachronisms. It has also been admitted that adequate knowledge of the old methods is becoming relatively scarce.⁴

The typical two-fold conclusion of this debate therefore tends to be something similar to the following:

1. There are traditional methods that can still be used in appropriate situations (for instance, the Hozhooji Naat’aanii restorative justice process of the Navajo nation in Arizona and New Mexico, Gacaca traditional courts in Rwanda⁵, Kacoke Madit meetings in northern Uganda, and the Ho’o Ponopono process in Hawaii).

2. In the light of contemporary insights and skills that have been developed all over the world, however, it is not merely a matter of reverting to ancient traditions. What may especially be propagated, therefore, is the development of new homegrown methods in which the best current practices and compatible traditions are integrated.

Using Traditional Methods in Appropriate Situations

An appropriate situation for the first of these two options would be one in which the descendants of the people who developed the method are still loyal to the same cultural context. The method may still be respected as a famous tradition, and may still be used, regularly or occasionally. In certain cases some adaptations or amendments may be required to make it acceptable in a contemporary rural or urban setting.

Let us briefly look at one example out of the vast number of traditional methods for conflict management. The Ho' o Ponopono process mentioned above can be summarized as follows (Partners in Conflict in Lesotho Project 2004). First, the community leaders and the parties concerned agree on a person with the needed trust and skills to facilitate the talks. At an appointed time and place, the community gathers in a circle, which includes the perpetrators and the victims. The facilitator ensures that there is agreement on ground rules. He or she emphasizes the objective of reaching a consensus agreement on resolving the conflict. The starting point is to get the facts from each party and from all who want to add a perspective.

The second stage is to go round the circle again, reflecting on why the conflict occurred, how they each share responsibility, and what they might have done to prevent the conflict. Then tasks for the future are considered. All can suggest ideas about compensation or restitution, about community needs, and about preventive and/or punitive measures. At this stage, penitence and forgiveness may be offered. The fourth stage is that of reaching consensus on tasks and the follow-up process. The parties and others in the community commit themselves to actions for reconstituting good community relationships.

In the final stage, closure is achieved by burning all records of facts, closing eyes on the past, and choosing to move forward together. Only the consensus agreement, action commitments, and follow-up arrangements are kept.

Integrating Traditional and Contemporary Methods

An integration of traditional and present-day methods cannot be attempted in a superficial way. The crucially important issue of compatibility has to be discussed until real understanding is reached and appropriately implemented.

The inherently African semantic field of *ubuntu* provides a good example in this regard. It signifies a socially caring and sharing way of thinking and living, which is well captured in the rhyming Xhosa expression, "Umntu ngumntu ngabantu." Literally this means that a human being is a human being through human beings. Or, paraphrased, a human being becomes a true human being through her/his relationships with other human beings. Similar or comparable expressions are found all over Africa⁷ and therefore the issue of old and new ways of dealing with conflict cannot properly be talked out if *ubuntu*-minded people are not involved in the planning from the beginning. One striking example of a well-intentioned but unsuccessful attempt to combine incompatible elements was the UN's way of using the Somali tradition of Shir

(gatherings). This tradition is a bottom-up, inclusive process, supported and sponsored by the community. The parties enjoy equal representation. Elders who are experienced mediators and trusted by the community are chosen. Traditional methods of problem solving are used, and the talks proceed according to an open timetable. Agreements are reached through consensus, and are regarded as social treaties (*xeer*). The elders are entrusted with authority and power to ensure the implementation of agreements. The UN version of Shir, however, was a top-down process, held outside the country. There was unequal representation, and lack of confidence in the representatives. Politicians were involved, and not elders. There was a lack of understanding of the problems, and a short timetable was used. No common *xeer* was reached (Murithi 1999: 53–54).

There are two options if we want to achieve a valid integration of traditional and contemporary methods. The first is to incorporate a current insight into an old custom. In Burundi there is the tradition of Ubunshingantahe, which is used for resolving conflicts and bringing about harmony in the community. Membership is given to couples, but it is only the husbands who officially sit in the meetings. The wives play an important role by counseling their husbands and by being consulted by them (Murithi 1999: 35).

Apparently 80 percent of Burundian men are still in favor of this arrangement, but women activists are campaigning to enable women to become direct and active participants in the meetings.

The second is to concentrate less on the great diversity of traditional methods and more on their inner dynamics. We can do this without trying to generalize, or to construct an “average” method, or to make up a model of eclectically selected details. What we can do is try to imagine ourselves to be in the human contexts where these traditions originated. We may then find that the most important positive influence that traditional methods can have today should not be expected along the way of customs or terms, but rather through the spirit that vitalized those methods and still radiates from them.

Timeless Essentials

The All-Africa Conference on African Principles of Conflict Resolution and Reconciliation, held in Addis Ababa in 1999, was focused on traditional ways of dealing with conflict. Twenty-one African countries were represented (of the 123 participants, 113 were from Africa) and no less than 70 percent of the sixty-four presentations contained descriptions and discussions of traditional methods of particular groups or areas. The objective of the conference was to explore marginalized indigenous approaches to peacemaking in Africa, and possibly develop ways in which general principles and tested practices from the African heritage could complement existing approaches drawn from other sources (Murithi 1999: 97).

What follows is an overview of some core insights and experiences around which traditional methods seem to have developed. Elements such as these have probably enabled traditional methods to be trusted, honored, and utilized throughout extended periods and eras.

Taking Time to Talk Things Out

Talking things out is surely one of the most essential parts of dealing with a conflict. There may be important differences, however, between the talking in current ways of negotiating or mediating and ancient ways of really talking things out. In those days, talks

that continued over days or weeks were not uncommon. Participants were usually granted the opportunity to say what they wanted to, without cutting them short. Furthermore, people from an extended family, a neighborhood, or a community were allowed to take part. When talks took place under trees, there were anyway no doors or walls that could keep people out.

While much time was spent in talking, it seems as if usually little time was wasted before the talks began. In cases when the talking started soon after warning signals were noticed, and at the place where this happened, it could even have prevented a conflict from arising. If the social environment were upholding the traditional value that the society is greater than the individual, the people involved would have been strongly oriented toward social harmony. The obvious truth that prevention is better than cure must have been discovered by our early ancestors, and integrated into their methods.⁸

Dealing with Root Causes of Conflicts

Another essential part of dealing with any conflict is penetrating to its root cause or causes. Traditional methods seem to have taken this crucially important but potentially difficult starting point seriously. As the metaphor “root” indicates, the searching for invisible, underlying causes may require “digging” to depths. In some cases the inclusion of the neighborhood or community in traditional talks might have facilitated this process, but in other cases rumors, gossiping, blaming, or partisanship might have complicated everything.

Typical causes of violent conflict were (and in many instances still are) land issues (for instance, trespassing), animal issues (mostly robbery), and personal issues (such as rivalries). Due to the temporary or permanent scarcity of food or other resources, poverty always was, and still is, a major reason for competition and conflict. In modern times, poverty and bad governance are time and again highlighted as root causes. For today’s bad governance, deeper roots are also mentioned: ethnocentrism, clanism, and greed for power, prestige, and/or wealth.

Being Oriented Toward Consensus

A process in which conflicts are talked out is usually a comprehensive one that explores the context in which the conflict originated, and works toward a consensus about a fair and satisfactory agreement. Traditionally, the talking probably proceeded without fixed procedures. The elders or chiefs could use their discretion to play certain roles or switch to others. It could be a passive or low-key role, a facilitating or an advisory role, or even a pressurizing or manipulating one. A guilty party could be expected or forced to repent, apologize, ask for forgiveness, and pay compensation. However, through the entire process, the main responsibility of the leading figures was to guide the talks toward an agreement that would reflect as inclusively as possible the consensus of the entire group of relatives, neighbors, friends, and acquaintances.

Promoting Relational Interdependence

The people of those early days must already have discovered that joint solutions reached through consensus tend to be durable. When the parties concerned and the communities involved have accepted ownership of the agreement and coresponsibility for its implementation and monitoring, several advantages may have followed. Behaviors may

have changed and relationships may have been restored. Similar conflicts may even have been prevented from occurring.

The concern with relationships was indeed one of the core elements of traditional methods. The calmer relationships before the conflict were reviewed, the tense relations of the conflict were investigated, and a solution was sought that might contribute to improved relationships in the future. This relational orientation was not only revealed in family and neighborhood conflicts but also in political situations. “Reconciliation politics . . . seems to be more consistent with many African traditions, which emphasize community rather than individualism and competition” (Assefa and Wachira 1996: 57–58).

The Mind-Set Challenging Message

When we focus our attention on the main thrust of traditional ways of preventing conflict and building peace, instead of just on interesting details, we can hardly evade the feeling of being challenged to revisit our current methods. For instance, if we evaluate our methods in the light of the essential elements of traditional methods briefly outlined above, we may have to admit

— That we have lost the patience to allow parties the opportunity and time to really talk things out

— That while we do explore root causes of conflicts, we have not yet gathered enough courage to tackle effectively our underlying problems of poverty, inequitable development,⁹ and bad governance

— That while we praise the advantages of consensus, we have our convenient excuses for sidelining and trying to silence the “difficult” customers (who may very well have valid objections)

— That our obsession with performance and products has tempted too many of us to label the dimension of human togetherness and relationships as unrealistic idealism

The challenge is not simply to try and traditionalize our current methods by using old terms in our manuals and old designs on their cover pages. Neither are we called upon to try and convince communities that they should once again confirm their agreements by bending spears or drinking bitter herbs.¹⁰

What we can do, however, is to imagine ourselves into the way of thinking out of which traditional ways of preventing conflict and dealing with conflict developed. Furthermore, if we discover to what extent both those and our methods are based on common sense, we may be reassured that we are not expected to discard our present methods and revert to practices of the past. We may indeed feel empowered to experiment with unhurried talking, deep delving, consensus building, and relationship healing.

Best Practices

Best practices, just as methods in general, should be used with modest realism. It is not necessary, however, to stretch our unpretentiousness too far. There is no need to think that the best methods can only be used in the “milder” areas of interpersonal and intergroup conflict. Nothing prevents them from being applied in the “harsher” areas of interethnic and interstate wars.

We have at our disposal the recent results of a worldwide research project on best practices, under the title of *Confronting War: Critical Lessons for Peace Practitioners* (Anderson and Olson 2003). The findings show how peace practices are indeed working in a variety of violent situations, but also how they might work even better. One of the significant findings was that the efforts to reach “Key People” should be linked to ways of involving “More People.” It was also found that in both cases two kinds of change should be promoted: changes in attitudes, values, and perceptions; and changes in politics, economics, and justice systems. What often proves to be of the greatest importance is the translating of changed attitudes into changed structures (Alexander and Olson 2003: 54–57, 64–69).

Such findings should stimulate us to reflect on our methods and our mind-sets. There are ways of thinking and doing that have come a long way through human history with all-time wisdom and ever-relevant skills. There are also the latest insights, facilities, and capabilities that have made their way into current ways of thinking, acting, and being. So, whenever we are in a position to help prevent or transform a conflict, let us seek clarity on the most appropriate approach and attitude.

Taking Traditional Methods Seriously

We should duly acknowledge the cultural context of a potential or actual conflict situation. The cultural loyalties, affinities, and sensitivities of the parties concerned are always of crucial importance. If only one culture is involved, the interaction may be less complicated, but not necessarily. If the situation is cross-cultural or multicultural, several aspects should be taken into consideration from the very beginning¹¹: for instance, the various ways of thinking and behaving, the need for mutual understanding, and the need for a culturally inclusive team of facilitators.

We should commit ourselves to as much preventive problem solving as possible.

When it is clear that a particular clue is not an unfounded suspicion but a real warning signal, something should be done as soon as possible, and as close to the problem as possible. If this can be done in the mode of pragmatic problem solving, so that “conflict” need not even be mentioned in the name of the method, so much the better.¹²

We should responsibly and creatively use the best available practices. Although the various groups we belong to have respected traditions from a significant past, we happen to be living in the world of today, where very relevant current practices are at our disposal. These inevitably form our main frame of reference, and from these we can choose the most appropriate approaches for each unique situation. We have to remember, however, that no method should ever be applied as if it were a prescriptive recipe. Open-minded receptivity to the needs and interests of the parties concerned, and innovative flexibility and creativity, are always of crucial importance.

Wherever appropriate, we should integrate meaningful traditions into our work.

Applying traditional methods, or incorporating traditional elements that are of lasting value, can have very important advantages. It may provide a sense of ownership, and strengthen our commitment to work toward consensus and coexistence. Moreover, these methods are usually simple and easily understandable. They tend to allow flexibility and

creativity. They are not expensive, and the costs involved are often willingly shared by the community. Finally, they may add an ancient, ancestral endorsement to the work we are doing nowadays.

We should internalize the mind-set of fellow-human togetherness and interdependence. If this way of thinking and living has become part of us, conflict-preventing and peacebuilding attitudes, approaches, and actions may follow spontaneously. For instance, groups and individuals can then feel free to be who they happen to be, to belong where they happen to belong, but also to allow others to do the same from their side. Then both “we” and “they” can become befriended in an ubuntu-minded “all of us.” A particular field in which such interdependence has to be propagated is the relations between governmental authorities and traditional chiefs and elders.

We should encourage and empower as many people as possible to apply their insights and skills. The inspiring stories in this book and its predecessor testify to what ordinary people can do. People across the civil-society spectrum, from grassroots level to influential leaders, can indeed initiate processes that may bring about breakthroughs to mutual understanding, conflict resolution, and reconciliation.

We should remain committed to particular and general conflict transformation. If we understand conflict as an everyday social phenomenon, which is always based on some reason or perceived reason, we will not try to escape to a utopian retreat. We will remain willing to listen without being shocked, and to talk out whatever has to be talked out. We will not avoid root causes such as poverty and bad governance, and their root causes. We will promote, according to the circumstances, structural changes and attitudinal changes. In whatever the context, from local to international, we will work toward consensual agreement that will not only resolve the conflict concerned, but also contribute to the most cordial—or otherwise appropriate—relationships for the future.

Traditional ways of dealing with conflict can indeed encourage and inspire us. In spite of the shortcomings they might have had, they have functioned in conflict-preventive, peacebuilding, and reconciliatory ways through the ages. They have enabled our ancestors to address conflict-causing problems, reach consensual solutions, and rebuild relationships. Today there are indeed situations in which we can still use these commonsensical methods, either in their traditional form or with some modifications. There are also many opportunities to multiply the potential effectiveness of contemporary methods by infusing time-proven traditional insights and skills into them.

Jannie Malan is emeritus professor at the University of the Western Cape and senior researcher at the African Centre for the Constructive Resolution of Disputes (ACCORD). Through intervention, training, and research, ACCORD focuses on conflict prevention, management, and resolution in Africa.

Notes

1. The notorious apartheid of the old South Africa was an extreme example of inflicted injustice, but not the only one. In the new South Africa, and Africa in general, gender discrimination is increasingly opposed.
2. It is interesting and encouraging to hear about an ethnocultural group (the Borana Community of East Africa) who spends much of its time thinking about its culture and making deliberate attempts to modify their customs (Duba et al. 1997: 16).
3. Cf. Wa Thiongo (1986).
4. According to questionnaire responses at a recent international seminar in Zambia (a University for Peace Faculty and Staff Development Seminar on Gender and Peace Building, Kitwe, July 2004), thirty gender and conflict resolution practitioners from eighteen African countries revealed an average familiarity of less than 50 percent with African-specific approaches to gender and peacebuilding.
5. This tradition is indeed being used to fulfill the need for restorative and reparative justice (while the International Criminal Tribunal for Rwanda is just focusing on retributive justice).
6. It is interesting to note that Xhosa does not use separate pronouns (as “her” and “his” in English) for the two genders of humanity. Its basic frame of reference is simply that all of us are human beings. This does not mean, however, that Xhosa-speaking people do not recognize and respect the distinctive roles of women and men in human life.
7. For a good description and discussion of the *ubuntu* concept by various writers from Africa, and for an example of *ubuntu* culture applied (guided by Professor Lovemore Mbigi as an *ubuntu* thinker) to transform a labor conflict, see Coetzee and Roux (2000: 41–50). Cf. also Masina (2000).
8. For a contemporary emphasis on conflict prevention, see Adebayo (1999: 22–30).
9. To which may be added the frustration of educated youth, who did not manage to get integrated into the modern sector and are no longer suitable to lead their local communities.
10. As in the Mato Oput tradition in northern Uganda (Murithi 1999: 38–41).
11. In Davies and Kaufman (2003), a section on “Bridging Cultural Divides” is placed within the first eight pages, and a chapter is devoted to “Strategies for Effective Intercultural Conflict Resolution” (pp 149–160). Cf. also Avruch (1998).
12. “The desire to solve problems amicably is the main thrust of the African character” (Ngwane 1996: 51).

Selected Bibliography

- Adebayo, Adedeji, ed. 1999. *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Good Governance* (London: Zed Books).
- Anderson, M. B., and L. Olson. 2003. *Confronting War: Critical Lessons for Peace Practitioners* (Cambridge, MA: The Collaborative for Development Action).
- Assefa, H., and G. Wachira, eds. 1996. *Peacemaking and Democratisation in Africa: Theoretical Perspectives and Church Initiatives* (Nairobi: East African Educational Publishers).
- Avruch, Kevin. 1998. *Culture and Conflict Resolution* (Washington, DC: United State Institute for Peace).
- Coetzee, P. H., and A.P.J. Roux, eds. 2000. *Philosophy from Africa: A Text with Readings* (Oxford: Oxford University Press).

Davies, J., and E. Kaufman, eds. 2003. *Second Track/Citizens' Diplomacy: Concepts and Techniques for Conflict Transformation* (Lanham, MD: Rowman & Littlefield).

Duba, K. R., Y. G. Kalacha, J. Rigano, F. Lesekali, M. A. Seikhow, F. N. Ole Sakuda, J. Akeno, and S. Emweki. 1997. *Honey and Heifer, Grasses, Milk and Water: A Heritage of Diversity in Reconciliation* (Nairobi: Mennonite Central Committee, Kenya).

Masina, Nomonde. 2000. "Xhosa Practices of Ubuntu for South Africa," in William Zartman, ed., *Traditional Cures for Modern Conflicts: African Conflict "Medicine"* (London and Boulder, CO: Lynne Rienner Publishers).

Murithi, T., ed. 1999. "Final Report: All-Africa Conference on African Principles of Conflict Resolution and Reconciliation." Paper presented at the United Nations Conference Centre—ECA, Addis Ababa. 8–12 November.

Ngwane, G. 1996. *Settling Disputes in Africa: Traditional Bases for Conflict Resolution* (Yaoundé, Cameroon: Buma Kor).

Partners in Conflict in Lesotho Project. 2004. National University of Lesotho, Moshoeshe Center for Diplomacy and Conflict Management, and University of Maryland, Center for International Development and Conflict Management. Handout at workshop on Integrative Approaches to Peace-Building and Conflict Transformation in the Region, Maseru, February.

Wa Thiongo, Ngugi. 1986. *Decolonizing the Mind: The Politics of Language in African Literature* (Nairobi: East African Educational Publishers).

Resources

Lead Organizations

African Centre for the Constructive Resolution of Disputes (ACCORD)—South Africa

E-mail: info@accord.org.za

Website: www.accord.org.za

Centre for Conflict Resolution (CCR)—South Africa

E-mail: mailbox@ccr.uct.ac.za

Website: ccrweb.ccr.uct.ac.za

Centre for Conflict Resolution (CECORE)—Uganda

E-mail: cecore@africaonline.co.ug

Website: <http://www.cecore.org>

Wajir Peace and Development Committee—Kenya

P.O. Box 444, Wajir

Tel.: + 254 136 21427 /21175/ 21396

Fax: + 254 136 21563

Contact person: Nuria Abdullahi

West Africa Network for Peacebuilding (WANEP)—Ghana

West Africa Peacebuilding Institute (WAPI)

E-mail: wapi@wanep.org

Website: www.wanep.org

Publications

Degefu Koraro, Giday. *Traditional Mechanisms of Conflict Resolution in Ethiopia*. Addis Ababa: Ethiopian International Institute for Peace and Development, 2000.

Irani, George E. "Islamic Mediation Techniques for Middle-East Conflicts." *Middle East Review of International Affairs* 3, no. 2 (1999).

Malan, Jannie. *Conflict Resolution Wisdom from Africa*. South Africa: African Centre for the Constructive Resolution of Disputes, 1997.

Vandeginste, Stef, Filip Reijntjens, and Ahemd Yusuf Farah. "Traditional Approaches to Negotiation and Mediation: Examples from Africa," in Luc Reyckler and Thania Paffenholz, eds., *Peacebuilding: A Field Guide*. London and Boulder, CO: Lynne Rienner Publishers, 2001, pp. 128–144.