



Potentialising a Traditional Peacebuilding System Towards Resolving Land Disputes in African Communities

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Abstract

Land is a common cause of conflict in Africa. It is at the root of much social unrest and violence among family members, groups and communities. Although the state judicial system has been a major adjudicator in these instances, their case pronouncements have brought little or no recourse to peaceful co-existence among the conflicted parties. This article seeks to advance the potential of the traditional peacebuilding system as a 'community friendly' option especially for constructive land dispute resolution. Traditional peacebuilding is devoid of long judicial proceedings, 'preconceived' justice and high costs. This article argues that, unlike the state judicial system, traditional peacebuilding is not only about making resolutions through rational choice, custom knowledge, community history and social cohesion but also about enhancing restorative justice, inclusiveness and peace promotion, and developing the trust and safety that is so badly needed across African communities. It, therefore, concludes that the traditional peacebuilding system has an organisational propensity to resolve land disputes within an institutionalised structure across African communities.

Keywords: land dispute; traditional peacebuilding; dispute resolution; peace promotion; Africa

Résumé

La terre est une cause fréquente de conflit en Afrique. Elle est à l'origine de nombreux troubles sociaux et de violences au sein de familles, de groupes et de communautés. Le système judiciaire d'État a été un arbitre majeur dans ces cas, mais les jugements rendus n'ont guère, voire aucune incidence sur la coexistence pacifique entre les parties en conflit. Cet article tente de faire progresser le potentiel du système traditionnel de consolidation de la paix en tant qu'option « favorable à la communauté », en particulier dans la résolution

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constructive des conflits fonciers. La consolidation traditionnelle de la paix est dépourvue de longues procédures judiciaires, de justice « préconçue » et de coûts élevés. Cet article soutient que, contrairement au système judiciaire étatique, la consolidation traditionnelle de la paix ne consiste pas seulement à prendre des décisions grâce à des choix rationnels, à la connaissance des coutumes, à l'histoire communautaire et à la cohésion sociale. Il s'agit également de renforcer la justice réparatrice, l'inclusion et la promotion de la paix, et de développer la confiance et la sécurité qui sont si nécessaires dans les communautés africaines. Il conclut donc que le système traditionnel de consolidation de la paix a les aptitudes organisationnelles à résoudre les conflits fonciers au sein d'une structure institutionnalisée des communautés africaines.

Mots-clés : conflit foncier ; consolidation traditionnelle de la paix ; résolution des litiges ; promotion de la paix ; Afrique.

Introduction

Traditional peacebuilding is culture-driven in that it uses indigenous norms and values to create the basis for social solidarity (Zartman 2000; Murithi 2006). It emphasises traditional philosophy and logic for the resolution of human conflicts. Tafese (2016) states that the system builds on knowledge and experiences that have been transmitted through time. It is a social construct that is rooted in traditional beliefs and a long history of legitimising conflict resolution among people (Zartman 2005). Arguments have been made about the important role of traditional approaches to peacebuilding in most African communities. Unstable and weak states have been identified as the underlying reason for the continued support of traditional approaches (Mbwirire and Dube 2017), and Murithi (2006) has criticised modern state structures for their poor record in promoting social harmony and integration, which traditional peacebuilding might improve.

The strength of traditional peacebuilding mechanisms has been shown in many instances of conflict resolution in Africa. It has been used to pacify clans after interethnic conflict in the Oromia and Somali regional states (Boege 2006). In Mozambique, traditional reconciliatory practices have been used, especially for the deradicalisation and reintegration of child soldiers into the community (Zartman 2000; Murithi 2006). In Chad, Ghana and Nigeria, low-intensity conflicts have been settled largely via the apparatus of traditional institutions (Tutu 1999; Ajayi and Buhari 2014) with little or no recourse to the institutions of the state. In the past and present, traditional institutions have been notably efficacious in resolving issues of intracommunal conflicts, such as marital misunderstanding and family disputes over land and inheritance (Benson and Lamidi 2018; Lamidi 2021).

This does not mean, however, that traditional institutions are always successful in peacebuilding. Mbwirire and Dube (2017) have pointed out the shortcomings of traditional peacebuilding systems, such as their gerontocratic and gender-unequal nature and overreliance on primordial and traditional knowledge. Political co-option and manipulation have also been known to tarnish the traditional peacebuilding system, thus resulting in poor compliance and legal representation.

Notwithstanding its structural limitations, there is hardly any African community without a traditional system of conflict resolution and peacebuilding. In Zimbabwe, for example, the *Dare* traditional peacebuilding system remains a frontline institution for conflict resolution among the Shona people (Jabs 2014). In Rwanda, traditional peacebuilding includes the mediation traditions of *gacaca* courts, *ingando* camps and the *Abunzi* (Anastase 2015). Musingafi, Mafumbate and Khumalo (2019) discuss the role of the council of elders in Kenya within the spheres of the traditional peacebuilding system, and highlight the Wajir Peace Initiative as a women's traditional resolution group in Northern Kenya. In Burundi, the *Bashingantaha* tradition is a local model of peacebuilding that enjoys legitimacy in conflict resolution (Musingafi *et al.* 2019). The *Gada* system in Ethiopia is the traditional mechanism for peacebuilding among the Oromo people (Ogoloma and Ukpere 2011). Murithi (2006) has also extolled the efficacy of *Ubuntu* as a peacebuilding tradition and practice in African communities.

The above examples existed long before colonial adjudicating structures were imposed, and had particular relevance in the political and socioeconomic management of human livelihood and sustainability. It begs the question why pan-Africanists and postcolonial governments have not institutionalised these established traditional approaches to peace enhancement, particularly since land disputes are known in all communities in Africa. Moore (2010) analysed land battles that sparked conflicts across the continent of Africa, including examples in Western Sudan, the Democratic Republic of Congo (DRC), Kenya, Zimbabwe, Rwanda, Eritrea and Ethiopia, with uncountable and unreported cases of low-intensity conflict. Even today, there are still combustible land disputes in Burundi, South Africa, South Sudan, Uganda and Zambia, among other cases. In this regard, it becomes imperative to strengthen traditional methods of peacebuilding to nip in the bud emerging land disputes across African communities. Indeed, reinventing African peacebuilding capacities is foremost among several recommendations on peace, security and post-conflict reconstruction in Africa (Lumumba-Kasango and Gahama 2017).

This article aims to contribute towards institutionalising the potential of traditional peacebuilding systems. It addresses the failures of state judicial systems in land dispute resolution. In addition, it highlights the practical benefits of traditional peacebuilding, such as shortening the litigation and judicial proceedings and reducing the high administrative cost of state judicial courts adjudicating on land disputes. It also aids the legal and policy approaches of government to solve land disputes and other related conflicts, and demonstrates the relevance of traditional peacebuilding in modern governance architecture. It is against this backdrop that this article seeks to argue for the institutional relevance and potential of the traditional peacebuilding system as an agency for land-dispute resolution, which would promote restorative justice and peace and develop social trust across modern African communities.

As a follow-up to this preamble, the next section discusses land disputes from African perspectives with empirical examples. The third section describes the context of the traditional peacebuilding system. The fourth section presents theoretical frameworks for institutionalising traditional peacebuilding. The fifth section promotes the relevance of traditional peacebuilding system in resolving land disputes in African communities, and the last section delivers the concluding remarks.

Land Disputes in the African Context

Land is a key asset for human activity and is central to the production of basic human needs, such as food and shelter. Yet its socioeconomic significance means that it has long been the object of expropriation and cause of violence between individuals and groups in Africa. As a competitive asset, it has been at the centre of conflicts about social identity, legitimacy and territory (Bruce and Boudreaux 2013). Notably, Bob (2010) argued that land has been critical to improving peace, stability and socioeconomic prosperity.

Odgaard (2006) has asserted that land is a conflict-ridden resource owing to the increasing quest for its ownership. In the same vein, Kagwanji (2009) has stated that most conflicts in African countries emanated from the battle for ownership and use of land and its resources among ethnic groups. Deininger and Yamano (2005) show that population pressure, agricultural commercialisation and urbanisation, among other issues, are the underlying sources of the eruption of land disputes in Africa. These causes have continued to weaken the current structures of land tenure across the nation-states on the continent (Daudelin 2002).

Lund (2001) reviewed the issues and experiences of land rights and conflicts in Africa to underscore the important issues and policy approaches. The concept of land rights features in poverty reduction, governance, migration, political formation and demographic development. A large number of people in Africa depend on land for wealth creation, agricultural production and social dominance. This makes land more contentious in Africa than on other continents where urbanisation, modernisation and industrialisation have reduced the need to acquire land. Moreover, the claim of land ownership by the individual, community and government provokes land disputes in Africa.

It must be noted that Africa is expected to experience exponential population growth to 2.5 billion by 2050. By inference, land as a means of livelihood will become increasingly a site of struggle as the land resources available start to dwindle. Homer-Dixon (1994) has argued that whereas in the past Africa was seen as a relatively land-abundant continent, high population growth has led to an accelerating land scarcity.

Normative dissonance has been acknowledged as a contributing factor to land disputes. Theron (2009) argued that land ownership and distribution become conflictual when different laws are used in claiming land rights as well as seeking land justice. Land becomes a disputable commodity due to inadequate institutional, customary and legal protections. It is important to note that weak governance across African nation-states has a consequential effect on a weak land tenure system. This deprives individuals and communities of inclusive rights and essential access to natural resources, which disrupts their socioeconomic livelihoods.

Land disputes in Africa most often result from capitalism, poverty and a lack of environmental awareness. For example, in some rural communities where crop cultivation is the major occupation small-scale miners have moved in, with concomitant negative effects on the land and crops, forcing the cultivators out. In other examples, environmental disasters, like famine and drought, have led to occupational migration and clashes between farmers and herders (Reuveny 2007). Also, Theron (2009) has highlighted the likelihood of land disputes in any post-conflict environment, which probably occur as displaced people return home to reclaim and secure their land rights after a long absence.

In Bob's (2010) empirical discourse on key land disputes across sub-Saharan countries he classifies land disputes at the level of social interaction. Indeed, land dispute appears more obvious at different social levels: intra-group, inter-group, intra-society and inter-society. Land disputes increase and become more complex at different societal levels in Africa. According

to Deininger and Castagnini (2006), acute land scarcity in Rwanda coupled with land acquisition for non-agricultural purposes led to land disputes and heightened interethnic tensions, which escalated beyond control and resulted in the Rwanda genocide in 1994. Campbell *et al.* (2000) asserted that land-use conflicts in Kenya's south-eastern Kajiado area are an example of continuous, growing and complex confrontations between herders, farmers and wildlife over restricted land and water resources. Ineffective land policies in Uganda, according to Deininger and Castagnini (2006), have increased the frequency of land conflicts and lowered production levels. These instances of land disputes are not restricted to the above-mentioned areas. There are innumerable cases of land disputes at different societal strata across communities in Africa.

Land disputes are contextualised on the basis of different circumstances. Haggins *et al.* (2005) underlined land redistribution from weaker to stronger parties as a causal factor of land dispute in the African context. Land disputes also erupt following inappropriate land allocation (Bob 2010). More often, there is high contestation between government institutions and traditional authorities on land and allied matters. Sometimes, government queries the role of traditional authorities in land administration and control. This was further argued by Bob (2010), who stated that the customary system of landholding deepens social division and class formation, thereby intensifying land disputes. Customary systems in Africa also affect women's land rights and threaten violence against them. In some traditional cultures, land is not allocated to or inherited by women. Carton (2000) cautioned that gender disparity in land ownership is a potentially dangerous and unforeseen aspect of land dispute in Africa.

Peter (2004) noted that policymakers and implementers are still grappling with how to balance frequently opposing social, economic and political land reform goals. Thus, land dispute becomes an unending issue especially in Africa where land reform in a contemporary justice system has not received adequate attention.

State interventions in adjudicating land disputes have had minimal results compared to the outcomes of a dynamic traditional peacebuilding system. Its arbitration processes are long, its preconceived ideas, or precedents, are not always applicable and they are costly—for the state and its citizens. The next two sections discuss the conceptualisation and framework for institutionalising traditional peacebuilding as a means of overcoming the inadequacies of the state judicial system in land disputes across African communities.

Conceptualising a Traditional Peacebuilding System

There is a wide range of literature on traditional peacebuilding systems, mostly focusing down to granular level on its systemic roots and practice within an African cultural base. Peacebuilding is a customary attribute of traditional institutions within African communities. Its practice could be more traditional than indigenous in that the peacebuilding system is rooted in community culture, traditions and values whereas the procedure remains indigenous in its trends and trajectory. Several attributes of traditional peacebuilding have been identified, the most important of which is its non-monolithic nature (Olowu 2018). It is also important to note its diverse approaches as a key feature. This underlines the responsiveness of traditional institutions to different conflict types in their respective environments.

The character of the traditional peacebuilding system has endured through many societal changes. It was prominent in African precolonial societies but was sidelined by the colonial administrative system and it was surprisingly neglected by early post-independence leaders in African states. But it continues to be practised at the community level by traditional authorities.

Ben-Mensah (2004) maintains that African societies hold traditional institutions of peacebuilding in high esteem based on their confidentiality, adherence to custom, mediation and diplomacy. Ajayi and Buhari (2014) posit that mediation is a common resolution tool used in traditional peacebuilding in Africa. Olowu (2018) concretised the common features of the traditional peacebuilding system as its avoidance of an explicit parade of power, of social acrimony and of a 'win-lose' mindset among the conflicting parties. Another advantage is that it is less time- and resource-consuming (Okoro 2010). It has also been claimed that respect for the traditional peacebuilding system is consequent upon its justice for all. Notwithstanding its positive features, there are notable instances where traditional peacebuilding has encountered challenges in maintaining peaceful relationships between groups (Mbwirire and Dube 2017). This implies that the traditional system is not an absolute solution to peacebuilding. But it certainly is preferred as a means of mediation rather than arbitration.

Traditional peacebuilding focuses mainly on reaching agreement through deliberation, mediation and negotiation (Osamba 2001; Olowu 2018). In the face of challenges in the mediation or negotiation process, the system allows the disputants to reflect on the conflict issues and occurrences in an attempt to ascertain facts (Ramoroka 2009). The process often results in motivating the parties to clear up the conflict problems and embrace

peaceful co-existence. This further explains why the conflicting parties would be more prone to accepting the resolution of the traditional system of peacebuilding. Manyozo (2006) noted that the traditional peacebuilding system showcases the importance of indigenous realities in transforming a theatre of violence into a peaceful zone.

However, Osei-Hwedie and Abu-Nimer (2009) submit that the dominance of Western culture in the African political landscape has consigned the relevance of traditional peacebuilding to the backstage of peace and conflict resolution. They further stress that the politicisation of culture is harmful to the virtues of a traditional system of peacebuilding. Yet, a constructive mechanism for peacebuilding is inherent in the system. Osei-Hwedie and Abu-Nimer (2009:1) acknowledged in an editorial that 'the system is under-explored and, arguably, not significantly institutionalised, analysed and shared'. It is obvious that African leaders have politicised Western culture, as evident in poor democratic practices, violence during electoral processes, avarice in public resources management and corruption in the judicial system (Sharra 2009). This prompts a search for an alternative solution to African conflicts, which most commonly arise around land inheritance.

Mwikisa and Dikobe (2009) described how a traditional system of peacebuilding operates to unravel the causes of conflict and arrive at a resolution. Significant objectives of the system are to pacify the conflicting parties by paying adequate attention to their economic interests and to reach consensus or resolution, most often through deliberation by the conflicting parties, which is ratified by the mediating chiefs. It is a fairly open system with a strong concern for mutual justice and peaceful cohabitation. Conflict issues are cautiously and fairly handled without prejudice to human life. With these advantages, this historical institutional space could be incorporated within the modern structure of governance in African communities. It would bring rich histories that might pass into oblivion if there is an overreliance on conflict resolution structures from non-African cultures. The cultural and public benefits of this system are the basis for the argument for its institutionalisation.

A Framework for Institutionalising the Traditional Peacebuilding System

Boege (2006) has identified the strengths of some of the many legitimate traditional approaches to peacebuilding in the management of land use, administration of land justice, and land allocation and redistribution in

Africa. They avoid the shortfalls of state-based institutions, they operate at the local level where the disputes arise, they enjoy a respected legitimacy more than any other public system and they acknowledge the psychosocial dimensions of land disputes in Africa. For example, land has spiritual aspects in the African space (Okech 2019), which can be considered only when adjudicating through a traditional approach.

It is worth noting that peacebuilding processes do not have a universal model. Peacebuilding reacts depending on the conflict typology and context, and the peacebuilding system is framed as an intervening instrument deployed to engage with the nature, cause and effect of the conflict context. A question worth considering is: Of what importance would the institutionalisation of traditional peacebuilding system be to the effective resolution of land disputes in Africa? This question could be answered by discussing the framework for the traditional peacebuilding system in the contemporary governance space.

General and specific frameworks

The framework for traditional peacebuilding system is designed to be multidimensional, so that it may respond to different contexts and adapt to new conditions and requirements. This enables the traditional peacebuilding system to establish general and specific strategic frameworks (Boege 2006). The general framework for traditional peacebuilding is reconciliation. It sets the general context for peacebuilding activities. It exerts local authority over the objectives and behaviour of the main conflict actors, which makes its institutionalisation plausible. This is simply because, for a very long time, it has enjoyed the defined authority that any modern institution should have. Dadashpoor and Somayeh (2019) highlighted the humanitarian and security concerns of the traditional peacebuilding system, which indicate the strategic purpose of the system in any locality. Also, what matters to any institution is contact and interface with individuals and groups within the society. The interdependence and interconnectivity of different strata of society are central to the network of traditional peacebuilding systems.

On the other hand, traditional peacebuilding is case-specific because there is no one-size-fits-all version of the system. The system differs from one society to another, cognisant of the peculiarities of the society. It thus requires that its intervention strategy be adaptable in its procedure and adjudication. The intervention framework considers the available information, conflict actors, needs, causalities and demographics, all of which are necessary to concretise the general peacebuilding strategy.

There are four notable lines of action in the implementation of a case-specific strategy: a local adjudicating authority is activated as needed to coordinate the first stages in the peacebuilding intervention strategy; a local team is put together who specialise in conflict analysis and peacebuilding initiatives; a local emergency team is constituted who will gather facts when an intervention assessment is needed; and—the most institutional of the four components—a strategic monitoring, evaluation and assessment centre is established, which consists of local groups dedicated to the peacebuilding activities.

Formal and informal frameworks

Leadership, excellent land policy and the quality of land institutions and land governance are all essential frameworks for preventing violent conflicts or resolving them amicably. As a result, a variety of legal (formal) and informal systems exist to settle land-related disputes (Wubie, De Vries and Alemie 2020). Official processes regulate the formal methods for resolving land-related issues, which are directed by government rules, regulations and laws. These may be administrative or judicial. Semi-judicial agencies, such as government resource offices, police and local government organs, use administrative procedures. Courts handle judicial methods for resolving land disputes.

The traditional peacebuilding system is made up of informal procedures. It is the process of resolving land issues without resorting to litigation. It usually speeds up the resolution of a land dispute and prevents it from recurring in the future. As a result, this informal method aids in reducing dispute-processing expenses. To resolve disagreements amicably via the traditional peacebuilding approach, disputants must be ready to engage and believe that settling problems through this process is more useful than through legal procedures (Rose and Suffling 2001).

Furthermore, the traditional peacebuilding framework emphasises the need for multiple parties with land-related issues to collaborate rather than focusing simply on their views (Goodale and Sky 2001). Rather than being academic and scientific, conflict resolution systems are described as pragmatic and political. Even in the US, the legal and academic communities began to be concerned about the dangers of increased litigation in the mid-twentieth century, because, while the laws of the day granted a wide range of rights and personal protections, seeking remedies for these rights when they were violated by the legal system became a complicated exercise (Saarikoski, Raitio and Barry 2013).

A conflict can be resolved in a variety of ways, ranging from formal legal processes to physical dialogue (Rose and Suffling 2001; Twining 1993). These methods are covered under the law, although not all are 'legal' in terms of form or acceptance (Ayano 2020). In many areas of modern law, litigation is excessively expensive, causes divides, is inaccessible or inefficient and necessitates long hours in court (Mamo 2019). As a result, litigation-oriented attorneys, judges and legislatures frequently limit or corrupt alternatives to litigation to the point where they become alternative means of litigation rather than alternatives to litigation.

This article proposes that, instead of the seeming divide between 'legal' and 'non-legal' dispute resolution approaches, a unified dispute settlement framework be established. This would identify the categories of disagreements in which the traditional peacebuilding system is most successful (Ayano 2020) and integrate them into a cohesive framework. The potential of each traditional peacebuilding system would remain intact, despite their unification into a single institution.

Integrative ties as a framework

For most political and sociocultural concerns, Gamson (1992:67) maintained that 'conflict resolution is best done when there is no winner, no vanquished' and proposed a method that allows a conflict to be framed as involving two rights rather than one right and one wrong. This may be achieved if integrative/cross-cutting linkages or ties (social, political and economic ties) are involved. The theory of integrative ties is a valid theoretical and practical approach for traditional peacebuilding initiatives (Gamson 1992; Payne 1997).

In the event of opposing interpretations, the theory advises adopting two broadly different attitudes or orientations in managing, controlling or resolving conflict—collaboration or assertiveness—and to frame information and facts in various ways within a symbolic framework (Davies and Kaufman 2002). Collaboration indicates a contesting party's intention to meet his or her own and the opponent's needs at the same time. Assertiveness is defined as the drive to satisfy one's desire at the expense or exclusion of others (Ojiji 2007). However, integrative ties theory extols collaboration above assertiveness since it is a better precept for long-term peace.

Integrative ties work within the framework of people-to-people initiatives which, apart from collaboration, include accommodation, avoidance, co-operation and discussion as some of the methods to resolve conflict.

Such initiatives allow an individual's framing or perception of a situation to be aired. The familiar relationships and cultural tolerance that result from integrative ties facilitate the understanding of disagreements among individuals, groups and communities. Understanding the social viewpoints of people is the central concern of people-to-people initiatives, which aim to achieve a degree of accepted social behaviour. This understanding makes conflict easier to resolve among individuals, groups and communities. All these factors are at play in integrative ties theory and are relevant in all types of conflicts: micro, meso and macro (Payne 1997).

The frameworks set out above for traditional peacebuilding enable the following benefits for the resolution of land disputes in an African context: the disputing parties' voluntary participation in a traditional peacebuilding process; their varying degrees of control over the conflict resolution process; a non-punitive and restorative outcome; and a less rigid, lower-cost and time-efficient process in comparison to litigation. Given its impact on and role in complementing formal legal systems, notably in terms of addressing local needs, traditional peacebuilding is gaining recognition as a vital pillar of effective governance. Since formal courts in many African nations are often overwhelmed, there are significant benefits to be realised, particularly by African governments, in using the traditional peacebuilding system in settling land disputes.

The Potential of Traditional Peacebuilding for Resolving Land Disputes in African Communities

One of the foremost characteristics of the traditional peacebuilding system is its rootedness in the culture, traditional structure and political and legal cultures of traditional settings. Its central aim of restoring peace, order and relationships in the community (Zartman 2000; Boege 2006; Huyse 2008; Lamidi 2021) underscores the endogenous value of the traditional peacebuilding system for resolving land conflict. Tombot (2003) emphasised restorative justice as a potential outcome of the traditional peacebuilding system. This is acknowledged as a genuine form of traditional justice, especially in land disputes. Beyond Africa, Boege (2006) affirmed that restorative justice in Bougainville, Papua New Guinea, is largely credited to the traditional peacebuilding system. This suggests that the restorative justice potential of traditional peacebuilding remains undistorted even in the face of slavery, colonisation and migration.

Consensus in dispute resolution

Holistic and consensus-based approaches are the operational traits of the traditional peacebuilding system, executed through the use of customary laws that derive from oral norms, values and practices. Huysse (2008) maintained that the traditional peacebuilding system is cognisant of social, economic, cultural and religious-spiritual dimensions in managing conflict. These numerous adjudicating dimensions (Ayano 2020) make it more holistic than the state judicial system, which has a solely legalistic dimension, with less consideration of the economic and social bases and no consideration of cultural or religious-spiritual dimensions. Formal courts in Nigeria, for instance, have dismissed the economic utility and social significance of land as a factor in land dispute resolution (Gico 2020).

Another advantage of the traditional peacebuilding system is that it recognises the resolution of land disputes through compensation with a symbolic equivalent amount if the aggressor is found culpable. In contrast, the state judicial system would find it illogical to apply compensation as a method of land dispute resolution. Rather, one party, either the aggrieved or the aggressor, would be procedurally legalised as the rightful owner even to the detriment of the matter at stake.

If the aggrieved party is found guilty, the traditional peacebuilding system does not punish the guilty party but attempts to reconcile and restore relationships that might have been damaged by the land dispute. For example, in Mali, the use of 'palaver' (a long talk) as a peace enhancement method is based on the restoration of harmony rather than punitive justice. It is not in any form retaliatory but rather corrects and unites the disputing parties to enjoy lasting and peaceful relationships (Agwu 2007; Noll 2013). This process is comparable to the *Ardzo* (which means 'to say' or 'to talk') in Cameroon. The traditional process embraces the principle of natural justice: that you cannot be a judge in your case and there must be a fair hearing in the court proceedings (Remi 2007). This underscores the liberalism of traditional peacebuilding.

Bah (2020) notes that consensus among conflicting parties is a recognisable post-conflict institutional design across African democracies. MacGinty (2008) states that traditional approaches enable the conflicting parties to resolve their issues without the direct involvement of a third party. But in fact the institution of traditional chiefs is the facilitator of the arrangements. The process of land dispute resolution is usually led by a traditional/community leader, drawing on rational choice, knowledge of customs, myths and history of the community, as well as familiarity with the relationships between the parties in land conflict. The traditional leaders

recommend the pattern of resolution in land disputes and commonly encourage consensus in the process. The conflicting parties must reach an agreement on how to interpret the past and create a shared picture of the collective history of the land in context (Huysse 2008). They need to establish the facts and disclose the truth. Only once there is agreement on the facts and the truth will offenders admit their wrongdoing, apologise and seek forgiveness and victims accept the apologies and forgive. On this basis it becomes possible to reach an agreement between the parties.

The participation process appears informal and the outcome of land dispute resolution is binding on different strata of the society. Participation in and strict adherence to the outcome of land dispute resolution is maintained by extended families at the compound level of the society, clans, village communities and tribes.

In Nigeria, for example, Ogoloma and Ukpere (2011) argued that no institution is left out in the quest for peacemaking in the country. Although peacemaking responsibilities have been vested in some institutions within the polity, enhancing peace and harmony are cross-sectional duties of formal and informal institutions in all strata of the society, such as the family, elders (within a lineage), clan, females born in a family or village, the council of elders, king-in-council, hunters' association, village or town assembly, age grades, the masquerade system, oracles and deities, etc. (Ademowo 2015). All these social groups serve as institutions for maintaining peace and resolving conflict. The potential of traditional peacebuilders is manifested in their rich experience in setting up the parameters, establishing the facts, putting together the team for conflict resolution, regulating the peace reconciliatory process and negotiating an acceptable resolution with all the conflict parties.

Sociocultural sanctions

Traditional peacebuilding system is not absolute in its sanction terms. Unlike the state judicial system, it has no organisational sanction that compels the parties to accept the agreed resolution. Yet, there are sociocultural sanctions that the aggressor or aggrieved party respect which encourage them to abide by the traditional rulings on land conflict (Tafese 2016). For example, in most traditional African societies not obeying traditional rulings on land conflict could lead to the following—disrespect, banishment from the community, stigmatisation, curses, being shamed, sorcery, stripping of traditional titles from the individual, family, compound or community. These sociocultural sanctions appear costlier than the penalty sanctions in the state judicial system. No member of an African community could withstand these sanctions because they have unquantifiable consequences

and intergenerational disadvantages. Crucially, they cannot be appealed or reversed, whereas sanctions imposed by the state judicial system solely affect the culprits, they have no intergenerational implications and can easily be appealed. Fear of sociocultural sanctions mean that resolutions by the traditional peacebuilding system are acknowledged and carry more weight than those made by the state judicial system.

Peacebuilding as a community exercise

Traditional peacebuilding is a contextually specific and community-based exercise. It does not have a general architecture that can be used homogeneously in all situations at all times. This underlines its strength, control and applicability to conflicts in any given community in Africa. For instance, among the Oromo of East Africa, there is a traditional peacebuilding system called the *Gada* system. It is referred to as an institution for preventing the escalation of insurgence and outbreak of violence. Menkhaus (2000) confirmed a similar system in Somalia, where traditional peacebuilding has been efficacious in resolving conflicts at the local level.

In Liberia, the Kpelle community has a different traditional peacebuilding system. Unlike the Oromo *Gada* system, it is not permanent and does not handle all conflictual issues. Instead, peacemaking in the Kpelle community is conducted in a 'house palaver' or 'moot' court (Ogoloma and Ukpere 2011; Lamidi 2019). This is convened when an upset threatens to lead to conflict. For making peace in each case, the 'moot' would comprise kinsmen of the Kpelle community and associates of the involved individuals and groups (Ademowo 2015). All cases are addressed with a high degree of honesty and transparency, so that the verdict is accepted wholeheartedly by all parties. This is demonstrated symbolically by sharing a drink, which means that the verdict is accepted and that the issue will not metamorphose into crisis.

Bleiker and Brigg (2010) maintain that the traditional peacebuilding system has worked well in resolving conflicts between or among family members, groups and communities in Africa. Specifically, evidence on the effectiveness of traditional peacebuilding system largely relates to the resolution of land disputes because land inheritance and property are common factors in conflict escalation across African communities. There has been criticism about the adaptation of the traditional peacebuilding system from a local context to a national framework (Boege 2006). Nonetheless, using traditional peacebuilding in the local context only is still of great relevance to national peacebuilding, because it prevents conflict escalating from a local to a national level. Therefore, the efficacy of traditional peacebuilding needs to be continually strengthened within the communal context.

Conflict situations that threaten community stability are more appropriately managed and resolved by traditional peacebuilding, which in particular has more authoritative jurisdiction on land ownership. The economic motive of land acquisition can be moderated by the traditional chiefs to solve the issue of agricultural commercialisation (Boege 2004). As seen in Somaliland, where land redistribution is one of the causes of violent conflict, traditional peacebuilding is a significant contributor to conflict termination and sustainable peace (Menkhaus 2000).

Traditional institutions and the force of tradition have shown themselves to be so robust in adjudicating land disputes that the state judicial system lends credence to their judgments or rulings. This resilience has been demonstrated in particular by traditional modes of conflict control (Trotha 2000). For example, in Kenya, a set of respected elders called Gikuyu carries the responsibility of conflict prevention between and among community members by deterring the use of supernatural powers, such as witchcraft, property destruction and open hostilities as well as bloodshed, among other examples of community fragility (Remi 2007; Ademowo 2015). In Rwanda, Mwambari, Walsh and Olonisakin (2021) highlight the contribution of Indigenous women's groups to conversations around state-building.

Aggarwal (2008) maintained that land disputes resulting from population pressure and urbanisation in modern societies could draw on the comparative advantages of the traditional peacebuilding system. Its institutionalisation has the propensity to uphold public legitimacy and reduce the financial costs of justice administration for the state and its citizenry.

Circular time

Olonisakin, Kifle and Muteru (2021) emphasise the benefits of reframing the narratives of peacebuilding and statebuilding in Africa. This is a merit of the traditional peacebuilding system which the state judicial system cannot emulate. And it does this by using circular time for comprehensive judgment delivery. Faure (2000:161) defined circular time as 'a gradual, cumulative process in which duration and related functions leave an almost appreciable impression.' This is quite different from the lengthy judicial proceedings in the state judicial system in which series of court adjournments delay justice. Rather, circular time is ancillary to the traditional peacebuilding system which functions in three ways: to give conflict parties adequate participation time; to evaluate the state of the peacebuilding process; and to enable deliberate renegotiations and revisions of the process (Wubie *et al.* 2020). The outcome produces faster results than the usual practice of the state judicial system.

Circular time, as opposed to vectoral time in the state judicial system, provides for adequate inclusion and participation in the peacebuilding process. This enables the participants to hear diverse views and opinions about the land, an approach that leads to resolution being perceived as a 'win-win' outcome. An example of this is the *Ardzo* in Cameroon, a method for settling conflict-prone issues in Beti culture through dialogue. The process of peace-making in Beti society has similarities to the modern judicial system. The elders constituted in the *Ardzo* administer justice by following three consecutive stages:

- 1) they invite the conflicting parties to an *Ardzo* sitting;
- 2) they provide a forum in which the parties can be heard and cross-examined, thereby divulging the truth, fundamental issues and concerns to the *Ardzo* members; and
- 3) just as in the modern judicial process, the elders then retire to a secluded place to make their verdict and then return to the forum to deliver it. (Agwu 2007; Ademowo 2015)

In the end, the verdict is not seen as punishment; rather, the guilty parties provide reconciliatory compensation.

Gender in traditional peacebuilding

In general, traditional African communities have more firmly defined sociocultural roles for men and women than Western liberal nations. This influences men's and women's roles in conflict resolution, as well as the methods and degrees of their inclusion and involvement. The precise social settings and gendered particularities of participation and inclusion (or exclusion) processes must be carefully examined in each situation, which Western observers are not especially adept at doing (Brown, 2007). Since the extent to which women are incorporated (or excluded) varies greatly between societies, it would be inaccurate to broadly associate patriarchy and female subordination with existing traditional institutions (and gender equality with liberal Western societies).

Traditional peacebuilding is an intervention which induces gender inclusivity in specific cases of conflict. Fischer (2005) posited that the inclusion of women in the system is essential because land conflict has an emotive aspect. Oshita (2005) and Ajayi and Buhari (2014) detailed a case among the Igbo people in Nigeria, of a widow whose deceased husband's land was being taken over by his family under the guise of primogeniture, without considering the socioeconomic implication of such land inheritance. This implies that although male domination in

traditional systems is still very established, modern aspects of the system advocate the inclusion of women in the inheritance of land. This would enable a more balanced social viewpoint and perspective as the basis for a fair hearing and objective pronouncement.

Okech (2019) also examined the dominant discourses on widow inheritance, showing how it has led to contested citizenship in Kenya. Norms surrounding inheritance centre on who should inherit part of family-owned land when the inheritors are male and female, and result in contestation between members of the family. The contestation is compounded when the owner of a portion of family land dies and leaves behind a wife and children. This is a recurring cause of land inheritance conflict.

Women become victims of land seizure in multiple ways. This could be a result of the patriarchal structure of most African communities (Bah and Barasa 2023). The lack of women's representation as mediators in traditional peacebuilding is therefore a major limit of the system. Patriarchy curtails women's representation in the peacebuilding system. This should be reconsidered because women are constituent units of the society who often suffer from poor representation within the governance system. Also, the place of women in traditional societies appears more restrictive especially in the northern part of Africa, as a result of Islamic principles (Dadashpoor and Somayeh 2019).

Despite these restrictions, Marshall (2000) noted that women's grassroots organisations played a major role in facilitating inter-klan peace discussions in Somalia as a result of their non-alignment on the conflictual issues. Also, in Rwanda, Mwambari (2017) detailed the role of women-led NGOs in the enhancement of peacebuilding. Mwambari submitted that the women-led groups recorded such success in their peacebuilding initiative that they were seen as a challenge to the authority of traditional chiefs, who are mostly male. This strength has been observed in studies of age-old conflicts among clans where, despite the 'village-centric' nature of conflicts, women's organisations across clans remained united against the conflict (Anderson 1999; Menkhaus 2000). To this effect, women's organisations have been among the mediating actors that provided local support and facilitated inter-village dialogue for peace agreements.

Cultural activities as peacebuilding

Traditional peacebuilding stresses peaceful co-existence beyond the judgments on land disputes. It includes sociocultural events that strengthen relationships among the disputants (Jalingo and Sugiono 2010). These

events include traditional plays, cultural festivals, music and dance competitions and cultural displays, at which attendance is compulsory as part of the reconciling measures of a dispute. These ceremonies are loaded with reconciliatory action. Gico (2020) notes that symbolic activities in social events centre on the enhancement of peaceful co-existence between or among the conflict parties. This underlines the nature of most cultural activities in managing and resolving conflict within a culturally bound community in Africa.

In Tanzania, a traditional peacebuilding exercise is carried out during festivals among the Arusha people. Also, the Gologo festival among Talensi people in Tenzug, Ghana, was instituted for the prohibition of vendettas between and among individuals, groups and societies, clans and villages. It is otherwise known as the Golib festival, which is similar to the festival among Arusha people (Osimen *et al.* 2015; Ademowo 2015). The philosophy of the Gologo festival is premised on the abundance of crops to provide food, coherence and fecundity that would deter pandemonium in society and harmonise the interests of all the people in the community beyond the pronouncement of judgments.

The psychosocial dimension of traditional peacebuilding

Boege (2008) stated that social events bring together beings of all kinds, including masked dancers and gods, to seal the resolution of land disputes. This brings in the psychosocial and spiritual dimensions of the success of traditional peacebuilding in resolving land disputes. These dimensions are underrated by scholars of Western ideologies. However, they are of utmost importance for restorative justice, peace promotion and the rehabilitation of victims and perpetrators of land conflicts in African settings (Cochrane and Legault 2020). Psychosocial healing is an integral part of the traditional peacebuilding system in contrast to the state judicial system. Murithi (2006) confirmed that the *Ubuntu* notion of traditional peacebuilding in southern Africa clearly illustrates these dimensions.

The non-linear nature of negotiation and resolution of land disputes in African communities is exemplified by its mix of cultural, economic, psychosocial, and spiritual dimensions. This multidimensional approach is significant for developing trust and safety among conflict parties within the family, group, and community and produces judgments that are traditionally difficult to contest.

Conclusion

This article has explored the system of traditional peacebuilding in resolving land disputes across communities in Africa. Notably, its potential is restricted to the resolution of land disputes within the sphere of a community and to its adaptability to individual, communal contexts. The growing number of land disputes in Africa underlines the reason for interrogating the efficacy of the traditional peacebuilding system. By analysing the constructive mechanisms of traditional peacebuilding, this article aims to indicate a way to resolve land disputes.

Braeuchler and Widlok (2007) stress that arguing for a traditional peacebuilding system is not an attempt to return to a primitive age. Rather, it is to revitalise the resolution of land disputes within a culturally tested system. It is about adopting traditional strategies to resolve communal problems that concern the ownership, allocation and redistribution of land. Acknowledging the usefulness of this system is not just an abstraction. Traditional peacebuilding systems contain general and specific guiding frameworks and operational traits that make their workability plausible in the modern world.

This article contributes to the existing literature on peacebuilding in Africa by putting into perspective the indigenous process-oriented achievement of timely and peaceful justice delivery in contrast to the drawn-out delays in judgment by the state judicial system. The beauty of the traditional peacebuilding system is embedded in its confinement to a communal context. It is a thorough system within a communal sphere, drawing on cultural laws, norms and values, in contrast to the centralistic application of the state judicial system which hinges on 'preconceived' justice.

The article identifies sociocultural dynamics and psychosocial healing as an integral part of traditional peacebuilding but which have no place within the state judicial architecture. The article argues that the outcomes of the traditional peacebuilding system are more readily accepted and weightier than those of the state judicial system due to the fear of traditional sociocultural sanctions. Against the patriarchal nature of traditional African society, it highlights the strength of women-led groups as the main source of peace in some African communities.

The limits of the traditional peacebuilding system lie in poor state support in establishing its framework firmly within modern governance structures. It is therefore recommended that the benefits of the traditional peacebuilding system be considered for inclusion in the judicial policy frameworks of

governments across African communities. Its institutionalisation has the potential to uphold public legitimacy and reduce the economic costs of justice administration for governments and their citizens.

This article found that there are still practicable traditional mechanisms for preserving land order, preventing land violence and resolving land disputes and that traditional peacebuilding has an organisational propensity to resolve land disputes across African communities. There is, therefore, the need for institutional support by governments to create a judicial portfolio for traditional peacebuilding systems on land matters, under state supervision.

Acknowledgements

Financial support for this project was received from UK Research and Innovation (UKRI) in partnership with the African Research Universities Alliance (ARUA) at the Obafemi Awolowo University, Ile-Ife, Nigeria. The author thanks Prof. Charles Ukeje (OAU Project Partner), Prof. Kayode Olayode (Principal Investigator) and Dr Wale Olusola (Project Assistant).

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