**BINDURA UNIVERSITY OF SCIENCE EDUCATION**

**FACULT OF SOCIAL SCIENCES AND HUMANITIES**

**DEPATMENT OF PEACE AND GOVERNANCE**



# CHALLENGES AND OPPORTUNITIES OF TRADITIONAL CONFLICT RESOLUTION PROCESSES IN ZAKA. CASE STUDY OF NHEMA CHIEFDOM.

**By**

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**A Dissertation Submitted to the Department of Peace and Governance in partial fulfilment for the requirements for the Bachelor of Science Honors Degree in Peace and Governance**

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**Abstract**

The research study was focusing on investigating the challenges and opportunities of traditional conflict resolution processes in Zaka District, using the Nhema Chiefdom as a case study. Traditional conflict resolution processes face challenges that impact their effectiveness, hence by understanding the challenges and opportunities of traditional conflict resolution processes it helps to improve conflict resolution effectiveness and promote peace building. The Problem Solving Theory fastened the research study serving as its theoretical framework. The researcher collected data using interviews, focus group discussion and survey questionnaires. The study revealed that traditional conflict resolution process begin with the family court which referred the case to the village court, the village court referred the case to the headman's court and the headman's court referred the case to the chief's court where the final judgement is made. The study also revealed that traditional conflict resolution processes have some challenges like abused by those in power. Despite the challenges, there are also some opportunities of traditional conflict resolution processes like promoting reconciliation and upholds cultural values and traditions. The research study exposed that traditional conflict resolution processes are effective in dealing with conflicts for they promote reconciliation and upholds cultural values and traditions. The study made the following recommendations: establish clear guidelines and protocols on conflict resolution, provide training and capacity building to traditional leaders and establish a referral system. There should be a strong relationship between the magistrate court and the traditional court for the two complement each other because they deal with similar cases.

## Declaration

I Rosemary Manyawi student number B201397B declare that this research project tittled "Challenges and opportunities of traditional conflict resolution processes in Zaka District" is my original work and it has not been extracted from other sources without the acknowledgment of the source.

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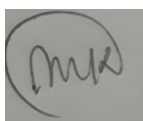
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Date: 09/09/2024

## Dedication

The research project is dedicated to by beloved guardians not forgetting my beloved sisters and my nephew Brave for their influence, love and care during the research study period.

**Acknowledgements**

I want to thank the Lord Almighty God for his grace, the one who assisted me to begin a good work in this research project. I also want to thank my supervisor for his guidance throughout the research project. In particular, I also want thank my fellow Peace and Governance colleagues for their love during the undertaking of this research project. Lastly, I want to thank my family members who always encouraged and mentored me to the persistent throughout the research study period. I love you all.

**Abbreviations**

HZT            -Heal Zimbabwe Trust

ZIMCET        -Zimbabwe Civic Education Trust

PC             -Paramount Chief

TCRP           -Traditional Conflict Resolution Processes

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# CHAPTER ONE

## 1.0 INTRODUCTION

### 1.1 Background to the study

Traditional conflict resolution processes are regarded as the cheapest and easiest ways of resolving conflicts compared to judicial processes. Africans have their own ways of resolving conflicts based on mediation, forgiveness and reconciliation. Kwaku and Morena (n.d) argue that traditional conflict resolution processes are a part of a well-structured, time-proven, social system geared towards reconciliation, maintenance and improvement of social relationships. The methods, processes and regulations are deeply rooted in the customs and traditions of people of Africa. The importance and utility of the process lie in the fact that they strive to restore a balance, to settle conflict and eliminate disputes (Choudree, as cited in Kwaku and Morena, n.d).

The elders and indigenous leaders act as mediators during conflict resolution. Rukuni, et al (2015), state that traditional leaders play a pivotal role in settling community disputes across rural Zimbabwe. Traditional leaders are regarded as keepers of traditional law and deals with different cases like domestic violence, political cases and misconduct. Traditional conflict resolution processes are practised under traditional courts and traditional leaders. All rural communities have traditional courts especially in Zimbabwe, which makes justice easily accessible as there is no transport cost. Sibanda (2016), states that since the people who preside over cases in traditional courts (the chief and assessors) are usually from the same tribes or clans and norms and values are the same it is easy for one to know that justice has been executed, regardless of whether he or she has lost or not in the court. Sibanda (2016) argues that there is no need for people to travel long distances to magistrate's court which require transport costs to access justice and even if a villager does not stay near his chief's court, the transport cost is usually cheaper than that of travelling to district headquarters where magistrate courts are located. The channel in traditional courts is adaptable and simple.

However, traditional conflict resolution processes are no longer regarded as important in Zaka District. The magistrate court took some roles of traditional court like resolving of criminal cases and other important cases. Traditional leaders are limited to

resources and capacity when resolving conflicts of large scale disputes. Also, traditional conflict resolution processes are only based on relationships of parties and traditional leaders. Therefore, traditional conflict resolution processes are facing some challenges and they are no longer regarded as the positive effective ways of resolving conflicts compared to modern conflict resolution processes.

## 1.2 Purpose of the study

The purpose of the research project is to identify traditional conflict resolution processes used in the   Nhema Chiefdom, assessing the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom, evaluating the effectiveness of traditional conflict resolution processes and suggesting recommendations on how to strengthen traditional conflict resolution processes in the Nhema Chiefdom.

## 1.3 Statement of the problem

Traditional conflict resolution processes are regarded as the positively effective ways of dealing with conflicts. However, due to environmental factors, escalating of conflicts and the influence of modern legal systems, traditional conflict resolution processes in the Nhema Chiefdom are facing challenges that threaten their effectiveness. Traditional leaders are limited to resources and capacity when resolving conflicts of large scale and also traditional conflict resolution processes are based on relationships of parties and the traditional leaders. Hence, this caused the traditional conflict resolution processes to be seen as the negatively effective ways of dealing with conflicts and not trusted by people.

## 1.4  Objectives of the study

1.  To identify the traditional conflict resolution processes used in the  Nhema Chiefdom
2.  To assess the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom.
3.  To evaluate the effectiveness of traditional conflict resolution processes.
4.  To suggest recommendations on how to strengthen traditional conflict resolution processes in the Nhema Chiefdom.

## 1.5  Research Questions

1.  What are the traditional conflict resolution processes used in the Nhema Chiefdom?

2. What are the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom?

3. What is the effectiveness of traditional conflict resolution processes?

4. How can traditional conflict resolution processes in the Nhema Chiefdom be strengthened?

## 1.6 Assumptions

1. Challenges of traditional conflict resolution processes in the Nhema Chiefdom may be caused by lack of capacity and resources for resolving conflicts.

2. Traditional conflict resolution processes can continue to be effective in the face of modern challenges but may need to be strengthened and improved.

3. Traditional conflict resolution processes should be strengthened and improved through the relationship of traditional leaders and the community members.

## 1.7 Significance of the study

The study is expected to investigate the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom. Moreover, the research study is expected to improve the effectiveness of traditional conflict resolution processes in the Nhema Chiefdom. The findings of the research study can contribute to the relevance of traditional conflict resolution processes in the entire Zaka District. Furthermore, the study is expected to suggest recommendations on how to strengthen traditional conflict resolution processes in the Nhema Chiefdom. The findings of the study should help the traditional leaders, governmental parties and the communities to realize the importance of traditional conflict resolution processes in resolving different types of disputes.

## 1.8 Delimitations of the study

The research study on the challenges and opportunities of traditional conflict resolution processes in Zaka District will be carried in the Nhema Chiefdom and will not include other chiefdoms in Zaka District. The study will focus only on traditional conflict resolution processes within the Nhema Chiefdom and will not attempt to generalize to other chiefdoms. The research study will only discuss the opinions of participants who are actively involved in traditional conflict resolution processes. Furthermore, the study will focus on present-day challenges and opportunities of traditional conflict resolution processes and will not examine the historical evolution of the processes. The information

produced in the Nhema Chiefdom is the only one which is going to be presented and analysed.

## 1.9  Limitations of the study

The research study should be carried in the Nhema Chiefdom only and the researcher will not have more information about challenges and opportunities of traditional conflict resolution processes in the entire Zaka District. The study should be limited by the size and scope of the sample which may not be representative of all individuals involved in traditional conflict resolution processes in the Nhema Chiefdom. The researcher is going to be limited to more information for ethical principles should be considered.

## 1.10  Definition of key terms

Conflict-Fulford (2006) defines conflict as a clash of thoughts, opinions or ideas and this is usually the result of confused false expectations especially in the area of unmet emotional needs. Conflict is a very broad term and it is inevitable. Domenici and Littlejohn (as cited in Kneip, 2010) define conflict as an expressed struggle between two or more interdependent parties who believe they have incompatible goals, scarce resources and interference from the other party in achieving their goals.

Conflict resolution-Barsky (2017) defines conflict resolution as any process used to manage, determine, or settle differences that may arise among individuals, families, groups, organizations, communities, nations or any other social unit. According to Shonk (2023), conflict resolution is an informal or formal process that two or more parties use to find a peaceful solution to their dispute.

Peace-Anderson (2004) defines peace as a condition in which harmonious relationships and low levels of violence can be observed among individuals, families, groups, and/or nations. Galtung (as cited in Makwerere, 2017) defines negative peace as the absence of violence and war and positive peace as the integration of human society.

Human Security-According to United Nations (2018) human security is a concept that refers to the protection of individuals and communities from threats to their survival, livelihood and dignity.

Traditional Leadership-Mashum (2022), states that according to Max Weber's leadership framework, traditional leadership is an authoritative power bestowed upon a person legitimized by the sanctity of the tradition. The right to rule in this leadership framework is hereditary and is passed down throughout generations.

## 1.12 Dissertation outline
### Chapter 1: Introduction

The chapter will focus on background to the study, purpose of the study, statement of the problem, research objectives, research questions, assumptions, significant of the study, delimitations of the study, limitations of the study, definition of key terms and chapter summary.

### Chapter 2: Literature Review and Theoretical Framework

Chapter 2 will highlight theoretical framework and literature review. The literature review chapter provides comprehensive analysis of existing research relevant to the study. The chapter reviews empirical studies related to the research questions, highlighting their findings and methodologies while identifying gaps and inconsistences in literature.

### Chapter 3: Research Design and Methodology

Chapter 3 outlines the research design and methodology employed in the study. The chapter explains the rationale behind the chosen methods, whether qualitative, quantitative or mixed methods and describe how these methods align with the research objectives.

### Chapter 4: Data Presentation, Data analysis and Discussion of findings

In Chapter 4, the findings of the research are presented in an organised and systematic manner. The chapter begins with a description of the data collected, followed by detailed analysis using appropriate statistical tools or qualitative analysis techniques. The results are illustrated with tables and figures to facilitate understanding and highlight significant patterns or trends.

### Chapter 5: Summary, Conclusion, Recommendations and Areas for further research

Chapter 5 serves as a synthesis of the research findings and their implications. The discussion addresses how the findings contribute to the existing body of knowledge, exploring their theoretical, practical and policy implications.

## 1.14 Chapter summary

The chapter had covered key aspects of the research counting the background to the study, purpose of the study, statement of the problem, research aim, research objectives, research questions, assumptions, significance of the study, delimitations, limitations, definition of key terms and ethical considerations. The next chapter will review the related literature on the challenges and opportunities of traditional conflict resolution processes in Zaka District, a case study of Nhema Chiefdom and the theoretical framework which will guide the analysis of data.

## CHAPTER TWO

## 2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK

## 2.1 Introduction

The previous chapter focused on key aspects of the research counting background to the study, purpose of the study and other aspects. This chapter will review the related literature on the challenges and opportunities of traditional conflict resolution processes in

Zaka District, a case study of Nhema Chiefdom and the theoretical framework that will be used to analyse the data. The theoretical framework that will guide the analysis of data is the Problem Solving Theory.

## 2.2 Theoretical Framework

Theoretical framework serves as the foundational structure that supports a theory of the research study. The theoretical framework introduces and describes the theory which explains why the research problem under study exists. Many theories have been studied concerning the traditional conflict resolution processes which include Human Needs Theory, Interest-Based Theory, Conflict Transformation Theory and Problem Solving Theory. Therefore, the research will be studied under the Problem Solving Theory.

### 2.2.1 Problem solving theory

John Dewey developed the Problem Solving Theory in the early 1900s, believing that to come up with a solution one should identify the problem first. According to Asad (2019) problem solving is the act of defining a problem, determining the cause of the problem, identifying prioritizing and selecting alternatives for a solution, and implementing a solution. Problem solving theory mainly focuses on bringing out the root cause of the problem so that a solution can be developed. Moreover, it also emphasizes the significance of communication and cooperation in solving conflicts. Problem Solving Theory clearly states why traditional conflict resolution processes may not always be successful when resolving conflicts of large scale. Mayer (as cited in Dostal, 2015) defines problem solving as a summary of the cognitive processes focused on the change of the given state to the final state where solution procedure is not obvious.

**Figure 2.1: showing the process of problem solving theory**

```
┌─────────────────────────┐
│    Define the problem   │
└─────────────────────────┘
             ↓
┌─────────────────────────┐
│  Generate alternative   │
│       solutions         │
└─────────────────────────┘
             ↓
┌─────────────────────────┐
│   Evaluate and select   │
│     an alternative      │
└─────────────────────────┘
             ↓
┌─────────────────────────┐
│  Implement and follow   │
│   up on the solution    │
└─────────────────────────┘
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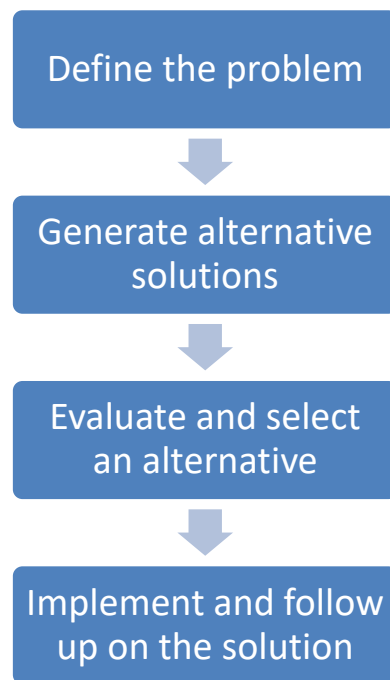
**2.2.2 Applicability to the research**

Problem Solving Theory helps to identify the specific problems that need to be addressed in order to achieve successful conflict resolution. Problem Solving Theory identifies the root cause of the problem so that a solution can be implemented and facilitates negotiation. Moreover the theory emphasizes parties' underlying interests rather than their positions, and encourages parties to maintain and build their relationship even if they disagree rather than creating an adversarial process.

**2.2.3 Weaknesses**

Problem Solving Theory deals with the assumptions. According to Wade (2004) problem solving works on assumptions that humans know what is "good" for us; and how to achieve those "good" goals and needs. Also, problem solving involves time, information and transaction costs.

**2.3 Traditional conflict resolution processes**

Traditional conflict resolution processes can be referred to non-judicial mechanisms that are used to resolve conflicts within a community based on customs, beliefs and norms of the community. Traditional conflict resolution processes are usually rooted in the traditions and customs of the community and may involve negotiation and mediation. Sibanda (2016), agrees that traditional leaders have their own approach to solving conflicts

such as negotiation at all levels, village to national, from family to the village court (Dare), from the dare to the chief's court (Dare raMambo). Madenga (2017) agrees that in situations where the Village head (sabhuku) felt overwhelmed, the dispute would be referred to the Headman (sadunhu) who if equally overwhelmed by the gravity of the case (or if offender felt unfairly treated) would refer it to the Paramount Chief.

**Figure 2.2: showing traditional conflict resolution process**
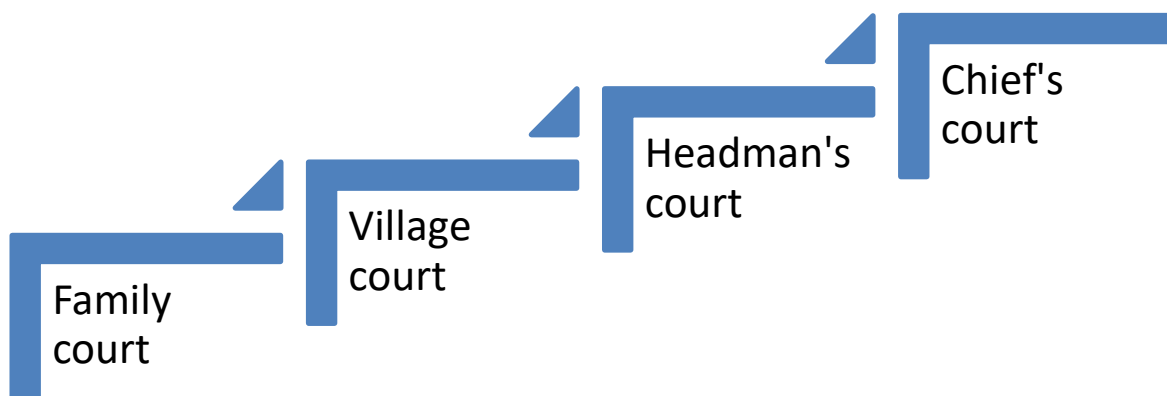


### 2.3.1 Family court

The family court is the first step in traditional conflict resolution process. According to the Heal Zimbabwe Trust, Zimbabwe Civic Education Trust (2016), this is usually the first part of call when families and communities deal with disputes. The family court plays the first role in resolving disputes among family members with the help of the nephew as the mediator. The nephew facilitates communication and negotiation among disputed family members and think of the resolution that favours all. It is mainly used to deal with internal family disputes of a domestic nature such as divorcees, incest, disputes between parents and their children or cases involving in laws (HZT, ZIMCET, 2016). The family court resolves disputes related to divorce, child custody and inheritance. HZT, ZIMCET (2016) agree that families in Zimbabwe have mostly used this process to deal with cases involving theft of livestock, destruction of granaries (food storage sites), crops and assault in the community.

Families have summoned each other for talks which in many cases have led to peaceful resolution of disputes, (HZT, ZIMCET, 2016). However, if the family court fails to resolve the dispute, the case is referred to the village court.

### 2.3.2 Village court

The village court is the second step in traditional conflict resolution process and it is known as "dare rasabhuku'. The village court led by the village head (sabhuku) resolves conflicts among people in the same village. Mattson and Mobarak (2023) agree that village courts are designed to be a rapid and low-cost mechanism for dispute resolution that generates formally documented decisions and are backed by enforcement powers of state. The village court resolves disputes related to domestic violence and theft. According to Madenga (2017) community disputes emanating from cases such as straying cattle, land rights and witchcraft, among others were presided over by the village head. The village head acts as the mediator between the conflicted parties. The village head calls a meeting known as the "dare" which involves the village elders who provides guidance and support to the court, the scribe who records the proceedings of the court and outcomes of the case, the witnesses who eye witnessed what happened and the complaint and defendant who are involved in the conflict. The village court can only impose financial punishments and not prison sentences and they cannot adjudicate more serious criminal cases such as rape or murder (Mattson and Mobarak, 2023). The village head asks some questions to the conflicted parties and they tell their side of the story, and the village head gives the final say. However, if the village court fails to resolve the dispute, the case is referred to the headman's court.

### 2.3.3 Headman's court

The headman's court is the third step in traditional conflict resolution process. The headman's court is made up of the headman and his assistants who know the customs and traditions of the community. Heal Zimbabwe Trust, Zimbabwe Civic Education Trust (2016) state that this court is usually presided by the Headman in the community. According to Bhunu (2023) headmen have acted as mediators in resolving disputes and conflicts within their communities. They possess the authority and respect necessary to bring conflicting parties together, listen to their concerns and facilitate dialogue toward peaceful resolutions (Bhunu, 2023). The headman resolve disputes within his wards of jurisdiction. These are usually men who have inherited such positions of power by patrilineal (HZT, ZIMCET,

2016). The headman resolve conflicts related to land and domestic violence which were failed to be resolved by the village head. The headman listens to both sides of the conflict and makes the decision according to the evidence produced. The headman may also consult elders or community members in order to make a fair decision and bring justice. The headman's decision is usually followed by the people and it helps to promote peace within the community. In a number of instances where the family dispute system has failed to resolve the cases, they are referred to the Headman's court (HZT, ZIMCET, 2016). However, if the headman's court failed to resolve the dispute, the case is referred to the chief's court.

### 2.3.4 Chief's court

The chief's court is the final step in traditional conflict resolution process and it is known as "Dare raMambo". The chief's court is the higher level of authority than the headman's court and it is made up of the chief and his advisors. According to Heal Zimbabwe Trust, Zimbabwe Civic Education Trust (2016), the highest traditional court is the chief's court. The chief's court resolves disputes which were failed to be resolved by the headman's court and hear appeals from decisions made by the headman. The chief's court has the authority to make decisions that are binding on all parties involved in disputes. The chief settles disputes with the help of advisors who are chosen on the basis of intelligence, knowledge of the customs and eloquence of speech, (HZT, ZIMCET, 2016). Sibanda (2016) agrees that the chiefs do not solely rely on their personal knowledge but rather acquire some advice from the senior and older persons in the village because they are believed to be wiser as they have lived longer. The chief's court use traditional ceremonies and rituals to resolve disputes. Before the chief resolve the dispute, a fee known as "madavira" can be presented by the disputed parties. Madenga (2017) points out that the accused pays his/her admission of guilt fee called madavira in form of goat to be braaied during the court proceedings. The chief acts as the mediator between the conflicted parties and facilitate negotiation. The chief has the power to impose sanctions such as fines or banishment to those who break the law. Sibanda (2016) states that chiefs believe that they base their knowledge on the natural issues considering the day-to-day lives of people and their decisions are stemmed from the roots of the matter. HZT, ZIMCET (2016), point out that this court transcends the limitations of both family and village courts to involve the larger community. Chiefs' courts are empowered to hear a variety of civil matters which customary law would appear to be

applicable provided that the defended is a resident of the area in which the court operates or that the defended agrees to be tried by that court (HZT, ZIMCET, 2016).

## 2.4 Challenges of traditional conflict resolution processes

### 1.     Lack of resources

Traditional leaders lack resources when resolving conflicts of large scale. Moreover, some of traditional leaders lack formal training on conflict resolution yet the community has limited resources which cause conflicts severally. According to Magistrates Matter (2021) the lack of legal training could allow for cases to be decided incorrectly most especially as it relates to theft and debt. Lack of resources usually leads to delays in resolving conflicts.

### 2.     Subject to abuse by those in power

Traditional leaders such as village heads and chiefs may use their power to resolve conflicts in a way that benefit themselves rather than seeking a fair and just resolution. Sibanda (2016) is on an opinion that some traditional leaders are involved in some grave acts of criminal conduct. Some traditional leaders are failing to exercise impartiality when adjudicating cases, particularly with respect to politically sensitive matters and in cases where they have an interest such as boundary disputes or where relatives are involved" (Sibanda, 2016).

### 3. Time consuming

Traditional conflict resolution strategies often involve long time discussions and negotiations between conflicted parties which can take more than a month to resolve the conflict. This can be a disadvantage in situations where resolution is needed immediately such as conflict over grazing land or water. Time consuming of traditional conflict resolution processes can lead to the escalation of the conflict which can lead to violence and damage of property. Traditional leaders like chiefs may refuse to resolve the conflict if the conflicted parties failed to pay a fee known as "madavira" which can cause the conflict to take long time without being resolved. Also, it can take time for the family court to refer the matter to the village court in order to protect the image of the family.

### 4.     Issue of gender equality

Furthermore, another challenge of traditional conflict resolution processes is an issue of gender equality. According to Magistrates Matter (2021) both traditional courts, chiefs and the advisory councils of headmen were composed entirely of men. Women are not

allowed to occupy some places in the headman's court and the chief's court for they are taken as "vatorwa". The dress code required by the court is also incompatible with gender equality, in that women are not allowed to wear trousers and must have their heads covered (Magistrates Matter, 2021).

5.      **Traditional courts are entwined with the magistrate court**

Moreover, traditional courts are entwined with the magistrate court which is another challenge. Some of the roles of traditional courts were taken by the magistrate court. Traditional courts are limited to important cases like murder, rape, armed robbery and serious assault and they are being resolved by the magistrate court. These appeals go from traditional courts to magistrate court which causes the traditional courts to be seen as they are less effectively in dealing with disputes for they cannot deal with serious cases. Any person who is not satisfied with the decision in a chief's or headman's court can take their matter to the ordinary courts (Soyapi as cited in Osman, 2020). For example, in South Africa a tyrannical traditional leader or the patriarchal nature of the courts is feared, the opt-out clause allows individuals to excuse themselves from proceedings and seek justice elsewhere. Mujuru (2021), states that traditional courts also fall below magistrate justice standards on cases involving crimes against women.

## 2.4 Opportunities of traditional conflict resolution processes
### 1. Promote reconciliation

Traditional conflict resolution processes promote reconciliation. Madenga (2017), states that the ultimate goal of traditional justice system among African Communities in reconciliation based on truth recovery and accountability which helps them to restore harmony through consensus. Traditional conflict resolution processes promote reconciliation among people through negotiation and mediation which can lead to forgiveness and reconciliation.

### 2. Traditional conflict resolution processes uphold cultural values and traditions

According to Chigwata (2016) traditional leaders have provided spiritual and cultural leadership to their respective communities over a multi-generational period. Ndlovu and Dube (as cited in Chigwata, 2016) agree that they are custodians of culture, customs and traditions as a result of their fair appreciation of the culture and tradition of their

respective communities. Traditional conflict resolution processes promote the concept of "unhu"/ ubuntu among people.

### 3. Recognised in the Constitution

Sibanda (2016), states that the traditional conflict resolution processes are recognised in the constitution of Zimbabwe. Chapter 15 of the constitution specifically deals with traditional leaders and their functions (Sibanda, 2016). Makwerere et al (2021) agree that the constitution empowers traditional chiefs to utilize the customary law during court process that assigns judicial powers to traditional in civil related conflicts/disputes and limited powers over criminal related conflicts/disputes of low intensity such as theft, assault, disorderly conduct and witchcraft. In South Africa the constitution makes express provision for the recognition of the courts of traditional leaders and, while magistrate's courts and high courts dispense justice in urban areas largely in accordance with Western legal principles, approximately 1,500 traditional rulers bring affordable justice to the rural population according to a familiar style of law, language and procedure (United Nations, 2016). Also in Malawi the constitution recognizes traditional conflict resolution processes. According to the United Nations (2016) Article 110 of the constitution recognizes customary law, which the traditional authorities generally apply in resolving disputes.

## 2.5 The effectiveness of traditional conflict resolution processes
### 1. Ensures the participation of all members of community when resolving conflicts

Traditional conflict resolution processes ensures the participation of all members of community when resolving conflicts. Clark (as cited in Sibanda, 2016), states that African traditional institutions are effective as they ensure equal participation of all members of the community in decision making and peace process. In the Dare/Inkundla the village head, headman or chief is only there as a presiding officer but the decision is determined by the community and the verdict by the council of elders (Sibanda, 2016).

### 2. Promote reconciliation among conflicted parties

Traditional conflict resolution processes promote reconciliation among conflicted parties through negotiation and mediation. Makwerere et al (2021) agree that reconciliation is another significant role of traditional courts in conflict transformation. It buttresses the adjudication/arbitration whereby the traditional chiefs, an authority figure in the traditional

court system, are empowered to make judgements between conflicting parties involved (Makwerere et al, 2021).

## 2.6 Strengthening traditional conflict resolution processes

### 1. Provide training and capacity building for traditional leaders

The government should provide training and mediation, negotiation and arbitration techniques, emphasizing active listening, empathy and impartiality. This can be done through creating the environment for workshops and seminars. Also, the government should provide resources and support to traditional leaders through giving allowances and provide with budget.

### 2. Establish a referral system

Traditional leaders must be given the opportunity to resolve conflicts on their own without the involvement of the magistrate court. Moyo (2017), states that traditional leaders should be given the autonomy to resolve conflicts through their own customary laws and procedures, without interference from the magistrate court. The magistrate court must refer cases suitable for traditional resolution to traditional courts.

## 2.8 Research gap

There is less existing data on the challenges and opportunities of traditional conflict resolution processes. Furthermore, there is also less existing data on the effectiveness of traditional conflict resolution processes in dealing with conflicts.

## 2.9 Chapter summary

This chapter reviews the related literature of the research study and the theoretical framework which will guide the analysis of data. The chapter reviewed traditional conflict resolution processes, challenges and opportunities of traditional conflict resolution processes, the effectiveness of traditional conflict resolution processes and how to strengthen traditional resolution processes. Also, the chapter reviewed the Problem Solving Theory which is the theoretical framework which guides the analysis of data. The next chapter will present the research methodology and design.

**CHAPTER THREE**

### 3.0 Research Methodology and Design

### 3.1 Introduction

The previous chapter reviewed the related literature on traditional conflict resolution processes used in the Nhema Chiefdom, Zaka District, challenges and opportunities of traditional conflict resolution processes, the effectiveness of traditional conflict resolution processes and how to strengthen traditional conflict resolution processes and also the theoretical framework used to guide the research study. This chapter will present research methodology, research design, research paradigm, target population and sample, sampling estimate, sampling techniques, data collection instruments, validity and reliability, pilot testing, ethical considerations and data presentation and analysis.

### 3.2 Research approach

Research approach refers to the actual application of a research project. According to Sujata (2023) research methodology refers to the systematic and scientific approach employed to collect, analyze and interpret data for the purpose of answering research questions and testing hypothesis. Research approach is about how a researcher systematically designs a study ensuring that the data collected address the research aims, objectives and research questions. It also refers to the collection of practical decisions regarding what data the researcher will gather, from who, how he/she collect it and how the researcher will analyze the data. Research methodology helps to decide the valid method to resolve difficulties for research. The researcher used both qualitative and quantitative research approaches. Sujata (2023), states that qualitative research methodology is descriptive and subjective irrespective of facts. The main goal of qualitative research approach is to analyze the knowledge, behaviors, attitudes and opinions of the participants about the research topic. Quantitative research approach tests the importance of the hypothesis of research (Sujata, 2023). The main purpose of quantitative research approach is to measure the behavior and attitudes of the participants.

### 3.3 Research design

Research design refers to a strategy on how a research study was managed. Thakur (2021) defines research design as the overall strategy that you choose to integrate the different components of the study in a coherent and logical way, thereby, ensuring you will effectively

address the problem; it constitutes the blueprint for the collection, measurement and collection of data. Borwankar (as cited in Thakur, 2021), defines research design as the plan, structure and strategy and investigation concaved so as to obtain search question and control variance. Gosh (as cited in Mwalula, 2018) agrees that a research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance with the research purpose, it is a conceptual structure within which research is conducted. The purpose of research design is to make the data consistent.

The researcher chose to use both qualitative and quantitative research designs in order to achieve the objectives of the research study. According to Ng'andu (as cited in Mwalula, 2018), qualitative research aims to gather an in depth understanding of human behavior and the reasons that preside over such behavior. It investigate the why and how of decision making, not merely the what, where and when (Mwalula, 2018). The researcher activated a case study in this research project. Kombo (as cited in Mwalula, 2018) states that the term case study refers to both a method of analysis and a specific research design for examining a problem, both of which are used in most circumstances to generalize across populations. In this research project different categories of people were included to assess the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom. Qualitative and quantitative research designs were used to get people's attitudes and opinions on the issues stated above. The design is favorable as it is used to restrict a broad field of research. Qualitative and qualitative research designs helped the researcher to develop questions used in gathering data.

## 3.4 Research paradigm

According to Abbadia (2022) research paradigm is a method, model, or pattern for conducting a research. A paradigm investigates how knowledge is understood and researched, and it explicitly outlines the objective, motivation and expected outcomes of the research (Abbadia, 2022).

## 3.5 Target population and sample

### 3.5.1 Population

Shukla (2020) defines population as the set or group of all units on which the findings of the research are to be applied. Shukla (2020), states that in other words population is a set of all the units which possess variable characteristic under study and for which findings of the

research can be generalized. According to Explorable.com (2009) research population is generally a large collection of individuals or objects that is the main focus of a scientific query.

The target population included the Chief of Nhema Chiefdom, Headmen of the chiefdom, village heads and community members who had been involved in traditional conflict resolution processes. The researcher targeted a number of thirty five participants which includes both males and females.

### 3.5.2 Sample

Shukla (2020) defines sample as a reprehensive part of a population of research. Explorable.com (2009), agrees that a sample is simply a subset of the population. The sample must be a true representation of the population from which it was drawn and it must have a good size to ensure reliable findings. The researcher used a sample size of eighteen participants, sixteen males and two females. The composition of sample size was as follows: one chief, three headmen, eight village heads and six community members (four males and two females).

**Table 1: Sample composition and size**

| Category | Males | Females | Total |
|---|---|---|---|
| Chief | 1 | | 1 |
| Headmen | 3 | | 3 |
| Village heads | 8 | | 8 |
| Community members | 4 | 2 | 6 |
| **Total** | **16** | **2** | **18** |

### 3.6 Sampling techniques

Shukla (2020) defines sampling as the process of selecting sample from population. According to Turner (as cited in Turner, 2020) sampling is the selection of the population of interest in a research study. The researcher employed snowball sampling as a sampling technique where existing participants recruited additional participants.

### 3.6.1 Snowball sampling

According to Simkus (2023) snowball sampling is non-probability sampling methods where currently enrolled research participants help recruit future subjects for a study. Snowball sampling is when the researcher is accessible to one person and that person is the one who can help the researcher to have access to more people. Snowball sampling refers to a recruitment technique in which research respondents are asked to assist researchers in identifying other potential participants (Oregon State University, as cited in Rahman, 2023). Jones and Gratton (as cited in Rahman, 2023) agree that the idea here is that researchers locate their initial participants identify further potential participants themselves". The researcher had an access to the chief who identified other participants.

Snowball sampling is mainly useful when studying populations that are difficult to access. Rahman (2023), states that snowball sampling allows researchers to reach populations that are otherwise challenging to access, such as marginalized or hidden communities. Traditional sampling techniques often require substantial resources to identify and recruit participants. In contrast, snowball sampling relies on the networks and referrals of existing participants, making it more efficient and economical approach (Rahman, 2023). According to Rahman (2023) snowball sampling can also yield rich and diverse data. As participants recommend others, the sample size grows and becomes more varied in terms of demographics, experiences and perspectives, (Rahman, 2023).

However, snowball sampling also have some weaknesses for the sample is bias. Rahman (2023), states that since participants are recruited through referrals, the sample may not be representative of the entire population of interest.

### 3.7 Data collection instruments

Data collection is the process of collecting and evaluating information or data from multiple sources to find answers to research problems, answer questions, evaluate outcomes, and forecast trends and probabilities (Simplilearn, 2023). The researcher employed both qualitative and quantitative research instruments.

### 3.7.1 Qualitative research instrument

The researcher employed qualitative research instrument when gathering the information for it is used to collect non-numerical data. Qualitative research instrument is used to collect data

which includes words, pictures, videos and voice notes. It leads the researcher to gain more understanding of people's experiences, attitudes and beliefs. Flick (as cited in Rahman, 2017) claims that qualitative research interested in analyzing subjective meaning or the social production of issues, events or practices by collecting non-standardized data and analyzing texts and images rather than number and statistics.

Qualitative research instrument produced a thorough account of participants' emotional responses, opinions and experiences, including an analysis of their actions. Bachman (as cited in Rahman, 2017) claims that qualitative research results provide the relationship of information processing with performance specifically and deeply. Also qualitative research instruments used to gain insight into human experiences, emotions and behaviors in specific environments. Denzin and Lincoln (as cited in Rahman, 2017) agree that qualitative research is an interdisciplinary field which encompasses a wider range of epistemological viewpoints, research methods and interpretive techniques of understanding human experiences.

However, besides the strengths there are also weaknesses of qualitative research instruments for smaller sample size raises a matter of applicability to the whole population of the research project. Lam (as cited in Rahman, 2017) claims that due to the small sample size the study results do not wish to claim wider generalization to other context.

The researcher commissioned interviews and focus group discussion in this research project. The researcher deployed structured interviews to gather information from the chief, headmen and village heads. The researcher conducted focus group discussion with some of the community members who had been involved in the traditional conflict resolution process.

**Interviews**

The researcher interviewed the chief, headmen and the village heads of Nhema Chiefdom. The researcher interviewed on some questions on traditional conflict resolution processes, challenges and opportunities of traditional conflict resolution processes, the effectiveness of traditional conflict resolution processes and how traditional conflict resolution processes can be strengthened. The researcher deployed interviews during the gathering of information because interviews allow researchers to ask unlimited questions and inspire the participants to give detailed and in-depth answers. Interviews also build a strong relationship between the researcher and participants which makes the participants to be sincere and open in their responses. Interviews have high response rate, better control of response and the capacity to deal with complex, sensitive

topics. Interview allows and accords informants the freedom to express their views in their own terms (Mwalula, 2018).

However, interviews have the limitation of high demand of time. Interviews need a lot of time to get answers. Also, the participants might be afraid to produce responses which might not favor the researcher.

**Focus group discussion**

The researcher conducted a focus group discussion with community members who had been involved in traditional conflict resolution process. The researcher and the participants discussed about the traditional conflict resolution processes used in Nhema Chiefdom, challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom, the effectiveness of traditional conflict resolution processes and how to strengthen traditional conflict resolution processes in the Nhema Chiefdom. The researcher conducted focus group discussion with six community members which includes four males and two females. Focus group discussion brings together a small group of people to discuss a particular topic. The researcher conducted a focus group discussion when collecting data because it provides insight into how people make decisions and form opinions. It allows exchange of ideas which can lead to new insights that would not be possible with other research methods.

**3.7.2 Quantitative research instrument**

According to Bryman (as cited in Rahman, 2017) quantitative research is a research strategy that emphasizes quantification in the collection and analyses of data. This research instrument attempts to investigate the answers to the questions starting with how many, how much, to what extent (Rasinger as cited in Rahman, 2017). The researcher also used quantitative research instrument during data gathering. The researcher distributed survey questionnaires to the participants.

**Survey Questionnaires**

The questionnaire was considered the best in this research study for it is less expensive because the researcher could easily distribute it to the participants and collect it later. Also, survey questionnaires make the data consistent. The researcher designed the questionnaire using structured questions. The questionnaire was distributed to the participants through hand delivery. The researcher distributed questionnaires to the village heads and some of community members

who had been involved in traditional conflict resolution processes. The questionnaires were distributed to fourteen participants, eight village heads and six community members. The use of questionnaires improved accuracy and reliability in the sense where the study deals with delicate matters.

### 3.8 Validity and reliability

Reliability and validity are concepts used to evaluate the quality of research (Middleton, 2019). Middleton (2019) states that they indicate how well a method, technique or test measures something.

### 3.8.1 Validity

The validity of the research study refers to how well the results among the study participants represent true findings among similar individuals outside the study (Pneumol, 2018). There are two domains of validity which are internal validity and external validity. Internal validity is the extent to which a research study establishes a trustworthy cause and effect relationship (Cuncic, 2022). External validity refers to how well the outcome of a research study can be expected to apply to other settings (Cuncic, 2022). The research project is based on internal validity for it shows the truthiness of the research studied.

### 3.8.2 Reliability

Middleton (2019) defines reliability as how consistently a method measures something. If the same result can be consistently achieved by using the same methods under the same circumstances, the measurement is considered reliable (Middleton, 2019). The research study should be assessed by inter-rater reliability which different groups can conduct the same measurement.

### 3.9 Data presentation

The researcher presented the data gathered in a narrative form since it shows the responses done by participants. The data was presented in a qualitative way because the researcher gathered the information using a qualitative research instrument. Also the researcher presented the data gathered using tables and pie chart for quantitative research instrument was included.

**3.10 Pilot testing**

A pilot study is a small feasibility study designed to test various aspects of the methods planned for a larger, more rigorous or confirmatory investigation (Arain et al, as cited in Lowe, 2019). Pilot testing allows the researcher to test out research design and methodology before carrying the main study. Polit and Beck (as cited in Lowe, 2019) agree that the primary purpose of a pilot study is not to answer specific research questions but to prevent researchers from launching a large-scale study without adequate knowledge of the methods proposed; in essence, a pilot study is conducted to prevent the occurrence of a fatal flaw in a study that is costly in time and money. Pilot testing presented main information that helps guiding the research focus, including analysis of the study's total cost, its overall feasibility, and any obstacles that may arise during its implementation. The researcher tested out the research instruments with a small group of participants before conducting the main study which includes two males and three females. The researcher carried out some interviews and focus group discussion with a small group of participants.

**3.11 Ethical consideration**

The researcher considered ethical principles when carrying a research. Also, the researcher avoided physical, psychological and mental harm of the participants. The researcher considered the following ethics:

**3.11.1  Informed consent**

The researcher informed the research participants about the purpose of the study before carrying a research study. The participants were fully aware of what they had been asked about. The researcher had made sure that all participants volunteered to be part of the research study.

**3.11.2.Confidentiality**

The researcher protected the data gathered and it should not be licked. The researcher avoided the publishing of real names and ages of the participants. Participants were allowed to withdraw whenever they want and they were not forced to continue. The data gathered should only be used for academic purpose.

**3.12 Chapter Summary**

The chapter presented research methodology, research design, research paradigm, target population and sample, sampling estimate, sampling techniques, data collection instruments,

validity and reliability, pilot testing, ethical considerations, data presentation and analysis employed in the study. The next chapter will focus on data presentation, data analysis and discussion of findings.

**CHAPTER FOUR**

**4.0 Data Presentation, Analysis and Discussion of findings**

**4.1 Introduction**

The previous chapter presented the research methods used in the study. This chapter focuses on data presentation and data analysis on the topic: challenges and opportunities of traditional conflict resolution processes in Zaka District. A case study of Nhema Chiefdom. The presentation of data should be discussed under the following themes:

- Traditional conflict resolution processes used in the Nhema Chiefdom
- Challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom
- The effectiveness of traditional conflict resolution processes
- Strengthening traditional conflict resolution processes in the Nhema Chiefdom

**4.2 Bio data of the respondents**

This part represents the bio data of the respondents. The bio data of the respondents represents the information of people who participated in the research project commonly known as respondents. It is a comprehensive profile of the research participants deemed essential and relevant to the study of the researcher. A respondent is an individual who provides information for a research project. The bio data of the respondents was as follows: six per cent was illustrated by the chief in total of one, seventeen per cent were headmen of Nhema Chiefdom in total of three, forty-four per cent were the village heads of Nhema Chiefdom in total of eight and thirty-three per cent were community members residing in Nhema Chiefdom and had been involved in traditional conflict resolution process in total of six.

**Table 2: Research participants**

| Research Participants | Total in number | Percentage |
|---|---|---|
| Chief | 1 | 6% |
| Headmen | 3 | 17% |
| Village heads | 8 | 44% |
| Community members | 6 | 33% |
| **Total** | **18** | **100%** |

## 4.2.1 Respondents by gender

To ensure impartial and unbiased responses from the respondents the researcher took into account the aspect of gender. Sixteen males enrolled in the research project illustrating eighty-nine per cent of the research participants while the number of females who cooperated in the research project was two illustrating eleven per cent of the total number of respondents.

**Figure 4.1: showing respondents by gender**
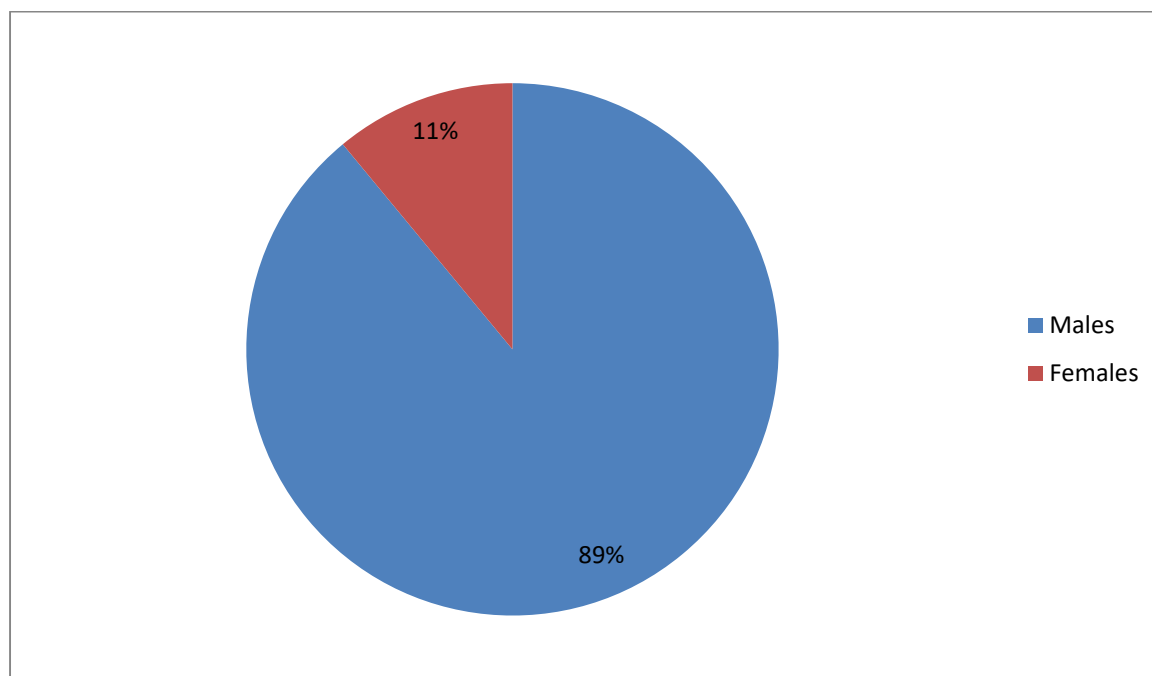


**Source: Fieldwork (2024)**

### 4.2.2 Respondents by age

The study showed that, among those who cooperated in the research project, five or twenty-eight per cent were between the ages of 40-45, nine or fifty per cent were between the ages of 45-70 and four or twenty-two per cent were between the ages of 70-75.

**Figure 4.2: showing respondents by age**
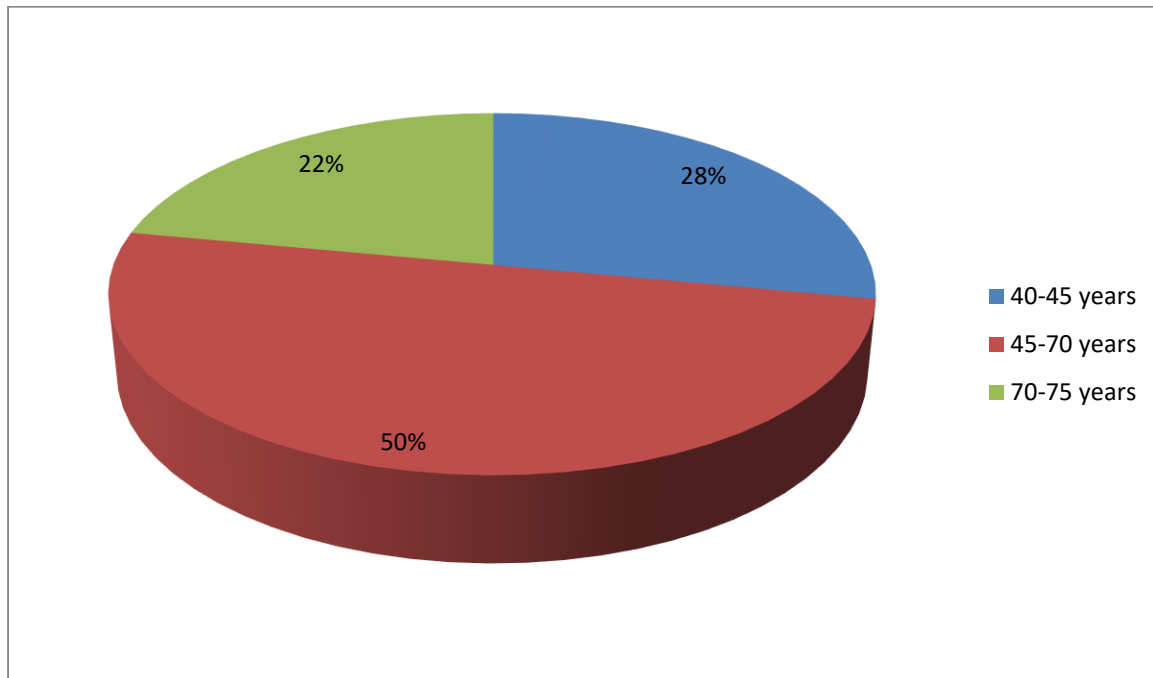


**Source: Fieldwork (2024)**

### 4.2.3 Respondents by matrimonial status

The researcher also considered the matrimonial status of the participants during data collection. The study revealed that among the participants twelve or sixty-seven per cent are married, two or eleven per cent are widowed and four or twenty-two per cent are divorced

**Figure 4.3: showing respondents by marital status**
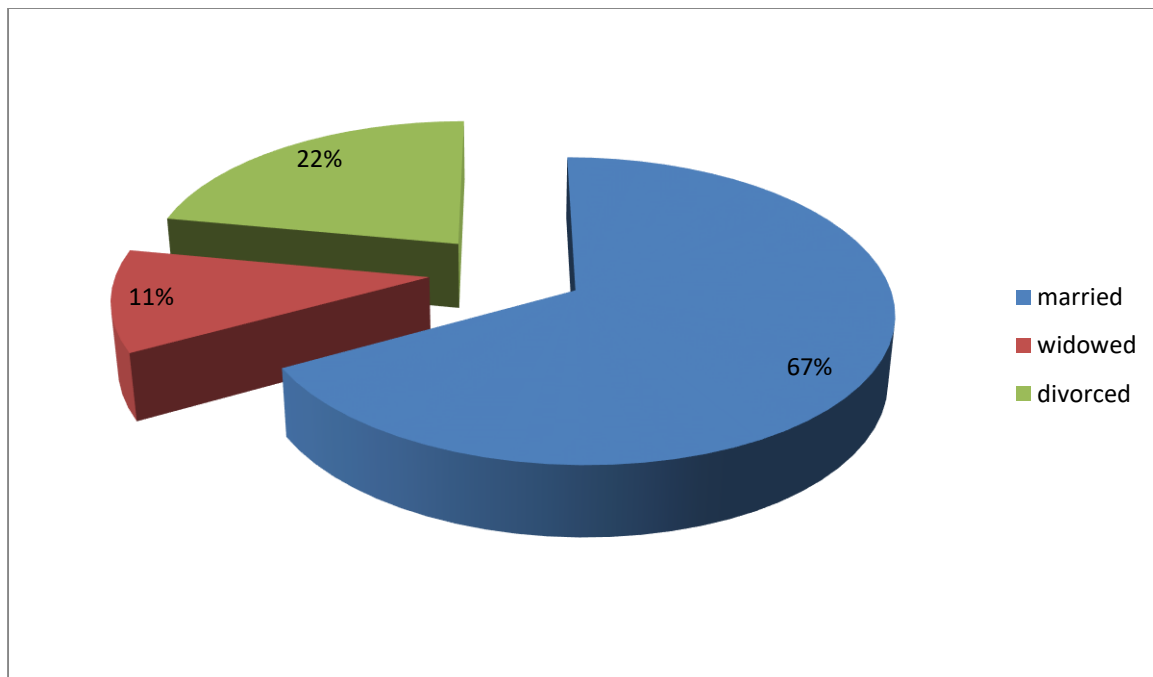


**Source: Fieldwork (2024)**

## 4.3 Themes

### 4.3.1 Traditional conflict resolution processes used in the Nhema Chiefdom

Objective one sought to identify the traditional conflict resolution processes used in the Nhema Chiefdom. According to Sibanda (2016) traditional leaders have their own approach to solving conflicts such as negotiation at all levels, village to national, from family to the village court (Dare), from the dare to the chief's court (Dare ramambo). Madenga (2017) agrees that in situations where the Village head (sabhuku) felt overwhelmed, the dispute would be referred to the Headman (sadunhu) who, if equally overwhelmed by the gravity of the case (or if the offender felt unfairly treated) would refer it to the Paramount Chief. In relation to the literature reviewed, the researcher interviewed the Chief who stated that:

*The chiefdom has the structures which are as follows: the village head (sabhuku) and he is the one who lives with people, after the village head there is a headman (sadunhu) who has the combination of many villages and finally there is a chief (mambo) who rules the whole chiefdom. Also the chief has the power to finalise the case.*

Also, the researcher interviewed Headman A, who stated that:

*In Nhema Chiefdom the process of resolving conflicts is as follows: the village court (Dare raSabhuku) or the village assembly is the first court to resolve conflicts among villagers. The village head resolve conflicts which occurred in his village and cannot resolve conflicts from the other village. If the village head failed to resolve the conflict he directed the case to the ceremonial headman known as the "sadunhu". The ceremonial headman is governed by the headman and the chief and he cannot make charges which cost more than a cow. If the ceremonial headman failed to resolve the conflict he directed the case to the headman's court known as "dare ravashe". This is the first court which has a warrant to rule (tsamba yekutonga). If the headman failed to resolve the conflict he directed the case to the chief's court known as "dare ramambo" and the chief is the one who has the power to finalise the case.*

To support the above opinions, the researcher interviewed Village Head B, who stated that:

*The village head is the first one to resolve conflicts among the people.  If the village head failed to resolve the conflict he directed the dispute to the ceremonial headman known as "sadunhu". If the ceremonial headman failed to resolve the conflict he directed the dispute to the headman known as "vashe" and finally if the headman failed to resolve the conflict he directed the dispute to the chief known as "mambo" and the chief is the one who has the power to finalise the case.*

To support the findings from the interviews, the researcher also implemented a focus group discussion with community members who had been involved in traditional conflict resolution process where Community Member A (a male) stated that:

*We had once taken a case of land boundary to the traditional court. The offender had cultivated in an unauthorized land. If a person did something wrong the case is taken to the village head (sabhuku), if the village head failed to resolve the dispute, the matter is directed to the ceremonial headman (sadunhu), if the ceremonial headman failed to resolve the dispute, the matter is directed to the headman (vashe) and if the headman failed to resolve the dispute, the matter is directed to the chief (mambo) who has the power to finalise the case.*

The findings indicated the opinions of the chief, headmen, village heads and community members regarding traditional conflict resolution processes used in the Nhema Chiefdom. The

respondents identified the process of traditional conflict resolution in the Nhema Chiefdom. The findings revealed that the process starts with the village head who resolve conflicts in his own village, followed by the ceremonial headman who will refer the case to the headman and finally the chief who has the power to finalise the case. Hence, analysing it is evident that using traditional conflict resolution processes when resolving conflicts is a good thing for traditional leaders work as a team and help each other when resolving conflicts.

### 4.3.2 Challenges of traditional conflict resolution processes in the Nhema Chiefdom

Objective two sought to assess the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom. Traditional leadership lack formal training on conflict resolution yet the community has limited resources which cause conflicts severally. According to the Magistrate Court (2021) the lack of legal training could allow for cases to be decided incorrectly more especially as it relates to theft and debt. Also, subject to abuse by those in power is another challenge of traditional conflict resolution processes. Sibanda (2016) states that some traditional leaders are failing to exercise impartiality when adjucating cases, particularly with respect to politically sensitive matters and in cases where they have interest such as boundary disputes or where relatives are involved. Moreover, traditional courts are entwined with the magistrate court which is a challenge. Soyapi (as cited in Osman, 2020) agrees that any person who is not satisfied with the decision in a chief's or headman's court can take their matter to the ordinary courts. In relation to the literature reviewed, the researcher interviewed the Chief, who stated that:

*The challenges are faced here and there but not much. A challenge which can happen in traditional conflict resolution process is fighting for the thrown. Also the traditional courts are different from the magistrate court which has the written laws, for example, the modern law states that those who are 18 years and above have the opportunity to do whatever they want with their lives while the traditional law states that if a person is still under the support of the parents he or she has to follow their orders. Hence, people follow the modern law for it has written and signed documentations, which can be hard to resolve conflicts using the traditional courts which have unwritten laws. Moreover, the traditional conflict resolution process has no contempt of court and the trial can be hard and unfair.*

To support the above findings, the researcher interviewed Village Head A, who stated that:

*The involvement of relatives in the conflict can be difficult for the conflict to be resolved, for sometimes a close relative of the traditional leader maybe the one who is guilty and sides can be taken.*

Also, the researcher interviewed Village Head B, who stated that:

*The offender may refuse the accusation which can be hard to resolve the conflict and it may take long time without being resolved.*

In line with the above findings, the researcher interviewed Headman B, who stated that:

*The offender may refuse to accept the punishment and what he or she is being accused for. Also, one of the conflicted people may refuse to pay 'madavira' which may cause the conflict not to be resolve for traditional leaders cannot resolve disputes without the payment of "madavira".*

To support the above findings, the researcher interviewed Headman C, who stated that:

*Traditional leaders can refuse to resolve the conflict if one of the conflicted parties failed to pay a fee known as "madavira". This may lead to the growth of conflict for the conflicted   parties will continue to fight with each other for no one had reconciled them. Also, if one of the conflicted parties requested for LC4 which is the judgement form, he or she can go to legal advisors which can be hard for traditional courts to resolve the dispute between the two parties.*

To support the findings from the interviews, the researcher also implemented a focus group discussion with community members who had been involved in traditional conflict resolution processes where Community Member B (a male) stated that:

*The issue of politics is a challenge of traditional conflict resolution process. Traditional leaders may take sides while resolving conflicts. Also, unregistered village heads are exercising the duty of resolving conflicts which may cause the conflict not to be resolved for they might be afraid to refer the case to the next stage if they failed to resolve it.*

In relation to Community Member B's opinion, Community Member C (a female) stated that:

*Lack of education in traditional leaders is a challenge of traditional conflict resolution processes. Some of traditional leaders did not attend any school which is hard for*

*them to understand a lot of things when resolving conflicts and may not be able to read the Act for guidance.*

To support the above opinions, Community Member D (a male) stated that:

*Nowadays people prefer to settle their disputes using the magistrate court rather than the traditional court. This can cause the conflict to take long time without being resolved for one of the conflicted parties may not have the resources to pay the lawyers.*

The findings indicated the opinions of the chief, headmen and village heads and community members regarding the challenges of traditional conflict resolution processes in the Nhema Chiefdom. Hence, from the opinions of the participants it is evident that nowadays people prefer to settle their disputes using the magistrate court which is a challenge because it takes long time for the conflicted parties to reunite and the conflict may escalate. Also, lack of education in traditional leaders may cause the conflict to escalate because they have no idea on how to resolve conflicts peacefully and reconcile people.

To support the information gathered from the interviews and the focus group discussion, the researcher also distributed survey questionnaires on the challenges of traditional conflict resolution processes in the Nhema Chiefdom to fourteen participants, where thirty-six per cent indicated limited resources as a challenge of traditional conflict resolution processes, twenty-one per cent indicated abused by those in power as a challenge, twenty-nine per cent indicated lack of trust by community members and fourteen per cent indicated external interference from the government. The researcher use survey questionnaires to support the findings from interviews and focus group discussion because questionnaires synthesize the data.

**Figure 4.4: showing responses on the challenges of the traditional conflict resolution processes in the Nhema Chiefdom**
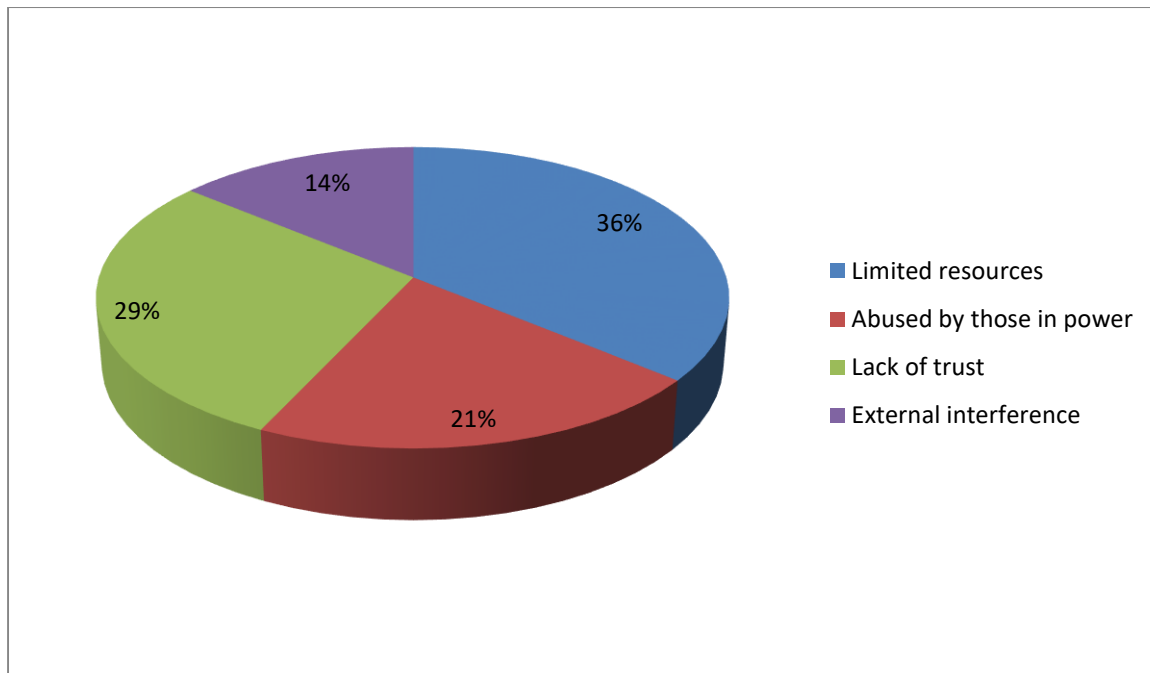


**Source: Survey Questionnaire (2024)**

### 4.3.3 Opportunities of traditional conflict resolution process in the Nhema Chiefdom

Despite the challenges, traditional conflict resolution processes also have some opportunities. Traditional conflict resolution processes promote reconciliation. Madenga (2017), states that the ultimate goal of traditional justice system among African Communities in reconciliation based on truth recovery and accountability which helps them to restore harmony through consensus. Also, traditional conflict resolution processes uphold local values and traditions. Ndlovu and Dube (as cited in Chigwata, 2016) agree that they are custodians of culture, customs and traditions as a result of their fair appreciation of the culture and traditions of their respective communities. To support the related literature reviewed, the researcher interviewed the Chief who stated that:

*The opportunity of using traditional conflict resolution process to resolve conflicts is that no conflicts can be left unsolved for traditional leaders use the same method of resolving conflicts and also people may not be tough for they respect their leaders. Also, the chief is the final authority in passing a judgement and no one has the right to obligate.*

In line with the above findings, the researcher interviewed Village Head A, who stated that:

*The opportunity of traditional conflict resolution process is that people always stay together as a family so it's easy to resolve conflicts for people can forgive each other on time and they listen to their leaders.*

To support the above findings, the researcher interviewed Headman A, who stated that:

*The opportunity is that there is involvement of written and unwritten laws which guides the resolving of conflicts and what can be done to those who refuse to accept the punishment.*

To support the findings from the interviews, the researcher implemented a focus group discussion with community members who had been involved in traditional conflict resolution processes where Community Member D stated that:

*Traditional conflict resolution processes upholds our values and traditions. For example, if a boy impregnates a girl our tradition force him to accept his wife and pay bride price comparing to the modern law which can allow the boy to pay damages only without taking the wife.*

In relation to the above opinion, Community Member E (a female) stated that:

*No conflicts are left unresolved for traditional leaders live with people and they know different ways of resolving different types of conflicts. People also respect their leaders and they listen to what they say and forgive each other before the conflict grows.*

The findings indicated the opinions of the chief, headmen, village heads and community members on the opportunities of traditional conflict resolution processes in the Nhema Chiefdom. Hence, from the responses of the participants it is evident that traditional conflict resolution processes promote reconciliation among people and also uphold cultural values and traditions for people avoid causing conflicts because they might be afraid of being punished. Also, conflicts are resolved permanently because traditional leaders have different ways of resolving different types of conflicts.

To support the information gathered from the interviews and the focus group discussion and to make the data accurate, the researcher distributed survey questionnaires to fourteen respondents on the opportunities of traditional conflict resolution processes in the Nhema Chiefdom to fourteen participants where forty-three per cent indicated that traditional conflict resolution processes promote reconciliation, twenty-nine per cent indicated that traditional

conflict resolution processes upholds cultural values and traditions, fourteen per cent indicated the flexibility and adaptability of traditional conflict resolution processes and fourteen per cent again indicated cost-effective as an opportunity of traditional conflict resolution processes.

**Figure 4.5: showing responses on the opportunities of traditional conflict resolution processes in the Nhema Chiefdom**
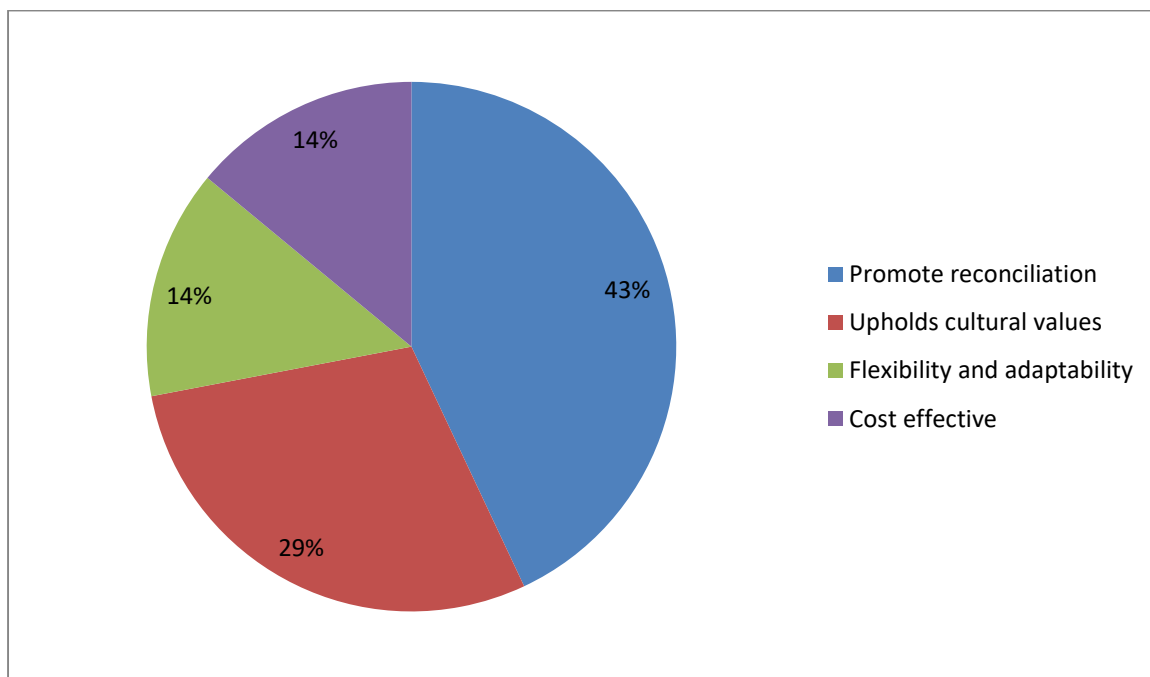


**Source: Survey Questionnaire (2024)**

### 4.3.4 The effectiveness of traditional conflict resolution processes

Objective three sought to evaluate the effectiveness of traditional conflict resolution processes. Traditional conflict resolution processes have been positively effective in dealing with conflicts for it consider the participation of different categories people when resolving conflicts. Clark (as cited in Sibanda, 2016), states that African traditional institutions are effective as they ensure equal participation of all members of the community in decision making and peace process. Also, traditional conflict resolution processes promote reconciliation among conflicted parties. Makwerere et al (2021) agree that reconciliation is another significant role of traditional courts in conflict transformation. In relation to the literature reviewed, the researcher interviewed the Chief who stated that:

*Using the traditional conflict resolution process to resolve conflicts is a good thing*
*for conflicts are resolved successfully and people reconcile permanently. Also the cases*

*which pass through the traditional conflict resolution process are being kept safely in the District Administrator's Office for future reference.*

Also the researcher interviewed Village Head B who stated that:

*No conflicts are left unsolved and all the cases are written in a minute book for future use.*

To support the above findings, the researcher interviewed Headman A, who stated that:

*Traditional conflict resolution process can make the conflicted parties to forgive each other and also to reconcile permanently, sometimes becoming close to each other. Also, all the cases are kept safely in the summon book known as LC1, recorded in the minute book and also the judgement book known as LC4 which can make the process effective for there would be a reference from the previous cases.*

To support the findings from the interviews, the researcher implemented a focus group discussion with community members who had been involved in traditional conflict resolution process where Community Member F (a male) stated that:

*Using traditional conflict resolution processes to settle disputes is so important for most of the time no conflicts which can reach out to the headman or the chief are left unresolved.*

The findings indicated the opinions of the chief, headmen, village heads and community members on the effectiveness of traditional conflict resolution processes. Hence, from the responses of the participants it is evident that traditional conflict resolution processes are positively effective for conflicts are resolved permanently and cases which pass through the traditional conflict resolution processes are kept safely for future reference.

To support the findings from the interviews and the focus group discussion and to make the data accurate, the researcher distributed survey questionnaires on the effectiveness of traditional conflict resolution processes to fourteen participants, where fifty per cent indicated that traditional conflict resolution processes promote reconciliation, twenty-nine per cent indicated that traditional conflict resolution processes address the root cause of the conflict, fourteen per cent indicated that traditional conflict resolution processes foster community engagement and participation and seven per cent indicated that traditional conflict resolution processes upholds cultural values and traditions.

**Figure 4.6: showing responses on the effectiveness of traditional conflict resolution processes**
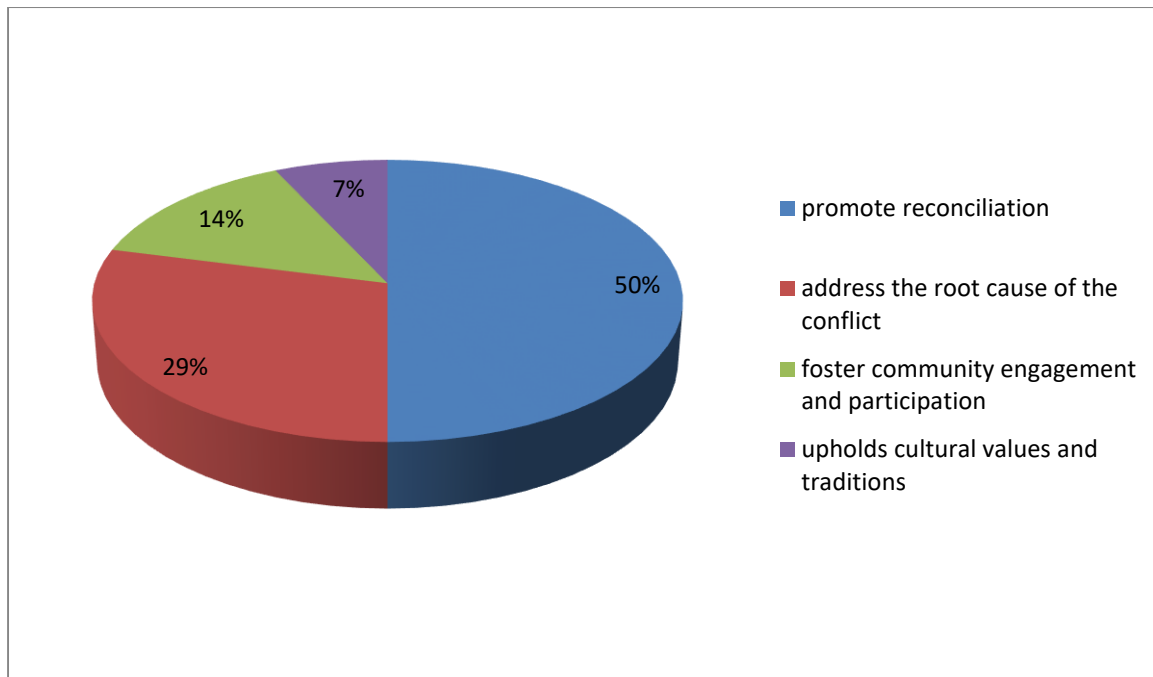


**Source: Survey Questionnaire (2024)**

**4.3.5 Strengthening traditional conflict resolution processes in the Nhema Chiefdom**

Objective four sought to suggest recommendations on how to strength traditional conflict resolution processes in the Nhema Chiefdom. The government should provide resources and for traditional leaders and community based initiatives. Also, traditional leaders must be given an opportunity to resolve conflicts on their own without the involvement of the magistrate court. According to Moyo (2017) "traditional leaders should be given the autonomy to resolve conflicts through their own customary laws and procedures, without interference from the magistrate court". All the cases which pass through the traditional conflict resolution process are submitted to Zaka Magistrate Court for supervision. In relation to the literature reviewed, the researcher interviewed the Chief who stated that:

*Traditional leaders must be given the authority to resolve conflicts as it was done in the past and also the power to send who are stubborn to jail. Traditional courts should have their own jail which represent traditional leaders only and must be allowed to make their own laws which guide the community. The government must provide with budget to traditional courts and also the magistrate court should refer back the case to the traditional court before resolving it.*

To support the above findings, the researcher interviewed Village Head B who stated that:

*The government should punish people who do not follow the instructions of traditional leaders. Also the magistrate court must refer back the case to the traditional court.*

In relation to the above findings, the researcher interviewed Headman B who stated that:

*Traditional leaders must work together with the police for security reasons. Also the government must give allowances to traditional leaders so that they can be able to live with people all the time. The magistrate court must confirm the case first from traditional court before resolving it and must held some workshops with traditional leaders.*

In line with the above findings, the researcher interviewed Village Head E who stated that:

*The government must give allowances to traditional leaders and must give traditional leaders the power to punish those who are troublemakers. Also the magistrate court must refer back the case to the traditional court.*

To support the findings from the interviews the researcher implemented a focus group discussion with community members who had been involved in traditional conflict resolution process where Community Member A stated that:

*The government must employ educational people who can read the Act and are able to resolve conflicts peacefully.*

To support the above opinion, Community Member C stated that:

*Traditional leaders must be strict and punish the offenders.*

The findings indicated the opinions of the chief, headmen, village heads and community members on how to strength traditional conflict resolution processes. Hence from the responses of the participants, traditional leaders must be strict to the offender so that other people will be afraid of causing conflicts because of the punishment they will be given. Also, the government should provide training and capacity building to traditional leaders so that they can be able to resolve conflicts peacefully.

To support the information gathered from interviews and focus group discussion and make the data accurate, the researcher contributed survey questionnaires to fourteen participants on

recommendations to strengthen traditional conflict resolution processes in the Nhema Chiefdom where four or twenty-eight per cent of the respondents indicated that the government must provide training and capacity building to traditional leaders, three or twenty-one per cent indicated that traditional leaders must foster community engagement and participation, five or thirty-six per cent indicated that the government must establish clear guidelines and protocols for conflict resolution and two or fifteen per cent indicated that the magistrate court must give traditional leaders the opportunity to resolve conflicts on their own.

**Figure 4.7: showing responses on strengthening traditional conflict resolution processes in the Nhema Chiefdom**
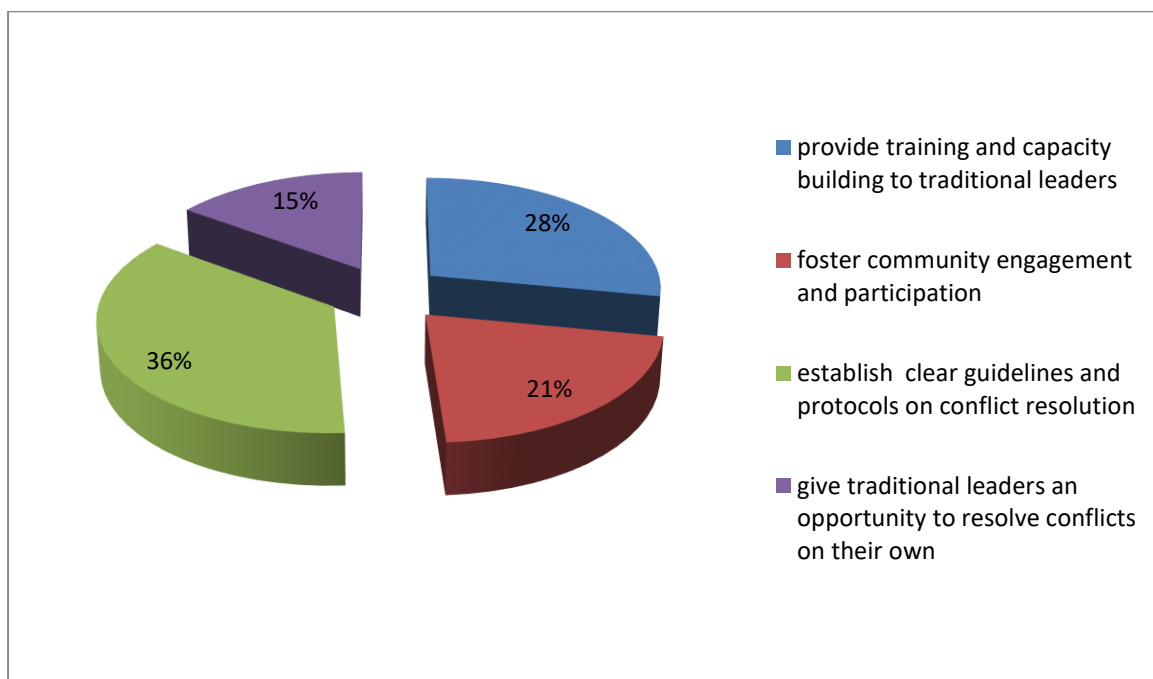


**Source: Survey Questionnaire (2024)**

**4.3 Chapter Summary**

This chapter presented and analysed the research findings on the challenges and opportunities of traditional conflict resolution processes in Zaka District, a case study of Nhema Chiefdom. The findings identified traditional conflict resolution processes used in the Nhema Chiefdom, challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom, the effectiveness of traditional conflict resolution processes and suggested recommendations on strengthening traditional conflict resolution processes in the Nhema Chiefdom. The next chapter will provide the summary, conclusions, recommendations and areas for further research.

**CHAPTER FIVE**

# 5.0 SUMMARY, CONCLUSIONS, RECOMMENDATIONS, AND AREAS FOR FURTHER RESEARCH

## 5.1 Introduction

The previous chapter presented and analysed the research findings on the challenges and opportunities of traditional conflict resolution processes in Zaka District, a case study of Nhema Chiefdom. This chapter provides the summary, conclusions, recommendations and areas for further research.

## 5.2 Summary

The research study aimed to identify the traditional conflict resolution processes used in the Nhema Chiefdom, assess the challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom, evaluate the effectiveness of traditional conflict resolution processes and suggest recommendations on strengthening the traditional conflict resolution processes in the Nhema Chiefdom.

Chapter one focused on key aspects of the research counting the background to the study, purpose of the study, statement of the problem, research aim, research objectives, research questions, assumptions, significance of the study, delimitations, limitations, definition of key terms and ethical considerations.

Chapter two reviewed the related literature of the research and the theoretical framework which guided the analysis of research findings. The chapter reviewed the related literature on traditional conflict resolution processes used in the Nhema Chiefdom, challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom, the effectiveness of the traditional conflict resolution processes and recommendations on strengthening traditional conflict resolution processes in the Nhema Chiefdom. Also, the chapter reviewed the problem solving theory which guided the presentation and analysis of the research findings.

Chapter three presented the research methods used in the study which are qualitative and quantitative research methods. The chapter also presented the target population of the research and the sampling size not forgetting the validity and reliability of the research study.

Chapter four presented and analysed the research findings on the challenges and opportunities of traditional conflict resolution processes in Zaka District, a case study of Nhema Chiefdom.

The chapter discussed the findings of the research referring to the objectives and the literature reviewed.

Chapter five provides the summary, conclusions, recommendations and areas for further research.

## 5.3 Conclusions

The research study investigated the challenges and opportunities of traditional conflict resolution processes in Zaka District, using Nhema Chiefdom as a case study. The targeted population were the chief, headmen, village heads and community members who had been involved in the traditional conflict resolution processes. The study identified traditional conflict resolution processes used in the Nhema Chiefdom, challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom, the effectiveness of traditional conflict resolution processes and suggested recommendations on how to strengthen traditional conflict resolution processes in the Nhema Chiefdom.

The study successfully identified traditional conflict resolution processes used in the Nhema Chiefdom. The study revealed that the traditional conflict resolution processes used in the Nhema Chiefdom start with the village head. If the village head failed to resolve the conflict he directed the dispute to the ceremonial headman and if he failed he referred the dispute to the headman. If the headman failed to resolve the conflict he referred the dispute to the chief who has the power to finalise the case.

The findings of the research revealed that traditional conflict resolution processes are subject to be abused by those in power. Traditional leaders refuse to resolve conflicts if one of the conflicted parties refused to pay a token known as "madavira" which can make the conflict to escalate. Also, traditional leaders take sides if the conflict involved a close relative or if it is of their interest.

The study revealed that despite the challenges there are also some opportunities of traditional conflict resolution processes. The study revealed that traditional conflict resolution processes promote reconciliation among conflicted parties. Also, traditional conflict resolution processes uphold cultural values and traditions through punishing the offenders.

It can also be concluded that traditional conflict resolution processes are positively effective when dealing with conflicts. Traditional conflict resolution processes promote reconciliation

and upholds the cultural values and traditions. Also, cases which pass through the traditional conflict resolution processes are recorded and kept safely in the book like minute books for future reference.

### 5.4 Recommendations

The researcher drawn recommendations on the basis of the conclusions:

➢ **The need for clear conflict resolution guidelines and protocols**

Establish conflict resolution committee membership which comprises traditional leaders, community representatives and non-state actors. Community members should identify the conflict and report it to the conflict resolution committee which will assess the conflict determine its nature, scope and urgency.

➢ **The need for training and capacity building for traditional leaders**

Provide training on mediation, negotiation and arbitration techniques, emphasizing active listening, empathy and impartiality. This can be done through creating workshops and seminars for traditional leaders. Also, provide resources and support to traditional leaders through giving them allowances.

➢ **Referral system**

Establish a referral system. This can be done through the magistrate court directing cases suitable for traditional resolution to traditional courts. The magistrate court should have a strong relationship with traditional court for the two complement each other because they deal with similar cases

➢ **Research and documentation**

Traditional conflict resolution processes' practices and outcomes should be documented, identifying best practices and areas for improvement. This can be done through the help of non-state actors like religious and media organizations.

### 5.5 Areas for further research

The aim of the study was to investigate the challenges and opportunities of traditional conflict resolution processes in Zaka District, a case study of Nhema Chiefdom. Some gaps were noticed during the study and therefore some of the issues for further research include:

➢ **The impact of political environment**

Investigate how the political environment influences traditional conflict resolution processes. The study should explore how the politicians use traditional leaders for their own interests.

➢ **Comparison with modern conflict resolution**

Compare traditional conflict resolution processes with modern methods to identify best practices and areas for integration. This can explore the relationship between the magistrate court and the traditional court in resolving conflicts.

➢ **Distribution of state laws and acts**

Examine the effectiveness of distributing state laws and acts to traditional leaders in order to enhance their knowledge and application in conflict resolution. The study should identify the role of the traditional leadership act and the constitution in guiding traditional leaders in resolving conflicts.

**5.6 Chapter Summary**

The chapter provided the summary, conclusions, recommendations and areas for further research.

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**APPENDICES**

**Appendix 1: Interview Guide**

Research Topic: Challenges and opportunities of traditional conflict resolution processes in Zaka District. A case study of Nhema Chiefdom.

**Greetings!**

My name is Rosemary Manyawi a final year student at Bindura University of Science Education. I am studying a Degree in Peace and Governance and as a part of completing my degree I am carrying out a research study on the challenges and opportunities of traditional conflict resolution processes in Zaka District, using Nhema Chiefdom as a case study. The purpose of this study is to identify traditional conflict resolution processes used in Nhema Chiefdom, challenges and opportunities of traditional conflict resolution processes in Nhema Chiefdom, the effectiveness of traditional conflict resolution processes and to suggest recommendations on strengthening traditional conflict resolution processes in the Nhema Chiefdom. Your cooperation is important in understanding these issues. All information you provide will be only used for research purposes and should be kept safely. Please feel free to provide your views and your participation is voluntary.

**Personal Information**

1. Gender:        Male  [____]

2. Age:        50-65  [____]                    65-75  [____]

3. Marital status:    Married  [____]                Widowed  [____]

**Interview schedule for the chief, headmen and village heads.**

**Section A: Traditional conflict resolution processes used in the Nhema Chiefdom**

1. What are the traditional conflict resolution processes used in the Nhema Chiefdom?

2. Who is the final authority in passing judgement or deciding a verdict?

**Section B: Challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom**

3. Are there any challenges of traditional conflict resolution processes?

4. What are the challenges of traditional conflict resolution processes in the Nhema Chiefdom?

5. As a traditional leader, what can you do to tackle these challenges?

6. Are there any opportunities of traditional conflict resolution processes?

7. If yes, what are the opportunities of traditional conflict resolution processes in the Nhema Chiefdom?

8. How can you maintain these opportunities as a peace builder?

**Section C: The effectiveness of traditional conflict resolution processes**

9. In your own view do you think traditional conflict resolution processes have been effective in dealing with conflicts?

10. Where do cases which pass through the traditional conflict resolution process kept?

**Section D: Recommendations on strengthening traditional conflict resolution processes in the Nhema Chiefdom**

12. How can traditional conflict resolution processes be strengthened to maintain peace?

13. What can be done by the government to strengthen traditional conflict resolution processes?

14. How can the magistrate court work with traditional court to strengthen traditional conflict resolution processes?

**Thank you for participating!!**

**Appendix 2: Focus group discussion (community members who had been involved in traditional conflict resolution processes).**

Research Topic: Challenges and opportunities of traditional conflict resolution processes in Zaka District. A case study of Nhema Chiefdom.

**Personal Information**

1. Gender:      Male ☐      Female ☐
2. Age:      40 and above ☐

3.  Marital status:          Married ▭          Divorced ▭          Widowed ▭

**Section A: Traditional conflict resolution processes used in the Nhema Chiefdom**

1. Please introduce yourselves.

2. Have you ever taken a case in traditional conflict resolution process?

3. What is the procedure followed if a person wants to take a case to traditional court?

**Section B: Challenges and opportunities of traditional conflict resolution processes in the Nhema Chiefdom**

4. Are there any challenges of traditional conflict resolution processes?

5. If yes, what are the challenges of traditional conflict resolution processes?

6. Are there any opportunities of traditional conflict resolution processes?

7. If yes what are the opportunities of traditional conflict resolution processes?

**Section C: The effectiveness of traditional conflict resolution processes**

8. In your own view do you think traditional conflict resolution processes have been effective in dealing with conflicts? If yes, explain how can it be effective?

**Section D: Strengthening traditional conflict resolution processes in the Nhema Chiefdom**

8. In your own point of view how can traditional conflict resolution processes be improved and strengthened to maintain peace in your area?

**Thank you for participating!!**

**Appendix 3: Survey Questionnaire (Village heads and community members)**

**To the village heads and community members who had been involved in conflict resolution processes:** This questionnaire intended to collect data on the challenges and opportunities of traditional conflict resolution processes in Zaka District, using Nhema Chiefdom as a study. Typically the ideal respondent should be in the office of traditional leaders and had been involved in traditional conflict resolution process. The questions apply to traditional conflict resolution processes used in Nhema Chiefdom, challenges and opportunities of traditional conflict resolution processes in Nhema Chiefdom, effectiveness of traditional conflict resolution processes in dealing with conflicts and recommendations on how to improve

and strengthen traditional conflict resolution processes. Your response is very important in understanding these issues.

1. In your area, is traditional conflict resolution process still used to resolve conflicts?

Yes                          No

2. Are there any challenges of traditional conflict resolution processes?

Yes                          No

3. If yes, what are the challenges of traditional conflict resolution processes in your area?

a) Abused by those in power

b) Lack of trust

c) Limited resources

d) External interference

4.  Are there any opportunities of traditional conflict resolution processes in your area?

Yes                          No

5.  If yes, what are the opportunities of traditional conflict resolution processes?

a) Promote reconciliation

b) Upholds cultural values and traditions

c) Flexibility and adaptability

d) Cost-effective

6. Do you think traditional conflict resolution processes are effective in dealing with conflicts of different kinds?

Yes                          No

7. How effectiveness is traditional conflict resolution process in dealing with conflict?

a) Very effective

b) Effective

c) Ineffective

c) Others

8. Explain how it can be effective?

a) Promote reconciliation

b) Foster community engagement and participation

c) Upholds cultural values and traditions

d) Address the root cause of the conflict

9. Are there any recommendations to be suggested on how to improve and strengthen traditional conflict resolution processes?

Yes.                    No

10. If yes, what are the recommendations on strengthening traditional conflict resolution processes?

a) Establish clear guidelines and protocols on conflict resolution

b) Provide training and capacity building to traditional leaders

c) Foster community engagement and participation

d) Give the traditional leaders opportunities to resolve conflicts on their own

**Thank you for participating!!**

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Date: 07/03/2024

TO WHOM IT MAY CONCERN

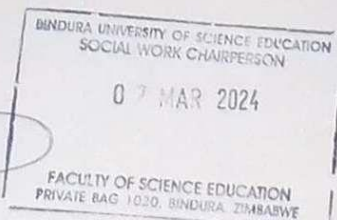====================================================================

RE:    REQUEST TO UNDER TAKE RESEARCH PROJECT IN YOUR
            ORGANISATION/AREA

This serves to introduce the bearer MANYAMI ROSEMARY, Student Registration Number R201397B who is a HBSc Peace and Governance student at Bindura University of Science Education and is carrying out a research project in your area.

Your usual cooperation and assistance is therefore being sought.

Yours faithfully

BINDURA UNIVERSITY OF SCIENCE EDUCATION
SOCIAL WORK CHAIRPERSON

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