

Peace Building in Africa: Rolling Back Indigenous Non-Coercive African Traditional Model of Conflict Resolution in the Post-2017 Era

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Abstract

One of the greatest challenges facing African countries is the continuous escalation of violent conflicts. The paramilitary and military have been used in rather coercive manners to suspend several violent conflicts in different parts of the continent, but these have not in any way suppressed the conflicts. What this failure suggests is the total embrace of western institutions of conflict-prevention and resolution, to the detriment of traditional African conflict-resolution models. This work holds strongly that the non-participatory roles of traditional rulers in present-day governance as compared to their roles in managing and resolving conflict in precolonial times is, to some reasonable extent, accountable for the escalation of conflicts on the continent. This backdrop presents a compelling need to develop new architecture for continentwide peace-building. To achieve this, we examine traditional alternative dispute-resolution models, juxtapose these models with western models, and identify specific areas in which the application of traditional institutions of governance would have significant transformative impact on conflict prevention and resolution. In the final analysis, the work suggests how to integrate traditional authorities and traditional democratic political values into the modern governance structure in a dynamic manner to promote peace in Africa.

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Introduction

At the moment six African countries are experiencing violent conflicts in their countries, while some others are at the risk of experiencing similar crises. These countries include Democratic Republic of Congo (DRC), South Sudan, Burundi, Ethiopia, Central African Republic and Nigeria. Crises in these countries have made millions of people lost their life and properties and have become refugees in their countries (Six of the world's most neglected crises are in Africa (World Economic Summit, 2018). These African conflicts have deep-rooted causes, such as the legacy of colonialism which includes extractive patterns of economic development and lack of coincidence between nation and state; ethnic tensions and the suppression of minorities; the quality of governance; the way law and order are maintained; the equity of the economic and social systems; and issues such as ethnic discrimination chronic poverty and underdevelopment, etc. (Malan, 2005).

It is therefore apparent that one of the major issues which are of utmost importance in the aforementioned Africa countries is how to effectively and efficiently address these crises and how to avert occurrence of such crises in other countries on the continent. This as a resultant of the fact that extant literature is suggestive of the view that the post-colonial State emulation of western institutions of governance, which are often at odds with traditional African cultural values and the region's contemporary socio-economic realities have not achieve peace and stability which is one of the major reasons for the existence of the state (ECA, 2007).

Within the backdrop of the above position, the main concern of this paper is how to engage African traditional political institutions in the process of conflicts resolution and prevention, so that violence does not threaten the continued existence of the African continent (Tasie, 2005). Introducing African traditional political institutions into the matrix of conflicts prevention and resolution becomes very relevant considering the increase of violent conflicts in different countries on the continent and as stated earlier, occasional state failure in the maintenance of peace and order. It is a common knowledge that these indigenous African

political institutions and practices have not been fully recognised and have been sidelined with regard to political arrangements and conflict resolution in most of the modern African states (Ayittey, 1992; Chazan *et al.*, 1999; Tuso, 2000; Zartman, 2000). Yet some of the indigenous socio-political institutions as we shall see in subsequent sections of this work, can still play, both at the local and national level, key roles in governance and conflict resolution (Osamba, 2011)

Thus, the paper focuses on how to integrate formal western political institutions with the African traditional political institutions, so that they can complement each other in violent conflicts prevention and management. Harmonizing the two sets of institutions, in turn, requires reform of both in ways that would make them democratic and amenable to coherent and effective system of governance (ECA, 2007). Therefore, in order to adequately address thematic issue under discourse, I shall take an overview of the pre-colonial, colonial and post-colonial African traditional political institutions, establish a theoretical framework for understanding the relevance of African traditional political institutions in conflict prevention and management, comprehensive assessment of how African traditional political institutions can contribute to the prevention and management of conflicts, an examination of how African traditional political institutions can co-exist with formal western institutions of governance especially for the purpose of conflict prevention and management.

Prevention and Management of Conflicts in Pre-Colonial, Colonial and Immediate Post-Colonial Africa

Prior to colonisation, there were in existence in most African societies local administrative machineries founded upon traditional institutions. These institutions of traditional rulers were virtually the only institutions of governance which played critical roles such as custodians of customary law and communal assets, especially land and resources; guardians and symbols of cultural values and religious practices; dispensing justice, enforcing contracts and also resolving conflicts (Olaniran & Arigu, 2013).

During this pre-colonial period in Africa the art of resolving conflict is borne out of a belief that conflict which is inevitable could and should not be left alone, it therefore needs to be put under control by interacting with relevant parties to develop common principles and practices that would return cordial relationship against violence. During conflicts, traditional rulers in most of these African societies therefore undoubtedly played significant roles in managing these conflicts informally and arranging peace-making meetings when matters get out of hand. These governance institutions and structures were controlled by certain unwritten laws which formed part of the general social structure, and, its machinery of enforcing governance was well organized to manage affairs, administered justice and resolve tension in the society.

In traditional African societies, the law enforcement agents, traditional police and courts were responsible for ensuring compliance with the laws of the land. Disputants often take their cases to elders and neighbourhood mediators who can be depended upon to resolve conflicts with dispatch in local language, using familiar standard of behaviour (Ajayi, 2014). The methods of performing conflict resolution in the traditional African societies are as follows: mediation, adjudication, reconciliation, arbitration and negotiation. According to Ajayi Theresa (2014), these methods were effective in the prevention and resolution of conflicts, especially the intra-tribal conflicts in traditional African Society. We shall in the next paragraph at the risk of repetition briefly explain these methods for a better understanding of the conflict resolution process in African traditional societies.

Mediation involves non-coercive intervention of the mediators, called third party either to reduce or in some cases go beyond that and bring conflict to peaceful settlement. Mediators usually endeavoured that peace and harmony reigned supreme in the society at whatever level of mediation (Isurmona, 2005). As stated under the preceding section mediators are sought from within the communities or societies of the parties concerned. Their roles depend on traditions, circumstances and personalities, accordingly. These roles includes, pressurizing, making

recommendations giving assessments, conveying suggestions on behalf of the parties, emphasizing relevant norms and rules, envisaging the situation if agreement is not reached, or repeating of the agreement already attained (Bright-Brock, 2001). In traditional African society, adjudication involves bringing all disputants in the conflict to a meeting usually in the chambers or compounds of family heads, quarter heads and palace court as the case maybe (Olaoba, 2005). Reconciliation was the most significant aspect of conflict resolution. After the disputants have been persuaded to end the dispute, peace was restored. This restoration of peace and harmony was always anchored on the principle of give a little and get.

The reconciliation function is practiced by an authority figure that mediates between conflicting parties but is empowered to make binding judgments. The purpose is not to render a judgment in law but to reconcile the conflicting parties and its norms (William, 2000). Negotiation involved harmonizing the interests of the parties concerned in a conflict situation. Thus, even when the conflict involves a member against his or her society, there is an emphasis on recuperation and reinsertion of errant member back into its place in society (Olaoba, 2005). Though these methods were not practised in all pre-colonial African societies, but it remained a standard process for conflict resolution in most societies where traditional institutions and values were more entrenched. More over an understanding of these methods of conflict resolutions in African traditional societies depicts that there were formal processes of conflict prevention and resolution in pre-colonial Africa. Thus, pre-colonial Africa was not a dark continent as suggested by the colonialists and Western scholars.

However, colonialism brought about a role change as the roles and offices of traditional rulers were either usurped by the colonialist or their subjects. This new governance arrangement granted the colonialist easy exploitation and control of their territories (Olaniran & Arigu, 2013) The colonial State either demoted or eliminated African leaders who resisted colonization or rebelled after colonization (Busia, 1968). In the

British colonies traditional leaders who submitted to colonial rule were mostly incorporated into the colonial governance structure of indirect rule, which was designed to provide the colonial State with a viable low-cost administrative structure to maintain order, mobilize labour, enforce production of cash crops, and collect taxes (ECA, 2007).

As intermediaries between the colonial State and local people, chiefs were expected to maintain peace and order within their communities. Incorporation of African traditional institution into the British structure of indirect rule severely weakened both the formal and informal mechanisms of conflict prevention and management of traditional leaders by changing the power relations between chiefs and their communities (Ibid). Thus, though most of the traditional leaders under the indirect rule remained traditional or customary chiefs, their roles and most notably their relationships with their local communities were reshaped by the British colonial power (European Report on Development, 2009). Invariably, the traditional leaders were expected to maintain law and order through coercive rather than peaceful means of conflict resolution. In fact it was during this period that coercion became the most popular approach to securing peace and order in African societies.

It should be noted that the French, the Portuguese, the Germans, and the Belgians (in the Congo) did more harm to African traditional political institutions than what the British did through indirect rule in their colonies. In their respective colonies they exercised a highly centralized type of administration called "direct rule." This meant that European rule was imposed on the Africans regardless of the existing political relationships among the African people. For instance the French colonies were governed directly from Paris through the governor. The French did use African chiefs but, unlike in the British colonies, these chiefs were appointed by French authorities, in large measure because of their support for French rule. These appointed chiefs did not come from ruling families and, upon appointment, were not posted to their native regions. They did not have any power or authority in the domain they were appointed to oversee. It is therefore an undisputable fact that the French, with few

exceptions, did not attempt to preserve pre-colonial African traditional political institutions in their colonies (Khapoya, 2012). Since these appointed chiefs did not have any power and authority in their domain, the task of maintaining peace were solely done by the French colonial masters through coercive means.

What the foregoing suggests is that colonialism had serious negative effects on the nature and roles of African traditional political institutions. One such impact aside those suggested above was the political centralization of territories having no central government or, where centralization already existed, the foreign powers take-over or domination of pre-colonial central government (Bockstette, Chanda, and Putterman 2002). Though, the extent of political control varied from colony to colony, and often within colony from region to region, the fact remains that the colonialism seriously undermined the powers and functions of traditional rulers, especially on how societal peace is achieved through traditional means (Bergesen and Schoenberg 1980, Ziltener & Kunzler, 2013).

African traditional political institutions did not in any way fare better during the immediate post-colonial era in Africa. This was due to the fact that, the new political elite, who inherited political power from the colonial masters became self-serving and autocratic, and were unable to tolerate the existence of contending points of power. Thus, some of these political elites in their respective countries banned the existence of traditional institutions and dispossessed chiefs of the bureaucratic positions they held within the indirect rule system of the colonial State. In some extreme cases some of these post-independence African countries like Burkina Faso, Guinea, Tanzania, Uganda, Zambia and Zimbabwe, and a host of others political elites attempted unsuccessfully to strip chiefs of most of their authority or even abolished chieftaincy altogether (McGovern, 2013). In some other instances, in their efforts to enhance their own legitimacy the new political elites, especially among the second generation of African leaders, attempted, with varying degree of success co-opt traditional leaders in new power arrangements (ECA, 2007).

In the literature various factors contributed to the attempted reduction

of the power, authority and functions of traditional rulers during the immediate post-colonial years in Africa. One of such factors is that some of these countries had large powerful centralized pre-colonial states, which had chiefs that were too powerful to be controlled by post-independence elites and which resulted in the attempt to reduce the power of these traditional leaders by the political class (Acemoglu et al, 2013).

More so, most of the traditional or customary chiefs roles and most notably their relationships with the local communities were reshaped by the colonial power during colonialism which in effect detached them from their values, norms and communities which to some extent made them irrelevant tools for administration during the immediate post-colonial years in Africa (European Report on Development, 2009). Moreover, where there was the most effective indirect rule in British colonies, the political integration of traditional institutions which that of the modern ones was more difficult, and the tension between old and new elites more evident. In contrary, where direct rule was most effective, the political integration has been easier and less obstructed by old elites (Ziltener & Kunzler, 2013). In such countries there were no rivalries for the control of state power between the political and traditional elites since the latter did not have any power during the French colonial era. These reasons clearly underscore Ekeh (1975) position that there was a transfer effect from colonialism to post-colonial politics.

Historical analysis under this section strongly reveals that although customary institutions survived colonialism, their capacities and influence were greatly reduced during that period and in many post-colonial societies, they existed outside the formal structure of governance and had no statutory recognition. The absence of a statutory framework governing customary institutions constrained their reach and effectiveness. They could not compete with statutory institutions which were backed with police powers of the state. They could not be effective outside the confines of the respective communities, and they no longer held the monopoly of power and authority to determine disputes with finality as those who were

not satisfied with their decisions could refer the disputes to the formal systems (Odhiambo, 2012).

Theoretical Framework

Thomas-Kilmann's model of conflict management forms the basis of analysis under this work. This theory shall provide us robust foundation for the explanation of processes involved in peace-building in Africa. Thomas-Kilmann's conflict's mode instrument explains strategic intentions that could be organised around the matrix of two factors (assertiveness and cooperativeness), which jointly produce five conflict management styles (avoidance, accommodation, competition, compromise and collaboration) (Black 1990; Borg 1992; Thomas 1992; Volkema and Bergmann 1995). The contemporary nature and forms of violent conflicts in Africa require a combination of approaches as well as a combination of institutions that can use these approaches under different conflict situation. This is in line with Akinwale's (2010) position that this combination is needed for theoretical and methodological support in the integration of traditional and modern conflict prevention and management strategies. This study is therefore anchored on how to apply the Thomas-Kilman's model for a better understanding of how to prevent and manage Africa's protracted violent conflicts through the combination of traditional and modern Institutions of government.

According to Thomas-Kilmann's model, assertiveness flows from concerns for self-interest, while cooperativeness is driven by concerns for the other party or the relationship (Thomas 1992). This position has opened up the stage for a discourse on the relevance of each of the institutions (traditional and modern institutions) in the prevention and management of violent conflicts in Africa, especially where self-interest of individuals and groups remains paramount. Assertiveness and cooperativeness are relevant in explaining how avoidance and negotiation or settlement can assist in preventing or limiting intra or inter group conflict. In this regard, existing strategies for the prevention and management of Africa's violent conflicts requires assertiveness and cooperativeness which can be better

applied by traditional political institutions than modern institutions considering the former's closeness to the people and the legitimacy derived from norms and values.

Basing analysis in this work on the fact that modern institutions' management of conflicts in Africa is very weak opens the need for searching for alternative approach(es). When conflicts erupt in most societies in Africa the application of coercive instrument of governance have mostly led to human rights violation and in some cases escalation of violence (Ibeanu, 2006). Thus, some societies under conflicts situation in recent time resort to unofficial strategies (vigilante, and communal solidarity). Nigeria is a good example where unofficial strategies of conflict prevention and management are increasingly becoming relevant. These unofficial strategies have assisted in preventing and resolving violent conflicts in some communities in Nigeria, especially in area with entrenched loyalty to African traditional institutions. Thus, contrary to general belief in western paradigms, every African community has capacities for promoting mutual understanding and peaceful coexistence (Lauer 2007). Integrating the traditional and the modern conflict management strategies in Africa would aid the stability and development of many African societies. In light of the foregoing, this study focuses on the possibility of integrating both traditional and modern conflict management strategies for peace-building and development in Africa, especially with the relevance of Thomas-Kilmann's conflict mode instrument as a tool of analysis.

Prevention of Violent Conflicts in Africa: The African Traditional Political Institutions Option

For the purposes of this work, the term *conflict prevention* refers to non-violent (or creative) conflict transformation and encompasses activities designed to defuse tensions and prevent the outbreak, escalation, spread or recurrence of violence. The work shall look at conflict prevention via the African traditional political institutions in two contexts, *operational prevention*, which involves measures applicable in the face of imminent crisis and *structural prevention* which includes measures to ensure that

crises do not arise in the first place or, if they do, that they do not re-occur. It should be noted that the emphasis under this section of the work is how to avoid situation where disagreement descends into violence (ECOWAS, 2008).

Thus, traditional political institutions' mechanism for conflict prevention shall be examined within the context of what the United Nations terms UN broad range of actions that address structural risk factors, and prevent the escalation of tension into deadly and destabilizing conflict, in addition to preventing the continuation of conflict or its recurrence. This would encompass the entire timeframe of any conflict cycle and also embraces the concepts of conflict management, conflict resolution, peace-making, peace-building and post conflict recovery (Malan, 2005).

The positions of the paper as we shall see under this section is that current approaches to conflict prevention and resolution which are inherently state-centric in character need to be carefully re-evaluated, since they have failed in essentially preventing violent conflicts on the continent of Africa. Subscribing to Olaniran & Arigu (2013) argument most African countries today have no mechanism for managing and resolving conflicts between groups especially politically instigated conflicts except through the use of military force. It is prudent today for countries to assume that they are likely to have several types of conflict which their judicial systems cannot deal with and that resorting to the military may not be the wisest course of action.

What this position suggests is that violent conflicts would continued to be on the increase except there is a movement from current state-centric approaches to conflict prevention and management to the one that would give prominent roles to African traditional political institutions, especially in conflicts involving local communities and identity struggle (Jackson, 2000). It is important to raise the caveat that my position under this work is not a blanket substitution of the role of the state in conflict prevention and management but rather an examination of how governmental and chieftaincy institutions can forge alliances and complement each other in conflict prevention and management. As Bockstette et al. (2002)

argue modern institutions work better when there are strong traditional institutions to build upon.

The interventionist relevance of African traditional political institutions in conflict prevention and management shall be explained within the context of causes of various conflicts across countries on the continent. This stems from the fact that understanding the causes of violent conflicts gives us a better understanding of how to prevent future occurrence or how to manage existing conflicts.

The first area where the intervention of African traditional political institutions becomes relevant is in the prevention or management of violent conflicts emanating from the process of state-building. As Okafor notes, “coercive approaches to state-building fail because in the contemporary view of human rights, violent, coercive unification and repressive homogenization are morally and socially bankrupt” (2000). This position is premised on the fact that far from leading to long-term peace and stability, military victory in cases of internal resentment against the state, if attained, leads only to a temporary lull in violent conflicts, accompanied by intense resentment and resistance, which are likely to be followed by a new cycle of hostilities. By contrast, conflict resolution mechanisms through traditional institutions mechanism establishes peace and harmony in order which helps in preventing future feuds. This is true based on the fact that in resolving conflict the traditional institutions mechanism narrows the differences between protagonists. Animashaun Olateju (2013) attests to this fact when she argues that adopting local mechanisms for conflict emanating from state building facilitate ownership and have greater resonance in societies than Western conflict management approaches.

Furthermore, the traditional conflict resolution and consensual decision-making mechanisms can enhance state-building by creating possibilities for accommodating the interests of different sub-state entities and the protection of minority interests. Incorporation of traditional values also makes it possible for the adoption of power-sharing arrangements as a strategy of state-building. This strategy was effective in

the transition to post-apartheid South Africa. In addition, the traditional conflict-resolution mechanisms can be applied in order to deal with the growing problem of post-election inter-party conflicts. The coercive approach African States have adopted to suppress political parties often exacerbate the state-building crisis, as political parties often tend to have ethnic or regional affiliations (ECA, 2007)

African traditional political institutions can also be relevant in resolving civil cases involving land disputes, intra-communal clashes, inheritance disputes and marriage disputes. Traditional institutions are important in this respect since it is generally believed that chiefs are well versed in community customs and traditions and are reputed to have some degree of impartiality. A clear example of how traditional political institution can be relevant in resolving civil cases can be seen in Kenya where elders are informally involved in arbitration and reconciliation of disputants. In Kenya there is elders council in various communities who are volunteers and who are not paid for their services (time and effort), apart from a small token to purchase refreshments or meals during hearing of disputes. These councils of elders under the direction of government-appointed chiefs and assistant-chiefs mainly handle civil cases involving land, inheritance, and marital disputes. These councils have no jurisdiction on general criminal cases, which are referred to the government court system (Osamba, 2011).

African countries with highly centralised traditional institutions can set up an independent arbitration council for the prevention and management of resource based, boundary and ethnic conflicts. This council should be made up of first class traditional rulers from across the country. A secretariat and a pool of experts should support such a council. The state and the private sector, especially wealthy nationals of the country, should contribute and provide it with adequate finance. This council should not be just an advisory body as it is presently obtainable in some countries that recognise the existence of traditional councils in their constitutions. Rather, the council should be a body with a mandate to discuss issues that could lead to escalation of violent conflicts across

the country and a guarantee to enforce agreement as an essential method of resolving conflicts.

This council would be relevant in preventing conflicts with the use of the early warning method in conflict prevention. The ability of this early warning method for conflict prevention can be effectively done by the council because traditional rulers who are members of the council are closer to their local people than other formal governmental institutions. The attachment of traditional rulers who are part of the council to their local communities would easily allow the council to have knowledge of existing local challenges that could lead to violence. The coalitions that chiefs in the arbitration council could build among themselves in order to strengthen their own position vis-a-vis the State may also serve to reduce ethnic conflicts. It should be further noted that the moral authority of the council rather than the military force of the state should mostly back its decision. Military force should be used as a very last resort. The existence of this central arbitration council is without prejudice to council of elders that could also mediate in local crisis as suggested in the preceding paragraph. In fact, various communities based council of elders that I have suggested shall maintain channel of communication with the arbitration council and serve as resource pool for the latter.

My analysis so far under this section reveals strongly that traditional political institutions remain an enduring part of African heritage. It plays a critical role as the custodian of culture and traditions. Since traditional rulers are closely linked with the grassroots, and so understand the problems of their people, they remain veritable instrument in the search for peace, order and stability across the continent of Africa. In fact, traditional conflict-resolution mechanism has the potential to be effective beyond the local level, given an enabling political environment. Unlike government-appointed administrators, lower-level chiefs and village leaders live in conditions largely similar to those of their communities. They share common interests and think like their people. As a result, they are better equipped to represent the interests of their communities than are government-appointed or elected officials.

Resolution of Conflicts and the Maintenance of Peace: African Traditional Political Institutions and Modern Political Institutions' Synergy

The coexistence of traditional and modern social systems has a long history. Traditional methods of social control such as communal solidarity, traditional oaths, rewards, vigilantes, informal settlements, checks and balances, decentralisation, effective communication and good governance remain strong and have been informally used successfully for conflict management in many local communities across countries in Africa (Akinwale, 2010). At the risk of repetition I will state that to the extent that African traditional political values and customary laws are essential to the continent's transformation, the role of the authorities who are engaged in the practice and maintenance of those values is indispensable. Chiefs, especially those at the grassroots level, and elders in the decentralized political systems, are leaders in the practice of those values and they form an integral albeit informal part of the governance structures of rural Africa. In fact, traditional institutions had authority and legitimacy that post-colonial African governments are yet to attain. Clearly one of the effective means of capturing the minds of many Africans is to work through their traditional institutions. The British colonialists, unlike our postcolonial leaders understood this reality so well that they co-opted the strongest of these through the system of indirect rule.

As von Trotha (1996) notes, chiefs and village heads under civil chieftaincy constitute a forum where local interests are debated and articulated. Thus, they can constitute a valuable resource in conflict prevention and management as well as in mobilizing rural populations for active engagement, not only in development activities and the distribution of public services, but also in the national political process. For instance, the resolution of the conflict in northern Uganda has revealed that there is a rich body of traditional systems of law and justice that reflect principles of conflict management with both retributive and restorative elements where the objective is to reintegrate the perpetrators into their communities and reconcile them with the victims, through a

process of establishing the truth, confession, reparation, repentance and forgiveness. (Latigo, 2008).

Despite the importance of the African traditional political institutions as have been variously recognised under this work, they have not been adequately recognised by government in most countries in Africa. In some countries where they are given some level of recognition they lack any meaningful autonomy and only exist as appendages of the ruling political elites. I shall give few examples, especially in the Nigerian case where traditional institutions are given some level of recognition by the government to buttress this position. In Borno state, in the North-Eastern part of the country, the Governor of the state threatened that daring to grant audience to opposition political parties, all first class emirs in the state risk losing their seats, as the Governor vowed to sanction all traditional rulers who refuse to support his political party (Vanguard March 7, 2015). Similarly, the Governor of Abia state in South-Eastern part of the country in the year 2015 sacked five traditional rulers perceived to be sympathetic to opposition political parties in the state (The Sun Newspaper, March 20, 2015).

However, since large segments of rural Africans demonstrate allegiance to these traditional political institutions, the State has encountered intense resistance when it attempts to eliminate them or undermine their functioning. Therefore, considering the importance of traditional political institutions, especially in the area of conflict prevention and resolution, as well as the failed attempt of total eradication of this institution in post independent Africa, what becomes relevant therefore is the modalities for granting them adequate autonomy and how to integrate them into the modern system of governance across countries in Africa. The integration that is different from the creation of an upper house (house of chiefs) in parliament with a largely advisory role. I shall give few examples of these houses of chiefs and how they operate in some countries of Africa for a better understanding of what is obtainable in Africa at the moment.

In Namibia Council of Traditional Leaders in is an organ that advises the President, mostly on matters of utilizing communal land. Ghana's

House of Chiefs is also charged with advising any authority under the constitution on matters related to chieftaincy and customary law. Zimbabwe reversed its earlier policy of dismantling chieftaincy and created a Council of Chiefs in 1993. The House of Chiefs was restored in Zambia in 1996. In Lesotho and Malawi, chiefs constitute two-thirds and 30 per cent of the Senate respectively. South Africa's 1996 constitution provides for the creation of provincial and national houses of traditional leaders (Bank and Southall, 1996).

For remaining mostly advisory bodies the creation of these houses of chiefs by these respective countries in Africa could be possibly seen as a design to appease chiefs and to manipulate them into supporting the political leaders. Moreover, it is also irrelevant incorporating only the upper echelons of chiefs as it is done in almost the countries that have houses of chiefs, without integrating the traditional democratic values or the leaders at the grassroots level. This approach according to Economic Commission for Africa publication on the relevance of African institutions of governance (2007) is not very likely to lead to a dynamic harmonization of the fragmented governance structures of African countries. A new and more holistic incorporation of traditional institutions, including lower-level chiefs and headmen and the relevant aspects of customary laws and political values would be more effective.

Botswana, which has maintained an upper house of chiefs since 1965, has taken steps in this direction. It has maintained the traditional courts, with chiefs performing judicial duties. An approach which combines advisory and judiciary roles for traditional authorities and builds on democratic traditional political values and customary laws, as shown with the Botswana's example is likely to be more successful, especially in the area of conflict management (ECA, 2007). There is also a reasonable logic in the Ghanaian's example where there is a legislative and judicial decentralisation programmes "as a framework for integrating aspects of the existing conflict management methods and skills of the national government and the country's ethnic groups (Fred-Mensah, 1999).

Political life below the centre must be legalised and institutionalised to

build on local learning, to achieve insulation from the centre, which would in turn generate greater autonomy for traditional political institutions. With such relative autonomy these local political institutions can manage programmes, hear and settle civil cases, and raise local vigilante groups that protect communities (Wunsch, 2000). The fear has always been that local autonomy could well spawn the leadership and cohesion to challenge the state elite, just as it did during the late colonial era (Mawhood 1993).

This fear is however irrelevant. For instance in Nigeria traditional institutions have developed and flourished, though with little level of autonomy, with modern institutions of government. At the moment in Nigeria there are more “traditional” rulers today than at Independence of the country in 1960. One reason for this is that traditional rulers are often more trusted than local and state government officials during post-conflict situations, which are becoming extremely common. The works of Sklar (e.g. 1993; 1999a; 1999b; 1999/2000; 2003) and in particular his concept of “mixed government,” suggest the dualism and symbiotic relationship between traditional and state-derived institutions that characterises government in Nigeria and many other African countries.

However, it is needful to point out that the integration of the modern and the traditional institutions necessitates that the latter are attuned to the reality of modernization. As Odhiambo (2012) suggests, modernization of traditional institutions is important in order for them to adapt to new or changing environments. But for such adaptation to empower rather than emasculate traditional institutions, its content and pace must be controlled by communities themselves as the principal stakeholders. The role of policy and law as well as any external support has to be the facilitation of the process of adaptation through providing support by way of technical skills, comparative influences and an enabling environment (Odhiambo, 2012). This would involve some Constitutional imperatives critical for providing such an enabling environment.

In this regard, the Constitutions of Ethiopia, Kenya, Botswana and Uganda contain provisions that if properly used could support such adaptation. The Constitutions of these four countries have strong

provisions on decentralization/devolution of power to the local level, with stipulations for public participation in decision-making, that provide openings for customary institutions to play active roles in governance. However in order to guarantee that the positive constitutional provisions as exemplified by these four countries did not get watered down there is the need for appropriate implementing frameworks and formal institutions that would ensure that customary institutions are properly integrated in governance. Where implementation frameworks are established they often create modern institutions that operate on the basis of norms that embedded in tradition.

Conclusion and Recommendations

There is no gain arguing the fact that post-colonial states in Africa have grossly failed in ensuring the peaceful coexistence of its people. A failure which cannot only be explained primarily within the context of past colonial experiences, but rather more on the failure of post-colonial states to build on existing structures and introduce structures which are suitable to the social and political realities of the continent. One of the wrong steps taken by post-colonial political leaders was the manner in which the pre-colonial political institutions were relegated to the background in the process of governance. Such missed step could be said to take the ownership of the process of governance from the grassroots. As we have variously explained under this work, the reduction of the powers and functions of African traditional political institutions and in some other cases their total abrogation can be attested to as one of the major reasons for the continuous increase of violent conflicts across the continent.

There is therefore the need for a total integration of African traditional political institutions in the process of governance. An integration that goes beyond the regular recognition of council of chiefs that primarily exist as advisory bodies to the government, to a body that has certain levels of autonomy in handling civil matters. The Botswana's model of the incorporation of the traditional institutions into the process of government should be adopted by countries on the continent. Botswana's legislative,

judiciary and governmental institutions have been modelled on European examples but adapted to Tswana tradition. Tswana institutions have been preserved at the level of local administration, where chiefs still exercise important judicial functions. Adopting the Botswana's model could lead to a radical change of the system and structure of government. Structural change in system whereby countries that have bi-cameral legislature comprising of the Senate and House of Representatives would abolish the House of Representatives and its place introduce an Independent Arbitration Council. Those countries with a one chamber's legislature would need to add this arbitration council as an organ of government.

This, Independent Arbitration Council should be made up of first class traditional rulers from the major ethnic groups in African countries. This council is expected to play critical roles in mediating in intergroup conflict and in violent conflicts against the state. They are also expected to negotiate how to settle existing conflicts and reconcile warring groups. A paramount traditional ruler is expected to maintain his membership of the council as long as he remains the head of his domain. This would allow long term membership of the council which shall translate to the building of bond among traditional rulers from different ethnic groups. The long term effect, especially in ethnically heterogeneous countries is the reduction of acrimonies among various ethnic groups, especially when it comes to the issue of resource allocation and question of self determination.

Council of elders comprising of community chiefs should be given the power to handle intra-group conflicts within their local areas. Members of this council are expected to have adequate level of economic resources to avoid being compromised in the process of the performance of their functions. This council is expected to mediate in intra-group conflicts, adjudicate cases when necessary and reconciles warring parties in a conflict situation. Such council is expected to have a formal link with law enforcing agents in situation where it becomes difficult for them to handle a particular conflict situation and in criminal cases which is expected to be handled by relevant institutions of government.

It is therefore important to underscore the fact that with a gradual embrace of various suggestions under this work there would be resolutions of existing violent conflicts and a safeguard against the increase in the rate of violent conflicts on the continent of Africa. It is however important to observe that the work is not suggesting the integration of African traditional political institutions into the process of governance as a fix it all approach to the problems of violent conflicts in Africa, but rather reflects on one of the major mechanisms for conflict management.

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