

**INTERNATIONAL JOURNAL OF
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IN EDUCATION**

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For further information, please consult our *call for papers* at the end of the Journal.

Table of Contents

ICT

M-Learning: Survey on Academic Performance of Undergraduate Students During the Covid-19 Pandemic Lockdown in Private Universities in Nigeria, Inaku K. Egere	1
Exploring Gaps in Service Quality and Customer Satisfaction in Mobile Telecom Business in Tamale Metropolis, Ghana, Africanus L. Diedong & Majeed Abdulai.....	31
Digital Media and Design Practices: The Use and Challenges of Information and Communication Technology on Creativity, George Kushiator, Adams Rahman and Hughes Dompok Ofori	54

Pedagogy

Quality Mathematics Education Delivery: Circuit Supervisors' Supervisory Practices from the Lenses Of The Ghanaian Basic School Teacher, Michael J. Nabie.....	78
Effect of Teachers' Self-Efficacy on Motivation and Performance among Selected Senior High School Biology Students in Ashanti Mampong Municipality of Ghana, Michael Adiyiah, Mutangana Dieudonne & Yaw Ameyaw	100
Impact of Closeness Indices on Students Conceptual Understanding in Teaching and Learning of Photosynthesis as a Biological Concept, Michael Adiyiah, Mutangana Dieudonne & Yaw Ameyaw	119

African Studies

The Definition of African Folktales Revisited, Dr Samuel Amanor Dseagu (Retired).....	132
The Livelihood Empowerment Against Poverty (Leap) Programme and the Lives of Persons with Disability in the Effutu Municipality, Ghana, David Naya Zuure.....	146

Legal Pluralism and Conflict Resolution in the Kongo Traditional Area of Ghana, David Naya

Zuure 164

Call for Papers.....197

EDITORIAL

This 9th volume is the second issue since the corona virus pandemic began. We extend a very warm welcome to our authors and readers. The pandemic rages on and researchers round the globe are doing various investigations related to it. We made a call for papers in 2019 and published in June 2020. Right after that, we made another call in August 2020. We are just lucky to maintain our minimum target of one publication per year (12-month intervals). We are grateful that God is helping us to hang in there.

Our call for papers for the current issue (Volume 9) had the theme, *the Global impact of The Corona Virus Disease on Education*.

Once again, our first article of Volume 9 is written by Inaku Egere, who responded specifically to our call for papers on the corona virus. Egere investigated mobile-learning (M-Learning) of undergraduate students in private universities in Nigeria during the COVID-19 pandemic lockdown. According to him, COVID-19 protocols caused a paradigm shift of pedagogy. To evaluate students' performance based on the shift of the learning pedagogy from face to face (F2F) to m-learning, a non-experimental quantitative design was used. A questionnaire was used to gather data from undergraduate students of the Faculty of Education, Veritas University Abuja and the Faculty of Arts and Social Sciences, Catholic Institute of West Africa Port Harcourt, Nigeria. The sample of 233 was derived from a total population of 560 students. Data analysis revealed that, m-learning improved students' performance. To get even better results the study recommended the embellishment of ICT hubs with e-learning facilities throughout Nigeria.

The second article of Volume 9 was authored by Abdulai and Diedong, who examined service quality and customer satisfaction of Mobile Telecom services in Tamale Metropolis in Northern Ghana. The study employed a mixed method research design. The sample size for the study was 401 respondents. Data was sourced from key informant interviews, questionnaires and focus group discussions. The results showed that customers perceived service quality and satisfaction differently. While most Vodafone customers were satisfied with their service, customers of MTN were dissatisfied. The study concluded that some aspects of the operations of both MTN and Vodafone networks require improvement. Service providers need to improve service quality.

The third and final article of the ICT section was conducted by George.

George, Rahman and Ofori believe that since the development of digital media technology, students have embraced the use of Information and Communication Technology (ICT) creativity. However, most of the students have challenges in the use of ICT and this has a negative impact on the pedagogy of creativity in education. To address this issue George sets out to investigate the challenges of using ICT in the creative process. This qualitative approach, a purposive sampling method used a sample of 150 students from the Communication Design Programme. The Statistical Package for Social Sciences (SPSS) was used to analyze the data. The results indicated that most of students lacked competence in using ICT on creativity. It is recommended that students are taught how to develop new concepts and ideas for creativity.

In the Pedagogy subsection, Nabie investigated the interactions of Circuit Supervisors (CSs) with basic school teachers in Ghana. The objective of these interactions was to facilitate the effective teaching of mathematics. The participants of the study were 55 basic school teachers (43

males 21 females). A 20-item anonymous questionnaire was used to gather data regarding CSs activities in the schools of participants. The data were descriptively analysed. The results showed that the feedback provided by CSs, which was intended to support instructional delivery was “at variance with mathematics teacher needs for effective practice and contrary to curriculum recommendations.” The researcher suggested a qualitative study involving the CSs to generate further data to analyse with a view to address the challenge of effective mathematics instruction at basic schools in Ghana.

Adiyiah, Dieudonne and Ameyaw investigated the effect of teachers’ self-efficacy on students’ performance. They asserted that lately, data on Senior High students’ Biology performance had been on serious decline nationwide. They therefore set out to examine the effect of teachers’ self-efficacy on students’ motivation and performance in biology. Six teachers and one hundred and twenty students from two Senior High schools in the Ashanti Mampong municipality of Ghana were the participants. The data collection involved the use of three instruments namely teacher self-efficacy questionnaire, students’ motivation questionnaire and photosynthesis achievement test items. The results were analysed using Pearson product-moment correlation and one-way ANOVA. The findings revealed that teacher’s self-efficacy motivated students and resulted in better academic performance in biology.

These authors conducted a quasi-experimental study using concept mapping and its closeness indices assessment scheme as an alternative learning and assessment strategy. This was necessitated by prevailing inefficient rote learning technique, which could not help students to understand concepts and perform well in biology. A sample of students in the Ashanti Region of Ghana participated in the study. Data collection involved the use of an interactive 5-Es constructivist instructional model delivery, regularly using closeness indices scores and students’

performance test scores in photosynthesis. Analysis was done via one-way Anova statistical tool of SPSS version 21 software. The findings indicated that regular use of closeness indices assessment strategy positively influenced students learning outcomes. Specifically, it promoted their critical thinking and enhanced their conceptual understanding, which resulted in improved academic performance in photosynthesis among participating students of different abilities.

African Studies is the final section of IJOPPIE Vol 9. Dseagu's article on folktales starts the section. Dseagu's paper takes exception to Bascom's (1965) definition of African folktales as fiction that is not taken seriously in traditional societies in contrast to legends and myths. The paper adduces evidence to support the assertion that Bascom's (1965) view of African folktales is "unsustainable". It further asserts that Bascom's definition of folktales had been "discredited long ago". The paper therefore calls on African educators to discard Bascom's (1965) "fallacious" views on African folktales.

Next, under African Studies is Zuure's article on legal systems.

The study examined similarities and differences between the traditional court in Kongo and the modern state-court operating in the area. Additionally, the study explored the prospects of the traditional court in conflict resolution. This qualitative study used the case study design. Sixteen participants were purposively and conveniently sampled and interviewed for data. The findings revealed that the Kongo traditional court and the modern state court had similarities and differences in their approach to conflict resolution. It was also revealed that the Kongo indigenous mechanism to conflict resolution had great prospects. It was therefore, recommended that the two court systems in the area should collaborate for more effective conflict resolution, leading to a more peaceful and harmonious life.

In the third article under African Studies, Zuuri examined the influence of Livelihood Empowerment Against Poverty (LEAP) on household food consumption, access to health services, and children's school attendance of persons with disabilities in the Effutu Municipality in the Central Region of Ghana. The study adopted the qualitative research approach. A sample of thirty-four persons was purposively and conveniently selected to participate in the study. A semi-structured interview guide was used to gather data. The findings revealed that the LEAP programme had a positive influence on household food consumption, access to healthcare, and children's school attendance among PWD beneficiaries in the Effutu Municipality. Zuuri recommended that the programme be regularly reviewed to ensure that it achieves its goals.

Editor – in – Chief

September, 2021

LEGAL PLURALISM AND CONFLICT RESOLUTION IN THE KONGO TRADITIONAL AREA OF GHANA

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ABSTRACT

Many societies in Africa recognize legal plurality as colonization led to the introduction and institution of western legal system along already existing indigenous legal mechanisms based on culture and tradition. This paper examined some similarities and differences the traditional court in Kongo has with the modern state-court. The paper also explored the prospects of the traditional court in conflict resolution in an era of modernity and religious proliferation. It was a qualitative study which used the case study design. The chief, four elders to his council of elders, two staff of the state court and eight community members of Kongo were purposively and conveniently sampled and interviewed for data. It emerged that both the Kongo traditional court and modern state court have similarities and differences relative to procedures and focus when it comes to conflict resolution. It was also revealed that the Kongo indigenous mechanism to conflict resolution has great prospects into the future. It was, therefore, recommended that the two court systems in the area should collaborate to leverage on each's strengths and augment each other to

provide opportunities for the people in the area to resolve their cases and have peaceful and harmonious life.

Key Words: Conflict, Court, Difference, Similarities, Resolution, Indigenous

INTRODUCTION

African societies are faced with different forms of conflict, hence, the establishment of strong political institutions is essentially a proper response to dealing with conflicts. Before the arrival of the Colonial Masters, Africans had their own approaches to dealing with conflicts based on their cultural heritage. However, with the arrival of the Colonial Masters, the Western court system fashioned along the European culture was introduced to Africans including the people of Kongo, Ghana. After independence, the African states have strived to preserve their cultural heritage reflected in their customary law and institutions, and at the same time, attempted to function as modern constitutional states (Hinz, 2017) by applying the western court in resolving disputes. As a result, the Constitutions of many of these African states, have recognize legal pluralism in their states by preserving a role for customary law alongside the modern legal system. The colonial experience has therefore, significantly established legal pluralism in African societies. Ige (2015) defines legal pluralism as the existence of multiple legal systems within one geographical area. Odinkalu (2005) on his part, says a justice system is plural when it draws the rules and institutions of its laws from two or more normative traditions.

In the Kongo traditional area in Ghana, the traditional court exists along with the state-owned court system. The traditional court has existed since time immemorial in the area and is administered by the chief together with his council of elders in accordance with the culture of the

people. The traditional court is administered by the chief and elders because, they are considered as people who are well vest with the culture and customary law of the area and more importantly, people with integrity (Zuure, Benson, & Achanso, 2020). The western courts are however manned by professionals who are trained, employed and paid by the state to resolve conflicts of people using the law through prescribed procedures and processes (Zuure, Benson, & Achanso, 2020). They are largely located in urban centres which somehow are unable to deliver justice to individuals and communities of rural nature (Kerrigan, Mckay, Kristiansen, & Mundt, 2012).

At the international level, the traditional court is recognized under the United Nations Declaration on the Rights of Indigenous People (UNDRIP, 2007). This instrument recognizes the rights of the indigenous people. It further stipulates that the rights of the indigenous people be determined in line with their own decision-making institutions and customary law (Article, 26). The Republican Constitution of Ghana (1992) guarantees the institution of chieftaincy, together with its traditional councils as established by customary law and usage (Article 270), and the Chieftaincy Act, 2008 (Act 759) empowers the chief with his elders to arbitrate on disputes (Section 30).

This work examined the phenomenon of legal pluralism in Kongo in the Upper East Region of Ghana. This was done by examining the similarities and differences with the application of the Kongo traditional court and the state court systems in resolving conflicts. It further explored the prospects of the traditional court of the area in an era of modernization.

LITERATURE REVIEW

The literature review covered a critical analysis of previous studies and academic works on traditional justice in Africa and the state court in Ghana.

Nature of Traditional Justice System in Africa

Traditional courts exist in Africa communities and have been applied in managing conflicts over a long period of time. This institution is passed from generation to generation with a deep connection to the culture of the people, hence, these courts are culture-specific dispute resolution mechanisms. Hunter (2011) contend that traditional justice system in Africa enhances access to justice especially by people who are excluded from formal justice system.

The chieftaincy institution which administer the traditional court in Kongo and many other African societies in the view of Owusu-Mensah & Osew (2015), is the most enduring political institution in history of Ghana. Marfo & Musah (2018) contend that the chieftaincy institution play a very significant and critical role in the administration of justice in modern Ghana. According to Pimentel (2010), traditional justice systems enjoy increasing acceptance by the people even in modern time as a result of the fact that, they are home-grown, culturally-appropriate, operate on minimal resources, and are easily acceptable by the communities they serve. Hence, they provide access to justice to people in rural areas, the poor and illiterates, and also, they provide restorative justice (Kariuki, 2013).

Traditional justice system are deeply and significantly rooted in the customary laws of Africa and for that matter reflect the norms and values of the African people (Kariuki, 2015). In the words of Stich (2014), traditional justice systems such as the traditional court in Kongo, work

based on cooperation, social obligation, strong group coherence, social conformity, communitarism, and consensus-based decision-making. Their procedure involves conciliatory dialogue, admission of wrongdoing, compensatory concessions, and a ritual commensality (McWilliam, 2007).

Elements of Traditional Justice Systems in Africa

Traditional justice systems take slightly different forms in different societies in Africa, nonetheless, they share some common elements. The first element is that, they are anchored on the culture of the people. Traditional justice in every society reflects the cultural values, norms, and beliefs of that society. This makes them to have a general acceptance by the people in the community. This further ensures legitimacy of these systems and leads to acceptance of decisions made through them.

Another element of traditional justice system is the general attribute of Africans respecting elders and fellow human beings. Traditional courts are manned by elders in societies and the value of humanity is always emphasized. Throughout the processes with traditional courts, ones sees the appreciation of traditional African value of respect for humanity, elderly, and the environment embedded in the system. The elderly are considered people with wisdom and experiences, hence, they admonitions are taken seriously.

Again, traditional justice system in Africa share the element of the belief in the participation of the ancestor in the process of conflict resolution. Adeyinka & Lateef (2014) indicate that with traditional justice systems, ancestral powers, charms, and superstition play a significant role in the conflict resolution and prevention in societies in Africa.

Furthermore, the desire for the truth and social harmony as well as peaceful co-existence is another element of traditional justice system in Africa. Through the stages of conflict resolution with traditional justice systems, focus is always of unearthing the truth and achieving amicable resolution towards peaceful life in societies. Unlike the western system of conflict resolution where a determination is usually made on who is right and who is wrong, traditional justice systems in Africa always seek to establish the truth, restore relationship, and ensure cordial living among disputants.

The Court System in Ghana

At the apex of the court system in Ghana is the Supreme Court, the highest court of the land which also doubles as the Constitutional Court. Immediately below the Supreme Court is the Court of Appeal and below the Court of Appeal is the High Court. Regional Tribunals, roughly equivalent to the High Court, have been introduced into the formal court system under the 1992 Constitution and have concurrent jurisdiction with the High Court in criminal matters. Together, these four courts constitute the Superior Courts of Judicature in Ghana. Below the High Court are the Circuit Courts and the District Courts whose jurisdictions are limited to particular geographical areas and which adjudicate minor civil claims (with a monetary cap) and minor criminal offences (Republican Constitution of Ghana, 1992).

Civil Procedure in Ghana's High Court

Civil procedure in the High Court involves a number of key steps. These steps may in turn be neatly categorized into four stages, namely: the pre-trial stage; trial and judgment stage; the execution of judgment stage; and the review/appellate stage. In a work by the Ghana Judicial

Service and World Bank (2010) entitled “Uses and Users of Justice in Africa: The Case of Ghana’s Specialised Courts” the team indicated that the pre-trial stage involves the issuing of a Writ of Summons and a Statement of Claim by the plaintiff, followed by the service of these the Writ of Summons on the defendant personally, by substituted service, or by service out of the jurisdiction. Next is the entry of appearance within eight days of service by the defendant either in person or through a solicitor.

Filing of a statement of defense, with or without a counterclaim, by the defendant within fourteen days after the eight days for the entry of appearance. There is also the optional filing of a reply to the statement of defence of the defendant and/or a defence to any counterclaim of the defendant. Closure of pleadings at the expiration of seven days after service of the reply, or where there is no reply but only a defense to a counterclaim, the pleadings close seven days after service of the defense to the counterclaim, or where there is no reply or a defense to counterclaim served, then pleadings close at the expiration of seven days after service of the defense. Within one month after the close of pleadings, the plaintiff files an application for directions. The purpose of this procedure is to enable the Court to consider the preparations for trial, so that all matters which have not already been dealt with may be dealt with and directions may be given as to the future course of the action as appear best to secure the just, expeditious and inexpensive disposal of the case. In practice, the main outcome of this process is an agreement between the parties as to the main issues that will go to trial. The final step is the hearing and determination of the application for directions, and this concludes the pre-trial stage.

The trial and judgment stage comes after the pre-trial stage. This stage mainly involves the submission of evidence to the court, oral, written or otherwise. The practice is that evidence is

provided by witnesses through examination-in-chief, cross-examination and re-examination. This is a significant source of delay. First, in the unautomated courts, and in instances of power outages and equipment failure in the automated courts, all of the evidence given during examination-in-chief, cross-examination and re-examination is taken in longhand. Again, a case may only proceed when the witnesses and the lawyers or parties who may examine, cross-examine and re-examine the witnesses are present. In many cases, the absence of anyone of them leads to an adjournment of the case. After all the necessary evidence is taken, the various parties to the case sum-up the evidence, applying the relevant law to the facts as established. A date is then fixed for judgment, which date is supposed to be no more than six weeks after the close of the case, according to the Rules of Court. In many cases, this six weeks period is exceeded by several months (Ghana Judicial Service and World Bank, 2010).

A judgment needs to be entered in court before it is executed. The Entry of Judgment is a notice that is filed in court by the winning party and served on the other party(ies) to the effect that judgment has been given in her favour and stating the terms of the judgment. Sometimes a judgment requires further actions to be taken in order for it to be effective. This may involve the possession or repossession of property, the seizure of funds, the surrender and/or cancellation of documents and so forth. These processes are called the execution of the judgment. The process of executing a judgment can cause delays. Where a party appeals a judgment, an application may be brought in the High Court, and if unsuccessful, in the Court of Appeal, to stay execution of the judgment. Once this is granted, the execution of the judgment must await the determination of the appeal (Ghana Judicial Service and World Bank, 2010).

The final stage of civil procedure in the High Court according to a report by Ghana Judicial Service and World Bank (2010) is the review/appellate stage. A party may bring an application in the High Court for a review of the judgment of the Court. A party may also appeal the decision of the High Court to the Court of Appeal. A further appeal lies from the Court of Appeal to the Supreme Court. These review/appeal avenues also cause a lot of delay. The major cause of delay is the processing of the record of appeal. This involves the agreement between the parties as to which of the documentation in the case may be transmitted to the Court of Appeal; the assemblage and production of at least five copies of all the documentation agreed to by the parties (which usually runs into hundreds of pages); the payment of the cost of production of the documentation (which usually runs into hundreds of US dollars); the provision of security against costs of the trial by the appellant; and the transmission of the record to the Court of Appeal. These processes sometimes run into years, especially when parties are unable to secure the relatively huge sums to pay for the production of the record or provide security against the costs of the trial. Delays are also caused when equipment at the court registry are unavailable or malfunction or when there are many appeals pending and one has to go to the back of the queue. In the case of appeals to the Supreme Court, the documentation is larger and the number of copies to be produced is usually twelve. A party who is dissatisfied with the decision of the Supreme Court may apply to that Court for a review of its decision.

METHODOLOGY

This part presents the methodology employed for the study.

Research Paradigm

This study adopted the qualitative approach in an attempt to gather in-depth information to explore the nature of legal pluralism in order to understand how the Kongo traditional court is similar to, and different from, the modern court system, as well as the prospects of the traditional court into the future. According to Creswell (2018), qualitative research is “the use of interpretative/theoretical frameworks that inform the study of research problems addressing the meaning individuals or groups ascribe to a social or human problem” (p. 44). In the view of Babbie (2004), “qualitative field research enables researchers to observe social life in its natural habitat: to go where the action is and watch” (p. 281). This approach allowed me to engage and interact with the participants in their own language. As a result, the respondents were immensely involved in the research process (Bryman, 2004). Ultimately, I was able to gather expository information and interpret the views of the stakeholders about the two courts in the area for the resolution of conflicts using words rather than numbers.

Research Design

The case study design was used to conduct the study. This refers to “a kind of research that concentrates on one thing, looking at it in detail, not seeking to generalize from it” (Thomas, 2011, p. 1). The use of the case study research design enhanced understanding of the problem under study. With this design I was able to explore how the Kongo traditional court relates with the modern state court system through detailed and in-depth collection of relevant data. Case studies

facilitate the better understanding of complex issues (Creswell, 2018). This design was meant to ensure that results of the study were of a high quality.

Sources of Data

Two main sources of data were used for the study. This comprised secondary and primary data. The secondary data consisted of sources such as the United Nations Declaration on the Rights of Indigenous People (UNDRIP, 2007), Republican Constitution of Ghana (1992), and the Chieftaincy Act, 2008 (Act 759), journal articles, and books relevant to the objectives of the study. The primary data used for the study was information from key informant interviews with chief, elders, and selected adult residents in the Kongo area.

Sample and Sampling Technique

The population for the study was all adults in the Kongo traditional area who had a good understanding of the two courts. However, the chief and four elders, two staff of the state court, and eight residents in the area were selected for the study. In all fifteen (15) persons were involved in the study. The purposive and convenient sampling techniques were used to select the key informants for the study. These techniques enabled the researcher to select these respondents with in-depth knowledge and understanding of the two courts.

The Kongo traditional court was purposively selected for the study because the chief who is the head of the main actors with the traditional court had formal education and work experience from the modern state court. The four elders were equally considered relevant to the study because, they work closely with the chief in the traditional court to resolve cases, hence, were conveniently selected for the study. Two staff of the state court and eight residents in the area were also

conveniently selected for the study. Together, the chief, elders, residents, and court staff were considered the appropriate people to share informed views on the similarities and differences with the two courts as well as the prospects of the traditional court which they administer in the area.

Instrumentation

Semi-structured interview and focused group discussion were employed to gather data for the study. The instrument of semi-structured interview guide was deployed to gather the relevant data needed from the chief, elders, and staff of the state court for the study. Silverman (2007) describes interview as a conversation in which an interviewer aims at acquiring information from an interviewee. As a result, the interview sessions with the chief, elders, and staff of the state court granted them convenient opportunities for them to express their knowledge, ideas, opinions and experiences with the two court systems. The obtained data from the participants was analyzed using the interpretive method along derived themes based on the research questions.

The focus group discussion was conducted with selected residents of the Kongo area on the similarities and differences with the two courts and the prospects with the traditional court. The discussion at the focused group meetings enabled me to interview relevant stakeholders who were employing both courts for the resolution of their conflicts.

Data Collection Procedure

Semi-structured interview guide was used to gather data from the chief, elders, court staff and residents. Each of these participants decided on the convenient date, time and venue for the interview sessions with them. At the meeting with each of them, they were briefed on the focus of

the study. They were assured that the information from them was for purely academic purpose. Subsequently, they were admonished to be frank with their responses.

The questions were asked to them one after the other. They were given enough time to think through the questions before providing responses. The questions were open ended, hence, follow-up questions were asked for clarifications and details in responses. The responses were captured with a recording device. Permission was sought from them before the recording of their responses. I also took notes in my jotter. This was to enable me make reference to what the interviewees have said in later time. They were assured that their responses would be treated anonymously. At the same time, they were told they could withdraw from the interview at any time they felt uncomfortable and unwilling to continue. All persons sampled for the study agreed and were part of the interview sessions from the start to end. When the interview sessions were over, interviewees were thanked for their time, ideas, and information provided for the study.

The focused-group discussion was held with five of the selected residents. Similarly, convenient date was agreed by the five selected residents for the focused group discussion. The discussion guide was used to facilitate the process. The participants were also assured of the use of the information from them for academic purpose only. Some guidelines or rules for the discussion were outlined such as only one person speaks at a time. About three hours were spent with the respondents.

The interview and focused-group discussion data were later transcribed in details. This was followed by content analysis. This was done along themes that were derived from the research objectives. As a result, responses to questions on the various themes were analysed under their

respective themes. Convergent and divergent responses to questions under the various themes were highlighted and analysed.

DISCUSSION AND FINDINGS

The findings are presented and discussed under three sub-themes namely the similarities, differences and prospects.

Similarities with the Kongo Traditional Court and the Modern State Court System in Ghana

The study revealed that there are some similarities with the Kongo traditional court and the modern state court system which are deployed in resolving conflicts. Some of these similarities include; filing or registration of cases, service of summon/writs, open hearing of cases, a panel of arbitrators, evidence taking, adjournment of the hearing, witnesses appearance, and sanctioning or fining the guilty person.

With both approaches, cases to be heard are filed by a complainant. With the modern state court system, the filing of the case is done through the Court Registrar. Every court in Ghana has a registry which is headed by a Registrar. The Registrar is responsible for keeping the official records of the court and issuing out the orders of the courts. In the performance of these administrative duties of the court, the Registrar is assisted by a number of subordinate staff who performs duties on his behalf. The subordinate staff of a registry includes the court clerks, cashiers, recorders, interpreters, bailiffs, messengers, etc. Some of these subordinate staff functions mainly in the registry, while others function in the court during court sittings to facilitate the trial process. With the Kongo traditional court, anyone desiring for his or her case to be processed at the palace has to first report the case to an elder of the palace. The chief of Kongo has a council of elders

with whom he administers the community. A complainant has to find one of the elders and express interest in having his or her case heard at the palace. The said elder will then make a formal report to the chief on behalf of the complainant. The chief then asks the elder to come with the complainant to register or file the case. This was expressed by the Chief as follows:

A case cannot be reported directly to me the chief, and so, is first reported to an elder. The elder then comes to inform me in private about the request of the person. After the elder reports the case to me, I will ask the elder to come with the complainant to the palace for the case to be reported to the chief officially. When the elder and the complainant appear at the palace, the complainant is given the opportunity to make a report of his or her case with either an amount of money or an animal as the filing fee [Chief of Kongo].

The second similarity with the two courts is the service of writ of summon. After a complainant or plaintiff has filed a case, service of writ of summon is carried out with both courts. With the state court system, most cases are commenced by issuing a Writ of Summon in Ghana. A Writ is a formal document by which the Chief Justice informs a defendant that an action has been commenced against him or her by the named plaintiff and commands the defendant to 'cause an appearance to be entered' within eight (8) days if he or she wishes to dispute the plaintiff's claim otherwise judgment may be given against him or her in his or her absence and without further notice. The writ states the name and address of the plaintiff and the name and address of the defendant. It must be endorsed with a statement of claim. According to one of the Elders:

There is a person charged with the responsibility of running errands in the palace. After a case is received, this person is sent to go and issue summon to the defendant

to appear at the palace. The errand person is usually required to meet an elderly person in the defendant's family to call the defendant and also witness the issuance of summon to the defendant. The errand person informs the defendant that someone has come to report a case against you and you are required at the palace. Depending on the nature of the case and the distance, the defendant may be required to appear immediately or later on a given date [An Elder to Kongo Chief].

In the case of the Kongo traditional court, writ of summons are delivered through the royal errand person. Upon receiving a complaint at the traditional court, and the filing fee from the plaintiff, the royal errand person is sent to inform the defendant of a reported case against him or her as well as the filing fee as he or she is expected to appear with the same amount or animal(s). The defendant is also told of the day the chief has scheduled for his or her appearance. The defendant is expected to report at the palace on the given date without fail except over tangible reason such as death of a relative or sickness. If no excuse is sort with good reason(s) and he or she does not appear, he or she would be charged.

Another common feature with the Kongo traditional court and the modern state court system is open or public hearing of cases. Processing of civil cases in the modern state court system is done in open courts where parties to a conflict led by their legal representatives argue their sides to the case. Similarly, hearing of cases in the Kongo traditional court is done largely in the open. The Chief narrated how the hearing of a case is done in his court as follows:

On the day of the hearing, when I with my elders is seated, each of the disputants takes turns to greet me and announce their presence with kola as kola is the traditionally required item to greet a chief in our area. After the greeting, everyone

is reminded of the presence of the gods and ancestors of the land (usually represented by stones) to witness and take part in the process. By this, everyone is called, to be honest, and truthful. Therefore, people often speak the truth for fear of being dealt with by the gods and ancestors if they told lies. Everybody fears the spirits. After every one is reminded of the presence of the gods and ancestors, the elder who received the case and reported to the chief is asked to call the case for consideration. When he is through calling the case, the complainant is usually called upon first to take a seat on the floor and present his or her complaint. He or she has all the time required to give an adequate presentation of the case and as he or she is making the presentation, no one interrupts him or her; everyone listens attentively. If he or she has evidence to support his or her case, he or she is expected to use them during the presentation in a manner that will help make his or her side of the story better. After the presentation by the complainant, the defendant takes his or her turn to sit on the floor and present his or her side of the case. Similarly, no one interrupts and the defendant also has all the time required to adequately present his or her case. If the defendant also has evidence, he or she is expected to present them along with his or her presentation in a manner that will help him or her.

Usually on the day of hearing, the chief will after the greetings, remind every one of the presence of the gods and ancestors of the community. The elder who received the case and reported to the chief is then asked to call the case for consideration. When he is through calling the case, the complainant is usually called upon first to take seat on the floor and present his or her complaint. He or she has all the time required to give adequate presentation of the case and as he

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In addition, similar to what happens in the modern state law court, there is cross examination in the Kongo traditional court during the hearing of a case. Olaoba (2000) contends that cross examination is an important mechanism employed in the process of conflict resolution in traditional African society as a means of weighting evidence through cross checking and corroborating of the facts of the conflict. Stitt (2004) contends that when you are helping people in dispute, it is important to facilitate the disputants to communicate directly with each other. With the state court system, cross examination involves the lawyers of each party to the dispute subjecting the opposite party to the dispute to relevant questions aimed at establishing the truth on the side of law. With the Kongo traditional court, cross examination involves the parties to the dispute asking each other directly, questions they have also aimed at establishing the truth. Usually, the defendant is first given the chance to ask the complainant all questions he or she has on the presentation made by the complainant and the complainant is required to provide honest answers. When the defendant is through with all of his or her questions, the complainant is also given the chance to ask the respondent all questions he or she has on the defendant's presentation and the defendant in turn provides honest answers to the questions raised.

Another significant similarity with the Kongo traditional court and the modern state court system is the appearance of witnesses. A witness is a person with his or her own account of the facts relating to issues arising in a dispute. The purpose of witnesses in the process of resolving disputes is to provide evidence to support a party's case in the process of determining the case. Witnesses' counts should be limited to fact, and not comments based on opinions. Just as there is the appearance of persons considered to have relevant information to the case either brought by the plaintiff or defendant with the modern court system, witnesses' appearance is done with the Kongo traditional court. If there are witnesses, they are brought in in-turns after cross examination has taken place for them to say all what they know about the case. The witnesses from the complainants and defendants are always kept separate from each other and away from the proceedings and are only brought in when it is time for them to give their accounts.

By the nature of the process, one cannot just bring in anybody as a witness; it must be somebody who truly knows the case. This component of the Kong traditional court allowing for witnesses to present factual evidence to a case been processed is a very significant and well-thought decision. It allows for checking of fabrications and twists on cases by disputants to gain favour from the court. Bringing in witnesses to a large extent, therefore, helps to get to the merits of cases and meaning resolutions. Witnesses' accounts go to help timid and people with stage fright to get their cases well presented for effective resolution.

Witnesses brought in are often relatives and known persons to the disputants; as a result, it becomes relatively difficult for them to give evidences that are untrue. This helps to bring the facts of the case for fair settlement. This is further enhanced by separating the witnesses at the palace for them to appear at different time. With this, there will not be suspicion that the witnesses have

conspired against any of the disputants. Again, the witnesses' evidence would not be influenced by what has been said by the disputants and other witnesses as they are only brought in at the time they are required to give the evidence and at different times.

Differences with the Kongo Traditional Court and the Modern State Court System in Ghana

On differences with the Kongo traditional court and the modern state court system, the responses from the chief and elders through the interview sessions identified a number. On the part of one of the Elders, the differences included: the involvement of lawyers with the state's courts system but self-representation with the Kongo traditional court; lots of restrictions and procedures with the state court but fewer restrictions with the traditional court; relatively high financial cost with the state court system but low financial cost with the traditional court; and the different kinds of sanction. He expressed this in the following:

There are differences between the two courts. With the state court, disputants have to hire the services of a legal practitioner to represent and talk for them but in the Kongo court, the disputants represent and talk for themselves throughout the process. There are so many procedural restrictions when cases are being processed with the court's system but there is less of such procedural restrictions with the Nabdam traditional approach. Again, evidence with the Nabdam traditional approach is largely oral but extends to include visuals and audio-visual with the court system. Finally, the kinds of sanctions are different. With the traditional approach, sanctions are limited to animals (fowl, goat, sheep, and cattle or a combination depending on the gravity of the case) but with the court system, it is

money. Again, there is also an option of imprisonment with the court system but not with the Kongo traditional court.

The Chief on his part contended that one difference with the two courts is the focus with which each approach the dispute resolution. He argued that the focus of the Kongo traditional court is on the complainant, respondent, and the society since the aim is to restore relationships and keep the society in harmony. As a result, cases are handled with a balanced mindset aiming at satisfying all the three elements involved. This is therefore different from the modern state court system where attempts are made to determine who is wrong and subsequently punish that person and who is right and probably reward him or her. He added that:

The Kongo traditional court focuses on not just the complainant and the respondent, but the good of the society at large. As a chief I am determined to always appreciate the need for a balanced, cordial relationship and as the father of the land, I have a responsibility to handle affairs including disputes in such a way as to promote peace, harmony, cohesion, and social stability. This is one of the things that make our court different from the western model that somehow breaks up society by way of how it processes disputes; punishing offenders and rewarding victors.

This is similar to what Elias (1963) referred to as the “maintenance of social equilibrium” (p 15). He indicated that among the Yoruba of Nigeria, the parties to the proceedings are the victim/complainant and the accused person and the traditional court is specifically enjoined to consider the interests of the victim, the accused person, and the society.

In the view of the other Elder, a main difference between the Kongo traditional court and the modern state court system is how the individuals with disputes are viewed. He contended that:

With the Kongo traditional court, all persons appearing before the court are considered equal and taken through the same procedure to get to the final determination of the case. Everyone is therefore equal before the law.

Though he agrees the same can be said about the state state court system, in his view, reportage of discrimination and bribery against judicial officials point to a phenomenon that some individuals are considered more important and above the law and, hence, treated differently. This opinion of the Elder collaborates the view of Soyombo (1986) when he wrote that the position of individuals in the justice delivery system has become a critical concern and the principle that no person is above the law in some cases, may be differ; some people may seem to be above the law by virtue of their positions. Soyombo (1986) further stated that with the traditional approach, as with the modern legal system, in principle, an accused was deemed innocent until proved guilty. Thus, with the traditional approach, an accused person is usually subjected to the 'due' process of law, although the type of evidence required for the proof of guilt may differ.

Finally, in the opinion of an Elder, one difference between the Kongo traditional court and the modern state court system is the amount of evidence that may be considered sufficient. Mostly oral evidence is taken with the Kongo traditional court but with the state court system, evidence can extend to include technologically assisted acquired ones. The case of oral evidence with the traditional approach in the Kongo area may be attributable to the fact that the place is a rural area, hence, there is less use of technological gadgets. But with the proliferation of mobile phone with

its various functions, visual and audio-visual forms of evidence may find consideration and acceptance in the traditional court in Kongo.

The findings show that though the two courts for conflict resolution in the area have similarities and differences, they both are focused on resolving the human natural attribute of conflict so as to enhance the protection of the human rights of the people and thereby maintain peace and order.

Prospects of the Kongo Traditional Court in the era of Modernity and Religious Proliferation

This part examined the prospects of the Nabdam indigenous conflict resolution model, especially with religious proliferation and modernity in the area. Results from the interview sessions with the chiefs, elders and disputants pointed to a great prospect for the model into the future notwithstanding the increasing rates of modernity and religious proliferation. The chiefs, elders and disputants pointed out similar points to explain their position. These points included cost, proximity, accessibility, legal provision, speedy processing of cases, trust for the model and the influence of culture and tradition on the model. A Divisional Chief expressed strong conviction on the prospect of the Nabdam traditional model in the following words:

There is a great prospect for the Nabdam traditional conflicts resolution approach using the chiefs and elders because it is based on the culture and tradition of our people and no matter what, we will continue to have our culture and tradition. People's culture and tradition cannot just be done away like that. Also, chiefs will continue to be leaders of various communities in our area and as leaders, they will be expected to perform certain functions as leaders in all societies do, and one such

important function will be to assist their followers to resolve their disputes in an amicable manner and in a way so as to foster unity. The approach also has prospect because it costs less to use it to process conflicts especially in our part of the country where many of our people are poor. Again, the traditional approach is accessible to our people. Let me also add that the approach has prospects because it is backed by law (the 1992 Republican Constitution and the Chieftaincy Act) and we work with the Local Government Ministry.

A Paramount Chief on his part indicated the following:

Our traditional approach to conflict resolution may be challenged by modernity and religious proliferations but it has prospects into the future due to some advantages it has. In the first place, chiefs are considered to be transparent in our society and as a result, the approach enjoys trust from the people. What is therefore important is that the chiefs must endeavor to live to the confidence put on them by the people as being transparent. Also, our approach to conflict resolution is relatively cheap. When employing our approach, there is no cost in hiring the services of lawyers and in disputants transporting themselves and witnesses since they live with their chiefs in their communities. Finally, the approach has prospect because it takes a relatively short time to process disputes and the sanctions given under the approach are a minimal and foster relationship which you will not have with the modern court's system in our country.

A disputant corroborated the views as expressed chiefs above as he was positive on the prospects of the Nabdam indigenous approach to conflict resolution into the future in the face of modernity and religious proliferation. In his view:

As long as we continue to recognize tradition, and continue to have chiefs enskinned with the authority to resolve disputes, people will continue to employ the approach. Also, the more we continue to hear the reports of rorts in the form of bribery and misuse of power leading to miscarriage of justice from the modern courts system, people will develop even more trust and confidence with the traditional approach which is believed to be transparent and fair because the gods and ancestors of the area are always part of the process. The practical reality of police and courts referring cases to chiefs to process gives credibility to the traditional approach and as a result, it will still be a major option for disputes processing in the Nabdam area. More so, the relatively cheap cost of processing cases with the traditional approach and the advantage of proximity for the people will continue to largely influence the people to depend on the approach.

The views from the chiefs, elders, and disputants give a significant indication that the Nabdam indigenous approach to conflict resolution will still be very much patronized. The views are rooted in practical factors. In the first place, administration of justice under the Nabdam indigenous method is quicker and cheaper than in the modern legal system where cases can take a very long time to settle. The cost of hiring a legal practitioner could also be very expensive for some people. Thus, the traditional method is easier for many people to use. A disputant from this viewpoint indicated that “*Besides the fact that they are easily accessible, traditional courts are*

cheap in terms of transport costs and the court's levy only minimal fees which may be payable in kind. Further, since legal practitioners are not permitted in these courts, justice is affordable”.

It can also be noted from the responses from the chiefs, elders and disputants that the prospect of the traditional approach is in its emphasis on restitution and reconciliation by the approach. Efforts are usually made to reach an agreement that is acceptable to both the complainant and the accused. This may explain the reluctance of some members of contemporary society to go to court. The finding on the resiliency of Nabdam traditional approach to conflict resolution resonates with Myers and Shinn (2010) when they indicated that “the Western Justice System is individualistic, retributive and emphasizes a winner-loser paradigm in resolution of disputes whereas the African justice systems focus on the restoration of social harmony and social bonds between disputants”.

Another important factor noted for the prospects of the traditional approach is the reservations some members of the society have about the modern court's system to conflict resolution. This factor has led to the belief that 'legal justice' may be different from 'social justice'. Under the modern legal system, a thief may be discharged and acquitted on technical grounds, even if he was caught in the act. While this may seem reasonable from the legal point of view, it may be difficult for the victim to accept the reason for this. For these reasons, some people in the Nabdam area will not bother to go to the modern court, believing that they may not get 'justice'.

On accessibility, it was indicated that traditional courts exist in almost every part of the area under a traditional leader which means that virtually every village has a court within reach of most inhabitants. People do not have to travel long distances to magistrate's courts at district headquarters. The courts are also accessible in terms of social distance. Since the presiding chief

and his elders who constitute the court are not very different in terms of social status, wealth or education, disputants do not feel as intimidated by the chief's court as they would in a western-type court.

The point of familiarity with the law was another factor considered by the respondents in deciding the prospect of the Nabdam traditional approach to conflicts resolution. They contended that the Nabdam traditional court applies the customary law which consists of rules and customs of the community. One elder, therefore, concluded that

Ordinary people understand it and relate to it much more than the largely imported common law or the statutory law applied in the regular courts. Although the Nabdam society has been changing over the decades, the people still identify with their customary law rather than other laws which baffle the learned and the ordinary people alike. The absence of lawyers in these courts has ensured that principles of customary law and practice remain structurally and conceptually simple, which in turn encourages popular participation in the exposition of the law.

This explains what Bowd (2009: 2), meant when he said “traditional courts are often favoured in rural areas because of; their relatively informal nature, their use of local languages and vernacular, and their close proximity to users”

The chiefs, elders, and disputants also referred to the simplicity and informality of the traditional approach on its prospects into the future. They maintained that the Nabdam traditional approach to conflicts resolution is simple, informal, and flexible. The procedure in Nabdam traditional courts is simple, flexible and expeditious. This gives the approach a major advantage

over the western-style courts which sometimes get bogged down in technicalities. The informality makes the Nabdam traditional courts user-friendly.

One thing that makes the approach familiar is the language used during proceedings. The fact that the language of the court is invariably the local language of the disputants, with no risk of distortion through interpreting, makes these courts attractive to their users and gives greater satisfaction to the participants in the process as compared to regular courts where the language used is not understood by the majority.

The finding to this research question which indicates the approach to conflict resolution has prospect into the future again shows the desire of the people to maintain the natural attribute of peace and order.

CONCLUSION

The Kongo traditional court and the modern state court system provide forum through which people can process their disputes and maintain harmony. Both approaches are human creations based on the cultures and customs of different people. The similarities in the two models stem from the common focus which is dealing with the inevitable component of life – conflict - and restoring the general goal of a people and harmonious life among people of all backgrounds. The differences with the two models arise from the different cultural attributes that underpinned their creations. The culture of the people of Kongo (Africa) vary in many ways from the culture of the Europeans from whom the modern state court system came. It is therefore important that effort is made to ensure that the two court systems collaborate and complement each other so as to resolve conflicts and foster peace.

The indication of the prospects of the traditional court into the future in the face of increasing modernization reveals the resilience of some traditional institution in the Kongo area. Obviously, the chieftaincy institution that administers the traditional court in Kongo has been proven to have endured itself over time and continues to enjoy the confidence of the people of the area. This is attributable to the fair and just conduct of the chief and his elders which further justifies the procedure deployed in selecting a chief in the area.

Finally, the results from the study indicate that the people of Nabdam are conservative especially to their traditions, customs, and culture. Notwithstanding the pervasive influence of modern religion and modernization, the people in the Nabdam area are still very much held to their custom-based approach to conflict resolution and peacebuilding. Together with the many advantages with the indigenous approach to conflict resolution and peacebuilding, this conservative nature of the people, makes them to see prospects with the indigenous approach into the future regardless massive religious proliferation and modernization in the area.

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Le journal lance un appel à des articles sur le thème :



L'impact mondial du COVID-19 sur l'éducation

Compte tenu du nouvel ordre mondial instauré par COVID-19, le Journal invite à des articles qui traitent de la recherche, de la théorie ou de la pratique en pédagogie, de la politique linguistique et des TIC dans l'éducation, en faisant spécifiquement référence à l'impact de COVID-19 sur l'éducation. L'appel est ouvert du 30 septembre au 31 décembre 2021. Les articles acceptés devraient être publiés au premier trimestre de 2022. Selon la réponse à cet appel, la publication pourrait être plus tôt.

« Protocoles » de soumission

Exigences préliminaires : Tous les articles devraient avoir les sous-titres suivantes dans l'organisme comme principe d'organisation : sujet, résumé, problème, objectifs/but, questions ou hypothèses de recherche, importance de l'étude, méthodologie, résultats/résultats, discussion des résultats, conclusion et recommandations (peuvent inclure des suggestions pour des recherches postérieures poussées) et des références.

NB : Les articles qui ne tiennent pas compte de ces exigences préliminaires seraient supprimés, sans que d'autres mesures ne soient prises.

1. Une lettre doit accompagner chaque article. Il devrait inclure tous les noms des auteurs et leurs l'affiliation institutionnelle. La lettre d'accompagnement devrait avoir l'adresse courriel de l'auteur correspondant, à qui toute correspondance concernant l'article serait dirigée. L'adresse postale, à laquelle des copies du journal, après publication, seraient expédiées devrait également être fournie.
2. Tout effort doit être fait pour que le manuscrit lui-même ne contienne aucun indice des auteurs. La page de couverture doit contenir le titre du manuscrit, les noms et les adresses des auteurs.
3. Les manuscrits ne doivent pas dépasser 18 pages, y compris les références. Le résumé ne doit pas dépasser cent-cinquante (150) mots. Les scripts de type doivent être Times New Roman sur papier A4, à interligne double et tapé sur un seul côté, s'ils sont imprimés. Les pages doivent être numérotées. Environ cinq mots clés qui décrivent le mieux l'article doivent être fournis.
4. Les lettres adressées au Rédacteur en chef sont de bienvenues pour promouvoir l'interactivité et un débat sain sur les questions de recherche actuelles concernant le COVID-19. Ces lettres ne devraient pas dépasser 1000 mots. Ils doivent inclure le nom, les diplômes, l'affiliation institutionnelle et l'adresse de contact de tous les auteurs. Encore une fois, les lettres devraient utiliser des références pour renforcer les arguments avancés.

5. Les articles doivent être originaux, cohérents, logiques et dépourvus d'erreurs typographiques.
6. Le style de référenciations doit suivre l' « American Psychological Association » (édition 7, 2020). Les auteurs doivent soigneusement faire correspondre les citations en texte avec les références de fin pour s'assurer que les autorités citées sont référencées et que toutes les références sur la liste de référence finale sont citées dans le corps du manuscrit. Les manuscrits qui ne se conforment pas peuvent être rejetés et supprimés.
7. Après présentation initiale, s'il est déterminé que l'article mérite d'être examiné, l'auteur sera invité à payer des frais de révision non remboursables de 150,00 GH pour les Ghanéens et de 50,00 \$US pour tous les étrangers. Ces frais couvriraient également l'Internet en vigueur ainsi que le coût de l'impression et de la photocopie.
8. Nous suivons un processus de double revue anonymes au frais payable pour chaque article revu. En principe, nous payons deux examinateurs par article.
9. Si un article est accepté pour publication, l'auteur(s) sera invité à répondre aux commentaires de nos examinateurs et à envoyer une version électronique de l'article révisé au format du fichier « Word Document », avec des frais de publication non remboursables, au Rédacteur en chef. Les frais de publication, mentionnés ci-dessus, ne seront communiqués qu'aux auteurs dont les articles sont acceptés pour publication.
10. Les auteurs doivent être patients après le paiement des frais de publication, puisque nous n'imprimons qu'après avoir atteint nos objectifs de publication et nos normes. Il est dans l'intérêt des auteurs d'être patients parce que lorsque nous maintenons des normes de publication élevées, ils seraient les bénéficiaires conjoints de notre excellent produit final. Veuillez garder à l'esprit qu'un article ne sera pas accepté comme journal par la plupart des institutions pour évaluer le personnel. La qualité de la revue est également à évaluer.
11. Les articles ne peuvent pas être soumis ou publiés simultanément ailleurs. Cela aurait des répercussions sur le droit d'auteur. Les manuscrits doivent être accompagnés d'une lettre indiquant que le manuscrit n'a pas été publié ou soumis ailleurs.
12. La décision des examinateurs de la revue de publier ou non un manuscrit est normalement communiquée sans délai. Au fil des ans, notre taux d'acceptation moyen est de 90 %. Néanmoins, dans le passé, certains articles rejetés qui ont été substantiellement révisés selon les suggestions des examinateurs et soumis à nouveau ont finalement été publiés.
13. Après publication, une copie du journal est envoyée à l'auteur principal/correspondant de chaque article. Des exemplaires supplémentaires sont vendus à un prix subventionné aux co-auteurs du numéro actuel.
14. Sur demande, nous envoyons des versions électroniques d'articles extraits avec les détails de publication, par courriel, aux auteurs qui auront besoin d'avoir des plus tôt en raison de les présentes pour évaluation / promotion. Ces auteurs ne sont pas exemptés de payer les frais de publication réguliers mentionnés au numéro 9 ci-dessus

Êtes-vous prêt à soumettre? Veuillez vérifier avec les exigences préliminaires et tous les 14 points ci-dessus avant de soumettre. Cela permettrait d'accélérer les choses et d'améliorer vos chances.

Soumettez des versions papiers à :

Dr Naah Yemeh (Rédacteur en chef), Département de l'éducation anglaise, P. O. Box 25, Winneba, Ghana, Afrique de l'Ouest; ou des versions électroniques à: dryemeh@yahoo.com.