#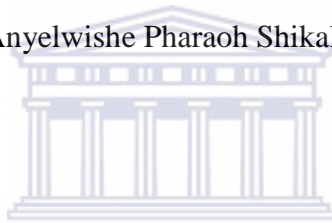 TRADITIONAL AFRICAN CONFLICT PREVENTION AND TRANSFORMATION METHODS: CASE STUDIES OF SUKWA, NGONI, CHEWA AND YAO TRIBES IN MALAWI

Chimwemwe Anyelwishe Pharaoh Shikalere MSUKWA

A thesis submitted in partial fulfilment of the requirements for the degree of Doctor Philosophiae in Development Studies, Institute for Social Development, Faculty of Arts University of the Western Cape.

Supervisor: Professor Marion Keim Lees

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Traditional African Conflict Prevention and Transformation Methods: Case Studies of Sukwa, Ngoni, Chewa and Yao Tribes in Malawi

Chimwemwe A.P.S. Msukwa, February 2012

Keywords

Conflict

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Abstract

Traditional African Conflict Prevention and Transformation Methods: Case Studies of Sukwa, Ngoni, Chewa and Yao Tribes in Malawi

C.A.P.S. Msukwa.

PhD thesis, Development Studies, Institute for Social Development, Faculty of Arts University of the Western Cape

This study sought to investigate if there are common cultural elements for preventing and transforming violent conflict in selected patrilineal and matrilineal tribes in Malawi, as well as selected societies from other parts of Africa.

The researcher argues that in both patrilineal and matrilineal tribes in Malawi, violent conflict prevention and transformation methods are inherently rooted in elaborate socio-political governance structures. This also applies to other societies in Africa, such as the pre-colonial traditional societies of Rwanda, the Pokot pastoral community in the North Rift of Kenya, the *ubuntu* societies in South Africa and the Acholi of Northern Uganda. The basic framework for these structures comprise the individuals (men, women and older children), as the primary building blocks, the family component comprising of the nucleus and extended families as secondary building block and traditional leadership component. Within these socio-political governance structures, individuals co-exist and are inextricably bound in multi-layered social relationships and networks with others. In these governance structures, a certain level of conflict between individuals or groups is considered normal and desirable, as it brings about vital progressive changes as well as creates the necessary diversity, which makes the community interesting. However, violent conflicts are regarded as undesirable and require intervention.

Consequently, the multi-layered social networks have several intrinsic features, which enable the communities to prevent the occurrence of violent conflicts or transform them when they occur, in order to maintain social harmony. The first

findings show that each level of the social networks has appropriate mechanisms for dissipating violent conflicts, which go beyond tolerable levels. Secondly, individuals have an obligation to intervene in violent conflicts as part of social and moral roles, duties and commitments, which they have to fulfil. Thirdly, the networks have forums in which selected competent elders from the society facilitate open discussions of violent conflicts and decisions are made by consensus involving as many men and women as possible. In these forums, each individual is valued and dignified. Fourthly, there are deliberate efforts to advance transparency and accountability in the forums where violent conflicts are discussed. However, in general terms, women occupy a subordinate status in both leadership and decision-making processes, though they actively participate in violent conflict interventions and some of them hold leadership positions.

In addition, the findings show that the tribes researched have an elaborate process for transforming violent conflicts. This process includes the creation of an environment conducive for discussing violent conflicts, listening to each of the disputants, establishing the truth, exhausting all issues, reconciling the disputants and in case one disputant is not satisfied with the outcomes of the discussions, referring the violent conflict for discussion to another forum. Furthermore, individuals in both patrilineal and matrilineal tribes are governed by moral values including respect, relations, relationships, interdependence, unity, kindness, friendliness, sharing, love, transparency, tolerance, self-restraint, humility, trustworthiness and obedience. These moral values enhance self-restraint, prevent aggressive behaviour, as well as promote and enhance good relationships between individuals in the family and the society as a whole.

The researcher argues that the positive cultural factors for prevention and transformation of violent conflict, outlined above, which are inherent in the traditional African socio-political governance system should be deliberately promoted for incorporation into the modern state socio-political governance systems through peace-building and development initiatives as well as democratisation processes. This could be one of the interventions for dealing with violent conflict devastating Africa today.

Date: February 2012.

Declaration

I declare that *Traditional African Conflict Prevention and Transformation Methods: Case Studies of Sukwa, Ngoni, Chewa and Yao Tribes in Malawi* is my own work, that it has not been submitted before for any degree or examination in any other university and that all the sources I have used or quoted have been indicated and acknowledged as complete references.

Chimwemwe Anyelwishe Pharaoh Shikalere Msukwa

Signed: . . . .   Date: . . . .

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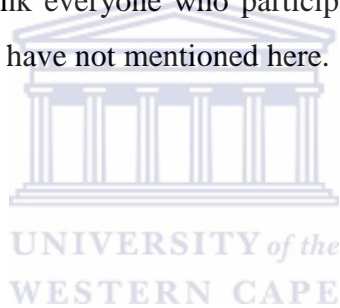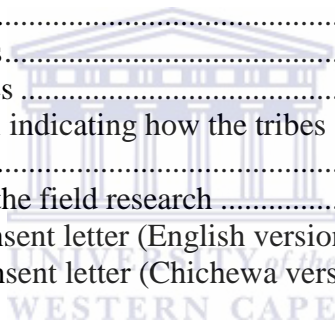
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Acronyms

AMISOM	African Union Operation in Somalia
AU	African Union
BBC	British Broadcasting Corporation
CAR	Central African Republic
CBO	Community Based Organisations
CEMAC	Economic Community of Central African States
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of Western African States
EU	European Union
GDP	Gross Domestic Product
GTZ	Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation, since 2011 GIZ)
GVH	Group Village Headperson
IA	International Alert
ICC	International Criminal Court

ICTR	International Criminal Tribunal for Rwanda
KKA	Ker Kwaro Acholi
LRA	Lord's Resistance Army
MICOPAX	The Mission for the Consolidation of Peace in Central African Republic
MINURCAT	United Nations Mission in the Central African Republic and Chad
MINURSO	United Nations Mission for the Referendum in Western Sahara
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
NEPAD	New Partnership for Africa's Development
OECD	Organisation for Economic Cooperation and Development
PRI	Penal Reform International
SADC	Southern African Development Community
TA	Traditional Authority
UN	United Nations
UNAMID	African Union/United Nations Mission to Darfur
UNAMSIL	United Nations Mission to Sierra Leone
UNMEE	United Nations Mission to Ethiopia – Eritrea

UNMIL   United Nations Mission to Liberia

UNMIR   United Nations Mission in Rwanda

UNMIS   United Mission in Sudan

UNOCI   United Nations Mission to Côte d'Ivoire

UNTAG   United Nations Transition Assistance Group

UNUMOZ   United Nations Mission to Mozambique

USA   United States of America

VH   Village Headperson

TA   Traditional Authority

Chapter 1: Introduction, Problem Statement and Context of the Study

While Africans live in a globalised world, in their own process of renewal, they cannot ignore certain global tendencies, but should not be completely determined by these global tendencies; instead must draw from themselves before they can accept outside influence to strengthen them in a process of reacquiring their own destiny (Ndumbe, 2001:1).

1.1 Background and rationale of the study

Since the end of the Cold War, violent conflicts have been widespread in Africa afflicting all sub-regions of the continent. In Southern Africa, there have been civil wars in Mozambique (BBC News 2010) and Angola (Bakwesegha and Chembeze 2006:28-29). In Central Africa, Rwanda experienced genocides (Svensson 2004:37); there were civil wars in Burundi (Adelin, Kamidza, Mulakazi and Vencovsky, 2006:24-25) and regional and civil wars in the Democratic Republic of Congo (DRC) (Rajuili 2008:28, Kisiangani 2009:38-44, Burbidge, 2009:42-48). In West Africa, there were civil wars in Liberia (Gray-Johnson 2009:11-18), Sierra Leone (Alghali 2007:23-30), Guinea Bissau (Ferreira 2004), Côte d'Ivoire (2002) (Ofolabi 2009:24) and Senegal (Erasmus 2006:30-31). The horn of Africa experienced the Ethiopian and Eritrean inter-state wars (Keller 1992:609-626); and the civil wars in Sudan (Lotze 2007:30). In East Africa, there have been civil wars in Somalia (Dini 2009:31–37) and Uganda (Maina 2009:48-49) in recent years.

While the situation of violent conflicts has been subsiding in other parts of the world, Africa has remained violent. Mark and Cooper (2008:4) observe that by 2005 there was a 40 % decline of global conflicts of all types and an 80 % decline of higher intensity conflicts as compared to the situation in 1991. Sub-Saharan Africa on the other hand experienced 25 % more conflicts in the 1990s than in the 1980s. They further observe that towards the end of the 1990s while most countries worldwide were becoming less violent, Africa's conflict numbers and associated death tolls increased. Somehow the situation changed in the period between 2002 and 2006 when the combined total of both non-state and state-based conflicts declined (ibid: 4). Nevertheless, the impact of violent conflict on the African population has been massive.

Because of violent conflict, millions of troops and civilians have died in the battlefields; millions of men, women and children have been displaced from their homes and have been subjected to diseases, famine, malnutrition, trauma and abuse leading to more fatalities. As Lacina and Gleditsch (2005:146-147) argue; "many violent conflicts are characterised by unreported numbers of non-violent deaths due to humanitarian crises that by far surpass the lives lost in combat". This implies that the fatalities for specific violent conflicts are often underreported. Armed conflicts have stagnated the economic, social and cultural development of the African continent so that the majority of African populations remain afflicted by appalling levels of underdevelopment and poverty (Wunsch 2000:489). A NEPAD policy advisory group meeting on Africa's Evolving Governance and Security Architecture in 2004 noted that poverty was one of the major security challenges in Africa which was not only widespread, but also on the increase. The group estimated between 40 % and 60 % of the continent's eight hundred million people to be living below the poverty line, the threshold of one United States Dollar per day (Akokpari and Mackay (2004:9).

Violent conflicts continue to persist in Africa despite global efforts by the United Nations (UN) and the international community, the African Union (AU) and sub regional organisations such as the Economic Community for the West African States (ECOWAS) and Southern African Development Community (SADC), civil society organisations, individual states and many other stakeholders. In 2009 Sub-Saharan Africa had eighty-five conflicts altogether, thirty of which were classified as crises and nine as highly violent, compared to seventy-nine conflicts in 2008, out of which two ended, thirty-one were classified as crises and twelve as highly violent conflicts (Heidelberg Institute for International Conflict Research 2009:22).

As part of endeavours to bring long lasting peace to the African continent, there has been growing interest in the role of indigenous African systems for dealing with conflict situations. The proceedings of the All Africa Conference for Conflict Resolution and Reconciliation (1999:14-17) outline a number of factors that justify the need to search from within the African traditions, effective means of resolving African conflicts and bringing about reconciliation and social harmony:

> First, the realisation that measures to resolve intra-state and inter-state conflicts in Africa have failed because they have not been based on the understanding of the root causes and the social cultural contexts in which they occurred. Second, is the recognition that African societies have economic, social, political, cultural systems and systems for conflict resolution and reconciliation, which have enabled them to survive through time. Though these systems might have been marginalised by colonialism, the continent has preserved many of its values and principles. Third, African attitudes, relations and tradition create a natural environment conducive to conflict resolution and reconciliation. Forth, other factors exist in Africa that are necessary for dealing with conflicts. These include a culture of tolerance, reconciliation, interdependence, trust,

cross-cultural respect and cultural and ethnic loyalty (ibid: 14-17).

1.2 Research problem

Specific cases of indigenous African conflict intervention systems have been investigated in different parts of Africa and observations of their successful application have been documented. The majority of these focus on conflict resolution and reconciliation, transitional justice and healing and conflict prevention. These include the traditional methods for resolving conflicts in North West Mali (Beeler 2006), traditional conflict resolution mechanisms used by the pastoral communities of Pokot, Turkana, Samburu and Marakwet of Northern Rift Kenya (Pkalya et al 2004, Osamba 2001), the Igbo system for peace making and governance (Madu 2009), the *ubuntu* traditional method for peace-building in Southern Africa (Murithi 2006[a], Masina 2000), the *judiyya* traditional conflict resolution method in Darfur (Sansculotte-Greenidge 2009), the *mato oput,* a traditional justice system used by the Acholi people of Northern Uganda (Wasonga 2009, Murithi 2002), the *gacaca* courts, an endogenous approach to post conflict justice and reconciliation in Rwanda (Mutisi 2009) and the *magamba* spirits, a traditional justice restoration and reconciliation system used in Gorongosa district of central Mozambique (Igreja and Lambranca 2008:61-80; Murithi 2006[b]:15).

Presumably, the cases of application of traditional African peace systems outlined above can be seen as isolated success stories rather than a systematic approach to search for common grounds for preventing violent conflict from occurring or effectively transforming it when it does. It appears most of the research on the indigenous African conflict intervention systems has been conducted in areas

where violent conflicts had occurred before. Research conducted in communities, which did not experience violent conflicts, would probably unveil different insights particularly on mechanisms used to prevent violent conflicts or transform escalating violent conflicts to non-violent forms. In addition, as already highlighted above, most investigations seem to have focused on traditional African conflict mitigation measures such as conflict resolution, reconciliation and healing. Little seem to have been done with a focus on violent conflict prevention and transformation methods.

This research therefore tries to fill these gaps by taking a different avenue that focuses on traditional African methods for preventing violent conflicts from occurring; and where they do, the methods the communities use to transform the violent conflict situations into a state of social harmony. Using case studies in Malawi the research focuses specifically on three key aspects:

Firstly, realising that there has never been any systematic research in tribes in Malawi for specific traditional methods used in transformation and prevention of violent conflicts; this research tries to identify common grounds for transformation and prevention of violent conflicts in four selected tribes namely Sukwa, Ngoni, Chewa and Yao. In this respect, the research explores the following key questions:

- What are the cultural elements / factors in these four selected tribes in Malawi that enable the tribal communities to transform conflict situations and therefore prevent the occurrence of large-scale violent conflicts?
- How do the cultural elements differ between matrilineal and patrilineal tribal communities?

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- How can these elements consciously be used in Malawi for mainstreaming violent conflict transformation and prevention in development work by NGOs, CBOs, government departments in Malawi / develop framework.

Murithi (2006[b]:14) argues that as Africa comprises a multiplicity of ethnic, cultural and linguistic groups, we cannot generalize the extent to which cultural traditions do or do not have progressive norms and principles which can inform our approaches to building peace and social solidarity. In view of this reality, the second aspect that this research looks into is to try to compare the results of the analyses of case studies of tribes in Malawi with other selected relevant case studies from other parts of Africa namely the traditional *gacaca* system in Rwanda, the traditional conflict intervention system for the Pokot pastoral communities in Kenya, the *ubuntu* system in South Africa and *mato oput*, the Acholi traditional justice system in Northern Rwanda. This secondary analysis seeks to determine possible common grounds between methods used in Malawi and those used in other parts of Africa and therefore explores the following questions:

- Are there common cultural elements within these African traditional methods for conflict transformation and prevention of violent conflicts?
- Is there a way to formulate an African cultural based framework for conflict transformation and prevention of violent conflict?

The results from the analyses described above have been summarised in the chapter focusing on traditional African methods for violent conflict prevention and transformation.

Based on the researcher's initial observations and experience in Malawi, it seemed suitable to conduct the research in this country. Open violent conflicts

have not been common features in Malawi particularly in the tribes. This study was systematically looking for cultural elements that different tribes have been using to transform conflicts and prevent large-scale violence from occurring. In addition, Malawi, compared to many countries in the SADC region, has managed to contain conflicts on non-violent levels. As USAID / Malawi (2000) observes, 'unlike some of the countries in the region, the probability of 'crisis' within Malawi is considered low as most of the conditions which would accelerate conflict in Malawi are not present'. Based on the Global Peace Index, which comprises twenty qualitative and quantitative indicators from respected sources, which combine internal and external factors, ranging from a nation's level of military expenditure, to its relations with neighbouring countries, and the level of respect for human rights; Malawi ranks the 4th most peaceful country in Sub-Saharan Africa and 51st in the world with a score of 1.818 (Institute for Economics and Peace 2010: 10&17).

The following sub-section briefly describes the context of the case studies in Malawi.

1.3 The local research context of the case studies in Malawi

The field research was conducted in rural Malawi. Malawi is a small country in Southern Africa that shares boundary with Tanzania to the North, Mozambique to the South and East and Zambia to the West (Annex: 3). As Kayambazinthu (1998:370) argues, "all these neighbouring countries have contributed to the ethnic and linguistic composition of Malawi and vice versa". Consequently, these countries do not only share boundaries, but also ethnic groups, as some of Malawi's major ethnic groups spill over to these neighbouring countries. For example, the Chewa tribe is also found in Zambia and Mozambique. According to

Pachai (1973 in Kayambazinthu 1998:372), about eighty percent of the Chewa people live in Malawi and the remaining twenty percent or so in Zambia and Mozambique. The Yao tribe is also found in Mozambique, while the Sukwa tribe has related tribes in the Mbeya region of Tanzania and northern part of Zambia bordering Malawi and Tanzania. As Patel et al (2007:2) report, "Malawi is divided into Northern, Central and Southern regions, which are further divided into twenty-seven districts: six in the Northern region, nine in the Central region and twelve in the Southern region. Administratively the districts are sub-divided into one hundred and thirty-seven traditional authorities presided over by chiefs. The traditional authorities comprise villages, which are the smallest administrative units and each unit is presided over by a village headman" (ibid 2007:2). Malawi is a predominantly rural country with about ninety percent of the population living in rural areas dependent on subsistence agriculture (Patel 2005:8).

The study was conducted in two patrilineal tribes of the Sukwa and Ngoni and two matrilineal tribes of Chewa and Yao in Malawi where no similar studies and documentation of the traditional mechanisms for preventing and transformation of violent conflicts had been conducted before. As already highlighted above the selected tribes are not only restricted to Malawi, they are also found in neighbouring countries such as Tanzania, Zambia and Mozambique (see Annex 3). Detailed background information on each tribe is provided in Chapter four.

The following sub-section of the thesis sets the broader context for the study, it outlines international concepts for preventing and intervening in violent conflicts and discusses their associated challenges. The section also briefly discusses the increasing recognition of the role of African culture in peace-building and violent conflict prevention in Africa.

1.4 The broader context of the study

"We are primarily shaped by conditions that have been given to us by our predecessors and our ancestors. We can shift and change what has been passed down to us but we have to start this process from the historical place where we happen to find ourselves" (Karl Marx in Graaf 2001:29*).*
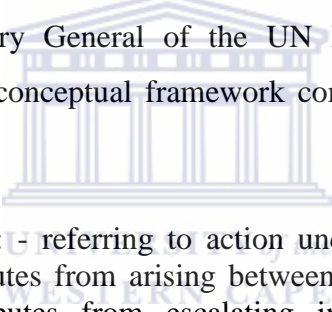
1.4.1 International concepts for intervening in violent conflicts

Based on its vast experience of handling armed conflicts, the UN has developed a set of instruments for intervening in violent conflict. When it was created in 1945, the UN's central mandate was to prevent the horrors of the Second World War being repeated. Its structures were therefore primarily devoted to preventing wars between states (Adebajo and Scanlon 2006). The UN's traditional peacekeeping operations comprised mostly military interventions aimed at separating armed forces, "positioning troops between the belligerents, and providing humanitarian assistance" (Schellhaas and Seeger 2009:4). The key principles used at this time were consent by the warring parties, impartiality and non-use of force by UN peacekeepers (Hansen et al 2004:3). As Tschirgi (2004:1) observes, "Throughout the Cold War, the UN and the international community had confined their efforts in conflict contexts primarily to humanitarian relief, peacemaking and peacekeeping activities".

In the early 1990s there was a shift in the pattern of violent conflicts from wars between states to violent conflicts within states; moving from an era of wars to one of complex political emergencies (Goodhand and Hulme, 1999:13, 23). This era was "characterised by intense insecurity, ethnic conflict and genocide, deadly violence with overwhelming civilian deaths and casualties, widespread suffering

and massive refugee and population flows within and across borders" (Tschirgi, 2003:1). Goulding (1999:157) notes that almost all the violent conflicts in Africa since the end of the Cold War have been conflicts within sovereign states. He argues that internal violent conflicts have proved to be much harder than inter-state conflicts for the United Nations and other international actors to prevent, manage and resolve (ibid).

Confronted with more challenging violent intra-state conflicts that elude resolution, the need for the UN and other international actors to revisit the peacekeeping doctrine became eminent. In 1992, the UN elaborated a conceptual framework for its role in peace and security called *'An Agenda for Peace'*, presented by then Secretary General of the UN Dr Boutros Boutros Ghali (Nieuwkerk 2000:4). This conceptual framework comprised five interconnected roles of the UN namely:

> *Preventive diplomacy*: - referring to action undertaken in order to prevent disputes from arising between parties, to prevent existing disputes from escalating into violent conflicts and to limit the spread of the latter when they occur. *Peace enforcement*: - action with or without the consent of the parties to ensure compliance with a cease-fire mandated by the Security Council acting under the authority of Chapter VII of the UN Charter. *Peacemaking*: - mediation and negotiations designed 'to bring hostile parties to agreement' through peaceful means. *Peacekeeping*: - military and civilian deployments for the sake of establishing a 'UN presence in the field, hitherto with the consent of all the parties concerned'. *Post-conflict peace-building*: - measures undertaken to foster economic and social co-operation to build confidence among previously warring parties; develop infrastructure (social, political, economic) to prevent future violence; and lay the foundations for a durable peace (ibid).

This framework provides what some authors have called *second generation, multidimensional operations (*Doyle and Sambanis 2006:14, Hansel et al 2003:5, Neethling 2009:2). Its goal is to assist in stabilising the peace process and to prevent a relapse of violent conflict in the short-term; and in the long-term to address the root causes of conflict and lay the foundations for social justice and sustainable peace (De Coning 2005:91). In addition the key strategy used is to foster economic and social cooperation with the purpose of building confidence among previously warring parties and of developing the social, political and economic infrastructure to prevent future violence (Doyle and Sambanis 2006:15).

The framework or aspects of it have been applied globally in both inter- and intra-state violent conflicts. In Africa, the record of accomplishments of interventions into violent conflicts by the UN, the international community, the AU, sub regional organisations and individual countries such as South Africa and civil society has been rather limited. However, Mack and Cooper (2007:10) argue that despite the failures, the net effects of peacekeeping activities have been clearly positive.

Notable areas where the international peace operations in Africa have been successful include Namibia through the UN Transition Assistance Group (UNTAG) and Mozambique through the UN Mission to Mozambique (UNUMOZ) (Goulding 1999:162); Liberia through UN Mission to Liberia (UNMIL) (Gray-Johnson 2009:18), Sierra Leone through the United Nations Mission to Sierra Leone (UNAMSIL) (Mukalazi 2006:26). In addition, Mack and Cooper (2008) report that between 1999 and 2006, most of the major violent conflicts in West Africa (Sierra Leone, Liberia and Côte d'Ivoire) and Central Africa (particularly Angola and the Democratic Republic of Congo (DRC)), as

well as the war between Ethiopia and Eritrea, either came to an end or the violence de-escalated dramatically.

Nevertheless, there are several violent conflicts in Africa, whose resolution remain an enormous challenge despite the concerted efforts of the UN and other international actors. According to Williams (2009:3) by 30 June 2009, the African continent had ten active military peace operations. Six of these were UN missions in Côte d'Ivoire (UNOCI), Chad/Central African Republic (CAR) (MINURCAT), DRC (MONUC), Sudan (UNMIS) and Western Sahara (MINURSO). One mission was a hybrid UN-AU operation in Darfur, Sudan (UNAMID). The other three missions were the AU operation in Somalia (AMISOM); the Economic Community of Central African States (CEMAC) operation in CAR (MICOPAX); and the Special Task Force in Burundi, run by South Africa (ibid).

Critical examination of experiences with peace operations in some of the violent intra-state conflicts in Africa reveals several factors that frustrate attainment of the envisioned peace settlements. In general terms, the following have been identified as some of the key factors that negatively affect the success of peace operations in Africa:

Firstly, most intra-state violent conflicts are complex in nature involving a large number of conflicting parties. The conflicts in DRC, for instance, involves a wide range of interested parties such as rebel groups, foreign armed groups, other states such as Uganda and Rwanda, ex-combatants and multinational companies (Kisiangani 2009:38-44). Different parties to the conflict tend to have different interests. It therefore becomes difficult to have comprehensive peace agreements signed by all the warring factions that address the complete range of incompatibilities that caused the conflict (Williams 2009:4). The warring clans in the Darfur conflict, for example, have continued to form new factions that do not

have distinct alliances making the character of politics fluid and unpredictable for peacekeepers (Onoja 2008:40). In addition, intra-state violent conflicts tend to have effects across the state borders. Goulding (1999:157) argues that while causes may be internal and the protagonists may be nationals of the same state the consequences of their conflict invariably spread beyond that state's borders and therefore in reality no conflict is internal. Yet according to Williams (2009:4), peace operations have generally been deployed to particular countries or parts of countries; hence, peacekeepers have only been able to deal with part of the problem confronting them.

Secondly, the scale of mobilisation of resources across agencies, governments and international organizations demonstrated the international commitment to peacekeeping operations (Tschirgi 2004:8). Many peacekeeping missions in Africa have been constrained by inadequate resources such as troops and logistics. In Sudan, for example the UNAMID has, out of the expected twenty-six thousand, deployed less than ten thousand troops on the ground with a lack of essential equipment such as armoured personnel carriers and helicopters (Onoja 2008:40). It has been observed that most African states are unwilling to send troops to support the peacekeeping efforts in Sudan because of the country's volatility (ibid). Furthermore, there has been less commitment from Western countries to deploy soldiers and their associated equipment and logistical support, to UN peace operations in Africa (Williams 2009:7). De Coning (2010:41) argues that the AU has been unable to sustain peace operations on its own because it does not have a predictable funding mechanism; and has not yet developed its in-house mission support capacity to backstop its missions with logistics, personnel and financial systems needed to manage them.

Thirdly, on occasion the UN peacekeeping missions have been deployed in non-permissive environments marred with lawlessness and violence (Hansen et al 2004:6). Many of the parties in the Darfur crisis, for instance, have been described as "having unprofessional armed forces sometimes comprised of militias, thugs and criminals who do not respect the laws of war or consistently follow chains of command" (Mansaray 2009:36). This lawlessness has however, not only been restricted to the belligerents in the violent conflicts. In DRC, there have been allegations of the MONUC troops involved in illicit trade in gold and arms (De Carvalho 2007:44). Increasingly, there are reported cases of peacekeepers involved in human rights abuses. According to Williams (2009:9), there have been numerous scandals involving peacekeepers raping and sexually abusing local women and children, as well as engaging in human trafficking. Such unlawful practices undermine the most important prerequisites for peacekeeping, which are credibility and legitimacy (De Carvalho 2007:10).

Fourthly, there have been reported incidences where some governments have not fully cooperated with the UN missions. For example, Mansaray (2009:39) notes that while the Sudanese government gave the impression of doing its best to resolve the crisis in Darfur, evidence proved that it was actually undertaking activities that intensified the conflict. Zondi and Rejouis (2006:75) observe that one of the major challenges that the UN Mission to Ethiopia – Eritrea (UNMEE) faced was lack of cooperation by the Eritrean government.

Fifthly, in some instances the UN peacekeeping concepts have not clarified the specific ways in which missions should react faced with specific challenges. The tragic loss of the United States (US) / UN troops in Somalia in 1993 in an attempt to facilitate delivery of humanitarian assistance in the middle of violent conflict (Bolton, J.R. 1994:56-66); and the dilemma that faced the UNMIR forces during

the 1994 genocide in Rwanda, in the absence of the mandate and capacity to intervene (Dallaire and Poulin 1995:14); serve as classical examples. This implies that the current concepts for dealing with violent conflicts in Africa are yet to be fully developed.

Sixthly, peacekeepers tend to have complex the mandates. Williams (2009:8), argue that peacekeepers in Africa have been asked to undertake far more tasks than they can handle including monitoring ceasefires or demilitarised zones and helping build institutions for liberal democratic governance. He further argues that with such complex mandates, peacekeepers are often given contradictory instructions; sometimes the mandates lack clarity and there is lack of consensus on how certain tasks should be undertaken (ibid). The tasks that peacekeepers are asked to undertake are inherently difficult especially with limited resources and are supposed to be fulfilled according to externally driven timetables (Williams 2009:9).

Seventhly, peace operations in Africa are undertaken by a wide range of stakeholders including the UN, the AU, sub-regional organisations such as ECOWAS, external organisations such as the European Union (EU) and mediation efforts by individual states such as South Africa. Williams (2009:5) argues that with such a proliferation of peacekeeping actors; at strategic level, it has been difficult to ensure coordination between the different actors over goals and methods; and at tactical level, commanding multinational peacekeeping is made more difficult because personnel from different countries will have been exposed to different doctrines, training and use distinct equipment.

The UN multidimensional peacekeeping framework outlined above includes mechanisms for preventing violent conflict as briefly discussed below.

1.4.2 International concepts for preventing violent conflicts

Within the UN multidimensional peacekeeping operation framework described above (1.3.2), violent conflict prevention is envisioned in two forms. The first, are proactive, actions undertaken in order to prevent disputes from arising between parties, to prevent existing disputes from escalating into violent conflicts and to limit the spread of the latter when they occur otherwise termed, '*preventive diplomacy*'. The second are interventions inherent in peace-building. As Tschirgi (2003:2) argues, "peace-building at its core aims at the prevention and resolution of violent conflicts, the consolidation of peace once violence has been reduced and post conflict reconstruction with a view to avoiding a relapse into violent conflict".

Apparently, these mechanisms have not effectively prevented the outbreak of intra-state violent conflicts in Africa. In their analysis of violent conflict trends in Sub-Saharan Africa, Mack and Cooper (2007:7) observe that the average number of violent conflict onset per year in the new millennium remained higher than in every decade since World War II. They argue that 'Sub-Saharan Africa appears to be much better at stopping wars than preventing them from starting' (ibid). Similarly, with recurrence rates reported to vary between 21 % and 39 % of terminated civil wars within four to five years (Call 2007:1), peace-building initiatives have not adequately prevented the relapse of violent conflicts. The implication of these observations is that Africa continues to have significant numbers of violent conflicts combining the recurring violent conflicts and new ones.

The results and impact of failure to prevent violent conflicts in Africa are visible. Intra-state violent conflicts have continued to emerge in different forms. In 2007,

violence erupted in Kenya following disputed elections results, leading to the deaths of one thousand people, the displacement of more than three hundred thousand people, the loss of more than three billion US Dollars in the economy and the loss of over five hundred thousand jobs (Mbugua 2008:3). There have been outbursts of violence in Nigeria particularly in the Niger Delta, resulting in loss of billions of US Dollars since 2003 (Nwozor 2010:31-32). In 2008 xenophobic related violence erupted in South Africa, leading to the deaths of over seventy migrants and the expulsion of tens of thousands from their homes and communities and foreign-owned businesses were destroyed by South Africans, amounting to over ZAR1.5 billion in damages (McConnel 2009:34). With all these experiences, one wonders whether there is any African country, which is safe from violent conflicts.

Scholars have outlined several factors that contribute to poor results on prevention of violent intra-state conflicts in Africa. Malan (2005:5) argues that *preventive diplomacy* is not an appropriate mechanism for preventing intrastate violent conflicts in Africa. He outlines three factors that contribute to its failure. Firstly, "the third parties who want to help are likely to be blocked by government objections to interference in sovereign internal affairs. Secondly, the causes of conflict are most often politically sensitive issues: the quality of governance; the way law and order is maintained; the equity of the economic and social systems; and issues such as ethnic discrimination. Thirdly, the nature of the other party to the conflict also hampers attempts at brokering peace: it is normally an insurgent movement or movements, amply supplied with arms, obsessively secretive, inexperienced in negotiation, without transparent lines of authority, undisciplined, violent and unfamiliar with the norms of international behaviour, including humanitarian law"(ibid). Focusing on the UN, international community and other intervening agencies, Reychler, on the other hand, argues that prevention of

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violent conflicts has failed largely because of inadequate foresight or warning systems, lack of interest by major countries or their international organizations because they do not perceive their vital interest at stake and lack of conflict transformational skills (http://www.gmu.edu/academic/pcs/reychler.htm).

According to Goulding (1999:157), sometimes the UN and other would-be-mediators have failed to prevent violent conflicts because the principle of sovereignty has legitimized governments' reluctance to let the mediators concern themselves with their internal conflicts. Dress (2005:2), maintains that the lack of a system's approach to conflict prevention is one of the primary reasons that every new armed conflict seems to come as a surprise to the international community and that is why resources are stretched to the limit in meeting post-conflict needs.

It is clear from the analyses above that Africa is unlikely to realize stable peace in the fore-seeable future with such numerous challenges facing the peace-building as well as violent conflict preventing measures. After a critical examination of these challenges, Zartman (2000:3-4) argues that the persistence of violent conflicts in Africa is not only an indication that modern international methods are defective, but also that home grown measures to dampen escalation and prevent violence have failed. According to Karbo (2010:20), the reason for the failure is "because with the collapse of African value systems and frameworks, the existing institutions have become lacking in adaptiveness so much so that they can no longer meet the challenges of a new order". Through colonialism and globalization, western-style knowledge and governance systems have replaced indigenous systems in various parts of Africa (Kwaja 2009:71, Murithi 2006[b]:11). Unfortunately, these systems are proving to be ineffective.

Focusing on modern international methods, Hansen et al (2004:6), question most of the received assumptions about the current processes of peacekeeping. Zartman (2000:4) urges for more work to be done on the nature of both conflict and conflict management in Africa to improve the fit between the two. Obviously, it has become critical that more effective conflict response strategies and preventive mechanisms need to be developed or fine-tuned that will bring about continental stability (Onwuka 2009:55). The search for more innovative mechanisms for dealing with violent conflicts in Africa should therefore be relentless. The trend has been to look for methods that are home-grown. Consequently, there has been growing interest on the indigenous African systems for intervening in conflict situation. These will be briefly discussed in the section below.

1.4.3 The role of African culture in peace-building and violent conflict prevention

Following the notion 'African solutions to African problems' described as "an approach favouring home grown initiatives" (Petlane 2009), or "the justifiable need for greater African responsibility, autonomy and the imperative to develop indigenous conflict prevention and management capacities" (Ayangafac 2009), there has been a call to search from within the African culture; principles, knowledge and practices which could be incorporated in the current peace concepts in order to address the scourge of violent conflicts in Africa. According to Lederach (1995:10) understanding conflict and developing appropriate models of handling it, will necessarily be rooted in, and must respect and draw from the cultural knowledge of the people.

Several scholars have commented on the importance and relevance of different aspects of indigenous systems of peace in Africa based on observations of their application in current peace initiatives in Africa as illustrated below:

Focusing on indigenous knowledge in general, Amisi (2008:17) argues that indigenous knowledge systems "have something to contribute towards efforts aimed at crafting new paradigms and approaches to peace in Africa". She observes that the *ubuntu* principles, flexible gender systems and African fractals, illustrate ways in which to conceptualise peace and war in Africa. For Kwaja (2009:71), the relevance of endogenous knowledge systems is linked to the significant role played by the principles of transparency, community participation and ownership and their ability to enhance the capacity of communities to solve their own problems.

Malan (1997:17) argues that Africa has traditional conflict resolution methods, which are based on two interwoven elements, the tradition of family or neighbourhood negotiation facilitated by elders and the attitude of togetherness in the spirit of humanhood (*ubuntu*). He warns that we should not let the appeal of current methods of conflict resolution from the Americas, Europe, Asia and Australia with impressive professional quality and their scientific underpinning by several human sciences, make us forget the time-proven methods, which originated on African soil (ibid: 16). Examples of current attempts to apply traditional African conflict resolution and reconciliation methods have been highlighted below. In Darfur, while it is becoming increasingly apparent that the broader problem can only be resolved through international mediation; Sansculotte-Greenidge (2009:79) argues that the many local conflicts that are exacerbated by it and wrapped up in it, can only be solved by the customary system of mediation, *judiyya*, which involves third-party mediators, or *ajawid*

(elders), who are selected based upon their reputation for being wise and knowledgeable of traditions. Faced with violent conflicts among the pastoral communities in the borderlands of Eastern Africa, which has escalated to such an extent that governments have failed to contain; Osamba (2001:8), argues that pastoral societies, working alongside the governments, need to reinforce their institutional capacities particularly their traditional norms, rules and regulations, in tackling the twin phenomena of violence and insecurity.

Similarly, the relevance and feasibility of practical application of traditional methods for justice, reconciliation and healing in the post conflict situations have been demonstrated. Mutisi (2009:26) reports that despite its practical limitations, the *gacaca* courts in post-genocide Rwanda have provided space for truth to be told about the genocide and paved the way for the adoption and revitalization of endogenous approaches to justice, healing, truth telling and reconciliation. In Uganda, some of the victims along with sectors of civil society, community leaders and some government representatives challenged the relevance of the International Criminal Court (ICC) to prosecute top commanders of the Lord's Resistance Army (LRA) for allegedly committing atrocities against the Acholi and the neighbouring populations in Northern Uganda. They instead advocated the use of *mato oput*, a traditional Acholi voluntary peace and justice process involving mediation, trust building, acknowledgment of wrong doing, compensation, reconciliation and restoration (Wasonga 2009:27).

In addition, some authors have commented on the relevance of spiritual dimensions of African traditions for application in current peace concepts. Kasomo (2009:23-24) argues that as guardian of tradition, the dispenser of morality, the standard of reference and the teacher of wisdom, African religious knowledge, beliefs and practices may provide the people with a fresh awareness

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of their own history, cultural and religious values, wisdom and religiosity as they grapple with the current complex conundrums of human existence. Ndumbe (2001:1) concurs with Kasomo that as Africans live in a globalised world in their own process of renewal, they cannot ignore certain global tendencies, but should not be completely determined by these global tendencies; instead must draw from themselves before they can accept outside influence to strengthen them in a process of reacquiring their own destiny. In this context, he argues, spiritual dimensions of African societies can play an important role in the resolution of conflicts, in the restoration of peace and in the construction of solid structures and of a progress-seeking society (ibid).

While indigenous African systems of peace remain necessarily indispensable, there are challenges associated with their application. As Mbigi (2005:24) observes, "most African knowledge is uncodified and implicit and therefore there is real danger that it will be lost forever". He argues that in its original form African knowledge may be difficult to apply unless it is codified and made explicit through the development of coherent theories, models and frameworks for wider application (ibid). According to Murithi (2006[a]:14), just like the rest of humanity, indigenous African structures have been exclusionary in terms of gender. He argues that "while indigenous approaches and institutions provide us with many lessons which we can incorporate into on-going peace-building processes, it is important for us also to recognise that some traditions have not always promoted gender equality" (ibid: 17). "Traditional African systems are often cultural specific and in their original forms may not be flexibly used in other cultures" argues Latigo (2008:113).

Considering the wide diversity of the African cultures and indigenous systems for dealing with violent conflict it is important that specific aspects be studies to draw

out some commonalities and lessons learnt for application in contemporary approaches. This research focuses on traditional aspects for violent conflict prevention and transformation.

1.5 Aims of the Research

The primary aim of the research is to examine and develop deeper insights into the traditional mechanisms for transformation and prevention of violent conflicts in four tribes in Malawi, namely the Sukwa, Ngoni, Chewa and Yao. In particular, the research seeks to identify common cultural elements / factors that the communities in these tribes use to prevent and / or transform violent conflicts amongst them in order to maintain social harmony.

The secondary aim of the research is to examine if there are common cultural elements / factors for preventing and transforming violent conflicts by comparing the findings from Malawi with other selected indigenous African conflict intervention systems namely the traditional *gacaca*[1] system in Rwanda, the traditional system used by the Pokot communities in the North Rift Kenya, the *ubuntu* system used in South Africa and the *mato oput* traditional justice system of the Acholi people of Northern Uganda.

Specifically the study focused on the following aspects:

- To examine and understand the socio-political governance structures and the roles of the various players (men, women, youths and community leaders) with respect to transformation and prevention of violent conflict in each of the four selected tribes.

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[1] The *gacaca* system referred to and used in the analyses in this study is the traditional pre-colonial or (old) *gacaca* not the *gacaca* court system which was introduced to deal with atrocities of the 1994 genocide in Rwanda.

- To critically examine and develop an understanding for the methods, tools and processes used in the transformation and prevention of violent conflicts in each of the four tribes.

- To delineate the key elements, values and principles governing the mechanisms for transformation and prevention of violent conflicts based on the understanding of the community members

- To obtain the opinions and experiences of community members (men, women and young people) on the effectiveness and appropriateness of traditional methods for transformation and prevention of violent conflicts within their current socio-political and economic contexts.

- To undertake a comparative analysis of the different mechanisms used for transformation and prevention of violent conflict between matrilineal and patrilineal tribal governance systems in order to draw out unique features and common grounds.

- A comparative analysis between the findings from the four tribes in Malawi on traditional methods for transformation and prevention of violent conflict with those used by selected case studies from other parts of Africa in order to draw commonalities and differences.

- Drawing conclusions and recommendations for incorporating traditional African methods for transformation and prevention of violent conflicts in Africa.

This research contributes to the debate on the importance and relevance of indigenous systems of peace in Africa, particularly how these systems can contribute to international concepts for dealing with violent conflicts affecting Africa today. The following summarises the significance of the study.

1.6 Significance of the study

This study specifically searches from within the selected Malawian tribes for indigenous mechanisms that are used to prevent violent conflicts from occurring and where they do, the mechanisms used to transform the violent conflicts in order to restore social harmony. Considering the devastating effects of violent conflicts in Africa, as highlighted in the earlier sections of this chapter, the significance of this study cannot be overemphasised. The study makes two main contributions:

Firstly, by spotlighting mechanisms for dampening escalation of violent conflict, this study suggests a focus on proactive interventions to avert costs associated with violent conflict.

As already highlighted above, the current costs of violent conflicts in Africa are high, particularly when we focus on the human factors in terms of the numbers of women, men and children who die, or are disabled, abused, displaced from their homes and those rendered economically unproductive (Lacina and Gleditsch 2004:145-162). Other costs include destruction of infrastructure such as roads, bridges, building; disruption of services such as education and health (Murithi 2006[a]:11); disruption of production and development processes in general (OECD 2008:11); environmental damage; destruction of social, political and spiritual structures (Rechyler[2] undated); and the cost of the violent conflict itself such as cost of weapons, massive amounts of finances used in peace-building and post conflict reconstruction (Calaghan 2008:50-54). The estimated accumulated loss to gross domestic product (GDP) for different countries due to violent conflicts were 7% for Côte d'Ivoire (1999-2003), 19% for DRC (1996-2001),

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[2] Available online at: http://www.gmu.edu/academic/pcs/reychler.htm

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25% for Sierra Leone (1996-1999) and 34% for the Zimbabwean economy (ibid:49).

There is the realisation that even countries with a track record of low violence, such as Malawi, which has largely managed to avoid the type of inter and intra-state conflicts that have plagued other parts of the African continent (Kajee 2006:85); experiences different forms of tensions and could be slowly moving along the continuum towards violent conflicts; if there are no mechanisms to contain such situations. For example, there have been violent conflict situations in Malawi in form of land encroachment; inter religious and political tensions (GTZ Forum for Dialogue and Peace 2006:8, Milazi 1999:42, Umar et al 2006:8 & Patel 2005:220-221). Somehow, these conflicts have been controlled. This proves that it is possible to keep conflicts below violence levels; but the question is, what are the appropriate mechanisms for that?

As a development practitioner and traditional leader in his community, the researcher is personally interested in mechanisms for mainstreaming violent conflict prevention and transformation in his development practice. If effectively instituted such a concept would provide mechanisms for addressing violent conflicts from different fronts. This was a primary aspect for him to conduct this research.

1.7 Motivation for the study

The stories I heard and continue to hear about Africa seem to suggest that the continent changes ugly faces between wars and deaths. Having grown up in Malawi, my village community experienced a number of conflicts, but these never reached the level of violence that many of the neighbouring countries have

gone through. The village elders managed to intervene and resolve the conflicts before they went out of hand. Nevertheless, I have observed some politically motivated conflict turning violent almost to a point of getting out of hand.

I was motivated to conduct this study because of three main reasons. Firstly, as an heir to the chieftaincy, I participated in many community sessions convened to resolve conflicts that arose between members of the community. I was amazed how the elders managed to effectively neutralise some of the conflicts, which could have otherwise turned bloody. I am convinced that there are good practices within the traditional community governance systems in Malawi and probably in Africa as a whole worth exploring and adapting to solve some of the problems of violent conflicts affecting Africa today. Secondly, as a development practitioner involved at local community, national and international levels, I have encountered and observed that conflict situations, if not properly managed, negatively affect development work. I have personally participated in some of the conflict resolution processes within the rural community set up in Malawi and have been inspired to learn more about how these systems can be further pursued in development work to create more fronts for dealing with violent conflicts. Lastly, I would like to work more on a concept for mainstreaming prevention of violent conflicts in development work in Africa.

In order to develop deeper understanding of the indigenous mechanisms for prevention and transformation of violent conflict in Malawi, I decided to conduct a study in four tribes in Malawi and other selected documented indigenous systems from other parts of Africa.

1.8 Overview of research methods

The study was implemented through a qualitative social inquiry that included two key activities, a review of available documentation and field research. The field research process included semi-structured interviews with selected individual informants and focus group discussions with a wide range of community stakeholders. The research also involved actual observations of the conduct of traditional practices in the selected communities in Malawi. The data collected was analysed using a general inductive approach for qualitative analysis, the primary purpose of which is to allow research findings to emerge from the frequent, dominant, or significant themes inherent in raw data.

The data was analysed using general inductive approach for qualitative analysis. The main limitation of the study was that the researcher used already documented but, limited research of case studies from other parts of Africa. Comparative analyses for some of the study parameters were not possible, as some of the information was not adequately documented. Consequently, the researcher focused more on comparative analysis of the four case studies from Malawi and only conducted partial comparative analysis with case studies from other parts of Africa.

1.9 Overview of chapters

This section provides a brief overview of Chapters two to seven.

Chapter two of this thesis discusses the theoretical framework of the study, which includes three theoretical perspectives:

a) Social conflict perspectives, which provide explanation about the nature of conflict situations in the societies covered by the study in terms of its prevalence, forms and dynamics;

b) Structural functionalism perspectives, which try to explain mechanisms at play in the tribal societies, which are responsible for maintaining social harmony;

c) Complexity theory perspectives which provide explanations for complex relationships between and among different actors in the tribal societies particularly in relation to conflict and the way it is handled as well as social change. The chapter also discusses several concepts related to conflict, as well as interventions into conflict situations. The last section of the chapter discusses some indigenous African methods for violent conflict transformation and prevention.

Chapter three discusses the methodological approach adopted for the study. The research involved a qualitative inquiry in four case studies of the Sukwa, Ngoni, Chewa and Yao tribes. The data collection methods included reflective focus group interviews, semi-structured and free flow interviews with one hundred and ninety-one individuals, over a period of two years, observation and review of available documents and records. General inductive approach for qualitative analysis was used.

Chapter four briefly discusses the historical background for the Sukwa, Ngoni, Chewa and Yao tribes. It also discusses the different levels of the socio-political governance structures for the four tribes namely individual, nucleus family, extended family, sub-village, village, group village, sub-traditional authority, traditional authority and paramount chief. The chapter also highlights how at each

level of the governance structures individuals or groups of people intervene in violent conflict situations. The chapter further discusses the various factors, which qualify and legitimise individuals and groups of people to intervene in violent conflict situations. It ends by highlighting the specific roles women play in violent conflict interventions within the governance structures.

Chapter five discusses how the tribes perceive and understand the concept of conflict. The study results show that in these tribes conflict situations are understood to manifest as any of the following conditions: perceiving differences, engaging in dispute, engaging in a fight, engaging in uncontrolled chaotic violent conflict and engaging in war. The study results show that the tribes try to prevent violent conflict through cultural values, internalisation of cultural values and cultural beliefs. The chapter also presents the process that the tribes use for transforming violent conflict, which include: creating conducive environment for discussions, listening to each of the parties in the conflict, searching for truths, ensuring that all issues have been exhausted and referring unresolved conflict for further discussion at a higher level forum. While men may dominate in most processes, women play active roles in most of these processes. Finally, the chapter discusses mechanisms through which the tribes collaborate with formal justice systems. These include referral system and joint activities.

Chapter six discusses the socio-political governance structures and the roles they play in violent conflict prevention and transformation. The study results show that these structures comprise three components – the individual, family structure (nucleus and extended family); and the traditional leadership structure. Each of these components plays crucial roles in violent conflict prevention and transformation. The chapter also discusses the notion of conflict as understood and perceived by the tribes in Malawi and its implications in intervention systems

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adopted. The chapter has also discussed the various methods for violent conflict prevention as well as the concept and process for violent conflict transformation. The chapter ends with a discussion of the linkages between the traditional and the formal justice systems. The discussion includes the challenges faced, the attributes of the traditional systems and the aspects to be improved for the linkages to be more effective.

Chapter seven summarises the key findings of the study, briefly discusses their implications for violent conflict prevention and transformation, as well as highlights some areas which require further research.

1.10 Conclusion

The first section of this chapter presents the background of the study, which is basically a historical overview and impact of violent conflicts in Africa. The second section presents the research problem. The third section presents the context of the study, which includes the international concept for preventing and intervening into violent conflict in Africa. It also highlights some of the experiences with the application of the international concepts in Africa. The section ends with a brief discussion of the role of African culture in peace-building and violent conflict prevention. The fourth section presents the aims of the research and specific objectives as well as outlines the key questions for the research. The fifth and sixth sections present the significance of the study and the motivation of the researcher to undertake the study. The remaining sections include a brief description of the case studies, a brief overview of the methodology adopted for the study and an overview of the thesis chapters. The following chapter presents the theoretical framework for the study and the summary of the literature reviewed.

Chapter 2: Theoretical Framework of the Research and Literature Review

"One way to truly know our humanness is to recognise the gift of conflict in our lives. Without it, life would be a monotonously flat topography of sameness and our relationships would be woefully superficial" (John Paul Lederach 2003:18).

2.1 Introduction

The search for appropriate mechanisms for dealing with violent conflict in Africa requires a deeper understanding of the conflict situations, the socio-cultural set up and the dynamics of the societies affected by violent conflicts. The first part of this chapter presents the outcomes of the literature reviewed in the study, which includes a discussion of the concept of conflict and the related concepts, including violent conflict and peace. The chapter also discusses the different concepts for intervening into violent conflict situations; including four case studies of indigenous African conflict intervention systems. The second part of the chapter presents different theoretical perspectives on social conflict, structural functionalism and complexity theories, which form the theoretical framework for this study.

2.2 Literature reviewed

The literature reviewed for this study covers a discussion of the different concepts related to conflict, conflict intervention methods and case studies of traditional African conflict intervention methods. The following sub-section discusses the concept of conflict and other related concepts.

2.2.1 Discussion of key concepts

The contested concepts of conflict, violence or violent conflict and peace are closely related. The understanding of the meanings of these concepts is crucial for this thesis. The following section attempts to synthesise the various perspectives on the concept of conflict particularly how various scholars understand and interpret it.
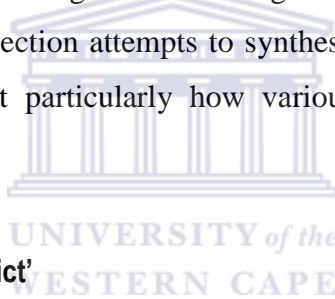
2.2.1.1 The concept of 'conflict'

The concept of 'conflict' is complex and "multidimensional: it envelops a family of forms" Williams (2005:15). Mack and Snyder (1957: 212) put it rightly when they say, "conflict is a rubber concept stretched and moulded for the purposes at hand; in its broadest sense it seems to cover everything from war to choices between ice-creams".

The origin of the term 'conflict' is Latin, *confligere*, interpreted as 'strike together', or 'to clash or engage in a fight'; suggesting a confrontation between two or more parties seeking incompatible or competitive means or ends (King and Miller 2006:52, Miller 2005:22). Others define conflict as a process where parties come into dispute over differences or perceived differences regarding positions, interests, values and needs (InWent 2004:16).

Based on analyses of literature on the concept of conflict, Mack and Snyder (1957:217-219) suggest several properties which constitute a model for identifying and characterising conflict phenomena and situations; five of which they argue must be present for conflict to exist. These are briefly described below in the context of social conflict, which is of concern for this thesis.

Firstly, social conflict occurs where there are at least two parties or two analytically distinct units or entities (either individual persons or groups of people). Secondly, conflict arises from 'position scarcity' and 'resource scarcity'. In this case, position scarcity is a condition in which an object cannot occupy two places at the same time; put differently an object cannot simultaneously serve two different functions. Resource scarcity is a condition in which the supply of desired objects (or states of affairs) is limited so that parties cannot have all they want of anything. A third reason, is expression of behaviours designed to destroy, injure, thwart, or otherwise control another party or other parties and relationship where parties can gain only at each other's expense. Fourthly, conflict requires interaction among parties in which actions and counteractions are mutually opposed; and this action-reaction-action sequence must embody the pursuit of exclusive or incompatible values. Fifthly, the relations in a conflict situation always involve attempts to gain control of scarce resources and/or positions or to influence behaviour in certain directions; hence there are attempts to acquire the actual acquisition or exercise of power (ibid: 218-219).

Galtung (1996:71) illustrates the formation of conflict using a triadic construct, inner feelings – attitudes, assumptions, perceptions, emotions of the parties to the conflict form one corner ; contradictions - incompatible goals the second and the third denotes behaviour displayed by the parties which could be cooperation, coercion, hostility and destructive attacks. Based on this construct, Galtung

(1996:71) subcategorises conflict into latent and manifest. The latent side comprises theoretical, inferred, subconscious attitudes, assumptions and contradictions; while as the manifest, side is identified by empirical, observed, conscious behaviour, which could be destructive, violent physical or verbal acts or hostile body language (ibid). According to King and Miller (2006:52),

> "....in its latent form, conflict lies dormant, incompatibilities remain unspoken or are built into systems or institutional arrangements such as governments, corporations or civil society; while as in the manifest form, conflict is recognisable through actions or behaviour"; or "when parties purposefully employ their power in an effort to eliminate, defeat, neutralise, or change each other to protect or further their interests in the interaction" (Anstey 1999:6).

Axt et al (2006:4) argue that once conflict has emerged, it develops further with a certain dynamic and intensity changing its courses and stages. Consequently, five conflict intensity stages can be recognised. Two of these are of non-violent nature including latent conflict and manifest conflict; the remaining three that involve use of violence include crisis, severe crisis and war (ibid: 5). In other words, this implies that a conflict situation can grow in intensity and size (escalate), from latent conflict towards crisis and war. This according to Anstey (1999:35) occurs when there are insufficient or no conflict regulation mechanisms or factors contributing to stabilisation of relations. Escalating conflict is associated with several elements, which include: proliferation of issues between the parties, concrete specific demands often developing into grandiose and becoming all-encompassing demands, unreliable and selective communication, negative stereotyping enemy perception, hostile relations, formation of collective alliances; high degree of organisation by each party, autocratic leadership, conformity pressure and the goal of the parties is to hurt each other (Anstey 1999:36-37). On the other hand violent conflict may lessen in quantity or severity in terms of violent exchanges among parties (de-escalate). In this case, the ultimate intent of

de-escalation may be to limit extremely destructive exchanges and create space for more intensive efforts to resolve or manage the conflict (Miller 2005:30).

The negative terms used to describe the relationship between the parties in a conflict such as, collision, disagreement, clash, fight, defeat, neutralise and eliminate, denote that conflict is destructive and undesirable. Dress (2005:7), however, argues that when the resources, awareness and skills for managing it are available and accessible, conflict can be channelled toward mutually beneficial results. According to Lederach (2003:18), conflict can be understood as the motor of change that which keeps relationships and social structures honest, alive and dynamically responsive to human needs, aspirations and growth. Jones and LandMark (2003:3) outline several positive aspects of conflict as follows:

> "It can create an opportunity for balancing the power within a relationship or the wider society and the reconciliation of people's legitimate interests. It leads to greater self-awareness, understanding and awareness of diversity and differences between people, organisations and societies. It leads to systematic personal or organisational growth and development. It acts as a useful media for airing and solving problems; and allows different interests to be reconciled and fosters group unity" (ibid 2003).

This sub-section has discussed different perspectives on the concept of conflict. The notion of conflict as applied in this thesis has both positive and negative characteristics. The following section further pursues the concept of violence or violent conflict, which is a negative manifestation of conflict.

2.2.1.2 The concept of violence or violent conflict

The concept of 'violence', just like the concept of 'conflict', is confusing and has been highly contested. Williams (2005:12) argues that violence cannot be

divorced from the idea of conflict, as it is often a manifestation of extreme, consistent and intense level of conflict. In other words, violence is associated with escalation of conflict. Based on this understanding, this thesis mostly uses the term 'violent conflict' instead of violence.

The term 'violence' refers to "behavioural manifestations in a conflict situation designed to inflict physical injury to property or persons" (Anstey 1999:46). John Galtung (in Rupesinghe 1998:28) identifies three forms of social and communal violence, namely: a) direct violence, which is traceable and attributable to a specific group including torture, executions, massacres, ethnic cleansing and rape; b) structural violence, which exists where there are gross power imbalances and people's quality of life varies substantially, including situations such as uneven distribution of resources, incomes, education, medical supplies political power etc and c) cultural violence, which is identified in terms of religious, ideological and linguistic symbols that legitimise direct or structural violence (ibid 1998:29). . All the forms of violence outlined above are negative (Rupesinghe 1998:28). Though highly contested, there are situations where violent conflict has been legitimised (Anstey 1999:47). Williams (2005:12) argues that while the shooting of criminals by the police, for example, seem to conjure up the semblance legitimacy; the failure of the legitimist criteria for defining and characterising violence stems from the fact that it fails to lessen our burden in the search for moral limits to war, the conduct of war and the incidences of police brutality.

Osaghae (2008:115) argues that if the competing claims, which give rise to violence, are properly managed violent conflicts, which always result from failure to reach agreement or consensus can be avoided or kept at a minimum. According to Galtung (1996:2) by reducing violence and avoiding violence, peace is created.

This sub-section has discussed the various perspectives on the concept of violent conflict. The following section discusses and provides more insights to the concept of peace.

2.2.1.3 The concept of peace

It is difficult to define peace. Galtung (1996:9) provides two perspectives of the definition of peace. The first definition is violence-oriented; where he defines peace as "the absence or reduction of violence of all kinds" (ibid: 9). The second is a conflict-oriented definition in which he sees peace as "non-violent and creative conflict transformation" (ibid: 9).

Rupesinghe and Anderlini (1998:61) view peace as part of a conflict continuum that has peace and war at opposite ends of the same scale. Based on various levels and intensities of conflict and violence that can exist between parties, they identify five different stages of conflict and hostilities on this continuum (ibid: 61-62):

Firstly, is the situation of *durable peace* where tensions may exist between the rich and the poor, between competing political parties and ideologies and between various interest groups; but there is no imminent violence, no possibility of physical conflict or repression and there is no need for military force to guarantee security. Any arising disputes are settled through designated institutions and structures or in extreme cases even through peaceful demonstrations or actions. The ruling elite have political authenticity and values and interests are pursued within a legitimate framework (Rupesinghe and Anderlini (1998: 61).

Secondly, in *stable peace* where levels of antagonism are higher, there may be a political crisis as tensions rise and radical political movements emerge,

emphasising the differences between groups, inflammatory public declarations and speeches leading to further polarisation of the society, relationships between the ruling political elite and opposition groups becoming more fraught and minor degrees of violence and oppression can occur. In addition, while extra-parliamentary groups may become more active promoting clear political agenda, the rule of law is firm and respected by all sides (ibid).

Thirdly, in a state of *unstable peace*, which is characterised by decreasing communication between parties, mounting uncertainties and tensions, sporadic violence between social groups or against established authority, demonstrations may break into violence, violence becomes an accepted means of articulating anger, but nothing to guarantee peace. The sides begin to dehumanise and demonise each other; they move away from a common framework of understanding of what is right and wrong, moral or immoral, acceptable or unacceptable social behaviour. Previously existing social institutions or structures of governance may lose their perceived legitimacy (Rupesinghe and Anderlini (1998: 61-62).

Fourthly, in a *crisis- low intensity conflict*, which is reached when rival groups take up arms and engage in physical hostilities; extra-judicial killings, rebel attacks, torture and subjugation become common occurrences. The conflict is, however, limited to recognised groups within a particular geographical area, but as the conflict spreads, the state security and military forces engage in armed confrontations, military curfews may be established restricting movement, political gatherings, assemblies and freedom of speech. Law and order break down, the security forces take on political power and act with increasing impunity (Rupesinghe and Anderlini (1998: 62).

Fifthly, is *civil war – high intensity conflict* characterised by a situation where gradually the whole country becomes engulfed in violence. The entire population may become polarised along group lines each claiming its own rights and individual identity. The tide of displaced people swells, homes are destroyed and the economy reaches a breaking point. All forms of law and order are flouted as militias, rebels; death squads roam streets (ibid: 62).

Within the conflict continuum outlined above a peaceful situation does not necessarily mean absence of any conflict or tensions. Miller (2005:55) defines peace as a political condition that ensures justice and social stability through formal and informal institutions, practices and norms. He outlines the following conditions that must be met for peace to be reached and maintained: a) balance of political power among the various groups within a society, region, or, most ambitiously, the world; b) legitimacy for decision makers and implementers of decisions in the eyes of their respective group, as well as those of external parties, duly supported through transparency and accountability; c) recognised and valued interdependent relationships among groups fostering long-term cooperation during periods of agreement, disagreement, normality and crisis; d) reliable and trusted institutions for resolving conflicts; e) sense of equality and respect, in sentiment and in practice, within and without groups and in accordance with international standards; f) mutual understanding of rights, interests, intents and flexibility despite incompatibilities (ibid: 55-56).

This sub-section has examined several perspectives on the concept of peace. The thesis uses the conflict-oriented notion of peace particularly as expounded by Miller above. The following section discusses different intervention concepts in quest for peace that will help to transform a violent conflict or war situation towards a peaceful situation along the conflict continuum discussed above.

2.2.2 Conflict intervention concepts

A wide range of contested concepts has emerged that refer to different contemporary approaches of intervening in violent conflict situations. These include conflict management, conflict settlement, conflict resolution, conflict transformation and conflict prevention. This section briefly discusses each of these concepts.

2.2.2.1 Conflict management

Conflict management aims to contain a conflict. It includes various ways of positive conflict handling, often used in the sense of limiting, mitigating. or containing violent conflict (Hartmann 2005:9). It may also be described as an intervention aimed at preventing the escalation and negative effects, especially violent ones, of ongoing conflicts (King and Miller, 2006:55). However, conflict management does not resolve the underlying issues (InWent 2004:17).

Miller (2005:23), outlines a variety of techniques that have been identified and employed in conflict management efforts, which include: bringing together the conflicting parties to establish a mutual agreement; direct intervention by governments or third parties to the strife to introduce or impose a decision; implementation of new initiatives, programmes, or institutional structures (for example, elections) to address the conflict in question; compelling or coercing contending parties to utilise previously established means of resolution or containment; use of coercion by government or another third party to eliminate or instil fear among one or all those engaged in a given conflict, leading to subsidence (ibid).

Conflicts are usually managed directly by the society in which they occur or by government when they become national in scope, provided it is not a party to the conflict. Where a government is unable or unwilling to intervene, international organisations increasingly assume the role of conflict manager (Miller 2005:23).

2.2.2.2 Conflict settlement

Reimann (2004:8) defines conflict settlement as "all outcome oriented strategies for achieving sustainable win-win solutions and / or putting an end to direct violence, without necessarily addressing the underlying conflict causes". He notes that for a win-win situation to be realised, both parties need to adequately clarify contextual conditions, focusing especially on the difference between positions (superficial, short-term standpoint); and interests (fundamental and long-term stakes) which each party has in the negotiation (ibid).

Reimann (2004:9) observes that conflict settlement involves negotiations at Track I level where the principal actors may include the military, political, religious leaders and decision-makers. He identifies two categories of strategies utilised in conflict settlement. These range from longer-term involvement of third parties in official and non-coercive measures such as good offices, fact-finding missions, facilitation, negotiation and mediation; to rather short-term involvement of third parties in more coercive processes such as power mediation, sanctions and arbitration (ibid).

2.2.2.3 Conflict resolution

Conflict resolution constitutes a holistic intervention intended to address the underlying issues of a conflict such as interests and needs of the parties, to focus on the relationship and communication between the parties (InWent 2004:17).

It aims to end a conflict by achieving a workable compromise or balance of opposing interests (Mehler and Ribaux, 2000:32), improved communication between the parties and as a minimum requirement the satisfaction of the needs of both parties (Reimann 2004:10). Miall (2004:3) argues that conflict resolution emphasises the intervention by skilled but powerless third parties, working unofficially with the conflicting parties to foster new thinking and new relationships, as well as explore what the roots of the conflict really are and identify creative solutions that the parties may have missed in their commitment to entrenched positions. In the process the clashing parties need to recognise one another's interests, needs, perspectives and continued existence (Miller 2005:26).

This calls for more process and relationship oriented strategies, approaches that are non-coercive and unofficial (Track II) activities such as facilitation or consultation in the form of controlled communication, problem-solving workshops or round-tables are invoked (Reimann, 2004:10). It also calls for a greater number of actors to become involved in the process. These can be drawn from the civil society groups, from academic institutions and from all forms of civil mediation or citizen diplomacy groups, including local and international conflict resolution NGOs operating at Track II level (ibid).

According to Miller (2005:26), not all conflicts lend themselves to conflict resolution techniques; sometimes parties favour continuation of conflict over its resolution. In such cases, the role of external parties can be critical in creating a

balance of power, enacting sanctions or incentives, or acting as neutral mediators or invested facilitators (ibid).

2.2.2.4 Violent conflict transformation

Miall (2004:4) describes conflict transformation as a process of engaging with and transforming the relationships, interests, discourses and, if necessary, the very constitution of society that supports the continuation of violent conflict. According to Dudouet (2008:2), the Berghof Research Centre for Constructive Conflict Management's in house definition looks at conflict transformation as "a generic, comprehensive term referring to actions and processes which seek to address the root causes of a particular conflict over the long term. It aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict. The term refers to both the process and the completion of the process. As such, it incorporates the activities of processes such as 'conflict prevention' and 'conflict resolution' and goes further than 'conflict settlement' or 'conflict management'" (ibid). In fact, by dealing with structural causes of conflict, conflict transformation prevents violent conflicts.

For Lederach (2003:14-22), conflict transformation involves several key aspects. Firstly, a transformational perspective that is built on two foundations – the capacity to envision conflict positively as a natural phenomenon that creates potential for constructive growth as well as a willingness to respond in ways that maximise the potential for positive change. In this context, a transformational approach recognises that while many times it results in longstanding cycles of hurt and destruction, conflict is a normal and continuous dynamic within human relations which brings with it the potential for constructive change. The approach

is a proactive bias towards seeing conflict as a potential catalyst for growth (ibid: 15). Secondly, conflicts flow and return to both visible and less visible dimensions of human relationships. To encourage the positive potential inherent in conflict, transformational approaches recognise the need to concentrate on the less visible dimensions of relationships rather than concentrating exclusively on the content and substance of the fighting that is often much more visible. This is based on the understanding that while the issues over which people fight are important and require creative response, relationships represent a web of connections that form the larger context, the human ecosystem, from which particular issues arise and are given life (Lederach 2003:17). Thirdly, conflict transformation pursues the advancement of creative change processes, which clearly focus on creating positives from the difficult or negative. The approach centres on change processes for moving conflict from destructive towards constructive, by cultivating the capacity to see, understand and respond to presenting issues in the context of relationships and on-going change processes (ibid: 19). Fourthly, conflict transformation views peace as centred and entrenched in the quality of relationships, which have two dimensions – face-to-face interaction and the way we structure our social, political, economic and cultural relationships. Rather than seeing peace as a static end-state, conflict transformation views peace as a continuously evolving and developing quality of relationships. In this context, peace work is characterised by intentional efforts to address the natural ebb and flow of human conflict through non-violent approaches, which address issues and increase understanding, equality and respect in relationships. Conflict transformation therefore works towards development of relevant capacities to effectively engage in change processes through face-to-face interactions as well as the need to see, pursue and create change in our ways of organising social structures, from family to complex bureaucracies, from local to global, essentially through dialogue (Lederach 2003:20-21). Fifthly, realising that

dialogue is essential for creating and addressing social and public spheres where human institutions, structures and patterns of relationships are constructed, conflict transformations seeks to create necessary processes and spaces where people can engage and shape the structures that order their community life broadly defined (ibid: 21).

2.2.2.5 Violent conflict prevention

The concept of conflict prevention is highly confusing. While in simple terms conflict prevention means prevention of conflict formation, Mehler and Ribaux (2000:32) argue that as a rule it is not the conflict itself which can be prevented, but its destructive escalation or the acute use of violence. According to the Organisation for Economic Cooperation and Development (OECD 2001:22), non-violent conflict is a normal part of society. "Conflict creates life: through conflict we respond, innovate and change", Lederach (2003:18). We can therefore not prevent conflict as it is "an omnipresent phenomenon of the human experience" (Fisher 2001:4) and has positive attributes. What has to be prevented is the use of large-scale violence to address or resolve conflict as well as activities that can destabilise and lead to collective violence (OECD 2001:22).

To avoid the terminological confusion highlighted above, this thesis uses the term 'violent conflict prevention' instead of conflict prevention as theoretically none of the aspects mentioned in the definition of conflict prevention aspire to prevent conflict as such; but the aim of the interventions is more typically to prevent escalation or manifestation of violent forms of conflict (Miller 2005:24).

Malan (2005:40) argues that the key to priority conflict prevention lies in understanding and targeting the dynamics of escalation. This agrees with the definition of violent conflict prevention by Miller (2005:24), in which conflict

prevention is viewed to include interventions that seek to redress causal grievances in order to avoid the escalation of violent forms of conflict engagement or to curtail the re-occurrence of violent exchanges or some combination of these elements. According to Miller (2005:24), at times violent conflict prevention refers to such activities as 'preventive diplomacy' or 'crisis prevention', which involve maintaining the status quo due to potential threats associated with crises or the anticipated outcomes from engaging in a dispute. He argues that violent conflict prevention also recognises that in order to avoid the catastrophes associated with strife, particularly violent upheaval, change is usually necessary, for example, through new institutions, revitalised processes, or the sharing of power (ibid).

Miller (2005:24) also notes that as an approach, violent conflict prevention relies heavily on accurate analysis of any latent or minor disputes in the hopes of identifying appropriate strategies for preventing violent conflict. This is often done through activities collectively categorised as 'early warning systems', which may include fact-finding missions, consultations, inspections, report mechanisms, and monitoring. He argues, however, that the predictive nature of conflict prevention raises several issues, particularly regarding the timing of intervention and the possibility of precipitating preventive action by parties beyond the conflict. In addition, humanitarian and moral concerns are often insufficient for initiating effective violent conflict prevention efforts, even in the face of egregiously violent circumstances (ibid).

Consequently he maintains that "despite the increasing technical capacity and human ability to identify deadly conflicts before they erupt, as well as the likelihood of extreme costs in life, social cohesion and regional instability, conflict prevention remains in the realm of theory more than practice" (ibid: 24).

While prevention of violent conflict is crucial, the situation after a settlement of violent conflict has been reached also deserves attention. The following section discusses the concept of reconciliation particularly as it related to a situation after sustained and widespread violent conflict.

2.2.2.6 Reconciliation

Just like other conflict related terms, 'reconciliation' is a complex and a contested term. "…there is little agreement on its definition ….because reconciliation is both a goal - something to achieve and a process - a means to achieve that goal" (Bloomfield et al 2003:19).

According to Maregere (2009:42) reconciliation is a process that seeks to develop the necessary cooperation between the victims and perpetrators to enable them to coexist and live together again in the same society. For victims to understand the truth, accept the apology, seek justice and be reconciled with the perpetrator both the victim and perpetrator need to walk through the narrow paths of memory, that is to jointly reflect and understand what fuelled the conflict, what happened, what could have been avoided and what needs to be redressed to enable both parties to coexist peacefully (ibid). As Bloomfield et al (2003:12) note:

> At its simplest, reconciliation means finding a way to live alongside former enemies – not necessarily to love them, or forgive them, or forget the past in any way, but to coexist with them, to develop the degree of cooperation necessary to share our society with them, so that we all have better lives together than we have had separately. Reconciliation is a process that redesigns the relationships between the victims and perpetrators based on respect and real understanding of each other's needs, fears and aspirations. The consequent habits and patterns of cooperation that develop are

the best guarantee that the violence of the past will not return.
(Bloomfield et al 2003:12).

According to Bloomfield et al (2003:13), apart from crucial individual elements covering those who suffered directly and those who inflicted the suffering, reconciliation should necessarily deal with community-wide elements that demand questioning of the attitudes, prejudices and negative stereotypes that we all develop about 'the enemy' during violent conflict. "This is in view of the fact that attitudes and beliefs that underpin violent conflict spread much more generally through a community and must be addressed at that broad level"(ibid).

Some of the conflict intervention methods require involvement of a third party. The following section discusses the concept of third party and its associated methods.
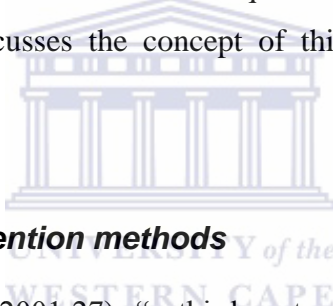
2.2.3 Third Party intervention methods

For Laue (1990 in Albert 2001:27), "a third party intervention is said to have taken place when an outside or semi outside party self-consciously enters into a violent conflict situation with the objective of influencing the conflict in a direction the intervener defines as desirable". According to Moore (1996 in Albert, 2001: 28), third party intervention seeks to change the power and social dynamics of the conflict relationship by influencing the beliefs or behaviours of individual parties, through provision of knowledge or information or by using a more effective negotiation process and thereby helping the parties to settle the contested issues.

Fisher (2001:1) argues that the degree of power that the intervener exercises over the process and outcome of the conflict distinguishes various categories of

observed third-party intervention   He makes the following categorisation of interventions based on the continuum of power of the third party:

> At the high end of such a power spectrum, disputes may be made subject to legal rulings through adjudication or binding decisions by means of arbitration. In the middle range of influence, powerful mediators may make use of a whole range of inducements or threatened punishments in order to move the disputants toward settlement. At the low end of the power continuum, third parties may play a facilitative and diagnostic role, helping conflicting parties to understand their problem more clearly and assisting them in their efforts to construct agreements or restructure their relationship (Fisher 2001:1).

Albert (2001:27) identifies two broad categories of third party interventions in a conflict situation on the basis of power of the third party: a) interventions organised in non-adversarial contexts, that is, interventions are not based on the wielding of absolute powers by the interveners; but instead, "are based on the value of consensus and joint problem solving and give the disputants the right to have a say in both the processes and outcomes of the interventions" (Albert 2001:35), such as facilitation, conciliation and mediation; and b) interventions which involve use of some measure of force and result in win or lose outcomes such as arbitration and litigation (ibid: 34). This thesis focuses on third party interventions organised in non-adversarial context.

According to Albert (2001:32), if third party intervention has to have any impact in a particular conflict situation, the disputing parties necessarily need to endorse the power and mandate to intervene; otherwise, the intervention may not help them to work effectively through the conflict. Consequently as Fisher (2001:2) observes,

> The more recent and more innovative forms of third party intervention will operate through 'power with', and seek to influence antagonists toward the use of 'positive' rather than

'negative' power. In order to do this, the third party will seek to maintain control over the process of the intervention, rather than over the outcomes (ibid).

2.2.3.1 Mediation

Fisher (2001:4) sees mediation as an intervention of a skilled and impartial intermediary working to facilitate a mutually acceptable negotiated settlement on the issues that are the substance of the dispute between the parties. Leviton and Greenstone (2004:1) define mediation as:

> ….a step-by-step process in which agreement and disagreement are carefully explored, relevant information is collected and shared, options and proposals are discussed, interests of each party are presented and clarified and negotiations between the parties are conducted to resolve the conflict. The decision-making power and responsibility remains with the parties (ibid).

In his analysis, Fisher (2001:4) identifies three defining characteristics of mediation. Firstly, he sees mediation as a pacific, non-coercive and non-binding approach to conflict management that is entered into freely by the concerned parties, who at the same time maintain control over the substance of the agreement. Secondly, he sees mediation as primarily task-oriented method directed toward solving a shared problem of the parties; that is in general not directly concerned with the nature of the social relationship between the parties. Thirdly, he sees mediation as a flexible approach that can be directed toward disputes between two parties in its bilateral form, as well as multiple parties when called upon to assist in multilateral negotiations (ibid).

In addition, Fisher (2001:2-3), categorises mediation into two: a) Traditional mediation as practiced from a coercive power base, which seeks above all to halt

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violence and gain a quick settlement which is often in the interests of the status quo. This, as he argues "suppresses processes of social change towards greater equity and equilibrium" (ibid). b) Less official and more innovative forms of mediation, such as problem-solving workshops, which focus on the analysis of underlying causes of the conflict in order to address the genuine underlying interest of all parties These are more clearly directed toward longer-term conflict transformation (Fisher 2001: 3).

2.2.3.2 Conciliation

Fisher (2001:11) defines conciliation as a process in which a trusted third party provides an informal communicative link between the antagonists for the purposes of identifying and clarifying the issues, lowering tension and encouraging direct interaction, usually in the form of negotiation. The third party tries to facilitate an agreement through separate consultations with disputants; and this occurs before the parties are ready to commit themselves to formal mediation (Leviton and Greenstone 2004:2).

2.2.3.3 Arbitration

According to Fisher (2001:11), arbitration is an intervention where the third party renders a binding judgment arrived at through consideration of the individual merits of the opposing positions and then imposes a settlement, which is deemed to be fair and just. Leviton and Greenstone (2004:2), describe arbitration as a process, which is utilized when the parties do voluntarily agree in writing, to resolve the dispute, which may arise out of a contract. A neutral third party (the arbitrator) presides at the hearing, hears all the facts and evidence of the parties, and thereafter renders an award which is final and binding (ibid: 2).

2.2.3.4 Consultation

Fisher (2001:11) describes consultation as an intervention in which the third party works to facilitate creative problem solving through communication and analysis, making use of human relations skills and social-scientific understanding of conflict etiology and dynamics. "The aim of consultation is to take messages back and forth to the disputing parties with a view to helping them to come to a common ground on how the problem can be amicably resolved" (Albert 2001:36).

2.2.3.5 Facilitation

For Kraybill (2004:2), facilitators' intervention seeks to achieve two things; firstly to assist empowerment, that is, support the persons involved in conflict fully achieve their own potential as human beings. "Unless parties in a conflict situation experience facilitators as empowering, they rarely give more than superficial access to their views, their networks, and decision-making processes" (ibid). Secondly, facilitators intervention seeks to foster 'right relationships', that is, relationships characterized by recognition of the other, fairness, respect, mutuality and accountability (Kraybill 2004:2).

This section has discussed conflict interventions concepts based on contemporary theoretical perspectives and as well as the way, they apply in practice in general terms. The following section provides two case studies of the traditional African conflict intervention methods, which are rooted in the African culture and socio-political governance systems.

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2.2.4 Traditional African conflict intervention methods

Africa has diverse cultures, and within these cultures are numerous systems for intervening into conflict situations. The studies of some of the indigenous African conflict intervention systems have revealed that there are cultural institutions that communities use to prevent or transform violent conflict. This section explores the different elements within the African cultural institutions that communities use to prevent or transform violent conflict.

2.2.4.1 The role of traditional social political governance structures in conflict interventions

Literature reviewed in this study has revealed that some African ethnic groups have institutions within their social political governance structures that facilitate prevention and transformation of violent conflict.

In Rwanda, according to Ingelaere (2008:33), the traditional Rwandan social political structure was composed of an extended lineage or family (*umuryango*) as a main unit of social organisation with several households called *inzu*, as the small lineages and units of the society; with age and sex defining the status within the lineage. A person had no independent existence, as the family unit was the guarantor of security. Around the 17th century, Rwanda was sub-divided into smaller territories governed by kings (*mwami*). These socio-political governance structures have, however, changed over time, as they have been overlaid by colonial and post colonial political structures. The current governance structure includes a modern state structure with administrative units in the community governed by local authorities (ibid 2008:34).

Within the Rwandan traditional socio-political structures existed the *gacaca* system- which means 'justice on the grass', derived from the word *umugaca*, the *Kinyarwanda* word referring to a plant that is soft to sit on, that people prefer to gather on (Ingelaere 2008:33). According to Morrill (2004:3), in the event of a conflict within the traditional Rwandan communities, an assembly (*gacaca*) would be convened where the disputing parties would be heard and judged by a panel of *inyangamugayo* in the presence of family members and the rest of the face-to-face community members. I*nyangamugayo* was the term used for a local judge (Ingelaere 2008:34) or 'people of integrity' (Lar 2009:54), "renowned for courage, honour, justice and truth" (Karbo and Mutisi 2008:5-6). Individuals acquired the status of *inyangamugayo* by virtue of their probity, old age, erudition, wisdom in decision-making, altruism or political or economic influence within the community (Morrill 2004:3). The *gacaca* gatherings were convened at the lowest unit of the society, as well as at the highest level of *mwami*. At the lowest unit of the society, the key stakeholders to the *gacaca* gatherings included the *inyangamugayo*, members of the face-to-face community and the family or clan members for the disputants (Ingelaere 2008:33). Taraku (2002:18) observes that *gacaca* has traditionally been used for centuries before the colonial times as a conflict-solving council, to solve local and regional conflicts.

In the North Rift Kenya, the pastoral community of Pokot, Tukana, Samburu, and Marakwet have indigenous methods of conflict resolution, which are closely bound with their respective socio-political and economic systems and are rooted in the culture and history of African people. According to Pkalya et al (2004:23-24), the Pokot communities, have a traditional socio-political governance structure that facilitates conflict management, which comprises: a) The nucleus family, with a husband as head, wife or wives and children. The husband has ultimate authority, which is often indisputable; he administers family matters and

property including bride price, inheritance, and sometimes, land issues within the nucleus family; b) The extended family, which comprises the nucleus family, in-laws and other relatives. The extended family has a forum that discusses issues beyond the control of the nucleus family; often serving as an appeal court to family matter. Sometimes neighbours known as *porror* who are called upon to arbitrate family disputes or disputes between neighbours; c) The highest socio-political and governing body, which also serves as the supreme court in the land the council of elders; called *kokwo*. The *kokwo* comprises respected wise old men who are knowledgeable in community affairs and history, good orators and eloquent public speakers who are able to use proverbs and wisdom phrases to convince the meeting or the conflicting parties to a truce. The Kokwo draws representatives from every village. Senior elderly women contribute to proceedings of the council of elders. The council of elders deals with major disputes and issues within the community as well as negotiate with other communities especially for peace, cease-fire, grazing land / pastures and water resources. (Pkalya et al 2004:23-24).

This governance structure is similar and serves the same purposes as those of the Turkana communities (Pkalya et al 2004:44-45), Markwet communities (Pkalya et al 2004:62-63) and the Samburu communities (Pkalya et al 2004:75-77).

The key players in the indigenous conflict management systems of the Pokot and other pastoralist communities include: a) The elders; who derive their authority from control of access to resources and marital rights; access to networks that go beyond the clan boundaries, ethnic identity and generations. Perceived to possess supernatural powers reinforced by superstitions and witchcraft the elders dominate the traditional conflict management systems for the pastoral communities (Pkalya et al 2004:4). They function as a court with broad and

flexible powers to interpret evidence, impose judgments, and manage the process of reconciliation including presiding over the ritual ceremonies; negotiating peace treaties with other ethnic communities. They are responsible for guiding the mediation processes, which often reflect the consensus of all the parties involved (Osamba 2001:5). The elders preside over important community decisions, festivals, and religious ceremonies (Pkalya et al 2004:13). Their roles can be summed up as that of facilitation, arbitration, and monitoring outcomes (ibid: 95); b) The young men operating in different age sets are the warriors responsible for defending their community as well as raiding other communities solely to restock their livestock especially after a severe drought or generally for dowry purposes (Pkalya et al 2004:23); c) The roles of women in the council of elders includes the documentation of the outcomes of the proceedings, providing advice on what to do or what not to do citing prior occurrence or cultural beliefs, as well as to voice their views and opinions before a verdict is made (ibid 2004:24).

In Southern Africa, the socio-political organisational structures of the *ubuntu* societies have been observed to play significant roles in violent conflict prevention and transformation. *Ubuntu* is an African worldview or philosophical thought system, which Mangaliso and Damane (2001:24) defines as "humaneness - a pervasive spirit of caring and community, harmony and hospitality, respect and responsiveness that individuals and groups display for one another". Mokgoro (1997:3) identifies group solidarity, conformity, compassion, respect, human dignity, humanistic orientation and collective unity as some of the key social values of *ubuntu*. Nussbaum (2009:100-101) conceptualises *ubuntu* as the "capacity in African culture to express companion, reciprocity, dignity, harmony and humanity in the interest of building and maintaining community with justice and mutual caring". *Ubuntu* can be interpreted as both a factual description and a rule of conduct or social ethic (http://www.123HelpMe.com/view.asp?id=27839).

According to Murithi (2006[b]:30), in the *ubuntu* societies, the conflict resolution process could take place at the levels of the family, village level, between members of an ethnic group, or even between different ethnic nations situated in the same region depending on the nature of the disagreement or dispute. Among the Xhosa and Sotho, a group mediation and reconciliation forum known as the *Inkundla / Lekgotla* could be convened at various levels involving the entire society. The proceedings of the forum were led by council of elders and the chief or, if the disputes were larger, by the King himself (Murithi 2006[b]:30). The council played mediation and investigative roles, and advised on solutions, which would promote reconciliation between the aggrieved parties and thus maintain the overall objective of sustaining the unity and cohesion of the community. They also played an advisory role to the chief. The family members related to the victims and perpetrators, including women and the young participated in the process of ascertaining wrongdoing and finding a resolution. The mechanisms allowed members of the public to share their views and to generally make their opinions known (ibid 2006: 30).

In Northern Uganda, according to Latigo (2008:102), the Acholi people have maintained a well-developed mechanism for the prompt resolution of conflicts entrenched in their pre-colonial traditional governance structure headed by the *rwodi* or chiefs. He notes that the *rwodi moo* was believed to be initiated into an esoteric relationship with the world of invisible deities and spirits of ancestors" (ibid 2008:102). Latigo (2008:102) observes that within the Acholi traditional governance structure chiefs did not have executive powers to rule the people single-handedly. They instead governed strictly through the intercession of 'masters of ceremonies' known as the *luted-jok* and under the guidance of the most powerful council of clan elders, called the *ludito kaka* (ibid 2008:102). The council of clan elders was made up of members chosen democratically by the

particular clans to sit on the grand `council known as the *gure madit* (Latigo 2008:102), comprised of men and women (Murithi 2006[a]:24). As the governing body, the councils of elders at all levels dealt firmly with disobedient individuals and groups and ensured that everyone conformed strictly to the Acholi worldview (Latigo 2008:103). Latigo 2008:102-103) identifies several functions of the grand council of the elders as the guardian of the society as follows: a) The council was responsible for identifying the problems and urgent needs of their people and together think and work out appropriate solutions to the problems of the society and how to realize its urgent needs. b) As the supreme court, the council tried cases of mass killings and land disputes between different clans, essentially handling all cases of both criminal and civil nature; c) made laws and took decisions in the form of religious injunctions to be observed and implemented by the members of the Acholi society for their own good, similar to the functions of judiciary, parliament and executive in 'modern' government systems (ibid).

Latigo (2008:102) observes that the Acholi people's religious beliefs, norms and customs, demanded peace and stability in their land at all times. Consequently, evil, immorality, crime, or violence, were understood as acts of breaking societal harmony not only with the members of one's community but also with the ancestral or spiritual world (Wasonga 2009:31-32). Life, among the Acholi, means a network of relationships; without which it is meaningless. Thus, an individual exists in and for the community (Wasonga 2009:31). Consequently, as Murithi (2006[a]:24) notes, for the Acholi the task of maintaining positive social relations within the public is for everyone, as a dispute between fellow members of the community is perceived to belong to the community itself. The *mato oput* process covers offences across the board from minor injustices like theft to more serious issues, involving violence between members of the society, such as taking life of a person, whether intentionally or accidentally and any conflict situation

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Murithi (2006[a]:26).

This sub-section has described and examined the role played by socio-political organisational structures in violent conflict prevention and transformation in selected ethnic communities in Africa. The next sub-section discusses the methods and processes for violent conflict prevention and transformation in the same communities.

2.2.4.2 Traditional methods and processes for violent conflict prevention and transformation

In Rwanda, the primary aim of the traditional *gacaca* as an institution was to restore social harmony, and to a lesser extent, establish truth about what had happened, punish the perpetrators, including compensation through gifts (Ingelaere 2008:33). This was therefore done by bringing people together to talk about the problem or conflict in order to restore harmonious relations, and prevent hatred between families (ibid 2008:44).

The roles of the *inyangamugayo* were to convene the gathering, hear presentations from the disputing parties, deliberate the submissions from the disputants including those of their witnesses, pass judgement and assigned sentences according to the nature of the act committed by the guilty party (Morill 2004:3, Ingelaere 2008:32-33). Sometimes instead of a trial, settlements were made between the disputing parties; in such cases, the role of the *inyangamugayo* was to supervise the reconciliation process (Ingelaere 2008:44). The members of the local face-to-face community voluntarily participated and were party to the trials by actively getting involved in the discussions and some of them bearing witnesses in the disputes (Collectif ProFemmes Twese Hamwe and IA 2005:2).

The family or clan members shared the responsibility for the 'wrong' committed by one of their members as judged by the *gacaca* gathering. Consequently, family or clan members were equally responsible for making reparations to the damaged party (Morrill 2004:3).

Ingelaere (2008:33) notes that problems, which could not be resolved at the lowest level of the society, were brought to the highest level of the society, the *mwami*. The *mwami* was the custodian of justice, power, and knowledge in a set up where judicial and political powers were not separated. The *mwami* was the ultimate arbitrator assisted by *abiru*, the guardian of tradition (Ingelaere 2008:33).

The old *gacaca* gatherings moderated minor disputes concerning land use rights, cattle ownership and theft, marriage, inheritance rights and petty theft (Ingelaere 2008:44; Karbo and Mutisi 2008:5). The process for an old *gacaca* gathering included outdoor hearings from the conflicting parties, their witnesses, and any member of the community who had something to say. During these hearings, the assembly discussed the presentations, and the *inyangamugayo* made a judgement and passed a sentence. The wrongdoers were encouraged to voluntarily confess and apologise (Karbo and Mutisi 2008:5). According to Ingelaere (2008:44), the measures taken were mostly symbolic and restorative in nature through punishments that took the form of reparation for the harm inflicted. Morrill (2004:4) notes that:

> ....conflicts within the community were not fragmented, but were approached holistically, which was seen to facilitate reconciliation. For example, the offending party's responsibility for repairing his wrong was also borne by his family members, thus creating a "distributive" characteristic, which extended individual misconduct to the offender's family or clan, causing blame and guilt to be associated with or "shared" by those connected to the primary offender.

Thus, the responsibility for correcting and repairing relationships became a collective undertaking (ibid 2004:4).

In cases of offences deemed to be too serious for reparation to be an adequate sentence, the judgment could call for ostracism of the offender or members of the particular clan or family associated with the wrongdoer or 'defendant (Morrill 2004:3, Karbo and Mutisi 2008:6). By tradition, a dispute resolution was concluded with a ritual ceremony that reflected the symbolic gesture of agreement and practical importance of the process. The ceremony often ended with the parties sharing drinks and a meal as a gesture of reconciliation (Morrill 2004:3, Karbo and Mutisi 2008:6).

Although the *gacaca* 'rules' were never written down, they were passed on orally from generation to generation as part of the social education of all Rwandans (Morrill, 2004:3). The outcomes of a successful old *gacaca* process included settlement of a dispute through a joint agreement, resolution of disputes, restorative reparation which resulted in reconciliation and restoration of the relationships (Ingelaere 2008:44; Karbo and Mutisi 2008:6; Morrill 2004:3).

Ingelaere (2008:34) observes that while not maintaining the name, the gacaca system is still practiced today by local authorities trying to resolve problems of the inhabitants in their locality as well as through the activities of the *abunzi* a committee of mediators formalised and incorporated into the machinery of the state power, which was established to settle disputes. While the *abunzi* function according to codified laws and established procedures, their decisions are still inspired by custom (ibid 2008:34).

The traditional justice methods used by the Pokot pastoral communities in Northern Kenya aimed to prevent or to deter violent conflict within the community ensured that justice prevailed, reconciled the disputants, healed the

victims and restored the broken relationships within the community (Pkalya et al 2004:24). Osamba (2001:6) observes that the indigenous peace systems used by the pastoralist communities living in North Kenya and neighbouring countries in general sought to achieve "genuine reconciliation and, where necessary, restitution and rehabilitation".

The Pokot and the neighbouring tribes used different methods to deal with different types of conflicts within their communities as follows (Pkalya et al 2004:25-26):

a) Domestic conflicts were resolved at the family level through arbitration by the head of the family. Where the head of the family was an interested party or the accused, the extended family or neighbours could be called to arbitrate the dispute. Any unresolved issues were referred to the *kokwo*. The punishments for domestic conflicts varied from household to household and were solely determined by family members (Pkalya et al 2004:25-26);

b) In case of theft, the Pokot community regarded stealing from a fellow Pokot as a serious crime whereas stealing from other communities was not a crime but a just cultural practice of restocking. Livestock (cattle, goats, sheep, and camels) were the most stolen property among the Pokot people. The *kokwo* as a Supreme Court arbitrated theft cases. The process involved making the theft public; instituting investigations with the help of wise men who cast skin sandals to tell which direction the stolen items were, sex, age, and colour of the suspected thief; including footprints of the thief. When somebody admitted guilt, he or she was fined accordingly. If nobody showed up, a *kokwo* was convened. In such cases, the punishment became severe if the *kokwo* proved an individual guilty (ibid: 26). If no suspect was arrested or a suspect refused to admit guilt, the elders announced that '*satan*' (*onyot*) had committed the crime and they administered

muma, an act of witchcraft performed during the day to deal with '*satan*'. The *muma* process included a two weeks grace before '*satan*' was condemned to death, which gave a chance for the culprit to come in the open in order to avert the catastrophe that might have been meted on the family if one of them was responsible for the theft. To legitimize the *muma* the elders sought permission from the government to perform it. The complainant was asked to avail a steer and traditional beer for the ritual. On the actual day of the ritual, a last minute appeal was made to whoever might have committed the crime. Then the steer was killed by stabbing it with a red-hot spear around the chest. The blood red spear was pointed towards the sun while elders murmured words, condemning the thief (*onyot*) to death including members of his or her family and clan. The meat was roasted, eaten and its remains (bones and skin) were burnt to ashes, buried, or thrown into a river. Anybody who interfered with the steer's remains was also cursed to death. After some time male members of the family responsible for theft started dying one by one. If not reversed, the effects of the *muma* could wipe out the whole family. To stop the further deaths, the afflicted family or clan members convened a *kokwo* and pleaded to pay back what was reported stolen. The elders convened, and a steer was slaughtered eaten and the affected family members were cleansed using traditional beer, milk, and honey. The elders reversed the rite, and further deaths ceased. Apart from theft, *muma* could apply to other crimes in society like adultery and property disputes (Pkalya et al 2004:27-28).

Mutaat was just like *muma*. It was another way of cursing and bewitching thieves in the society but unlike *muma, mutaat* was specifically directed at thieves. Before *mutaat* was performed, the initial processes were similar to those undertaken during *muma*; including seeking permission from the government (chiefs) to perform the ritual. Like *muma, mutaat* was directed towards the '*satan*' and was performed in daylight, but in a secluded place involving the whole community.

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The ritual was administered by specific elders, who collected soil, put it inside a pot and mixed it with meat from a steer and other undisclosed ingredients. The elders murmured words to the effect that before the culprit died he or she 'was supposed to open his or her mouth' (talk about the crime). The pot, with its contents, was buried, and people dispersed waiting for the results. After a period, the contents of the pot decomposed. This indicated that somebody or groups of people were about to die. Immediately, the thief or thieves died one by one while admitting that he or she was the one who stole the property in question. The family of the deceased immediately convened a *kokwo* pleading to pay back what was stolen to reverse the curse and save other members of the family. A cleansing ritual similar to that done during *muma* was performed (Pkalya et al 2004:28-29).

c) For conflicts that related to adultery - an adulterous person was considered unclean and was subjected to strenuous rituals of cleansing when proven guilty or caught in the act. Adultery cases were handled by the *kokwo*. There were two rituals. In the first, if two people were caught in the act of adultery or admitted doing it; the man responsible for the act was fined heavily, *amaa*, (paid cattle more than the bride price that was paid for the woman) and was told to cleanse (*mwata / ighaa*) the family of the affected man. The responsible woman was not fined but was beaten by her husband. The *mwata / ighaa* cleansing ritual was performed using contents of a goat's intestines mixed with honey and milk (Pkalya et al 2004:29-30). If on the other hand the suspect pleaded not guilty, the case was deliberated by the *kokwo*, where both sides could seek services of traditional lawyers, and circumstantial evidence could be presented to help the elders establish the truth. If the couple insisted that they did not commit the crime, then the *kokwo* performed a ritual known as *kikeemat*. In this ritual suspects were requested to undress, their clothes were washed, mixed with some undisclosed concoctions and then drained. The two were asked to drink the resultant liquid. If,

at this point one party admitted guilt, he or she was saved the trouble of drinking the mixture leaving the adamant party to drink the concoction. If *kikeemat* was performed until completion and the accused man was guilty and refused to admit guilt, catastrophes befell his family and if the situation was not reversed, the man died. After death of the suspected man, his family would convene a *kokwo*, pay an adultery fine, and cleanse the family of the aggrieved man (Pkalya et al 2004:30).

d) In conflicts that related to murder: - for the Pokot people murdering a fellow tribesman whether intentionally or accidentally was a very serious crime that lead to the punishment of the whole clan or the extended family of the culprit. Murderers were regarded as outcasts in the community and were not allowed to mingle with others until and unless traditional cleansing rituals had been performed. However, murdering a person from another tribe was celebrated, and the killer was regarded as a hero and special tattoos were etched on his body as a sign of honour and respect. If the murderer admitted the crime, *lapay* was administered. *Lapay* was a collective punishment where the family and clan members of the deceased took all the property of the murderer including that of his clan to the family of the murdered. If a suspect pleaded not guilty to a murder charge, a *kokwo* was convened, and the case was argued with both sides getting ample time to argue their case. Circumstantial evidence was adduced before the court. If the traditional court proved the suspect guilty, *lapay* was prescribed as the judgement. The family of the deceased immediately assumed ownership of the murderer's property together with that of his clan. In case the court failed to prove that the suspect was guilty, and the plaintiffs argued that the suspect had a case to answer, then *muma* was prescribed as a last resort (Pkalya et al 2004:31-32).

e) Witchcraft related conflicts – the Pokot people did not tolerate witches, they categorised them as murderers, and they were treated as such. Conflicts arose

when certain individuals, family or clan members were suspected to be witches. Families or clans that were suspected to be witches or harbouring witches were not allowed to participate in important cultural rituals and ceremonies (Pkalya et al 2004: 33).

The Pokot people use different methods for preventing inter-ethnic conflicts which according to Pkalya et al (2004:36-39) include:

Firstly, was a traditional early warning system through which they collected sensitive intelligence information concerning external threats to their community, as well as the security of other communities. This system involved knowledgeable and expert community elders casting skin sandals or consulting intestines of goats to foretell an impending attack on the community. The intelligence information was disseminated to the community and members were advised to move away from danger spots together with their livestock. Warriors were stationed in strategic places to ward off possible attacks or engage in preventive strikes. To back up the early warning information, a ritual called *putyon* was performed in which the community sacrificed a goat of a specific colour to the gods so as to protect them from external attacks. Warriors spied their territory for any suspicious foreign footprints and relayed the information back to the community for appropriate action (ibid: 36).

Secondly, the Pokot elders initiated negotiations with enemy communities and pleaded for peace to prevail. Such meetings were high level and involved respected community elders from both sides. The respective elders promised to go back home and advise their warriors (*ngoroko*) to abandon the planned raid. Sometimes neutral communities were requested to act as mediators and arbitrators, and decisions were arrived at by a consensus. In addition, the elders came up with a compensation scheme to appease affected communities. For

example, elders could agree that the concerned community would pay one hundred cattle to the family of the slain person as compensation. Such interventions served as a preventive measure to future conflicts (Pkalya et al 2004:37-38).

Thirdly, sometimes the Pokot negotiated and signed a peace pact with other warring communities called a *miss*. The decision to enter into a miss was arrived at after lengthy inter-community negotiations. The Pokot were known to strategically sign a miss with other communities during the dry season in order to allow them access to pasture and water in the neighbouring communities. After the elders agreed that a peace pact was to be brokered, the communities were asked to donate bulls, milk, honey and come with instruments of death spears, arrows, bows, knives, swords. During the actual day of the ritual, the donated steers were slaughtered; all the instruments of death i.e. spears, arrows, bows, knives, swords etc were collected, destroyed and buried in a pit with a mixture of milk, honey, traditional beer and intestinal fluids. The mixture was then buried while elders from the concerned communities verbalised curses to whoever flouted the just brokered pact (ibid: 38-39).

Fourthly, Pokot women were known to prevent inter-ethnic conflicts in different ways. The Pokot believed that a woman could protect her son from external harm of any kind by wearing a birth belt called *leketio*. Before the warriors set out for a raid, each of them informed his mother to wear the belt while he was away. To prevent conflicts, the women refused to wear the *leketio* prompting the warrior to abandon the mission. Alternatively they laid their belts in front of warriors who were about to go for a raid, as crossing a *leketio* was considered a curse. To stop the fight sometimes the women removed their *leketio* and laid them between the fighting men (ibid: 39).

Fifthly, before warriors went for raiding expeditions, elders and or soothsayers normally blessed them. The elders could prevent conflicts by refusing to bless the warriors (ibid: 39).

In Southern Africa, the *ubuntu* societies had developed mechanisms for resolving disputes and promoting reconciliation aimed at healing past wrongs and maintaining social cohesion and harmony (Murithi 2006[b]:30). Within these mechanisms, "consensus building was embraced as a cultural pillar with respect to the regulation and management of relationships between members of the community" (Murithi 2006[b]:30).

Murithi (2006[b]: 30-31) identifies five key stages in the process of transforming violent conflict in the *ubuntu* societies: the first was a fact-finding process where the views of victims, perpetrators and witnesses were heard, the perpetrators considered to have done wrong - would be encouraged, both by the Council and other community members in the Inkundla / Lekgotla forum, to acknowledge responsibility or guilt. During the second key stage the perpetrators would be encouraged to demonstrate genuine remorse or to repent. As a third step perpetrators would be encouraged to ask for forgiveness and victims in their turn would be encouraged to show mercy. As the fourth stage, where possible and at the suggestion of the council of elders, perpetrators were required to make an appropriate compensation or reparation for the wrong done. This was a symbolic re-payment in-kind, with the primary function of reinforcing the remorse of the perpetrators. As the last and fifth step the whole process would be consolidated by encouraging the parties to commit themselves to reconciliation (ibid 2006: 30-31). As Murithi (2006[b]:31) observes:

> The process of reconciliation tended to include the victim and his or her family members and friends as well as the

perpetrator and his or her family members and friends. Both groups would be encouraged to embrace co-existence and to work towards healing the relationship between them and thus contribute towards restoring harmony within the community, which was vital in ensuring the integrity and viability of the society. The wisdom of this process lies in the recognition that it is not possible to build a healthy community at peace with itself unless past wrongs are acknowledged and brought out into the open so that the truth of what happened can be determined and social trust renewed through a process of forgiveness and reconciliation. (ibid 2006: 31).

Among the Acholi people of Northern Uganda, the ritual of *mato oput* was normally only carried out after a typically long process of mediation between the two parties and only when the offender was willing to take responsibility (Wasonga 2009:33). Murithi (2006[a]:25) identifies five stages in *mato oput* conflict resolution process as follow: a) The perpetrators were encouraged to acknowledge responsibility or guilt for the wrongs done following the presentation of evidence by witnesses and the public and the investigations by the council of elders; b) Perpetrators were encouraged to repent and demonstrate genuine remorse; c) Perpetrators were encouraged to ask for forgiveness from victims and victims were encouraged to show mercy and grant forgiveness to the perpetrators; d) If stage three had been carried out successfully, the council of elders suggested payment of compensation to the victim. This in many cases was a symbolic gesture that sought to reinforce the genuine remorse of the perpetrators; e) The process concluded with an act of reconciliation between the representatives of the victim and the representatives of the perpetrator through a *mato oput* ceremony.

Within *mato oput* conflict transformation process, the Acholi communities used /four key strategic activities as outlined by Latigo (2008:104-106) below:

a) Ostracization - when a person killed another, the community ostracized and treated the killer as an outcast or unclean person and was prohibited from entering any homestead other than his own for fear that he was a companion of the evil spirits which constituted the *ujabu* and would pollute the soil of the homestead with the evil spirits. *Ujabu* was the taint of killing that made the killer an evil person. This could be invoked by both deliberate and accidental killings (Latigo 2008:104).

b) Reparation - the council of elders appointed a leading man from a different clan who was expected to be completely impartial to mediate and coordinate the arrangements for payment of the blood money between the two clans (Latigo 2008:104). "Whether the killing was deliberate or accidental, the clan of the killer paid blood money to the clan of the person killed. The payment of blood money was preferred for example if the killed person was the wife as the money paid to the bereaved family could for example be used for the widower to marry another woman who, in turn, would produce children to replace the dead person - a form of reparation" (Latigo 2008:104). Murithi (2006[a]:26) argues that the Acholis avoided resorting to retributive justice in particular death penalty because of the way the society viewed itself and the value that it attached to each of its members. Latigo (2008:104) agrees with this view when he argues: "It is strictly unacceptable to pay for the killing by killing the killer (there is no death sentence), since it is believed that this will only mean a loss of manpower to the society, without benefiting either side".

c) Reconciliation - after the payment of the money, Latigo (2008:104) observes that the elders arranged for the customary rite of reconciliation, which always took place in an uncultivated field, usually somewhere between the villages or communal settlements of the two clans, away from any footpath or any place

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commonly frequented by women and children. The aim of the ceremony was to bring the estranged clans together to resume a normal working relationship (ibid 2008:104). Latigo (2008:104), reports that to perform the reconciliation ceremony, the killer provided a ram and a bull, while the next of kin of the person killed provided a goat. In addition, unused new vessels were brought and a large quantity of beer was brewed for the occasion (ibid).

d) Cleansing, which the Acholi applied on three circumstances as outlined below (i-iii) according to Latigo (2008:104), namely for family members returning to their homes, for the body of the returnees to the community and for the places where war-related massacres had occurred. The Acholis' beliefs held that people who had been away from home could contract spirits, which if not cleansed would adulterate or bring misfortune to the entire community. This included those who might have left the clan after a quarrel or an unresolved disagreement with people at home and on some occasions sworn not to return. Consequently, the Acholi used cleansing ceremonies in order to preserve the sacredness and social stability of their homesteads (Latigo 2008:104-105). The following were some of the commonly used cleansing rituals:

i) The *nyono tong gweno* ('stepping on the egg'), which essentially was intended to welcome home family members who had been away from the homestead for an extended period of time and was performed as a gesture and commitment on the part of both the community and the returnee to begin living together in harmony again (Latigo 2008:106). Ideally, the 'stepping on the egg' was performed at the family or clan level where a returnee stepped on eggs. It had also been used on a larger scale where many returnees collectively stepped on eggs in one ceremony. A classical example were the ceremonies conducted collectively by the Ker Kwaro Acholi (KKA) and the respective families to welcome over 12000 LRA

returnees including victims from tribes other than the Acholi (Latigo 2008:106, Nakaya 2008:19).

ii) Cleansing the body (*moyo kum*) – in this ceremony the elders gathered to bless the returned persons, washed away their ill-deeds, chased away evil spirits and appealed to the ancestors for their blessing. The practice varied from clan to clan, involving in some cases the simple act of spearing a goat and dragging it across a compound to rid the clan of *cen* (the marauding evil spirit) and in some cases a ceremony lasting several days in, which the person who had returned was expected to replicate the life lost by re-enacting parts of their lives (Latigo 2008:106).

iii) 'Cleansing of an area' (*moyo piny*) - involved a sacrifice of goats to appease the ancestors and cleanse an area of evil spirits that were believed to dwell in places where war-related massacres had occurred, such as the sites of deadly ambushes, mass murder in fields or compounds and battle. Many indigenous people hesitated to return to their original settlement or homestead where such deaths had occurred until this ceremony was performed, out of fear of marauding spirits (Latigo 2008:106).

iv) The Acholi also used a 'bending the spear' (*gomo tong*) ritual as a vow between two conflicting parties to end hostilities (Latigo 2008:106). It symbolized the total end to the conflict and the disposal of instruments of its execution (Murithi 2006[a]:26). It was considered a highly sacred act, invoking the ancestors and thus once it was completed, no further blood would be shed (Latigo 2008:106).

This sub-section has discussed different concepts related to conflicts, conflict intervention methods, as well as traditional African conflict intervention methods.

The next sub-section will present three theoretical perspectives on social conflict, structural functionalism and complexity theories, which form the theoretical framework for this study.

2.3 Theoretical framework

Conflict studies can be conducted at any of the levels of the society between families and nations and the various social organisations in between (Schellenberg 1996:8). Conflict studies can be complex and multidisciplinary drawing from a wide variety of disciplines including international law, psychology, philosophy, socio-biology, international relations, political science, economics and social anthropology (Reimann 2004:3, Schellenberg 1996:7). A study of the traditional African methods for transformation and prevention of violent conflict, as this one is conceived, will unavoidably focus on institutions of tribal societies, their organisational aspects and the relationships between the various components within them and the mechanisms they used for intervening in conflict situations. This study is a sociological inquiry aimed at getting deeper insights into mechanisms used by the tribes in Malawi for dealing with violent conflict, particularly preventing it from occurring and transforming it into non-violent forms in order to maintain social harmony. Such a study draws from several theoretical perspectives. As Reimann (2004:12) argues ".... any exclusive reliance on one theoretical approach to conflict management fails to deal effectively with the complexity and contradictions of causes and consequences evident in most protracted conflicts".

This study is informed by three theories. The first is *social conflict theory*, which explains conflict as a product of the way society is formed and organised and

attempts to provide explanations about the nature of conflict situations in the tribal societies covered. The second is *structural functionalism*, which attempts to provide explanations about the mechanisms at play in the tribal societies, which are responsible for maintaining social harmony. The theory tries to show why the tribal societies are able to contain violent conflict. The third are *complexity theory perspectives,* which provide explanations about the changes, which occur in tribal social systems as well as the effects of the social political environment in the tribal societies.

The following sub-sections describe, as well as discuss some of the perspectives of the theories above based on a review of scholarly debates on each of these theories.

2.3.1 Social conflict theories

Conflict theories are diverse. According to Schellenberg (1996:12), there are many versions of conflict theory, many different theories about conflict and many varieties / families of social conflict. Looking at the broad range of conflict theory that exists, the section below provides clarification about the specific social conflict theoretical perspectives used in this thesis.

Schellenberg (1996:13) identifies four main families of social conflict theories: - the *individual characteristics theories* that look at social conflicts in terms of the natures of the individuals who are involved; *social process theories* that look at conflict as a process of social interaction between individuals or groups and seek to make generalisations about the nature of this process; *social structural theories* that look at conflict as a product of the way society is formed and organised and *formal theories* that seek to understand human social conflict in logical and

mathematical terms. This thesis is essentially informed by two families of social conflict theories, the social process theory and social structural theory.

2.3.1.1 Social process theories

Two theoretical perspectives from this family have been considered in this thesis and are briefly discussed below.

In the first perspective, Park and Burgess distinguish four types of human interaction namely: competition, conflict, accommodation and assimilation. Of these, they see competition as the most elementary, universal and fundamental process in the world of living things. According to both authors, competition does not require direct contact between persons; it is rather an underlying struggle. When the struggle becomes more conscious and direct it is considered conflict. The social processes of competition and conflict lead to the basic resolution of accommodation and assimilation. Accommodation involves persons adjusting to situations of competition and conflict by resolving the fundamental issues. This is sometimes characterised as 'antagonistic cooperation'. When the persons overcome their differences, we may speak of assimilation (Park and Burgess in Schellenberg 1996:64-65). This perspective was included in this thesis, because it provides some possible explanations on how conflict manifests in the society as part of social interactions amongst its members. The perspective also provides some possible explanations how such manifestations inform conflict intervention methods applied.

The second perspective is Simel's perspective, which emphasises that all social organisations rest on an intertwining of cooperation and conflict. For Simel a certain amount of disagreement, inner divergence and outer controversy is organically tied up with the very elements that ultimately hold the group together

and antagonism is an element almost never absent in human associations (Simel in Schellenberg 1996:65). For this thesis, this perspective provides some explanations on the notion of conflict as perceived by the tribes studied, particularly where conflict is perceived as being simultaneously positive and negative.

2.3.1.2 Social structural conflict theories:

The key theory considered in this category is Karl Marx's historical materialism, which according to Graaf (2001:28), has two perspectives. The first perspective concerns the relationship between individual and society. This perspective holds that members of society are for all practical purposes shaped and determined by their social circumstances. In this context, Marx contends that there is no human essence that escapes society's influence. For Marx, we are not born with a pre-social element which resists society shaping, but we are completely shaped by the conditions in which we grow up thus, what we believe, the ways we behave are all socially determined (ibid: 29).

Marx further argues that human beings have the capacity to create things to make their ideas happen and that members of the society can create tools as well as social institutions. More importantly, those institutions can become part of the social environment in which they live. In other words, we can shape the conditions, which in turn shape us (Graaf 2001:29).

> We are primarily shaped by conditions that have been given to us by our predecessors and our ancestors. We can shift and change what has been passed down to us but we have to start this process from the historical place where we happen to find ourselves. Men make their own history but not in the circumstances of their own choosing. (Marx in Graaf 2001;29)

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The second perspective of materialism concerns production as the foundation of society. In this context, Marx looks at the activity of production as fundamental to any society; since without production, that is, the production of food, shelter, or tools, no society would be able to exist. From this, he deduces the principle that many of the other activities are significantly influenced by the particular process of production. For Marx, once we understand how the production processes work in society, we can deduce a whole lot about the way the rest of the society works. It is as if the production process lays the foundation on which other parts of the society are built. Marx argues that the production process is closely linked to the major groupings or classes in the society. In this regard historically, the production processes associated with the various kinds of societies have always involved two major classes that are always in conflict – a ruling class and a subject class (Giddens 1989:210 and Graaf 2001:31).

According to Marx, society is divided into two major parts, the economic base and the superstructure. The economic base refers to the production system of the society whether capitalist or feudal. That includes the technology used in production and the technical know-how. It also includes division of society into conflicting classes (Graaf 2001:32). The economic base of the society significantly determines the way in which the superstructure operates in that changes in the economic base tend to govern alterations in the superstructure – the political, legal and cultural institutions (Giddens 1989:706). The implications of this principle are that: a) social elements cannot be seen in isolation from one another; they must be seen according to the totality of society; b) however people might present themselves or their institutions in public, there is frequently a different kind of reality hiding behind these presentations (Graaf 2001: 33).

Marxist historical materialism theory has been criticised for downplaying the role of individuals in shaping the society and he has been taken to task for being a structural determinist. On the other hand his critics argue that Marxist theory has overemphasised the importance of economic factors and underplayed the role of culture, religion and politics and that other factors such as culture can be significant social factors to be considered (Graaf 2001: 34).

Building on Marx's work, Max Weber made significant contributions to the social conflict theory. According to Schellenberg (1996:84-85), there are at least two key points at which Weber's analysis broadly follows that of Marx.

Firstly, while he agrees with Marx that class conflict is important, Weber only sees it as one part of the total picture of conflict within the society. While for Marx economic, property and power are the only basis for social stratification, Weber suggests three main bases including: a) economic wealth or power which forms the basis of classes, b) social reputation and prestige which forms the basis of status groups, c) political power which forms the basis of political parties and interest groups. While Weber sees some correlation between economic power, social status and political power, he does not see any of these as the basis of the others (Schellenberg 1996:84).

Secondly, while Weber agrees with Marx that economic forces are primary in setting the stage for social change, for him the forces of production are not the sole foundation of social change. Weber instead also sees ideas in society as having an independent influence upon human history (ibid: 85). Like Marx, Weber believes that social change grows out of social conflict but he argues that society can function despite severe underlying conflicts. In addition, Weber holds that power in society seldom comes from brute force; rather it becomes generally accepted or given legitimacy by a variety of processes. He classifies the following

as bases of legitimate authority: a) legal authority, which is based on formal norms and the established offices that carry out these norms or rules b) traditional authority, which is based on traditional usage and ideas from the past c) charismatic authority, which is based on the personal appeal of a leader. Weber believes that power in society grows from authority and authority in turn grows from the acceptance and regard generally granted by society (Weber in Schellenberg 1996:85).

Ralf Gustav Dahrendorf (1929 - 2009), leading expert on class divisions in modern society, combines both the functionalism and Marxism perspectives. According to Schellenberg (1996:86), for Dahrendorf, like Marx, social change grows out of social structures. In other words, the way society is structured affects the lines of conflict and conflict in turn is the primary engine for social change. Like Marx, Dahrendorf sees social classes as a key basis of structural conflict. He however looks at structural conflicts in more general terms, as he sees any group in society serving as the basis for social conflict, not just those based on economic foundations. He further sees potential for conflict within any group. For Dahrendorf, there are always differences in power that can serve as basis of conflict either between or within groups. Such power differences are products of the way society is arranged. Economic considerations may be an important influence but for him power is key not wealth or property, so conflict in society is more directly a matter of political than economic forces. According to Dahrendorf in any social organisation, there will be power differentials, which tend to form subgroups of those who dominate or lead and those who are led. Such groups always have different interests though they may not always recognise that their interests are in conflict. When conditions call attention to conflicting interests such groups become interest groups and form self-conscious organisations to promote their interests (ibid: 86).

Dahrendorf believes that class conflicts can only be regulated not resolved because the structural basis of the conflict is never eliminated. He argues that the conditions under which class conflicts can be most effectively regulated occur when those involved recognise the nature of the conflict, are systematically organised and accept certain rules for the manner in which they will pursue their opposed interests (Schellenberg (1996:86). For Dahrendorf class conflicts cannot be resolved through some form of violent struggles. He contends that such struggles may change those who have temporary positions of power but their general effect is to exacerbate the conflict and make it more difficult to manage not to resolve it (ibid: 87).

While conflict theory has been able to provide a better basis for explanation of many types of dissent, conflict and change; it has been criticised for being unable to explain social order except in terms of domination and this may also be inadequate (Gingrich 1999). The following section presents a structural functionalism theory, which attempts to provide explanations for social order in society.

For this thesis, these theoretical perspectives provide different dimensions, which can be considered when examining the notion of conflict and its intervention methods. The next sub-section discusses structural functionalism theories.

2.3.2 Structural functionalism / functionalism theory

Structural functionalism or functionalism theory, as generally referred to, is about how society and its various parts hang together in a state of equilibrium or balance, all driven by a similar value system and dependent on one another. The theory tries to show why the social system does not descend into complete chaos, why various groups in the society do not exist in perpetual conflict. The theory

uses an analogy of the human body to analyse the society. Just as the human body is made up of different parts with different functions and they all need to function together properly and contribute to the bigger whole, so is the society. Just as the human body has evolved over time so has the society (Giddens 1989:696, 706, Strasser and Randall 1981:133, Graaf 2001:44).

The thesis includes perspectives of prominent functionalists including Alfred R. Radcliffe-Brown, Emile Durkheim, Talcott Parsons and Robert Merton.

The social anthropologist Alfred Radicliffe-Brown (1881-1955) introduced structural functionalism. Strasser and Randall (1981:134) observe that Radicliffe-Brown explicitly invoked the analogy between organisms and society by tracing their main point of similarity, in that both represent and integral whole; maintain a certain structural continuity in the face of transformations at the level of their parts; imply internal processes that fulfil specific functions. They noted that each of these properties correspond to a particular concept in the society that is also the centre of traditional functionalism. Thus, interdependence refers to the linkages among social actors and social relations that make up a social structure; equilibrium refers to the continued attempts to preserve social structural stability through such self-regulatory mechanisms as socialisation and social control and differentiation refers to the processes and the outcomes of the institutionalisation of social roles and organisations performing certain functions in society (Strasser and Randall 1981:134).

Radcliffe-Brown demonstrates the application of organic life to social life by using the example of a community such as an African or Australian tribe. He argues that in such a community, we can recognise a social structure where individual human beings, the essential units in this instance, are connected by a definite set of social relations into an integrated whole. The continuity of the

structure is maintained by the process of social life, which consists of the activities and interactions of the individual human beings and organised groups, into which they are united. The social life of the community is here defined as the functioning of the social structure. The functions of any recurrent activities such as the punishment of a crime or a funeral ceremony is the part it plays in the social life as whole and therefore the contribution it makes to the maintenance of the structural community (Strasser and Randall 1981:134).

Emile Durkheim, one of the major contributors of the functionalist theory, outlines three key characteristics of the society, all of which indicate its priority over its members. Firstly, individuals are always part of a wider and broader social system (Graaf 2001:38-39). Secondly, society exists out there, independently of its members, but exerts considerable moral influence over them. It makes them what they are and there is very little of the members that can escape the influence of the society (ibid: 40). Thirdly, Durkheim uses an analogy of the chemical combination of the two gases hydrogen and oxygen into something quite different, water, to illustrate how from social combination something more than the separate individuals who constitute it can emerge, something that has a profound influence on the individuals who make it up (Graaf 2001:40).

Influenced by the work of Emile Durkheim, Talcott Parsons (1902 – 1979) takes forward and elaborates many of his themes (Graaf 2001:42). Parsons' work mainly addresses the issues of the relationship between individual and society, it also elaborates more on the problem of social change and social solidarity and the functional relationships between parts of a system (ibid: 43). Parsons was concerned with the problem of social order, particularly the question "how could there be any order at all if individuals were really separate entities pursuing their

self-interest?" (Gingrich 1999[3]). For Parsons, in practice, people cooperate and there is a degree of social integration, which results from the values of society and of social actors. He terms the basis of social action, *voluntarism*. Parsons notes that while individuals pursue their self-interest and their own satisfaction; that is not the sole concern of individuals. Rather there is a strong measure of agreement, and cooperation among people. In addition, the means that people use are socially and morally regulated, with views of right and wrong. Otherwise, without the normative regulation of means, society would be afflicted by chaos, anomie, apathy and social disorder (Gingrich: 1999).

For Parsons, systems have certain basic needs without which they would not be able to exist (Graaf 2001:43). Socialization, education and learning in the child, and continued socialization throughout life are the means by which the norms and values of society are learned by individuals. This, according to Parsons, binds the individual to the social system as a whole as they carry out actions that maintain order in the system. If successful, this socialization process means that individuals internalize the norms and values and when people pursue their own interests, they serve the needs of the society as a whole (Gingrich 1999). Therefore, in order to survive, societies need to fulfil the aspects, which have been outlined below (Parsons in Graaf 2001:43):

Society needs to *adapt* to its environment. Adaptation in this respect refers to economic subsystem, which secures resources for the society from the environment and distributes them in the society. Second, society needs to *pursue and achieve the goals* which society set for itself. Goal attainment refers to the political subsystem through which goals for the society are decided and resources allocated for their achievement. Third, society needs to *integrate* and coordinate

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[3] Available online at: http://uregina.ca/~gingrich/s250f99.htm

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the various systems units. Integration entails mainly the legal subsystem, in balancing the various system needs. Parsons notes that as various social process functions occur, strains, tensions and conflicts may emerge. For him these are a result of the way that individuals relate to each other and as different units carry out their tasks and roles that need to be done in a system. The society has a variety of institutions and means for managing these tensions, diffusing and resolving conflicts and ensuring that orderly means of carrying on activities can be ensured (Gingrich 1999[4]). Fourth, society needs to sustain the cultural patterns of the society to resolve the conflicts in it. This he calls *latency*. Latency points to the various socialisation processes (like families and schools) whereby a society culture is transmitted to its members (Graaf 2001:43).

Taking into consideration most of the criticism of functionalism, Robert Merton, however, argues as follows:

> Some values and customs may not be functional for society as a whole or even for groups within society and some aspects of social organization may not be necessary. Secondly, that some of the processes, values, or institutions may have dysfunctional aspects to them. (in Gingrich 1999).

According to Wallace and Wolf, this would happen if the adaptation or adjustment of the system is impaired; or when social actions and organizations function to the disadvantage of others in society. For Merton some aspects of society may be non-functional in the sense that they are relics from earlier systems, or have few consequences for other parts of the system.

The structural functionalism theory has been criticised for downplaying and ignoring conflicts in societies. In addition, the view that societies are held together

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[4] Available online at: http://uregina.ca/~gingrich/n4f99.htm

by common values was challenged since there are many viable societies, which include groups with disparate religions, different cultures and clashing interests (Graaf: 2001:41). In addition, Parsons' model has been criticized for having no theory of change because it describes a society with all the parts functioning together for the good of the system, with a set of common values about which there is consensus. Yet in practice, a static situation is unlikely to occur for long in modern society and change is inevitable (Gingrich 1999).

For this thesis, structural functionalism perspectives provide explanations about the different mechanisms that enable the tribal societies maintain social harmony. These theoretical perspectives also provide a framework for analysing organisational aspects of the tribes, interactions amongst the members and groups in the tribe, the key stakeholders in conflict interventions, as well as explanations for mechanisms in place for maintaining social harmony.

To provide an analytical framework for society as a complex system as well as change in the society, complexity theory has been included in this thesis. The following section briefly describes some applications of complexity theory in sociological inquiries.

2.3.3 Complexity theory

According to Walby (2003:1) complexity theories offer a re-thinking of the concept of 'system' in sociology rejecting old assumptions about equilibrium in favour of the analysis of dynamic processes of systems far from equilibrium and re-specify the relationship of a system to its environment. Complexity theory also provides a new framework for analysing social change (ibid).

2.3.3.1 Complex systems as conceptualised in complex theory

Complex systems, as perceived in complexity theory, have several characteristics. The first is self-organisation; which Hendrick (2009:6), considers as the defining characteristics of a complex system. Self-organisation involves agents interacting within a complex system without any external governing agency and in the process producing new order (ibid). For Walby (2003:6), the systems are self-reproducing and in the process of self-reproduction, a system is seen as self-organising and self-defining. The self-organisation in the systems is not only a result of purely internal and autonomous process, but also its interactions with the environment (Lemke, 1993 in Hendrick 2009:6). Maturana and Varela (in Hendrick 2009:6) term an internal process in which each component of a system is involved in the production or transformation of other components and hence the system as a whole, as *autopoiesis*.

Walby (2003:7) describes *autopoiesis* as a network of processes, in which each component participates in the production or transformation of other components in the network. In this way, the entire network continually re-makes itself. The system is produced by its components and in turn produces those components (ibid).

As Cudworth and Hobden (2010: 14) argue, "complex systems do not remain in the constant state in which the interactions between parts can be modelled as if their features were fixed. They are continuously changing and over time become more complex and increasingly multifaceted and the changes are irreversible". The self-organised interactions of living systems of humans, non-human animals and plants may not necessarily be stable; rather, they may be vulnerable (Cudworth and Hobden 2010:10).

The second defining characteristic of a complex system is *emergence.* Checkland (1981) describes emergent properties as 'the result of the whole of the system, deriving from its component activities and their structure but, crucially, unable to be reduced to these' (Checkland 1981 in Hendrick 2009:6). Metleton Kelly (in Hendrick 2009:6) argues that emergent properties, qualities, patterns, or structures, arise from the interaction of individual elements; they are greater than the sum of the parts and may be difficult to predict by studying the individual elements. Putting it differently, Walby (2003:10) argues that the concept of emergence recognises that each level in a system contains the objects that are present in the other levels, but that they can be analysed differently. It is not so much that the whole is greater than the parts as that it is different from the parts (ibid). For social theory, Walby (2003:10) sees emergence as a key concept in linking different levels in a system, especially the levels of individual, structure and system. She sees it as enabling the thinking of the simultaneous 'existence' of each level. It does not necessarily privilege one over the other, rather they are recognised as co-existing and linked. Each level has different patterns and can be subject to different kinds of theorisation. She observes that patterns at 'higher' levels can emerge in ways that are hard to predict at the 'lower' levels. (ibid: 11).

Hendrick (2009:6) argues that in the processes of emergence, as systems interact with each other, accidental factors may play a role with new *couplings* (a term used by Maturana) of reactions occurring in one particular system but not in another. In the case of coupling reactions, the mutual modifications of the systems as they interact do not lead to the loss of the identity of each system (Walby 2003:8). Random fluctuations, whether internal or external, may also influence the development of the system through jumps to new states (Hendrick 2009:6).

Walby (2003:8) argues that coupling may lead to the generation of a new unity in a different domain from that in which the coupled entities maintain their identities. She further argues that this new unity may itself be *autopoietic*, in the sense of self-reproducing. Thus, there may be a network of *autopoietic* systems dependent upon each other for the maintenance of their identities (ibid).

2.3.3.2 Concept for analyses of social change in complexity theory

The first contribution of the complexity theory to analyses of social change is through the concept of co-evolution. Complex systems are open systems, exchanging energy and information with their environment. Walby (2003:8) argues that as a response to its environment a system changes internally; as its environment is composed of other systems, these other systems also change internally. Consequently, systems impact on each other in ways other than those of a simple hierarchy or of a simple impact on a stable environment (ibid). In other words, the agents in complex systems interact in such a way that they adapt to the behaviour of other agents, who in turn adapt. This adaptation is cause for further adaptation and so on (Hendrick 2009:7). They are thus in a process that may be described as co-evolution (ibid).

Walby 2003:8 argues that within the complexity theory, the concept of co-evolution replaces the notion of an entity having a simple impact on another entity. According to Kaufmann (1993, 1995 in Walby 2003:9), since every system is understood to take all other systems as its environment, systems co-evolve as they complexly adapt to their environment (ibid. 2003:9). For Walby (2003:9), the environment or landscape that each system faces is changed as a result of changes in the systems that constitute that landscape; subsequently as one system evolves, it changes the landscape for others, changing their opportunities and thereby their

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potential for success or weakness. The landscape can be adapted or deformed by systems as they co-evolve. This alters the opportunities faced by other systems, with complex consequences for their development (ibid).

According to Walby (2003:9), the process of interaction between a system and its environment involves selection in that the system has to recognise which phenomena, out of a range, are to be responded to; as well as temporality since a process of change takes time. Co-evolution is not instantaneous, but a process that takes place over time. In addition, internal processes have to adjust to external changes; hence, there is temporal lag in the changes within systems as a result of their interaction. This is crucial to understanding the nature of social change (ibid).

The second major contribution of complexity theory to analyses of social change is through the re-framing and development of the concept of path dependency (Walby 2003:10. Besides the gradualism implied by the concept of co-evolution of complex adaptive systems, change may be sudden and precipitous (Walby 2003:12). These sudden changes may lead to different paths of development, that is, rather than there being one universal route of development, there may be several path dependent forms (ibid).

Walby (2003:12) argues that key to this analysis is the point at which paths of development diverge; as this moment may be understood as a critical turning point, or bifurcation in the path of development. Complexity theory accounts of these critical changes reject previous conceptualisation of change as gradual and proportionate. Rather small changes may have large effects on unstable systems (ibid). According to Cudworth and Hobden (2010:14), complex systems are seen as being very susceptible to minute changes in initial conditions, in other words

very small fluctuations in the starting circumstances can result in major changes in terms of the development of the system.

As Cudworth and Hobden (2010:13) observe, "a key feature for complex systems is that they can behave in both linear and non-linear ways. There is no predictable pattern in terms of the relationships between events and that there is no expectation that the same events will result in the same pattern of results. Ultimately a complex approach to the study of the social world suggests that there are limits to which predictability is possible".

Changes may be sudden, akin to processes of *saltation*, as a moment of crystallisation of a new structure and form (Walbay 2003:12). According to Hendrick (2009:6), proportionality is broken in complex, non-linear systems where feedback plays a key role in the emergence of new order. Negative feedback plays a regulating role (as with the thermostat in a heating system) tending to maintain stability in the system. Positive feedback has a reinforcing or amplifying effect (ibid). This implies that casual analysis is rather uncertain undertaking in complex system analysis (Cudworth and Hobden 2010:15).

2.3.3.3 Criticism of complexity theory

Complexity theory has been criticised for not providing answers to the description of our world and prediction of events nor tools to solve our complex problems, but it shows us in a rigorous way exactly why those problems are so difficult. Some critics mention that it is difficult to draw specific policy recommendations from a complexity approach (Cudworth and Hobden 2010:16-17). In this study complexity theoretical perspectives are seen as valuable because they provide explanations for complex relationships between and among different actors in the tribal societies particularly in relation to conflict and the way it is handled. In

addition, the perspectives provide explanations about the changes, which occur in tribal social systems as well as the effects of the social political environment in the tribal societies.

This sub-section has discussed theoretical perspectives as they apply to this research. The next sub-section summarises the discussion on the theoretical framework.

2.3.4 Summary of theoretical framework

Based on the presentation above, three theoretical perspectives inform this thesis. The first is *social conflict theory,* which in this context explains conflict as a process of social interaction between individuals, or groups and as a product of the way society is formed and organised. The social conflict theory perspectives attempt to provide explanations about the nature of conflict situations in the tribal societies covered by the study in terms of its prevalence, forms and dynamics.

The second perspective, *structural functionalism*, provides explanations about the mechanisms at play in the tribal societies, which are responsible for maintaining social harmony. The theory attempts to show why the tribal societies are able to contain violent conflict. In this thesis, structural functionalism perspectives provide explanations about the nature of tribes studied as social units. The theoretical perspective also provides a framework for analysing organisational aspects of the tribes, interactions amongst the members and groups in the tribe, the key stakeholders in conflict interventions, as well as explanations for mechanisms in place for maintaining social harmony.

The third are *complexity theory perspectives,* which provide conceptualisation that defines certain characteristics of society as a complex system as well as provide

an analytical framework for social change. In this thesis, complexity theory perspectives provide explanations for complex relationships between and among different actors in the tribal societies particularly in relation to conflict and the way it is handled. In addition, the perspectives provide explanations about the changes, which occur in tribal social systems as well as the effects of the social political environment in the tribal societies.

2.4 Conclusion

The first section of this chapter has discussed the concepts of conflict, violent conflict and peace as well as different conflict intervention concepts including conflict management, conflict settlement, conflict resolution, conflict transformation, conflict prevention and reconciliation. The main distinguishing factors for these concepts are the processes used and their outcomes. In addition, the chapter also discussed the concepts of third party interventions and the various methods used including mediation, conciliation, arbitration, consultation and facilitation. The discussions reveal that these mainly differ based on the authority assumed by the third party intervening in a conflict situation.

In addition, the chapter also discussed indigenous African conflict intervention systems. The chapter sheds light on the different mechanisms and roles played by the traditional socio-political governance structures in violent conflict prevention and transformation within the *gacaca* in Rwanda, in the indigenous system used by the Pokot pastoral communities in Kenya, the *ubuntu* societies and amongst the Acholi of Uganda. The section also discussed traditional African systems methods and processes used to transform violent conflicts.

The second section of this chapter has discussed the theoretical framework of the study, which includes three theoretical perspectives: a) social conflict perspectives which provide explanation about the nature of conflict situations in the societies covered by the study in terms of its prevalence, forms and dynamics; b) structural functionalism perspectives, which explain mechanisms at play in the tribal societies which are responsible for maintaining social harmony; c) complexity theory perspectives which provide explanations for complex relationships between and among different actors in the tribal societies particularly in relation to conflict and the way it is handled as well as social change.

The next chapter will look at the methodological approaches and strategy adopted for the implementation of the research, which includes the research approach and design, the research participants, the research process, the data collection, data analysis, reflexivity and validity of the information collected and ethical considerations.
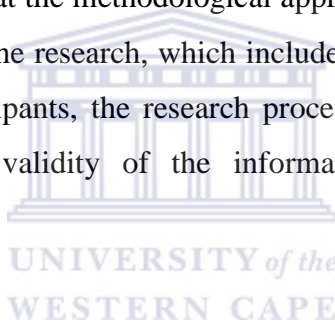
Chapter 3: Research Methodology

"Culture can provide peace workers with a context as well as a resource for potential conflict resolution activities......As a resource culture guides certain activities and may provide tools for responding to new situations, as it remains fluid and flexible rather than static" (Karolina Werner 2010:62).

3.1 Introduction

As already stated above, the primary aim of this research was to examine and develop deeper insights into the traditional mechanisms for transformation and prevention of violent conflicts in four tribes in Malawi, namely the Sukwa, Ngoni, Chewa and Yao. In particular, the research sought to identify common cultural elements / factors that the communities in these tribes used to prevent and / or transform violent conflicts amongst them in order to maintain social harmony. The research also aimed to examine if there were common cultural elements / factors for preventing and transforming violent conflicts in Africa by comparing the findings from Malawi to other selected indigenous African conflict intervention systems. These include the traditional *gacaca* system in Rwanda, the traditional system used by the Pokot communities in the North Rift Kenya, the system used by the *ubuntu* society in South Africa and the *mato oput* traditional justice system of the Acholi people in Northern Uganda.

The research was implemented through a social inquiry that sought to gather and interpret information about the interventions that communities use to prevent

violent conflict, or transform it when it occurs from their own perspectives as users of the systems. The research included a field inquiry in four tribes in Malawi and an extensive review and analysis of available literature particularly on similar traditional conflict interventions used by communities in other parts of Africa.

This chapter discusses the methodological approach and the strategy adopted for the implementation of the research, which include the research design, the participants, the research process, the data collection methods, the data analysis, reflexivity and validity of the information collected and ethical considerations. The following section discusses the methodological paradigm adopted for the study.

3.2 Methodological approach

Babbie and Mouton (2001:21-22) discuss three schools of thought with regard to the nature and methodology of social inquiry. The first is a positivist tradition, which supports the idea that social inquiry should emulate the methodology or logic of natural science (ibid: 21). In this context positivism "refers to scientific claims that have been postulated on the basis of empirical evidence as opposed to claims that are based on religious or metaphysical beliefs" (Babbie and Mouton 2001:22). Positivist logic is in tune with methodologies, which stress experimental control, structured and replicable observations and measurement quantification, generalisation and objectivity (ibid: 27).

The second school of thought is based on an interpretive or phenomenological tradition, which seeks to describe and understand human behaviour rather than explaining or predicting it (Babbie and Mouton 2001:53). The tradition

emphasises that "all human beings are engaged in the process of making sense of their lives (worlds) and therefore continuously interpret, create and give meaning to define, justify and rationalise their actions. In addition, the fact that people are continuously constructing, developing and changing the everyday (common sense) interpretations of their worlds should be taken into account in any conception of social science research" (ibid: 28). Qualitative research approaches that view human behaviour as a product of how people interpret their world are rooted in the phenomenological tradition (Babbie and Mouton 2001:27).

The third school of thought is based on a critical tradition that accepts the truths of both positivism and interpretivism. In other words, the tradition accepts the need for casual theories of the social world with origin in objective observation as well as interpretive descriptions based on intersubjective understanding (Babbie and Mouton 2001:38). In addition, critical tradition theorists also aim to explain how social dissatisfaction can be eliminated by removing the structural conditions and contradictions, which underlie it. Hence, for the critical theorist a good explanation is one that will ultimately lead to transformation and change in the world (ibid).

This research seeks to gain an in-depth understanding of the indigenous conflict intervention systems used by the selected tribal communities to maintain social harmony. A qualitative approach is more relevant for this type of study as it allows the researcher to view social phenomena holistically (Creswell 2003:182). According to Denzin and Lincoln (2005:3) a qualitative research approach involves the studied use and collection of a variety of empirical materials such as case studies, personal experience, introspection, life story, interview, artefacts, cultural texts and productions, observational, historical, interactional and visual texts that describe routine and problematic moments and meaning in individuals'

lives. It also allows real-world situations to unfold naturally, making the researcher understand the complexities of certain phenomena and get immersed in the details and specifics of the information (Creswell 2003:182). The researcher is able to study certain issues in depth and therefore develop a wider view of certain aspects of the society (Durrheim, 1999:12). Caswell further observes that: "the qualitative researcher uses complex reasoning that is multifaceted, iterative and simultaneous, both inductive and deductive processes are at work. The thinking process is also iterative, with a cycling back and forth from data collection and analysis to problem reformulation and back" (ibid 2003:182-183). With such flexibility, the qualitative approach appropriately enabled the researcher to explore the mechanisms used within the socio-political institutions to deal with conflict situation including the principles and rationale behind the mechanisms used.

As this research sought to describe, gain insights and develop theoretical perspectives from indigenous conflict intervention systems used by the tribes being studied, a qualitative research approach formed the basis for its design. The following section discusses the design adopted for the research.

3.3 Research design

While a methodological approach focuses on the research process as a whole, looking at the kind of tool and procedures to be used, Babbie and Mouton (2001:75) argue that a research design on the other hand focuses on its end product. In other words, it is a plan or blue print of how the research will be conducted (ibid: 74).

In this research a case study strategy was adopted not only for the purpose of "learning more about a little known or poorly understood situation" as Leedy and Ormrod (2005:135) put it, but also to facilitate comparisons between the indigenous conflict interventions systems used by different tribes. Leedy and Ormrod (2005:135) argue that in a case study, a particular individual, programme, or event is studied in depth for a defined period. In a multiple case study, a researcher may study two or more cases that are different in certain key aspects with a view of making comparisons, build theory or propose generalisations (ibid). According to Stake (in Mertens 2005:443), a case study is not a methodological choice but a choice of what is to be studied. Stake (in Mertens 2005:237) argues that according to this view, the more the object of a study is a specific, unique, bounded system, the greater the rationale for calling it a case study. He further argues that there are different opinions as to whether a case study is a method or a research design (ibid). Yin (1981:59) states that what the case study does represent is a research strategy, to be likened to an experiment, a history, or a simulation, which may be considered alternative research strategies.

In the context of this study, a case study was viewed as a research strategy using several methods for data collection. The researcher used a multiple case study strategy; firstly, to see if the indigenous conflict interventions systems used by different tribes across Malawi could be generalised by comparing the systems used by matrilineal tribes, where women play a prominent role in the traditional leadership structures with those used by patrilineal tribes whose leadership is predominantly male. Secondly, the findings from the case studies in Malawi were compared with case studies from other parts of Africa to see whether some common grounds for making generalisations can be established

The field research involved in-depth study of systems used by each of the four selected tribes in Malawi. In these studies, the researcher collected extensive data on different aspects related to conflict interventions systems in the tribes using different methods particularly interviews with focus groups and individuals, observations and study of available documents. The following section discusses in detail the case studies used in the research. The section briefly describes the context of the study in general terms, the sampling methods used as well as the participants to the study.

3.4 Selection of Case studies

This section describes how the the case studies in Malawi and other parts of Africa were identified.

3.4.1 Selection of case studies in Malawi

Malawi has eleven tribes each of which is distinguished by its language and specific cultural practices. These tribes can be broadly divided into two categories the matrilineal tribes which trace their lineage from the mother and these include the Chewa, Yao and Lomwe tribes and the patrilineal, tribes which trace their lineage from the father and include the Ngoni, Tumbuka, Tonga, Sena, Ngonde, Lambya, Sukwa and Nyika.

From these tribes, the researcher purposefully selected four case studies for the study. These included two matrilineal tribes − the Chewa and the Yao and two patrilineal tribes − the Ngoni and the Sukwa. The selection criteria included the following: a) whether the tribe was matrilineal or partilineal in order to assess if there were differences between tribes whose leadership were rooted in the females

and those predominantly males, b) demonstration of availability of distinct cultural practices, c) geographical location of the tribe. The idea was to select tribes from all the three regions of the country to see if the results of the study could be generalised for Malawi.

3.4.2 Selection of case studies from other parts of Africa

The study makes some limited comparative analysis of the findings from the four selected tribes in Malawi with other indigenous systems for dealing with conflicts used in other parts of Africa. These include the traditional *gacaca,* traditional justice system in Rwanda, the traditional conflict resolution mechanisms used by the Pokot, a pastoral community in the North Rift of Kenya, the *ubuntu* system used in South Africa and the *mato oput* a traditional justice system for the Acholi people in Northern Uganda. The case studies from other parts of Africa were selected based on the availability of documented information and the diversity of interventions used.

Overall, the research uses eight case studies as summarised below (Table 1). The first four are compared at national level for Malawi and then the outcomes from Malawi are compared with the other four case studies from other parts of Africa.

Table 1: Overview of case studies

Case studies of indigenous conflict intervention systems from tribes in Malawi		Case studies of indigenous conflict intervention systems from other parts of Africa
Matrilineal tribes	*Patrilineal tribes*	
Chewa system	Ngoni system	Traditional (pre-colonial) *gacaca* system in Rwanda
Yao system	Sukwa system	Indigenous system used by the Pokot communities in Kenya
		Ubuntu system in South Africa

		Mato oput in Northern Uganda

From each of the case studies in Malawi, several participants were selected to participate in the study. The following section outlines the different categories and the number of participants in the various interviews.

3.5 Selection of research participants

Different categories of research participants were purposefully selected for the study based on the following criteria: a) custodians of tradition and cultural practices – these include traditional chiefs (from traditional authority (TA), group village head persons (GVH) down to the village head person (VH); b) individuals or groups that play specific roles in the traditional conflict intervention processes within the community – such as chiefs' advisors, elderly men and women; c) beneficiaries or users of the traditional conflict intervention systems – men, women, boys and girls; d) representatives of other non-traditional institutions which link up with the traditional system e.g. police and courts.

The intention of the researcher was to deliberately select a combination of participants who were familiar with and had deeper understanding of the traditional conflict intervention system so that they would be able to describe and explain their deeper insights into different aspects of the system. As Denzin and Lincoln (2006:265) observe, "more often qualitative researchers are intentionally non-random in their selection of data sources. Instead, their sampling is purposeful. They select those individuals or objects that will yield the most information about the topic under investigation" (ibid). Creswell (2003:185) agrees with this view when he argues that "the idea behind qualitative research is to purposefully select participants or sites that will best help the researcher understand the problem and the research question as this does not necessarily

suggest random sampling or selecting a large number of participants or sites as typically found in quantitative research" (ibid).

Overall one hundred and seventy-eight people participated in both individual and focus group interviews. These included one hundred and twenty males and fifty-eight females. Twenty-five people participated in the individual interviews, comprising eighteen males and seven females. Participants to individual interviews included TAs, GVH, VH, elderly men, elderly women, community-policing officers and an officer from the judiciary (Table 2).

Table 2: Participants in individual interviews

Category of participant	Ngoni (No.)	Sukwa (No.)	Chewa (No.)	Yao (No.)	Total participants	
					Males	Females
Traditional authority	1	1	1	1	4	0
Group village head persons	2	1	2	1	6	0
Village head person	1	2	2	2		1
Village elders (men)	1	1	1	1	4	0
Village elders (females)	1	2	2	1	0	6
Officials from judiciary	0	0	0	1	1	0
Officials from police	1	0	1	1	3	0
Total participants					18	7
All participants in individual interviews = 25						

In addition, one hundred and sixty-six people participated in focus group interviews. These included one hundred and eleven males and fifty-five females. The focus groups included those for TA's advisors, GVH's advisors, VH's advisors, young to middle-aged men, young to middle aged women, mixed boys, and girls (Table 3).

Table 3: Participants in focus group interviews

Category of focus group	Ngoni (No.)	Sukwa (No.)	Chewa (No.)	Yao (No.)	Total participants	
					Males	Females
TA's advisors	3	3	3	3	12	0
GVH's advisors	6	5	5	6	22	0
VH's advisors	5	8	6	5	24	2
Men	10	9	15	9	43	
Women	9	9	9	10	0	37
Boys and girls	6	8	7	5	10	16
Total participants					111	55
All participants to focus group discussions = 166						

In the course of interacting with all the participants outlined above, as well as before and after the field research, the researcher used a wide range of methods for gathering the data for the research. The following section discusses the different research methods used during the study.
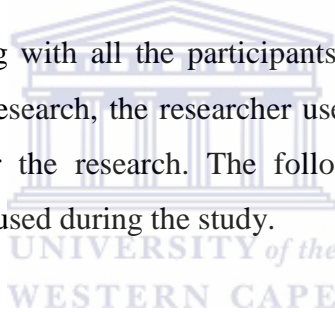
3.6 Data sources and collection methods

The researcher used four key methods for data collection. These included interviews with individual participants, focus group interviews, participant observations and review of available documentation. The researcher engaged the services of an experienced note taker to make verbatim recording of all the discussions throughout the fieldwork. In addition, in the Yao tribe, the researcher engaged the services of an interpreter to translate the questions from Chichewa to Chiyao and the responses of the research participants from Chiyao to Chichewa.

The following sub-sections discuss individual data collection methods.

3.6.1 Individual interviews

The researcher used both unstructured and semi-structured individual interviews in the study. Realising that traditionally old people tend to tell many stories and are sometimes difficult to interrupt, the researcher decided to use unstructured interviews for the elderly men and women to allow free flow of information. In total, the researcher conducted six unstructured interviews with female participants and four with male participants. According to Denzin and Lincoln (2005:266) unstructured interviews are more flexible and more likely to yield information that the researcher had not planned to ask for. However, the two authors argue that there is a tendency for the researcher to get different information from different people and comparisons of such information may not be possible (ibid). For this study, the researcher used unstructured interviews as a complementary tool to verify the information collected through semi-structured interviews as well as to collect more information that might not have been captured using other methods.

Semi-structured interviews with individuals were one of the key methods used in the study covering a wide range of participants. While the researcher had some already prepared questions to guide the interviews, he also asked follow up questions to get clarifications or more information on specific aspects of the conflict intervention systems. Mertens (2005:242) agrees with this practice when she says: "…..in a qualitative study, the researcher is the instrument for collecting data, as he or she decides which question to ask and in what order, what to observe and what to write down …."

3.6.2 Focus group interviews

Focus group interviews involve a number of people meeting in a group in which the participants talk to one another under the guidance of a facilitator (Skinner

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2007:26). The researcher used focus group interviews as one of the key methods for data collection during the study. Through these focus groups, the researcher contacted more people than originally planned. The number of participants per focus group ranged from three to eleven. The smallest numbers were amongst the advisors who are often few per traditional leader. In total, the researcher facilitated thirty-two focus group interviews covering one hundred and sixty-six people (Table 3) over a period of two years. As there were separate sessions between men and women the majority of the participants actively participated in the discussions. The researcher observed that in all the focus group sessions, the participants showed a lot of interest and freely discussed issues related to the topic. This agrees with the observations by Skinner (2007:26) who argues that in focus group interviews people are often stimulated by the discussions and reveal facts and opinions that they might not otherwise have chosen to reveal; in addition the discussions also give group members chance to clarify their attitudes and beliefs (ibid). Denzin and Lincoln (2005:241) also observe that in focus group interviews, the reliance on the interaction between participants are designed to elicit more of the participants' point of view than would be evidenced in more researcher-dominated interviewing.

Skinner (2007:26), however, cautions that there are possibilities during focus group interviews that peer pressure within the group may prevent the members from saying what they believe. The researcher tried to prevent this by using different methods and different participants during the collection of data.

3.6.3 Participant observation

In participant observation, the researcher gets involved directly in the lives and worlds of those being studied and experiences their reality to gain a greater understanding of the context (Skinner 2007:26). During the study, the researcher

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conducted two forms of participant observations. Firstly the researcher, with permission from the relevant community authorities, attended five communal conflict discussion forums two at the TA level (for the Ngoni and the Yao tribes) which is the highest in the hierarchy, one at the GVH level (Chewa tribe) and two at the village level (Sukwa and Chewa tribes). During these forums, the researcher was able to observe the roles played by the different stakeholders including those in the hierarchy of the traditional leadership, the advisors, men and women. The researcher was also able to observe the different processes used, rituals, the strategies used to facilitate the forums and verify some of the information obtained through interviews. Secondly, as the researcher spent three to four weeks in each tribe, he made many observations as he closely interacted with different people. For example in the Yao tribe, he was able to observe the critical role played by initiation ceremonies. In the Sukwa tribe, he observed the process of identification of a new chief. The researcher also witnessed how disputes were referred to police as well as how police were able to refer some of the disputes back to the traditional chiefs.

As Denzin and Lincoln (2005:145) note, observations in a qualitative study are intentionally unstructured and free flowing as the researcher shifts focus from one thing to another and as new and potentially significant objects and events present themselves. In so doing the researcher is able to develop an understanding of the inner perspectives of subjects by actively participating in the subjects' world and gain insight by means of such observations (Skinner 2007:26). This makes observation potentially the most powerful tool for developing an understanding of the experiences and meanings attached to behaviours and social norms (ibid). In addition participant observation can help to overcome the discrepancy between what people say and what they actually do (Mays and Pope 1995:3).

Denzin and Lincoln (2005:145), however, identify the following two disadvantages of participant observation: a) The presence of a researcher may enable people to alter what they have to say and do and how significant events unfold. To try to overcome this problem, the researcher and his assistant played low profiles during the conflict discussion forums by sitting in the audience on the floor and not on the chairs offered to visitors or officials presiding over the dispute resolution processes. b) Confronted with a lot of unstructured information a novice researcher may not know what is important to record – may end up recording trivialities leaving out important aspects (Denzin and Lincoln 2005:26). In this case, the researcher spent two years in total collecting information for this thesis and due to his personal and professional background has a deeper understanding of the subject matter as well as of tribal customs. (See Motivation section: 1.6).
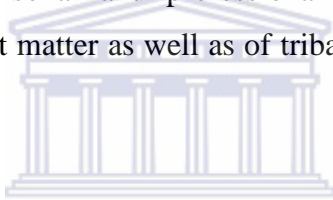
3.6.4 Review of available documents and records

Some of the tribes, particularly the Sukwa and the Ngoni kept some records of proceedings of the conflict intervention processes particularly at the village, group village and TA levels. This practice had only started about two to three years before the field study because of a donor-supported project to strengthen primary justice in these areas. As part of the data collection process, the researcher was able to review some of these records. Though the records kept were inconsistent in terms of formats used and availability of information, they provided a means for verifying some of the data collected using other methods. In the Sukwa tribe the researcher was also able to review some correspondence between the VH and GVH on referred disputes in form of letters.

Data for case studies of indigenous conflict intervention systems used in other parts of Africa were collected from review of available documents such as evaluation reports, academic articles, and any other relevant documentation.

This section has discussed the various methods used to collect data during the research and the relational behind their selection. The next section discusses the methods and processes adopted for data analysis.

3.7 Data analysis

This research adopted a general inductive approach for qualitative analysis, the primary purpose of which according to Thomas (2003:2), is to allow research findings to emerge from the frequent, dominant or significant themes inherent in raw data, without the restraints imposed by structured methodologies. Thomas argues that key themes are often obscured, reframed or left invisible because of the preconceptions in the data collection and data analysis procedures imposed by deductive data analysis such as those used in experimental and hypothesis testing research (ibid 2003:2). Gibson and Brown (2009:127) term a similar process of analysing data according to commonalities, relationships and differences by searching for aggregated themes within data, as thematic analysis. For Gibson and Brown (2009:143), however, the phrase 'thematic analysis' does not delineate a particular approach, but rather views it as a way of describing the organisation of data into themes. Thomas (2003:2) outlines three purposes for inductive qualitative data analysis, which are similar to other qualitative analysis approaches: a) To condense extensive and varied raw text data into a brief, summary format; b) To establish clear links between the research objectives and the summary findings derived from the raw data and to ensure these links are both transparent and defensible (justifiable given the objectives of the research); c) To

develop a model or theory about the underlying structure of experiences or processes which are evident in the text (raw data) (ibid).

Data analysis was conducted in three stages. The first stage involved case analysis while the second stage involved comparing the findings from the different case studies in Malawi and the third phase compared the findings in Malawi with case studies in Rwanda, Kenya, South Africa and Uganda. The following sub-sections provide more details on the processes for data analysis for this study.

3.7.1 Within case analysis

To analyse data within each case study, the researcher used five key steps in data analysis based on the procedure laid down by Thomas (2003:5). Firstly, the researcher typed all the data from focus group interviews, individual interviews, participant observations and review of documents in separate word processing computer files. He edited the files, formatted them accordingly, to allow for margins for coding and printed each raw data file.

Secondly, the researcher read each data file several times trying to familiarise himself with the content and examine possible themes within small data segments. Each time he read the texts, he took note of the emerging themes.

Thirdly, in each of the key focal areas for the data collection framework, the researcher defined several themes from meaning units, phrases, or sentences used in specific text segments. For each theme, he assigned a label and described its meaning, its key characteristics and limitations.

Fourthly, the researcher regrouped data sets from different sources based on the thematic areas identified. He labelled each data set with its data file source and page.

Fifthly, the researcher examined the regrouped data sets in each theme in order to come up with sub-themes and rearranged the data sets according to the new perspectives and insights emerging from the data. For each thematic category and specific theme he identified appropriate quotes and extracts of meaning units that constructed the meaning of specific themes (ibid 2003:5).

The procedure outlined above is similar to the steps for data analysis in a case study research outlined by Caswell 1998 (in Denzin and Lincoln 2005:256) which outlines the following typical steps:

The first step consists of the organisation of details about the case by arranging the facts about the case in a logical order. The second step is the categorisation of data by identifying categories that can help cluster the data into meaningful groups. The third step includes   the interpretation of single instances; in this case the researcher examines specific documents, occurrences and other bits of data for the specific meaning they might have in relation to the case. The fourth step consists of the identification of patterns – the data and their patterns are scrutinised for underlying themes and other patterns that characterise the case more broadly than a single piece of information can reveal. The fifth and last step is a synthesis and generalisation whereby an overall portrait of the case is constructed. Conclusions are drawn that may have implications beyond the specific case that has been studies (in Denzin and Lincoln 2005:256).

This section has described how data from each tribe was analysed in order to come up with descriptions, which characterised the conflict intervention systems

used by each of the four tribes. The next sub-section describes how the systems used by the four tribes were compared with each other as well as with those used in other parts of Africa.

3.7.2 Comparisons of the case studies in Malawi and those from other parts of Africa.

As Leedy and Ormrod (2005:135) observe, "when only a single case is studied, any generalizations made are tentative and must await further support from other studies - perhaps support from additional case studies or other kinds of qualitative studies". As this study used several case studies, the researcher made generalisations based on comparisons of different case studies. He examined the key themes that emerged from the data and characterised the conflict intervention systems used by each case study / tribe. He then compared the conflict intervention systems in cross-tabulations of the themes against the tribes and the systems used in other parts of Africa. From these cross-tabulations, he was able to isolate the characteristics of the conflict intervention systems, which were similar or could be generalised across the four tribes in Malawi, as well as those, which could be generalised across Africa and those, which were unique to specific tribes. Then for each theme, the researcher further examined the sub-themes to see if there were similarities and differences across the tribes as well as with the case studies from other parts of Africa. This analysis is in line with recommendations by Leedy and Ormrod (2005:136) who note that a case can be compared with other previously reported cases by noting similarities and dissimilarities.

This sub-section of the thesis has described the process used to compare the traditional conflict intervention systems across the four selected tribes in Malawi namely the Sukwa, Ngoni, Chewa and Yao as well as with systems used in other

parts of Africa. The next section describes the strategies adopted in the study to enhance validity and credibility of the findings of the research.

3.8 Validity

The researcher adopted different strategies to enhance validity and credibility of the information collected and the interpretations of the findings. As Mertens (2005: 254) advises: "The researcher should seek to use as many strategies to enhance credibility …. because the goal is to provide evidence from a multiplicity of sources....".

The starting point was to create an environment that enabled the research participants to freely and openly participate in the discussions. To do this the researcher obtained permission from the concerned district commissioners, TAs, GVHs and VHs to conduct the study in their respective areas. This helped to clear any misconceptions or fears about the intent of the research and enabled the research participants to accept the invitation and genuinely participate in the interviews. Mertens (2005: 249) recommends that the researcher follows appropriate procedures to gain permission from the gatekeepers, those with power in the organisation or community, in order to enter the field with the least disruptive manner possible.

In addition, the researcher spent two to three days in each community before starting the interviews, familiarising himself and engaging with different people informally trying to learn more about their village and way of life and participating in their day-to-day activities. Again, this was done to win the trust of the people, clear fears and misconceptions and enable the participants to feel at home during the interviews. This was in line with the advice provided by Mertens

(2005:250) which says: "...the researcher should establish good rapport with the research participants by accommodating himself with the routines of the informants, helping people out, displaying an interest in them and acting like a person who belongs".

In the course of the interviews, the researcher continued to spend most of the time in the villages and participating in the day-to-day events. For example, he either spent the whole day with the TA, GVH, VH, or any family; helping them in whatever they were doing and in the course listening to the stories being told, the complaints that people brought to the traditional leaders and observing how they were reacting and handling different circumstances. For instance, in the Yao tribe the researcher attended several functions including a celebration to mark the end of an initiation ceremony for boys and girls; while in the Sukwa tribe he witnessed the process of identifying a new village headman. Similarly, in the Chewa tribe he attended several village meetings. Through these activities, the researcher was able to collect additional information and crosscheck some of the information collected from interviews. According to Mertens (2005: 255) the practice of checking information that has been collected from different sources and methods for consistency of evidence across sources data, otherwise termed triangulation, enhances credibility of the data collected and analysed.

Each day, the researcher summarised the key findings from focus group and individual interviews and personal observations and presented them to the senior traditional leaders such as GVH and TA to enable them to challenge, change, confirm, or add to the findings of the interviews. In fact, three out of four TAs interviewed advised the researcher to present his findings to them or the GVH on a daily basis. This, they argued, would ensure that the data he collected and interpreted truly reflected their respective cultures. They cautioned the researcher

against presenting false information or misconceptions about their cultures. Mertens (2005: 254) recommends that the researcher engages in an extended discussion of the findings with peers. These will pose searching questions, which will enable the researcher confront his own values and guide his next steps in the study (ibid).

In addition, at the end of each interview the researcher summarised the findings and asked the participants to confirm if the summary reflected the outcomes of the discussions. (Mertens 2005: 255) terms this practice 'member check' and argues that the practice enables the researcher to verify with the respondent groups the constructions that are developing as a result of data collected and analysed and is the most important criterion for establishing credibility.

Furthermore, every evening during the data collection process the researcher had a meeting with the research assistant to discuss the outcomes of each interview. This helped him to check if the data recorded by the assistant was consistent with his own notes, as well as find out if there were any gaps in the information collected after crosschecking with the checklist of questions that provided the framework for the discussions. Any such gaps were covered in the subsequent interviews.

This section has discussed the various strategies that the researcher used to enhance quality, particularly the validity and credibility of the findings of the study. The next section describes the ethical considerations, which the research made in the design and conduct of the research.

3.9 Ethical considerations

The researcher ensured that the design and conduct of the study complied with the ethical standards of the Institute for Social Development, the Postgraduate Board of Studies of the University of the Western Cape as well as the international research community. In this regard, the researcher prepared a written agreement, which stipulated the purpose of the research, how the information obtained would be used, his identity including full contact details, promise to keep the data collected and identities of research participants confidential and that each person had the right not to answer a particular question if he or she so wished (Annexes 5(a) and 5(b)). The researcher read the agreement to the TA or GVH and asked each of them to sign the agreement if permission was granted. In terms of the individual and focus group interviews, the researcher read to the participants the agreements, which had been signed by their TA and GVH and asked for their consent to participate in the research either as individuals, or as a group. Christians (2005: 144) provides two general conditions that ensure proper respect for human freedom when conducting research: "Firstly, subjects must agree voluntarily to participate - that is, without physical or psychological coercion. Secondly, their agreement must be based on full and open information - informed consent".

In addition, each TA identified a GVH who accompanied the researcher to every community during the first visit. The role of the GVH was to introduce the researcher to the VH and research participants and verify that the TA had granted permission and an agreement signed allowing the researcher to interview them. This GVH clarified the intent of the research and helped to clarify any misconceptions.

All the original interview reports and notes bearing code names and information, which could be traced back to the source were kept under proper custody and will be appropriately destroyed after the conclusion of the study. Christians (2005: 145) cautions that codes of ethics in research insist on safeguards to protect people's identities and those of the research locations.

In addition, the researcher acknowledged, quoted and appropriately referenced any information he collected from secondary data sources and used in this thesis in accordance with the ethical and professional guidelines specified by the University of the Western Cape.

This section has described the ethical aspects, which the researcher considered in the design and adhered to during the conduct of the research. The next section presents the limitations of the study.
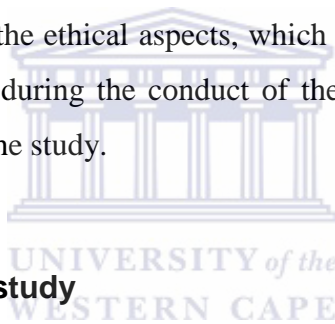
3.10 Limitations of the study

The main limitation of this study was that no field research was conducted for the case studies of the traditional pre-colonial *gacaca* system in Rwanda, the *ubuntu* system of South Africa, the Acholi traditional justice system, and the traditional justice system used by the Pokot pastoral communities in northern Kenya. Consequently, the researcher used available documented information to compare the findings from Malawi with these systems. However, the documented information lacked the details required for the researcher to make a comprehensive comparative analysis involving all the case studies. As a result, the researcher conducted comprehensive comparative analyses of the findings from Malawi, but only made partial comparisons with the case studies from other parts of Africa based on available information. The parameters, which were

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compared, however, managed to provide some substantial indication of the situations in other parts of Africa.

3.11 Conclusion

This chapter has discussed the methodological approach adopted for the study. The research involved a qualitative inquiry in four case studies of the Sukwa, Ngoni, Chewa and Yao tribes. The data collection methods included reflective focus group interviews, semi-structured and free flow interviews with individuals, participant observation and review of available documents and records. The data were analysed using general inductive approach for qualitative analysis. The researcher adopted several strategies to ensure validity and credibility of the results of the study. Ethical issues were duly considered in the design and conduct of the study. The main limitation of the study was that the researcher used already available documentation of the case studies from other parts of Africa. Due to this fact, the comparative analysis for some of the study parameters was not possible, as some of the information was not adequately documented. Consequently, the researcher focused more on comparative analysis of the four case studies from Malawi and only made partial comparative analysis with case studies from other parts of Africa.

Chapter 4: The socio-political governance structures for the Sukwa, Ngoni, Chewa and Yao tribes in Malawi

*"Despite the diversity of culture, geographical setting and historical dynamic, there is much similarity in the means used by African communities, especially neighbouring ethnic groups, to resolve conflicts". (*Balegamire 2000:28).

4.1 Introduction

The first part of this chapter provides some brief background information about the Sukwa, Ngoni, Chewa and Yao tribes. The second part of the chapter describes the socio-political governance structures and systems and the roles they play in violent conflict prevention and transformation based on the findings of the field study in the Sukwa, Ngoni, Chewa and Yao tribes.

4.2 Brief background information about the tribes

The following background information about the Sukwa, Ngoni, Chewa and Yao tribes focuses on historical aspects, social political and religious characteristics. The information sets the context for the study in each tribe.

4.2.1 The Sukwa tribe

The Sukwa tribe is a small patrilineal tribe located in the eastern hilly areas of the Chitipa district (Misuku hills). To the east of the Sukwa tribe's settlement is the Songwe River, which forms the boundary between Malawi and Tanzania; to the south is the Karonga district, inhabited by the Ngonde tribe and to the north and west is the Chitipa plain, which is largely settled by the Lambya tribe.

The Sukwa people migrated from the area northeast of Lake Malawi around 1570 – 1600 (Kalinga 1983:52). Kayambazinthu (1998:374) argues that the Sukwa tribe is historically and linguistically classified as part of the Ngulube group, which according to the zoning and grouping of languages, comprises the Ngonde and Nyakyusa - Zone M, Group 30; Lambya, Zone N, Group 20; Nyiha, Zone M, Group 20; Sukwa, Ndali and Mambwe, Zone M, Group 10. Kayambazinthu (1998:374) further argues that these languages can be functionally grouped as ethnic languages used within their ethnic group and each of these languages can be used to identify a particular ethnic group. According to Kalinga (1983:52), modern Sukwa language is a dialect of Ndali (a linguistic group of the north of the Songwe River in Tanzania) understood by the Nyiha speakers and easier to learn by the Ngonde. In other words, the Sukwa language forms a bridge between the Nyiha and Ngonde languages (ibid.)

The Sukwa tribe had their own traditional religious beliefs in which they worshiped their God called *Chala*, with whom they communicated through ancestral spirits. They used to maintain some forests such as *mughoma* and *kasumbi* where they made offerings to appease the spirits in times of calamities such as drought and pest and disease outbreaks. (Personal communication from one of the elders from the tribe).

Little is documented about the history of the Sukwa tribe; it is therefore difficult to provide a coherent historical background of the tribe in this thesis.

The Sukwa are basically subsistence farmers growing food crops such as sweet potato, maize, banana, Irish potato, cocoyam, beans and a wide range of fruits. Their staple food comprises combinations of sweet potato, banana and maize and beans. As one of the traditional leaders boasted "...we are probably one of the few tribes in Malawi that use several crops as staple food...." (*Interview ..elder of the Sukwa tribe, Interview report 8 Page 1. August, 17 2009*).

The Sukwa tribe is the largest producer of coffee in Malawi and coffee is the main source of income for the majority of the families. Coffee ranks fifth amongst the main export crops for Malawi after tobacco, tea, sugar and cotton. The Sukwa constitute forty-eight percent of all coffee growers in the Mzuzu Coffee Planters Cooperative Union, the largest exporter of coffee from Malawi; producing between fifty to sixty percent of all the coffee marketed by the union. (Mzuzu Coffee 2010:2).

This sub-section has provided a brief description of the Sukwa tribe. The next sub-section provides some background information about the Ngoni tribe.

4.2.2 The Ngoni tribe

The Ngoni is a patrilineal tribe whose members trace their descent through the father and the children belonged to the fathers' clan (Phiri 2004:95). In Malawi, the Ngoni have settlements in Mzimba, Ntcheu, Dedza, Dowa and Mchinji districts (See Annex 3). The Ngoni ethnic group is also found in Tanzania, Zambia, Mozambique and Zimbabwe (ibid 2004: 79). The tribe originated from the southeastern part of South Africa as part of a large ethnic group called Nguni

sub-divided into the Xhosa, of Cape Province, the Zulu of Natal, the Swazi of Swaziland and Transvaal (ibid). The Ngoni entered Malawi after crossing the Zambezi river in 1835 (Phiri 2004:80).

According to Phiri (2004: 92-93), the Ngoni socio-political structure comprised age groups each of which had its own recognised roles. At the bottom of the age groups were *abantwana,* (children), - referring to boys and girls; then boys aged between ten and fifteen years herded cattle and were referred to as *bafana*. *Majaha* took part in the work of the grown-ups such as hunting, cultivating and fighting; and men called *madoda* or *indoda* provided leadership and principally formed the army. Those who retired from the military life because they were considered too old were referred to as *badala* (ibid.)

Other tribes such as the Tumbuka and the Chewa linguistically assimilated the majority of the Ngoni in Malawi so that there is a small proportion of Ngoni in Mpherembe who still speak the Ngoni language. This study was conducted in this small group of the remaining Ngoni speakers.

Phiri (2004:93) observes that the Ngoni tribal life was highly militarised. They fought wars with many tribes such as the Bemba, Chewa Yao, Arab and many small tribes. He further observes that a man's status was achieved through participation in military engagements such that a war captive who learnt to fight well soon regained his freedom and would be rewarded with his own village, a kraal of cattle and could marry in a leading Ngoni family (ibid.).

According to Phiri (2004: 94) the Ngoni had a centralised political system headed by a paramount chief – the *inkosi ya makhosi*; followed by *makhosi;* then *makhosana* (sub chiefs); followed by *balumuzana* (the nobles who were also the group village head men with automatic seats in the paramount chief's *indaba* or

great council. At the lowest level of the leadership structures were the *makhanda* village headmen (ibid). A principal advisor called *induna* was attached to each chief. The paramount chief's *induna* was equivalent to the Prime Minister (Phiri 2004:94). "Chiefs were succeeded by their sons, never by their daughters nor their sisters' sons" (Phiri 2004:95). Tribal matters and laws were discussed at *indaba* - a gathering of chiefs, nobles and village headmen and their *induna* (ibid).

The Ngoni had a traditional religion in which they believed in God called *Umukhuluqango* as the greatest of the great ones and owner of everything that existed who was approached through ancestors (Phiri 2004:97). In times of calamity such as drought, the Ngoni approached a diviner to explain its cause (ibid). If the calamity had occurred because the ancestral spirits were angry, they would make sacrifices, the most revered of which was the sacrifice of *inkuzi emnyama* (black bull) (Phiri 2004:97).

Currently the majority of the Ngoni are smallholder subsistence farmers growing mostly maize, groundnuts, beans and tobacco. A few keep small herds of cattle (ibid).

This sub-section has provided a brief background of the Ngoni tribe focusing on their historical, social and political aspects. The next sub-section provides some brief description about the Chewa tribe.

4.2.3 The Chewa tribe

The Chewa and Nyanja are the largest tribal groups in Malawi making up to about 70 percent of the population, who live predominantly in the Central region (Patel et al 2007:2). The Nyanja / Mang'anja homeland, however, extends between the southern shores of Lake Malawi to the Lower Shire (Phiri 2004:33) These are

descendants of the Maravi people who travelled into Malawi in small caravans under the leadership of clan leaders from the Congo basin where they were part of the Luba and Lunda ethnic groups (ibid 2004:9).

The first paramount chief of the Maravi people was Kalonga of the Phiri clan. Whenever a Kalonga died, the one who took over automatically inherited the former chief's wife. The obligation on the successor to inherit the widow of the deceased chief was given as one reason why in the matrilineal system it is not the chief's sons but their sisters' sons who succeed (Phiri 2004:15-16). Amanze (2002:34) describes the Chewa as a matrilineal society whose rules of inheritance and succession are based on principles of matrilineage. He further explains that the matrilineage, commonly known as the *bele* - meaning breast, is viewed as consisting of men and women who can trace their descent from a common ancestress (*kholo*); who occupies a very distinctive position in the history of the lineage. He observes that collateral members in each succeeding generation are divided into a group of all the women, which constitute the *mbumba* (dependents) and that of all the men, known as *ankhoswe* (guardians) (ibid). According to Amanze (2002:34-35), the most senior uncle (*mtsibweni*) or brother in a lineage is called *mwini mbumba* (owner of the dependants) and has ultimate responsibility for the overall welfare of the *mbumba* politically, socially, economically and in religious matters. The *mbumba* largely depend on the *ankhoswe* for their social security, primarily in their marriage affairs especially when they are inter and intra-lineage conflicts (Amanze 2002:35).

According to Phiri (2004:29), the Chewa had their own traditional religion in which they believed in the existence of the Great Spirit or creator (*Namalenga).* They worshiped God through the spirits of their ancestors using certain women as prophetess or mediums called *chauta*. The *chauta* officiated at the making of the

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sacrifices and the conducting of communal prayers (Phiri 2004:30). All the priests were subservient to the high priestess called *Makewana* at Msinja. Whenever there was a calamity affecting most of the members of the tribe such as a drought or famine people flocked to Msinja for public prayers and supplication (ibid).

Amanze (2002:118) observes the critical role offerings played in establishing order, peace, stability, unity and harmony amongst the people. He notes that as the Chewa made offerings to deity in order to establish right relationship with God; social solidarity was enhanced as people went about regulating abnormalities in society, which were believed to cause tensions between the spirit world and the physical world. As such, they found themselves burying their differences, repairing their broken relationships and becoming united as one (ibid: 2002:119).

Phiri (2004:31) notes that the Chewa used *nyau* dance and songs (*gule wamkulu*) as the main form of ritual entertainment. This, he further notes, was linked with performances at funerals and initiation ceremonies. The *nyau* societies formed small units, which camped in places called *mzinda* and were highly secretive (ibid).

This sub-section has provided a brief background about the Chewa tribe. The next sub-section briefly provides the historical background of the Yao tribe.

4.2.4 The Yao tribe

The Yao is one of the big matrilineal tribes in Malawi that traces their descent to the mother. In total there are an estimated one million two hundred thousand Malawian Yao belonging to three main clans: Amachinga, Amangoche and Amasaninga (Simmonds 2006:1). They constitute about 10 percent of the

population of Malawi (Patel et al 2007:2). The Yao are scattered in the region surrounding parts of Lake Malawi and in Malawi they are settled in the districts of Mangochi, Machinga, Zomba, Chiradzulu, Mulanje Salima and Dedza. They are also found in Mozambique and Tanzania (Phiri 2004: 72) (See Annex 3).

The Yao originated from Yao hill in the east of Lake Malawi in the mountainous region between the Lujenda and Luchelingo rivers in the northwest Mozambique (Phiri 2004:72). According to Thorold (1995:76), nothing is known about the Yao before their dispersal from the hill as there are no records or traditions, which describe their life before the hill. Thorold (1995:84) observes that in the nineteenth century when the Yao migrated to the areas surrounding parts of Lake Malawi, they quickly established their dominance over their neighbours wherever they moved. He argues that this happened since the Yao chiefs and their followers had a virtual monopoly in the region on trade links with the coast and even after the end of the slave trade the Yao still tended to be regarded and treated as the dominant African group in the region. (ibid: 86).

However, Marjomaa (undated: 5) observes that during the colonial era, living under European domination and with an increasing amount of Africans in the surrounding areas adopting the Christian doctrines of their new rulers, the Yao were culturally isolated. They were also left outside the mission based western-style education, which produced literate people who were able to integrate themselves to the colonial system as clerks, interpreters or in other menial government positions (ibid).

During the nineteenth century the leading class of the Yao was converted to Islam and this was followed by the majority of the Yao getting converted to Islam (Marjomaa undated: 3). Thorold (1983:88) identifies two circumstances that lead to large-scale conversions of the Yao to Islam in the late nineteenth century. The

first was the emergence of a sense of tribal identity with boundaries and membership criteria, which were visible and easy to control. The other was the transformation of the regional political economy and the growing conflict with the British over the slave trade (ibid).

Phiri (2004:75) observes that before slave raiders became a plague, the Yao people tended to be uncooperative and individualistic, caring less about unity or civic life. Everyone with a few followers would claim independence; and on the slightest pretext, he would leave a village to a distant place to start his own village. Chiefdoms would break because of bickering, accusations of witchcraft and petty jealousy. However, when the men saw that as long as they lived in small communities slave agents would easily seize them, they started grouping together in large villages, fenced and armed (ibid).

According to (Phiri 2004:77), the Yao prepared their children (both boys and girls) in the early teenage for adulthood through the initiation ceremony called *chinamwali* where the children were given group instruction on the customs of the tribe, family life and acceptable ways of personal conduct. The initiation of boys was called *jando* while that of girls was called *nsondo*. During this initiation, both boys and girls went through circumcision (ibid).

After marriage, the husband went to live in the wife's family, except for headmen or chiefs whose wives went to live in the husbands' villages (Phiri 2004:79). Though a married man lived in the wife's village, he was not cut off from his own family. He assumed and retained responsibilities for the welfare of his sisters and their female children (*mbumba jakwe* − his sorority group). Any difficulties the sisters had with their husbands were referred to him (ibid).

After focusing on the historical aspects and social, political and religious characteristics of each of the tribes the following section will provide some information on their respective government structure.

4.3 Socio-political governance systems of the Sukwa, Ngoni, Chewa and Yao tribes in Malawi

Three themes emerged that constructed the research participants' understanding of the socio-political governance systems of the Sukwa, Ngoni, Chewa and Yao tribes as they related to conflict interventions. These included governance structure, intervening in conflict situations and role of women in the socio-political governance structures. The following sections provide details for each theme.

4.3.1 Governance structures

The socio-political governance structure in this context refers to components of the tribal social-political governance structures that play roles in prevention or transformation of violent conflict in order to maintain social harmony in the community. Based on their understanding, the research participants outlined and described several components of the social-political governance structures for each of the tribes. The components of the socio-political governance structures start with the 'individual' at the lowest level and at the highest level are the traditional authority in the Sukwa, Chewa and Yao tribes and the paramount chief in the Ngoni tribe, as outlined below (Table 4). The authority of the leadership for each component increases from level one towards level nine.

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Table 4: Components of the socio-political governance structures for different tribes as they relate to violent conflict prevention and transformation

Level	Sukwa Tribe: components of governance structure	Ngoni Tribe: components of the governance structure	Chewa tribe: components of the governance structure	Yao tribe: components of the governance structure
1	Individual member of tribe	Individual member of tribe	Individual member of tribe	Individual member of tribe
2	Nucleus family	Nucleus family (*nyumba*)	Nucleus family (*banja*)	Nucleus family (*banja*)
3	Extended family (*pachikolo*)	Extended family	Extended family (*mkhanjo*)	Extended family (*limana*)
4	Sub-village (*kaghamba*)	-	-	-
5	Village (*Kaya ka malafyale*)	Village (*muzi*)	Village (*mudzi*)	Village
6	Group village	Group village	Group village	Group village
7		Sub TA (*Inkosana*)		Sub TA
8	TA (*mwene*)	TA (*nkhosi*)	TA (*gogo chalo*)	Traditional authority (*mwenye*)
9		Paramount chief (*Inkosi ya makosi*)	-	-

Source: compiled by the author with data from interviews

Each level of the social political governance structure plays some role in preventing or transforming violent conflict in all the tribes. The next sections describe each of the components and the respective roles played.

4.3.1.1 Individual

In the Sukwa, Ngoni, Chewa and Yao tribes, individuals (men, women and sometimes older children) form the building blocks of the socio-political organisational structures and intervene in conflict in different ways. The following extracts from the interview reports provide evidence for this claim:

> ......marriage graduates a boy to become a man (*doda*) and a girl to become a woman (*ntchembere*).......and take a prominent role in the affairs of the village including in the traditional justice systems....... (*Interview report 7 page 1: Ngoni tribe. May 5, 2010. Mpherembe*).

> ...when one gets married, one is expected to always participate in village forums....to learn, but most importantly to contribute to the discussions and decisions.... (*Interview report 8 page 2: Sukwa tribe. July 22, 2010. Misuku*).

> ...virtually every man and woman has a chance to intervene in conflict situations either in his or her own right as an individual or through different forums.... (*Interview report 9 page 1: Chewa tribe. June 23, 2010. Chakhaza*).

Any man / woman from the community may be called upon, or on his / her own will may intervene in a particular violent conflict in his or her own right, as a friend, relative, neighbour, elder in the community, or as a person who has been recognised by one of the disputants to have attributes that can help the disputants resolve their dispute. The following excerpts from interview reports provide evidence of these claims:

> ...he insulted my mother...I was angry and I immediately pushed him. Then one of my friends stood between us and reasoned with us to stop fighting.... narrated a young woman.
> (*Interview report 3 page 3 Ngoni tribe. May 9, 2010. Mpherembe*).

> ....she hit him on his leg with a hoe handle. He stood up and started fighting the three. There was commotion. The two young men

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passing by immediately intervened and stopped the fight before any injuries were caused….. narrated village headman's advisor.
(*Interview report 7 page 3: Sukwa tribe. July 14, 2010. Misuku*).

...when there is a dispute between the husband and wife, the first contact point for intervention within the extended family is the grandmother (*agogo*)..... (*Interview report 5 page 1: Chewa tribe. June , 10, 2010. Chakhaza*).

...there are times when one of the disputants calls upon a neighbour or friend or relative to hear from the two sides and try to reconcile them..... (*Interview report 1 page 1: Yao tribe. August 7, 2010. Katuli*).

Individuals, men, women, and children, may also participate in conflict interventions through the nucleus, extended families, *kaghamba,* village forums and sometimes higher forums such as GVH or TA forums.

In the Sukwa tribe, every man and woman present at any forum to discuss a particular violent conflict is expected to actively participate in cross-examining the disputants and giving their opinions about the outcomes of the discussions. This is deliberately encouraged to ensure that the discussions are exhaustive and to rule out any possibilities of the disputants colluding with the facilitators in advance. This promotes transparency and accountability as the following extract from interview reports shows:

... anyone - man or woman, can ask the disputants questions or make comments on the issue as well as actively participate in deciding the verdict and the reparation to be paid….
(*Interview report 3 page 2: Sukwa tribe. July 9, 2010. Misuku).*

…the rationale for involving all the men and women in questioning the disputants is to rule out any opportunities for corruption to ensure that the issue is discussed in the most

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transparent manner….. *(Interview report 2 pages 7-8: Sukwa tribe. July 8, 2010. Misuku).*

In the Ngoni, Chewa and Yao tribes, men, women and older children are encouraged to participate in the different forums to discuss conflicts in order to learn, bear witness, ask questions, express their opinions, as well as participate in the decision making mostly when asked to do so. The following excerpts from interview reports provide evidence for these statements:

> ....any indaba whether at family, village or *inkosi* level; ...men and women and older children....are supposed to attend...so that everyone becomes part of the decisions made...no one will later blame the VH or GVH for a biased decision.....
> *(Interview report 5 page 2: Ngoni tribe. May 18, 2010. Mpherembe).*

> .....ordinary members of the village – men, women and children... take a low profile, they are mostly present to listen, learn and give their views only when asked to do so.....
> *(Interview report 6 page 1: Chewa tribe. June 14 – 15, 2010. Chakhaza).*

> ....the *liwala lwa mwenye (village headman's forum)* has the VH, his *nduna*, few elders who assist the *nduna* in facilitating the discussions and the rest of the men and women from the village who ask questions or participate in decision making when requested to do so.... (*Interview report 2 page 2: Yao tribe. August 8, 2010. Katuli*).

The study results reveal that while children (boys and girls) particularly the older ones are encouraged to participate and can intervene in conflict situations within the family and village institutions their participation has some restrictions as demonstrated by the following excerpts from interview reports:

> ...some children particularly the older ones are allowed to ask questions depending on the type of conflict...children are not allowed to comment or ask questions in forums on disputes between

husbands and wives... (*Interview report 3 page 2 Ngoni tribe. May 9, 2010. Mpherembe*).

...we are encouraged to participate in some of the forums depending on the disputes being discussed...there are certain forums where our community does not allow any boys and girls to participate... Explains a fifteen year old boy.
(*Interview report 9 page 2: Sukwa tribe. July 27, 2010. Misuku*).

....boys and girls are not allowed to participate in the discussions of some of the conflicts between husband and wife as a way of maintaining confidentiality as well as not exposing them to explicit sex language... (*Interview report 5 page 2: Chewa. June , 10, 2010. Chakhaza*).

.....as young people we are not supposed to say anything at the *bwalo* (forum to discuss conflict) unless we have been asked to do so... (*Interview report 7 page 2: Yao tribe. August 17, 2010. Katuli*).

4.3.1.2 The nucleus family

For the partilineal tribes of the Sukwa and Ngoni the nucleus family comprises the husband, who is the head of the family, has a lot of powers and is the ultimate decision-maker in the family. Other members include the wife, or wives in the case of a polygamous family and children. All of them live in the husband's village as the following extract from interview reports demonstrates:

....the nucleus family is headed by the husband and lives in his village...it has a wife or wives in the case of polygamous families and children.... (*Interview report 4 page 2: Ngoni tribe. May 15, 2010. Mpherembe*).

...within a nucleus family we have a father, mother(s) and children who live in the husband's village... (*Interview report 9 page 1: Sukwa tribe. July 27, 2010. Misuku*).

The composition of a nucleus family for matrilineal tribes (Chewa and Yao) is similar to that of a patrilineal tribe comprising the husband as head, wife or wives and children. In the Yao tribe, the nucleus family lives in the wife's village, a practice termed *chikamwini*. In the Chewa tribe, the study results reveal that while traditionally a married man was mostly supposed to practice *chikamwini*, the majority of the wives live in the husband's village. Apparently, in the Chewa communities where the study was conducted *chikamwini* is disappearing slowly. The following extracts from interview reports support these statements:

> ....a nucleus family comprises a husband, wife (wives) and children the majority of these live in the husband's village. In the case of polygamy one of the wives lives with her children in her village....
> (*Interview report 3 page 2: Chewa tribe. October 26, 2009. Chakhaza*).

> ….the head of the nucleus family is the husband, but he lives with his wife and children in her village…. (*Interview report 3 page 1: Yao tribe. August 11, 2010. Katuli*).

In the patrilineal tribes, the husband intervenes in conflicts between wife and children, or between children, or between wife / children and members of other families. The wife often cools the tempers of the husband when he has a conflict with his children or any other person. She is also the main intervener in conflicts between children in the family before the husband addresses them. The following extracts from interview reports provide some evidence of these assertions:

> ....if there is a quarrel between husband and wife – normally the two discuss and sort it out amongst themselves...
>   (*Interview report 2 page 4: Sukwa tribe. July 8, 2010. Misuku*).

> ...the parents particularly the mothers intervene in conflicts between their children... (*Interview report 9 page 1: Sukwa tribe. July 27, 2010. Misuku*).

...if there is a conflict between children ... the wife intervenes first, if she fails the matter goes to the husband for discussion and decision... (*Interview report 4 page 2: Ngoni tribe. May 15, 2010. Mpherembe*).

...if my father is angry with my sister, she asks my mother to intervene because she knows how to cool him down.... comments a young man. (*Interview report 5 page 1: Ngoni tribe. May 18, 2010. Mpherembe*).

Within the matrilineal tribes, particularly in the Yao tribe, the wife plays a leading role in intervening in conflicts between children, in a nucleus family, as the following extract from interview reports reveals:

.....disputes between children are often dealt with by the wife. This is more prominent where the wife has children from an earlier marriage where the husband has no authority to intervene.... (*Interview report 4 page 1: Yao tribe. August 15, 2010. Katuli*).

The situation is different in the Chewa tribe where both the husband and wife play crucial roles of intervening in the conflicts between their children. The wife mostly intervenes in the daughters' conflicts while the husband intervenes in the conflicts between sons. They both intervene in conflicts between sons and daughters. The following extracts from interview reports provide evidence for these statements:

....the daughters spend most of their times with their mothers, the mother intervenes in any conflicts amongst them. Similarly, the father intervenes in conflicts between sons particularly the older ones. Both the husband and wife may intervene in a conflict between daughters and sons.... (*Interview report 8 page 2: Chewa tribe. October 27, 2009. Chakhaza*).

For patrilineal tribes, in terms of dealing with violent conflict, the nucleus family works hand-in-hand with the neighbours (called *bapalamani*[5] by the Sukwa or

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[5] *Bapalamani* is a Sukwa term for neighbours

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bazengezgana[6] by the Ngoni). For minor disputes between husband and wife or between parents and children or between children; a neighbour who can be a relative, church elder, friend or any other person that lives in close proximity to the nucleus family may be called upon to help. The following extracts from study reports provide evidence for these claims:

> ...one ... who is hurt or threatened ....asks a confidant – normally a family friend respected by both husband and wife to intervene in the dispute.... (*Interview report 2 page 4: Sukwa tribe. July 8, 2010. Misuku*).

> ...neighbours, friends or church members sometimes intervene....on request.... (*Interview report 7 page 1: Sukwa tribe. July 14, 2010. Misuku*).

> ...for conflicts with our husbands, we contact elderly women that we trust and we know have the ability to reconcile us...
>   (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*)

The marriage counsellor called *mufusha* by the Sukwa or *thenga* by the Ngoni, *nkhoswe* by the Chewa and Yao, who facilitates the establishment of the marriage as well as advises the husband and wife in the course of their marriage, is also the key intervener in serious disputes between husband and wife. Excerpts from the interview reports provide more evidence for this assertion:

> ……*mufusha* (neutral, wise and man of good character….jointly selected by the family of the husband and wife to facilitate marriage….a *mufusha* is a reference point for all issues arising in the marriage….he is closely involved in the nucleus family as the mediator for serious conflicts between husband and wife….
> (*Interview report 2 page 5 Sukwa tribe. July 8, 2010. Misuku).

> ...more serious disputes, the marriage counsellor (*thenga*) is invited to mediate between husband and wife...

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[6] *Bazengezgana* is a terms commonly used by the Ngoni tribe for neighbours it is a Tumbuka language terms. The majority of the Ngoni's in Mzimba speak Tumbuka language.

(*Interview report 5 page 1: Ngoni tribe. May 18, 2010. Mpherembe*).

....if the husband and wife have a dispute the *nkhoswe* is invited by the one who feels offended (*wolakwiridwa*). The husband complains to the wife's *nkhoswe* and vice versa.....
(*Interview report 8 page 1: Chewa tribe. October 27, 2009. Chakhaza*).

...serious disputes between husband and wife are taken to the *nkhoswe*. The *nkhoswe* facilitates a discussion to enable the conflicting couple map out a common way forward to resolve the issues at hand.... (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

4.3.1.3 The extended family

For the patrilineal tribes, an extended family comprises a head of the family, members of his nucleus family, members of his brothers' nucleus families, if available, members of nucleus families for their sons, nucleus families for the widows, nucleus families for the unmarried sisters and the nucleus families for the grandsons. The extended family head is often the grandfather or his brother, or the oldest son. The head of the extended family convenes a forum for all the extended family members. This extended family forum is termed *ukwikala pasi pachikolo* by the Sukwa and *sangweni* by the Ngoni. Excerpts from interview reports below provide evidence of the existence of the extended family and its forum:

...*sangweni* is more or less a social forum for men in the extended family, but when there is a conflict between members of the extended family to be discussed, both men and women convene at the *sangweni*.... (*Interview report 1 page 1: Ngoni tribe. May, 3, 2010. Mpherembe*).

…an extended family includes a family head who is often a grandfather, his wife, his brothers and their wives, his sons and nephews and their wives and children or even great

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grandchildren....these establish a forum at extended family level called (*ukwikala pasi pachikolo*) ..

(*Interview report 1 page 6: Sukwa tribe. July 7, 2010. Misuku*).

For the matrilineal tribes; the extended family, termed *mkhanjo* by the Chewa and *limana* by the Yao plays a crucial role of intervening in conflicts between its members. The family head, *mwinimbumba* (owner of the family), convenes a forum to discuss conflicts arising between the family members as the following extracts from interview reports demonstrate:

...*mwinimbumba* – the head of the extended family convenes a forum for all the family members to discuss a dispute between family members.... (*Interview report 4 page 5: Chewa tribe. June 8, 2010. Chakhaza*).

....when there is a conflict between two people in our extended family called *limana*, the leader who is usually an uncle (*mjomba*) convenes a forum called *liwala lwa limana or liwala lwa mmawasa*.... (*Interview report 2 page 1: Yao tribe. August 8, 2010. Katuli*).
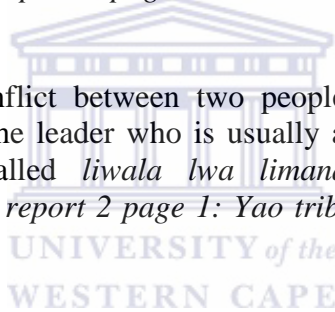
4.3.1.4 Kaghamba (sub-village)

A *Kaghamba* comprises several extended families on a particular hill or a specific geographical demarcation of a sub-village. A village may have three to five such demarcations depending on its size or number of extended families. This component is unique to the Sukwa tribe; it does not exist in the governance structures of the other three tribes. Each *kaghamba* is headed by *ifumu*. The village headman delegates authority to the *ifumu* to convene forums for the inhabitants of the *kaghamba* to discuss arising issues and conflicts. In the Sukwa tribe unlike the extended family, the *ifumu* plays a more crucial role of transforming conflicts between family members as well as individuals. Excerpts

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from the interview reports below provide evidence of the existence and roles of *kaghamba*:

> … our village has four zones, in each zone (*kaghamba*) we have selected one *ifumu* to facilitate discussions aimed at resolving conflicts amongst individuals and family members in the zone….
> (*Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku*).

> ….the *ifumu's* forum is established with the authority of the VH and the *ifumu* has been delegated powers to convene the forum by the VH… (*Interview report 8 page 2: Sukwa tribe. July 22, 2010. Misuku*).

There are several factors that may qualify one to be selected as *ifumu*. Firstly, historically some families are designated as *mafumu*. From such families a man can inherit the responsibility from his father or grandfather or may be selected to become *ifumu*. Secondly, there are situations where any other man in the village may be selected to become *ifumu* as long as he does not share the same surname with the village headman. In other words, he must not be from the same extended family as the village headman. Thirdly, whether from a designated family or selected from amongst the men in the village, the *ifumu* must be one who is married, shows respect for others, has self-restraint and has no aggression or criminal record. In addition, *ifumu* must have demonstrated to be a good public speaker, have good leadership skills and be impartial. The following extracts from interview reports provide evidence of the assertions above:

> …*ifumu* should not be from the same family as the VH or GVH……may be from a historically designated family as *mafumu*… many inherit this responsibility from their fathers…
> (*Interview report 8 page 2: Sukwa tribe.* July 22, 2010. Misuku).

….ifumu must be of good behaviour - respect for others, self restraint, no criminal record….must be married, demonstrate to be a good public speaker, good leadership skills, one that is neutral……
   (*Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku).*

…ifumu can be chosen from amongst the village men…. particularly in new villages … (*Interview report 8 page 2: Sukwa tribe. July 22, 2010. Misuku*).

The *ifumu* intervenes in a specific conflict by receiving complaints from disputants and convening a forum for the disputants to discuss their conflict in the presence of men and women from their specific *kaghamba*. The *ifumu* also plays the role of lead facilitator during the discussions as well as when concluding the outcomes of the discussions. The following excerpts from interview reports provide evidence of the statements above:

….the *ifumu* receives complaints from members of his section of the village and convenes forums to discuss specific disputes…he takes the lead in facilitating the discussions together with all the men and women present at the forum... (*Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku*).

….one who requests for the forum to convene pays two hundred and fifty Malawi Kwacha to the *ifumu.…. (Interview report 7 page 3: Sukwa tribe. July 14, 2010. Misuku).*

At the VH or GVH forums, the *ifumu* may be called upon to facilitate conflict discussions. The following extract from interview reports provides evidence for this statement:

....GVH forum also includes *balongi* (mediators) selected from amongst *mafumu* from each of the villages under the GVH...
   (*Interview report 3 page 2: Sukwa tribe. July 9, 2010. Misuku*).

4.3.1.5 Village

A village can be described as a group of nucleus or extended families living in a particular geographical demarcated area under the traditional leadership of a village headman or headwoman who governs the village with the support of advisors.

A Sukwa tribe village comprises three to five sub-villages (*tughamba*[7]) each under the leadership of *ifumu*. As one village headman reports:

> …as a village headman, I have three *tughamba* and I work with three *mafumu* each responsible for a specific *kaghamba*....
> (*Interview report 6 page 3: Sukwa tribe. August 18, 2009. Misuku*).

The Ngoni tribe village comprises several extended families and nucleus families within them as this excerpts from interview reports indicate:

> ...our village has five extended families and sixty-eight nucleus families... (*Interview report 1 page 2: Ngoni tribe. May, 3, 2010. Mpherembe*).

In a patrilineal set up, the village head is often a man and inherits the leadership from his father, grandfather or uncle (brother of his father) as the following extract from interview reports shows:

> ....traditionally a Ngoni village head must be a man who inherits his leadership from his father or grandfather...
> (*Interview report 1 page 2: Ngoni tribe. May, 3, 2010. Mpherembe*).

A village head man has three or four advisors called *makambala* (in the Sukwa tribe) and *induna* (in the Ngoni tribe) who assist him / her in day-to-day decision making processes; as the following excerpts from interview reports demonstrate:

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[7] Tughamba is the plural for kaghamba a Sukwa sub-village

> ...our village has two VH's advisors (*indunas*) who help the VH to convene a forum and facilitate dispute mediation processes....
> (*Interview report 5 page 2: Ngoni tribe. May 18, 2010. Mpherembe*).

> ....at each level including village, the traditional leader is supported by advisors termed *makambala* in Sukwa language...
> (*Interview report 5 page 2: Sukwa tribe. July 11, 2010. Misuku*).

In the matrilineal tribes of the Chewa and Yao, a village mainly comprises several extended families (*mikhanjo / malimana*) led by a village head person who is either a man or woman as the following extracts from interview reports show:

> ....the *mfumu* leads a community, which is basically made up several *mikhanjo* (extended families) ....assisted by the *nduna*. A *nduna* is normally the VH's sister's son who is often the heir to the throne. In this case the *nduna* is a VH trainee so that by the time he / she becomes a VH, he / she has mastered all the traditional beliefs and practices. The VH also has two other *nduna* selected from the village community from specific extended families.... (*Interview report 3 page 2: Chewa tribe. October 26, 2009. Chakhaza*).

> ....a typical Yao village comprises several extended families called *limana*. Each *limana* comprises different generations of sisters headed by the eldest uncle (*mjomba*) or brother of the senior sisters.... (*Interview report 1 page 2: Yao tribe. August 7, 2010. Katuli*).

In all the four tribes, the VH and his advisors intervene in a particular conflict referred to them by *ifumu* (in the case of Sukwa), *sangweni* (in the case of Ngoni), *mukhanjo* (in the case of Chewa) and *limana* (in the case of the Yao), by convening a forum for the conflicting parties to discuss the conflict. The VH receives complaints from one of the parties in a particular conflict in the presence of his advisors. Sometimes the advisors receive complaints and pass them on to the VH. The VH sends one of his advisors to convene a village forum. In all the four tribes the conflicting party who requests the forum to convene also pays a

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sum of money that ranges from two hundred to two hundred and fifty Malawi Kwacha. This money either covers some of the small costs of the forum or is for personal use by the VH and his advisors. It also serves as a symbol of seriousness on the part of the party requesting the forum to convene. The following extracts from interview reports provide evidence for the village forums:

> ...on request the VH convenes a forum for the entire village community to discuss a specific conflict through one of his advisors (*makambala*).....the one who requests the VH forum to convene pays between two hundred and two hundred and fifty Malawi Kwacha to the advisor of the VH.... (*Interview report 1 page 8: Sukwa tribe. July 22, 2010. Misuku*).

> ...the *induna* has the responsibility to receive complaints, inform the VH and invite the people to the VH forum to discuss the conflict...to show seriousness the one who requests the forum to convene pays MK200 to the VH.... (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*).

> ....the VH and *nduna* convene a forum to discuss a particular conflict at the *bwalo la mfumu* (village forum) whose participants include the conflicting parties, their extended family members (*akubanja*), the VH and his *nduna*, men and women from the village...*chabwalo*[8] is MK150... (*Interview report 5 page 2: Chewa tribe. June 10, 2010. Chakhaza*).

> ....*liwala lwa mwenye* (the VH forum) comprises the VH as the ultimate decision maker, his/her *nduna*, elders of the village mostly men and some few women, the heads of *limana* where the disputants are coming from, men and women from the village and children...the one who requests the forum to convene pays MK150.... (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

In the Sukwa tribe while the VH advisors play a leading role in facilitating the forum discussions, they hand over the facilitation process to all men and women

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[8] *Chabwalo* – literally means 'for the forum'. This is the amount of money that one who requests the VH to convene a forum to discuss a particular conflict pays to the VH or his advisor

present at the forum. After the forum has adequately examined both sides of the conflict and issues have been exhausted, one of the VH advisors summarises the outcome of the discussion and hands over to the VH who has the overall authority to communicate the final decision of the forum to the disputants. In other words, he / she makes the final judgement on behalf of all the participants of the forum who are referred to as *bachisu,* meaning the owners of the land. The following excerpt demonstrates the research participants' understanding of the roles of the VH and his advisors:

> ...the *makambala* lead the facilitation process....all men and women are actively involved in asking questions to the conflicting parties….the VH passes the final judgement as the owner of the forum which is reached at by consensus with *bachisu*... (*Interview report 7 page 2: Sukwa tribe. July 14, 2010. Misuku*).

In the Ngoni, Chewa and Yao tribes, a special team comprising the VH, his / her advisors and a few (two to five) selected men and women with special facilitation skills, facilitate the discussions at the VH forum. In this case, the men and women present at the forum may be asked to comment or ask questions towards the end. The facilitation team makes the final decision after crosschecking with other members of the forum. There are, however, some minor differences as the following extract from interview reports shows:

> ...for each forum the VH, *munaba* and *nduna* identify a few elderly men and women - (*madoda na ntchembere zafundo* literally meaning eloquent men and women). These facilitate the discussions of a particular conflict but include the views of all forum participants and conflicting parties in their final decision.... *(Interview report 4 page 2: Ngoni tribe. May 15, 2010. Mpherembe)*

In the Yao tribe, a village forum cannot discuss a particular conflict in the absence of the leaders of the extended families of the conflicting parties as the following extract from interview reports shows:

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> ...at the *liwala lwa mwenye* every party to the conflict must
> bring an elder from his / her *limana*... The family members are
> there to see that justice has been done for their relative
> otherwise there could be some biases, but also to take
> responsibility of continuing to correct their relative if found in
> the wrong...otherwise the *limana* leader would query the VH
> '*awelwise uli magambo achisiyene kuli kwangali'* meaning
> how do you handle a conflict involving one of our family
> members in the absence of the family....
> (*Interview report 3 page 2: Yao tribe August 11, 2010. Katuli*).

Similarly, in the Chewa tribe, the extended family leaders, or their
representatives, must be present when the VH forum discusses a violent conflict
involving one of their members. This enables the extended family to take over the
responsibility of monitoring his or her behaviour in case he / she is found to be in
the wrong as the following extract from interview reports demonstrates:

> .....the *akubanja* must be present because if one person is found
> guilty at the *bwalo la mfumu*, the VH after all is done, hands
> the responsibility to *akubanja* to continue monitoring advising
> and guiding the member until he or she is totally recovered or
> reformed.... (*Interview report 5 page 2: Chewa tribe. June 10,
> 2010. Chakhaza*).

4.3.1.6 Group village

A group village comprises several villages under the leadership of a GVH. The
group villages studied had numbers of villages ranging from five to twenty.
Village headpersons from these villages report and refer issues beyond their
control to the GVH. The study results showed that the set up and functions of the
GVH were similar for the four tribes studied. The excerpts from the interview
reports below provide evidence for the statements above:

> …beyond the village we have a group village headed by a GVH who
> has three advisors that work hand-in-hand with him…who take up

issues beyond the control of our VH… (*Interview report 1 page 9: Sukwa tribe. July 7, 2010. Misuku*).

.....a group village is headed by a GVH who is assisted by his *munaba* (the heir to the GVH), and *induna* and....the GVH leads several VH under him.... (*Interview report 1 page 3: Ngoni tribe. May 3, 2010. Mpherembe*).

....I report to the GVH, who traditionally supervises me and handles any issues and conflicts that my forum has failed to resolve...our GVH has seven village head persons under him.... (*Interview report 8 page 2: Chewa tribe. October 27, 2009. Chakhaza*).

....the GVH deals with conflicts that VHs have failed to resolve...he or she cross-checks if justice is being delivered at the village level... (*Interview report 3 page 3: Yao tribe. August 11, 2010. Katuli*).

In all the four tribes, the GVH deals with conflicts referred to him or her from the VH forum. Often this happens if one of the disputants is not satisfied with the decision made by the VH forum and asks for permission to take the conflict to the GVH forum for discussion. Just like in the village forum, the one who requests the GVH forum to convene pays between one hundred and fifty and three hundred Malawi Kwacha. The GVH assumes overall leadership of the forum, while his / her advisors and selected men from the villages under the GVH facilitate discussions of violent conflict, as the following extracts from interview reports show:

…the GVH forum comprises the GVH as chairperson and final communicator of decisions made by consensus. Advisors, selected *mafumu* from each of the villages under the GVH *as facilitators* (*balongi*), disputants, witnesses, men and women from within the village or from the village from the disputants' villages and any other interest parties.… (*Interview report 3 page 2: Sukwa tribe. July 9, 2010. Misuku*).

....the GVH forum comprises the GVH as the overall leader his *munaba*, *indunas* and selected *madoda* from different villages some of whom are VH others not.... (*Interview report 5 page 3: Ngoni tribe. May 18, 2010. Mpherembe*).

....the forum comprises the GVH, his / her advisors, selected VHs to assist in facilitation, conflicting parties elders from their respective extended families and interested men and women....   (*Interview report 6 page 2: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

....GVH forum comprises the GVH, his advisors and a few selected VHs who help with facilitation of the forum, the VHs from which the conflict was referred, the leaders and members of the conflicting parties and their witnesses and any other interested men and women who want to attend the forum... (*Interview report 4 page 3: Yao tribe. August 15, 2010. Katuli*).

4.3.1.7 Sub-traditional authority (*Inkosana*)

This level is unique for the Ngoni tribe; it does not exist in the other tribes. *Inkosana* is a senior traditional leader with several GVH under him / her. The *inkosana* reports to the *inkosi*. Just like all the Ngoni traditional leaders, the *inkosana* has advisors called *induna*. With the help of his *induna*, the *inkosana* convenes an *indaba* to discuss conflicts, which have been referred to him / her from the GVH. The following excerpts from interview reports provide evidence from the research participants' understanding of the *inkosana*:

...he leads several GVHs and selects one of the closely related GVHs to serve as his / her advisor.... (*Interview report 6 page 2: Ngoni tribe. May 19, 2010. Mpherembe*).

....the advisor to the *inkosana* convenes the *inkosana*'s *indaba*, which has the *inkosana* himself as the overall leader, his advisor and selected village headmen as facilitators (*beruzgi*)...these facilitate discussions of the conflicts referred to the *inkosana* from GVHs.... (*Interview report 6 page 2: Ngoni tribe. May 19, 2010. Mpherembe*).

4.3.1.8 Traditional authority

The traditional authority, (*mwene* – meaning owner of the land, for the Sukwa tribe, *gogo chalo* for the Chewa tribe and *mwenye* for the Yao tribe), is the highest level of the tribal leadership that intervenes in violent conflicts. In the Ngoni tribe, the *inkosi ya makosi* is the highest level that can intervene in a particular conflict (Table 4). Just like the VH and GVH levels, the traditional authorities have advisors called *makambala* (Sukwa tribe), *induna* (Ngoni tribe) and *nduna* in the Chewa and Yao tribes.

In the Sukwa tribe, there are families, which are designated advisors to the *mwene*. Advisors *(makambala)* are therefore either selected from amongst men from these families or they inherit the responsibility from their fathers. The *mwene* may also select additional advisors to help in the facilitation of conflict discussions; as the following extract from interview reports shows:

> ....the *mwene* is supported by advisors called *makambala*....there are designated families from which *makambala* of the *mwene* come. *Makambala* either inherit the responsibility from their fathers or are selected by the *mwene* together with tribal elders...
> (*Interview report 11 page 1: Sukwa tribe. July 29, 2010. Misuku*).

In the Ngoni tribe, the *inkosi* has the *inkosana* who also serves as his advisor. The *inkosana* convenes a forum for the *inkosi (indaba[9])* to discuss conflict referred to the *inkosi* from the *inkosana*'s forum assisted by the *inkosi*'s clerk who receives complaints from the conflicting parties and takes them to the *inkosi* and his *indaba*. Similarly, in the Sukwa tribe at the *mwene* level a forum is convened to

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[9] Indaba is a Ngoni term that refers to a forum at any level - household, extended family, VH, GVH, *inkosana* to the *inkosi ya makosi*. The forum is specifically aimed at consensus building and reconciliation.

discuss conflicts, which have not been adequately dealt with by the GVH. The following extracts from interview reports provide evidence for these statements:

> ...clerk of the *inkosi* ...finds out what the dispute is about, what has been done about it, why the dispute is taken to the *indaba*. Sometimes, the dispute ends through such a discussion.... (*Interview report 6 page 2: Ngoni tribe. May 19, 2010. Mpherembe*).

> ....the *inkosana* serves as an advisor of the *inkosi* who convenes and chairs the *indaba* in the absence of the *inkosi* through the clerk of the *inkosi*..... (*Interview report 6 page 2: Ngoni tribe. May 19, 2010. Mpherembe*).

> ....traditional authority forum discusses conflicts which the GVHs have failed to resolve... (*Interview report 11 page 2: Sukwa tribe. July 29, 2010. Misuku*).

> ...*bwalo la gogo chalo* received conflicts, which have not been resolved at the GVH level. The forum comprises the TA, his advisors and selected facilitators from amongst the VH and GVHs.... (*Interview report 4 page 5: Chewa tribe. June 8, 2010. Chakhaza*).

> .....the TA's forum comprises the *nduna* responsible for facilitating discussions of disputes at the TAs forum. These are selected GVHs and VH (8-10 in number) based on their ability to facilitate dispute resolution processes.... (*Interview report 5 page 1: Yao tribe. September 4, 2010. Katuli*).

4.3.1.9 Paramount chief (*Inkosi ya makosi*)

*Inkosi ya mako*si (paramount chief) is the highest traditional leadership level for the Ngoni tribe. The *inkosi ya makosi* is the leader of all the *inkosi* under him. In terms of intervening in conflict situations, the *inkosi ya makosi* handles conflicts, which have eluded resolution at the *inkosi* level. Such conflicts are referred to the *indaba* for the *inkosi ya makosi,* the supreme *indaba* for the tribe for discussion. The following extracts from interview reports provide information about the

research participants' understanding of this component of the traditional governance structure:

> ...when a disputant is not satisfied with the decisions of the *indaba* for the *inkosi*, he or she takes the dispute to the *inkosi ya makosi's* indaba... (*Interview report 6 page 3: Ngoni tribe. May 19, 2010. Mpherembe*).

> ...disputes between *inkosi* and GVH or VH are directly handled by the *inkosi ya makosi's indaba*... (*Interview report 6 page 3: Ngoni tribe. May 19, 2010. Mpherembe*).

This sub-section has presented the various components of the governance structures for the Sukwa, Ngoni, Chewa and Yao tribes in Malawi and the roles they play in violent conflict prevention and transformation. The following sub-section describes how the different players intervene in violent conflict and the factors that influence these interventions.
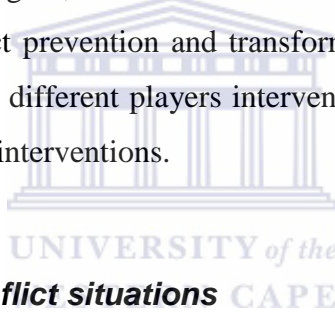
4.3.2 Intervening in conflict situations

From within the socio-political governance structure discussed above, several individuals or groups of individuals assume responsibility and legitimacy to intervene in conflict situations that arise in their communities. According to the research participants' understanding, there are certain factors, which qualify and legitimise different individuals or groups to effectively intervene in a particular conflict situation as outlined below.

4.3.2.1 For a neighbour to intervene effectively in a conflict situation

According to research participants' understanding, several factors may legitimise the neighbour to intervene in a particular conflict. Firstly, a man or woman

neighbour may be allowed to intervene in a particular conflict if he / she has been called upon to assist, by one of the disputants especially one who feels hurt or threatened; as the following extracts from interview reports highlight:

> … a neighbour called upon to assist must be respected and accepted by both parties to the disputes….” neighbour could be male or female approached by one of the disputants….
> (*Interview report 7 page 2: Sukwa tribe. July 14, 2010. Misuku*).

> ....we may call upon friends or elders that we know will help us appropriately... (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*).

> ....if someone has wronged you... you can take the issues to any elderly person whom you believe will help to reconcile you.... (*Interview report 1 page 2: Chewa tribe. June 4, 2010. Chakhaza*).

Secondly, as a concerned friend or any familiar, or respected or older person to the conflicting parties, the neighbour may intervene on his own will. The following extracts from interview reports show this:

> ...a concerned friend, older, familiar and respected person may intervene in a conflict on his / her own will….
> (*Interview report 7 page 2: Sukwa tribe. July 14, 2010. Misuku*).

> ...elderly women like me have a cultural responsibility to reconcile and advise the younger women...they do not need to call us.... (*Interview report 3 page 1: Ngoni. May 9, 2010. Mpherembe*).

> ...she became totally uncontrollable with anger trying to fight back, but my friends pleaded with me to go away to prevent a violent scene, - which I did... (*Interview report 1 page 1: Chewa tribe. June 4, 2010. Chakhaza*).

Thirdly, any male or female neighbour that the conflicting parties trust that he / she can reconcile them may be allowed to intervene; as the following excerpts from interview reports show:

> …these could be either a man or woman whom we trust can reconcile us…. (*Interview report 1 page 6: Sukwa tribe. July 7, 2010. Misuku).*

> ...we contact elderly women that we trust and know have the ability to reconcile us…… (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*).

> ....when I quarrel with my husband, I invite his friend who often reconciles us.... (*Interview report 3 page 2: Chewa. .October 26, 2009. Chakhaza*).

Fourthly, proximity of the intervener is also crucial. Sometimes an individual is compelled to intervene in a particular conflict because he / she is close to the conflicting parties; as the following extract from interview reports show:

> ...whoever is close by such as family members, neighbours, children if the parents are quarrelling etc may knock at the door and intervene in a conflict .… (*Interview report 2 page 3: Sukwa tribe. July 8, 2010. Misuku*).

> ....sometimes a dispute arises amongst peers in the community who are not even related. In such cases, there is a tendency for any elderly people around to intervene…. (*Interview report 4 page 2: Yao tribe. August 8, 2010. Katuli*).

4.3.2.2 An intervener in a conflict between husband and wife

The following factors may qualify / legitimise a particular intervener in conflicts between husbands and wives. Firstly, the conflicting parties must trust the intervener that he / she will maintain confidentiality as the following excerpts from interview reports demonstrates:

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…a husband and wife may have a serious dispute in their bedroom; yet when you visit them, they will come out of the bedroom smiling as if nothing happened because they do not want their children and visitors to know that they are fighting.…'we do not want our dispute to be the talk of the village'….. (*Interview report 2 page 5: Sukwa tribe. July 8, 2010. Misuku*).

...call upon a friends or elderly woman that we know will maintain confidentiality and help us appropriately...
(Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe).

...elderly women that will maintain confidentiality for your family.... (*Interview report 8 page 1: Yao tribe. August: 23, 2010. Katuli*).

Secondly, the disputants must have confidence in the intervener that he / she will impartially and effectively facilitate the discussions. The following extracts from the interviews provide evidence of this:

....we must know that she has reconciliatory skills (*yo anga tubatika*) and will be able to advise appropriately (*wamafundwe*), must be exemplary, one we can learn from…
(Interview report 8 page 1: Sukwa. July 22, 2010. Misuku).

…she must be mature - past the child-bearing age with a lot of experiences in facilitating discussions and have the capacity to appropriately advise us and maintain confidentiality…
(Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe).

....we must know that the *nkhoswe* or anyone intervening is tolerant and impartial... (*Interview report 8 page 2: Chewa tribe. October 27, 2009. Chakhaza*).

....we prefer elderly women who are intelligent and have special skills to intervene in disputes… (*Interview report 1 page 3: Yao tribe. August 7, 2010. Katuli*).

Thirdly, the intervener must have been approached by one of the disputants to assist, except for close relatives who can intervene as they see it necessary. As research participants observed:

> …otherwise, the disputing couple may say who told you we have a conflict.... (*Interview report 2 page 4: Sukwa tribe. July 8, 2010. Misuku*).

> …..a brother to the husband may knock at the door and try to intervene if the wife is being beaten and try to stop the fight…
> (*Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe*).

> ...when there is a dispute between the husband and wife, the grandmother will mostly intervene when requested to do so...
> (*Interview report 5 page 1: Chewa tribe. June , 10, 2010. Chakhaza*).

> ...we only intervene in family matters only if requested to do so otherwise they may embarrass you...
> (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

Fourthly, tradition designates some individuals or groups to intervene in conflicts between husband and wife. In the Sukwa, Ngoni, Chewa and Yao tribes, a marriage counsellor has the responsibility to intervene in serious disputes arising between husband and wife. The following excerpts from interview reports demonstrate this:

> …..*mufusha* is called upon to intervene when there is a serious conflict between husband and wife…
> (*Interview report 2, page 5: Sukwa tribe. July 8, 2010. Misuku*).

> ....the wife first approaches the husband's aunt (sister to the father) or grandmother, then later the *thenga* when the conflict with her husband gets out of hand.... (*Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe*).

....if the *nkhoswe* fails the dispute is referred to the VH forum.... (*Interview report 6 page 3: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

....serious disputes between husband and wife are taken to the *nkhoswe*.... (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

Fifthly, even those designated by tradition must have certain qualities as the following excerpts from interview reports show:

...*mufusha* must be neutral, wise and of good character; man described in local language as *'wabundu'* (of good character)... (*Interview report 2 page 5: Sukwa tribe. July 8, 2010. Misuku*).

...elderly women with the ability to mediate domestic disputes and advise appropriately... (*Interview report 5 page 1: Ngoni tribe. May 18, 2010. Mpherembe*).

.....the VH's forum must be neutral and should not be corrupt, then people will be assured of being assisted fairly... (*Interview report 4 page 6: Chewa tribe. June 8, 2010. Chakhaza*).

….usually the *limana* leader intervening in a conflict between husband and wife is expected to be trustworthy and exemplary, one who will maintain confidentiality and will effectively mediate the process.… (*Interview report 5 page 2: Yao tribe. September 4, 2010. Katuli*).

4.3.2.3 Intervening in conflicts in different forums

According to the research participants' understanding, for the Sukwa and Ngoni tribes, in addition to the factors discussed above, other characteristics qualify individuals to effectively intervene in conflict situations. These include the following: age, ability to speak eloquently, ability to ask probing questions and

good character. The following extracts from interview reports provide an understanding of these assertions:

> ...*ifumu* must be of good behaviour - respect for others, self restraint, no criminal record… (*Interview report 8 page 2: Sukwa tribe. July 22, 2010. Misuku*).

> ...facilitators (*beruzgi*) with ability to ask critical questions.... (*Interview report 6 page 2: Ngoni tribe. May 19, 2010. Mpherembe*).

> ....able to eloquently present issues and have the ability to facilitate discussions (*bazifundo bakumanya kweruzga*)…. (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*).

This sub-section has presented the various factors that qualify a particular individual or group of individuals to effectively intervene in a particular conflict situation. The following sub section presents the place and role of women in the socio-political governance structures of the Sukwa, Ngoni, Chewa and Yao tribes as they relate to prevention and transformation of violent conflicts in their communities.

4.3.3 The place of women in the socio-political governance structures of the tribes

This section presents the findings of the study on the roles played by women in socio-political governance structures, in violent conflict prevention as well as transformation processes.

4.3.3.1 The role of women in the socio-political governance structures

Women form an integral part of the socio-political organisational structures of the Sukwa, Ngoni, Chewa and Yao tribes particularly in their individual capacities, as members of nucleus families, extended families and village community as highlighted above. Though not as prominent as men, women also play some leadership as well as other prominent roles in the socio-political governance structures of the four tribes.

Within the patrilineal tribes, in exceptional cases a woman may be installed as a VH or GVH where there is no man to take over the position in a patrilineal tribe as the following extract from interview reports shows:

> ...our traditional leaders are often men. All the fifty-two Sukwa villages are headed by men except one, which is headed by a woman... (*Interview report 5 page 2: Sukwa tribe. July 11, 2010. Misuku*).

Within the Ngoni communities covered by the study there was no female holding any of the traditional leadership position of VH, GVH and TA.

In the matrilineal communities, however, particularly the Chewa tribe, the study results revealed relatively more females holding traditional leadership positions of VH, GVH and even TA as well as those of advisors to the traditional leadership. The following extracts from interview reports support this statement:

> ....under our traditional authority we have more than six female VH and GVH...if you have time you can visit three of them.... said one GVH. (*Interview report 3 page 3: Chewa tribe. October 26, 2009. Chakhaza*).

...in fact the neighbouring traditional authority to us is female... (*Interview report 6 page 3: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

According to the research participants there were some female VH in the Yao communities as the following extract from interview reports shows:

...we have some female VH but they are few...I know two of them....” (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

In addition to those, the researcher interviewed one female VH and one advisor to the VH in the Chewa tribe as well as one advisor to the VH in the Yao tribe.

At the extended family level, in the Ngoni, Chewa and Yao tribes, elderly women convene special forums for females only to discuss conflicts that arise amongst the women; as the following extracts demonstrate:

...women had their own forum together with the girls...they used the forum to teach the girls the values, beliefs and principles governing their culture...... They could also use it to sort out any disputes arising between them.... (*Interview report 1 page 2: Ngoni tribe. May 3, 2010. Mpherembe*).

...women, too sometimes have their own *bwalo* to discuss conflicts between women only. In such cases the elderly women convene and facilitate a forum for all the women.... (*Interview report 5 page 3: Chewa tribe. June 10, 2010. Chakhaza*).

...elderly women convene special forum to discuss conflicts that concern women alone and resolve conflicts amongst them... (*Interview report 1 page 3: Yao tribe. August 7, 2010. Katuli*).

In the Sukwa tribe, at the *kaghamba* level, the wife of *ifumu* plays crucial roles of intervening in conflicts in the absence of her husband. Her key roles include

receiving complaints from the conflicting parties, convening forums and requesting other *mafumu* to facilitate the discussions in the absence of her husband; as demonstrated by the following excerpts from interview reports:

> ….in the absence of the husband she receives complaints from the members of the community and passes them to the husband… (*Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku*).

> ….she even helps to convene the forum but she has to liaise with another neighbouring *ifumu* to facilitate the forum… (*Interview report 8 page 2: Sukwa tribe. July 22, 2010. Misuku*).

> ....*umukashi wa lifumu wepe lifumu* meaning: the wife of *ifumu* is functionally *ifumu* as well... (*Interview report 1 page 9: Sukwa tribe. July 7, 2010. Misuku*).

In the matrilineal tribes, elderly women (*mbumba*) in the extended families are responsible for selecting the next village head person and the *nduna*; as the following extracts from interview reports show:

> ...*pachikhalidwe chathu kuti munthu akhale mfumu kapena nduna amasankhidwa ndi achibanja makamaka azimayi* meaning in our tradition a village headperson or an advisor to the village headperson is selected by female elders of the extended family.... (*Interview report 9 page 1: Chewa tribe. June 23, 2010. Chakhaza*).

> .....in the Yao culture the traditional leaders - the village head person, GVH or TA are all selected by women from their *limana* – *mbumba*. This group of women investigate in their *limana* who could be the most suitable person to become a traditional leader – the criteria used include honesty and good behaviour.... (*Interview report 5 page 1: Yao tribe. September 4, 2010. Katuli*).

In the Ngoni tribe, the extended family selects four women to advise a young couple - two from the husband's side and two from the wife's side. These women have the responsibility to reconcile the couple in case of any conflict arising between them.

> ...elderly women are selected to advise the husband and wife on how they should live....two from the husband's family and two from the wife's family...these are invited to intervene first when there is a conflict between the husband and wife... (*Interview report 7 page 2: Ngoni tribe. May 25, 2010. Mpherembe*).

This sub-section has examined the roles of women in the socio-political governance structures of the Sukwa, Ngoni, Chewa and Yao tribes with respect violent conflict prevention and transformation. The next sub-section presents the findings of the study on the roles played by women in conflict prevention.

4.3.3.2 The role of women in prevention of violent conflict

According to the research participants' understanding in all the four tribes studied, women play crucial roles in preventing violent conflict in the communities. They take leading roles in moulding their children through teaching, continuous advice and monitoring their behaviour to ensure that they adopt principles and moral values that enable them live in harmony with others and the community as a whole. The following extracts from interview reports support these claims:

> ...women play the primary roles of teaching; advising and monitoring the children to enable them grow into responsible members of the community that will live in harmony with others.... *(Interview report 1 page 6: Sukwa tribe. July 7, 2010. Misuku).*

...women used to assemble at the female village elder's house where they taught the girls the moral values, beliefs and principles governing their culture...to enable them grow into responsible women..... *(Interview report 1: page 2: Ngoni tribe. May 3, 2010. Mpherembe).*

....elderly women give tips to younger ones about how to avoid confrontations with their husbands in order to maintain harmony in their nucleus families... (*Interview report 8 page 1: Chewa tribe. October 27, 2009. Chakhaza*).

...women continuously advise and check whether their children are following the moral values that reinforce social harmony in the families and communities.... (*Interview report 5 page 1: Yao tribe. September 4, 2010. Katuli*).

In the Yao and Chewa tribes, some women play prominent roles in the initiation ceremonies to infuse moral values and beliefs in girls as the following extracts from interview reports show:

...the girls are grilled on different cultural aspects during initiation ceremony by an experienced woman who is also a member of he *gulewamkulu* sect.... (*Interview report 6 page 2: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

....a *nankungwi* for girls is an elderly experienced woman with deep knowledge of culture who is chosen by the community to teach the young girls to internalise cultural aspects....
(*Interview report 1 page 2: Yao tribe. August 7, 2010. Katuli*).

This sub-section has presented the roles women play in prevention of violent conflict in the Sukwa, Ngoni, Chewa and Yao tribes. The next sub-section presents the findings of the study on the roles played by women in violent conflict transformation processes.

4.3.3.3 The role of women in conflict transformation

In terms of their participation in violent conflict transformation, in the tribes of the Sukwa, Ngoni, Chewa and Yao, women participate in the various forums to discuss conflict at the different levels of the governance structures as the following excerpts from the interview reports show: :

> .... at any of these forums – family, *ifumu*, VH, GVH and TA the women must be present.... (*Interview report 1 page 9: Sukwa tribe. July 27, 2010. Misuku*).

> ....women participate in every forum; even the TA's indaba has now one woman who participates fully...
> (*Interview report 7 page 1: Ngoni tribe. May 25, 2010. Mpherembe*).

> ....there were more than fifteen women from the village who participated in the forum to discuss our conflict.....
> (*Interview report 1 page 1: Chewa tribe. June 4, 2010. Chakhaza*).

> …there are some families where the women dominate facilitation of conflict transformation processes because the men are not capable or are not available…. (*Interview report 2 page 2: Yao tribe. August 8, 2010. Katuli*).

There are slight differences in the roles that women play at the conflict transformation forums. In the Sukwa tribe, all the women present at the extended family, *kaghamba* and village forums are expected to play active roles of cross-examining the conflicting parties, bearing witness, as well as making decisions on the outcomes of the conflict alongside men. The following extract from interview reports supports this statement:

> .....the women actively participate in the forums by cross-examining the conflicting parties, bearing witness to the cases presented, deciding on the outcomes of the discussions and

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presenting their personal views..... *(Interview report 3 pages 4-5: Sukwa tribe. July 9, 2010. Misuku).*

In addition, in the Sukwa tribe, there are women with special roles in conflict interventions such as the wife of *ifumu* as already discussed above (Section 4.2.2.1 [c]) and elderly women. The following extract from the interview reports provides evidence for this claim:

...if two women have a conflict between them, one of them may approach an elderly woman like me to help them sort out their problems... *(Interview report 4 page 1: Sukwa tribe. August 17, 2009. Misuku).*

In the Ngoni tribe some forums have elderly woman as part of the facilitation team[10]. The women in the facilitation teams are actively involved in cross-examining the conflicting parties and are fully involved in all the decision-making processes at the forum. The following excerpts from interview reports provide evidence for these claims:

...the facilitation team at VH and GVH levels constitute selected men and women..... (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*).

In addition, within the Ngoni culture, elderly women, aunts and grandmothers play crucial roles in domestic conflicts as the following extracts from interview reports indicate:

...elderly women in our village have the responsibility to mediate domestic disputes between husbands and wives... *(Interview report 5 page 2: Ngoni tribe. May 18, 2010. Mpherembe).*

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[10] Previously females were not allowed to be part of the facilitation team but now they do because of a campaign by the primary justice project implemented by the Catholic Commission for Justice and Peace.

....when a dispute erupts between husband and wife, the wife first approaches the husband's aunt (sister to the father) or grandmother... *(Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe).*

In the Yao tribe, women are involved in conflict transformation processes in different ways. First as mothers in the nucleus families women take a leading role in facilitating discussions and providing advice when conflicts arise between their children as the following extract from interview reports demonstrates:

....for quarrels arising between siblings in the nucleus family, often the mothers intervene as the fathers are often away from the village.... *(Interview report 3 page 1: Yao tribe. August 11, 2010. Katuli).*

....a mother in-law may intervene in minor disputes between husband and wife...... (*Interview report 4 page 1: Yao tribe. August 15, 2010. Katuli*).

In the Yao and Chewa tribes, within the extended families, sometimes women play very active roles in facilitating conflict transformation forums particularly where there are no men, or where men are considered incompetent, or where there are conflicts involving women only. The following extracts from interview reports provide evidence for these claims:

...elderly women sometimes convene *bwalo* for women and facilitate discussions to transform conflicts between women... *(Interview report 5 page 3: Chewa tribe. June 10, 2010. Chakhaza)*

.... In the *limana* female elders convene and facilitate forums to discuss conflicts specifically between women. The female elders also try to reconcile and advise the women how best they should relate to one another.... (*Interview report 2 page 2: Yao tribe. August 8, 2010. Katuli*).

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> ....in our *limana* we have two women who are actively involved in the facilitation of transformation processes for conflicts that arise between family members.... (*Interview report 3 page 3: Yao tribe. August 11, 2010. Katuli*).

In the Sukwa, Chewa and Yao tribes; women holding the positions of VH or GVH are the final decision makers and provide leadership for forums convened to transform specific conflicts; as the following extract from interview reports shows:

> ....there is a female group village head person who is also a forum convener and overall decision maker in the conflict transformation process... *(Interview report 5 page 2: Sukwa tribe. July 11, 2010. Misuku).*

> ....my role as a female VH like any other male VH is to welcome the people, introduce the dispute, ask the conflicting parties to make presentations; then hand over to the *nduna* and elders to facilitate the discussions. I come in again to communicate the decision of the forum.... *(Interview report 8 page 2: Chewa tribe. October 27, 2009. Chakhaza).*

> ….our VH is female; she is the overall leader and makes the final decisions during forums convened to transform specific conflicts.... *(Interview report 5 page 2: Yao tribe. September 4, 2010. Katuli).*

This sub-section has presented the different roles that women play in conflict transformation processes. In general terms women play some roles in conflict transformation at the the forums as participants, conveners, facilitators, as well as overall forum leaders. The next section concludes Chapter Four.

4.4 Conclusion

This chapter has briefly discussed the historical background for the Sukwa, Ngoni, Chewa and Yao tribes. The chapter has discussed the different levels of the socio-political governance structures for the four tribes studied namely individual, nucleus family, extended family, sub-village, village, group village, sub-traditional authority, traditional authority and paramount chief. The findings of the study reveal that at each of these levels there are mechanisms for dealing with violent conflict. The chapter has also highlighted how at each level of the governance structures individuals or groups of people intervene in conflict situations. The chapter has further discussed the various factors, which qualify and legitimise individuals and groups of people to intervene in conflict situations. The chapter ends by highlighting the specific roles women play in the conflict interventions within the governance structures.

The next chapter of the thesis examines the methods used by the Sukwa, Ngoni, Chewa and Yao tribes to prevent and transform violent conflict in their communities.

Chapter 5: Findings of methods and tools used for prevention and transformation of violent conflicts in the Sukwa, Ngoni, Chewa and Yao tribes in Malawi

"Conflict can be understood as the motor of change that which keeps relationships and social structures honest, alive and dynamically responsive to human needs, aspirations and growth" (John Paul Lederach 2003: 18).

5.1 Introduction

This chapter discusses the findings of the field study of traditional methods for conflict prevention and transformation used by the patrilineal tribes of the Sukwa and Ngoni and matrilineal tribes of Chewa and Yao in Malawi.

The findings have been presented based on the thematic categories delineated from specific objectives of the study, which include the following: perceiving conflict, preventing violent conflict, transforming violent conflict and linking traditional systems with other systems. For each thematic category, the findings have been presented based on specific themes, which emerged from the data collected during the study. The specific themes that emerged for each thematic category have been summarised below (Table 5).

Table 5: Summary of themes per thematic category

Number	Thematic category	Themes
1	Perceiving conflict	▪ Perceiving differences ▪ Engaging in disputes ▪ Fighting ▪ Engaging in war
2	Preventing violent conflict	▪ Cultural values ▪ Acquiring values ▪ Maintaining good relationships ▪ Respecting traditional beliefs ▪ Role of women in prevention of violent conflict
3	Transforming violent conflict	▪ Creating conducive environment for discussing conflict ▪ Listening to conflicting parties ▪ Searching for the truth ▪ Ensuring that issues have been exhausted ▪ Guaranteeing consensus in the outcomes of the discussions ▪ Reconciling the conflicting parties ▪ Referring the conflict for discussion at higher forum ▪ Reinforcing the forums' decisions ▪ Role of women in transformation of violent conflict
4	Linking with other systems	▪ Determining conflicts to be handled through traditional systems ▪ Collaborating with formal justice systems ▪ Appreciating advantages of traditional systems over formal justice systems

5.2 Perceiving conflict situations

Examining the different terms used to describe a conflict situation, by the Sukwa, Ngoni, Chewa and Yao tribes; several themes emerged that reflected the research participants' understanding of the meaning of a conflict situation in their respective languages.

In the Sukwa tribe, the following themes emerged that conveyed the meaning of a conflict situation: - *kuywegha* (engaging in a dispute), *chifulupi* (having wide spread uncontrolled violence) *kulwa* (fighting), *kuleghana* (perceiving differences) and *ubwite (*engaging in war).

In the Ngoni tribe the themes that emerged that described a conflict situation included: *kupambana* (perceiving differences), *kutchayana* (fighting*)*, *nkhondo* (engaging in war), *kukwesana* (engaging in a dispute) and *chivundungwelu* (uncontrolled chaotic violence).

In the Chewa tribe, the following themes emerged that constructed the meaning of a conflict situation: *kusiyana (*perceiving differences*)*, *kukangana (*engaging in a dispute*)*, *kumenyana (*engaging in a fight*)*, *kuchita chipwirikiti / chipolowe (*engaging in a chaotic situation with uncontrolled violence*)*, *kuchita nkhondo (engaging in war)*.

Similarly, in the Yao language the research participants identified the following themes that described conflict situations: *kulekangana* (perceiving differences), *kukangana* (engaging in a dispute), *kuchita ndeu* (engaging in a fight), *kuchita ngondo* (engaging in war).

For each tribe, the research participants arranged the themes that emerged in order of increasing intensity of conflict on a scale of one to five. On this scale 'one'

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represented a theme that reflected the lowest intensity of conflict, while 'five' represented a theme that reflected the highest intensity of conflict. The findings from this analysis have been summarised in a cross-tabulation below that reflects the themes in order of increasing intensity of conflict against the tribes (Table 6). For all the tribes the themes that emerged in order of increasing intensity of conflict were as follows: perceiving differences, engaging in dispute, engaging in a fight, engaging in uncontrolled chaotic violent conflict and engaging in war. The theme 'engaging in an uncontrollable chaotic violent conflict', however, did not emerge amongst the themes that research participants in the Yao tribe used to construct the meaning of a conflict situation. Together all the themes outlined above provide a clear meaning of conflict situations as constructed and understood by the research participants in the four tribes.

Table 6: Themes used to describe a conflict situation in order of increasing intensity of conflict

Intensity of conflict	1	2	3	4	5
Theme (English)	Perceiving differences	Engaging in dispute	Engaging in a fight	Engaging in uncontrolled chaotic violent conflict	Engaging in war
Sukwa	*Kuleghana*	*Kuywegha*	*Kulwa*	*Chifulupi*	*Ubwite*
Ngoni	*Kupambana*	*Kukwesana*	*Kutchayana*	*Chivundungwelu*	*Nkhondo*
Chewa	*Kusiyana*	*Kukangana*	*Kumenyana*	*Kuchita chipwirikiti / chipolowe*	*Kuchita nkhondo*
Yao	*Kulekangana*	*Kukangana*	*Kuchita ndeu*	-	*Kuchita ngondo*

Source: The cross tabulation was reconstructed by the author using participants' tables presented per tribe for ease of comparisons between tribes.

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The next sub-sections will discuss each theme in detail based on the research participants' understanding of conflict situations in the various tribes.

5.2.1 Perceiving differences

In the Sukwa, Ngoni, Chewa and Yao tribes' perceptions of differences in opinions, interests, needs, language tone, acts etc. between two or more individuals or groups of individuals were considered as normal and part of everyday life. They were also perceived as the starting points for expressions of conflict situations. The following excerpts from interview reports from the four tribes demonstrate these claims:

> ....where there are two or more individuals, such as husband and wife....men and women ... there are always differences in opinions, interests and needs...this may grow into violent conflict..... (*Interview report 4 page 2: Sukwa tribe. August 17, 2009. Misuku*).

> ...*kupambana* (to differ) – people differ in many things - looks, opinions, interests, tolerance levels... (*Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe*).

> ....people differ in opinions, thoughts, interests....this happens every time even here where we are.....though part of life, these differences may result in disputes....... (*Interview report 4 page 4: Chewa tribe. June 8, 2010. Chakhaza*).

> ....where there are two or more people, they always differ in opinions, arguments, debates, interests.... these happen all the time...if not controlled, differences may result in conflict.... (*Interview report 3 page 1: Yao tribe. August 11, 2010. Katuli*).

According to the research participants' understanding, differences or perceived differences become a concern to individuals or a community if they are associated

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with uncontrolled temper or anger as the following extracts from the interview reports demonstrate:

> ...differences associated with temper, if left uncontrolled, grow into violent conflicts, which destroy the good relationships between individuals in our community…. commented one VH. (*Interview report 6 page 2: Sukwa tribe. August 18, 2009. Misuku*).

> .....if perceptions of differences are not controlled they may result in a dispute between the opposing sides..... (*Interview report 5 page 1: Ngoni tribe. May 18, 2010. Mpherembe*).

> .....though part of life, perceived differences become a concern when they result in disputes....... (*Interview report 4 page 4: Chewa tribe. June 8, 2010. Chakhaza*).

> ....these happen all the time...if not controlled differences may result in conflict.... (*Interview report 3 page 1: Yao tribe. August 11, 2010. Katuli*).

In three tribes, however, these differences were considered as vital for positive changes to occur in their communities. In addition, the differences were perceived to create the necessary diversity, which made the community interesting. Excerpts from interview reports provide evidence for these claims:

> ...*pala tutakuleghana tutangakwera* - meaning without such differences we cannot change for the better... commented one young woman. (*Interview report 1 page 3: Sukwa tribe. July 7, 2010. Misuku*).

> .....it is normal and healthy that people or parties differ...that is what brings in creativity. The world would be boring if we all were similar in everything..... explained one elder. (*Interview report 5 page 1: Ngoni tribe. May 18, 2010. Mpherembe*).

...if there are more than two people you expect differences....these differences bring about diversity which makes the community interesting....

(Interview report 8 page 1: Chewa tribe. October 27, 2009. Chakhaza).

These views agree with those of Lederach (2003:18), when he perceives conflict as "the motor of change which keeps relationships and social structures honest and alive and dynamically responsive to human needs, aspirations and growth".

5.2.2 Engaging in a dispute

Driven by rising tempers and intentions to inflict pain, hurt or cause fear on each other; two or more individuals, or groups of individuals may use different forms of aggressive language such as shouting, insulting, verbal threats, abusive language and accusations or physical aggression such as pushing or beating or even stop talking to each other; or cause damage to each others' property. These according to research participants, are the different forms in which disputes manifest. Disputes, in this context, are associated more with intensive verbal rather than physical aggression and do not often result in injuries or serious damage of property, but may have serious psychological impact. The following excerpts from interview reports provide evidence for these statements:

...I hate Wednesdays.... I know that after the market he will keep on drinking until early hours of the morning...and when he comes he wants me to make a fire and warm his food... by this time I am very angry I start shouting at him....I just want to say anything that I can so that he too should feel the pain. ….He, however, does not answer anything he eats his food goes to bed and immediately starts snoring. I keep on talking for several minutes. The following day, I do not want to talk to him anymore. I keep quiet, he keeps quiet too. For several days we are not talking to each other…

(*Interview report 8 page 1-2: Sukwa tribe. July 22, 2010. Misuku*).

...disputes are associated with rising tempers, people shout at each other there is aggressive noise and there could be physical encounters.... (*Interview report 1 page 1: Ngoni tribe. May 3, 2010. Mpherembe*).

....I tried to apologise but she kept on shouting and insulting me. I lost my temper and slapped her on her face.... She became totally uncontrollable with anger trying to fight back, but my friends advised me to go away....we did not talk to each other for three days.... (*Interview report 1 page 1: Chewa tribe June 4, 2010. Chakhaza*).

...disputes are associated with high tempers, verbal clash, quarrels and sometimes physical confrontations..... (*Interview report 3 page 1: Yao tribe. August 11, 2010. Katuli*).

....disputes may be associated with physical aggression, for boys such as pushing each other; sometimes parents beating their children….. (*Interview report 7 page 1: Yao tribe. August 17, 2010. Katuli).*

The results of the data analyses from all the four tribes revealed that disputes commonly occurred between husbands and wives, people at beer parties, between households competing over pieces of land, between individuals or families because of accusations of witchcraft and between individuals or families competing over chieftainship; as the following excerpts from interview reports show:

....disputes are common between husbands and wives (domestic conflicts) and where there are accusations of witchcraft...
(Interview report 2 page 1: Sukwa tribe. July 8, 2010. Misuku).

....we have a lot of disputes over land; we also have disputes over who becomes a VH for a particular village; there are also disputes associated with some individuals challenging the

authority of the traditional leaders...disputes over unpaid debts.... (*Interview report 2 page 1: Ngoni tribe. May 8, 2010. Mpherembe*).

...marital disputes between husbands and wives, theft related disputes, disputes over livestock goats and pigs destroying other people's crops are common*...* (*Interview report 4 page 4: Chewa tribe. June 8, 2010. Chakhaza*).

...disputes mostly happen between husband and wives, between children, sometimes between men at beer drinking places. There are disputes over land, disputes over property; domestic disputes are also common…. *(Interview report 4 page 1: Yao tribe. August 15, 2010. Katuli).*

To a certain extent, disputes can be tolerated and the disputants can live with them, let them disappear on their own. The following excerpts of interviews from the Sukwa and Ngoni tribes demonstrate this:

...it happened to me as well…..in the first year of our marriage, I used to be offended and angry with her frequent outbursts of temper and rude remarks….but now I am used to them. I know it is her way of life…." shared one elder during discussions at the village forum referring to his experiences.... (*Interview report 12 page 1: Sukwa tribe. August 19 – 23. Misuku*).

....we do not like *kukwesana* in our community...but that will always happen; sometimes we just have to tolerate them, it is part of life... remarked an elderly man. (*Interview report 1 page 1: Ngoni tribe. May 3, 2010. Mpherembe*).

The study findings from all the four tribes, however, show that when tempers rise and become uncontrollable, disputes become a serious issue of concern between the disputants as well as to the community as a whole. In such cases there is the tendency for one of the disputants, who feels insecure or hurt, to seek intervention by a third party. Sometimes family members or other concerned parties intervene, fearing the negative consequences that may ensue if the dispute is left

uncontrolled. The following extracts from interview reports provide evidence of these statements:

> ...for several nights as they were passing near my house they shouted, insulted, accused…."you thieves…..corrupt leaders…..you steal things meant for orphans and the sick …you are not even embarrassed",.....one of them pushed me as I tried to reason with them. I almost started fighting…. somehow I controlled my temper and decided to report the issue to the village headman,….. complained one VH advisor.
> *(Interview report 2 page 4: Sukwa tribe. July 8, 2010. Misuku).*

> ....there are always disputes over pieces of land, witchcraft accusations and domestic dispute ....anyone who feels hurt or threatened takes the matter to the VH...
> (*Interview report 1 page 1: Ngoni tribe. May 3, 2010. Mpherembe*).

> ....the anger, noise and aggression (*phokoso la ukali*) associated with disputes are a concern to people, they fear that if they do not intervene the disputants may kill each other...."
> (*Interview report 4 page 5: Chewa tribe. June 8, 2010. Chakhaza*).

> ....people do not like to see individuals or groups of people quarrelling, insulting each other, if there are verbal aggression associated with anger, they try to intervene... (*Interview report 7 page 1: Yao tribe. August 17, 2010. Katuli*).

5.2.3 Engaging in a fight

Fighting occurs where opposing individuals or groups employ intensive physical aggression, using bare hands, feet, head, sticks, stones or whatever objects available to inflict pain or cause harm on each other; or sometimes to damage each others' property. Fights are instantaneous often driven by pain, temper, or lack of self-control. These may or may not cause injuries and damages to property. The following excerpts from interview reports from the Sukwa, Ngoni,

Chewa and Yao tribes highlight the understanding of the research participants on the concept of fighting:

> ....a physical encounter between two people aimed at inflicting pain on each other.... *(Interview report 4 page 1: Ngoni tribe. May 15, 2010. Mpherembe).*

> ....disputants try to punish one another – by beating with hands or using sticks... (*Interview report 2 page 1: Sukwa tribe. July 8, 2010. Misuku*).

> ....physical encounter between two or more people aimed at hurting or causing pain on each other. The opponents use hands, legs, head etc to hurt each other.... (*Interview report 3 page 1: Chewa tribe. October 26, 2009. Chakhaza*).

> .....fight, physical struggle aimed at inflicting pain on each other, beating each other with body part or objects…fighting between two people or more, may result in injury or destruction of property… *(Interview report 4 page 1: Yao tribe. August 15, 2010. Katuli).*

Interview reports revealed that common fights in the Sukwa communities were between husbands and wives, between wives in a polygamous family, between children particularly boys, between drunkards at beer drinking places as the extract from the interview reports below shows:

> ....this happens at beer parties or amongst boys or where a spouse is found cheating... (*Interview report 1 page 3: Sukwa tribe. July 7, 2010. Misuku*).

In the Ngoni tribe, most fights were associated with competition over pieces of land. An incidence of fight as narrated by the village headman's advisor in one of the villages provides some demonstration of fight as understood by the community:

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...they slashed down his maize plot...he sent his workers to beat him.... (*Interview report 3 page 1: Ngoni tribe. May 9, 2010. Mpherembe*).

Fights are a serious concern to all the tribes. Any fight will immediately attract interveners to stop the disputants before any injuries occur; as the following extracts from interview reports demonstrate:

...any fight has to be stopped immediately before the people involved injure each other. Fortunately, it is very rare in our community to see people fight... commented one village headman's advisor. *(Interview report page 7 page 1: Sukwa tribe. July 14, 2010. Misuku).*

...fights are considered serious conflicts and people will always intervene.... (*Interview report 2 page 1: Ngoni tribe. May 8, 2010. Mpherembe*).

....fighting concerns people, they fear that if they do not intervene the disputants may kill each other.....
(*Interview report 4 page 5: Chewa tribe. June 8, 2010. Chakhaza).*

....people do not like *ndeu* (fights), they will immediately intervene... (*Interview report 7 page 1: Yao tribe. August 17, 2010. Katuli*).

5.2.4 Engaging in an uncontrollable violent conflict

Occasionally uncontrollable widespread violent conflict situations arise in the communities that are often driven by temper or fear, involving mobs or groups of people against each other. This situation is triggered by a fight or intense dispute between two people. The people from the two opposing groups beat each other or destroy each other's property. The situation is often an instantaneous uncontrollable reaction. This situation was described in the Sukwa, Ngoni and Chewa tribes as the following extracts from interviews reports show:

....chifulupi is a situation of unrest, wide spread uncontrollable violent conflict involving the majority of the community against another... *(Interview report 3 page 1: Sukwa tribe. July 9, 2010. Misuku).*

...you see people beating whoever they find as long as he or she is from an opposing side... looting of property...chaos, the acts are not coordinated everyone does what he or she can....
(*Interview report 1 page 1: Ngoni tribe. May 3, 2010. Mpherembe*).

...it was mob action...the other side was fighting back by beating and tearing clothes for whoever was in uniform... A young man described a chaotic scene of a football match, which turned into a battle between two villages. *(Interview report 3 page 1: Chewa tribe. October 26, 2009. Chakhaza).*

5.2.5 Engaging in war

In their understanding, research participants from the four tribes perceived war as being associated with wide spread violence involving heavy fighting with weapons such as spears, machetes, guns, bombs and fire; intended to destroy lives and property or even entire communities. It results in massive death, injury and displacement of people, destruction of property and public infrastructure. Unlike chaotic violent conflict situations, participants observed that war involves systematic planning and investment. The following extracts from interview reports from the four tribes demonstrate this description of war:

…there was blood and rotting corpses, empty villages, anger, misery amongst survivors, total destruction of homes, infrastructure and ..…but soldiers continued to systematically search for the enemy from community to community… Explains survivor of civil war in Mozambique. *(Interview report 2 page 1: Sukwa tribe. July 8, 2010. Misuku).*

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....war is massive violence involving use of weapons aimed at destroying each others' lives and property....*nkhondo* always involves calculated moves... *(Interview report 5 page 1: Ngoni. May 18, 2010. Mpherembe).*

....war is serious violent conflict involving mass injuries, loss of lives, wide spread, involving many people....
(Interview report 4 page 4: Chewa tribe. June 8, 2010. Chakhaza).

...*ngondo* is often associated with organised serious violent conflict resulting in massive injuries and deaths...in Mozambique many people run away from their homes they come here we hosted them…... *(Interview report 1 page 1: Yao tribe. August 7, 2010. Katuli).*

Once again, from the presentations above, conflicts situations in the Sukwa, Ngoni, Chewa and Yao tribes are perceived to manifest in different forms as arranged here in order of increasing intensity: perceiving differences, engaging in dispute, engaging in a fight, engaging in uncontrolled chaotic violent conflict situations as well as engaging in war; as illustrated below (Figure 1).

Figure 1: Illustration of increasing intensity of conflict starting with the lowest intensity

Perceiving differences *Kuleghana Kupambana Kusiyana Kulekangana*	Engaging in a dispute *Kuywegha Kukwesana Kukangana Kukangana*	Fighting *Kulwa Kutimbana Kumenyana Kuchita ndeu*	Engaging in chaotic violence *Chifulupi Chivundungwelu Chipwirikiti*	Engaging in war *Ubwite Nkhondo Nkhondo Ngondo*
1	2	3	4	5

Increasing conflict intensity →

Source: Illustration developed by author

The perception of conflict situations as illustrated above is similar to the different stages of intensity of conflict as outlined by Axt et al (2006:4).

The following section discusses the methods used by the Sukwa, Ngoni, Chewa and Yao tribes to prevent conflict intensity from increasing from level 'one' towards level 'five' as demonstrated in the illustration above (Figure 1); in other words it looks at methods for preventing violent conflict from occurring that the various tribes use when members perceive that a conflict could escalate.

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5.3 Preventing violent conflict

Analyses of interview reports revealed four themes that portrayed the meaning that the research participants in the Sukwa, Ngoni, Chewa and Yao tribes attached to the concept of violent conflict prevention. These included:

a) moral values
b) acquiring moral values
c) maintaining good relationships and
d) respecting traditional beliefs.

In other words, in the understanding of these tribes, violent conflict prevention had something to do with moral values of the community, the ability of the individual members in each community to acquire and internalise the moral values, maintenance of good relationships in the community and the respect for traditional beliefs. The subsequent sub-sections further elaborate on these four themes.
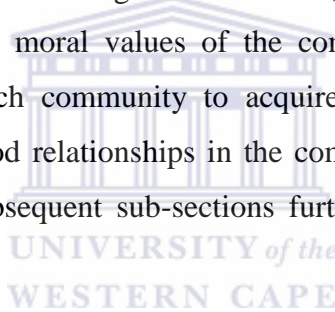
5.3.1 Moral values

Moral values are fundamental principles that govern the behaviour of individuals and the way they relate with each other in a particular tribe. These have evolved over time. Research participants outlined several subthemes that reflected moral values for each tribe that in their understanding contributed to prevention of violent conflict.

Analyses of interview reports from the Sukwa tribe revealed several subthemes that reflected the research participants' understanding of the moral values that contributed to violent conflict prevention in their communities. These were as

follows: - *lughindiko* (respect), *ubukamu* (relations), *ubupe* (sharing), *bwololo* (kindness / friendliness), *weshi amanyaghe fyo fikubombiwa* (transparency) *ubusubaliliwa* (trust) *ukwikola* (tolerance) and *ulughano* (love).

In the Ngoni tribe, from the analysis of interview reports the following subthemes emerged that in the research participants' understanding portrayed moral values that contributed to prevention of violent conflicts in their communities: - *ntchindi* (mutual respect), *kukhalilana* (interdependence), *kujikhizga* (humility), *kovwilana* sharing as illustrated by the proverb: *kakuchepa nkhakuvwala* meaning 'only clothes worn by someone cannot be shared', *kutemwana* (love), *kugomezgana* (trusting each other) and *kujikola* (tolerance).

Analysis of interview reports from the Chewa tribe revealed several subthemes that reflected the research participants' understanding of moral values that contributed to prevention of violent conflict: - *kulemekezana* (respect) for elders and each other; *ubale* (good relations) - within the extended family and village as a whole, *mgwirizano* (unity) in the extended family and village, *kukondana pakati pathu* (friendship), *kudalirana* (interdependence), *kudzitsitsa* (humility), *kumvera* (obedience) to the authority and for women to the men, *kudziletsa* / *kupilira* (tolerance) - excising self-restraint when confronted with a provoking situation.

Similarly in the Yao tribe the following subthemes reflected research participants' understanding of the moral values which contributed to violent conflict prevention in their communities:- *ulemu* (respect) for parents, elders, each other and women should respect men; *kudalirana* (interdependence) within the extended family and the village, *chikondi chetu pa ubale wetu* (love between family members), *ndife amodzi* (we are one) and *mgwirizano* (unity).

Altogether, the moral values outlined above are as follows: respect, relations, relationships, interdependence, unity kindness, friendliness, sharing, tolerance, self-restraint, humility, love obedience, trustworthiness and transparency. These values have been summarised below in a cross-tabulation of values against tribes (Table: 7) for ease of visualisation and further analysis.

Table 7: Moral values for the Sukwa, Ngoni, Chewa and Yao tribes that contributed to violent conflict prevention

Cultural value	Sukwa	Ngoni	Chewa	Yao
Respect	*Lughindiko*	*Ntchindi*	*Kulemekezana*	*Ulemu*
Relations relationship/ interdependence	*Ubukamu*	*Bumoza/ Kukhalirana*	*Ubale /Kudalirana*	*Ubale wetu Kudalirana*
Unity	*Ukuba pamupene*	*Kuba pamoza*	*Mgwirizano*	*Ndife amodzi*
Kindness / friendliness/ sharing	*Bwololo*	*Bunthu*	*Kukondana*	*Kuthandizana*
Transparency	*Weshi amanyaghe fyoshi fyo fikubombiwa*	*Kuchita vinthu pakweru*	*chilungamo chioneke poyera*	*Aliyense adziwe zochitika*
Tolerance / self restraint	*Kwikola*	*Kujikola*	*Kudziletsa / kupilira/kulolerana*	
Humility		*Kujikhizga*	*Kudzitsitsa*	*Kudzitsitsa*
Loving	*Lughano*	*Chitemwa*	*Kukondana pakati pathu*	*Chikondi paubale wetu*
Obedience		*Kupulikila*	*Kumvera*	
Trustworthiness	*Ubusubaliliwa*	*Kugomezgana*	*Kukhulupirana*	

Source: compiled by author using interview data

According to the understanding of the research participants, these moral values prevent them from displaying or engaging in aggressive behaviour but rather enhance self-control or self-restraint in individuals and the promotion of good relationships between them as demonstrated below:

Firstly, in the understanding of research participants, mutual respect between men, women and children and for parents, elders and leaders help to prevent violent conflict. Respect enables individuals to value other people including their contributions and ideas. It restrains individuals from displaying aggressive behaviour towards others. It enables one to seek more tactful ways of engaging with those one respects and in doing so, averts potentially violent conflict situations as demonstrated in the following extracts from the interview reports:

> …a boy beating his father? This is unheard of in our community because the father is a very important person that you should always respect…regardless of whatever he does to you … lamented an elderly man. *(Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku).*

> ….the starting point for preventing a violent conflict is every individual in the community…respect for others, self restraint by choosing the right words to use or the best way to deliver your message without offending others… (*Interview report 2 page 3: Sukwa tribe. July 8, 2010. Misuku*).

> ....just like fingers on one hand, members of a particular community or society need to respect individual contributions. Each individual needs to listen and respect other people's ideas.... (*Interview report 7 page 2: Ngoni tribe. May 25, 2010. Mpherembe*).

> …children have to respect elders….men have to respect women…women have to respect men….that is what keeps our community peaceful… (*Interview report 3 page 1: Chewa tribe. October 26, 2009. Chakhaza*).

...we must show respect for elders and parents particularly the father and the uncles, we must also respect each other....in so doing we treat each other cautiously and avoid violent conflict.... (*Interview report 1: page 2. Yao tribe. August 7, 2010. Katuli*).

Secondly, the analyses of subthemes that emerged showed that the Sukwa, Ngoni, Chewa and Yao tribes all valued good relations, love, amongst nucleus and extended family members as well as within the community as a whole. They also strongly believed in unity. These values served as a binding factor for members of a particular community, even if they did not have any biological relations. There was a tendency to avoid behaviour that was likely to disunite them. Violent conflict was consequently considered undesirable. The following excerpts from interview reports provide evidence for these claims:

…*tuli bamubene*- meaning 'we are all one'….we need to be available to each other in case of illness, funerals and in times of cerebrations ...how can we do that if we have tensions between us…. *(Interview report 3 page 6: Sukwa tribe. July 9, 2010. Misuku).*

...*zanhla ziyagezana*"... literally meaning, "hands clean each other. One hand cannot clean itself....this implies people need each other in all aspects of life ...they always have to maintain good relationships. *(Interview report 7 page 2: Ngoni tribe. May 25, 2010. Mpherembe).*

...*ndiwe munthu chifukwa cha banyako*" meaning "...you are regarded as someone because of others around you in fact I am a chief because of the people that make my tribe .... explains one chief. *(Interview report 7 page 2: Ngoni tribe. May 25, 2010. Mpherembe). ...*

This is like the *ubuntu* in South Africa. As the Ngoni tribe traces its descent from the Ubuntu societies of South Africa, this shows that they have retained some of the principles.

…our tradition values *ubale* (good relationships)…we are one people we always need each other…the worst punishment would be to be isolated from ones community.
(*Interview report 3 page 1: Chewa tribe. October 26, 2009. Chakhaza*).

....as members of one family, we cannot afford to be in conflict, the enemies of the family would take advantages of such differences to destabilize our *limana*..... (*Interview report 1 page 3: Yao tribe. August 7, 2010. Katuli*).

Thirdly, according to the understanding of the research participants, all the four tribes value kindness / friendliness, interdependency and sharing. These values enable members to derive mutual benefits from each other. There is a tendency for community members to depend on each other in both good and bad times. These values promote cohesiveness in the community as social security for individuals. The following excerpts from interview reports from the four tribes provide evidence for these claims:

…how can we support one another and live together if we are quarrelling…we…share food and support each other in times of problems and cerebrations… (*Interview report 7 page 3: Sukwa tribe. July 14, 2010. Misuku*).

....we have a proverb...'food is never too little to share'....
(*Interview report 1 page 2: Ngoni tribe. May 3, 2010. Mpherembe*).

...our culture encourages (*kudalirana*) interdependence amongst the members of the community...*umodzi ndi mphamvu* meaning 'in unity there is power'... (*Interview report 4 page 6: Chewa tribe. June 8, 2010. Chakhaza*).

....*ndife amodzi* meaning we are one people....we need and support each other during weddings, funerals *and chinamwali* etc....we always have to work as one family....   (*Interview report 2 page 1: Yao tribe. August 8, 2010. Katuli*).

Fourthly, the Sukwa, Ngoni and Chewa tribes value and encourage individuals to be tolerant and exercise self-restraint in order to contain aggressive behaviour towards others particularly when provoked. This helps them to prevent violent conflict. The following excerpts from interview reports from three tribes provide evidence for this claim:

> ....traditionally we are advised to be conscious the way we relate to each other, particularly the language we use and the way we react to differing perceptions...we are supposed to exercise self-restraint when dealing with each other even if we have opposing views...that is what keeps our community together.... explains one Sukwa woman. (*Interview report 4 page 1: Sukwa tribe. August 17, 2009. Misuku*).

> ....as a Ngoni you must be courageous but learn to be tolerant (*kujikola*)...boasts one elderly man. (*Interview report 3 page 2: Ngoni tribe. May 9, 2010. Mpherembe*).

> .....our culture teaches us to be tolerant – if your wife is shouting at you keep quiet or walk away until the tempers subside that is when you can peacefully discuss the issue with her...
> (*Interview report 8 page 1: Chewa tribe. October 27, 2009. Chakhaza*).

Fifthly, for the Ngoni and Chewa tribes, obedience to elders or authority is considered an important factor for preventing violent conflict. Obedience was associated with reverence and fear of those in authority such as the chiefs and the parents and therefore restrained individuals from displaying aggressive behaviour to those in authority; as the following extracts from interview reports from these tribes show:

> ....*njobe zikopana* meaning even 'fingers fear each other'....this implies that we need to obey and respect authority....
> (*Interview report 2 page 2: Ngoni tribe. May 8, 2010. Mpherembe).*

....ideal woman is supposed to be obedient to the man (*amvere mwamuna wake*)....similarly children should be obedient to the parents.... *(Interview report 5 page 1: Chewa tribe. June 10, 2010. Chakhaza).*

Sixthly, according to the research participants' understanding in the Ngoni and Chewa tribes, humility prevented violent conflict in the family and community as a whole. Humble characters were less likely to respond aggressively to provocation. The following extracts from interview reports provide evidence for these claims:

> ...*apo pali banthu bakujikhiza viwawa vikuchepa* - meaning where you have humble people there are few incidences of violent conflict... (*Interview report 6 page 2: Ngoni tribe. May 19, 2010. Mpherembe*).

> ....girls went through an intensive initiation ceremony where they were taught to be loving humble and obedient to men to avoid conflicts in the family... (*Interview report 5 page 1: Chewa tribe. June 10, 2010. Chakhaza*).

Seventhly, for the Sukwa, Ngoni and Chewa tribes; trustworthiness, according to research participants' understanding played a significant role in preventing violent conflict. Trust was believed to prevent violent conflict. Lack of trust on the other hand was believed to fuel violent conflict; as demonstrated by excerpts from interview reports below:

> ...If every member of our family will be trustworthy we will not experience any violent conflict – lack of trust fuels violent conflict... *(Interview report 1 page 7: Sukwa tribe. July 7, 2010. Misuku).*

> ....I advise women to trust their husbands – where there is no trust even petty issues bring violent conflict...
> (*Interview report 3 page 2: Ngoni tribe. May 9, 2010. Mpherembe*).

....we are taught to be trustworthy - trust prevents violent conflict in the family... (*Interview report 8 page 1: Chewa tribe. October 27, 2009. Chakhaza*).

This sub-section has outlined the different cultural values that contribute to prevention of violent conflict and how they prevent violent conflict in the Sukwa, Ngoni, Chewa and Yao tribes. Trust and trustworthiness are seen as the most important factors to prevent violent conflict by all tribes. The next sub-section shows how individuals in these tribes acquire and internalise these cultural values.

5.3.2 Acquiring cultural values

Acquiring values refers to mechanisms by which a child or any individual internalises the moral values that govern his / her behaviour and the way he / she interacts with others. The individual develops desired characteristics that enable him / her to live in harmony with other individuals or with the community as a whole. In all the four tribes, a child internalises moral values mainly from parents and extended family members such as grandparents, aunts, uncles, brothers, sisters, cousins and any other relatives. The parents, family members and community members assume responsibility of moulding the child through parental guidance that includes teaching, continuous advice, telling stories, songs and proverbs and living by example. They also continuously monitor the behaviour of their children and take corrective action such as advising or punishing where the child is acting contrary to the cultural values. The following excerpts from interview reports from the Sukwa and Ngoni tribes provide evidence of these claims:

...the most important people in our community are the parents...they mould us to whom we are…they always check

what we do, what we say, they teach us through stories, songs
and continuous advice...they rebuke us if we misbehave….
(*Interview interview report 9 page 1: Sukwa tribe. July 27,
2010. Misuku*).

"...at *sangweni* men teach boys how to grow into responsible
men using stories, proverbs, songs etc...women too have their
own forum where they teach the girls the values, beliefs and
principles governing our culture. (*Interview report 1 page 2:
Ngoni tribe. May 3, 2010. Mpherembe*).

Similarly, for the Chewa and Yao tribes, parents and extended family members
play crucial roles of helping boys and girls internalise the cultural values as the
following extracts from interview reports from these tribes show:

...we learn most of the basics about how we should behave
towards others from our parents and extended family
members...... *(Interview report 6 page 1: Chewa tribe. June 14
– 15, 2010. Chakhaza).*

....within the extended family, the parents, elders continuously
advise young ones on how to behave and relate with each other,
with their parents, with strangers and with elders in general....
(Interview report 4 page 4: Yao tribe. August 15, 2010. Katuli).

Most important of all, the children in the Chewa and Yao tribes internalise
cultural values through initiation ceremonies. In the Chewa tribe the boys are
initiated to the *gulewamkulu* secret sect while the girls go through a *chinamwali*
initiation. The *gulewamkulu* and *chinamwali* institution have components
responsible for teaching young boys to internalise moral values, beliefs and
practices of their culture. These ceremonies form transition for the boys and girls
from childhood to adulthood. The following extracts from interview reports
provide more information about the role of *gulewamkulu* initiation in violent
conflict prevention:

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...the sect has standards for good and bad behaviour which the young people must strictly follow..... *(Interview report 4 page 3: Chewa tribe)* The initiated young people who do not follow the standards are supposed to be punished.... (*Interview report 5 page 3: Chewa tribe. June 10, 2010. Chakhaza*).

....through the *guluwamkulu* initiation ceremonies young people are taught how they should behave in the society and good behaviour such as not to steal, not to use abusive language when talking to fellow children, elders or parents. The teachings also emphasise on the importance of respect for parents and elders and the importance of young people to help the elders.....
(Interview report 4 page 6: Chewa tribe. June 8, 2010. Chakhaza).

Similarly, in the Yao tribe, initiation ceremonies are the main ways through which boys and girls internalise cultural values. The following extracts from reports provide evidence for this claim:

...any Yao girl or boy has to go through a special initiation ceremony called *chinamwali* or *unyago*... (*Interview report 1 page 2: Yao tribe. August 7, 2010. Katuli*).

....the boys are grilled by a *nankungwi* a man who has a deeper understanding of culture and has skills to teach the young boys cultural aspects at a special camp called *jando / uzimba / ndagala*... (*Interview 1 page 2: Yao tribe. August 7, 2010. Katuli*).
....the girls in the ages range of six to nine years are grilled on cultural aspects particularly on how they should behave – respect for elders, respect for men, how they should relate to boys, men and elders in general by a female *nankungwi* at an initiation camp called *nzando*... (*Interview report 1 page 2: Yao tribe. August 7, 2010. Katuli).*

In the understanding of the research participants in the Sukwa and Ngoni tribes, the children also acquire values through education, television, videos and other

media some of which are contradictory to the traditional moral values; as the following extracts from interview reports from the Sukwa and Ngoni tribes show:

> … now some of our children have developed strange behaviours …they are unruly….they fight…some even steals....we know some of these strange behaviours they learn from others when they go to school, others from televisions and videos.…
> (*Interview report 6 page 5: Sukwa tribe. August 18, 2009. Misuku*).

> ....because of intermarriages, western education and religion, our cultural aspects are slowly being diluted...
> (*Interview report 4 page 2: Ngoni tribe. May 15, 2010. Mpherembe*).

This section has presented the different ways in which individuals acquire cultural values in the four tribes. The following section presents the methods used by the tribes to maintain good relationships between individuals and in the community as a whole.
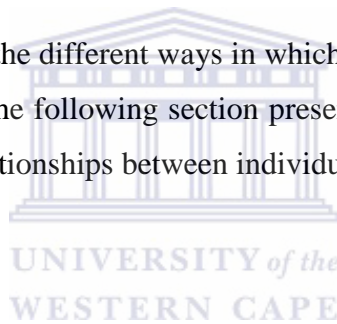
5.3.3 Maintaining good relationships

Maintaining good relationships refers to situations where individuals or groups in the community value and are committed to maintaining friendly relationships with individuals, members of their family, their community, as well as groups from other communities.

According to the research participants' understanding, the Sukwa communities have a proactive system for establishing relationships with other communities. The following excerpts from interview reports from the Sukwa tribe provide evidence of this practice:

....we send our envoys to a community we want to establish relationship with. They discuss with the traditional leader and his elders the possibilities that we could be visiting each other and compete on *mambenenga* dancing…when they arrive in our community, each household chooses a visitor or visiting couple that they will make friends with and host……The host household prepares accommodation, food …Through this system households have long lasting friendships with other households in distant communities of TA Mwaulambya, Kyungu and even across the border in Tanzania, in which they visit each other more as relatives outside the dancing competitions… reports the GVH. (*Interview report 6 pages 1-2: Sukwa tribe. August 18, 2009. Misuku*).

The Sukwa, Ngoni, Chewa and Yao tribes maintain good relationships in their nucleus families, extended families and community as a whole by emphasising dialogue and decisions by consensus; as the following excerpts from interview reports from these tribes demonstrate:

....our village headman occasionally calls for meetings for all men and women in our village to discuss arising issues after noticing strange behaviours or rising tensions in the community….For each issue discussed we agreed on way forward in form of rules which we all agree to follow so that we minimise disputes…(*Interview report 9 page 1: Sukwa tribe. July 27, 2010. Misuku*).

...we may differ in our opinions...argue but we believe in dealing with issues through dialogue and at the end of the day we want consensus....we may wrong each other in different ways but we believe in peaceful discussions in order to resolve our differences (*kususkana mwa uzengi*).... (*Interview report 1 page 4: Ngoni tribe. May 3, 2010. Mpherembe*).

....in our tradition if someone has wronged you do not go straight to talk to him or her; you take the issues to *akubanja* or to the *nduna* or to any elderly person who will help to sort out the issue... (*Interview report 1 page 2: Chewa tribe. June 4, 2010. Chakhaza*).

...individuals mostly resort to discussions when conflicts arise. This helps to maintain good relationships in the families and community as a whole.... (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

As highlighted above dialogue and proactive relationship building are the main methods the Sukwa, Ngoni, Chewa and Yao tribes use to maintain relationships between individuals in the families and communities as a whole. The next sub-section presents cultural beliefs that contribute to prevention of violent conflicts in the tribes.

5.3.4 Respecting beliefs

The research has shown that there are some traditional beliefs, which restrain individuals or groups from engaging in violent conflict. The Sukwa, Ngoni and Yao tribes value some beliefs, which in the understanding of the research participants contributed to prevention of violent conflict in the community. The following excerpts from the interview reports provide evidence of this fact:

…if you beat your father ....you are cursed… you will always face problems and misfortunes in your life until you reconcile…. *(Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku).*

….relatives such as brothers or sister, fathers and sons/daughters, mothers and sons/daughters should never be at loggerheads. This will provoke the fury of their ancestral spirits….when the ancestral spirits are angry family members experience lots of misfortunes such as sudden illness, accidents, bad luck…. (*Interview report 1 page 9: Sukwa tribe. July 7, 2010. Misuku*).

.... if you have a serious dispute with your mother and your mother is angry with you and she squeezes breast milk to the ground; you have been cursed you can never live a peaceful

life....your life will be miserable.....this belief enables the boys and girls to avoid getting into conflict with their mothers.... (*Interview report 2 page 3: Ngoni tribe. May 8, 2010. Mpherembe*).

...extended family members should never fight otherwise they allow family enemies to overpower them by taking advantage of the fights.... *(Interview report 2 page 1: Yao tribe. August 8, 2010. Katuli).*

This sub-section has presented some of the traditional beliefs used by tribes to prevent violent conflict within families. The next sub-section concludes the presentation of the research findings on prevention of violent conflict.

5.3.5 Concluding presentation on conflict prevention

This section of the thesis has presented three main methods used by the Sukwa, Ngoni, Chewa and Yao tribes to prevent violent conflict. These include the various cultural values such as mutual respect amongst members of a particular family or community, interdependence, unity, friendliness, kindness and tolerance and self-restraint; the ability of the community members to internalise the values and respect for traditional beliefs. The section has also highlighted the roles played by women in violent conflict prevention. The next section presents the different methods used by the Sukwa, Ngoni, Chewa and Yao tribes to transform violent conflict.

5.4 Transforming violent conflict

The key themes that construct the research participants' understanding of the process of 'transforming violent conflict' in the Sukwa, Ngoni, Chewa and Yao tribes include creating a conducive environment for discussions, listening to each

of the parties to the conflict, searching for the truth, ensuring that all issues have been exhausted, reconciling the conflicting parties and freedom to refer a particular conflict for discussion at another forum. In other words, for the four tribes, a particular conflict can be transformed if a conducive environment has been created for all the parties to freely participate in the discussions of the conflict, other requirements are that the views of each of the parties to the conflict have been heard, the truth of the matter at the centre of the conflict has come out, all the issues have been exhausted and the conflicting parties have been reconciled. In this process each of the parties to the conflict has the freedom to accept or reject the outcome of the discussions, otherwise he / she is free to take the conflict for discussion at a higher forum. The following sub-sections elaborate more on each theme.

5.4.1 Creating an environment conducive for discussions

Creating an environment conducive for discussions means establishing a platform or space, where each of the conflicting parties and any other participant in a discussion for a particular conflict, feels free to talk, or present views or vent emotions without being interrupted, or threatened. In addition, for those failing to express themselves because of emotions such as anger, fear, or shyness the forum provides an appropriate mechanism for obtaining their views. According to the understanding of the research participants, in all the four tribes any forum to discuss a particular conflict must have an environment that is conducive for each of the conflicting parties to freely participate in the discussions. In the extended family forums where every individual is related to another in one way or the other, the facilitators are expected not to side with any of the disputants. At any of the traditional leadership levels – sub-village, village, GVH, TA and paramount

chief the following factors are considered when establishing a forum that guarantees conducive an environment for the conflicting parties and other forum participants to effectively discuss a particular conflict:

Firstly, if one of the facilitators is a relative, friend, or suspected to have some links with any of the conflicting parties or is feared to be operating under some influence that might affect the outcome of the discussions, a neutral individual or team is brought in to facilitate the discussion of a particular conflict. The following excerpts from interview report from three tribes provide evidence for these claims:

> ...*ifumu* will invite other *mafumu* to help in facilitating the discussions in the forum if one of the people involved in a conflict is his friend or relative... (*Interview report 2 page 6: Sukwa tribe. July 8, 2010. Misuku*).

> ....when one of the people involved in the conflict accused the GVH of being unfair....the GVH ordered that the conflict be referred to another neutral GVH's forum for a fair discussion.... (*Interview report 3 page 5: Sukwa tribe. July 9, 2010. Misuku*)

> ....if the VH is a drunkard, the *induna* or his brother takes over the leadership of the forum...the quality of the forum is not affected in any way since there are many able people who guide the processes... *(Interview report 5 page 2: Ngoni tribe. May 18, 2010. Mpherembe).*

> ...if the VH's forum is perceived to be neutral and not to take sides, people are assured of being assisted fairly and they take it seriously.... *(Interview report 4 page 6: Chewa tribe. June 8, 2010. Chakhaza).*

Secondly, there are mechanisms to check corrupt practices during discussions at the various forums as the following extracts from interview reports from all the four tribes show:

.....all the men and women present at the forum are encouraged to be actively involved in asking probing questions to the conflicting parties to ensure that the conflict is discussed in an open and transparent manner...and rule out any influence by any prior arrangement between the facilitators and one of the conflicting parties.... *(Interview report 2 page 7 - 8: Sukwa tribe. July 8, 2010. Misuku)*

...if the VH has been corrupted...and tries to influence the decisions or makes short cuts, the direction of the discussions clearly show that something is not going on well...forum participants object to the outcomes of the discussion (*bakujuma*)... (*Interview report 5 page 3: Ngoni tribe. May 18, 2010. Mpherembe*).

....if there are any witnesses from both sides, they are asked to leave the forum and stay somewhere where they cannot hear the proceedings to ensure that there testimonies are not influenced by other people's presentations..... (*Interview report 5 page 2: Chewa tribe. June 10, 2010. Chakhaza*).

...at the VH forum each party to the conflict must bring elders or representatives from his / her *limana* as witnesses that will ensure that justice has been delivered for one of their family members.... *(Interview report 2 page 2: Yao tribe. August 8, 2010. Katuli).*

Thirdly, each forum has rules to protect the conflicting parties, facilitators and other participants from physical or verbal aggression and any other acts by any person at the forum that may interfere with the discussions. The rules also guide the forum leaders and facilitators to make appropriate decisions. The following extracts from interview reports from all the four tribes back this claim:

....to safeguard the interests of the community, the forums have serious rules, anyone breaking them or defying them pays dearly, the fine for serious offences is often a goat or a cow....in extreme cases his / her family is isolated from the community (*Interview report 6 page 4: Sukwa tribe. August 18, 2009. Misuku*).

....any person who breaks forum rules or acts rudely towards the VH and the forum facilitators is fined (*bakumuhlaulihla*) a chicken, goat or even cattle depending on the gravity of the offence or rudeness.... (*Interview report 4 page 2 Ngoni tribe. May 15, 2010. Mpherembe*).

.....*pano mpa bwalo lamfumu tiyeni tonse tipereke ulemu wake woyenera* meaning 'this is the VH's forum let us all give this forum its due respect'....you should remain quiet unless you are asked to speak....only one person who has been authorised to speak, speaks at a time...we do not tolerate rudeness, you should give the VH all the respect that he deserves. If you do not observe these rules you will be punished... (*Interview report 1 page 1: Chewa tribe. June 4, 2010. Chakhaza*).

....*liwala lwa mwenye* aims to protect each party to the conflict through its various rules that govern the conduct of all the forum participants..... (*Interview report 2 page 2: Yao tribe. August 8, 2010. Katuli*).

Fourthly, some individuals particularly women sometimes fail to express themselves freely during discussions at the forum for some reasons. There are tribes where a woman is not supposed to speak face-to-face with a father in-law; or in cases where an individual is shy or afraid to speak at the forum. Such individuals are encouraged to communicate their views to the forum through other forum participants - elderly women, or any member of their family, or are allowed to speak while seated and hiding behind other women. In extreme cases, the forum identifies some people (close friends, relatives or any other person that such women would be free to talk to) to take such individuals aside and obtain their views privately and communicate their views to the forum. The following excerpts from interview reports from three tribes provide evidence for these statements:

...if a woman is failing to communicate her views because she is crying or shy, facilitators ask some relative, friend or elderly

women to take her aside where she can freely talk to them...when she does, one of the elderly women communicates her view to the forum.... *(Interview report 7 page 2: Sukwa tribe. July 14, 2010. Misuku).*

....in our culture a married woman cannot speak openly in front of her father in-law...they are not supposed to see each other face-to-face. If he is at the forum,...she is encouraged to communicate her views through any elderly woman around or seat strategically where she can speak while hiding amongst other women.... (*Interview report 7 page 1: Ngoni tribe. May 25, 2010. Mpherembe*).

...where one of the conflicting parties fails to speak at the forum for some reasons, the forum leaders advise *akubanja* to discuss with him / her aside so that one of the family members would speak on his / her behalf.... *(Interview report 6 page 1: Chewa tribe. June 14 – 15, 2010. Chakhaza).*

This sub-section has presented the factors that the four tribes consider when creating forums to discuss conflicts in order to ensure that level ground is created for the parties to discuss a particular conflict without any bias. The next sub-section presents the mechanisms in place in each tribe that ensure that the views of each party in the conflict are heard.

5.4.2 Listening to each party to the conflict

Listening to each party to the conflict refers to a situation where the facilitators of forums to discuss a particular violent conflict allow each party to the conflict to present its side of the story as the facilitators and other participants listen actively. In all the four tribes studied, any forum to discuss a particular conflict starts with each party to the conflict providing a full account of what happened, as this forms the basis for the direction of the discussions. The parties continue to make

presentations of their views throughout the discussion processes. If one party is not heard or does not make adequate presentation, the discussions do not proceed. The following extracts from interview reports from the four tribes provide evidence for these claims:

> ....the facilitator starts by asking the complainant to narrate the whole story again the way she did when she came to present the matter to the VH....and then he asks the defendant to narrate his side of the story as well.... *(Interview report 4 page 2: Sukwa. August 17, 2009. Misuku).*

> ...can you narrate to this forum what happened..." the *induna* asks the complainant... 'we have all heard what he has said...can we now hear from the you...otherwise how do we proceed?...' the *induna* refers to the defendant... (*Interview report 1 page 3: Ngoni tribe. May 3, 2010. Mpherembe*).

> ...my role as VH is to welcome the people, introduce the conflict, ask the complainant to make a presentation and then ask the accused to make a presentation as well....
> (*Interview report 8 page 2: Chewa tribe. October 27, 2009. Chakhaza*).

> ...the process starts with one of the *nduna* of the GVH introducing the conflict and the parties to the conflict...he then asks each party to make a presentation of his / her side of the story before the facilitation team start cross examining the conflicting parties to get to the depth of the truth of the story....
> *(Interview report 4 page 3: Yao tribe. August 15, 2010. Katuli).*

This sub-section has presented the process that the four tribes being studied follow to ensure that each party to a particular conflict being discussed is heard. The next sub-section presents the process that the facilitators follow to ensure that the truth about a conflict being discussed comes out.

5.4.3 Searching for the truth

To establish the truth in a particular conflict between what the complainant is saying and what the defendant is saying, the facilitators interrogate the conflicting parties and later their respective witnesses. The facilitators try to search for consistencies in the presentations and consensus or disagreements with the evidence presented by the conflicting parties and their witnesses.

According to the research participants' understanding of this process in all the tribes to know the truth and identify the party to the conflict that is in the wrong, the facilitators focus on asking critical and probing questions without taking sides. The facilitators want to establish if there is consistency in the facts presented by a particular party and its witnesses. Disagreements between the facts presented by a particular party and its witnesses indicate possibilities of cheating. Similarly, changing of statements may indicate that a particular party is not telling the truth. In most cases after thorough probing, the party in the wrong end up admitting having done something wrong. The following excerpts from interview reports from the four tribes provide evidence for above statements:

> ...one by one, the men and women at the forum start asking questions to both parties to the conflict and later their respective witnesses until one party admits being in the wrong, or until they determine that a particular party is in the wrong as shown by inconsistencies in the facts presented by that party and its witnesses.... (*Interview report 1 page 9 Sukwa tribe. July 7, 2010. Misuku*).

> ....the *beruzgi* keep on asking question in different directions following up on explanations by a particular party until one of the parties to the conflict admits having done something wrong or does not have anything more to say... (*Interview report 1 page 2: Ngoni tribe. May 3, 2010. Mpherembe*).

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> …the *nkhoswe* starts asking questions with a neutral focus to trigger both sides to talk freely…then he continues to ask critical questions to both sides…through this process the truth of the matter comes out and everyone can clearly see that the husband has been tricking his wife...then the husband admits having done wrong…. (*Interview report 5 page 2: Chewa tribe. June 10, 2010. Chakhaza*).

> ….the facilitators ask several questions to get clarification on the presentations made by each party in the conflict as well as to get more information that will enable the participants in the forum to put together a story about the conflict with views from both sides...the witnesses are brought in to make their own presentations. Then the facilitators ask the witnesses questions to enable everyone to compare the presentations by each party to the conflicts with those of their witnesses...from this process the forum participants are able to clearly determine the truth…. (*Interview report 3 page 3: Yao tribe. August 11, 2010. Katuli*).

According to research participants' understanding of this process without the truth coming out and being acknowledged a violent conflict cannot be transformed. For witchcraft related conflicts where the facilitators do not have means to determine the truth, the Sukwa and Ngoni tribes refer the conflicting parties to the witchdoctor (*mughanga*[11] *or ng'anga*[12]*)* who can prove that a particular individual bewitched another or not, or is indeed a witch or not. The forum sends the conflicting parties to a reputable *mughanga / ng'anga* in the company of witnesses who include some village elders and at least one of the forum facilitators and family members for conflicting parties as the following extracts from interview reports reveal:

> ....there are reputable witchdoctors who are able to prove that someone is indeed practicing witchcraft or not….. The decision to refer a conflict to a witchdoctor is reached by consensus of

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[11] The Sukwa call a witchdoctor '*mughanga*'.

[12] The Ngoni call the witchdoctor *ng'anga*

the conflicting parties and the forum participants including the accused…the forum sends an elder and one facilitator to bear witness.... (*Interview report 3 page 1: Sukwa tribe. July 9, 2010. Misuku*).

......we send the conflicting parties to the *ng'anga* (witchdoctor) together with witnesses from both the offender and the offended and a reference letter....they have to go to several *ng'anga*....if more than one *ng'anga* says that the accused practices witchcraft and the *ng'anga* are able to prove it, then it is concluded that the person is indeed practicing witchcraft..... *(Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe).*

This sub-section has presented the processes the facilitators of conflict transformation processes in the Sukwa, Ngoni, Chewa and Yao follow in order to ensure that truth about the conflict being discussed comes out. The next sub-section presents the processes that the facilitators use to ensure that issues concerning a particular conflict have all been discussed and exhausted.

5.4.4 Exhausting issues

Exhausting issues refers to a practice by forum facilitators, where in the course of discussing a particular conflict before making any decision or concluding any discussion, they checked with the disputing parties and all the forum participants if there were still some aspects that required further discussions. This was done to check if there were still some outstanding issues, which needed to be considered in the discussions and final decision. The rationale for this practice was that when the discussion is concluded no one who participated in the forum discussion would go away with some issues, complaints, or unanswered questions. In addition, this process aimed at guaranteeing that everyone present at the forum to discuss a particular conflict felt part of the decisions made and has consented to

the outcomes of the discussions. According to research participants' understanding, this practice is common in all the four tribes. The following extracts from interview reports provide evidence of these claims:

> ....he confirms with the forum participants whether his summary reflects all the aspects discusses or not...and then he finds out from each party to the conflict as well as all forum participants if there is any aspect they need to discuss further before they proceed... *(Interview report 1 page 4: Sukwa tribe. July 7, 2010. Misuku).*

> ...as GVH I ensure that I summarise the outcomes of the discussions, cross-check with the conflicting parties and the forum participants whether there is still an outstanding issues before I make my decisions....I want decisions to be exhaustive so that everyone goes home satisfied and the conflict is closed.... *(Interview report 2 page 3: Ngoni tribe. May 8, 2010. Mpherembe).*

> …the VH asks the *akubanja* for the conflicting parties if they have anything...he then asks each party to the conflict if they agree with the decisions made or not...then he pronounces the final decision..... *(Interview report 4 page 5: Chewa tribe. June 8, 2010. Chakhaza).*

> ...the VH then announces the decision on the outcome of the discussion and asks the one who has been found in the wrong what he has to say. The VH then asks the family leaders from both sides to give their opinions – 'you have heard about the decisions we have made and what your son has said what is your opinion?' The VH finally asks the rest of the members of the forum to comment or ask questions..... (*Interview report 3 page 3: Yao tribe. August 11, 2010. Katuli*).

For the Ngoni tribe, to ensure that no issues arise after a particular conflict has been discussed and concluded the parties sign some documents at the end of the discussion process. Of course, this is not a traditional practice but it has been

adopted with time. The following extract from interview reports provides evidence of the practice:

> ....when the discussion has been concluded, the conflicting parties sign a document to show that the conflict is over.....
> (*Interview report 5 page 3: Ngoni tribe. May 18, 2010. Mpherembe*).

This sub-section of the thesis has presented the processes that facilitators of discussions to transform violent conflict use to exhaust issues during the discussions. The next sub-section discusses the mechanisms that the various tribes use to reconcile the conflicting parties during conflict transformation processes.

5.4.5 Reconciling the conflicting parties

Reconciling disputants in this context refers to interventions by facilitators and other forum participants aimed at repairing the damaged relationships between the conflicting parties and restoring shared harmony.

In both patrilineal and matrilineal tribes, reconciliatory interventions aim to enable the offender to acknowledge having done wrong, feel regretful, sympathise with the offended, accept to pay a token of apology and ask for forgiveness. The following extracts from interview reports from all the four tribes provide evidence for this claim:

> ....the offender acknowledges wrong doing and the negative impact it has on the offended, makes a confession, accepts to compensate the offended and asks for forgiveness...
> (*Interview report 6 page 3-4: Sukwa tribe. August 18, 2009. Misuku*).

...the offender should be able to see that he or she is wrong (*wabone ubudi*) and should apologise....
(*Interview report 5 page 2: Ngoni tribe. May 18, 2010. Mpherembe*).

.....when the offender accepts to pay *chipepesko* (token of apology) it is assumed that he / she has acknowledged and regretted the wrong doing..... (*Interview report 1 page 3: Ngoni tribe. May 3, 2010. Mpherembe*).

….as a GVH I want to hear from the offender's mouth that 'am sorry I did it, I apologise for the wrong done....*ndipereka chipepetso*' meaning 'I will pay a token of apology'….
(*Interview report 6 page 3: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

....the offender verbally acknowledges having done wrong and asks for forgiveness or demonstrated remorse by paying for damages.... *(Interview report 4 page 4: Yao tribe. August 15, 2010. Katuli).*

For the offended, the interventions aim at clearing tempers and any issued harboured and enable him or her to forgive the offender as the following excerpts from interview reports show:

....I was surprised that you said those words....that is why I lost temper...but now for me the issue is over..... said one offended.
(Interview report 4 page 1: Sukwa tribe. August 17, 2009. Misuku).

...the offender is asked to pay to enable the offended to cool down and forgive... (*Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe*).

…I have no more grudges against my uncle as long as he accepts me as part of his family and starts paying for my school fees... (*Interview report 2 page 3: Chewa tribe. June 5, 2010. Chakhaza*).

.....the offended sometimes wants the offender to receive a tougher punishment or pay a bigger compensation and is therefore not happy with a verbal apology accompanied by a chicken... *(Interview report 9 page 3: Yao tribe. August 24, 2010. Katuli).*

According to the research participants' understanding of the reconciliation processes, the following factors contribute to repairing of damaged relationships in the tribes:

Firstly, when the offender acknowledges having done wrong, the offended feels that truth has been told and justice has prevailed, it is easier for him / her to become happy and forgive, as the following extracts from interview reports show:

> ...my conscious is clear and am now happy since he knows he was wrong" said one of the offended....
> (*Interview report 1 page 9: Sukwa tribe. July 7, 2010. Misuku*).

> ....the other person should be relieved because the truth has been known...it is easier to forgive now....
> (*Interview report 4 page 4: Sukwa tribe. August 17, 2009. Misuku*).

> ...when the offender has acknowledged and regretted wrong doing...sometimes the offended refuses to get reparation as a sign of total forgiveness..... (*Interview report 1 page 3: Ngoni tribe. May 3, 2010. Mpherembe*).

Secondly, a damaged relationship is repaired when the reconciliation process has sorted out the contentious issues at the centre of the conflict. Extracts from interview reports from two tribes demonstrate this:

> ...I am happy I have my piece of land back and you have allocated him another piece of land...I have no more issues with him, I hope he is happy as well... (*Interview report 2: page 4: Sukwa tribe. July 8, 2010. Misuku*).

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> ....if the conflict was over a piece of land, the forum would grant back the ownership or allocate another piece of land...both parties would be happy again.... (*Interview report 2 page 2: Ngoni tribe. May 8, 2010. Mpherembe*).

Thirdly, compensation in form of a token of apology helped to improve the relationship by soothing the offended as well as relieving the guilt in the offender as the following extracts from interview reports from all the four tribes show:

> ....the wrong doer is asked to pay compensation, the value of which depends on the seriousness of the conflict or the damage caused in the dispute,...this enables the offended willingly to offer forgiveness... *(Interview report 6 page 4: Sukwa tribe. August 18, 2009. Misuku).*

> .....a token of apology is usually a chicken or goat depending on the severity of the dispute and the decision of the forum. This is done to enable the offended to cool down and lessens sense of guilt in the offender... *(Interview report 6 page 1: Ngoni tribe. May 19, 2010. Mpherembe).*

> …sometimes the offended forgives after receiving a token of apology (*chipepetso*) in form of a chicken ....
> *(Interview report 5 page 2: Chewa tribe. June 10, 2010. Chakhaza).*

> ....the offender is normally asked to apologise with a dove, chicken or goat depending on how serious the dispute was…to make the offended happy.... (*Interview report 4 page 2: Yao tribe. August 15, 2010. Katuli*).

Fourthly, facilitators and other forum participants denounce acts, which contravene the traditional values and advise the conflicting parties on how best to live together. This helps to restore good relationships through pressure from the community leadership, family members and members of the community as a whole. The following extracts from interview reports from three tribes provide evidence of this claim:

...family head or parents condemn bad practice and advise the conflicting parties and the rest of the family members on the importance of living in harmony with each other... (*Interview report 1 page 6: Sukwa. July 7, 2010. Misuku*).

...the one in the wrong is reprimanded...the two and the rest of the family members are advised on how to deal with similar situations in the future... (*Interview report 2 page 2: Ngoni tribe. May 8, 2010. Mpherembe).*

…at the end of the VH forum, the *achibale* are asked to go and sit down with their relative to discuss and re-analyse the issues and help their relative make the right decisions as he/she recovers from the effects of the conflict particularly the one found to be in the wrong…. *(Interview report 5 page 2: Chewa tribe. June 10, 2010. Chakhaza).*

Fifthly, some tribes such as the Sukwa and Ngoni use certain rituals to restore seriously strained relationships between members of the community. These rituals function as part of the traditional belief systems. The following extracts from the interview reports from three tribes provide evidence for this claim:

...if brothers or father and son swore before their ancestors never to visit each other homes, nor eat together, nor talk to each other, as part of reconciliation, they are asked to feed each other the river of a sheep and eat together the meal and one elder talks to the ancestors to forgive...after the ceremony (which is termed *kusayana* in Sukwa language) the conflicting parties can start eating, charting, visiting each other's homes again....otherwise unspecified serious consequences may follow one of them.... *(Interview report 6 page 4: Sukwa tribe. August 18, 2009. Misuku).*

....to reverse the isolation of a particular family by the community, the victim often pays a cow which is killed and eaten by all members of the village community together with the isolated family as a symbol that the isolation is over (*kusayana*)... (*Interview report 7 page 2: Sukwa tribe. July 14, 2010. Misuku).*

...where disputants swear never to eat together, nor to talk to each other nor visit each other's homes (*kulapirana*) reconciliation processes is followed by a ritual where an elderly person, either in an extended family forum, or at the VH forum gives traditional medicine to the conflicting parties to drinking. The medicine used is a special plant called *mphamba* or a bark of a mango tree. The ritual is called *mphamba*....it signifies that the two have been cleansed otherwise one of them would develop wounds throughout the body and die from sudden death.... (*Interview report 1 page 3- 4: Ngoni tribe. May 3, 2010. Mpherembe*).

...sometimes when a conflict has been successful resolved, it is followed by a process of the restoring the relationships...shaking hands to show that the issues are over...food is prepared and the conflicting parties eat together with the rest of the forum members...... (*Interview report 5 page 3: Ngoni tribe. May 18, 2010. Mpherembe*).

…a hand shake ritual shows that the relationship has been restored…sometimes one disputant refuses to shake hands, this signifies that he or she does not consent to the outcome of the forum discussion…. (*Interview report 5 page 3: Yao tribe. September 4, 2010. Katuli*).

This sub-section of the thesis has presented the various methods the four tribes use to reconcile conflicting parties during a conflict transformation process. The next sub-section presents the processes followed when referring a particular conflict for discussion to a higher level forum.

5.4.6 Referring conflict for discussion to a higher level forum

One of the conflicting parties may seek permission to take the conflict for further discussion to the next higher level forum in the governance structure (Table 4), if not satisfied with the decision of a particular forum. This practice is common in all the four tribes. It is one way of ensuring that the conflicting parties have many

options to have justice delivered. The referral systems are set up in such a way that ensures that each component or level of the governance structure is fully involved. A conflict can only be referred to the next higher level of the governance structure. If a particular level is skipped for one reason or another, the conflict is sent back to that level for discussion. As one GVH's advisor observes "...the idea is that people should respect every level of the institution from the family, the *kaghamba*, VH up to the TA…" (*Interview report 2 page 3: Sukwa tribe. July 8, 2010. Misuku*). The following extracts from interview reports provide more evidence for these statements above:

> ....there were certain family issues that were referred to the GVH before the family or the VH forums discussed them, the GVH sent them back.... (*Interview report 4 page 2: Sukwa tribe. August 17, 2009. Misuku*).

> …before a conflict is discussed at any forum, the facilitators find out if it was discussed at the lower levels of the governance structure otherwise it is sent back to the level where it was not discussed.... *(Interview report 7 page 2: Ngoni tribe. May 25, 2010. Mpherembe).*

A particular conflict is referred to the next level forum for discussion when the concerned party feels cheated, suspects impartiality, has no confidence in a particular forum, or does not agree with the decisions made by the forum as the following extracts from interview reports show:

> ....some people appeal because they have been found in the wrong so they want to try the higher level of the traditional institutions....others appeal because they underrate the *ifumu's* forum because they think they are too important to be tried by such a lower forum... a person can also appeal, if not convinced by the ruling of a particular forum or feels unfairly treated... (*Interview report 7 page 4: Sukwa tribe. July 14, 2010. Misuku).*

...if any party to the conflict is not happy with the decisions made, or questions the fairness or makes a comment that belittles the forum or does not agree with the decision made, we ask him or her to take the dispute to a higher forum.... (*Interview report 4 page 4: Ngoni tribe. May 15, 2010. Mpherembe*).

.....he presents the decision of the forum and then asks the conflicting parties to give their opinions...if you do not agree, you are free to take the conflict to another forum... (*Interview report 2 page 3: Yao tribe. August 8, 2010. Katuli).*

In all the four tribes, any party to the conflict not happy with decisions made by a particular forum is allowed to take the conflict for discussion to another forum. The following extracts from interview reports provide evidence for these claims:

.....we want each party to the conflict to be satisfied with the ruling and give consent to the decisions made....if they do not, they are free to take the conflict to the GVH forum... explains one VH advisor. *(Interview report 6 page 4: Sukwa tribe. August 18, 2009. Misuku).*

.....if you do not agree with what this forum has decided, you are free to take the matter to the *inkosana*'s *indaba*... concludes one GVH. *(Interview report 4 page 2: Ngoni tribe. May 15, 2010. Mpherembe).*

...according to this forum, you insulted your VH and you are held responsible for the destruction of his house and you will pay for all the damages caused which amount to MK40000. If you do not agree, you are free to appeal to the GVH forum ….. (*Interview report 4 page 3: Chewa tribe. June 8, 2010. Chakhaza*).

This sub-section has presented the process the four tribes use to refer a particular conflict to a higher level forum and the reasons for the referrals of a particular conflict. The next sub-section concludes the section of the conflict transformation processes.

5.4.7 Conclusion for conflict transformation processes

This section of the thesis has presented the processes that the four tribes follow to transform violent conflict. In general terms, the process that the Sukwa, Ngoni, Chewa and Yao tribes follow to transform violent conflict into social harmony includes creating conducive environment for discussions, listening to each of the parties in the conflict, searching for truths, ensuring that all issues have been exhausted and referring unresolved conflict for further discussion to a higher level forum. While men may dominate in most processes, women play active roles in most of these processes. The following section of the thesis presents linkage mechanisms that exist between the traditional justice systems used by the Sukwa, Ngoni, Chewa and Yao tribes and the formal justice systems.
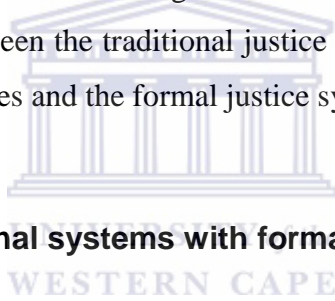
5.5 Linkages of traditional systems with formal justice systems

During the research process, four themes emerged from the data that construct the research participants' understanding of the linkages between the traditional violent conflict prevention and transformation systems with the formal justice systems. These include:

a) determining conflicts to be handled by the traditional systems,

b) collaborating with formal justice systems,

c) identifying challenges and strengths of the traditional systems in Malawi

The following sub-sections elaborate more on each theme.

5.5.1 Determining conflicts to be handled by the traditional systems

While traditional systems apply for any conflict situation, in Malawi, the government restricts them to dealing with conflicts, which are non-criminal / civil in nature. There is consequently clear demarcation between the conflicts, which can be handled through traditional systems, those that require formal systems and those which can be handled through both systems. The following excerpts from interview reports from the four tribes provide evidence for these statements:

> ...we immediately refer to police any criminal conflicts like rape cases, defilement, theft, fights associated with injuries, destruction of property and other criminal activities....
> (*Interview report 1 page 10: Sukwa tribe. July 7, 2010. Misuku*).

> ....criminal conflicts and conflicts involving private land (leased or freehold land) are straight away referred to police and courts..... *(Interview report 1 page 4: Ngoni tribe. May 3, 2010. Mpherembe).*

> …our forums at family, VH or GVH or TA do not handle criminal related conflicts such as theft cases, disputes associated with injuries...these we refer to the police…
> (*Interview report 4 page 4: Yao tribe. August 15, 2010. Katuli*).

> ...criminal conflicts are reported to police through community policing committees.... (*Interview report 5 page 1: Chewa tribe. June 10, 2010. Chakhaza*).

Conflicts, which touch on traditional aspects, may be handled through traditional systems or both traditional and formal systems particularly traditional marriage and customary land related conflicts. The following extracts from interview reports provide evidence of these:

> ...marriage conflicts are referred to courts only after the traditional systems fail to reconcile the husband and wife,

otherwise the courts send them back.... (*Interview report 6 page 3: Sukwa tribe. August 18, 2009. Misuku*).

…sometimes the police refer marriage and land conflicts to the GVH or TA forums.... (*Interview report 6 page 2: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

This sub-section of the thesis has presented the criteria for determining conflicts to be handled through the traditional justice system. The next sub-section presents mechanisms for collaboration between traditional and formal justice systems.

5.5.2 Collaborating with formal justice systems

Collaboration in this context refers to relationships that exist between traditional conflict intervention systems and the formal justice systems. According to the understanding of the research participants in both the Sukwa and Ngoni tribes, traditional conflict interventions systems relate to the formal systems in two ways as discussed below:

Firstly, there is a referral mechanism between the two systems albeit informal as the following extracts from interview reports from three tribes demonstrate:

....the Malawi Police Service and courts refers some of the conflicts such as land and marriage disputes to the VH, GVH or TA... *(Interview report 1 page 10: Sukwa tribe. July 7, 2010. Misuku).*

...we refer conflicts of criminal nature such as those where blood has been spilt, theft, rape cases to the police to be handled through the court systems... (*Interview report 5 page 3: Ngoni tribe. May 18, 2010. Mpherembe*).

....if a conflict cannot be resolved at the indaba for *inkosi ya makosi,* the conflicting party who is not satisfied is advised to

take it to the courts.... (*Interview report 1 page 4: Ngoni tribe. May 3, 2010. Mpherembe*).

...if one of the parties to a particular conflict is not happy with the outcome of a discussion at the TA level, we advise him to take the issue to the court.... (*Interview report 5 page 4: Yao tribe. September 4, 2010. Katuli*).

Secondly, there are some activities, which are jointly implemented between the traditional governance structures and the formal justice institutions as these extracts from interview reports show:

....traditional leaders are asked to bear witness in land as well as marriage conflicts taken to the courts...
(*Interview report 1 page 10: Sukwa tribe. July 7, 2010. Misuku*).

...sometimes police facilitate peaceful discussion between conflicting parties in which we are invited to participate....
(*Interview report 1 page 3: Chewa tribe. June 4, 2010. Chakhaza*).

...courts obtain information (report) from the traditional system as background for the court case.....
(*Interview report 6 page 2: Yao tribe. September 6, 2010. Mangochi*).

However, to make this collaboration more effective, in the research participants' understanding, there are some improvements, which need to be made in the tribes. Firstly, the communities need proper orientation on the concepts of democracy and human rights particularly as they relate to the traditional management systems. The following extracts from interview reports provide evidence of this claim:

...people tend to hide behind human rights and democracy, we need to learn more about these concepts so that we also know how to deal with them.... (*Interview report 5 page 4: Sukwa tribe. July 11, 2010. Misuku*).

> ....the facilitators of the forums to discuss violent conflict need to be trained in human rights and the basic rules of natural justice, so that when they are handling disputes, the processes should always comply with the formal systems…. (*Interview report 5 page 2: Yao tribe. September 4, 2010. Katuli*).

Secondly, the communities need to develop proper systems for documentation and storage of the proceedings of the discussions in the traditional leadership forums as the following extracts from interview reports show:

> ....we need to establish proper records which the courts and any other interested parties should be able to read and follow in order to take over the cases from us.... (*Interview report 7 page 4: Sukwa tribe. July 14, 2010. Misuku*)

> ….there is a need for the establishment of appropriate documentation systems within these traditional systems so that whoever wants to make a reference to the outcomes of a particular dispute should be able to do so.... (*Interview report 5 page 2: Yao tribe. September 4, 2010. Katuli*).

Thirdly, the officers working in the formal systems such as courts and police need to be properly oriented on how the traditional justice systems work. The following extract from interview reports shows this:

> ….the community policing officers, court officers who interface with us need to familiarize themselves with the traditional systems… (*Interview report 5 page 1: Yao tribe. September 4, 2010. Katuli*).

This sub-section has presented mechanisms through which the tribes collaborate with formal justice systems. These include referral system and joint activities. The sub-section has also presented aspects that need to be improved for this collaboration to become more effective. The next sub-section presents the challenges of the traditional justice systems in general.

5.5.3 Identifying challenges and strengths of the traditional systems in Malawi

The following sections will look at challenges of the traditional systems in Malawi and at advantages; the traditional system might have over the formal justice system.

5.5.3.1 Challenges of the traditional justice systems in Malawi

The traditional methods for violent conflict prevention and transformation are confronted with some factors, which undermined their effectiveness. According to research participants' understanding, two of the challenges include:

Firstly, the incidences of young people disrespecting the moral values and advice provided by the elders are on the increase; as the following excerpts from interview reports show:

> ...some young people are not respecting our values….
> (*Interview report 1 page 10: Sukwa tribe. July 7, 2010. Misuku*).

> ....for the younger generation individualism is slowly coming in, we no longer eat together as members of one extended family. Some young people are not respecting our values...
> (*Interview report 4 page 2: Ngoni tribe. May 15, 2010. Mpherembe*).

> ….the youths are increasingly losing our moral values and some of them are becoming uncontrollable. Some have bad behaviour.... (*Interview report 4 page 2: Chewa tribe. June 8, 2010. Chakhaza*).

> ….we think violent conflict are likely to increase in the future because some of the young people are not respecting the advice provided by the elders – parents and *limana* leaders. We see some of these young people losing some of our moral values….
> (*Interview report 1: page 1: Yao tribe. August 7, 2010. Katuli*).

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Secondly, there are some indications that the importance of the traditional leadership institutions is weakening slowly. The following extracts from interview reports from three tribes demonstrate this:

> ...we have experienced some people defying the traditional leadership systems by seeking legal interventions against the chiefs.... (*Interview report 9 page 2: Sukwa tribe. July 27, 2010. Misuku*).

> … I have, however, observed that with democracy, our authority and the importance of the traditional methods for dealing with conflicts are being undermined… (*Interview report 6 page 2: Chewa tribe. June 14 – 15, 2010. Chakhaza*).

> ....there are increasing incidences of people attempting to defy the VH, GVH or even the TAs. Some of them seek court injunctions against the ruling of the forums… (*Interview report 3 page 2: Yao tribe. August 11, 2010. Katuli*).

According to the understanding of the research participants, the following factors make members of the community to start losing confidence in some of their traditional leaders - corrupt practices, drunkenness, too much focus on politics and disregard for the interests of the people. The following extracts from interview reports provide evidence for these:

> ....if our traditional leaders focus more on politics they create enmity with some of their people. Politics undermine the authority of our traditional leaders.... (*Interview report 9 page 2: Sukwa tribe. July 27, 2010. Misuku*).

> ....we have some village headmen who are total drunkards. They do not even understand what is happening in their community. We do not even bother going to them for any support. Instead we go to their *nduna... (Interview report 8 page 3: Chewa. October 27, 2009. Chakhaza).*

....there some forums which are accused of corrupt practices or where the traditional leaders have less regard for their people. People tend to avoid such forums or come here to complain.... *(Interview report 5 page 2: Yao tribe. September 4, 2010. Katuli)*

This section has discussed challenges facing the traditional violent conflict and transformation methods. The next section discusses the strengths of the traditional violent conflict prevention and transformation methods over the formal systems.

5.5.3.2 Appreciating strengths of traditional systems over the formal justice systems

Traditional methods for violent conflict prevention and transformation have certain attributes that make them more popular in the communities than the formal justice systems. In the understanding of research participants, in all the four tribes the communities tend to prefer traditional justice systems to the formal justice systems for several reasons. Firstly, the traditional systems are designed in such ways that allow as many members of the community as possible to assume responsibility and participate in violent conflict prevention and transformation as the following excerpts from interview reports show:

....the systems allow every member of the community to learn and participate in one way or the other... everyone feels that he / she has responsibility in prevention and transformation of violent conflict... *(Interview report 9 page 2: Sukwa tribe. July 27, 2010. Misuku).*

...the members of our village unite and closely cooperate when dealing with a particular conflict.... (*Interview report 1 page 4: Ngoni tribe. May 3, 2010. Mpherembe*).

...in this system people can easily tell that justice has not been delivered because everyone follows the deliberation and every participant is a judge...if the judgement is not made in a transparent manner, people will be dissatisfied and will not

consent to the outcomes… (*Interview report 2 page 5: Yao tribe. August 8, 2010. Katuli*).

Secondly, the systems create friendly and transparent platforms, which every member of the community feels part of and respects as the following extracts from interview reports show:

.....we prefer to use our system rather than the police. The police are intimidating and they are associated with lots of corrupt practices. Such a system favours people who have money.... *(Interview report 8 page 3: Sukwa tribe. July 22, 2010. Misuku).*

...we respect these institutions because they derive their powers from the people and there is no room for corruption...
(Interview report 5 page 2: Sukwa tribe. July 11, 2010. Misuku).

...the system is transparent and the conflicting parties go away satisfied - *ubale umabwerera* meaning good relationships are restored and the conflict is completely transformed....
(*Interview report 3 page 4: Chewa tribe. October 26, 2009. Chakhaza*)

...our traditional systems are transparent by nature and any departure from transparency is easily detected…
(*Interview report 5 page 3: Yao tribe. September 4, 2010. Katuli*).

Thirdly, the systems are seen as more effective at preventing as well as transforming violent conflict than the formal systems. The following extracts from interview reports provide evidence for this claim:

...our community is very peaceful because of our traditional systems....interventions by police, courts and prisons tend to increase tensions between families.... (*Interview report 4 page 4: Sukwa tribe. August 17, 2009. Misuku*).

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....we may wrong each other in different ways but we have effective mechanisms to resolve our difference...that is what keeps us together...without these traditional systems our communities would be chaotic.... *(Interview report 1 page 4: Ngoni tribe. May 3, 2010. Mpherembe).*

...conflicts have been decreasing in our community because most of the issues are sorted out within the *limana* and the chiefs' forums*.... (Interview report 1 page 3: Yao tribe. August 7, 2010. Katuli).*

This sub-section has presented the strengths of the traditional justice systems over the formal systems as perceived by memembers of the different tribes. The next section concludes this chapter.

5.6 Conclusion

This chapter has presented the findings of the study of the traditional systems for violent conflict prevention and transformation in the Sukwa, Ngoni, Chewa and Yao tribes. In these tribes, a conflict situation is understood to manifest as any of the following conditions: perceiving differences, engaging in dispute, engaging in a fight, engaging in uncontrolled chaotic violent conflict and engaging in war. The main mechanisms that help each tribe prevent violent conflict include cultural values, internalisation of cultural values by the people in each tribe and cultural beliefs.

In general terms the process that these tribes follow to transform violent conflict into social harmony includes creating conducive environment for discussions, listening to each of the parties in the conflict, searching for truths, ensuring that all issues have been exhausted and referring unresolved conflict for further discussion to a higher level forum. While men may dominate in most processes,

women play active roles in most of these processes. There are mechanisms through which the tribes collaborate with the formal justice systems. These include referral system and joint activities. The traditional justice systems allow for the participation of a wide range of community stakeholders, they are believed to be transparent and more effective at preventing and transforming violent conflicts. These attributes makes the tribal communities prefer the traditional systems to the formal justice systems.

The next chapter discusses the findings of the study in the four case studies in Malawi and compares them with other traditional systems from other parts of Africa.

Chapter 6: Comparative analysis of methods used for prevention and transformation of violent conflicts in selected tribes in Malawi with those used in other parts of Africa

"Given the centrality of generosity in its various aspects in the world's ethical traditions, facets such as respect, kindness, hospitality, love and compassion, this striking but known episode of great moral goodness by Africans towards outsiders should be seen as a powerful indication of the importance of Africa's ancient moral wisdom and practice in today's globalizing and all too uncaring world. (Murove 2009:3)
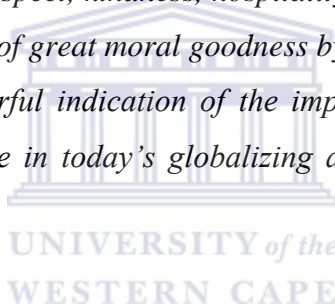
6.1 Introduction

This chapter presents a comparative analysis of the findings of the study presented in the preceding chapters (Chapter 2, 4 and 5) between the patrilineal tribes of the Sukwa and Ngoni and the matrilineal tribes of the Chewa and Yao; as well as partially with systems used by other societies in Africa particularly the traditional *gacaca* system in pre-colonial Rwanda, the systems used by the Pokot pastoral tribes of northern Kenya, the system used by the *ubuntu* society of South Africa and the traditional justice system for the Acholi people of northern Uganda.

The chapter further tries to explain the findings of the study based on the theoretical framework and literature reviewed. Apart from the introduction, the chapter is organised into six sections looking at: socio-political governance structures and the roles they play in violent conflict prevention and transformation, perceptions of the notion of conflict, prevention of violent conflict, transformation of violent conflict and linkages of traditional systems with formal justice systems. The next section provides a comparative analysis of the socio-political governance systems as they related to violent conflict prevention and transformation.

6.2 Comparative analysis of the socio-political governance systems

This section discusses the socio-political governance systems that facilitate violent conflict prevention and transformation and the roles they play. The section presents a comparative analysis of the roles played by the various components of the socio-political governance structures between patrilineal and matrilineal tribes in Malawi as well as with other societies in other parts of Africa.

6.2.1 Governance structures

The findings of the study above (Section 4.3.1) show that all four tribes have elaborate socio-political governance structures, which play crucial roles in prevention and transformation of violent conflicts. The basic framework for these socio-political governance structures is the same for the four tribes studied in Malawi and comprises the individuals (men, women and order children) as the primary building blocks; the family component comprising the nucleus and extended families; and traditional leadership component which links up

individuals and groups from different families and sometimes ethnic groups. The traditional leadership levels common to all the tribes comprise the village, group village and TA (Table 4). These, as the researcher noted, are basically the levels of the official traditional leadership structure in Malawi established through the Chiefs' Act of 1967, as reported by Chiweza, (2005:4).

There are, however, some variations in the socio-political governance structures of the four tribes particularly within the traditional leadership component. The Sukwa tribe has a sub-village level below the village; while the Ngoni and Yao tribes have the sub-TA level; and the Ngoni tribe had the paramount chief level at the top of its leadership structure. A comparative analysis of the components of the socio-political governance structures for tribes in Malawi with those from other parts of Africa reveals that they all had a family (nucleus and extended family) component and traditional leadership component (Table 8). While the family component was similar across the societies comprising a nucleus and extended family, there were variations in the traditional leadership component across the societies as outlined below:

- The traditional leadership components for the four tribes in Malawi have a long / multi-layered structure comprising the village, group village; sub-TA, TA and paramount chief.
- Within the Rwandan traditional socio-political governance structures, the traditional leadership component had chiefs and the kings (*mwami*) assisted by *abiru* (the guardian of tradition).
- The Pokot socio-political structures in Kenya had a village and a council of elders (*Kokwo*) in its traditional leadership component.

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- The socio-political governance structures for the *ubuntu* societies in South Africa had a village, chief, king and council of elders at each level of the traditional leadership structure.
- The socio-political governance structure for the Acholi of Northern Uganda had in its traditional leadership component a grand council known as the *gure madit,* the most powerful council of clan elders known as *ludito kaka* and at the highest level the chief called *rwodi* (Table 8).

Table 8: Comparison of the components of the socio-political governance structures that play a role in violent conflict prevention and transformation

Society	Family component of the socio-political governance structure	Traditional leadership component of the socio-political governance structure.
Patrilineal and matrilineal tribes in Malawi	Nucleus family, extended family	Sub-village, village, group village, sub TA, TA, paramount chief and there is a forum at each level.
Rwandan traditional socio-political structures (Ingelaere (2008:33-34)	Nucleus family (*inzu*); extended family (*umuryango*)	Chiefs, kings (*mwami*) ultimate arbitrator, assisted by *abiru* (the guardians of tradition), *inyangamugayo* (local judges)
Pokot socio-political structures in Kenya (Pkalya et al 2004:23-24)	Nucleus family, extended family	Village, council of elders (*Kokwo*)
Ubuntu societies in South Africa (Murithi 2006 [b]:30)	Family – nucleus, extended	Village, chief, king and council of elders at each level.
Acholi of northern Uganda	Families, clan	grand council known as the (*gure madit*)*most powerful* council of clan elders (*ludito kaka*), chief (*rwodi*),

Source: compiled by author from both primary and secondary data

The variations in the traditional leadership structures can be better understood in the context of complexity theory perspectives, which explain changes in complex

social systems as a result of interactions of units within the systems as well as the interactions of the systems with their environment. Based on these perspectives, the researcher argues that traditional leadership structures for different tribes / societies in Africa might have evolved differently over time due to factors internal or external to the tribes / society.

Considering the geographical limitations of the area, in Malawi, the sub-village (*kaghamba*) level of the Sukwa tribe might have been deliberately created to ensure that as many people as possible participate in forums to discuss violent conflicts within their hill; as this tribe cherished involvement of all men and women in the discussions of a particular violent conflict. The levels of sub TA, senior TA, paramount chief were probably created in some tribes through political influence on the traditional leadership structures. Chiweza (2005:4) observes that the integration of the traditional authorities as administrative extension of the state had made them to continue cooperating with the political party (at that time Malawi Congress Party) and the district commissioners. The continued cooperation of the traditional authorities with the subsequent ruling political parties might have influenced changes in the traditional leadership structures of some tribes.

Similarly, the variations in the leadership components of the socio-political governance structures for the traditional Rwanda society, Acholi people in Uganda, the Pokot in Kenya and *ubuntu* societies in South Africa can be explained by the different changes that might have occurred to each of these structure as a result of internal factors as well as interactions with their external environments to which the structures might have been subjected. In Rwanda for example, Ingelaere (2008:35) argues that as the modern state became more powerful, it gradually dissolved the traditional social political systems replacing

them with modern state systems such as the local authorities. Similarly, in the Acholi society in northern Uganda during the colonial period, the British colonialists stripped the chiefs of their political power, replacing them with colonial administrators (Latigo 2008:103).

This shows that there are probably more African societies whose traditional socio-political governance systems have been altered significantly or changed altogether because of colonialism introduction of the modern state structures and other factors such as civil wars. Mokgoro (1997:4) argues that in view of the influence and effect that various social forces had on African societies throughout their historical development, what we see today may not necessarily reflect the original principles and practices of these societies. Mazrui argues that while Africa can never go back completely to its pre-colonial starting point, there may be a case for re-establishing contacts with familiar landmarks of modernisation under indigenous impetus. (Mazuri in Mokgoro 1997: 4).

This section has provided a comparative analysis of socio-political governance structures in general. The next sub-section discusses the roles of the individual in conflict interventions.

6.2.2 Individuals and conflict interventions

This aspect of the study has been analysed at the level of tribes in Malawi. No comparison was made with other systems used in other parts of Africa, as the available documented information on traditional justice systems from other parts of Africa was not adequate for the researcher to conduct a comprehensive comparative analysis.

The findings of the study reveal that in both the patrilineal and the matrilineal tribes studied in Malawi; men, women and older children intervene in violent conflicts in different ways and in their own rights as individuals. While sometimes, they intervene on their own will, in most cases individuals are called upon to do so particularly within their 'face-to-face' communities.

It should be noted here that within these 'face-to-face' communities, individuals are recognised and invited to intervene in particular conflicts through social networks such as friendships, blood or marital relationships, proximity and those with cultural responsibility to intervene. Similarly, through the same social networks individuals feel duty bound to intervene in violent conflict either voluntarily or when called upon. This tendency to have confidence and rely on others within one's social network as well as to feel obliged to intervene in a conflict affecting others reflects Parsons' structural functionalism perspectives. The theoretical perspectives assert that in a society, while individuals pursue their self-interests and their own satisfaction, there is a strong measure of agreement among them, they do get along with each other and they cooperate with and help each other. This tendency also reflects the principles of *ubuntu* within the African culture. Within *ubuntu* worldview, "one belongs or finds community through being a neighbour, friend, relative, clansman, a member of a tribe or nation etc", according to Munyaka and Motlhabi (2009:68). One should therefore be able to count on the support of others around within the same community when in need (ibid: 71). Similarly, living in relation with others in a social network, one is obliged to intervene in a particular violent conflict situation as part of social and moral roles, duties, obligations and commitments which one must fulfil (Munyaka and Motlhabi 2009:73–74). The study results further show that outside these social networks, conflicting parties are reluctant to call upon individuals to intervene in their violent conflicts. Similarly, individuals are reluctant to

voluntarily intervene in such violent conflict, as they are afraid of being rejected or ridiculed. This implies that there are no appropriate mechanisms to enable individuals safely to intervene in violent conflicts concerning individuals outside their social network.

In addition, within the framework of the social networks discussed above, not every individual can intervene in a particular violent conflict situation. The study identified factors that conflicting parties consider when calling upon or accepting a voluntary offer from a particular individual to intervene in their violent conflict.

Firstly, the intervener is supposed to be respected and trusted by both sides of the conflicting parties. This respect and trust come from the perception that the intervener has some attributes, which would help transform the attitudes and behaviour associated with violent conflict situation at hand and restore good relationships. Some of the attributes considered included the potential intervener's age, experience and history of handling similar conflicts before; or they might have heard or seen the individual do well on a similar intervention before. According to the research participants' understanding, within the framework of social networks it is easier for the conflicting parties to evaluate potential interveners as they know them and probably they have already experienced their services before.

Secondly, the intervener is supposed to be accepted by all parties to the violent conflict. In other words, the concerned parties are supposed to be satisfied that the intervener will deliver. The intervener is therefore supposed to be perceived as neutral, with no outstanding issues with any of the conflicting parties.

Thirdly, the conflicting parties are supposed to be convinced that the intervener will maintain confidentiality. This is particularly valued in conflicts between

married couples. They do not want their conflict to be a laughing matter in the village, it is embarrassing and other people particularly the younger ones will not respect them if they know the details of their conflict.

Parsons' structural functionalism perspective that contends that the means that people use to foster cooperation in a particular society are socially and morally regulated, with views of right and wrong, proper and improper, etc. can help us to explain these findings. In this case, for both patrilineal and matrilineal tribes, perceptions of effectiveness of violent conflict interventions are very much linked to the moral values of the people. In other words, the intervener must be perceived to have appropriate qualities as prescribed by the moral values of a particular tribe, to be allowed to intervene in a particular violent conflict. These qualities are acquired through socialisation processes in the tribe. This also explains why conflicting parties are reluctant to call upon or accept younger or unfamiliar individuals to intervene in their violent conflict, as they are perceived not to have appropriate qualities to intervene in specific violent conflict situations.

The study results revealed that individuals (men, women and children in their own right) also participate in violent conflict interventions through the nucleus, extended families, *kaghamba,* village forums and sometimes higher forums such as GVH or TA forums. This can be explained by the concept of emergency within the complexity theory, which recognises that each level in a social system contains the objects that are present in the other levels, but that they can be analysed differently at each level. In other words, the intervention of individual in violent conflict situations in their own individual rights needs to be analysed differently from their interventions as part of the nucleus family, extended family, or village community. We therefore also need to examine the interventions of individuals in violent conflict situations in the framework of the family as well as

the traditional leadership institutions to get a full picture of the roles played by individuals in conflict interventions.

The study results show some similarities in the way individuals participate in the various forums to discuss violent conflicts across the four tribes. Firstly, the leadership at the lower level forums (extended family, sub-village and village levels) encourage as many men, women and older children to participate in the forums as possible. The rationale behind encouraging many individuals to participate is: a) to enable the individuals bear witness that justice has been done for one of them; b) to give their consent on decisions made by the facilitators and the forum leadership; c) to enable as many individuals as possible to participate in facilitating the forums discussions in order to rule out possibilities of corruption; d) to enable individuals not only children but also men and women learn from the forum processes.
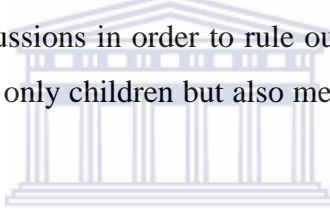
While older children are encouraged to participate in the forums, there are incidences where they either are sent away or are not allowed to ask questions or to make any comments. This is the case in forums where conflicts between husbands and wives are discussed. These restrictions are made to avoid exposing the children to explicit sexual talk, which is taboo for children and a privilege to adults, particular the married ones. In addition, the restrictions are made to maintain the confidentiality of the conflicting couples. Among other reasons, it is believed that children are more likely to reveal the details of the discussions to other children. This would be disrespectful to the conflicting parties particularly the married couple.

The motives behind encouraging as many people as possible to participate in the forums to discuss specific conflicts reflect a strong inclination towards the cooperation within their extended families, village and tribe as whole. It also

reflects a recognition of the individual contribution in the collective. Again, these practices can be understood through Parsons' perspectives on the relationship between individual and society in which he asserts that within a society there is a strong measure of agreement among people, they do get along with each other and they cooperate with and help each other. In addition, the tendency to seek the consent of men and women in the decisions made, as well as deliberate efforts to advance transparency and accountability in conflict interventions forums by ensuring that people bear witness, reflect *ubuntu* principles. The practices promoted in the forums recognise the value and dignity of the conflicting parties as well as the individuals participating in the discussions. By sending away the children during certain discussions, the forum leadership are protecting the dignity and respect of not only the conflicting couple but also that of the concerned children and the society as a whole. As Munyaka and Motlhabi, (2009:66) observe, in *ubuntu* regardless of their social status, gender, race, persons are recognised, accepted, valued and respected for their own sake.

There are also some differences in the way individuals participate in the forums to discuss conflicts. Within the Sukwa tribe, each man and woman present at the forum is allowed to actively participate in the facilitation of the discussions by asking critical questions as well as being part of the decision-making processes. The forum discussions are open to all men and women who attend the deliberations with *mafumu* and *makambala* playing the roles of lead facilitators. In the Ngoni tribe, the forums are facilitated by a special team comprising the *induna*, *munaba*, VH and selected competent *madoda* and *ntchembere* from amongst the ordinary men and women. For the Ngoni, Chewa and Yao, the participation of ordinary men and women in the forums is restricted to asking questions, making comments and giving their views in the decisions made when asked to do so. Otherwise, these functions are prerogative of the forum facilitation

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and leadership team. From a structural functionalism perspective, while all the tribes have created forums where individuals, facilitators and leaders share roles and responsibilities in a common mechanism to deal with violent conflict, the actual roles played by the individuals in each forum and tribe might have been influenced by the moral values of the tribes resulting from different socialisation processes in the different tribes. From a complexity theory perspective, these differences might have occurred because of the different environments in which each tribe had been operating as there is a tendency for social systems to change internally as a response not only to internal forces but also to their environment. The forums, from a structural functionalist perspective are viewed as one of the institutions and means for managing tensions, diffusing and resolving conflicts and ensuring social harmony in the tribes. From *ubuntu* worldview, the forum expresses recognition of the respect and dignity of the individuals and is a moral expression of mutuality (Munyaka and Motlhabi 2009:66). By insisting that every man and woman play some roles in the forums such as giving consent to the decisions made, the forum demonstrates the value that these tribes attach to the individual within the collective.

This sub-section has discussed the roles played by individual men, women and older children in their own right as individuals or as part of the family or traditional leadership structure, in violent conflict interventions. The next sub-section discusses the family structure and the role it plays in violent conflict interventions.

6.2.3 Family structures and conflict interventions

The research findings presented above (Sections 4.3.1.2 and 4.3.1.3) reveal that the composition of the nucleus families for patrilineal tribes is similar to those of matrilineal tribes. The major difference is that nucleus families for patrilineal tribes live in the husband's village while those in matrilineal tribes traditionally practice *chikamwini* – a practice where the husband lives in the wife's village. There are marked differences in the composition of the extended family. For patrilineal tribes, the extended family comprises mostly the nucleus families of all the men who trace their lineage through a common ancestor (man) up to three or four generation sets. It is headed by the most senior man in terms of age in the patrilineage. A matrilineal extended family (*bele)*, on the other hand, comprises men and women who trace their descent from a common ancestress known as *kholo*. The *mwini mbumba,* the most senior uncle (*mtsibweni)* or brother in the matrilineage (Amanze 2002:34), heads this family. These findings imply that both patrilineal and matrilineal tribes have strong inclination for individuals to live a communal life as within the family set up alone, an individual is part of a double layer of functional collectives, the nucleus as well as the extended family. This set up can be explained through a structural functionalism perspective which contends that individual human beings are connected by a definite set of social relations into an integrated whole. In this case, the individuals are connected in the nucleus and extended family structure through blood and marital relationships to form a double layer, the family collective.

The research findings further reveal that in both nucleus and extended families, there are mechanisms set up for intervening in violent conflict situations that aim at restoring harmony. Within the nucleus family, members – husbands and wives facilitate discussions between disputants within the nucleus family. In addition, in both the patrilineal and the matrilineal tribes, marriage counsellors are the main

interveners in serious conflicts between husbands and wives in the nucleus family. The children, particularly the older ones, sometimes intervene in their parents' conflicts as well as in conflicts amongst fellow children in the nucleus family.

Within the extended family set up, both the patrilineal and the matrilineal tribes convene forums to discuss serious conflicts, which arise between members or between members and members of other extended families. In the latter case, the leaders from both extended families are involved in the discussions. It is a requirement that every member of the extended family attends these forums. The insistence on members of the nucleus and extended family to participate in discussions of violent conflicts, which arise within the family, is a reflection of *ubuntu* principles. According to Mangaliso and Damane (2001: 24), one of the most important attributes of *ubuntu* is the high degree of harmony and continuity throughout the system. To maintain the harmonious relationship individuals have to be directly involved in social and moral roles, duties, obligations and commitments which the individual person must fulfil (Munyaka and Motlhabi, (200973–74). By participating in discussions of violent conflicts, members of the nucleus or extended family are therefore fulfilling these social and moral roles, duties, obligations and commitments.

The family set up for the patrilineal and matrilineal tribes and their respective mechanisms for intervening in violent conflicts that arise amongst them reflect a structural functionalism perspective, which holds that society has a variety of institutions and means for managing tensions, diffusing and resolving conflicts and ensuring that orderly means of carrying out activities can be ensured. In this case, within both the nucleus and the extended family set up there are institutions for managing violent conflicts in order to maintain social harmony.

The study findings, however, indicated that there are variations in the authority and roles assumed by husbands and wives in the nucleus families when intervening in conflict situations particularly between patrilineal tribes of the Sukwa and Ngoni and the matrilineal tribe of the Yao, which strictly practices *chikamwini*. In the partilineal tribes, husbands have more authority and are ultimate decision makers in the nucleus family. They also intervene in more serious violent conflicts. The wives on the other hand, have less authority and focus more on minor violent conflicts between children. In the matrilineal tribe under strict *chikamwini*, though husbands are heads of the family, they have less authority over the children. The wives have more authority in the affairs of the nucleus family, take leading roles and are the ultimate decision makers in interventions on violent conflicts arising in the nucleus families. Their brothers or uncles (brothers of their mothers) often assist them. However, within the extended families their brothers or uncles (brothers of their mothers) have more authority and are the ultimate decisions makers in the violent conflicts that arise.

In the matrilineal tribe where the nucleus families are predominantly living in the husbands' villages, as is the case in the Chewa tribe, both the husband and wife play active roles of intervening in the conflicts between their children. The wife mostly intervenes in the daughters' conflicts as well as focuses on minor disputes between the children. The husband mostly intervenes in the conflicts between sons; and often comes in when conflicts are serious. The husband has more authority and is the ultimate decision maker in the nucleus family. Within the nucleus families, the differences on the authority and roles played by husbands and wives in conflict interventions in different tribes are prescribed by the norms and values of the tribes. According to the structural functionalism perspectives, these norms and values are internalised by the individuals, in this case, husbands and wives during the socialisation processes. As the patrilineal tribes and

matrilineal tribes under *chikamwini* have developed different social systems, socialisation binds individuals in each tribe to their social systems. The differences in the roles played by husbands in the matrilineal tribes between the Chewa and Yao tribes can be explained through a complexity theoretical perspective, which contends that complex systems do not remain in the constant state in which the interactions between parts can be modelled as if their features were fixed. Instead, they are continuously changing and over time become more complex and increasingly multifaceted and the changes are irreversible. This implies that the differences in these matrilineal tribes might have occurred because of continuous internal changes in each of the tribes.

This sub-section has made a comparative analysis of the nucleus and extended family structures for the studied patrilineal and matrilineal tribes in Malawi. The sub-section has also discussed the roles these family structures play in conflict interventions. The next sub-section discusses traditional leadership structures and the roles they play in violent conflict interventions.

6.2.4 Traditional leadership structures and conflict intervention

In both patrilineal and matrilineal tribes, each level of the traditional leadership structures described above (Table 4) is able to intervene in a particular violent conflict by convening forums to discuss the violent conflicts with the aim of establishing social harmony. One of the conflicting parties can request such forums to convene. In each tribe the party to the conflict that made the request for a forum to convene pays a small fee to the traditional leadership as a requirement. Some tribes argued that by paying this fee the disputant who requested the forum

to convene demonstrates seriousness. At the end of the forum, the one who is found to be at fault ends up covering this cost.

The study results as presented above (Sub-sections 4.3.1.3 – 4.3.1.9) show that there are variations in the composition of the forums between the patrilineal and the matrilineal tribes. The main difference is that in the matrilineal tribes each party has to be accompanied by representatives from its extended family at any of the traditional leadership forums. Forum discussions cannot start in the absence of extended family members of one of the conflicting parties. Otherwise, extended family leaders will query the forum leadership. This implies that within the matrilineal tribes the extended family leadership have more authority over it members than any other traditional leadership level.

The study results also show that there are some minor differences in the composition of the teams responsible for facilitating forums to discuss specific conflicts at the different traditional leadership levels in the different tribes. In general terms, the responsibility to facilitate the forum discussions is in the hands of the advisors to the traditional leaders at each level of the leadership structures. The traditional chiefs (VH, GVH, TA and paramount chief) are the leaders responsible for convening the forum as well as have ultimate decision-making authority. Different actors assist the advisors in facilitating discussion in different tribes at different levels of the traditional leadership structure. The extreme case is in the Sukwa tribe at *kaghamba* and village levels where the forums are open for facilitation by any man or woman present. In the Ngoni, Chewa and Yao tribes, at the village forums the advisors are assisted by a team of selected men and women to facilitate and make decisions at the forum. At the higher levels (GVH and sub TA), the advisors are assisted by teams which included selected VH, GVH, men and sometimes women. In all the four tribes, the TA has a well-established forum

that comprises his advisors and a team of selected GVH, VH, men and rarely the teams include a woman. The TA's forums for the Ngoni and Yao tribes have at least one woman in the facilitation team. Similarly, for the Ngoni, the paramount chief has a well-established forum, which is the highest level for appeal for violent conflicts that arise in the tribe.

A partial comparative analysis of the interventions in violent conflicts by traditional leadership structures of patrilineal and matrilineal tribes in Malawi with those of the pre-colonial Rwanda traditional system, South Africa *ubuntu* societies, Acholi of Uganda and Pokot of Kenya reveals the following:

a) in all these societies traditional leadership structures intervened in specific violent conflicts by convening forums to discuss the conflicts;

b) the facilitators and leaders of the forums to discuss violent conflict comprised selected competent elders from the society and traditional leaders;

c) the practice in the studied matrilineal tribes in Malawi of disputants bringing extended family members to participate in forums to discuss their violent conflict was also commonly used in the pre-colonial traditional system for Rwanda, *ubuntu* societies in South Africa and amongst the Acholi people in Uganda (Table 10).

The comparison below shows that while there were some differences in the traditional leadership structures, the mode of intervention in violent conflict situations were very similar across these African societies.

Forums as a means of intervening in violent conflict situations by traditional leadership structures can be explained as one of the various institutions and means that, according to structural functionalisms perspectives, societies adopt for

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managing tensions, diffusing and resolving violent conflicts and ensuring that orderly means of carrying on activities are ensured for its members. However, this perspective does not explain the rationale for using forums as a means for intervening in violent conflict situations. The inclination to use forums in violent conflict interventions is a manifestation of the *ubuntu* worldview. According to Mangaliso and Damane (2001: 26) in the *ubuntu* context, the social effect of conversation is emphasized, with primacy given to establishing and reinforcing relationships. In one of their guidelines for the process of incorporating the philosophy of *ubuntu* in management, Mangaliso and Damane (2001: 32) advise people to take time to listen with empathy, especially in violent conflict resolution, as being listened to is tantamount to being acknowledged. They argue that in *ubuntu*, being acknowledged is a very important first step toward agreement and cooperation (ibid). Forums, if properly facilitated can create environments that are conducive for conversation, listening and being listened to and can facilitate consensus and social harmony.
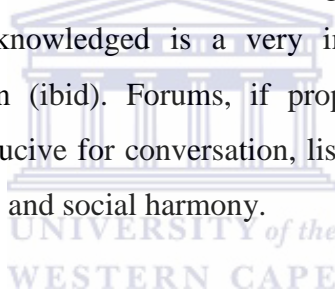
Table 9: Comparative analysis: conflict interventions in traditional leadership structures

Malawi patrilineal and matrilineal tribes	Rwanda (pre-colonial traditional system)	South Africa *ubuntu* societies	Uganda - Acholi	Kenya Pokot
Intervention by convening forums at: Extended family Sub-village, Village,	Intervention through convening : *Gacaca* forums at different levels from lowest units of	Intervention by convening: *Inkundla / Lekgotla* - Group mediation forum	Intervention by convening: Council of elders (forums) at all levels,	Intervention by convening forums at: Extended family/clan highest socio-political

GVH TA and paramount chief different levels	society to highest at *mwami*	convened at different levels of the social political – village, chief, king's level.	clan, village, and highest level of the leadership structure	governing body and council of elders *Kokwo*
Forum leaders/ facilitators: Traditional leaders, their advisors, selected elders (men and women), in one tribe all men and women	Forum leaders/ facilitators: *Inyangamugayo* - People of integrity' - old age, erudition, wisdom, altruism, political /economic influence	Forum leaders/ facilitators: Council of elders, the chief and sometimes king	Forum leaders/ facilitators: Council of clan elders *(ludito kaka),* grand `council known as the *gure madit comprising men and women*	Forum leaders/ facilitators: Respected wise old men, knowledgeable in community affairs and history, good orators and eloquent public speakers, representatives from villages, elderly women
Forum participants: Family members for disputants (matrilineal tribes) Men and women from the communities	Forum participants: Family / clan members for disputants, the rest of the face-to-face community members	Forum participants: Family members related to the victims and perpetrators, members of the public - men and women were allowed to share their views	Forum participants: Members of society - have a right to ask questions to disputants and witnesses	

Source: compiled by author using both primary and secondary data

The emphasis on conflicting parties to bring with them extended family members to be present during discussions of violent conflicts, as well as the practice by the Sukwa tribe to involve all the men and women present at the forum in facilitating

the forum discussions can equally be explained within the framework of the *ubuntu* worldview. According to Munyaka and Motlhabi (2009:68) the *ubuntu* philosophy holds that one cannot be a human being alone only in a community. They argue that an African individual is a communal being, inseparable from and incomplete without others. In addition, according to Mangaliso and Damane (2001:29) *ubuntu* dictates the sharing of burdens during hard times because, in so doing, the suffering is diminished. These explain why extended family members in these tribes demonstrate a strong sense of caring, protection and solidarity by insisting on participating in a forum to discuss a violent conflicts concerning one of them. Mbiti (1969 in Munyaka and Motlhabi 2009:68) explains this tendency better when he argues that in *ubuntu* philosophy when one suffers; one does not suffer alone but with the corporate group. In addition, these practices are a means of ensuring transparency. Mangaliso and Damane (2001:32) observe that in *ubuntu*, transparency and trust replace suspicion and hostility.

This sub-section has presented a comparative analysis of the traditional leadership structures for the patrilineal and matrilineal tribes in Malawi with those of other societies in other parts of Africa. The sub-section has also discussed the roles the traditional leadership structures play in violent conflict interventions. The following sub-section discusses the position of the women in the traditional socio-political governance structures and the roles they play in violent conflict prevention and transformation.

6.2.5 Women, socio-political governance structures and violent conflict interventions

The study results above (Section 4.3.3) show that women form an integral part of the socio-political organisational structures of the Sukwa, Ngoni, Chewa and Yao

tribes in Malawi in their individual capacities, as members of nucleus and extended families and as members of the village community. It is within the same capacities that they intervene in violent conflict situations arising in their communities in the same way and sometimes more than what men do. However, though women occupy some leadership positions and in those positions, their performance is just as good as that of men, their leadership roles are not as prominent as those of men. There is a tendency for men to dominate as ultimate decision makers in violent conflict interventions in the family structures except for the Yao tribe where the women dominate in decision making at the nucleus family level. Similarly, while there are relatively more women holding traditional leadership positions in matrilineal tribes of the Chewa and Yao, men still dominate in numbers.

The research findings revealed that in the tribes of the Sukwa, Ngoni, Chewa and Yao, women play important roles in the prevention of violent conflicts within their families and communities. According to the research participants' understanding, these roles mostly relate to the socialisation of children. In this respect, women play the crucial role of moulding their children particularly the girls to enable them acquire and internalise the moral values of their society. They teach, continuously advise and monitor the behaviour of the children ensuring that they have adopted the necessary moral values that will enable them to live in harmony with others in the family and the community as a whole. In the research participants' understanding, the women are better placed to pass on moral values to girls and younger boys as they spend more time with them compared to men.

The structural functionalism perspectives that contend that, "individuals fulfil certain system functions by taking on various roles as means of carrying out the function of their statuses"; can help us explain the roles played by women in

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socialising the children. In this respect, as the women have the primary role of bringing up children in the four tribes, apart from taking care of their physical and biological needs, they also have the task of socialising them. According to research participants understanding, the women help not only their biological children, but also any other girls and boys around them. The aim of the socialisation process is to enable the children internalise the moral values that would enable them live in harmony with others within their families as well as society as a whole.

In the Chewa and Yao tribes, the women also play crucial roles in the initiation ceremonies of girls as part of the socialisation processes. According to Van Breugel (2001:190), in the Chewa tribe the initiation ceremony for girls (*chinamwali*), is to a great extent purely a women's affair, as the key roles of *nankungwi* (elderly woman in charge of initiation of girls) and *mphungu* (tutor) are played by women.

Women also play different roles in violent conflict transformation processes as follows:

Firstly, in all the tribes as mothers in the nucleus families, women take leading roles in facilitating discussions and providing advice when violent conflicts arise between their children. Secondly, women play different roles in violent conflict transformation processes in the different forums in different tribes. In the Sukwa tribe, as already discussed, at the extended family, *kaghamba* and village forums, women actively participate in asking probing questions, cross-examining the disputants, bearing witness and decision making processes alongside men. In the Ngoni tribe few selected women play this role; while as in the Chewa and Yao tribes within the extended families, sometimes women play very active roles in facilitating violent conflict transformation forums particularly where there are no

men competent men. Thirdly, there are some women with special roles in violent conflict transformation processes. For example, the elderly women, aunts and grandmothers play crucial roles in facilitating discussions in domestic conflicts in the Ngoni tribe. The wife of *ifumu* in the Sukwa tribe plays the leadership role at the *kaghamba* forum.

A comparative analysis of the role of women in the socio-political governance structures as well as intervention in violent conflicts in different societies in Africa, reveal a similar trend of men dominating in leadership positions as well as in decision-making processes related to violent conflict interventions. In traditional Rwanda while women participated as part of the face-to-face communities attending the *gacaca* sessions, Ingelaere (2008: 52) observes that men dominated the old *gacaca*, like society as a whole. Mutisi (2009: 24) also observes that in the pre-colonial traditional societies in Rwanda, the majority of indigenous women were not included in the primary structures of decision-making.

In the Pokot pastoral communities, apparently the roles of women were not as prominent as those of men. According to Pkalya et al (2004:23–24), it was mostly senior elderly women who contributed to proceedings in a *kokwo*. The roles of other women mostly included documenting the outcomes of the *kokwo* for reference in future meetings; providing advice to the council on what to do and what not to do citing prior occurrence or cultural beliefs; as well as voicing their views and opinions when asked to do so.

In the literature reviewed for this research, not much has been reported about the involvement of women in violent conflict interventions within the Acholi society except for the report by Murithi (2006[a]:24) that within the Acholi society all members have a say in matters affecting the community. He observes that the

councils of elders or community leadership councils were made up of both men leader referred to as *rwodi moo* and female leaders known as *rwodi mon* both of whom gave final blessings to mark the end of violent conflict (Murithi 2006[a]:26).

The dominance of males over females in traditional leadership roles as well as in decision-making positions within the Africa societies reflects the cultural values of the societies. This can be explained by the structural functionalism perspective, which asserts that individuals fulfil certain system functions by taking on various roles as means of carrying out the function of their statuses as prescribed by cultural norms and values. In this case, this implies that within the societies covered in this study, women generally occupied the subordinate status in both leadership and decision-making processes with respect to violent conflict interventions, though they actively participated in violent conflict interventions.

This sub-section has discussed the place of women in the socio-political governance structures and the roles they play in violent conflict prevention and transformation. The next section discusses the notion of conflict.

6.3 Perceptions of the notion of conflict

The study results show that both the patrilineal and matrilineal tribes in Malawi perceive conflict in terms of the following themes: perceiving differences, engaging in dispute, engaging in a fight, engaging in uncontrolled chaotic violent conflict and engaging in war. Arranged in this order these themes reflect a continuum of conflict intensity starting from the lowest to the highest. The tribes regard the first level of this conflict continuum – perception of differences as normal and part of life not only vital for positive changes to occur in their

communities, but also responsible for creating the necessary diversity which makes the community interesting. Similarly, at the second level of conflict intensity – disputes to a certain extent, are tolerated and the disputants can live with them, or sometimes let them disappear on their own. However, as the tempers rise and the situation becomes uncontrollable, disputes become serious issues of concern between the disputants as well as to the community as a whole. In such cases, remedial measures are taken. Often, the disputant who feels insecure, or hurt, seeks intervention by a third party. Sometimes, family members, friends, or other concerned parties intervene on their own, fearing the negative consequences that would ensued if the dispute is left uncontrolled. Fights are a serious concern to all the tribes. Any fight immediately attracts interveners to prevent injuries.

The research findings, as summarised above, show that the four tribes studied view the origin of conflict situations as the differences or perceived differences between parties in dispute. This view reflects a subjectivist view of the notion of conflict, which according to Axt et al (2006:4) focuses primarily on the perceived incompatibility of goals and differences. As opposed to the objectivist view, which according to Reimann (2004:3) seeks the origins of conflict in the social and political make-up and structure of society and posits that conflict can exist independently of the perceptions of the parties involved. In the subjectivist view, which concerns us in this thesis, argues that it is incompatible differences or the perception of incompatibility, which gives rise to violent conflict (Deutsch 1991 in Axt et al 2006:4). According to the research participants understanding, a certain level of differences or incompatibilities is considered as normal and desirable occurrence in the community, as it brings about vital positive changes as well as creates the necessary diversity, which makes the community interesting. This perception of the notion of conflict is in line with the social process

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theoretical perspective, which asserts that certain amount of disagreement, inner divergence and outer controversy is organically tied up with the very elements that ultimately hold the group together. However, according to the research participants' understanding, if left unguided or uncontrolled, differences or perceived differences or incompatibilities result into violent conflict situations. Similarly, where disputes manifest, if the tempers that fuelled them are left uncontrolled, the situations continues to grow more violent. This is in agreement with the argument by Axt et al (2006:4) that the level of incompatibility is the most important variable that affects the intensity of the dispute and dynamic of conflict phases. The research participants viewed the intensity of conflict to be associated with failure of mechanisms within the community to contain the increasing differences or perceived differences and the tempers, which result from such differences.

As violent conflict is undesirable in these tribes, there is a tendency for either one of the conflicting parties or members of the family or any other member of the wider social network in the community to proactively institute remedial action as individuals, or within the framework of the existing family or traditional leadership institutions. According to the research participants' understanding, their communities have appropriate institutions that continuously help to maintain social harmony by dissipating any violent conflict, which go beyond tolerable levels. This reflects a structural functionalism perspective, which contends that without the normative regulation of means, society would be afflicted by chaos, anomie, apathy and social disorder.

Realising that there are always differences between people and that these differences, if not controlled, result in violent conflict, which threatens the very existence of their communities, the tribes developed institutions for managing

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violent conflict with the aim of maintaining social harmony. The next section discusses the different methods that the tribes use to prevent violent conflict.

6.4 Prevention of violent conflict

The research findings revealed three factors that help the four tribes to prevent violent conflict. These include moral values, maintenance of good relationships, and respect for traditional beliefs. The following sub-sections discuss each factor in detail. The researcher has not made any comparisons with other systems used in other parts of Africa, as there was inadequate documented information available for any meaningful comparisons to be made.

6.4.1 Moral values and violent conflict prevention

Moral values, otherwise termed ethics, in this context, refer to what Prozesky (2009:3) describes as "lived and practised beliefs about right and wrong, good and evil". According to research participants' understanding, there are several moral values in their tribes that contribute to prevention of violent conflict as presented above (Section 5.3.1). These include respect, relations / relationships, interdependence, unity, kindness, friendliness, sharing, love, transparency, tolerance, self-restraint, humility, trust, trustworthiness and obedience (Table 7). These moral values contribute to violent conflict prevention in two ways.

Firstly, moral values enhance self-restraint in individuals thereby preventing them from displaying or engaging in aggressive behaviour. For example, the research participants considered mutual respect in the community as one of the most important factors contributing to prevention of violent conflict at individual level.

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Prozesky (2009:3) identifies respect as one of the moral traditions embedded in the African culture. According to Munyaka and Motlhabi, (2009:66) within *ubuntu* worldview, persons are recognised, accepted, valued and respected for their own sake regardless of their social status, gender or race. This worldview holds that all the people have dignity which makes a person divine and therefore to be respected and valued (ibid). Munyaka and Motlhabi, (2009:66) further observe that respect motivated by *ubuntu* is shown by the way people relate, talk and show courtesy to one another. This may explain why within the four tribes, which valued mutual respect, individuals are restrained from displaying aggressive behaviour; as well as seek more tactful ways of engaging with others thereby averting potentially violent conflict situations.

Tolerance is another example of moral values that contributed to prevention of violent conflict. According to the research participants' understanding, the Sukwa, Ngoni and Chewa tribes value and encourage individuals to be tolerant and to exercise self-restraint in order to contain aggressive behaviour towards others particularly when provoked. Mazrui (2009: 37) argues that in Africa's ethical code, tolerance is partly expressed by its short memory of hate and that Africanism recommends a return to normality without hate after each conflict. In other words, tolerance as a moral value enables the individual to hold back temper or violent behaviour or forgive the other individuals in violent conflict situations. This is motivated by respect for other individuals and the value attached to the relationships in the collective.

Secondly, the research findings revealed that moral values promote and enhance good relationships between individuals in the family set up, as well as the community as a whole. According to Munyaka and Motlhabi (2009:65), this way of life that seeks to promote and manifest itself and is best realized and made

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evident in the harmonious relations within society is *ubuntu*. In this context, they describe *ubuntu* as a spiritual foundation, an inner state, an orientation and a disposition towards good, which motivates, challenges and makes one perceive, feel and act in a humane way towards others (ibid). This spiritual foundation or disposition towards good, manifests in moral values such as love, kindness, friendliness, sharing and interdependency, which enable individuals to derive mutual benefits from each other. For the four tribes studied these moral values promote cohesiveness in the community and act as social security for individuals. Consequently, violent conflict is therefore considered undesirable.

In addition, other moral values that promote or enhance relationships include trust, humility and obedience. Trust / trustworthiness are believed to prevent violent conflict; while lack of it is believed to fuel violent conflict. Humility prevents violent conflict in the family and community as a whole as humble characters are less likely to respond aggressively to provocation. Obedience is associated with reverence and fear of those in authority such as the chiefs and the parents and therefore restrains individuals from displaying aggressive behaviour to those in authority. The emphasis and inclination towards relationships prevent aggressive tendencies in the individuals. Some people have argued that although it articulates such important values as respect, human, dignity and compassion, the *ubuntu* desire for consensus also has a potential dark side in terms of which it demands an oppressive conformity and loyalty to the group (123HelpMe.com. 2011:3). Prozesky (2009:9), however, argues that the cultures governed by the *ubuntu* ethics do not turn people into passive beings, governed by the dictates of tradition and group pressure, leaving no room for personal initiative and creativity. Instead, he further argues, within *ubuntu* worldview, rich personal creativity is only possible when individuals enjoy the supportive resources of a healthy context made up of other vigorous fulfilled people and nature in an on-

going process of mutual enrichment (ibid 2009:10). This implies that individuals are able to simultaneously effectively pursue their own interests, as they serve the needs of the society as a whole.

Once again the philosophy that one cannot be a human being alone only in a community and that an African individual is a communal being, inseparable from and incomplete without others (Munyaka and Motlhabi 2009:68), applies here. This philosophy may help us to explain the tendency for people in the four tribes to value good relationships, love and unity not only in the family set up but also within their community.

The research findings revealed that, within each family or community set up, when individual members develop desired characteristics based on good moral values, their behaviours and the way they interact with others prevent violent conflict. A structural functionalism perspective, which contends that socialization, education, learning in the child and continued socialization throughout life are the means by which the norms and values of society are learned by individuals, can help us explain the means by which individuals internalise moral values in the four tribes. The research findings reveal two main ways through which individuals internalise the moral values discussed above. First, in all the four tribes, parents, other members of the family and community as a whole assume different roles and use different methods to mould the characters of their children such as parental guidance, teaching, continuous advice, telling stories, songs and proverbs and living by example. They also have the responsibility to continuously monitor the behaviour of their children and take corrective action such as advising or punishing where the children are acting contrary to the moral values being imparted.

Secondly, for the Chewa and Yao tribes, boys and girls go through traditional initiation ceremonies where they are taught the moral values, beliefs and practices of their cultures. The children also acquire values through religion, education, television, videos and other media some of which are perceived to be contradictory to the traditional moral values. This implies that the traditional moral values of the tribes are subjected to influences from other cultural systems. As complexity theory perspectives assert, "complex social systems do not remain in the constant state in which the interactions between parts can be modelled as if their features were fixed. They are continuously changing and over time become more complex and increasingly multifaceted and the changes are irreversible". With these perspectives in mind, can we comfortably refer to the moral values discussed above as traditional African values? Prozesky (2009:10), argues that while these ethics / moral values may be present in other cultures, in Africa they are still alive and thriving, vibrantly among people despite the relentless oppression, exploitation, contempt and cruelty that the African people might have been subjected to. Similarly, the results of this study show that for tribes in Malawi particularly, amongst the people living in rural areas, the moral values discussed above are real and part of the people's lives.

This sub-section has discussed how moral values help to prevent violent conflict. The next sub-section discusses maintaining good relationships as a means of preventing violent conflict.

6.4.2 Maintaining good relationships and violent conflict prevention

We have seen in the preceding sub-section how relationships are at the centre of *ubuntu* worldview and how moral values help to establish healthy relationships.

The research findings show that some of the tribes are proactively involved in building new relationships with other societies. The Sukwa tribe in particular has a system of families or entire village communities establishing relationships with other families or villages communities some of which are even outside their ethnic group. These friendly relationships established for the sake of facilitating traditional dances, transcended family / ethnic rivalries and therefore prevent potential violent conflict. This practice can be seen as a demonstration of the inclusivity of *ubuntu*. This inclusivity goes to the extent where one has an extensive obligation to admit and be generous and supportive to strangers (Munyaka and Motlhabi 2009:76). In other words the moral values that promote or enhance relationships are not only applicable within the family or tribe, but also to other extended families, communities, tribes and ethnic groups after some negotiated relationship had been established. Kasoma (1996:106) agrees with this view, when he argues that Africans recognise the influence of friends and close associates who may not necessarily be members of the immediate extended family. The new relationships established with other groups including those from other tribes, do not only prevent violent conflicts between these groups, but also provide a framework for dealing with emerging violent conflicts.

In addition, according to the research participants' understanding, all the four tribes empathise dialogue and decision-making by consensus as a way of preventing violent conflict and maintaining good relationships in their nucleus families, extended families and community. Here again, the argument by Mangaliso and Damane (2001: 26) that "the social effect of conversation is emphasized, in *ubuntu* worldview, with primacy given to establishing and reinforcing relationships", applies.

This sub-section has discussed how continued efforts to maintain relationships help in preventing violent conflict. The next sub-section discusses the role of traditional beliefs in prevention of violent conflicts.

6.4.3 Traditional beliefs and violent conflict prevention

The study results show that some of the tribes such as the Sukwa, Ngoni and Yao have beliefs that contribute to violent conflict prevention. The following are some of the beliefs, which contribute to prevention of violent conflict:

> "....if you beat your father ....you are cursed..."- (Sukwa tribe);

> .... if you have a serious dispute with your mother; and your mother is angry with you and she squeezes breast milk to the ground; you have been cursed you can never live a peaceful life....your life will be miserable... (Ngoni tribe).

> ...extended family members should never fight otherwise they allow family enemies to overpower them by taking advantage of the fights.... (Yao tribe).

These beliefs and many others can be best explained and understood in the contexts of the African philosophical thought, which according to Kasoma (1996:102) comprises the living and the dead, which share one world; in which what the living do, or do not do, affects the dead; and what the dead do, or do not do, affects the living. The spirit is the vital force, which gives life to both the living and the dead (ibid). The good spirits guard over and protect the good people from falling into evil ways engineered by the bad spirits. They carry out this assignment generally by protecting all the people in the family, clan and tribe Kasoma (1996:107). As the sense of belonging is necessary, important and central in *ubuntu* (Munyaka and Motlhabi 2009:68), morals have been evolved in order to

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keep society not only alive but in harmony (Kasoma 1996:108). What strengthens the family, the clan and the tribe or ethnic group is generally considered morally good (ibid). Kasoma (1996:108) notes that to safeguard the welfare of the community, there are many taboos concerning what may not be done and the consequences for disregarding them. The beliefs, which according to the understanding of the research participants contribute to prevention of violent conflict, are taboos. They stipulate what one is not supposed to do and the consequences if one does it. According to the understanding of research participants, if one breaks these beliefs (taboos) the penalty is unleashed by ancestral spirits. As the punishments by the ancestral spirits are revered, people tend to avoid breaking the taboos and in so doing avert violent conflicts.

This sub-section has explained how beliefs contribute to violent conflict prevention. The next discusses method used for violent conflict transformation.
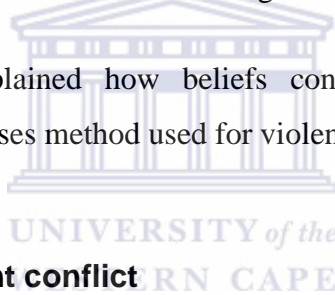
6.5 Transforming violent conflict

We have noted above that when violent conflict occurs between individuals or groups within the nucleus or extended family as well as in the community as a whole, these institutions seek measures to transform the attitudes and behaviour of those involved with the aim of restoring good relationship and social harmony.

The findings of this study identify six key steps in the process for transforming a violent conflict situation to that of good relationship and social harmony within the socio-political governance systems of the Sukwa, Ngoni, Chewa and Yao tribes as understood and constructed by research participants. These include the following: ensuring that the environment is conducive for the disputants to discuss the violent conflict, listening to each of the parties to the conflict,

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searching for the truth, ensuring that all issues have been discussed and exhausted, reconciling the conflicting parties and referring the violent conflict for discussion to another higher forum if one of the disputants is not satisfied. The following sub-sections discuss each step in detail.

6.5.1 Ensuring a conducive environment for discussing violent conflict

According to research participants' understanding, several factors constitute an environment that is considered conducive for a particular violent conflict to be effectively discussed at any of the different forums set up within the traditional leadership structures of the four tribes.

The first factor is to ensure that the team facilitating the violent conflict is neutral. In this case, none of the facilitators is supposed to be closely related to, in friendship with, linked, or suspected to be linked to any of the conflicting parties. In addition, none of the facilitators is supposed to operate, or suspected to operate, under some influence that would enable people to question the credibility of the outcomes of the discussions. As Fisher (2001:8) rightly observes the identity of the mediator / facilitator should serve to engender trust on the part of the parties as in many cases, the mediating third party is often the only initial repository of trust between antagonists who harbour only suspicion for one another. As such, a facilitation team perceived to be neutral will easily win the trust of the disputants. Consequently, it will be easy for each party to open up towards changing attitudes and their behaviour. In this context Spies (2006:5) argues, "trust generates energy to change; while mistrust closes down the spaces for change". If one of the parties questioned the neutrality of the facilitation team, it would be difficult for such a party to open up for genuine discussions. Worse still, it would be difficult for the

facilitation team to influence change in the attitudes and behaviour of that conflicting party.

While within the four tribes in Malawi neutrality of forum facilitators (third party interveners / mediators) was emphasised, Reimann (2004:13) notes that conflict transformation is an open-ended, long-term, multi-track and dynamic process, which significantly widens the scope of actors involved. He argues that when one considers the nature of most global intra-state conflicts it seems appropriate not to treat notions of impartiality and partiality as mutually exclusive characteristics of third parties but rather to focus on their somewhat ambivalent and complementary nature (ibid). Regan (2002:72) concurs with this view when he argues that neutral interventions are tentative rather than definitive. He observes that international organizations intervening in violent conflict situations are not always neutral and neutrality during an ongoing violent conflict may be insufficient to convince the actors that stopping the fighting is in their best interest (ibid). He further observed that neutral interventions are strongly associated with longer violent conflicts than are biased interventions (ibid 2002:71).

However, Fisher (2001:8) argues that some amount of impartiality is usually expected of any mediator, in the sense that he / she may not favour one party over the other and must be neutral about the outcomes that they may jointly create. He outlines the following defining characteristics of the third-party that are central to the exercise of influence as well as link with the functions in the determination of outcomes in this respect: i) the identity of the third party is crucial - he / she should not have the same identity as either of the parties, as this has a bearing on status and impartiality; ii) the motives and interests which lead to the outsider to be involved – he or she should not have any direct interest in the dispute. The emphasis on neutral facilitation would probably be one of the distinguishing

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factors between the concept of violent conflict transformation as perceived by the tribes in Malawi and violent conflict transformation as perceived in the west (Fisher 2001:2).

The second factor each tribe considers are mechanisms to minimise corrupt practices in the process of discussing a particular violent conflict at the various forums within the socio-political governance structures. Some of the mechanisms that tribes adopt to minimise corruption included:- a) encouraging all the men and women present at the forum to actively participate in asking probing questions and cross examining the conflicting parties and their witnesses; b) getting the consent of the forum participants on all the decisions being made and allowing the participants to object the decisions made if they suspect corrupt practices; c) excluding witnesses from the general discussions and bringing them only when they are required to testify; d) and each party to the conflict bringing members of the extended families to bear witness that justice has prevailed.

A similar study conducted amongst the Pokot, Turkana, Samburu and Marakwet pastoral communities in northern Kenya, reveal that these societies, too had mechanisms which made their customary courts, unlike the modern systems, to be objective and corruption free (Pkalya et al 2004:73). The study identified the following factors that enabled the customary courts to minimise corruption. Firstly, a team of elders was used to arbitrate in the system in order to reduced the possibility of corruption. Secondly the verdict arrived at was fully based on the adduced evidence and societal norms (ibid 2004:74).

As the aim of the facilitators is to change the dynamics of the conflict relationship by influencing the attitudes, beliefs and behaviours of individual parties to the conflict, it is important that right from the outset transparency and accountability are ensured in the design and conduct of the discussions to win the confidence of

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the conflicting parties. Spies (2006:5) cautions that change agents should expect mistrust and should not assume that their role as interveners is understood and welcomed. This is particularly so if they are perceived to be corrupt. According to Sturges (2007:222) transparency is concerned with the absence of concealment. As concealment permits corruption, transparency as the absence of concealment is a positive and important concept (ibid). However, Sturges (2007:222) argues, that it is not actually transparency itself that is the most important thing, but its purpose – accountability. He observes that transparency allows for examination of the stewardship that is expected of those who hold positions of public interest; and that for individuals to be accountable there must be some kind of transparency regarding what they do (ibid). If perceived as transparent and accountable the facilitators will be readily endorsed by the parties to the conflict. This will contribute to the creation of a safe space for discussing the violent conflict. Albert (2001:32) argues that an intervener whose mandate is not recognised or endorsed by the disputing parties might not be able to help them work through the conflict.
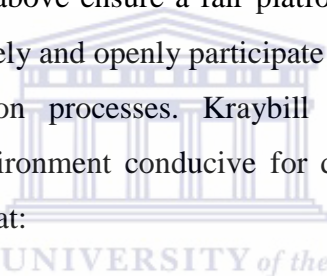
According to the research participants' understanding because of the inherent transparency mechanisms associated with traditional leadership forums, any corrupt practices are difficult to conceal. Attempts to manipulate the system are often revealed through failure to effectively transform the violent conflict situations as expected. As it is in the interest of every member to see that social harmony prevails in their community, everyone involved follows the events, as they unfold, with keen interest. The facilitators and the forum leaders do not want to be held accountable for failing to effectively transform a particular violent conflict situation. They therefore try to conduct the discussions in the most transparent manner possible. This, however, does not imply that corruption is completely absent. There are some forums, which display some corrupt practices.

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However, as corrupt practices are discovered, disputing parties being victimised have opportunities to refer the discussions to more reputable higher level forums.

Thirdly, there are rules set up to protect the conflicting parties, facilitators and other participants from physical or verbal aggression and any other acts by any person at the forum that can interfere with the discussions. The rules also provide guidelines for the processes and the decisions on the outcomes of the discussions. In addition, though not written, each forum is guided by an elaborate procedure that provides a general framework for discussing particular violent conflicts. These rules are part of the customary laws set up to govern the traditional leadership systems and the relationships of people in a particular society. Malunga (2006:6) observes that within the African culture of *ubuntu* people were duty-bound to attend court hearings and to ensure laws were upheld. As a result of this collective responsibility, everyone had a right to question in an open court. Wojkowska (2006:16) observes that in these systems enforcement of decisions was secured mainly through social pressure. These rules are reinforced through the traditional leadership system; where there is noncompliance, the entire community reacts by secluding the deviant. As Munyaka and Motlhabi, (2009:72) observe, within *ubuntu* a person who persists in undesirable action may be ostracized and rejected. There is, however, room for forgiveness. Not to have the capacity to forgive would be to lack *ubuntu* (ibid). The rules are essential, as they set standards for the conduct of the participants to the forums, guide the processes, as well as prescribe the consequences of the wrong done. The rules also ensure consistency in the way the tribes are dealing with different violent conflicts. Above all, to the conflicting parties the rules assure them of a safe and secure environment for discussions.

The fourth factor is that the tribes have mechanisms for including the views of those who cannot express themselves because of emotions such as fear, anger and shyness or are impeded to effectively communicate during forums because of some cultural barriers. This is done to ensure that each party to the violent conflict feels fairly treated but also to ensure that the facilitation team has all the necessary information to enable them make informed decisions that are fair to all the parties. For each violent conflict to be effectively analysed so that the truth is known, each disputant has to make a clear presentation of the events of the violent conflict as it unfolded.

The four factors discussed above ensure a fair platform that is conducive for all the conflicting parties to freely and openly participate in the discussions as well as open up for transformation processes. Kraybill (2004:12) accentuates the importance of creating environment conducive for discussing particular violent conflicts; when he argues that:

> As long as they perceive the process as fair and respectful, most people can accept considerable disappointment and frustration about not attaining their desired outcomes – be they political, financial, organisational, or technical. But those same people will often rise up in bitter, defiant outrage if they feel that the way in which decisions were reached was unfair or demeaning. (ibid).

This sub-section has discussed the importance of creating environment, which is conducive for discussions as a necessary step in the violent conflict transformation process. The next sub-section discusses listening to the parties as a step towards effective violent conflict transformation.

6.5.2 Listening to the parties to the violent conflict

According to Spies (2006:5) facilitation of change processes requires skilful listening and sharing, which will enable those who are affected to gain new perspectives and joint understanding of what needs to change, why, how and when.

The analysis of the study results revealed that at the beginning of the discussions of a particular violent conflict, each party is given time to narrate their side of the story while the other party, facilitators and other forum participants listen. Throughout the discussions, each party to the conflict is given moments to provide their views uninterrupted. These moments are very important for the transformation process. Often in a situation of violent conflict, the disputants do not listen to each other, as each tries to justify his / her position. Spies (2006:8) argues that listening satisfies adversaries' needs for identity, understanding, participation and protection. He notes that listening makes it possible for people to consider exploring mutually satisfying options because they know that their ideas have been heard and form part of the pool of alternatives that will be considered (ibid: 8-9). Spies further argues that when listening takes place, people feel protected, understood, affirmed, less stressed, part of the creation of a new solution and free to be themselves. On the other hand, when people do not feel listened to, most, if not all of the needs are frustrated (ibid: 5). However, Kraybill, (2004:6) argues that although good listening skills are an important tool in empowering the parties they become fully transformative only to the extent that they assist both in empowerment and relationship building. Listening to each party develops its full transformative potential when each party is also assisted in hearing and taking seriously the perspectives of the other (ibid).

In the research participants' understanding, the traditional leadership forums use different methods that ensure that every disputant is listened to as well as listens to others. For example, there are forum rules such as, never interrupt when someone is talking; no background noise during the discussions; do not shout or threaten the other party to the conflict etc. In addition, the facilitators use different methods, which facilitate listening such as paraphrasing, asking for clarification, or even asking the other party to explain what they have heard.

This sub-section has discussed the importance of listening to the parties to the violent conflict and the role it plays in violent conflict transformation. The next sub-section discusses the importance of searching for the truth as part of the violent conflict transformation process.

6.5.3 Searching for the truth

Disputants in a particular violent conflict seek external intervention, not only to help them restore good relationship between them, as discussed above but also to see that justice has been done. According to the research participants' understanding of the processes that the tribes of Sukwa, Ngoni, Chewa and Yao use in the transformation of violent conflict, establishing the truth about what happened and determining the disputant at fault are considered of paramount importance in violent conflict transformation. The common techniques that the facilitators use for determining the truth and identifying the disputant at fault include asking critical and probing questions without taking sides and cross-examining the parties to the violent conflict including their respective witnesses. The analyses of the facts presented include checking if there are consistencies in the presentations by each party with those of their respective witnesses. Differences between the presentations made by a particular party with those of its

witnesses, or where a particular party kept on changing statements indicate possibilities of cheating. In most cases, the facilitation team continues with probing questions until one party admits having done wrong. Otherwise, the forum leader (chief) determines the one in the wrong after examining the presentations from the two sides together with the facilitation team.

As most often efforts to resolve conflicts get stuck at the level of facts and issues, manifesting in power struggles (Spies 2006:9), by taking the disputants through a process which critically explores the different issues and perspectives presented by the conflicting sides, while at the same time searching for the truth of the matter each disputant will be able to re-examine his / her position in relation to the others'. In other words, this will create a space for each disputant to start changing in terms of understanding the perspectives of the other side, perceptions, attitudes, emotions, etc. This according to Spies (2006:6) results in new behaviour. As the primary aim of the process is not to punish the wrong doer, but to re-establish good relationships, there is a tendency for those found at fault to admit guilt and focus on mending the relationships with others. However, according to research participants' understanding of this process without the truth coming out and being acknowledged, a violent conflict cannot be transformed, as the issues fuelling the violent conflict will remain hidden. These issues will not have been adequately examined openly and the disputants will continue to bear grudges against each other. As conflict transformation aims to achieve a settlement of substantive issues raised by the needs and fears of the conflict parties (Reimann 2004:13), without truth coming out the transformation process cannot be completed. Desmond Tutu rightly puts it when he says: "without truth people have no sense of safety, no trust, no confidence in the future" (Bloomfield et al 2003:3). Maregere (2009:43) observes that truth has been viewed as a form of social empowerment for some societies, a form of 'justice as recognition',

acknowledgement and / or admission, as well as a form of compensatory justice, as it restores a sense of justice that had been broken down.

This sub-section has discussed searching for the truth as one of the salient steps in violent conflict transformation. The next sub-section focuses on taking the process of searching for the truth further by verifying with conflicting parties and forum participants if all the issues have been exhausted.

6.5.4 Exhausting issues

As already discussed above, the search for the truth involves critical exploration of different perspectives and issues. This search, however, often goes beyond establishment of the truth. According to the research participants' understanding before making any decision or concluding the discussions on a particular violent conflict, forum facilitators check with the disputing parties and all the forum participants if there are still some aspects that require further discussions. This practice has two objectives. Firstly, to ensure that no disputant or any other forum participant goes away with some issues, complaints or unanswered questions after the discussions. Secondly, to guarantee that everyone present at the forum to discuss a particular conflict feels part of the decisions made and have consented to the outcome.

Commenting on this practice Mangaliso and Damane (2001:27), says, "under *ubuntu* the decision-making process is a circular, inclusive one, proceeding at a deliberate speed and often given to deviations in order to delve into other matters, however, remotely related to the issue at hand". This is done to clear any related issues that might continue to strain the relationships after a certain violent conflict has been discussed and concluded. Within *ubuntu* worldview, a violent conflict

between two people does not only concern the two, but also their extended families as well as the community as a whole. It is therefore in the interest of everyone present at the forum to discuss a particular conflict and to see to it that the violent situation has been totally transformed, none of its elements are still remaining and good relationships have been restored. As within the context of *ubuntu,* people are a family and as such, they are expected to be in solidarity with one another (Munyaka and Motlhabi 2009:71).

This sub-section has discussed the importance of exhausting all issues during the discussions of a particular violent conflict. The next sub-section discusses the mechanisms and importance of reconciling the conflicting parties as part of the violent conflict transformation process.

6.5.5 Reconciling the conflicting parties

According to the understanding of research participants, in both the patrilineal and matrilineal tribes, interventions to reconcile disputants are envisaged to enable the offender to acknowledge having done wrong, feel regretful, sympathise with the offended, accept to pay a token of apology and ask for forgiveness. For the offended, the interventions seek to clear emotions such as tempers, hate and any issues related to the violent conflict and enable him / her to forgive the offender. The research findings presented above (Section 5.4.5) reveal several factors, which contribute to repairing damaged relationships.

Firstly, when the offender acknowledges having done wrong, the offended feels that the truth has been told and justice has prevailed. It is therefore easier for him / her to forgive. This is achieved through the ability of facilitators to critically

probe issues and ask appropriate questions that will enable the offender feel to remorse and acknowledge the wrong done.

Secondly, a damaged relationship is repaired when the reconciliation process has sorted out the contentious issues at the centre of the violent conflict. For example, if the violent conflict arose because somebody had encroached into another person's piece of land, after the truth had been established about the ownership of that piece of land, the forum leadership would order the encroacher to vacate the disputed piece of land. If the forum establishes that the encroacher has a genuine reason for encroaching into another person's piece of land, the chief sometimes allocates another piece of land to him / her. This results in a win-win situation where both the complainant and the offender go away happy and their relationship restored.

Thirdly, is a compensation in form of a token of apology (*chindapusa* or *chipepetso* literally meaning 'something material that you apologise with', as you say 'I am sorry for what I did'). This helps to improve the relationship by soothing the offended as well as relieving the guilt in the offender. The forum leader (chief) in consultation with the forum facilitators determines the value of the token and it is mostly in form of livestock – chicken, goat, or cattle depending on the gravity of the offense committed. Rarely is the token of apology in form of money. In almost all cases, this token is far less than the value of the damage caused by the violent conflict. To the offended, it serves more as a symbol of psychological victory.

Fourthly, facilitators and other forum participants denounce any behaviour or acts by both the offenders and the offended, which contravene the moral values of their society, reminding and advising the disputants on how best to continue living together again. This too helps to restore good relationships through pressure

from the community leadership, family members and members of the community as a whole.

Fifthly, the patrilineal tribes of the Sukwa and Ngoni use certain rituals to restore seriously strained relationships between members of the community. Examples of these rituals include the *kusayana* ritual in the Sukwa tribe and the *mphamba* ritual in the Ngoni tribe. The rationale behind the *kusayana* ritual for example is that when there is a serious dispute between close family members such as father and son or any members of the community, the ancestors become angry (*mishuka yikalere*). Unspecified serious consequences such as an accident, illness or death may affect one of them or their children. To reverse this, the two need to reconcile. The reconciliation process is concluded with a *kusayana* ritual where they feed each other the liver of a sheep and eat together a meal. In addition, the family elder talks to the ancestors informing them that the two have reconciled and therefore asks for the ancestors' forgiveness.

The processes and methods used by the four tribes to reconcile participants overlap with the other steps of the conflict transformation process discussed above. The focus of the interventions by these tribes is mostly on addressing damaged relationships. Kelly and Hamber (2004:3) view reconciliation as the process of addressing conflictual and fractured relationships that includes a range of different activities. Maregere (2009:42) sees reconciliation as an over-arching process that encompasses the search for truth, justice, forgiveness and healing. He argues that within this process the victims have to understand the truth, accept the apology, seek justice and be reconciled with the perpetrator (ibid). Maregere (2009:42-43), however, argues that the experience of a brutal past, given the reality of the loss, pain, trauma, anger and hatred within the victim in most cases makes the search for peaceful coexistence a delicate, intricate and difficult

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operation. Realising this challenge, some of the tribes in Malawi have incorporated spiritual intervention, which invoke involvement of their ancestral spirits through rituals such as *kusayana*.

This sub-section discussed the methods and importance of reconciling the participants as part of the process of violent conflict transformation. The next sub-section will discuss the importance of having an open referral system for violent conflict discussions.

6.5.6 Referring conflict for discussion to a higher level forum

Having taken the disputants through the entire violent conflict transformation process described above (Sections 6.5.1 – 6.5.2); one of the conflicting parties may seek permission from the forum leadership to take the conflict for further discussion to the next higher level forum in the socio-political governance structure. This happens if the concerned disputant is not satisfied or does not agree with the decisions made, has no confidence in a particular forum, suspects impartiality, feels cheated or suspects corrupt practices. With respect to access to referral systems, the findings of this study contradict those of Wojkowska (2006:22) who argues that while the right to appeal is integral to an accountable and transparent legal system, it is not always present in informal dispute resolution mechanisms. For the four tribes studied in Malawi, there are no restrictions to referring the violent conflict for discussion to the next level.

This referral system, which is demand driven, serves two purposes. Firstly, it provides freedom for the disputants to seek and access quality services within their socio-political organisational structure as well as with the assistance of the formal justice systems. From any forum, the disputants are allowed to refer their

violent conflict to the formal justice systems such as police and courts. Secondly, for the forum leadership and the facilitation team, the referral system serves as a self-evaluation tool. A competent forum will effectively transform all the violent conflicts discussed and reconcile the disputants. A forum where many disputants seek reference to other forums is considered incompetent or corrupt as it fails to meet the expectations of the disputants. During the study, the researcher came across two village forums, which were considered to be either corrupt or incompetent because they were sending out too many referral cases to the GVH forum.

This sub-section has discussed referral systems for violent conflict discussions. The next compares violent conflict transformation methods used in Malawi to those used in other societies in Africa.

6.6 Comparative analysis of violent conflict transformation methods used in Malawi to methods used in other parts of Africa

A comparative analysis of the traditional methods for violent conflict transformation used by tribes in Malawi with the methods used in the Rwandan pre-colonial traditional system, *ubuntu* society in South Africa, the Acholi people of Northern Uganda and the Pokot pastoral communities in Kenya (Table 10) reveals the following salient features, which were common across the systems:

Firstly, the methods used are all ultimately aimed at repairing broken relationships and establishing social harmony in the community. Secondly, the process of transformation of violent conflict included at least the following salient interventions: a) searching for the truth primarily through facilitated dialogue involving the offenders, the offended and their witnesses in the presence of other

community members at the different forums where decisions are made by consensus, b) identifying the wrong doer and informing them about the wrong done, c) reconciling the disputants; in which the offender acknowledges having done wrong, feels regretful, sympathises with the offended, asks for forgiveness and agrees to compensate the victim, often through symbolic repayment in kind. This is with the exception of the Pokot system where the offenders are often heavily fined. The victim on the other hand is expected to tone down emotions such as tempers and hate and forgive the offender. Reconciliation also involves spiritual rituals mostly invoking the interventions of ancestral spirits. Thirdly, in all the systems, there are elaborate referral systems following the hierarchies of the socio-political governance structures.

A critical examination of the three common salient features of the violent conflict transformation methods discussed above shows that all the methods focus on one theme – 'improving relationships in the communities'. In other words they focus on human relations, which Prozesky (2009:9) identifies as one of the most important traits of African ethics termed *ubuntu*. In this context according to Murove (2004 in Prozesky 2009:9) "*ubuntu* signifies a shared reciprocal humaneness with strong sense of community that is also hospitable to outsiders....."

6.7 Linkages of traditional systems with formal justice systems

The findings of the study reveal that in Malawi the traditional violent conflict transformation methods are not applicable to all violent conflicts even though technically they seem to be applicable to any violent conflict situation as demonstrated by other methods used in other parts of Africa.

The government policy restricted traditional violent conflict transformation systems to violent conflicts of non-criminal nature. Violent conflicts, which touch on traditional aspects particularly those related to traditional marriages and customary land tenure, are handled through traditional systems or both traditional and formal systems. This necessitates collaboration between traditional and formal systems. Consequently, the two systems collaborate in two ways. Firstly, there is an informal two-way referral system between them. In other ways, there are violent conflicts, which are referred from the traditional system to the formal system and vice versa, albeit poor flow of information from the formal system to primary justice systems as acknowledged by several members of the judiciary (DeGabriele and Handmaker 2005:166).

Secondly, there are some violent conflict prevention / transformation related activities which are jointly implemented between the traditional governance structures and the formal justice institutions. For example, the traditional chiefs who head the conflict transformation forums at village, group village, or TA levels are sometimes asked to bear witnesses in land or marriage disputes. Sometimes they are even asked to provide background information to court cases.

For these collaboration mechanisms to be more effective, the research findings reveal three aspects that need to be improved. Firstly, the communities need proper orientation on the concepts of democracy and human rights particularly as they relate to the existing traditions and cultural values. These new concepts, according to the understanding of the research participants have brought into the communities a lot of confusions as they challenge the status quo – there is a lot of confusion about what is right and wrong in terms of operations of traditional institutions and moral values. In most cases people do not even understand the bases on which their traditional systems are being challenged by these new

concepts. Secondly, the communities need to develop proper systems for documentation and storage of the proceedings of the discussions in the traditional leadership forums. Proper documentation will not only facilitate effective referral of the violent conflicts to the formal systems but also learning from the records by future generations instead of only depending on oral tradition as has always been the case in these systems. Thirdly, the officers working in the formal systems such as courts and police need to be properly oriented on how the traditional justice systems worked. This according to the understanding of the research participants would clear misconceptions that exist in some officers as well as enable them effectively engage with the traditional systems.

In addition, the findings of the study revealed two key factors that undermined the effectiveness of the traditional violent conflict prevention and transformation methods in general. Firstly, according to the research participants' understanding there was the increase in incidences of young people disrespecting the moral values and advice provided by the elders. They attribute this to the influence of many factors such as education, religions, democracy, human rights and influence of western culture through television and movies. They argued that some young people considered their culture as backward yet there are also some undesirable traits in the so-called good western culture.

Secondly, according to the understanding of the research participants, there are some indications that the importance of the traditional leadership institutions is declining slowly. The most obvious sign is the increase in the incidences of people defying the traditional leadership institutions. They identified the following factors that made members of the community to start losing confidence in some of their traditional leaders - corrupt practices, drunkenness, too much focus on politics, disregarding the interests of the people.

6.7.1 Some observations on traditional versus formal justice systems

Critically examining the situation, DeGabriele and Handmaker (2005:162) argue that the forces involved in reshaping primary justice in Malawi (referring to justice delivered through traditional leadership, faith based organisations, community based organisations and many others) operate at multiple levels. They outline several such forces, which are similar to the findings of this study outlined above. These include:

a) changing of the social and cultural context;

b) laws and human rights issues needed to be translated into more accessible language and placed in an appropriate social and cultural context;

c) conflicts between tradition and modernism particularly where members of the younger generation were diverging from their elders' value systems and aspirations,

d) marked loss of confidence in traditional leaders as a result of allegations of corruption, the deliberate politicisation of chiefs, conflicts of interest and quasi-juridical conflicts between tradition, customary law and human rights law (ibid).

Nevertheless, according to the understanding of research participants, traditional violent conflict prevention and transformation methods have certain attributes that make them continue to be more popular in the communities than the formal justice systems. These include that : a) the methods are designed in such ways that allow as many members of the community as possible to assume responsibility and participate in them as possible; b) the systems create friendly and transparent

platforms which every member of the community feels part of and respected; c) the systems are perceived to be more effective at preventing as well as transforming violent conflict than the formal systems. DeGabriele and Handmaker (2005:151) argue that these systems should, however, not be viewed as a substitute for the formal system, but as a dynamic complement to it. They also noted that while traditional leaders, especially village headmen, traditionally have been a principal source of primary justice, their reputation and influence within communities is reported to have waned in recent years resulting in decisions that are sometimes not accepted (ibid: 157). In addition, DeGabriele and Handmaker (2005:151) underscore the need to improve primary justice provision in Malawi through capacity building, improved co-ordination and enhanced knowledge of potential legal remedies.

6.8 Conclusion

Chapter six has discussed the socio-political governance structures and the roles they play in violent conflict prevention and transformation. The study results show that these structures comprise three components – the individual, family structure (nucleus and extended family) and the traditional leadership structure. Each of these components plays crucial roles in violent conflict prevention and transformation. The chapter has also discussed the notion of conflict as understood and perceived by the tribes in Malawi and its implications in intervention systems adopted. In addition, the chapter has discussed the various methods for violent conflict prevention as well as the concept and process for violent conflict transformation. The chapter ended with a discussion of the linkages between the traditional and the formal justice systems. This discussion includes the challenges faced, the attributes of the traditional systems and the

aspects to be improved for the linkages to be more effective. The next chapter concludes the thesis.

Chapter 7: Conclusion

*"....successful conflict interventions will need to first create opportunities and spaces for communication and dialogue and then facilitate processes of mutual recognition and empowerment…" (*Bigdon and Korf 2004: 9).

7.1 Introduction

This chapter concludes the thesis by drawing out the key findings of the study discussed in Chapter six. It discusses the implications of these findings for interventions on violent conflict prevention and transformation, as well as highlights some of the areas, which require further research.

The chapter is organised into two sections. The first section introduces the chapter while the second section outlines and discusses the common cultural elements that contribute to violent conflict prevention and transformation in tribes in Malawi as well as in other traditional societies in Africa.

7.2 Cultural elements in violent conflict prevention and transformation methods

Trying to answer the research questions outlined above (Chapter one) the findings and analyses of the study in Chapter six reveal several elements in the methods for violent conflict prevention and transformation which reflect the African culture particularly *ubuntu* as an underlying social philosophy of African culture.

According to Nussbaum (2003:21), *ubuntu* addresses "our interconnectedness, our common humanity and the responsibility to each other that flows from our connection". These cultural elements have been summarised below.

7.2.1 Individuals as part of multi-layered social networks

For both the studied patrilineal and matrilineal tribes in Malawi, violent conflict prevention and transformation methods are rooted in elaborate socio-political governance structures whose basic framework comprises the individuals (men, women and order children) as the primary building blocks; the family component comprising the nucleus and extended families and the traditional leadership component which links individual and groups from different families and sometimes ethnic groups. Within these socio-political governance structures individuals co-exist and are inextricably bound in multi-layered social relationships with others. The illustration below (Figure 2) provides a visualisation of these relationships.

Figure 2: Illustration of the individual in the multi-layered social relationships

Source: illustration developed by author from the results of the analyses of data collected
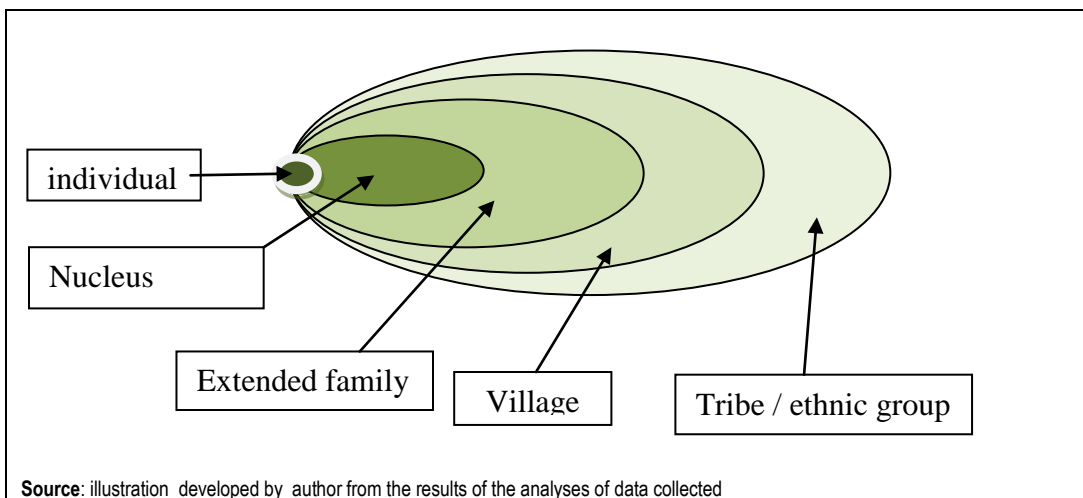
In the illustration above (Figure 2) the individual is linked to other individuals through the social relationships of the nucleus family, the extended family, village and tribe / ethnic group.

Comparative analyses of the socio-political governance structures of the tribes in Malawi with those of the societies of the traditional pre-colonial Rwanda, the Pokot pastoral communities in northern Kenya, the Acholi people of northern Uganda and the *ubuntu* people of South Africa show that individuals in these societies also existed in similar multi-layered social relationships as illustrated above (Figure 2). This implies that these multi-layered social relationships are a common feature in African culture.

In other words, from the illustration above (Figure 2), an individual does not exist as an independent being but as part of a series of linked social networks in a hierarchical order within a particular ethnic group. Munyaka and Motlhabi (2009:68) aptly capture these social relationships in their description of the manifestation of *ubuntu*, when they say:

> "The value and dignity of persons is best realised in
> relationships with others....An African individual is a communal
> being, inseparable from and incomplete without others" (ibid).

The findings of the study in Malawi revealed that these social networks have the following salient features that enable the communities to prevent / transform violent conflict and maintain social harmony:

a) there are appropriate mechanisms for maintaining social harmony by dissipating any violent conflict which goes beyond tolerable levels:

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b) individuals are obliged to intervene in violent conflicts as part of social and moral roles, duties, obligations and commitments which they have to fulfil;

c) interventions are mostly through forums which discuss violent conflicts;

d) selected competent elders from the society and family / traditional leadership institutions facilitate the forums that discuss violent conflict;

e) there is a tendency for consensual decision-making involving both men and women participating in violent conflict interventions;

f) the value and dignity of every individual is recognised in these forums;

g) there is emphasis to encourage as many people as possible to participate in the forums to discuss violent conflict and conflicting parties are encouraged to bring with them extended family members to be present during discussions of violent conflicts;

h) there are deliberate efforts to advance transparency and accountability in the forums that discuss violent conflicts;

i) within the multi-layered social networks in general terms women occupy subordinate statuses in both leadership and decision making processes, though they actively participate in violent conflict interventions and some of them hold leadership positions.

The key question is, however, how the positive aspects of these salient features of social networks can best be incorporated into modern state socio-political governance systems in Africa. The research conducted leads to three possibilities:

Firstly, these features of social networks identified can be incorporated into the current democratisation processes in Africa, as a number of states on the continent are still in transition to democracy. Nyirabikali (2008:37-38) argues that these states are relatively young and the political abilities for running a modern state remain relatively under-developed. He observes that the African modern state based on territorial sovereignty and legitimate recognition in the international society was only adopted at the time of independence in the 1960s (ibid). However, commenting on democratisation processes in Africa, Murithi (2000:5) argues that democracy, as a global project has been a highly conditioned process, defined by certain logic of democratic pluralism and market liberalization. He observes that the logic imposed often marginalizes and constrains the local demands for more inclusive, transparent and accountable mechanisms for collective decision-making (ibid: 6). The findings of this study have shown that the salient features of the networks in the traditional African socio-political governance systems inherently include mechanisms for inclusion, transparency, accountability and collective decision-making. The processes to consolidate democracy in Africa should therefore not only emphasise the promotion of the rule of law, human rights and holding of free elections. They should also include proactive promotion of the development of a wide range of social networks at the grassroots levels within each ethnic group, across ethnic groups, as well as at national level through which the majority of the people can genuinely participate and own social, political and economic development processes. These social networks should reflect the salient features of the traditional African networks outlined above, which inherently incorporate mechanisms for transforming violent conflicts and therefore create an environment conducive for democracy to flourish. Similarly, the formation and development of political parties should reflect the salient features of the traditional social networks if they want to become effective institutions for political participation of the majority of their

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membership. Charles Tilly (in Nyirabikali 2008:39) asserts that the quality of public politics in a particular regime depends significantly on relations between people's basic trust networks such as local community, civil society, solidarities, etc. Patel (2005: vii) argues that sustainable democracy is dependent upon well-functioning and effective political parties. In Malawi, Magolowondo (2005:159) argues that while there has been an increase in the number of political parties formed, they are weak as they are largely based on personalities and their internal democratic record is questionable. Patel (2005:58) identifies several organizational factors, which inhibited democracy in political parties in Malawi. These include dysfunctional hierarchies, a lack of regular communications within party hierarchies, environments not conducive to free flow of thought and expression, erosion of party procedures, such as the blatant violation of party constitutions and procedures (ibid). Patel (2005:58) argues that this situation prevents effective participation in parties, stunts the growth of parties and leads to frustration, animosity and conflict by and between their members. Those facilitating the formation and development of political parties can learn a lot and probably adopt some of the salient features of the social networks in the traditional socio-political governance structures discussed above, if they have to steer their parties towards more sustainable democratic institutions with appropriate mechanisms for effective participation of their membership. "Disposition to inclusive and participative decision-making, restraint on opportunistic politics are keys to success", argues Nyirabikali (2008:36).

Secondly, the salient features of the traditional African social networks can be incorporated into the modern state social political governance systems through peace-building and development initiatives. Peace-building initiatives according to Bigdon and Korf (2004:3), aim at overcoming revealed forms of direct, cultural and structural violence, transforming unjust social relationships and promoting

conditions that can help to create cooperative relationships. Peace-building as a process involves a modification of social structures (political, economic, social, cultural, psychological) through a number of broad developments, notably democratisation, economic development and demilitarisation (Haugerudbraaten 1998:6). Similarly, sustainable development initiatives also focus on promotion of establishment of democratic institutions, apart from improvement of the economic and social wellbeing of the people. DAC Guidelines (OECD/DAC (1997) provide insight into the proper role that development aid should play in the context of proposed interventions designed to contribute to conflict transformation (Bigdon and Korf 2004:3). According to these guidelines, apart from focusing on improving the general economic and social climate in partner countries, supporting measures to improve the legitimacy and effectiveness of the state, as well as aiding the emergence of a strong civil society; development interventions should also promote democratic structural stability as a basis for sustainable development facilitated through the introduction of participatory and empowerment approaches into project work (Bigdon and Korf 2004:4). In this context, development initiatives aim to integrate the various societal groups – especially the marginalized such as women and youth, into the decision-making processes of local development planning and negotiation as well as to develop institutions and mechanisms which are essential to the accommodation of competing interests within the society, as well as to the peaceful management of socio-political disputes (Bigdon and Korf 2004:4-5). Just like peace-building interventions, Bigdon and Korf (2004:18) argue that the objective of most development intervention is structural change: the transformation of unjust social relationships and the promotion of conditions that are most likely to create cooperative relationships. For Borland (2003:4) these changes in the structures occur because community justice works not only to resolve a particular problem, but also to identify the conditions that create the problems and solutions that will

keep problems from reoccurring. Consequently, as local organizations such as churches, schools and other groups participate in these processes, they are also strengthened. Thus, community justice has the potential to reinforce civil society and the democratic process (ibid).

Peace-building and development processes therefore offer opportunities for facilitating the modification of existing social structures and institutions or development of new ones. Through these processes the salient features of traditional African social networks such as orientations towards social harmony, inclusive forums to discuss emerging violent conflict and any other issues, consensual decision-making processes, mechanisms to ensure transparency and accountability and wider community participation would be incorporated into the current governance systems. Considering the diversity in African cultures, the general recommendation would be to promote processes, which would strengthen consolidation of social relationships taking advantage of a wide range of the organisational structures existing in the societies. Practically, these social relationships / structures would have different features reflecting cultural diversities. In this case, there is need for more research to examine synergies, which exist between specific aspects of the traditional African social networks and the modern democratic institutions to see how these can be best integrated.

However, several scholars have cautioned against wholesale promotion of cultural elements, as some of them may have negative impacts on the society. DeGabriele and Handmaker (2005:166) caution against idealising primary justice processes, as the preservation of social harmony can sometimes lead to serious injustices and human rights abuses. Karbo and Mutisi (2008: 22) argue that while cultural approaches to healing are encouraged, when they contradict universal standards and norms on human rights, democracy and participation, their restorative

character becomes questionable. From the findings of this study, the issue of women occupying subordinate statuses in both leadership and decision making processes within the African social networks, as highlighted above, is a classical example of the negative elements. In this case, culture disempowers women. The researcher recommends further research to examine why there is tendency for women to assume subordinate positions in the African societies yet they are playing crucial roles in the economic and socio-political governance systems.

7.2.2 Moral values and beliefs

The findings and analyses of this study revealed that common in both the patrilineal and matrilineal tribes in Malawi are moral values, which include respect, relations / relationships, interdependence, unity, kindness, friendliness, sharing, love, transparency, tolerance, self-restraint, humility, trustworthiness and obedience. These moral values contribute to prevention of violent conflict in two ways. Firstly, they enhance self-restraint in individuals thereby preventing them from displaying or engaging in aggressive behaviour. Secondly, they promote and enhance good relationships between individuals in the family set up, as well as the community as a whole. Though these moral values are real and part of the people's lives in the tribes in Malawi, they are threatened by the influences from other cultural systems as evidenced by some younger people not taking them seriously. Degabriele and Handmaker (2005:162) observe that conflicts between tradition and modernism are frequent in rural communities in Malawi, especially where members of the younger generation are diverging from their elders' value systems and aspirations.

The study findings and analyses also showed that within the patrilineal tribes there are traditional beliefs articulated in form of taboos, which contribute to prevention of violent conflict. These beliefs stipulate what individuals in the society are not supposed to do; otherwise, they would risk the wrath and punishment from ancestral spirits. As the punishments by the ancestral spirits are revered people tend to avoid breaking the taboos and in so doing avert violent conflicts.

As moral values and beliefs continue to play crucial roles in preventing violent conflict in tribal communities in Malawi, mechanisms need to be put in place to preserve, promote and consolidate some of them in the modern governance systems. The study findings and analyses have revealed that in Malawi there are still strong traditional socialisation institutions existing within tribes, such as the family system and initiation ceremonies, which continue to promote the moral values and traditional beliefs. There is need for interventions to preserve as well as strengthen these traditional socialisation systems. Strengthening in this context refers to adjusting them to fit the changes over time particularly by making them comply with human rights standards. The socialisation institutions need to be critically examined to identify both their positive and negative attributes. The negative aspects need to be modified to enable them to comply with human rights standards. The positive aspects need to be highlighted and made accessible. One way could be to include them in the primary and secondary education system.

In addition, there is need for deliberate mechanisms to be put in place for mainstreaming promotion of African ethics / moral values and traditional beliefs particularly those, which contribute, to violent conflict prevention within the development and democratisation processes.

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7.2.3 Violent conflict transformation processes

The study findings and analyses elaborated the following steps, which are crucial in the traditional violent conflict transformation processes used by both the patrilineal and matrilineal tribes in Malawi. The first step is the creation of an environment conducive to free facilitated discussions by conflicting parties, characterised by the following: a) a neutral facilitation team; b) mechanisms to minimise corrupt practices, c) rules set up to protect the conflicting parties, facilitators and other participants; from physical, or verbal aggression and any other acts that may interfere with the discussions at the forum; d) mechanisms for getting the views of those who could not express themselves because of emotions such as fear, anger and shyness or those who were impeded to effectively communicate during forums because of some cultural barriers. The second step includes listening to the parties to the conflict not only at the beginning as each narrated its side of the story; but also throughout the course of the discussions. The third step is establishing the truth and determining the disputant at fault. The fourth step is the exhaustive discussion of the issues before making any final decisions. The fifth step includes repairing of damaged relationships through acknowledgement of wrong done by the offender, resolution of the contentious issues at the centre of the violent conflict and compensation for the wrong done in form of a token of apology. Facilitators and other forum participants denounce any behaviour or acts by both the offenders and the offended, which contravene the moral values of their society and the use of certain rituals to restore seriously strained relationships. The sixth step is giving freedom to any of the disputants to refer violent conflict for discussion to higher forums if not satisfied with the outcomes of discussions in a particular forum.

The comparison of this process with the processes used for transformation of violent conflict in the Rwandan pre-colonial traditional system, *ubuntu* society in

South Africa, the Acholi people of Northern Uganda and the Pokot pastoral communities in Kenya reveals the following salient features, which are common across the systems:

- The overall mission of all is ultimately aimed at repairing broken relationships and establishing social harmony in the community.

- The process of transformation of violent conflict included at least the following as key interventions:

- searching for the truth primarily through facilitated dialogue,
- involving the offenders, the offended, their witnesses and other community members where decisions were made by consensus;
- identifying the wrong doer and informing them about the wrong done;
- reconciling the disputants; in which the offender acknowledges having done wrong, feels regretful, sympathises with the offended, asks for forgiveness and agrees to compensate the victim, often through symbolic repayment in kind. The victim is expected to forgive the offender. Reconciliation also involves spiritual rituals mostly invoking the interventions of ancestral spirits.

- In all the systems, there are elaborate referral systems following the hierarchies of the socio-political governance structures.

The steps outlined above demonstrate that the societies studied in Malawi and other parts of Africa used holistic approaches to violent conflict transformation, which combined several violent conflict intervention concepts outlined above (cf section 2.4).

These findings have implications for violent conflict transformation and prevention in Africa. Firstly, this process or aspects of it can be adopted for incorporation in the designs of transformative processes in peace-building and development interventions in societies recovering from violent conflict in Africa. Non-governmental organisations, community based organisations (CBOs), faith based organisations can set up and facilitate forums for transformation of violent conflicts in the communities. Secondly, the processes can be adopted for use in development interventions in general in communities, which have not experienced any violent conflict. In this case, the process can be used as a mechanism to proactively prevent violent conflict.

The findings of this research have shown that both the patrilineal and matrilineal tribes in Malawi have remained relatively peaceful without experiencing widespread violent conflict because their traditional socio-political governance systems contain inherent mechanisms for preventing and transforming violent conflict. There are minor variations in societies in other parts of Africa that had similar traditional mechanisms for preventing and transforming violent conflict. If mainstreamed and incorporated in the current socio-political governance systems, elements of the traditional mechanisms for violent conflict prevention and transformation can contribute to the fight against widespread and devastating violent conflict affecting Africa today.

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Annexes

Annex 1: Table of Tables

Annex 2: Table of Figures

**Annex 3: Map of Malawi indicating how the tribes studied flow into
other countries**
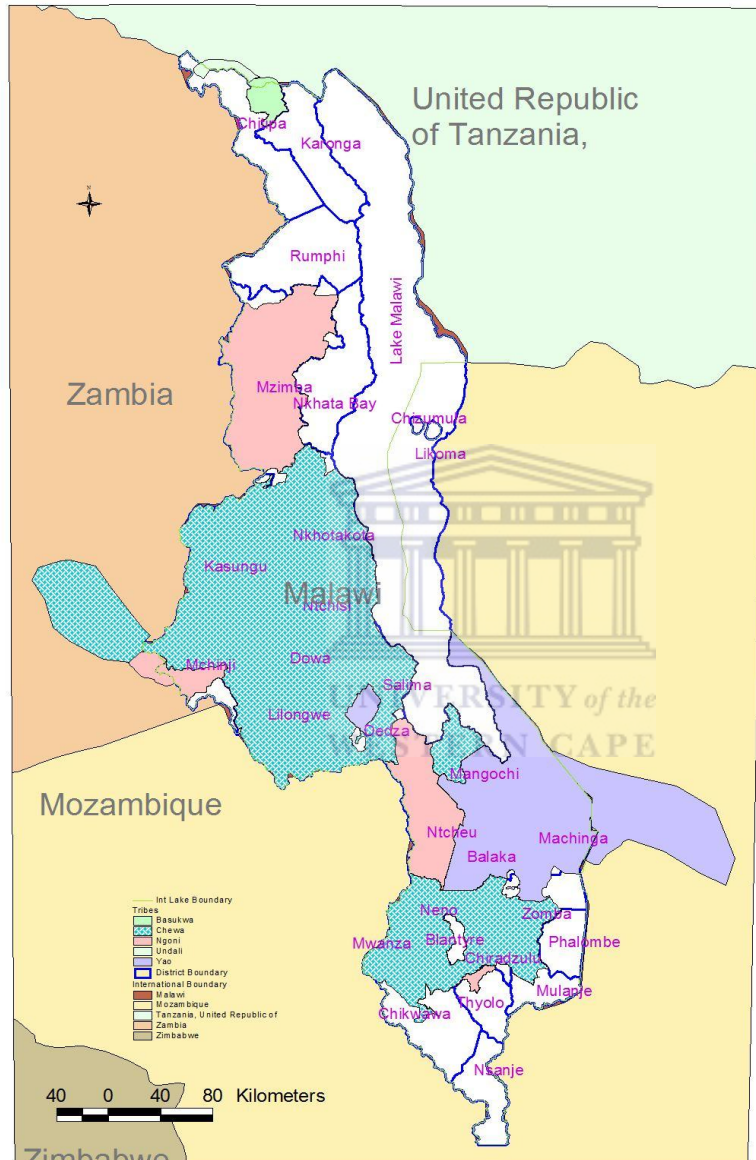
Annex 4: Framework of the field research

Guiding Questions for the research (The questions were given in Chichewa and have been translated into English):

Tribe Name/ marriage system	Thematic area	Key questions asked		
	Identity of community selected for the study		*Name*	*Gender of head*
		VH		
		GVH:		
		TA		
	Interviewee(s)	*Interviewee code*	*Gender*	*Age / age range*
	2. Conflict situation in the community	2.1. What are the different categories of conflict (in terms of severity) that your community is currently experiencing?		
		Category of conflict in terms of severity	*How often do these conflicts occur?*	*Who intervenes in the conflict situation?*
		2.1. How has the conflict intensity been changing with time (increasing in intensity or decreasing in intensity)		
		2.2.1. Reasons for decreasing intensity		
		2.2.2. Reasons for increasing intensity		
		2.2.3. When you look at the future do you think the conflict intensity will increase or decrease?		
		2.2.4. Reasons for decreasing intensity of conflicts		
		2.2.5. Reasons for increasing intensity of conflicts		

	3. Conflict intervention methods	3.1. Using case studies of recent violent conflict prevention interventions in which you were involved, please describe the step-by-step activities that are used in your community to prevent the conflicts from escalating into violence?
		3.1.1. What activities are used?
		3.1.2. What is the aim of each activity?
		3.1.3. Who is involved?
		3.1.3. How is each person involved?
		3.1.4. Why is each of these involved
		3.1.5. What is the rationale for the involvement of men and women in conflict ?
		3.1.6. What are the special roles for the women and girls in the methods for preventing violence?
		3.1.7. What are the special roles for men and boys?
		Beliefs
		3.2. Are there any cultural beliefs, values, practices that help members of your community live in harmony?
		3.2.1. What are some of the cultural beliefs, values or practices that help your community to live in harmony?
		3.2.2. How do these cultural beliefs, values and practices help to prevent conflicts from escalating into violence?
		3.2.3. What is your opinion on the success of the different methods used to prevent conflicts from escalating to violence?
		3.3.2. What are the key reasons for their success / failure?
		3.3.3. What aspects of the traditional methods for preventing conflicts from escalating to violence work very well?
		3.3.4. Why do you think these aspects are particularly successful?
		3.3.5. What aspects need to be improved if the methods have to be even more effective in preventing violent conflicts? (basically looking at challenges)

		Stakeholders that participate in conflict interventions
	4. Referral mechanisms	4.1. What other stakeholders outside the traditional system do you link up with in the various methods for preventing violent conflicts?
		4.2. Would you please describe how you link up with each of them in violence prevention interventions?
		4.3. Would you please the roles played by each of these outside players?
		4.4. What aspects are working well in these linkage mechanisms and are contributing to successful prevention or transformation of violent conflicts?
		4.5. What aspects need to be improved if these linkages have to be more effective?
		4.6. What are your suggestions for improvement of the linkage mechanisms?
	5 Violent conflict prevention	5.1. How would you describe the situation of violent conflict in your community?
		5.2. Why is the violent conflict situation low / high?
		5.3. Would you describe some of the mechanisms that your community uses to prevent violent conflict?.

Annex 5 (a): Copy of consent letter (English version)

University of Western Cape

RECORD OF INFORMED CONSENT

Name of Participant -- Date -------------------

UWC Student Number : 2651574

Phone number: 265 8 859 894

Email: cmsukwa@yahoo.co.uk

This document provides an explanation of the purpose, content and process of the research to be conducted. Would you please sign this document if you consent to participate in the study.

The Researcher

My name is Chimwemwe A.P.S. Msukwa. I am a student at the Institute for Social Development, at the School of Government within the University of the Western Cape. I am conducting this research for my Doctoral Degree in Development Studies thesis. The research will focus on traditional methods for prevention and transformation of violent conflicts.

The Questionnaire

I developed several questions to guide our discussion which will focus on the following aspects – current situation of violent conflicts in your community,

traditional mechanisms that your tribe uses to prevent violent conflicts from occurring; traditional mechanisms that are used within your culture to transform violent conflicts in order to restore social order, your opinions on the traditional mechanisms currently applied and finally any general information about you and your village community. I seek to obtain this information through a discussion with you as an individual / group. The outcomes of our discussions will be compiled into a report.

Anonymity of contributors

At all times I will keep the source of the information confidential. I shall keep any other records of our discussion locked away at all times and destroy them after the data has been analysed.

Things that may affect your willingness to participate

If there is any question or aspect of our discussion that you would prefer not to answer or talk about, please feel free to do so. I will not be offended and there will be no negative consequences if you would prefer not to answer a particular question.
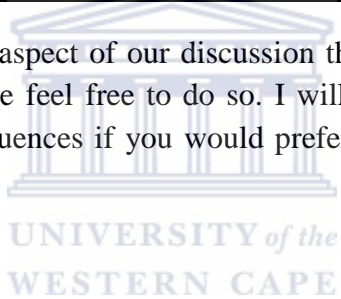
Agreements

a) Researcher's agreement

I shall keep the contents of the above research confidential. The contents will be used for the purposes referred to above, but may be used for published or unpublished research at a later stage without further consent. Any change from this agreement will be renegotiated with you.

Signature ---------------------

Date --------------------------

Place ------------------------

b) Participants agreement

Having gone through this consent letter and discussed its content with the researcher, I agree to participate in this research.

Signature ------------------- Date ----------------- Place -------------------------------

Annex 5 (b): Copy of consent letter (Chichewa version)

University of Western Cape

Zina --------------------------------------- Tsiku -------------------

UWC Student Number : 2651574; Phone number: 265 8 859 894; P.O. Box 627 Mzuzu.

Kalata iyi ikufotokoza za kafukuku yemwe ndabwerera kuno, zolinga zake, ndi dongosolo la mmene kafukufukuyu ayendere. Chonde musayine chikalatachi ngati mwabvomereza kutenga nawo mbali pakafukufuku ameneyu.

Ine ndani

Ine dzina langa ndine Chimwemwe Msukwa. *Ndikuphunzira pa sukulu ya ukachenjede ya Western Cape. Panopa ndikupanga kafukufuku wa maphunziro wounika zachikhalidwe cha mitundu yosiyanasiyan muno mu Malawi. Makamaka kafufuku wanga akuunika njira zamakolo zothandizira kuchepetsa mapokoso pakati pa anthu mmudzi kuti adzikhala mwabata ndi mtendere.*

Mafunso amene ndizifunsa

Kuti kafukufuku ameneyu ayende bwino ndizifunsa mafunso. Poyamba tikambirana zamomwe zinthu zilili mmudzi wanu pankhani ya mapokoso ndi kusiyana maganizo pakati pa anthu; ndifuna ndidziwenso maganizo anu pa njira zamakolozi zotetezera mapokoso. Zotsatira za zokambiranazi ndizilemba mu lipoti losatchulamo maina.

Chinsinsi cha kafukufuku ameneyu

Ndionetsetsa kuti zonse zomwe mwandiudza ndizisunge mwachinsinsi. Ndikatha kulemba lipotili ndiziotcha kuti pasakhale aliyense amene adziwe zomwe ine ndi inu takambirana.

Ufulu wanu

Ngati pali mafunso ena amene simukufuna kuyankha muli ndi ufulu wosayankha mafunsowo. Kwaine sikukhala bvuto lina lililonse.

Phangano la kafukufuku

a) Lonjezo langa

Ndikulonjeza kuti zonse zimene takambirana ndizisunga mwachinsinsi. Zokambiranazi zindithandiza kulemba lipoti ndipo mulipotili sinditchulamo dzina lanu kapena munthu wina aliyense mmudzi muno. Lipotili kutsogolo lizatsindikidzidwa ngati buku kuti anthu adzizaliwerenga.

Ndasayina ndine ---------------- pa tsiku la --------------- Kuno ku ------------

b) Lonjezo lanu

Ndawerenga chikalatachi ndipo takambirana zomwe zalembedwamo ndabvomereza kutenga nawo mbali pa kafukufuku ameneyu..

Ndasayina ndine ---------------------- pa tsiku la --- ------------ kuno ku : ------------ -

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