

West Africa. A Comparative Study of Traditional Conflict Resolution Methods in Liberia and Ghana

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Abstract. *In this paper, we will share thoughts about the indigenous patterns through which disputes are resolved in West Africa. Emphasis will be placed on the Liberian and Ghanaian traditional structures of conflict resolution. To resolve disputes caused by various issues, the elders of West Africa adopted several approaches in reaching a resolution. In Liberia, we shall explore and discuss the Palava Hut Agreements, the sharing of a Kola Nut, the Doe-Dee's Agreement, Sassy wood, under the palm wine tree deliberations and much more. In Ghana, we shall look at the processes, cultures, actors, mediators, and spiritual dimension of the Akans.*

Keywords: *West Africa, traditional conflict resolution, method, indigenous patterns, dispute, culture, mediator, spiritual dimension, agreement.*

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Without any doubt, traditional dispute resolution has played and still plays a significant role in the everyday lives of West Africans (Zartmann, 2000; Nkwi-Walters, 2013). In a region where most states' legal systems are based mainly on colonial laws which are highly influenced by individualistic orientation and do not suit the social structures on the ground (West Africa) where they're being implemented, most West Africans seem comfortable with resolving their dispute traditionally. Not only have such methods of resolving disputes been in practice for centuries and known as a sure means of trashing out their differences (in order to live in harmony), or as a connector that breaks barriers and unites people of differ-

ent regional, ethnic or religious backgrounds (and helps them maintain closer relationships with one another), but they have also been used extensively since the proclamation of independence, as the new nation-states of West Africa have failed to satisfy the judiciary needs of their citizens. In addition, states' legal systems in West Africa have largely ignored the restoration and reconciliation of social harmony between conflicting parties and focused mostly on punishing the guilty party. Also, although these legal systems are said to have been established on the principles of justice, equality and fair play, there is, in many cases, some high level corruption, while justice seems to be available for only a few. Furthermore, deep-rooted indigenous values are not being taken into account by the legal systems and this creates an atmosphere of suspicion about the effectiveness of such a system.

Overview

A lot of brutal wars have been fought since the establishment of new nation-states in West Africa. Sadly, many of these wars are civil wars, not wars between independent states. In her paper, *A Cultural Approach to Conflict Transformation*, Ineba Bob-Manuel argues that the struggle for political dominance among the elite who took over from the colonial powers has been a major contributing factor to the constant discord and discontent in Africa (Bob-Manuel, 2000).

In Nigeria, the Igbo broke away shortly after obtaining independence from imperial Britain in an attempt to establish the Republic of Biafra on May 30th, 1967. The result was a bloody civil war, which ended in 1970. Under Ken Saro-Wiwa, the Movement for the Survival of the Ogoni People also agitated for a separate homeland of the Ogoni people. Regretfully for the Ogonis, on November 10th, 1995, Saro-Wiwa and eight others (the Ogoni Nine) were killed by hanging. Later it was the Movement for the Emancipation of the Niger Delta.

In Liberia, led by Charles Taylor and Prince Johnson, the Gio and Mano tribes swore to completely wipe out the Krahn and Mandingo ethnic groups due to the brutality they had experienced from the Doe's regime. The result was 14 years of madness which took away almost 300,000 lives.

In Sierra Leone, the colonial government allowed the most important chiefs, known as Paramount Chiefs, to have considerable power, but competition for the office led to violent among rival ruling families. Tension in rural communities was caused not only by this rivalry between ruling families, but also by the discontent of the rural population as the chiefs abused power and exploited their own people to meet the demands of the British.

Despite the accumulated grievances throughout history, circumstantial factors do not directly trigger violence; there should be active protagonists who take advantage of

these grievances by channeling them into the road to war. In Sierra Leone's case, the main protagonist was the Revolutionary United Front.

The Tuareg in Mali have engaged in non-violent and violent confrontations with the Malian state almost from the time of independence, in search of greater autonomy, but the result has led Mali into constant instability. The Ivory Coast, Guinea, Guinea-Bissau, Senegal, to mention just a few, all have similar stories.

Regardless of their immediate causes, one thing is clear, and this is that many of these wars have their roots in colonialism and foreign influence. That isn't to say that West Africans (in some ways) are not responsible for their present situation. Apart from Liberia (which gained its independence in 1847), the vast majority of West Africa was still governed by Kings, Chiefs and Council of Elders, with each tribe controlling its own affairs. However, the 1884-5 Berlin conference, in which Africa was not allowed to be represented (at least by the then independent nation, Liberia), drew lines to fit the needs of the imperialist powers (Shillington). And by doing so, enemy tribes were fused together while peaceful tribes were divided to form independent states.

The result was that, when colonialism ended, each of the tribes wanted control over the new state and its vast resources. These quests have constantly led to countless acts of violence. Though the Europeans set up democracies before they left, Western democracy has been a total failure on the African continent, in general, and in West Africa in particular, partly because such democracies were designed on a corrupt structure so that the colonialist powers would still indirectly maintain their grips on the region while Africans would share the blame of self-destruction and human sufferings. (Nkrumah, 1965).

In addition, it can be argued that this system of exploitation both from within and outside the continent is equally responsible for such radical jihadist activities by Boko Haram and other terrorist organizations operating within West Africa today, as a report from Africa Centre for Strategic Studies clearly indicates.

Furthermore, the failure of democracy and the unequal distribution of wealth have also given birth to a new phase of war. In the real sense, it is not war as we know it and although they may hide under its umbrella to attract world sympathy, they're not freedom fighters either. So what are they? They are thieves, rapists, gangsters and psychopaths whose methods and ideologies are brutal and inhuman. Their goal is profit making and nothing more. War has become an instrument of business in Africa. Kidnap a few children, give them weapons to unleash terror on civilians living in areas rich in natural resources, and you'll become a millionaire overnight. In the end, you might receive amnesty from the government and walk away free. In his article, "Africa's Forever Wars", Jeffrey Gettleman argues that the simple reason why some of Africa's bloodiest and most brutal wars never seem to end is because combatants in Africa don't have

much of an ideology or clear goals. They care less about taking over capitals or major cities and in fact, they prefer the deep bushes where it is far easier to commit crimes. He further argues that today's rebels seem especially uninterested in winning converts; instead they steal other people's children, stick Kalashnikovs or axes in their hands, and turn them into killers (Gettleman, 2012).

As a former child soldier, a victim and a perpetrator of such unimaginable circumstances, one of the authors of this study considers that Gettleman's perspective on the warring situation in Africa is nothing but the absolute truth, even if he cannot completely agree with his methods of addressing the situation, which could lead to the loss of more innocent lives as warlords use human shields for protection.

Gettleman also notes that a warlord with a desire for a better political and social integration would start his revolution in the capital (where the nation's president and his corrupt leaders reside) and not in little villages where innocent people, who have nothing to do with politics, struggle to make a living. It should be recorded that the civil wars of Liberia, Sierra Leone, the Democratic Republic of Congo (DRC), Uganda, Sudan, to mention a few, all have started in deep jungles, with little children as young as seven captured and forced to become soldiers. The future of every nation is in the hands of its youth, but in Africa the youth are chosen and trained by warlords to destroy themselves and the infrastructures of their respective nations.

Against this backdrop, one may agree that African warlords are not interested in national unity or development. Unfortunately, most international bodies seem to fall for their lies and cooperate with warlords in order to reach a win-win solution which, in most cases, makes the situation even worse. As mentioned above, since the end of colonialism, Africa, and West Africa in particular (apart from the Republic of Ghana), has experienced and is still experiencing some of the bloodiest wars on the planet, despite its enormous wealth.

The question is: how did West Africans, in pre-colonial period, who built such vast empires and kingdoms (some of which having a considerable degree of sophistication) settle their disputes? It is pretty clear that, in order to set up polities of any significance, a people has to develop effective mechanisms to (peacefully) solve its conflicts, otherwise its efforts would be in vain and the people, weakened and vulnerable, would be at the mercy of its enemies. No doubt, some of these kingdoms (such as the Akan kingdom) were built on violence and slavery, but even if that was the case, what held the people together for that long? Surely a peaceful co-existence could not have been achieved and maintained through violence alone.

According to Bob-Manuel, it is only when potential and actual conflicts in Africa are understood in their social contexts that they can be solved. Values and beliefs, fears and suspicions, interests and needs, attitudes and actions, relationships and networks,

origins and root causes of the conflicts must be taken into deep consideration. She also noted that, since the end of the Cold War, Africa has been torn apart by extremely intense conflicts which have resulted in the deaths of millions, and that the use of Western methods in resolving these conflict has failed. As for reasons for the failure, she points to the erosion of the values that existed within the traditional African societies and the replacement of these values by foreign ones to which Africans are unable to adapt. William I. Zartman also notes that "Africa's reputation in conflict management has historic and even contemporary footnotes".

Clearly, the ancestors of West Africans may have seen conflict as an unwelcome evil which was a part of their everyday lives. Perhaps they may have thought that if they could do little or nothing about drought and other natural disasters, when a dispute appeared and threatened their unity, there was a need to approach it in agreement.

Methods of Indigenous Dispute Resolution in Liberia: An Insider's Perspective.

Let's begin our discussion on Liberia with the trial by ordeal commonly known as Sassywood. By definition, Sassywood is the belief in ancestral spirits by indigenous Liberians and a tribal justice system that has been in practice for generations. In most formal justice proceedings in Liberia, the guilty may escape punishment and innocent persons may be wrongly convicted. However, unlike legal criminal court proceedings, the judgment of Sassywood is in the hands of the spirits of their forefathers and it is usually performed in cases of theft, death or witchcraft.

There are different forms of Sassywood. In some cases, the accused will be given a mixture of bitter indigenous plants to drink. If he/she pukes, this demonstrates that the accused is not guilty. Failure to do so in the case of murder constitutes guilt and the accused will be shamed and ostracized from the town or village. In the case of theft of property:

- The guilty is shamed publicly
- The guilty acknowledges responsibility
- The guilty repents
- The guilty makes restitution and asks for forgiveness
- The guilty pays compensation or is required to do farm or other domestic work, if unable to pay
- The guilty is reconciled with the victim's family and the community at large

One unique characteristic of this form of traditional justice system is that (after performing the required rites) it provides an opportunity for the guilty to reunite with his victim and reintegrate into society. At the All-Africa Conference on African Principles of Conflict

Resolution and Reconciliation held in November 1999 in Addis Ababa, Lanek argued that the Western legal approach emphasizes establishing guilt and executing punishment, without reference to the victim or taking into account future reincorporation of the offender into the community; instead offenders receive physical and material penalties as well as the use of force and costly prisons sanction (Lanek, 1999). The process effectively encourages the accused to deny responsibility while traditional approaches to peace, conflict resolution and reconciliation are co-operative and can be indirect and circumstantial, which effectively encourages the accused to admit responsibility.

However, Sassywood practices in Liberia aren't limited to the drinking of bitter herbs. Another method consists of placing a machete or metal in a fire until it gets red-hot, then bringing it in contact with the accused, usually the person's leg. If the accused withdraws from the heat, he or she is ruled guilty. If innocent, the red-hot machete will not harm the person. In other forms of sassy wood practices, a straw is tied around the neck of the accused, which is followed by an incantation from the native priest (a representative of the spirit world). During this process, if the accused is guilty the straw will choke his or her neck. If the straw does not tighten the accused is deemed not guilty. In cases where the accused is not guilty, the accuser is told to apologize and pay for damages.

Since the creation of the state in the early 1800s, the Liberian government has failed to meet the judicial needs of its people. In a country with a demanding desire for instant traditional justice in resolving disputes, the government of Liberia, under foreign pressure, has added salt to the wound by making Sassywood practices illegal and by vowing to prosecute those caught in the act, as shown in an IRIN report. The government's action regarding Sassywood is not only counterproductive, as the local population strongly believes in it, but also raises lots of questions about the reasons behind the tendency to bury alive such traditional justice systems and conflict resolution methods if they have proven so effective. There is a need to reflect on the following questions:

- Why is the Liberian government now ashamed of a tradition (sassywood) which has been in practice for thousands of years, and regarded by the people as one of the sure means of resolving disputes?
- Why hasn't the government replaced the practice with an effective and strong legal justice system that will meet the judicial needs of every citizen?
- In Liberia, there is a saying: an empty rice bag cannot stand. Giving that the nation is just recovering from 14 years of brutal civil war and does need lots of international support (in order to cope with the countless challenges the country is facing), is the government in fact

Western methods of resolving conflict in Africa have failed due to the erosion of the values that existed within the traditional African societies and the replacement of these values with foreign ones. Ineba Bob-Manuel.

tricking its foreign partners in believing that it is dancing to the beats of their drums, while turning a blind eye and allowing the practice to continue?

- Or, knowing that such practices cannot be stopped and providing no effective alternatives to them, is the government producing another recipe for bloody conflict in an already fragile country?

As for those practising it, there is no doubt where their point of view stands. “No amount of laws or government order can stop sassywood”, Yerkula Zaizay, a resident of Gbarnga, told IRIN. “It is a tradition that our forefathers left us. This is better than going to court. My late grandfather taught me how to apply sassywood and it is part of my culture, so it cannot be easily stopped.”

Gbarnga resident Bono said, “We cannot waste our time going to court. Sassywood is our courtroom. This is what our forefathers have been practising in the past and it has been working.”

Sharing the Kola Nut practice

The sharing of a kola nut is another peaceful practice through which disputes are resolved in Liberia. During the traditional war years, a weaker king or ruler would (through his representatives) send a kola nut to his enemy. The move was not only as a sign of surrender, but also a significant initial step in clearing the warring atmosphere to enable the parties engage in dialogue. This is why traditional Liberians believed that he who brings kola nut brings life.

The sharing of the kola nut is mainly based on forgiveness and can be applied to the everyday affairs of the people. For instance, if a case is reported and after investigation the chiefs and elders are convinced that the accused is guilty, he/she is told to make restitution that could be in the form of chicken, goat or a traditional drink. However, before these items are presented to the victim, the accused must first and foremost present a kola nut to his victim. If the victim rejects the kola nut or receives and puts it in his/her pocket or holds it in a closed palm or instructs the accused to give the kola nut to one of the elders seated, then this indicates that the victim still holds a grudge against his perpetrator. On the contrary, if the victim receives the kola nut directly from the hands of the accused, takes a bite and shares the rest with the accused, then this means that the dispute is settled. The victim will be praised by the elders and chiefs and in addition be told that the ancestors are proud of him or her.

Palava Hut Agreements

Conflicts occurring between communities, individuals or tribal groups in the traditional Liberian society are usually resolved by the elders. As noted by Bob-Manuel, a Western mediator may begin the exploration by retracing the steps of the parties to the point

of the initial conflict. But an experienced African elder, considering the social realities, may start from a vintage point further back and try to form a frame of social reference. He may ask questions such as: "who are you, where are you from, where did you grow up, what do you like doing?" and so on. She explained that these questions may provide clues not only about the immediate causes but that they may reveal long-standing grievances which would offer a wider and deeper insight on the differences and similarities between the parties.

Palaver means a prolonged discussion. It is a traditional circular hut made from clay and bamboo or wood with a thatched roof. Traditionally, villagers gathered in the hut to discuss an issue until it was resolved. The location of the hut is chosen by the village elders or spiritual elders and the villagers work together to construct the hut. It is also a place to receive visitors and, because it is believed that the spirits of the ancestors will be at every meeting held in the hut, it's intentionally constructed very low such that anyone entering will bow in total submission to the gods and spirits of the land. Discussions in the hut cover everything from murder, theft, divorce, war, debt, land disputes, and more. The most unique characteristic of the hut is that no one (not even the elders) leaves the hut until a resolution is reached.

Although there are a lot of similarities between the various ethnic groups of Liberia with regard to their pattern of resolving disputes in the Pavala hut, the process is different in various areas. For instance, the Kru, Bassa, Belle, Grebo, and Krahn ethnic groups of Liberia believe that the palava hut is the ideal place for perpetrators to confess and seek forgiveness from their victims. Meetings are presided over by a chief or by elders. The reporter or in most cases, the victim is questioned and asked to speak first. The accused will then have his/her moment to speak. The families of both the accused and victim must be present or represented by an elder of the family, if they cannot be reached. Once hearings have taken place and the truth is established, certain rituals must be performed.

There are also differences of the palava hut practices related to the gravity of the case. In non-violent cases, the guilty party is required to provide a number of items usually a traditional fabric, a chicken or goat, palm oil, cane-gin (liquor) rice, cassava and so on. During the ritual ceremony some of the liquor is poured on the ground to invoke the ancestral spirits. After a brief moment of incantation, the elders will drink a bit of the liquor and share the rest with the parties in conflict. The aim is to ensure that the resolution is respected. A person who fails to do so will be visited by the spirits. According to Bob-Manuel, when Africans gather to resolve their differences, divine punishment is used to show what the breach of peace would bring upon the society and the conflicting parties (Bob-Manuel, 1999). The women of both families cook the food items and a meal is held for the two families, including the contesting parties and other members of the community who may have witnessed the offence being commit-

ted. If the victim accepts the perpetrator's apology, he/she is praised by the elders and is told that the ancestors are pleased.

In the case of murder, things change. According to the traditional beliefs of the tribes listed above, a person does not deserve death no matter the crime they may have committed (as compared to "civilized" European and North-American societies that have practiced and still practice the death penalty for certain crimes!). In addition, it is forbidden for women and children to see corpses, so, if the corpse was exposed, it has to be covered and hastily buried.

The Western legal approach encourages the accused to deny responsibility, whereas indigenous African methods of peace, conflict resolution and reconciliation are co-operative and can be indirect and circumstantial, which does effectively encourage the accused to admit responsibility.

As talks begins between the victim and perpetrator's family, the perpetrator is protected and kept in secret to prevent further bloodshed either by the victim's family or by anyone seeking revenge. Special rituals are performed during the period of grieving to ensure that the dead person is accepted in the ancestral realm. Secret meetings are held with the perpetrator to hear the circumstances that led to the killing, for historical references and not to condone the killing. Once this is done, the elders then decide a penalty. In addition, the perpetrator is required to provide a list of items that would be used to appease the ancestral spirits by means of an elaborate ritual so as to cleanse the perpetrator of the evil he or she has committed. The closing ritual includes the preparation of a meal from the various items used in the cleansing ritual and all join in, including the two families involved. Tradition demands that the meal be consumed entirely on the same day.

After the ceremony is complete, the perpetrator is required to make restitution in several ways. First, a public apology is made to the victim's family. In addition, a white plate is presented to the victim's family as an indication of guilt and atonement as well as a plea for forgiveness. Following the acceptance of the apology, the perpetrator is banished from the community for a period of three farming circles (three years) if the murder was an accidental one. If it was an intended act, the perpetrator will be banished for a period of seven farming circles. The aim is to allow the victim's family heal from the pains a bit. Other rituals during this period include the shaving of the hair of both men and women, and women are to remain in dark clothes for a period of one year.

Although dealt with in absolute secrecy, rape is a serious and shameful crime among these tribes. The perpetrator has brought great shame on the men in the community, already deemed guilty, and his presence is not allowed during talks. However, he is represented by the eldest male in his family, such as his great grandfather, grandfather, father or elder brother as the case may be. The victim is also represented but she is not allowed to be at the meeting because her identity must remain unknown to the public.

When resolving this form of dispute, the representative of the rapist approaches the father of the victim carrying a palm branch, prostrates himself before the father of the victim and holds his feet as a gesture of apology and a request for forgiveness. He remains in this position until the victim's father or representative takes the palm branch from his hand. If the branch is taken, the victim's father lightly taps the branch on the back of the prostrated person, rests his right hand on his back and acknowledges his apology and his request for forgiveness. Once this happens, he is allowed to stand, at which time he apologizes profusely for the sins of his son or the member of his clan who has perpetrated this heinous crime and asks for forgiveness. For the Bassa people, the fine is only a white chicken and a white kola nut. Treatment of the victim is the responsibility of the rapist's family, which is usually carried out by a woman, but all of these are done in total secrecy.

Slah practices

Dr. Gbaba describes "Slah" as a basic spiritual component of peace enforcement in the traditional Liberian conflict resolution and reconciliation model (Gbaba, 2010). According to him, slah is carried out to seal a covenant between parties to a conflict and it binds all parties to the decision that is made by the council of elders, chiefs, and Zoes (A Zoe is a person responsible for customary rituals). The process also includes a pause in hostilities which allows the "Doe-dee agreement" to be negotiated between the warring parties under the supervision of the elders, chiefs and Zoes, before a "Slah" is performed. In the Krahn language, *Doe-dee* means "from the same mother" and it demonstrates brotherhood among all Liberians. In addition, it is forbidden for "Doe-dees" to shed one another's blood. Hence, it translates as meaning that all mankind are brothers and sisters from the same ancestry.

The descendants of these ethnic groups are spiritually and co-sanguinely related. For instance, the Kru, Greboe, Bassa, Gbis Gborh, Belleh, Dewions and Krahn are traditional Doe-dees. Also, related through marriages, the Krahn, Mano, and Gio are Doe-dees. However, in a situation where any of these ethnic groups engage in hostilities against one another and shed blood, it is traditionally customary for a "Slah" to be made in order to appease the spirits of the forefathers for breaking the traditional law that prohibits "Doe-dees" to shed one another's blood.

Slah is usually done by slaughtering cows, sheep, goats, chickens etc, and by preparing and eating together a sacred meal called "Gbowah." Also, because the women and children prepare Gbowah from these different ethnic groups, Slah does not only bring together the warring parties but also their families. In some cases, the party who started the conflict will offer an unmarried woman to the chief warrior of the other party as a wife. This is to prevent them from engaging in further bloodshed.

The Mendes have a little different approach from the Kru, Greboe, Bassa, and Krahn. When resolving conflict, the Zoes, chiefs and elders are the key players among the

Mende-speaking groups of Liberia. Hearings can be public, in which case they take place in the palava hut, or depending on the nature of the case hearing, they would take place at the “Zoe bush” (a secret forest), in which case only the initiated members of that particular ethnic group are allowed. Depending on their role in the offence, the perpetrator or his representative may be invited if they are not members of that ethnic group. Once hearings have taken place and the truth is established, the accused is required to make restitution and ask for forgiveness.

If the offence is of a violent nature, such as rape or murder, a cleansing ceremony will be required. It includes the slaughter of an animal followed by an elaborate ritual in which the victim or his/her representative and the perpetrator are symbolically washed with the blood of the animal. The perpetrator and the victim or selected representative may also be required to have an herbal bath and to drink a brew made from alcoholic or herbal ingredients. The purpose of the cleansing process is to exorcise evil, restore the integrity of the victim and the perpetrator, and remove any defilement that may have come to the town or village because the ancestral spirits who do not tolerate such offences were offended. It is believed that only those who have been visited by an evil spirit would commit violent crimes. Depending on the nature of the violence, the animal in question may be a fowl or a goat in cases of rape, or a cow in the case of a murder.

Murder is the most abominable offence among the Mende-speaking people of Liberia. In case of murder, the perpetrator is arrested, detained and shackled to ensure that he or she does not escape. If it was premeditated, the perpetrator is heavily fined (with the payment of several cows) and banished from the town or village. If it was involuntary or accidental, a plea for forgiveness is entered and the Zoe and his council urge the victim’s family to accept the plea. In this particular case an oath is required. An animal is killed, preferably a sheep, which is part of the fine paid by the perpetrator. Certain internal organs of the slaughtered animal such as the liver, heart, and tongue are extracted. A concoction is made of them and the Zoe holds it above the head of the perpetrator as he or she vows never to commit such an offence again. The family of the victim is then required to accept the apology and offer forgiveness, following the prompting of the Zoe and the council members. The Zoe then holds up the concoction and the family of the victim vows not to take revenge. Once this is concluded, the cleansing ceremony follows. First, the perpetrator is cleansed, the spirits are appeased and the town or village is cleansed by pouring blood from the slaughtered animal onto the ground while the Zoe recites an incantation inviting the ancestral spirit to drive out the evil spirit that has visited them, and to look kindly on all the villagers and prevent such a misfortune from happening to them again. This is followed by a big meal that the families of both the victim and the perpetrator share.

Palm Wine Tree Deliberations

This traditional pattern of resolving dispute usually takes place under a palm wine tree. Unlike the Doe-dee's agreements, Sassywood or palava huts agreements, women are not allowed to be a part of this deliberation. However, if the matter involves a woman, a male from her family would represent her. During this process, the men will leave the village or town and go deep into the forest; there they will sit under a palm tree and drink the wine from it. The wine is white in colour, which according to traditional Liberian beliefs is a sign of purity and openness of heart. In addition, the parties in dispute, the elders and witnesses will all drink from the same cup, which indicates oneness. After they have drunk a larger quantity of the wine, the parties will then present their grievances for deliberations. Just like the palava hut agreements, the men wouldn't leave the forest until the situation is resolved. When an agreement is reached, all parties (guilty or not guilty) will acknowledge their wrongs, apologize and embrace each other before leaving the bush.

Indigenous Practices of Conflict Resolution among the Akans of Ghana

When dealing with dispute, the Akans are concerned with restoring social harmony between the parties in conflict, and this is done by both parties exposing the truth about what went wrong and who kick-started the dispute. Basically, the process is regarded as a truth and reconciliation moment and not a legal court proceeding. However, to get to the root causes of the dispute, the elders or chiefs in charge ensure that the process is transparent.

One such way of ensuring transparency is by encouraging the parties to speak out their grievance in a free and frank, but respectful manner. This indicates that indigenous methods accept conflict as something that has to be discussed until a resolution is reached. According to Fred Mensah, indigenous conflict resolution mechanisms can be defined as the "capability of social norms and customs to hold members of a group together by effectively setting and facilitating the terms of their relationship, sustainability and collective action for achieving mutually beneficial ends" (Mensah, 2005).

At the grassroots level, conflict resolution is regarded as a healing process during which all parties are expected to contribute positively. This is so because the guilty is considered not to have sinned against his victim(s) alone but also against the ancestors and the spirits that protect the lands. Against this backdrop, there is always a high degree of urgency towards the re-building of social harmony between communities, families, individuals and the spirit world. To appease the spirits, reconciliation often requires symbolic gestures and associated rituals including exchange of gifts, and slaughter of animals such as goats, chickens, sheep, cows to mention a few. The spiritual dimension of conflict resolution refers to creating and restoring an impaired relationship with

God, the ancestor's spirits, family and neighbours as the case might be. It is important to note that rituals play a vital role in the reconciliation process as they help to link people to the past, future and present.

The Akans have a well-structured political, judicial, and arbitration system of traditional justice which has been preserved by the elders as a cultural heritage for the people. In addition, Ghanaians' traditional institutions play two important roles: a proactive role to promote social cohesion, harmony, peaceful coexistence; and a reactive role in resolving disputes that have already occurred (Department of Justice and Constitutional Development, 2008).

The paramount chief or *omanhene* is the leader of the traditional institute; next to him are the divisional chiefs (Ohene and Odikro), meaning the owners of the villages. The main seat of authority among the Akans consists of the chief, his elders, the queen mother and the linguist. The elders represent all the people in the division. In Akan states, democratic rule is based on consultation, open discussion, consensus building and coalitions. The composition of the traditional authority also demonstrates the Akan notion of open democracy. The Akans believe that judgement should be wise and practical so that whatever decision they arrived at would improve their relationships with one another. The villages consist of a number of clans or family groups, with each clan or family group headed by an elder of the family known as *Abusua pinyin*.

The process includes, but is not limited to, the following (Okrah, 2003):

- Arbitration – this is where the parties formally present their cases at the chief's courts. Such cases include conflicts over land and other property. Since the chief is the custodian of the land and its boundaries, all land cases are referred to him. However, cases that are reported to the chief but not withdrawn for mediation must go through the formal mediation process.
- Dwanetoo: this means appealing to a mediator to intervene on your behalf. Mediation is so important to the Akans that there is a chief for mediation. Usually they are people with status, recognition, integrity and experience in the community. To avoid confrontations, the Akans adopted different forms of mediation. In some cases, party A may plead through a mediator for the use of (for instance), party B's land or property. In other cases, the offender may admit guilt to the mediator and ask the mediator to plead on his/her behalf to the victim. This is to avoid a situation that may potentially escalate the present conflict situation.

The list of Akans' strategies and tactics goes on and on. However, according to Brock Utne, the elders and mediators may use pressure, persuasion, recommendations, suggestions, relevant norms, and rules to arrive at a solution (Brock Utne, 2001).

The Spiritual Dimensions of Conflict Resolution among the Akans

In most, if not all-African societies, the spirit world plays a major role in maintaining social order among the people. That being said, there are special conflict situations that require spiritual intervention because such cases are regarded as beyond human understanding. The chiefs and elders would try their best to reach a resolution, but if they fail, the case may then be turned over to the spirits of the ancestors and the gods of the lands for settlement.

The spiritual dimension of conflict resolution in West Africa is a voluntary process and it's mostly suggested by the accused party (in cases of witchcrafts, rape, theft, among others), as they wish to express their innocence. It is important to note that there are classifications of witchcrafts, and not all witches support evil doings. According to Kendie, the process in the Akan state involves oath-taking, incantations, curses, witchcrafts, and it is supervised by the traditional and spiritual leaders including the fetish priests, custodians of deities, herbalists, and soothsayers (Kendie, 2006). In a protracted case where the complexity of the matter makes it difficult to discern who is right or wrong in a case (Okogeri, 1974), the process is directed towards the supernatural world for settlement of disputes. Man plays little or no part. Sometimes this appeal to the spirit realm is made when human efforts fail or when no confidence is reposed on the human panel. This is practised in cases such as murder, witchcraft, in land matters and so on.

During the process, the victim may ask the accused to swear on a tutelary deity of his/her choice to prove his/her innocence. On the other hand, the accused may opt to swear on any powerful "Alusi" (gods) in order to free him/herself from the accusation. If the plaintiff accepts the accused's offer to swear, he is bound to regard the dispute as closed and to wait for the supernatural judgement. The perjurer may die as a result or may suffer grave misfortune or illness. The more dreadful consequence is that the perjurer's family and sometimes, the entire village may suffer from some obscure illness which may put the lineage in danger of complete extinction.

Instead of conclusion

The recite of the various traditional practices of conflict resolution used by peoples of Liberia and Ghana can go a long way (Zartman, 2005); it is not the purpose of this study to make an exhaustive exposition of them. What we do want is to bring to light several observations about these practices:

1. The resilience of these practices, even after so many years of exposure to the colonial and post-colonial rule based on Western values and methods of conflict resolution. It is correct to note that the colonial administration regularly left conflict resolution in the hands of the leaders of the indigenous communities, intervening only on severe cases (murder, violent clashes between communities, disputes between

indigenous people and colonists or colonial authorities etc), which ensured their survival. The fact that they continue to be trusted by the people is not only because they are rooted in the traditional beliefs and have a powerful spiritual component, but also because they provide a still more effective way to solve conflicts compared to the incompetent and often corrupt justice systems set up by the new states after gaining independence.

2. The emphasis on re-conciliation as opposed to Western practices, which place the accent on punishment. It is worth noting that the West is just “discovering” the alternative dispute resolution methods and restorative justice as better ways to deal with crime and conflicts, while still putting a lot of pressure on the African governments to get rid of the traditional mechanisms of conflict resolution based on the argument that these mechanisms offend human rights. A comparative study of the effectiveness (in terms of prevention and of preventing re-occurrence of conflict) of the African traditional methods of conflict resolution with the American methods based on punishment and reclusion (the US are locking up a disproportionate part of their population, compared to the rest of the world, without any solid evidence of this diminishing the crime rate and, most important, the number of repeat offenders) would be an interesting research which could provide significant results.
3. The erosion of the effectiveness of the traditional methods of conflict resolution, as African societies moves (slowly, but inevitably) closer to the modern standards and structures. The effectiveness of the traditional methods relied partially (but consistently) on the values held in high regard by the members of the communities; as these values fade away either by exposure to modernization or by the disruptions provoked by prolonged civil wars and insurgencies, the traditional methods will be less and less effective. Sad is the fact that, as they lose their mojo, they are not replaced by a solid and competent modern justice system that can rapidly address the disputes and provide effective solutions.

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