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Dispute Resolution Mechanism in Africa: Is the Indigenous Method a Solution?

(A spot Check on Literature)

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ABSTRACT

This paper examined how disputes can be resolved using indigenous method through several forms and features of indigenous dispute resolution (IDR) among communities living in Africa. These mechanisms takes a hierarchical format from the family council to the highest level of traditional leaders, others are positional, some take collegial format, chieftaincy or a mixture of chieftaincy and collegial. This paper used systematic review which harnessed mostly on-line information resources through data mining. In order to establish how indigenous methods of dispute resolution has been applied in different countries in Africa. This paper identified different themes that included: Indigenous dispute resolution in West Africa; indigenous dispute resolution in Central Africa; indigenous dispute resolution mechanism in South Africa and indigenous dispute resolution mechanism in East Africa. The findings showed that integrating indigenous knowledge in dispute resolution mechanism offers a valuable understanding and approach that promote community cohesion, cultural resilience and sustainable peace; embracing indigenous perception enriches the diversity of approaches to dispute resolution and contribute to inclusive and just societies.

Keywords: *Dispute, dispute resolution mechanism, indigenous, indigenous method, solution, Africa*

1.0 INTRODUCTION

Disputes occur naturally because they result from people's selfish and competitive desires for power. Disputes may also originate from a grievance or a struggle over resources, differences in thought and opinion, disagreement or incompatibility (Gebre-Egziabher, 2014). Individuals respond to communal beliefs in various ways; seek to avoid potential conflict, register a claim as a proximate source of redress or generate a conflict at a personal, group or societal level. Anthropologically, disputes are the primary foundation for potential and active conflicts (Radjab et al., 2020). Conflict is a particular interrelationship between different actors and states with hostilities or tension manifested in subjective economic or political hostilities. It may also connote a struggle over values and claims to scarce status, power and resources. Destructive conflicts are obstacles to progress, political stability, economic prosperity and overall socio-economic development.

A dispute is a state of opposition, disagreement or incompatibility between two or more people or entities that may or may not be characterized by physical violence. Disputes are ever-present in human relations and occur at all times and in almost all places (Gebre-Egziabher, 2014). In essence, disputes precede conflicts; therefore the challenge is in distinguishing when a dispute becomes a conflict. Conflicts take an active and physical aggression or animosity. Because of this challenge and the subtleness of the term dispute, the term conflict takes precedence in definition and use in most instances (Sharamo, 2014). Disputes are inevitable, normal, positive, and even sometimes necessary and useful for societal and social change (Mekonnen, 2016)

Disputes and Conflicts take the form of competition over scarce natural resources especially among the pastoralist communities resulting in land disputes and conflicts and subsequently affecting the social and economic spheres of these communities. The inter-ethnic and intra-ethnic

disputes among these communities result in enormous loss of lives, property and displacements (Pkalya et al., 2015). A conflict is a latent dispute between two opposing groups or individuals or an opposition between two simultaneous but incompatible interests.Conflict is a natural and unavoidable part of human existence. It results from individuals or groups that differ in attitude, beliefs, values or needs (Hussein et al., 2020). Conflicts are a social necessity and a normal functional and inevitable aspect of all societies.

Communal conflicts as violent confrontations between non-state actors where the cleavages largely fall along ethnic or tribal lines (Wig & Kromrey, 2018). Conflict emerges due to a clash of interests and gains , and occurs when two or more parties pursue incompatible interests or goals through actions that the parties try to harm each other. These parties could be individuals, groups, or countries. The parties can differ over access to resources, the control of political or traditional power, and their identity and values or ideology .

Dowd and Raleigh (2013) reported that 29.5% of these conflicts are violent and arise due to resource competition and are attributed to communal migration in search of water and pasture. These disputes are also exacerbated by the minimal presence of state security apparatus and the proliferation of small arms and light weapons. The disputes have become increasingly intractable as a result of weakened traditional governance systems; the breakdown of inter-communal social contracts; elders' loss of control over the youths; the persistence of moran (warrior) culture; and the politicisation of peace-making processes (Sharamo, 2014).

An Oxford Dictionary (2021) define the word dispute as an argument or disagreement between people or groups while defining the term conflict as an active disagreement between opposing opinions or needs. In essence, the words, dispute and conflict are interrelated but the main difference is that disputes may not necessarily lead to conflicts. The dictionary definition has been supplemented by the inclusion of the triggers to the definition. For instance, Pkalya, Adan & Masinde (2015) define the term conflict as a disagreement between two or more people, groups or communities due to the use of natural resources or simply disputes over a resource. Conflicts arise in the basic units of society such as within families, clans, villages, locations or other small units due to the differences in interests, goals, values and aims among people .The biggest challenge confronting humans is not about the occurrence of disputes per se, but how these disputes are resolved to prevent further escalation. However, the inevitability of disputes and conflicts becomes pathological to society depending on the type and nature of the resolution methods used.
Several forms of dispute resolution mechanisms exist and include a formal judicial system, alternate dispute resolution, indigenized ADR and lastly indigenous dispute resolution**.** The most visible form of conflict resolution has been the state intervention such as the deployment of security forces which does not holistically resolve the conflict (Elfversson, 2015). However the critical question remains, which is the viable method for dispute resolution? This paper therefore digs deeper to understand the methodology behind indigenous dispute resolution mechanism.

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2. METHODS

This paper customized its research using a systematic review which harnessed mostly on-line information resources through data mining method which cut across electronic journals, web-pages and books. However it ensured that recent and relevant information resources related to dispute and conflicts, dispute resolution, dispute resolution mechanism in Africa and forms of indigenous dispute resolution mechanism. A content analysis and systematic review of relevant articles and information were done to drive relevant argument of the study.

In order to formulate the synthesis, the author used Google scholar to search for relevant publications. Onyacha and Ocholla (2009) in their study indicated that Google scholar is a suitable academic based search engine that covers more publications and citation than other sources including institute for scientific information and Scopus database. The analysis was restricted to the visibly available peer reviewed sources so that any individual or public could also examine the findings. The analysis was grounded on the following schematic diagram illustrated in figure 1 with the focus on:

RQ1: What are the forms of indigenous disputes resolution mechanism Africa?

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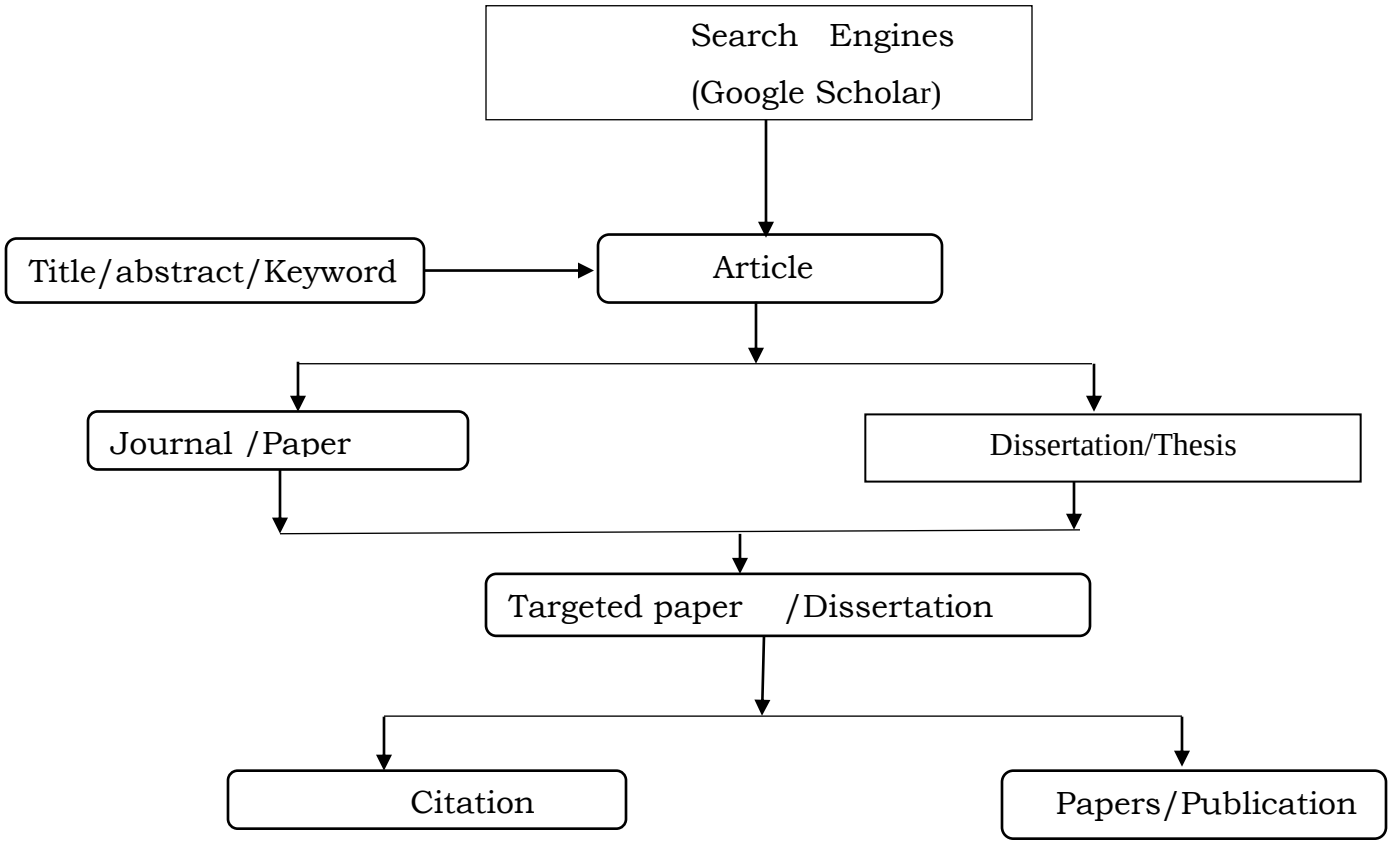


Figure 1: Schematic Illustration of the Literature Review

3. DISCUSSIONS

Studies have identified several forms and features of the IDR mechanism among communities living in Africa. These take a hierarchical format from the family council to the highest level of traditional leaders (Kariuki, 2015& Mekonnen, 2016; Gebre-Egziabher, 2014) while others are positional (Muigua, 2017).Further, some take collegial format (Mekonnen, 2016a; Muigua, 2017; Kariuki, 2015; Gebre-Egziabher, 2014) while some take the chieftaincy format (Moumakwa, 2011; Kariuki, 2015) or a mix of both chieftaincy and collegial. However, the inclusiveness of decision-making structures is a salient dimension concerned with the collegial (shared) form of leadership where specific members are eligible for selection to these customary institutions.

The studies that have examined the collegial nature of the IDR mechanisms in Africa include Omeje, (2018) who highlighted the various dispute resolution mechanisms among African communities. The study noted that the IDR mechanisms were collegial and structured around the indigenous institution such as the council of elders as the apex body and handles dispute resolution using consensus–building tampered with mediation and arbitration in community open

spaces, village squares or shade of a sprawling tree. Wig and Kromrey (2018) found the existing formal customary institutions (FCI) occur at many levels including kings, paramount chiefs, houses of chiefs and elders, legislature and courts which reflect a high degree of institutionalization which is paramount to order and political institutions. The study used datasets from communal conflicts and contemporary African customary institutions to test the influence of indigenous and customary institutions in conflict involvement and resolution.

Pkalya et al., (2015) ascertained that various indigenous approaches to conflict resolution used by the Marakwet, Pokot, Samburu and Turkana, communities in North Rift Kenya. The study observed the use of council (*Kokwo)* among the Pokot and Marakwet communities, the tree of men (*Ekitoe Ng'ekeliok')* among the Turkana community and the court (*Nabo*) among the Samburu communit. These pseudo-formal customary institutions were considered to be the most important governance institutions as well IDR structures that are closely bound with the socio-political and economic realities of these communities.

Kariuki (2015) examined the pseudo-customary institutions from several African communities and their impact on conflict resolution using a meta-analytical approach. The study justified and supported the hierarchical, the collegial forms of IDR mechanism among communities in Africa. In particular, the study mentions several IDR mechanisms that include; the council (*Akiriket*) in Karamojong or (*Arriget*) in Teso communities in Uganda.

3.1. Indigenous Dispute Resolution Mechanisms in Western Africa

Several IDR mechanisms exist in different countries in West Africa. First and foremost, the IDR mechanism among the Tiv community of Nigeria is collegial in nature and involves the convening of a council of elders (*jiror*) which sits in a communal square. The session involves the leaders seated in a semi-circle with the audience forming the full circle and with the disputants being located in the centre**.**Among communities in Gambia and Senegal, the non-hierarchical IDR mechanism is called cousinage (*Sanankuya*) or joking relationship (*dangkuto*) (Davidheiser, 2016). The *Sanankuya* draws from banters commonly known as *dangkuto* or *sanawuya* which allows for the free atypical interaction between parties, regardless of pecking order. This unique form of IDR mechanism uses humour to convince the parties settle dispute and forgive each other, rather than facilitating dispute resolution.

Sanawuya refers specifically to joking relationships or ties between cousins and other people while *Dangkuto* connotes serious bonds such as inter-group links between ethnic groups and clans (Ntuli, 2018). During the Sanankuya, the mediator uses banter to evoke relationship between the disputants and her/him and if the disputants respond favourably to the banter, a bond that is created enables the mediator to reconcile the parties involved. If the disputants counter the banter, the mediator points out to the disputant that they are behaving like one of his kindred, thereby creating a joking kinship. This form of mediation emphasized on reconciliation rather than reconstruction of the facts of the dispute.

In Liberia, the Kpelle IDR mechanisms take a collegial approach whereby a moot forum (*a berei mu menisaa*) often consisting of an ad hoc group consisting of neighbours and kinsmen who settle any dispute between parties (Albert, 2008). In this scenario, the dispute is open to anyone for consideration, and the guilty party, apologizes to the aggrieved party and presents a gift to him/her. At the end, both disputing parties share a drink to symbolically end the dispute. Ntuli, (2018) also observed a collegial IDR mechanism referred to as the "*palava* hut" which involved elders sitting in a round hut and resolving disputes while acknowledging the presence of ancestral spirits. In other instances, communities applied a collegial IDR system which involved the sharing of the Kola Nut. Within the same context, Chereji and Wratto (2013) examined an IDR mechanism by the name, 'Sassywood' which was collegial and based on the belief in ancestral spirits in resolving disputes. These IDR mechanisms shared a similar collegial approach with some distinct differences being the belief in ancient spirits in resolving disputes.

In the case of the *Sassywood* (trial by Ordeal), Chereji and Wratto (2013) noted that this IDR mechanisms were reserved for serious crimes such as theft, murder, rape and witchcraft and was demonstrated through a bitter drink or a hot machete. In cases of theft, death or witchcraft, the accused party was given a mixture of bitter drink from indigenous plants and if the offender regurgitates the drink, he/she is innocent, whereas failure to regurgitate indicates guilt. When a hot machete is used, the red – hot machete was placed on the offender's leg and if the accused moved the leg or was burnt, then he /she is considered guilty, if nothing happens, the accused considered innocent (Chereji & Wratto, 2013).

The '*palava* hut' mechanism involves the gatherings that are presided over by a respected elder or a panel of elders within the community (Danso, 2016). The 'palava hut' mechanism was applied to all types of disputes, including inter-village disputes with a main focus on reconciliation. The main purpose was the admission of guilt from the offender, an apology, and then forgiveness from the victim. Once the apology has been accepted, the offender compensates the victim's family, in the form of cane juice, a chicken, palm oil, rice or a goat. After the process, the offender and the victim share a plate of food. Cane juice is poured out to invoke the ancestral spirits so that the parties are likely to be true to their word and respect the resolution. The offender is often advised by the elders to prevent a repeat of the offence, while the victim is often praised for accepting the apology.

In the case of 'Kola nut' Ntuli (2018), the process involved the elders' convention arbitrating disputes between conflicting parties ascertaining the case and rendering a verdict. If the accused is found guilty, he/she is requested to ask for forgiveness from the victim and make amends through compensation. However, before making compensation, the offender offers a kola nut to the victim. If the victim takes the nut and puts it away, it indicates that the victim is not willing to forgive. However, if the victim takes the nut, bites it and offers the other half to the offender, it is a sign of forgiveness. Compensation, in the form of a goat, cane juice or a chicken, was made after the kola nut had been shared.

These studies from Western Africa highlight the use of collegial forms of IDR mechanisms (Chereji & Wratto, 2013; Danso, 2016; Ntuli, 2018). The mechanisms are laced with symbolism such as the joking cousinage (*sanawuya)* (Davidheiser, 2016); the sharing of the Kola nut (Ntuli, 2018), *Sassywood* and the acknowledgement of the ancient spirits in the dispute resolution process (Chereji & Wratto, 2013). These studies therefore inform and provide better understanding on the importance of the symbols and beliefs of the specific communities in dispute resolution mechanisms.

3.2 Indigenous Dispute Resolution Mechanisms in Central Africa

In central Africa, Ntuli (2018) carried out a comparative analysis of the dispute resolution mechanism in Africa. The author examined the contemporary dispute mechanism in Africa and highlighted several examples. In particular, several communities in Burundi have collegial IDR mechanisms called the *Bashingantahe* or men of integrity which are primarily responsible for settling interpersonal and intra-communal disputes at all levels .When a dispute arises; mediation is always seen as the first point of call conducted by an *umishingantahe* (singular). Where no resolution is found during mediation, the matter is referred to the counsel of Bashingantahe to find a compromise. The Bashingantahe try to find a resolution by counselling the parties and proposing mutual forgiveness and reconciliation, instead of compensation. Together with mediation, this process is seen as a compulsory step for all conflicts. Where the process drags out for a long time, the Bashingantahe assume the role of arbiter. They hand down judgment and their decision is binding on the parties. If the party is dissatisfied with the finding of the Bashingantahe, they may appeal the matter in a formal court (Ntuli, 2018).

Among the Shona community in Zimbabwe, the IDR mechanisms are based on the chieftaincy and headed by a headman but only handle less serious offences, such as matters of verbal abuse, desertion, un-repaid loans, minor theft cases, issues of neglect, and land matters (Aiyedun & Ordor, 2016). A normal hearing among the Shona took place out of doors and would be presided over by the traditional leader supported by assessors, who knew the law and advised the court on judicial matters, as well as councillors and officers of the court, who were in charge of administrative duties. Prospective litigants were required to pay a fee to the court as an indication that they were willing to submit to its jurisdiction. This sum was usually reclaimed by the successful party to a suit, but the tribunal retained that of the unsuccessful party.

Among the Vaheras or the Shona-speaking ethnic group, the IDR mechanism takes the form of a cluster collegial format of a court dominated by adult males headed by the village headman. The disputants and their witness present their case in front of the committee, with the complainant speaking first followed by the defendant, witnesses and the community members (Aiyedun & Ordor, 2016). The hearing commenced with the complainant stating his or her case by pronouncing a saying in Vahera that means *"the one who has eaten the most is the one that first opens the door".* Thereafter, the defendant would repeat the sentence and present their grievances and defences. The court then questions witnesses and opens up a discussion of the facts of the case. The hearing was concluded by a restatement of the merits of the case and the pronouncement of judgment. Once the dispute was settled, the offender was expected to provide a goat or fowl for the community members to share. This encouraged reconciliation of the

parties, because having eaten together, they were considered to have buried the hatchet. Finally, the tribunal attempted to reconcile parties by sharing food or "a piece of each other's snuff" to and repair their previous relationship(s) (Aiyedun & Ordor, 2016).

3.3 Indigenous Dispute Resolution Mechanisms in South Africa

In the Southern African region, the IDR mechanisms are collegial, chieftaincy or a mix of both. For instance, the most recognized IDR mechanism in the Xhosa Community in Botswana is the Kgotla which is a mix of chieftaincy; collegial and hierarchical system made up of elected chiefs called Kgosi or Kgosana and assisted by a council of advisers (Moumakwa, 2011). Kgotla serves as a forum for policy formulations, and decision-making, including political and economic development activities and the judiciary on litigations. This traditional conflict resolution system is hierarchical in nature and starts with the family head, who is the chief conflict manager within his immediate family. Only the cases that cannot be successfully handled by the family heads get referred to the ward *Kgotla* or the neighbourhood court. Cases that cannot be successfully settled at *Kgotla* are taken to the main *Kgotla*, presided over by the chief. Among the Tswana community of Botswana, the IDR mechanism is a mix of chieftaincy and collegial and is hierarchical from the lower family unit level *(batsadibalolwapa)*, the *batshereganyi* (headmen of records), *dikgosana* (headmen), *moemelakgosi-kgolo* (the chief's representative) and finally the *kgosi-kgolo* (paramount chief) working either at individual or collegiate level (Kariuki, 2015).

3.4 Indigenous Dispute Resolution Mechanisms in Eastern Africa

Empirical studies on IDR mechanism are largely collegial like the *Mada'a* systems of the Afar and Borana communities, the *Gadaa* system of the Oromo community , *guurti* and *shir* of the Somali community (Mussa et al., 2017), the *Kamasian* of the Kipsigis Community and *Kambi* of the Miji Kenda Community (Kariuki, 2015) among others. For example, *Araaraa* is a collegial IDR mechanism that is associated with the *Gadaa* system and called *Jaarsummaa* in some localities. The IDR mechanisms are collegial in nature and are structured around indigenous institutions like *Ogaz, Abba Gadda and Kedo Abba* respectively and handle both intra-ethnic group disputes and inter-ethnic group disputes (Mussa et al., 2017).

Among the communities in Ethiopia, Mekonnen (2016) observed that IDR mechanisms are widespread and dependent upon the cultures and beliefs of these communities. The collegial IDR mechanisms among the different ethnic communities in Ethiopia vary but share certain similarities. The Borana IDR mechanism is referred to as the '*Gadaa*' system and is headed by a leader (*Abba gadaa*), who is also the figurehead or president of the Oromo community .The Mad'aa IDR mechanism is hierarchical with each level being headed by a designated leader (*bura abba, Dalla abba, gulub abba and kedo abba)* who is tasked with managing cohesion with the group and resolve any dispute or conflict (Gebre-Egziabher, 2014). The council always refers any case or dispute to the Abba Gadaa whenever a decision cannot be solved at *araddaa* council.

Among the Oromo society, *Abba Gadaa* assumes several responsibilities relating to the economic, political and military but their influence is waning due to changes in the political regimes in Ethiopia.In accordance with *Abba Gadaa*, the *Luba* grade (individuals aged between

40-48) are considered to be elders and settle both inter-personal and intra-communal disputes including crimes such as property destruction, theft and others. Once, the elders (*Luba*) grade retires, they become *Yuba* grade who hold an advisory but their decisions are no longer final (Mussa, Teka & Aliye, 2017). This *Gadaa* system is successive after every every eight years.

The Afar community have a collegial and hierarchical '*Mada'a* IDR system mechanism that manages both inter-personal, intra-communal and inter-communal conflicts based on reconciliation and compensation .The *mada'a* system is based on a clan – system, hierarchical (from the *kedo abba* to *Makaban* to *Sultan*) and is a quasi-judicial system headed by traditional judges (Makaban). The Ma'ada identifies five different types of crimes; Eido (killings), Aymissiya (injury), Rado (theft, destruction of property), Samo (adultery) and Dafu (insults, affronts) (Sansculotte-Greenidge & Fantaye, 2012). However, the application of the *Mad'aa* varies slightly from clan to clan and resolves disputes using either mediation (Mablo) or arbitration (Maro). The Mablo resolves inter-personal disputes such as light physical injury, theft and insults using the mediation process managed by the elders (Mu'uz, 2013). The *Maro* is reserved for all serious violations that include serious crimes and inter-clan offences (such as inter-clan murder), often using neutral mediators (*Isi*) and judges (*Mekabon*) who are known and respected people, from a clan neutral to the dispute.

Among Libido-Mareko ethnic groups in Ethiopia, the IDR mechanism (*Raaga-Maaga*) is a hierarchical system of local governance which administers different societal affairs that include disputes and conflicts. This IDR institution has two stages: Maaga and Raaga (Mekonnen, 2016a). Maaga is the first stage of indigenous conflict resolution institution, it has five different structures namely: Family congregation (*Minan woran Jaana*), sub-clan (*nihuss-gossa*), clan structure (*Giichchoten hafa*), intra-and inter-village level (*Heegeegen Jenna*) and the assembly of Mareko (*Meexe hafa or libidan dummichco*). Each structure of Maaga has its authority and process of conflict resolution. The use of each structure is dependent on different factors like the scale and types of the conflict, actors in the conflict, the relationship of conflicting parties the nature of particular conflict and so on .

The Maaga system is hierarchical and begins with family congregation (*Minan woran Jaana*) is the lowest conflict resolution structure that solves minor criminal-related matters such as physical injury and civil matters within the family. Any inter-personal such as iddir and eqqube issues, property destruction, theft and land-related conflict are directly appealed to *geffecha*, or cases referred by the lower Maaga structures while intra-communal conflicts are predominantly addressed by the members of a village (*Hegeegan Janna)* structure whose authority is limited under village jurisdiction and barred from homicide (Mekonnen, 2016a).

Among the Somali community in Somalia and Ethiopia, the IDR mechanisms have a collegial structure based on the council of elders (guurti) who act as judges and jury (Mussa et al., 2017). Further, Murithi (2017**)** explored and highlighted the crucial IDR mechanism in Somaliland which is based upon the principles of inclusion, consensus and kinship among the council elders (shir and guurti). The *Shir* is a collegial council of clan elders that arbitrated inter-personal and intra-clan disputes that arise over matters such as grazing rights, water, other resources, or

political influence .Collectively, the *shir* council form a collegial inter-clan council known as the *guurti* who jointly operate as an open assembly. The *guurti* settles inter-clan and inter-communal disputes based on the adherence to *Xeer* mechanisms which emphasize interdependence and inclusiveness and form the basis for social contracts or covenants, obligations, rights and collective responsibilities between lineage groups (Murithi, 2017)

In Uganda, there are different IDR systems which are a mixture of collegial and chieftaincy. Among the Acholi of Uganda, the IDR mechanism is inclusive and expansive. For instance, the *Mato Oput* act of reconciliation takes a collegial format and always includes the disputants, victims, perpetrators and their representatives (Murithi, 2017). The IDR mechanisms among the Karamojong community in Uganda take the collegiate form of the council of elders called '*Akiriket'* while those of the Teso community are called *Arriget.* These mechanisms are based on the age sets with the highest age set resolving disputes in a system referred to as *ameto.* The *ameto* is effected though age groups where eldest age set resolves disputes (Kariuki, 2015).

The IDR mechanisms among the Kipsigis community take a collegiate form of council of elders known as *Kamasian* who deal with land, matrimonial disputes in addition to manslaughter (Kariuki, 2015). The IDR mechanism among the Giriama community in Kenya took two main institutions, that is the oracles and the council of elders. The collegiate form includes the two forms of the Council of Elders. The first set, *Kambi* is drawn from the senior age set and deals with normal disputes while the second set, *Vaya*, is the revered set of the council of elders and consists of select elders who operate as a secret society. The *Vaya* governed the whole of the Giriama community *and* presided over trials by ordeals as oracles.

Among the Pokot Community, the collegial IDR takes the name '*Kokwo'*the apex socio-political institution made up of respected, elderly men knowledgeable in community affairs and involved in the disputes resolution. Furthermore, these traditional authorities are mainly composed of elders at the local level at every other village or clan and form the first stage as the mediators (Pkalya et al., 2015). Among the Turkana community, the IDR mechanisms are a mix of hierarchical and collegial and are clustered into individual, family unit level, age – set and clan levels. The supreme IDR mechanism is the collegiate council known as '*Ekitoe Ng'ekeliok*' simply translated as "the Tree of Men". This council comprise the representatives of the different clans and '*adakar*' who are respected leaders in their neighbourhood. The council is largely an ad hoc formal assembly that tackles a range of issues ranging from communal conflicts, and family to inter-personal disputes. Its pronouncements are highly respected and place more emphasis on societal harmony and group solidarity than individual interests.

The reviews on the forms of the IDR mechanisms in East Africa indicate the dominance of the hierarchical and collegial forms of the IDR (Murithi, 2017; Kariuki, 2015. The IDR structure) are hierarchical as they arise from the lowest level to the highest levels of the community and take other responsibilities like community leadership (Pkalya et al., 2015; Murithi, 2017), guardians of tradition and customs (Mekonnen, 2016a) and quasi-judicial functions (Sansculotte-Greenidge & Fantaye, 2012). These studies provide a critical overview of the various IDR mechanisms and aid in describing the distinctiveness of the IDR mechanisms.

The researchers agreed with other scholars that utilization of indigenous knowledge in dispute resolution mechanism provides cherished comprehension and approaches engrained in cultural traditions and community values. By assimilating traditional practice, fostering community participation and promoting restorative justice, these approaches leads to equitable and sustainable dispute resolution hence the need for a clear framework. Adopting indigenous perspective enriches the variety of approaches to peace building and reconciliation universally, promoting cultural resilience and social harmony.

4. CONCLUSION

In regard to the researchers view, integrating indigenous knowledge in dispute resolution mechanism offers valuable understanding and approach that promote community cohesion, cultural resilience and sustainable peace. The whole process requires collaboration, respect of diversity, and learning from traditional wisdom while addressing contemporary challenges. Embracing indigenous perception enriches the diversity of approaches to dispute resolution and contribute to inclusive and just societies.

The indigenous dispute resolution mechanisms tend to succeed because of several reasons. First, they appeal to the local cultural norms and leadership structures. Therefore, the outcomes they produce were more likely to be internalized by the parties. Second, the indigenous processes are inclusive, promote public participation, and seek consensus in addressing the root causes of conflict. Third, there is a value-added element in terms of sustaining peace when these processes draw upon local cultural assumptions, norms, and values as well as traditional and grassroots notions of justice and community-based political dialogue. The indigenous processes ensure the local ownership of peace processes. Fourth, indigenous processes are cost-effective in the sense that they rely on a community's internal resources rather than the infusion of funds from external actors.

The indigenous dispute resolution mechanism has wider appeals from the traditional tribunal systems which tend to enforce social order and exercise customary authority. In some indigenous dispute resolution mechanisms, there is no distinction between civil and criminal matters. The indigenous dispute resolution mechanism works towards an outcome that satisfies the warring parties or arrives at a compromise. Thus, public interest and participation were critical to the acceptance of an outcome and public hearings secured the public interest. Other elements which make traditional justice systems the preferred option include their non-bureaucratic structure, non-dependence on professional legal services, and reliance on the services of lay people and common-sense thinking, with emphasis on substantive issues rather than procedural technicalities.

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