An investigation into the role of traditional leaders in conflict resolution: The case of communities in the Mahikeng Local Municipality, North West Province, South Africa

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Abstract

For many decades, traditional leaders have been occupied with solving conflicts in African indigenous communities. Nevertheless, their contributions to conflict resolution have not been as widely documented as work in the area of formal conflict resolution. The core of this investigation was to explore the roles traditional leaders play in resolving conflict among indigenous communities in South Africa. The study also explored shortcomings of traditional authority institutions as they carried out their roles in peace building. A qualitative research methodology was adopted to answer the objectives of the article. The research found that conflict remains an element peculiar to communities and, as such, the need for traditional leaders to intervene and maintain peace. Traditional leaders were guided by moral values and belief systems which have been passed down from one generation to the next. These authorities used processes such as mediation and arbitration in achieving peace. However, in some instances, these traditional leaders have experienced disrespect from community members. Most of the participants in this study are knowledgeable about traditional practice and have played vital roles in local conflict situations.

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1. Introduction

Conflict is a constant feature in all human societies, though the nature of these conflicts may vary. The same is true for means of resolving conflict; they vary from society to society. In the cultural history of indigenous communities, the institution of traditional leadership has succeeded in retaining its status and, continues to play a role as custodian of the culture, customs, origins, and history of its people. Prior to the colonisation of Africa, the institution of traditional leaders was the only form of social organisation of the African peoples. In this context, traditional leadership could be defined as a body of governance in a particular place that is based on the application of customary law (Eberbach et al. 2017:34) which was developed centuries ago. This applies especially in Africa (Enwereji and Uwizeyimana, 2020:129). Traditional leaders served their people through wars, slavery, colonialism, and struggles for independence, famine, economic and political reforms and the apartheid eras (De Vos, 2013:54). In Africa, traditional leadership functions as an umbrella under which traditional leaders work. It is a type of leadership rooted in the peoples' culture, and the practice is still noticeably legal in some post-colonial African countries. Furthermore, the institution enjoys awe-inspiring support; manages and unites communities in times of famine; strengthens the social fabric; and ensures a respect for the communities' way of life – especially through maintaining peace in times of conflict. Traditional leaders are prominent in the mediation of disputes, especially in Africa and South Africa. They are often perceived as leaders with the wisdom to navigate the negotiation process. They are also highly valued and regarded in African institutions as a central part of African culture (Achieng, 2015:5). As evidenced by data collected from 15 Sub-Saharan African countries in a study conducted by Logan (2008:5), traditional authorities, chiefs and elders undoubtedly still play an important conflict resolution role in the lives of not only Africans, but for many around the world. Further, in many countries, traditional authorities play a major role as mediators of both violent and non-violent conflicts. However, recent developments in most Sub-Saharan countries have led to these institutions and their occupants

to be treated in a pitiable way. Though sometimes courted, indulged, and paid state salaries, traditional leaders have also been prohibited, deposed and incarcerated, often at the hands of the same governments as they fight to adapt to their own shifting fortunes (Logan 2008:4).

Traditional leadership in Mahikeng could be termed as a practice where power is given to the leader based on traditions of the past. At its 50th National Conference in 1997 in Mafikeng, the African National Congress (ANC) noted that traditional leaders were to be responsible for the administration of communal land. The ANC demarcated and allocated plots for residential and subsistence agricultural use. Traditional leaders were to perform judicial functions through tribal courts by resolving certain categories of disputes. They would also assist members of the community to deal with the State; lobby government departments to promote development of their areas; act as custodians of customers and culture; serve as symbols of authority; and advise government on matters of concern through the House and Council of Traditional Leaders (ANC 1997:81).

They were to assist members of community in dealing with the State by promoting the development of their areas by lobbying government departments, by acting as custodians of customers and culture, and by serving as a symbol of authority and advising government on matters of concern through the House and the Council of Traditional Leaders (ANC 1997:81).

The 1996 Constitution of the Republic of South Africa recognises customary law and traditional leadership in South Africa. The following national instruments have further promoted the role of traditional authorities through the Communal Land Rights Bill 2003; Communal Land Rights Act 2004; Council of Traditional Leaders Act 2007; Traditional Leadership and Governance Framework Act 41 of 2003. The Traditional Courts Bill of 2008, originally developed in order to replace sections 12 and 20 of the Black Administration Act of 1927, empowered traditional leadership to adjudicate certain disputes and offences in Traditional Courts. Revised in 2012 and 2017 the Bill aimed at regulating traditional courts, was put on hold amid concerns over its legality. In addition, the North West Traditional Leadership and Governance Act (2/2005) signed a Provincial Notice on issuing and withdrawal of Recognition Certificates to Traditional Leaders in Mahikeng.

Besides, Chapter 11 of the Constitution states that the institution, status and roles of traditional leadership, according to customary law are recognised. Government acknowledges the critical role of traditional leadership institutions in South Africa's constitutional democracy and in communities, particularly in relation to peace and conflict resolution. It therefore remains committed to strengthening the institution of traditional leadership. But despite the important part played by traditional leaders in the protection of cultural values, settling of disputes therein, presiding over customary law courts and the maintenance of law and order, traditional leaders are still plagued with major challenges, especially in maintaining peace through indigenous conflict resolution processes.

Against the foregoing background, this article argues that the institution of traditional leadership in conflict resolution is still valuable in South Africa, and can positively affect peace and social justice in the development of South African society at large and indigenous communities in particular. Commencing with a review of the respectable and relevant literature, the article then articulates its aims, methodologies, and analyses the data therein.

2. Literature Review

Statistically, Africa has the highest number of conflicts in the world (Nwadike and Ekeanyanwu 2012:3; Adedeji 1999:3; Bujra 2002:1). For instance, between the 60s and 90s, there were about 80 violent changes of governments in the 48 Sub-Saharan African countries (Gurr, 1991:153; Adedeji 1999:3; Bujra 2002:1). Conflicts can take place at all levels – from the local to global level; from inter-individual to group level, including small to large communities (Tsongo, 2012:1). Conflict can either be functional or dysfunctional (Slabbert, 2004:83). Functional conflict is healthy, constructive disagreement between groups or individuals. Dysfunctional conflict is unhealthy disagreement that occurs between groups or individuals. Disputes could result from a breach of contract, theft, slander, witchcraft and sorcery accusations (Maakor, 2011:34). They could as well result from marital misunderstandings, injuries to persons, and damage to property. Because conflicts are unavoidable and often occur within communities under the jurisdiction of the traditional leader, the role of traditional leaders in achieving and maintaining peace and security in the said communities needs to be re-emphasised.

Nevertheless, an indigenous system of conflict resolution through traditional leaders is still regarded by many, especially those living in indigenous communities as an improved system than the formal conflict resolution systems such as courts, which is time-consuming, and with large caseloads. Both internal and external factors contribute to the root causes of conflicts in communities: such as limited resources, unmet basic needs and different values and beliefs (Brock-Utne, 2001:42). The processes and regulations for resolving such conflicts are deeply rooted in the customs and traditions of the people of South Africa. The importance and utility of such processes lie in the fact that they strive to restore balance by moderating differences and thus settle conflicts and restore peace (Choudree, 1999:1).

In indigenous communities of South Africa, both violent and non-violent conflicts have become a common feature (Rukini et al. 2015:4). Indigenous knowledge systems provide a basis for problem solving in indigenous communities, especially for the rural and urban poor (Rudolph, 2012:12). These traditional processes are relatively informal and consequently less intimidating, and those who use them are more at ease in a familiar environment. The role of chiefs, elders, family heads, and others is not only to resolve conflicts but also to anticipate and stop or intercept such conflicts (Choudree, 1999:32). In many pre-colonial African societies, community-wide gatherings known variously as *pitso* (Lesotho), *kgotla* (Botswana), *shir* (Somalia), *baraza* (Kenya), and by many other names, offered an opportunity for a wide array of community members to voice their opinions on community affairs and participate in consensus-based decision making (Logan, 2008:4).

As in any human society, conflicts occur in indigenous communities and thus, processes/mechanisms have been developed over time to address such conflicts through traditional authorities (Boege, 2011:45). Rukuni et al. (2015:8) and Boafo-Arthur (2001:140–157) argue that traditional authorities have an important role in social and economic development, including tourism development, trade and the promotion of peace and order. According to Boafo-Arthur, 'the role of chiefs in social and economic development has been minimal and chiefs appear to have a limited participation in partisan politics because of the 1992 constitutional provision'. The mode of settling disputes and resolving conflicts in indigenous communities vary depending on the nature and character of the claim and whether the society concerned has a central

authority or not (Ajayi and Buhari, 2014:132). The existence of traditional authorities is a primordial institution, predominant across South Africa (Nthai, 2010:1–3). Traditional leadership is at the heart of the indigenous or traditional South African system. The institution promotes the idea of reconciliation and restoration of harmony in respective communities. The role traditional authorities play in resolving conflict and maintaining peace in their communities remains vital even though, in South Africa, they need more recognition from government.

In the post-apartheid era, especially marked by popular democracy, the Traditional Leadership and Governance Framework Act No. 41 of 2003 were promulgated to standardise traditional-related affairs in South Africa (Khunou, 2011:72; Hagg and Kanyane, 2013). One of the purposes of the Act is to advance collaboration between traditional leaders and government departments. A specification was made in Sections 19 and 20(1) of the Traditional Leadership and Governance Framework Act on the roles of traditional leaders: to be efficient in promoting leadership and communal governance (Enwereji and Uwizeyimana, 2020:129). This Act was in alignment with the roles specified by the White Paper on Traditional Leadership and Governance (WPTLG) of 2003. Scholars like Amoateng and Kalule-Sabiti (2011:22); Khunou (2013:297) and Mathonsi and Sithole (2017:4) are of the view that traditional leaders are entrusted with responsibilities such as promoting arts and culture; promoting environmental activities and tourism; health services; home affairs; housing and the promotion of justice amongst citizens. In a study by Enwereji and Uwizeyimana (2020:129), the role of traditional leaders in municipal functions was explained in South Africa. Sekgala (2018:34) further holds that traditional leaders also facilitate arts and cultural programmes in communities. Assist in retrieving human dignity by collaborating with the Department of Arts and Culture to protect and preserve indigenous knowledge systems in rural communities; and identify and introduce new institutions, designed to restore abandoned cultures and histories.

As pointed out in the White Paper on Traditional Leadership and Governance (2003), traditional leaders are tasked with the important role of maintaining and facilitating the justice system. Ntonzima and Bayat (2012:12) specify that traditional leaders are allowed to smooth the introductions of modern judicial systems and to protect national legislation and the Constitution of South Africa. They are also at liberty

to settle tribal disputes among residents through customary courts before such cases can be transferred to local and provincial courts for further trials. Traditional leaders further ensure the safety and security of its local communities (Shembe, 2014:26). The stipulation for providing protection offers community policing and the development of ways to reduce theft; robbery; and conflicts as well as to promote peace within communities – a view that is endorsed by Enwereji and Uwizeyimana (2020:129).

Adelakun-Odewale (2017:8) explored the role of traditional authorities in conflict management in Nigeria where he argued that traditional leaders have the moral duty to contribute to the lives of their community members in particular and to the nationals of their country as a whole. Rukuni et al. (2015:10) further emphasise the role of traditional leaders in conflict resolution in Zimbabwe. Achieng (2015:50), in her study on the the role of traditional leaders in conflict management in Africa, focuses on the role of traditional leaders in resolving conflicts in Somalia. One of her key findings, as observed in peace processes employed in conflict management, was that the role of traditional leaders representing two parties at odds is to be complementary rather than competitive in their attempt to moderate the conflict, as compared to the formal system of resolving conflicts. These authors draw on descriptions of the important roles played by traditional authorities in different geographical settings and from different perspectives. This paper, on the other hand, investigates traditional leaders' role in conflict resolution in indigenous communities in South Africa.

3. Research Problem

There are an assortment of worries about indigenous views of conflict and the actors in those conflicts in indigenous conflict resolution (Achieng, 2015:14). For instance, it could be argued that traditional leaders are excluded from legal decision-making processes in conflict resolution. Despite the presence and influence of the indigenous traditional leaders among indigenous communities in South Africa, they were not given appropriate recognition in the peace processes. Instead of taking up important roles in the achievement of peace, the elders were given less prominent and not well-defined roles (Enwereji and Uwizeyimana, 2020:127). Many (formally) educated Africans have also retreated from traditional concepts of conflict resolution and favour

solutions offered by formal courts systems and Western-styled mediation even when they are costly, time-consuming and inaccessible (Bello and Olutola, 2016:74). Some youths go as far as suggesting that traditional African conflict resolution systems are barbaric and have no place in the modern world. Traditional leadership has also been strongly rejected in places such as South Africa where there are high levels of corruption, poor economies and low standards of living yet – the Kings and their councils continue to live in lavish lifestyles (Logan, 2008; 20).

Although the 1996 Constitution of the Republic of South Africa dedicates a short chapter (Chapter 12:Sections 211 and 212) to the establishment and recognition of traditional leaders, their role remains problematic. Under the title Recognition, Section 211 states that 'the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution'. In spite having gone to great lengths to acknowledge the role and place of traditional authorities in South Africa in terms of their functions, the Constitution fails to articulate the traditional authorities' specific roles and responsibilities in relation to conflict resolution (Khan and Lootvoet, 2015:4). Women in almost all traditional communities in Africa do not enjoy equal rights and status in matters such as being role players in conflict resolution- especially in matters such as marriage, divorce, inheritance, community decision-making and governance, and land ownership (Logan, 2008:5). These barriers make the prevention of conflict, peace-building and reconciliation a challenge, and in need of urgent attention given traditional leaders' invaluable role in achieving sustainable development for communities in South Africa in particular, and for Africa in general (Rukuni et al. 2015:9).

With the ever-increasing complexity of conflict resolution processes, developing from the (competing and co-existing) indigenous and western cultures (especially in South Africa), there is a need to investigate the role of traditional leaders in democratic South Africa. It could thus be argued that indigenous conflict resolution is embedded within traditional systems of belief, making it indispensable for efforts at reconciliation and peace to include traditional leaders in indigenous conflict resolution. Therefore, there is the need to explore and utilise this indigenous institution in resolving conflict. This, however, begets a question on the effectiveness of the role of traditional authorities in performing the task of conflict resolution. Answering this question is

actually beyond the scope of this research, but we are optimistic that it will be taken up for rigorous investigation by other researchers. Pre-empting the findings, however, one must also cautiously state that even the Western-styled conflict resolution arrangements have been debunked on many grounds and their effectiveness challenged. The question then is whether both systems can be developed to the fullest, offering options to the users on which trajectory to follow.

4. Aim and specific objectives

This article aims to investigate the importance of the role played by traditional authorities in conflict resolution within indigenous communities, in the Mafikeng Local Municipality of the North West Province of South Africa and South African society. Hopefully the results would apply to broader South African society. In doing this, the article will identify and stipulate some of the causes of conflicts in indigenous communities and explore the role that traditional leaders play in achieving the peaceful resolution of conflicts in such indigenous communities like the Mafikeng Local Municipality.

5. Methodology

a. Selection of study site

Situated in the Mafikeng Local Municipality in the North West Province of South Africa are Lokaleng and Dibate communities. These communities are located in the Ngaka Modiri Molema District, positioned in the central part of the North West Province (Statistics South Africa, 2017:47). The people are mostly known as 'the Batswana' who speak a common language known as 'Setswana'. In addition, the multifaceted nature of conflict resolution processes within a social context and the need for the indigenous people to have an increased understanding of the importance of traditional leaders in conflict resolution processes supported the choice for the study area.

b. Research method(s)

The study adopted a qualitative research method in order to achieve the realisation of the aforementioned objectives. The qualitative method provides a basis for a more interpretive, descriptive and thematic analysis that paves the way for understanding human phenomena within contexts

in which they occur (Babbie, 2014:309). This method was considered the most appropriate methodology for this study because of its ability to provide in-depth data for understanding the role of traditional leaders in conflict resolution in the Mahikeng Local Municipality.

c. Research design

The article was achieved with case-study design. According to Kumar (2011:32), a case-study design allows the researcher to explore the study in-depth by utilising a variety of data collection methods. The methods produce evidence leading to the understanding of the case study while answering the research questions: what causes conflicts and why are traditional leaders still being used in conflict resolution processes in Lokaleng and Dibate communities?

d. Sample size and sampling

The sample size of the study was 80 participants. It was comprised of community members; traditional leaders; traditional councilors and members of the Department of Traditional Affairs. The sample size included three traditional leaders from the communities (Lokaleng and Dibate), four members of the House of Traditional Leaders, and four traditional councillors (headsmen). Further, two members from the Department of Traditional Affairs were also part of the study; these are the key informants for the study. Lastly, sixty-seven community members (heads of households) and elders who are knowledgeable about the research topic were interviewed. In terms of sampling, a non-probability method was used to select participants. Convenient sampling methods were used to recruit participants for the study. The participants were chosen based on their willingness and availability to take part in the study.

e. Data collection and data analysis

The study was based on primary and secondary data collection. Information was put together through in-depth interviews. Open-ended unstructured questionnaires were administered to participants from October to November 2020. The advantage of using in-depth interviews included gaining insights into people's shared understandings of daily life relating to traditional authorities roles' in conflict resolution. The main rationale for using in-depth interviews, as already explained,

was to draw upon participants attitudes, feelings, beliefs, experiences and reactions in a way that would not be feasible using other methods (Bless et al. 2006:45; Kumar, 2011:15). Importantly, COVID-19 protocols such as hand sanitising, wearing of facemask, checking of temperatures, social distancing and less than 50 people in a well-spaced setting were observed.

Secondary data were obtained through literature reviewed from reports, documents and books from Statistics South Africa and Department of Arts and Culture. In addition, respectable literature relevant to the topic was consulted, explored and interrogated from various philosophical standpoints.

Data were analysed using content analysis. In this process, responses were presented by identifying the themes and organising them into coherent categories. Themes represent the main objectives of the study, while categories represent the various responses from the participants according to each objective. Ethical Guidelines for data gathering research were adhered to.

6. Results and discussion

Traditional leaders provide a mechanism through which conflicts over local problems can be resolved in the indigenous communities of Mafikeng (Lokaleng and Dibate). The causes of conflict and the roles traditional leaders play in resolving them are presented herewith. Traditional leaders, with the assistance of the traditional council, act as mediators and negotiators in cases of conflict.

6.1. Causes of conflicts

During the in-depth interviews, which included interviews with key informants in Lokaleng and Dibate, conflict was defined as the unrest that occurs when residents of these communities fail to get along with each other (an absence of social cohesion). A community member explained that differences in opinions and not feeling the same way about or towards something often escalates to, or becomes conflict. One member of the traditional council also noted that conflict usually starts within a household, spreads to neighbors and then to the community at large. For instance, when neighbors are not getting along, it generates disagreements and these can be expressed as conflict. This disagreement

between two or more people results in tension and this may affect the relationships of community members. This tension usually has negative effects on such parties. Another participant described conflict as lack of mutual understanding between people in the community, and this may result in under-development. In addition, conflict was explained to include subjective elements, such as attitudes (good or bad), which are usually present in a family. When, for example, the young fail to respect the elderly, it results in bitterness among members in a household, thus, conflict. Such attitudes were attributed to the erosion of moral values in modern youth, who see indigenous values as outdated (In-depth interview, October 2020). But the participants in these indigenous communities revealed that they were, in fact, very aware of the community issues pertinent to the conflict.

Participants, including key informants, perceived conflict amongst the Batswana stemmed from differences in opinions, interests and needs. Changes in language tone could signal conflict. Individual differences were also seen as a starting point for the escalation of conflict. A participant explained that, where there are two or more individuals such as husband and wife, there are always differences in opinions, interests and needs, which might eventually lead to conflict. Disagreements could also cause conflict when people have different tolerance levels. Furthermore, in the reality of life, it is a daily occurrence for people to differ in opinions, thoughts, and interests. These perceived differences, though considered by participants as a normal part of life, become a concern when they result in conflict (In-depth interview, October 2020). The types of conflict the participants described tallies with Tillett and French's (2005:23) findings and include; domestic relationship conflict, family conflict, neighbourhood conflict.

Livestock theft, Lobola (Bride price/dowry) negotiations and disagreements over boundaries and farming land disputes were affirmed to be some of the main reasons for the continuation and escalation of conflicts in Lokaleng and Dibate communities. However, these conflicts may have arisen in different times and circumstances, cause tensions which remain even after the conflict has been resolved. Mengesha et al. (2015:87) further explain that the causes of conflicts in indigenous communities do not always have a wide range of difference; they tend to have very similar characteristics. Bujra (2002:56) makes an observation regarding the various causes of conflicts existing in communities in

Mafikeng: he explains that the circumstances that give rise to conflict are associated with unbalanced life-changes leading to poverty.

It could be deduced from the above views that conflict is unavoidable among members in these communities. This would also imply that conflicts have usually had particularly negative effects on these community members and lead to both emotional and physical distress. Furthermore, this has been the cause of poor relationships among community members. The existence of these conflicts, then, highlights the need for traditional leaders to take up their roles in resolving conflicts.

6.2. Role of traditional leaders in conflict resolution

The traditional authority's role encompassed numerous functions which revolved around the cardinal theme of guiding, protecting, defending and providing for the needs of the society they served. Traditional leaders are the intermediaries between the ancestors, the living and the unborn. These holistic approaches involved religious, military, legislative, executive, judicial, social and cultural features. Traditional leaders have assigned responsibilities such as promoting arts and culture, promoting environmental activities and tourism, health services and the promotion of justice through conflict resolution among members in their communities (Enwereji and Uwizeyimana, 2020:129). During the interviews, most of the participants, including the key informants, stressed that the social organisation of the Batswana communities determines who plays what role in a conflict resolution process. Although the focus here is on traditional leaders, some conflicts are dealt with at the household level and can only be brought to the chiefs' council if there is failure to achieve a peaceful and satisfactory outcome. According to some participants, these other actors include the following: the family head, who at the lower family level is known as the *batsadi ba lolwapa* (family elders); the *batshereganyi* (headmen of record); *dikgosana* (headmen); *meomela kgosi-kgolo* (the chief's representative); and lastly the *Kgosi-Kgolo* (paramount chief). These heads of the family were understood to be in charge of handling conflicts of a family nature, for instance, 'lobola' which is bride price negotiations upon the marriage of a female in the family. One elder noted that conflicts were likely to arise from this as women were not often allowed to participate in such negotiations (In-depth interviews, Lokaleng October 2020).

One participant explained that family heads included aunts and uncles, and these were mostly consulted in cases of marital conflicts. Usually, these aunts and uncles "*borakgadi le bomalome*" were tasked with decision making within the family level. It is at this level that they will mediate and find a way of resolving disputes that arose from adultery and lack of trust (In-depth interviews Lokaleng, October 2020). Putnam and Alone (2000:78) support the above assertions by noting that the institution of the elders is one of the vital institutions for conflict resolution in most African societies.

 On the other hand, Traditional Councilors, not the family heads, are involved with conflict resolution at the level of the community. These councilors mostly deal with cases that could not be dealt with at the family level. As such, they listened to the parties involved in dispute and then mediated or arbitrated the case at hand – finally coming to a common verdict. Some participants pointed out that the councils are very gender inclusive with males, females and youths well-represented (Interview Key informant, Lokaleng and Dibate, October 2020). The roles of family heads, headmen and traditional councilors lessen the conflict resolution burden, which is carried by the traditional leaders in these communities.

The chief is the leader of the whole village and he is at the highest level of the tribal leadership that intervenes in conflicts. Unsatisfied parties in conflict at family levels can take their case before the Chief. He works together with the council of elders and decides cases from minor to major conflicts in the communities. Besides, he has the ultimate say in most conflict cases and the chief is regarded as the highest power in the land. In these communities, this structure is comprised of the traditional Councilors (made up of 25 members), a Chair, a Secretary and the Chief. Traditional leaders are born, not elected or appointed by some political entity or institution. For someone to be a traditional leader, they should have royal blood. During interviews with key informants, it was added that most people are pleased with traditional leaders because they liaise with government authorities to bring development into their communities. Many communities in South Africa still believe in the institution of traditional leadership because the traditional leader lays more priority on the welfare of the community members. Traditional authorities still hold a significant social, cultural and political force and exercise their influence predominantly in indigenous communities

(Gerritet et al. 2007:43). In stating the importance and role played by traditional leaders in conflict resolution, it was deduced from the in-depth interviews with the community members that the traditional leader facilitates development in the community. About those who resolve indigenous conflict cases in these Batswana communities, it was pointed out by participants during the interview that there are complainants and the accused with no formal representation unlike in the formal courts (interview, Lokaleng, October 2020).

In explaining the importance of family as a mechanism for conflict resolution, it was earmarked by participants that the people cannot do without family because they uphold values: every family has a name by which its members are recognised, and in times of conflict, the elders come to look for solutions based on their family's recognition. The strength of each family is thus recognised and maintained in the community, and this is a part of the indigenous knowledge of the community. This highlights the importance of indigenous knowledge (interview, community member, October 2020). The traditional authority, traditional councilors and family heads play a crucial role in conflict resolution. This role is rooted in the truth that most conflicts start at the family level before escalation to the traditional councilors and then to the Chiefs. This view is supported by Zartman (2000:43) who noted that the most important elements involved in indigenous conflict resolution mechanism include the tradition of forgiveness, the respect for elders (because of their symbolic authority to enforce decisions), and the transfer of resources as compensation. Participants further explained that the main player in the traditional justice system was the traditional leader of the community frequently known as the chief (*Nkosi*) (In-depth Interview, October 2020). The role and importance of moral value in indigenous conflict resolution processes have been elaborated by Omisore and Abiodun (2014:130) and supported by Prozesky (2009:3), who described moral values, as lived and practiced beliefs about right and wrong, good and evil. It is these beliefs as expressed by community members that guide traditional authorities in being efficient in conflict resolution, as explained by participants during interviews. Besides, moral values also stand as a conflict prevention technique. Being polite and respecting one another might prevent community members from insulting each other, thus, preventing conflict. And they are also used to guide the way conflicts are resolved. These values have been instilled in community members over time in order to avoid conflicts.

Dispute resolution in South Africa, like many other African countries, was managed by the customs and practices of the different tribal communities before colonisation. After colonisation, the white rulers enacted the Black Administration Act of 1927. This Act, according to participants, has been repealed several times, and although it does not create a traditional court, it allows both civil and criminal powers to be dealt with by traditional leaders who use customary law to resolve conflicts under their jurisdiction. A claim has to be based on customary law, the race of the parties must be African and the parties or defendants must be resident within the traditional leader's jurisdiction (interview key informant, October 2020). Disputes of a civil nature that could be heard by the traditional leader (*Nkosi*) includes dowry negotiations (*Lobola*) or damages in cases of adultery. In this case, one participant explained that the *Nkosi* chief could however, not determine divorce, nullity or separation matters but that this must go to the Magistrate Court. Moreover, Chiefs, headmen and other traditional leaders can deal with certain offences only under the authorisation of the Minister. These exceptions, as listed in the Third Schedule to the Black Administration Act of 1927, can be dealt with by traditional leaders include common law, statutory and customary cases. The traditional leaders can have jurisdiction only if both offender and victim are South Africans and in such instances, the leader can impose fines not exceeding R1000, imprisonment or corporal punishment (as noted by one member of the Disaneng Traditional Council – In-depth Interview, October 2020).

Participants including the key informants stressed that to resolve conflicts, mediation and negotiation were the commonly used methods of dispute resolution. According to most participants, traditional courts are the main mechanisms for resolving indigenous conflicts in their communities. The word *Kgotla* often refers to the highest public gathering, community council or traditional law court in a village. The main aim of the *Kgotla* is to unite, reconcile, mediate and restore people to peaceful lives. The *Kgotla* is actively involved in community building and its aim is to at unify local communities. It is headed by the chief (*Nkosi*). In the *Kgotla*, conflicting parties are brought together only after family elders had looked into such conflict, especially if it is of a family nature. Then members present at the *Kgotla* listen to both the offender and the victim, and come to a verdict. At the end of the sitting, one party apologises to the other or pays a small fine (maximum of R1000)

depending on the nature of the conflict. Participants further explained the significance of the traditional courts by pointing out that during the '*Lekgotla*', members gather as a community together with the traditional authority and discuss how an agreement or settlement can be achieved. The *Lekgotla* method is a primary means of resolving community conflicts because of the mediation done by the traditional leader and his headsmen or elders. Besides, peace is the main goal during any mediation. The importance of dialogue during these peace hearings remains paramount (In-depth interview, October 2020). The role traditional leaders play in indigenous conflict resolution stems from these afore-mentioned processes.

6.2.1 Mediation

The indigenous mediation process found in the *Kogtla* is a way of achieving peace for members in those communities. Traditional leaders are the hierarchical administrators of indigenous communities in the mediation process. Adelakun-Odewale (2017:8) and Leviton and Greenstone (2004:1) support the importance of mediation as an intervention of a skilled and impartial intermediary working to facilitate a jointly acceptable and negotiated settlement on the issues that are the core of the dispute between the parties. Traditional authorities have become famous in the mediation of disputes especially in Sub-Saharan Africa and are often perceived as leaders with the requisite wisdom to direct negotiation processes. They are also valued and regarded in African communities as essential part of the African cultures and institutions (Achieng, 2015:13).

Mediation (*poisano* in Sestwana) means a third party intervention in a conflict resolution process. The mediation process is incredibly important, even requiring that there be an elder for mediation (*mogolo mo poisanong*), as stressed by one participant. In this case, the mediator goes to the complainant and pleads on behalf of the wrongdoer. Mediation could thus be seen as a conflict-lessening process that implies the avoidance of conflict (Okrah, 2003:2). In this light, one party may admit guilt and plead for mitigation. The mediator would plead on behalf of the offender. Where mediation is used, the mediators are sought within the community of the parties. Mediators are people with status, recognition, integrity and experience in the community. Interviews with participants revealed that where a case is pending for a hearing at the

chief's *kgotla*, it might be withdrawn for settlement at home. The chief may on his own volition, refer a case to the elders for resolution. Otherwise, a third party may implore the case to be withdrawn for settlement at home. The mediators accept responsibility to settle the dispute outside the traditional court and to report to the chief. The mediators may use pressure, persuasion, recommendations, suggestions, (relevant) norms, and rules to arrive at a solution (Brock-Utne, 2001:23). Furthermore, the mediator leads and channels discussion of the problem being resolved. Parties typically do not address each other, eliminating direct confrontation. Interruptions are not allowed while parties state their case. Statements are followed by open deliberation which may integrate listening to and cross-examining witnesses, the free expression of grievances, caucusing with both groups, reliance on circumstantial evidence, visiting dispute scenes, seeking opinions and views of neighbors, reviewing past cases, holding private consultations, and considering solutions.

Participants explained that conflict could sometimes escalate and in such instances, it goes to the level of traditional courts especially disputes of family nature. During such instances, the parties may want third party intervention such as chiefs or headmen. In mediating such a case, one party (victim) reports the case to the chief or headmen and then, the chief summons the other party for a hearing. In most cases, reported matters are addressed without public interference (depending on the sensitivity of the issue). The chief and the headmen are the sole adjudicators of sensitive matters. Additionally, both parties express their side of the story and the jury then evaluates the matter and passes judgment. In most cases, the intervention of the *Lekgotla* in conflict resolution is communal in character: in other words, the entire community acts as the jury, and is involved at various levels in the resolution of the conflict. The *Lekgotla* is both the jury and judge in most of the cases, unless the chief himself wants to make an ultimate ruling. The *Lekgotla*'s decision is final in any case, and parties to the conflict are expected to respect the final judgment. It is crucial to note that in the *kgotla*, there are no legal representatives: a key contrast to proceedings in the formalistic legal system. This mechanism is similar to that engaged by the Acholi community of Northern Uganda wherein conflict resolution is the responsibility of the entire community and where the 'Muto Oput' mechanism is open to all natives. The public gathering of

Acholi (*Kacoke Madit*) investigates the victim and perpetrators in the presence of witnesses, and finally refers the case to the council of elders (Murithi, 2008:23) – which is similar to the practices in the Mahikeng communities.

6.2.2 Negotiation

Negotiation can take many forms, from trained negotiators acting on behalf of a particular organisation or position in a formal setting to an informal negotiation between friends. In addition, it is a bargaining relationship between parties, who have a conflict of interest (Adelakun-Odewale, 2017:11). According to Rukuni et al. (2015:10), negotiation is a discussion between two or more people or parties who anticipate reaching an understanding, resolving points of difference, or gaining some advantage from the dialogue. The aims of this mechanism are to produce an agreement on a course of action; to bargain for individual or collective advantage; and to construct outcomes to satisfy various interests of two people/parties involved in the negotiation process. This is a structured and planned process. It is generally considered a communal structure that is participatory, relevant and adaptable. Negotiation might take place openly between the contending parties but rarely between representatives of both parties, in order to avoid bias (Adelakun-Odewale, 2017:7). This process, as explained by a participant, begins with discussions based on the circumstances of the case at hand, and can involve parties such as family, extended family, and the immediate and larger community (In-depth interview, 15 October 2020).

Another participant explained that this process is most used in the case of land disputes. In such an instance, parties are allowed to articulate their arguments, and then the mediator (Chief) allows them (disputing parties) to concur on how to resolve the issue within a particular timeframe (Interview, 15 October 2020). It was observed from participants that the mechanisms used by traditional leaders in conflict resolution are geared towards looking for a solution to the problem at hand rather than finding fault; and the mediator who facilitates this process renders advice based on traditional norms and values. Brock-Utne (2001:34) support the real meaning of this process of negotiation by noting that it is very positive as it looks towards sustainable peace. It could thus be asserted that mediation and negotiation led by traditional leaders are most commonly used during indigenous conflict resolution

in indigenous communities of the Mafikeng local municipality. Avolio and Locker (2002:34) note that the traditional leaders' behavior and actions in conflict resolution becomes a point of examination by the community. The participants expect the traditional leaders to possess qualities such as impartiality; patience; knowledge; empathy; integrity; trustworthiness; understanding; ability to consult with lucidity and to be readily available when they are called upon to. Bello and Olutola (2016:32) state that indigenous conflict resolution mechanisms are not simply about the arbitration of who is right or wrong. Indigenous approaches to conflict resolution aim at restorative justice, restoration of peace and harmony, and maintaining good relationships within the community reintegrating feuding parties with the assistance of traditional authorities at the helm (Boege, 2006:12). It could be deduced from the findings that the institution of traditional leaders and the methods they use in resolving conflicts are holistic and consensus-based, and often engage all parties to the conflict and the entire community at large. As a result, views from participants strengthen the argument that the role of the traditional leaders is still vital for conflict resolution in South Africa.

Even though their role is quite important, as narrated by participants, there are challenges. A few community members noted that they do not have much knowledge of the existence and role of traditional leaders: meaning that such community members may not make optimal use of these leaders in the event of a dispute. Interviews revealed that though these actors and mechanisms exist, most actors involved in such processes of conflict resolution are inadequately trained. The lack of expertise reduces the overall potency of traditional authorities in indigenous communities (Zeleke, 2010:63–64). To some participants, indigenous knowledge embedded in the roles of traditional leaders is a bygone practice from olden times. But although some participants see the indigenous mechanisms and processes of resolving conflict as outdated especially, in their use of traditional leaders, many indigenous people still want to make use of it – as endorsed by Eyong (2007:123).

Although their role in conflict resolution was acknowledged as important, some community members fail to obey outcomes reached at the tribal office, especially the youth. The youths view indigenous knowledge in conflict resolution as awkward, and prefer only the modern or formal ways of resolving conflict, such as the police, courts and/ or legal

mechanisms. This is because these youths think the indigenous ways are outdated. In addition, because the youth fail to see the decisions made at the level of traditional authorities as binding, it sometimes compels the traditional council to end up sending parties in conflict to the court. Where community members disrespect traditional leaders, the authority and standing of this institution are compromised. To some participants, traditional leaders are biased and corrupt, and they tend to favour some members over others in their judgments. This lack of respect for this institution tends to obstruct the effective functioning of the authorities, thus slowing the pace of achieving effective resolutions for the indigenous communities of South Africa. Lastly, the inadequacy of essential resources and equipment, such as tables, chairs, computers and personnel, was found to be a further setback for the effective resolution of disputes.

7. Recommendations

Despite objections, the majority of the participants felt that the degree of knowledge and the skills possessed by the traditional leaders for conflict resolution and peace building was adequate. Considering the challenges faced, however, further effective strategies for conflict resolution should not be overlooked.

- Policy-makers and service providers should reflect on the most effective means of assessing indigenous dispute resolution services. Mainstream policy-makers should respect and allow the development by indigenous people of new indigenous-specific conflict resolution systems. Traditional leadership should be involved in talks about the government conflicts and be given a role. The fact that government encroached on the indigenous system requires that government advance very sensitively when teaching traditional leaders about indigenous conflict-management.

- A national indigenous conflict resolution network should be created in order to support local dispute resolution initiatives. Such a network could study and distribute information on best practice, promote information sharing among traditional leaders and indigenous practitioners, and provide traditional authorities, with knowledge for improving conflict resolution outcomes. In addition, the inclusion of indigenous knowledge at schools, both at the basic and tertiary levels, would decrease the notion of younger generations who see indigenous knowledge as outdated.

- In order to curtail the ineptitude of traditional authorities in indigenous conflict resolution, parties in the resolution processes should be trained in various methods of resolving disputes. Matters of ethics, protocols and cultural values should be brought to their attention. This can be done with the assistance of identified knowledgeable members from each community – in workshops and conferences held within these communities. If carried out, these suggestions might minimise the problem of disrespect during processes of resolving conflicts and reduce the level of bias when meting out judgments. When these above-explained solutions prove to be practical, the importance of the traditional leaders' role in conflict resolution will be improved and thus re-claimed for younger and future generations.

8. Conclusion

The unavoidable existence of conflict in society warrants the need for actors to maintain peace. Traditional authorities in South Africa, although recognised by the Constitution, still face challenges in performing their role as mediators in conflict resolution. The causes of conflict, such as differences that stem from beliefs, were indentified and the various role players discussed. The processes of resolving conflict such as mediation and negotiation, as implemented by traditional leaders at the head of conflict resolution processes were examined. For the most part, participants during the study noted that indigenous processes of conflict resolution provide less punishment, save time and are more accessible from an economic standpoint when compared to the formal, Western-style of justice. In addition, most participants were of the view that both indigenous and western processes be incorporated and used alongside each other. Although there are challenges, traditional institutions and traditional authorities still have the prospect and aptitude for effectively maintaining law and order, performing security functions and fostering social cohesion in such small communities. Traditional leaders should be given due recognition and protection in the legislative arrangements in South Africa, and a policy should be shaped along those lines so that conflict resolution is not the exclusive ambit of the Western-court system. It is recommended that further studies be carried out to more fully discuss indigenous conflict resolution procedures as observed in traditional courts. A broader portrayal of conflict resolution events continues to be necessary.

9. Acknowledgement

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