

The Effectiveness of Conflict Resolution Process among Traditional Leaders: A Case Study of Mumbwa District

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Abstract The purpose of the study was to access the effectiveness of traditional conflict process in the rural parts of Mumbwa Districts. The following objectives formed the research; to identify the common types of conflict/ cases reported in the villages of Mumbwa District; to determine the practice of traditional conflict resolution among traditional leaders in Mumbwa District, to assess the effectiveness of traditional conflict resolution outcomes as compared to convention method in Mumbwa District. This research applied a qualitative approach that used a descriptive design. The study sample included nine village members, nine village committee members, nine village headmen, one chief/representative, one criminal investigation officer and one clerk of court making a total of thirty participants. Purposive sampling technique was used to sample the participants. Data was generated using semi structured interviews and focus discussions. The data that was collected was analyses mainly using qualitative process. The study revealed that marriage dispute, witchcraft accusation, land dispute, crop damage by domestic animals, adultery, use of insulting language, early marriages, disrespectfulness, not taking care of the family, minor assaults, gender based violence and boundary issues are the common cases that are reported in the villages of Mumbwa District. The study also revealed that, members of the village of Mumbwa preferred to report cases to traditional conflict resolution court as opposed to conventional method where the statutory courts are used. The study further revealed that traditional resolution outcomes were effective. The study recommended the need for strengthening methods used in traditional conflict resolution such as negotiation, mediation and arbitration as well as documentation. The study also recommended the need for a herdsman to take care of animals that are kept in open areas. The study further recommended the need for village committee members to educate their members about the consequences of committing offences. The study also recommended the need for traditional leaders to document the practices of handling conflicts in traditional courts.

Keywords: conflict resolution, traditional leadership, dispute resolution, restitution, retribution

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1. Introduction

Before colonial incursion into Africa, many African indigenous societies had a well laid down tradition process of conflict resolution. The various communities in Africa had various conventions aimed at mitigating inter-human and intra and inter-communal conflicts. The indigenous people are also known to have evolved a well – established traditional dispute resolution (TDR) method that was peculiar to their own ways in Northern Rhodesia now Zambia before the introduction of British rule. This tradition method was built on custom and traditions and was culturally effective for resolving conflict with their communities and chiefdom [1,2]. Such methods of dispute

resolution flowed from the accumulation of information that passed down from generation to generation. However, with the advent of modernization and western civilization, most of the traditional mechanisms for conflict management and resolution are being gradually eroded [1].

Despite the influence of modernization, traditional methods of resolving conflicts are still being used in most African countries so as to keep communities in harmony. The African indigenous methods of dispute resolution place emphasis on the community and parties of the conflict, as opposed to the individuals in conflict. It is also less expensive and based on the principles of maintaining relationship [2]. The intent of this emphasis on relationship is to restore harmony among the disputants and also provide a means of restitution through apology and compensation, especially where damages have been caused to injured party. Thus

the goal of traditional mechanism was on restitution rather than retribution [3]. More importantly, the traditional dispute resolution methods were aimed at resolving conflicts and not necessarily pronouncing judgments [4,5]. In this way, one could say that there were restorative as they aimed to cover the loss incurred and not to punish the wrong doer [1]. This is based on the peace of settlement between the parties rather than acrimony. The traditional dispute resolution method is also very effective in deterring future offenders in the sense that the offence is usually seen as against the community rather than the individual. Therefore, the conflict resolution was placed on internalized values which include honest, openness, empathy, community solidarity and individual loyalty to the group. It was usually believed that individuals who come before the community for dispute settlement should be sincere otherwise they are seen as having committing an offence against the community rather the individual concerned.

Despite the modern methods of conflict resolutions being applied, conflicts have still been escalating in rural areas of Mumbwa District of Zambia as compared to when tradition conflict resolution was used. Very few literature exist to show the effectiveness of traditional dispute resolution so that it can be used as an alternative way to resolve conflict as compared to the current convention method. This study will therefore assessed the effectiveness of tradition dispute resolution method among traditional leaders. The findings in this study may help identify the best practices in conflict resolution which can reduce such cases. The practices can help leaders use them as alternative to the current convention or modern methods.

1.1. Study Context

Most Chiefdoms in Mumbwa District have traditional structure. Mumbwa District has seven chiefdoms and out of these Chiefdoms, Chief Shakumbila is the only senior Chief. Just like other chiefdoms, Moono Chiefdom has a traditional structure which consist of his royal highness the chief, senior headman/women and headmen/women where the five (5) committee members of the Chiefdom and palace respectively are democratically elected from. The Chief advisory committee was also established to preside over the advisory part of the chief or rather to advise the Chief on matters of the Chiefdom.

This study adopted cooperative model. According to the cooperative model by [6] conflict resolution is determined by several factors driving the parties in dispute. The factors are of critical importance and they should be considered while tabling the issues for the purposes of negotiations and trying to settle them. Morton predicts that cooperative behaviours of the party would take stage and an atmosphere of trust among parties involved would lead to mutual benefit as an alternative for dispute resolution. In relation to this study, village headmen and their committee applied cooperative view and competition view since deliberation were done considering actors interest and at last determination is made where one party wins and the other lose.

1.2. Objectives

- i. To identify the common types of conflict/ cases reported in the villages of Mumbwa District;

- ii. To determine the practice of traditional conflict resolution among traditional leaders in Mumbwa District,
- iii. To assess the effectiveness of traditional conflict resolution outcomes as compared to convention method in Mumbwa District.

2. Literature Reviewed

2.1. Types of Conflicts

There are four main types of conflicts and these are intrapersonal, interpersonal, intra group and inter group conflicts. According to [7], intrapersonal conflict occurs within a person and that one can experience intrapersonal conflict with respect to the amount of resources one has by hearing internal voices that disagree. In agreement with this statement, [8] explains that in intrapersonal conflict the individual tries to reconcile conflict within his or her own value structure. Similarly, [9] observes that conflict may not only occur in one's physical body but it often occupies one's thoughts and causes a great deal of emotion. They argue that intrapersonal conflict occurs when a person's behavior results in positive and negative outcomes or incompatible outcomes.

[10] states that interpersonal conflict occurs between two or more persons. [11] indicates that interpersonal conflict is a situation in which one or both individuals in a relationship are experiencing difficulty in working or living with each other. Another type of conflict is intra group. [7] explain that intra group conflict is a clash among some or all of a group's members which often affects the group's progress and effectiveness. In a situation of a village an intra-group conflict may occur among members of a village where villagers or residents sit in close proximity and interact with other. Such conflict can also occur among the senior members of the village that have different views on the kind of punishment to be given to the offender in the village. In this case, some senior members of the village may support chancing away the offender from the village while others may support the payment of either a chicken or a goat for misbehavior.

According to [7], another type of conflict is inter- group conflict which is defined as opposition and clashes that arise between two or more groups. [12], indicates that such conflicts are highly intense and costly to the group involved. Inter group conflict can therefore occur between two or more villages. It is worth remembering that conflict that emerges in oneself, in marriages, families, communities, organizations or countries can be grouped under one or more of the types mentioned. It is also worth mentioning that conflict can arise between people who have the same goals but disagree on the means by which the goals can be achieved.

2.2. Customary Conflict Resolution in Zambia

In Zambian customary or traditional systems, conflicts are normally settled outside of the normal court system [1]. The method of performing conflict resolution in the traditional African societies are; mediation, adjudication,

reconciliation, arbitration and negotiation [13]. These methods have been effective in traditional African society; this is contrary to the modern court system. Mediation is an old method of conflict management surrounded by secrecy. It involves non-coercive intervention of the mediator(s), called third party either to reduce or go beyond or bring conflict to peaceful settlement. [14] described mediation as a method of conflict resolution that had been so critical to traditional society. The mediators usually endeavoured that peace and harmony reigned supreme in the society at whatever level of mediation. Mediators are sought from within the communities or societies of the parties' concerned. Elders are respected as trustworthy mediators all over Africa, because of their accumulated experiences and wisdom.

In traditional African society, adjudication involves bringing all disputants in the conflict to a meeting usually in the chambers or compounds of family heads, quarter heads and palace court as the case maybe. Dialogue was linked with the adjudicatory processes in traditional [14]. Adjudication as one of Alternative Dispute Resolution (ARD), like mediation, negotiation and reconciliation can relate to the modern conflict resolutions that are used in court.

In addition, reconciliation was the most significant aspect of conflict resolution. It is the end product of adjudication. After the dispute, peace was restored. This restoration of peace and harmony was always anchored on the principle of give a little and get a little. A feast was usually organized to confirm the readiness of the conflicting parties towards reaching points of compromise. In African traditional society, conflict resolution method is characterized by the use of arbitration. The reconciliation function is practiced by an authority figure that mediates between conflicting parties but is empowered to make binding judgments. The purpose is not to render a judgment in law but to reconcile the conflicting parties and its norms. The relationship between the authority and the community is cushioned by community representative who advise authority [15].

Lastly, negotiation is used to harmonize the interest of the parties concerned. This, even when the conflict involves a member against his or her society, there is an emphasis on recuperation and reinsertion of errant member back into its place in society. The recovery of a dissident member can just as well be seen as the restoration of the harmony and integrity of the community, as the assertion of value consensus and social cohesion, so that the management of the conflict favours the concerns of both parties [14]. In traditional society peace is negotiated. Apology for wrongs done to individuals and the entire community was feature of negotiation such apology was channeled through elders, compound heads and chief of high caliber in the society.

The conflict resolution goal is not to decide when the person is right or wrong. The goal is to reach a solution that everyone can live with. According to [8], looking first for needs, rather than solutions is a powerful tool for generating win option. Conflict resolution provides an opportunity to interact with parties concerned, with the hope of at least reducing the scope intensity and effects of conflicts. During formal and informal meetings, conflict resolution (CR) exercises permit reassessment of view and

claims as a basis of finding options to crisis and to divergent points of view. Conflict resolution also performs a healing function in African society. It provides opportunity for examination of alternative positive decision to resolve differences.

3. Methodology

This study employed the qualitative paradigm because it is an inquiry that focuses on a descriptive and inductive study of people's meanings and understanding of their own realities (Bui, 2009). In conducting a study qualitatively, researchers identify how people describe their own experiences and the meaning they attribute to their experiences [16]. In addition, qualitative study promotes interaction between variables and detailed data is gathered through open-ended questions that provide direct quotations [17]. Therefore, the research was conducted in the participant's natural environment, which ensured that in depth and factual data was collected through interaction. Apart from that, qualitative approach allowed the researcher to ask broader questions through interviews. [18] asserts that qualitative studies depend on the views of the participants and involves analyzing of data for description and themes using text analysis and interpreting the larger meaning of the findings. [17] also points out that descriptive designs attempt to analyse, interpret, ascertain and report on the current status of a social institution, group or area. Consequently, a descriptive design helped the researcher to interpret the status of the phenomena under study in the form of practices that prevail, attitudes and beliefs held.

3.1. Sample and Sampling Method

For this study, information was collected from thirty (30) respondents. The sample comprised one chief, village headmen, village committee, Criminal Investigations Officer (C.I.O) from police Mumbwa Police Station and clerk of court. Purposive sampling techniques were used. Purposive sampling was used to sample the chief, village headman, village committee members, ordinary villagers, clerk of court and C.I.O. [18] believes that this type of sampling is based entirely on the judgment of the researcher, in that a sample is composed of elements which contain the most characteristic, representative of typical attributes of the population. The respondents which included the villagers, village committee members, Clerk of Court and the C.I.O. as regards to the common conflicts handled by the village committee or palace committee. The palace committee is the supreme body that deals with cases of conflicts. The palace committee also presides over the running of the chieftdom. It also comprised of five members that are elected by all the headmen and women in the chieftdom. According to the information obtained from one of the respondent, elections are held every year.

Therefore, the decision to include the chief, the village headman, village committee members, the clerk of court and C.I.O. was based on the fact that, they are key informants as they are directly involved in conflict resolution.

3.2. Instruments of Data Collection

Three methods were used to collect data in order to address the research questions of this study. These are semi – structured interview, focus group discussions and observation schedules guide. These instruments are synonymous with qualitative studies [19,20]. Semi – structured interview guides were used to solicit information from the chief, headmen, village committees, C.I.O and clerk of court. These contain open and closed ended question. Focus group discussion was used to collect data from the villagers and observation schedule guide was used to triangulate so as to supplement information that was given in interviews and focus group discussions available on conflict resolution in villages.

3.3. Data Analysis

Data analysis is a process of obtaining raw data and converting it into information useful for decision making by users [16]. The data which was collected from interviews, focus group discussions and observation was analyzed mainly using qualitative process. The information collected was put into identified themes and categories. These were according to research objective.

3.4. Ethical Position

The study took into consideration the possible ethical issues. The researchers withheld names of the respondents in the findings and they were assured that information they would gave, would be confidential and no name would be published in the findings. The researchers would not force any participant to take part in the research. In short permission was sought from them before interviews. The research was approved by Directorate of Research and Graduate Studies (DRGS) ethical approval number HSSREC: 2022-JUNE-014 refers.

4. Presentation and Discussion of Findings

The findings were based on the objectives of the study and themes were formulated from the responses which the respondents gave.

4.1. Common Types of Conflicts Reported in the Villages

Respondents were asked to mention the issues that cause conflict in their localities. These can be seen in the responses below.

Participant 1 (CHPR-1) said:

Cases which we have are Marriage dispute, witchcraft accusation, adultery, use of insulting Language, early marriages, disrespectfulness, not taking care of families, minor assaults, gender based violence, boundary issues and Crop damage.

Respondent (VHM-1) also added that:

Here have cases like: Marriage dispute, land dispute, witchcraft accusation, and adultery, use of insulting language, early marriages and boundary issues.

From the verbatim above, the study revealed that crop damage by domestic animal such as goats, sheep, pig, and cattle, land dispute, use of insulting language, witchcraft accusation, adultery, early marriages, disrespect to other people, not taking care of farming, minor assault and gender based violence cases are most common cases reported to traditional conflict resolution court commonly known as Nkuta by Ilas and Kaondes.

For crop damage, mainly some villagers who own some domestic animals such as goats, sheep and pigs usually let their animals go to grass freely without any herdsman, hence these said animals stray in other people's fields thereby destroying crops. This has in many cases left some people vulnerable since their hard earned crop got damaged. Land dispute as one of the common most reported case, has left people differing and according to some of the respondents this has been caused by headmen who at times sell land to more than one person, thereby making people differ.

Use of insulting language case is committed by some disgruntled people in villages. These people insult other people with no apparent reasons against other members of the village. The same people pretend to be drunk and those aggrieved report these offenders to the village committee who summon them for questioning.

Witchcraft accusation cases are also common in the villages. According to one of the respondent, witchcraft accusation has led to some people being injured and sometimes if even death. The accusers have sometimes disregarded the laid down procedures by killing those accused. For example, one participant revealed that, in their village sometime back an elderly man was hit repeatedly by coffin after some charm were put in it leaving him with injuries on suspicion that he was a wizard. According to them the coffin leads them to a wizard or witch after the charm has been put.

Adultery is also one of the cases that are reported to traditional resolution court. This case or offence is committed by both male and female persons in the villages. According to one of the respondent, if a male person is caught committing adultery he is made to pay some herds of cattle, but there seems to be no restitution method for the female person.

Early marriage cases are also reported to traditional conflict resolution court. This finding is similar to a study by [21] who found that poverty in the rural communities, many parents have resorted to marrying out their small girls as young as 14 years. Similarly, [22] found that guardians married off their children for material gain. The study further found that Minor assault cases and gender based violence are also handled by the committee. According to one of the respondents when village committee fail to handle these cases they are sent to what is known as seniority committee where each senior headman appoints some headmen to sit on the committee to handle the referred cases from village committees. When the seniority committee fails to handle such matters, the said matters are taken to the palace committee. The palace committee is a traditional court which only presides over matters of tradition and culture. Its mandate is to bring peace between two or more parties in dispute that is the complainants and defendants.

In Zambian customary or traditional systems, conflicts are normally settled outside of the normal court systems.

The key methods used are negotiation, mediation, arbitration, arbitration, judicial recourse, avoidance, and self-help. In traditional system, negotiation and mediation, processes are aimed at reconciling, individuals group of people with differing claims.

When the seniority committee fails to handle an issue, the complainant is given a referral letter to the palace committee which is received by the palace secretary who issues summons to the defendants. The Summon is delivered to the defendants by the palace committee messenger who happens not to be Chief's retainer. The defendant is made to sign the Summon acknowledging receipt of the Summon. A copy of the Summon is taken back to the palace secretary by the messenger.

The said committee report to the chief about its finding and verdict of such matters. The chief is said to be neutral in some cases if not all the cases. It was learned that, the reason why the chief remains neutral is that, he is not a subject to appear before any committee either as a complainant, defendant or a witness. Traditional ethics forbid him; the committee is allowed to work independently without any interference of the chief or any royal family member. These modes of conflict resolution are mentioned by [13] and [2] as a means of resolving conflicts among the people in rural settings. Traditional leaders were seen as important non partial leaders in settling conflicts. However, [2] argued that such systems may be prone to abuse and corruption. Such observations, could be valid as some participants indicated that in some cases, chiefs were not seen to be neutral. [1] in her study also found that people trusted traditional systems as they were said available, reliable and trustworthy. However, she observed that participants had reservations on impartiality of some decisions made.

4.2. Practices Used in Traditional Conflict Resolution among Traditional Leaders

The study also focused on determining the practices of traditional conflict resolution among traditional leaders in Mumbwa District. The respondents comprised of villagers, village committee members, village headmen, chief, clerk of court and the C.I.O from Zambia police Mumbwa.

The findings of the study as regards to practices or procedure used in traditional conflict resolution among traditional leaders in Mumbwa revealed that when an offence has been committed the following practice is followed: A report is made by the complainant; call out or rather a summon bearing the names of the offender, date and time of trial and court fee is issued; Trial follows on the set date and finally judgment. The respondents explained in different ways in which conflict resolution is practiced among traditional leaders.

Respondent (VM-1) had the following to say;

We report to traditional conflict resolution/court because we want to show respect to our leaders. There is no transport is required since these courts are located in the area we live.

The respondents were further asked to state the person who presides over the cases that are reported to the village committee, this was the response;

It is the headman/woman who preside over the cases that are reported to the village committee and if they

fail, the cases are referred to the courts law or the police. (VM – 2)

The practice used in traditional conflict resolution among traditional leaders in Mumbwa is explained in the following eight (8) stages:

Firstly, the person who is aggrieved launches a complaint before the village committee, secretary receives the complaint on behalf of the committee by entering it in the book. Secondly, The Summon or call out bearing the names of the offenders, date and time of trial and the court fee is issued. Further both complaint and the offender are asked to come with their witnesses. Thirdly, on the trial date, both the complainant and the offender are made to sit on the mat which is spread on the ground which acts as a dock.

Another stage then ensues that the village committee secretary informs the offender that her appearance before the village committee was as a result of the complainant who complained against him or her. He then reads out the complaint. Then secretary asks the offender if he or she understood the complaint and that he committed it and if the offender admits having committed the offence, judgment is passed. If the offence committed was small, the offender is made to pay, payment ranging from a chicken to a goat. But if the offence is big, the offender is made to pay in form of herds of cattle. But if the offender denies having committed the offence, the complainant and his or her witness are asked to give their statements, thereafter the offender and his witness are also asked to give their statements. The village committee including the headman weigh the statements and if found guilty, the offender is made to pay the payments mentioned above depending with the case or the offence, in order to make the complainant happy. Finally, the committee encourages the parties involved in disputes to live peacefully after the case has been disposed off. The payment made is to make the complainant happy.

4.3. Effectiveness of Traditional Conflict Resolution Outcomes

In order to determine in the views of the village members, village committee members, headmen and chiefs, various questions were asked to the respondents were tabulated on frequency tables. The respondents were asked to state whether traditional conflict resolution methods outcomes were effective or not.

The respondent (VCM-1) stated that:

It builds peace in the villages and brings unity among people. It also encourages people to love one another) and does not bring hatred among people. At the end the offenders continue living in the villages as it embraces everyone.

The findings of the study as regards to the effectiveness of traditional conflict resolution methods as compared to convention method. The study revealed that traditional conflict resolution method was effective. According to one of the respondents, these methods builds peace among the members of the community, in that the work of traditional leadership bring people in dispute together as compared to the convention one which finds people guilty by sentencing them to a number of years.

The study also revealed that traditional conflict resolution method brings unit between the disputing

parties. Once a member of the community offends another person, the traditional leadership is on hand to bring them to a census as compared to a convention one where if taken to court and found guilty, the offender is sentenced to a number of years' imprisonment. This practice is similar to what is done among the Lalas of Central Province of Zambia as revealed by the study done by [23] and [1]'s findings in her research among parents in Lusaka and Central Provinces who chose traditional methods to negotiate with other families when their children fell pregnant. Retribution does not go well with the relatives of accused. Hence these two families remain divided for a long time. For this reason, communities chose restorative justice.

According to one of the respondents, if an offender steals someone's cattle, this offender is taken to the police where he or she will be arrested for stock theft contrary section 275, chapter 87 of the laws of Zambia, thereafter taken to court of law for trial. If found guilty by the court, the offender is jail for five (5) years and this jail sentence makes the parties involved not be in good terms, hence hatred, of which in traditional conflict resolution method, there is nothing like sentencing the offender apart from bringing the parties to a consensus.

The study also revealed that traditional conflict resolution method also encourages people to love one another. One of the respondent (VM – 1) stated that,

Since the aim of the traditional leadership is to build and not destroy members of the village are encouraged to love one another.

According to him, if love does not exist in the village, then there will be total confusion and in the end. The existence of love in the villages leads to peace. This is what [23] found out in their study in Serenje among the Lalas that traditional practices bring about peace in the villages.

5. Conclusion

The study revealed different types of conflicts ranging from crop damage by the domestic animals such as goats, sheep, pigs and cattle by way the of grazing, land dispute, use of insulting language, witchcraft accusation or rather naming people to be witches contrary to chapter 90 of the laws of Zambia, adultery, early marriage, disrespectfulness to other people, not taking care of the family, minor assaults and gender based violence are the most cases that are reported to the traditional conflict resolution methods or rather court. On the practices for traditional conflict resolution, the findings of the study revealed that when a person is offended by someone, he or she goes the village committee to report. After a report has been made, the village secretary issues a summon or call out for the offender bearing his names date of trial and the court fee. If he or she admits the charge, the judgment is passed, the offender is asked to pay a chicken or goat depending with the gravity of the case. If he denies, trial commences in which the complainant and his or her witnesses give their statements. So do the offender and his witnesses. Thereafter the committee looks at the statements then gives judgment. The study lastly showed that traditional conflict resolution is an effective were the

outcomes build peace among the village members as compared to the convention one which finds people guilty and sends the offender to jail for number of years for example, five years' imprisonment with hard labour. The study also found that traditional conflict outcome is love. People are encouraged to love one another as compared to convention one which brings hatred after one has been sent to jail for years that the court deems.

As a result of findings from the study and the conclusion drawn, some recommendations have been made.

1. The study revealed that the key methods used in traditional conflict resolution are negotiation, mediation, arbitration and that negotiations and mediation are aimed at reconciling individuals, and groups of people with differing claims, the traditional leadership should therefore strengthen these processes and document them for future generation.
2. The study revealed that crop damage, land dispute, use of insulting language, witchcraft accession, adultery, early marriages, disrespectfulness to other people, not taking care of families or family neglect and gender based violence are the most common offences that are reported in the villages of Mumbwa.
3. The traditional leaders and their committee should be sensitizing people about ubuntu to educate people about the disadvantages of committing the offenses that have been mentioned in this study.

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