

Chapter 28

Indigenous Conflict Resolution Systems: Building Cultural Peace and Social Solidarity Among Indigenous Communities in South Africa

Tlou Maggie Masenya

Durban University of Technology, South Africa

ABSTRACT

African tribal societies still rely upon indigenous conflict resolution systems as well as cultural sources to uphold the values of peace, tolerance, solidarity, and respect for one another. The purpose of this chapter was to examine the efficacy of indigenous conflict resolution systems in building peace and promoting social solidarity among indigenous communities in South Africa. Data collection was largely based on critical review of literature relating to the application of indigenous conflict resolution systems in resolving conflicts among indigenous communities. Social capital, Ubuntu, and social solidarity were also used as underpinning theories to guide the study. Findings revealed territorial expansion, resource competition, inheritance or land boundaries, misunderstanding over succession, indebtedness, chieftaincy, adulterous affairs, family property, breach of contract, murder, allegations of bewitchment, theft, matrimonial fall-outs, and cattle raiding as the main causes of violence conflict in indigenous communities. However, the absence of clear policy in the application of indigenous conflict resolution system has been found to be a limiting factor, although these systems are effective in resolving conflicts, building peace, and promoting social solidarity among indigenous communities. Socio-cultural norms and values embedded in indigenous communities have remained an integral part of every organized society. The study thus recommended the establishment of indigenous institutions of governance based on norms, values and principles of conflict resolution and peace building.

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INTRODUCTION

Conflicts may occur within families, clans and villages due to differences in interest, values, aims and goals among people and therefore, no society is immune from conflict. Conflict occurs when two or more parties pursue incompatible interests or goals through actions that the parties try to undo or damage each other (Bukari, 2013). These parties could be individuals, groups or countries, and according to Bukari (2013) the parties' interests can differ over access to resources, the control of political or traditional power, their identity and values or ideology.

The realization of these needs and interests by people can lead to conflict and therefore, when two groups or individuals such as ethnic groups pursue incompatible interests and needs which could either be political, economic, social or cultural, they can engage in conflict which can be violent (Bukari, 2013). In traditional African societies people live a communal way of life and sitting down informally to resolve and manage conflicts.

In Africa, family ties and community networking are constantly respected, maintained and strengthened. Most of indigenous communities in Africa have their own traditional conflict resolution processes that enable them to manage and resolve conflict, and these communities are moving towards incorporating indigenous conflict resolution mechanisms in their policies, laws and constitutions (Ghebretkle & Rammala, 2019). Conflict resolution can be regarded as any process that resolves or ends conflict via methods which can include violence and warfare, on the other hand, it can be seen as a non-violent process that manages conflict through compromise, or through the assistance of a third party who either facilitates or imposes a settlement or resolution (Manning, 2015).

Conflict resolution aims at identifying the main causes of a conflict so as to put an end to the conflict to ensure sustainable peace. As noted by Ajayi (2014) indigenous conflict resolution systems in Africa are closely bound with sociopolitical and economic realities of the lifestyles of the communities and these systems are rooted in the culture and history of the African people, and are in one way or another unique to each community. According to Gowok (2008) the indigenous conflict resolution systems received growing attention as evidenced by an increase in research activities, publications, and policy interest as well as a growing attention given by the government, judiciary and the civil society. However, the world-views underlying indigenous and Western approaches to conflict are radically different (Walker, 2004).

Indigenous approaches to conflict tend to be holistic, interconnected, and cyclical in nature (Walker, 2004) while Western conflict resolution approaches focus on reaching an agreement, emphasize needs of individuals, and follow a tightly prescribed linear sequence. Western models of conflict resolution continue to be implemented in many Indigenous communities, despite these differences (Beattie, 1997), and many Indigenous communities resist this intrusion, protesting that Western techniques are not culturally appropriate in many Indigenous settings (Ross, 1996). In most practices, indigenous conflict resolution systems are promoted as appropriate method for all cultures in reaching an agreement between individual parties over mending relationships that have been damaged by the conflict. Therefore, apart from being the powerful human tool for survival, they bring order which in turn makes the society devoid of any state of lawlessness (Olusola & Aisha, 2013).

The indigenous conflict resolution systems were, however, largely weakened and even destroyed in many indigenous communities in South Africa, especially as the colonial masters introduced law courts which came to pronounce judgments rather than resolving conflicts. As noted by Bahta (2014) indigenous conflict resolution mechanisms have been marginalized since the 1950s and 1960s when the imperial regime was engaged in the extensive codification and overhaul of the existing laws with the aim

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