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## **The Role of Traditional Leaders in Peacemaking and Conflict Management among the Mende of Sierra Leone**

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### **Abstract**

The main thrust of this investigation was to explore the roles played by traditional leaders and the council of elders in conflict management and peacemaking among the Mende of Sierra Leone. The study examined the mechanisms of negotiation, mediation, arbitration and reconciliation as peacemaking processes utilized by traditional leaders to management conflict in their communities. The study used the qualitative research design in its quest to get answers to the raised questions. The research found out that generally the Mende of Sierra Leone acknowledge the important roles played by traditional leaders in reconciling conflicting parties and restoring harmony in society. It was also established that although colonialization and modernization undermined the powers and authorities of traditional leaders, the institution of chieftaincy has remained relevant to peacemaking and managing conflicts in rural communities.

**Keywords:** Peacemaking; Chieftaincy; Traditional leadership; Conflict Management; Negotiation; Mediation; Arbitration; Reconciliation.

### **1. Background to the Study**

Traditional leaders otherwise referred to as Chiefs, play a pivotal role in settling disputes among the Mende of Sierra Leone. Chiefs are regarded as custodians of the people, traditional law and custom and the responsibility to ensure peaceful co-existence in their communities rests with them.

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Traditional peacemaking and conflict management practices are not a new in Africa [1,2]. Indigenous approaches to peace making and conflict management have existed long before colonialism and are deeply rooted in Africa's history, tradition and culture. However, these practices have constantly changed over time in the process of interacting with the outside world. Tapping into the potential which they offer even today could help to improve the effectiveness and legitimacy of conflict transformation endeavours [3]. There remain certain features of African culture such as local conflict resolution mechanisms and traditional peacebuilding methods that have survived the onslaught of colonialism and the menacing threat posed by globalization and western domination of the world. Traditional peacemaking approaches and conflict management strategies are, therefore, not products of western domination and cultural transfer that occurred during colonialism. Rather, the mechanisms to bring about peaceful settlement to disputes and conflicts are deeply entrenched in the traditional and cultural ethos of the continent [4]. Peacemaking and conflict management practices in Africa form an integral part of a well-structured, time-proven social system aimed at bringing together dissenting voices and conflicting groups with the view to reconcile and maintain social order, build trust and facilitate social cohesion [5]. Although some aspects of peacemaking mechanisms (such as the decline in the powers and authority of traditional leaders) in Africa's traditional settings have been appropriated by colonialism, the institution of chieftaincy survived the brutality of western domination during that period. Put another way, individual traditional leaders (chiefs) were compromised without erosion and destruction to the institution itself because the institution of chieftaincy belongs to the community and as such, no one person has full authority over it [6]. In most traditional societies the council of elders, women's leaders and the secret societies do not only play an influential role to maintain and sustain its survivability but also take collective decision that ensures peaceful co-existence among its members. As such, the processes of traditional peacemaking and conflict management are deeply rooted in the consciousness of the community. Put simply, they are people-centered, participatory and community-oriented. Peacemaking and conflict management approaches are less intimidating because Africans have peculiar characteristics that include the people's language, dressing, music, work, arts, religion, dancing and so on. They are also bonded by social norms, value system and mores [7].

## **2. Statement of the Problem**

This articles sets out to explore the roles played by traditional leaders and the council of elders in managing conflicts and peacemaking among the Mende of Sierra Leone. The study examined the utilization of negotiation, mediation, arbitration and reconciliation as peacemaking processes available to traditional leaders in managing conflicts and making peace in rural communities. Peacemaking is an integral element of development process in rural communities in Sierra Leone and the need for vibrant and functional traditional leadership in conflict management becomes essential. Therefore, this study seeks to find out the role of Chiefs in conflict resolution and peacemaking among the Mende of Sierra Leone. The study used the qualitative research design in its quest to get answers to the raised questions. The researcher undertook desk review of documents and content analysis, and interviews with some Paramount Chiefs, women and youths in the Southern and Eastern regions of Sierra Leone. The researcher experienced some limitations to this study major of which was the unavailability of some key stakeholders (Paramount Chiefs) for interviews and consultations. Besides, some of the literature was not available, which constrained the researcher in gathering primary data. This was mitigated by relying on intensive interviews with traditional leaders and youth groups. The research found out that generally the Mende

of Sierra Leone acknowledge the important roles played by traditional leaders in reconciling conflicting parties after disputes. It was also established that although colonialization and modernization undermined the powers and authorities of traditional leaders, the institution of chieftaincy has remained largely relevant to peacemaking and managing conflicts in rural communities.

### **3. Theoretical Considerations**

The responsibility for ensuring the sustenance of peace and harmony in traditional settings rests with traditional elders [8]. This is unlike modern day conflict management process which results from increased interdependence among actors and complexity of issues that underlie the interests leading to conflict which underrates the role played by the traditional leaders in conflict management [9]. Conflict management refers to the management of conflicts by which parties of a conflict come together to solve their conflict or differences [10]. Chiefs and the Council of Elders' involvement in peacemaking have always sought to create a balance in the process of dispute resolution that had resulted in reconciling the conflicting parties and brought harmony to society. In most of Africa's traditional settings, traditional leaders were regarded as old people with wisdom. They had the capacity to take decisions, had the leverage to mediate between conflicting parties and reconcile differences emanating from the disputes. Today, traditional leaders are regarded as people with economic power and social status, and anyone who possesses these characteristics can be regarded as an elder. However, this does not demean the important position these elderly people play in the lives of their communities especially in mediating and negotiating peace and bringing resolution to conflicts. The council of elders, an equivalent of a modern-day cabinet, serves as the local governing body in the socio-political and religious history of rural people [11]. It comprises chiefs, sub-chiefs, town and village headmen, chiefdom elders, village and town headmen, religious leaders, mammy queens (female mayors of villages and towns), heads of secret societies and other rural notables that preside over the day-to-day affairs of the community. It is a representative group of the community in which every segment of the society is represented. In principle and most times in practice, the council does not only embody the views and opinions of the rural population, but also represents their views and opinions in other fora. Council members occupy the space between the traditional authority and the people and from that strategic and vantage position, advise and assist the chief on matters pertaining to the general welfare of the community. In Africa, age is a very important element in the socio-political hierarchy of local communities [12]. Elders are usually associated with wisdom, tolerance and vision for maintaining the status-quo, and for molding and grooming the character of up-coming generation in the observance and the preservation of the traditional mores, norms, values and practices. Consequently, older people are normally favored for positions of responsibility in rural settings because their age, perceived experience, and knowledge of the traditional practices are seen as vital ingredients and reinforcements for maintaining community cohesiveness and continuity [13]. Elders are also regarded as articulate, persuasive and better suited to interpret customary law to the satisfaction of community members because they possess the skills needed to persuade and to carry the community with them. Mutually reinforcing, they have the leverage to regulate public opinion because they are esteemed for their strict adherence to the norms of the local communities that emphasize fairness, justice, impartiality, and honesty. Precisely because of the above factors, the council of elders epitomizes the organic character of traditional society and the consciousness of the people. In practice, the chief performs his duties in concert with his/her council. In managing individual and community feuds, the chief

relies on his council for historical precedents and similarities, as well as for advice. It is significant to note that the authority figure rarely acts alone but generally in council; in fact, some accounts emphasize that a chief would be acting illegitimately if he exercised his authority without the benefit of a council of elders or advisers with ties to the community including the conflicting parties [14]. Just as the chief plays a linkage role between the people and the government, so also does the council of elders connect the chief to the general population. In doing so, elders preserve the authority of chieftaincy and at the same time seek the interests of the community. In dispute management, the elders put emphasis on various components to facilitate the return from conflicts emanating as a result of social interaction to a situation of normalcy. This is often achieved by invoking spiritual beliefs, resorting to collective rituals, and using rhetoric. In other instances, this is accomplished by getting the whole community to participate in consensus building that produces a picture of what is done to achieve harmony [15]. Faure [16] asserts that two critical points need to be highlighted here: First, the use of rhetoric helps to lessen the antagonism by assisting the disputants to overcome their agitation and to seek peaceful solutions to their problem. Second, traditional conflict management is viewed as a group process in which members of the community are involved in promoting peace. The process, therefore, puts extraordinary pressure on the wrongdoer to comply with the outcome. Generally speaking, elders preside over three distinct conflict management and prevention processes, namely, negotiation, mediation and adjudication. These processes take place in a friendly and more informal atmosphere with the motive to create an environment in which parties in conflicts can easily trust each other and authority figures. The elders are entrusted with the responsibility to seek a formula for agreement about the problems and their solutions based on the facts presented by both sides, and work toward a shared sense of justice to govern them. There is a conscious effort on the part of the negotiators to utilize the indirect system of negotiation mainly because it acts as a face-saving devise for the parties in dispute. Since engendering peace and maintaining order remain the essential ingredients of negotiating conflicts in traditional settings, the process seeks to create harmony between groups and individuals rather than seek individual interests, a practice common in western conflict management processes. Maintaining social cohesion and a sense of community through the preservation of social balance between the individual and the community are paramount features of traditional peacemaking. To achieve this goal, elders take extreme care to limit as much as possible any disruption in the social equilibrium. In custom-based societies, conflict resolution processes do not particularly seek to change the status quo or power relations but seek to restore social order and a disrupted balance of power [17]. Zartman is more forceful: "The spirit of traditional conflict management is conservative in maintaining the status quo, an appropriate stance in an era little marked by social and political change" [18]. To a very large extent, traditional institutions are gradualist in nature. Elders are believed to be more rational, patient and consistent in their judgments and disposition toward community integration than youths who may be pre-disposed to irrational action. In addition, elders maintain a closer relationship with the ancestors, a relationship that connects the living to the dead. Maintaining the status quo by allowing elders to act as third party negotiators, therefore, engenders community continuity and survival, which further ensures sustaining the core values of traditional community.

#### **4. Findings**

##### ***A. Negotiation***

African societies as communal cultures prefer negotiation over going to court to settle disputes probably because a negotiated outcome will not look and operate as a punishment [19]. The preference is predicated on the assumption that negotiation strategies can produce face-saving devices for both parties since elders take the greatest care to limit the possibility of social disharmony and community disruption. Thinking along similar lines, PC Madam Sallay Gendemeh maintains:

In our traditional settings, we, more often than not, negotiate  
between parties as a family prepared to forgive and forget if  
the wrongdoer is prepared to repent. The reason is simple—if  
you excommunicate the wrongdoer or make him/her appear  
as if he/she does not deserve any respect, and should therefore  
be treated as an outsider or outcast, then you are working against  
the communitarian ideals of our society, which is, embracing  
errant members thus enhancing community continuity. Regretfully,  
this practice was discontinued in communities during and after  
colonialism.<sup>1</sup>

In traditional negotiations, a conscious effort is made on the part of the parties and the negotiators to preserve the reputation and image of the person in dispute, to recognize the other's social position and to acknowledge the risk involved in tarnishing the individual's personality. To avoid future hostilities and acrimony or to prevent the dispute from festering, emphasis is placed on building relationships and harmonizing differences, which are highly prized and valued and sometimes take precedence over discovering the truth. The outcome of negotiations is not predicated on a win-lose game, rather it is aimed at achieving a positive-sum objective—seeking mutual interests and preserving community stability. Generally, the process of negotiation is the least formal method of resolving disputes without litigation [20]. A negotiation can be defined as an interactive process set up by a group in order to resolve a divergence that has arisen from within [21]. Simply conceived, negotiation presupposes engaging disputants to communicate with each other for the purpose of persuasion with the ultimate objective of harmonizing relationships. Broadly speaking, negotiation begins with the parties to the conflict establishing their identity, exchanging information, and stating their grievances and objectives. At this juncture, the negotiators (negotiators and elders are used alternately) are in a better position to discern what is essential and pertinent to the case, and focus exclusively on the issues at stake. The main function of negotiation in this context is to structure the actor's action [22]. In structuring the behavior of the disputants, the council, in

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<sup>1</sup> Interview with PC Madam Sally Gendemeh of Maleh-Gohun chiefdom in the Kenema district on June 2017.

totality, brings into play all the elements of the situation. In other words, the negotiators consider not only the issues that are similar to the case under discussion, but also those that are contradictory to it. The assumption is that the similarities and contradictions inherent in the case may be complementary if the goal is to attain peace and unity. In this sense, contradictions are not interpreted in their negative connotations. Instead, they are perceived as aspects of human relationships that can be contained and cannot be avoided. As a consequence, customary negotiation determines a synthesis between contradictions and similarities in calculating its approach toward bridging relationships between disputants. Among the Mende, customary negotiation remains an effective tool in managing and avoiding conflicts. Despite the fact that some traditional structures crumbled under the weight of the conflict, negotiation, as an informal process of conflict management, thrived in displaced and refugee camps during the civil conflict (1991-2002) where elders intervened to settle quarrels over, for example, humanitarian supplies. Disputes arising among families or groups are readily brought to the attention of elders either in the same family or at the village/town level for redress. Women palaver, property rights, chieftaincy disputes, inheritance and abuse of women are some of the common disputes that come to the attention of the council of elders for negotiation. The focus and objective of the negotiators is not to determine primarily who is right or wrong; rather they are particularly concerned with the restoration of relationships that have fissured as a result of the dispute. To the elders, the existence of cleavages between individuals or groups, if allowed to go unchecked, has the potential for engulfing families and whole communities. To avoid community dysfunction, but more so to assert their leadership as custodians of traditional values and culture, elders have always used their skills, knowledge and leverage in negotiating between individual and groups in the spirit of community cohesiveness.

Mohamed Bangura, a former civil servant, offers an example of a contemporary traditional negotiation by elders in the Fallah-Wandor chiefdom crisis:

In 1970, the people of Fallah-Wandor chiefdom, Kenema district

revolted against PC Fangawa. Chief Fangawa was accused of

highhandedness and fueling chiefdom disruption. Led by the

Ngakui brothers who were from a contending ruling house, the

dispute escalated into open brutality during which properties

were destroyed. It also led to the polarization of the

chiefdom for people were divided between the two ruling houses.

Because of its volatility, the District Office in Kenema intervened

by appointing influential and powerful traditional leaders

with Chief Vandi Gbow, chiefdom speaker of Nongowa chiefdom in the Kenema district as chairman. The negotiators first deescalated the tension by using historical precedents of how the two ruling houses had lived in peace, had worked to develop the chiefdom and what it meant to the disputants if they reconciled their differences. Elders used persuasion to tone down the tension. They also opened up communication between the disputants and appointed elderly people from Fallah-Wandor to oversee the newly established relationship. This process took a long time to produce results. At the end, peace was achieved until the war broke out.<sup>2</sup>

The preservation of relationships, the stability of the community, and the maintenance of societal balance are at the heart of traditional negotiation processes. The chief in a negotiation does not act as a leader but as a “wise person able to perform the point of consensus” [23]. It is argued that negotiations must be geared toward consensus brokered by elders whose authority is valued as an asset to the community. In this way, elders function as centerpieces not only to reestablish peace among people but also with the environment and community. Appeasing the spirits is critical to maintaining community balance and preserving order among the rural population.

### ***B. Mediation***

Mediation, another significant mechanism of conflict management, is a strategy utilized by elders to prevent or resolve disputes. In mediation, the third party (council of elders in this case) element is significant in determining its outcome. That is, the third party must be seen as neutral, impartial, an honest broker and possessing leverage over the disputants. In traditional African mediation, the mediator functions much like an ombudsman, intervening between individuals, groups and the community, tempering mercy with justice and sentences with integration (Deng 2000). Here, the mediator intervenes directly in the conflict at any stage. The third-party makes direct contact with the parties in a conflict, impressing on them their responsibility to reach a settlement, reconcile their differences and restores the relationship prior to the conflict. Elders give counsel, provide inducement and sometimes threaten sanctions if one party proves reluctant to go along with the decision reached at the mediation. Essentially, mediation is a less formal tool of conflict management than arbitration.

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<sup>2</sup> Interview with a former Permanent Secretary and a long-time Civil Servant of Sierra Leone, Mr. Mohamed M. Bangura, in Virginia, USA on June 12, 2016.

Customary mediation still plays an important role in conflict prevention, management and peacemaking among the Mende of Sierra Leone, where modern judicial institutions are not effective or do not exist. It remains within the domain of the elders to intervene to resolve community disputes before they escalate into large-scale violence or to prevent a resumption of violence after a period of relative calm. They do so with the objective of quickly restoring broken relationships, healing whatever wounds the conflict might have caused if the conflict is ongoing, and mitigating the conflict by moving from the perceptions of hostility to one of harmony. Under such circumstances, elders endeavor to maintain interactive justice (ensuring that everyone is accorded fair treatment and respect, by recognizing all parties to the dispute as equal participants with legitimate concerns), and distributive justice (achieving goals in a balanced outcome, or equity in outcome) (Kiplagat 1998). That is, the decision reached in mediation is tailored to produce a win-win outcome. The mediator, therefore, functions to facilitate communication and dialogue between conflicting parties. One of the most critical elements in this process is for the mediator to enable parties to listen to each other on a deeper level than their previous hostile attitudes allowed [25]. The third-party intervenor ensures that the individuals have heard each other adequately and that each has developed sufficient understanding of the other's perceptions, motivations and interests. It is a logical assumption that when disputants listen to each other, it leads to better mutual understanding and forges worthy accommodation, which strengthens the imperative to reach a satisfactory agreement, taking cognizance of the interests of all parties in dispute. Moreover, dialogue between adversaries helps to change the adversary's image and facilitates a better understanding of the other's position, concern and constraints. In this way, the mediator narrows the existing differences, emphasizes mutual interests and offers alternative proposals for a settlement. Thus, mediation shifts focus from hostility and confrontation to harmony and consensus. Finally, the mediator offers guarantees that the settlement will be respected by all sides. In contrast, modern conflict mediation at the national level is assertive and involves the imposition of solutions from outside.<sup>3</sup> Traditional mediation is empathetic and sensitive not only to the disputants and their interests but also to the whole community should they decide to take sides or impose their will on them. If the disputants feel that their real or imagined needs are not met, and the financial, physical and cultural threats posed to them are not considered in the mediation, they may tend to be uncooperative in accepting the verdict. People want to be involved in the decisions that govern their lives and resent being treated as objects of external manipulation. Individuals and groups crave for respect, acknowledgement, recognition and participation. Mediators need to show sensitivity to these concerns in investigating inter-personal and inter-community feuds, and locating some of the hidden root causes of conflicts. A successful mediation is contingent upon a combination of the personal traits of the mediators. Mediators have to be intuitive and sympathetic both to the individuals and groups in conflict and the conflict environment. They should avoid coercion and assertiveness. Mediators should exhibit skills (for example, conducting meetings in a friendly atmosphere) at facilitating communication and overcoming deadlocks. This helps the disputants to appreciate their interdependence, view the conflict from each other's perspective and to adopt a more conciliatory posture. Essentially, the mediator seeks to effect a shift from adversarial "winner-takes-all" relations to a more cooperative problem-solving approach [26]. In addition, the third party should show a capacity to use carrots (reward compliance) and sticks (punish recalcitrant party). The mediator's own image, prestige, standing, and credibility may also determine the leverage they enjoy over the

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<sup>3</sup> For instance, the Rev. Jesse Jackson literally took President Tejan Kabbah to Lome, Togo to sign a peace accord with the RUF rebel leader, Foday Sankoh in 2002.



adversaries [27]. Local mediation, like negotiation, is open-ended, all-inclusive and participatory. The process is transparent, enabling the community and even passers-by to contribute. The process is not about bargaining but about reestablishing relationships between individuals and groups. The approach is holistic because mediation satisfies the community and appeases the spirits and the gods of the community. The outcome is communally owned and is aimed at consensus building, forgiveness, reconciliation and restoration of order. Most of the cases brought before the chief's council revolve around land disputes, petty crimes such as theft, woman palaver, debts, chieftaincy crises, disputes over inheritance and contracts and many others. In local communities, chiefs and elders are regarded as icons of tradition and identity and, therefore, are perceived as authentic and legitimate mediators in healing community relations. For instance, land disputes are based on historic titles to land, and the chiefs and the elders are particularly well-suited to know about the ownership. Unlike contemporary mediations where mediators are appointed and assigned, local mediation among the Mendes is built within the political structure of the community. The chief and his council naturally exist in the community with varying political and judicial powers. Aside from the fact that they are leaders, they may also be interested in disputes brought before them for mediation because of their connection to both the parties in conflict and the conflict environment. They are not faced with the resistance Special Envoys face in international mediation because they come from and are known in the community. Instead, disputants see in them their own reflections as members of the community and stakeholders in a dispute who are accountable to community. More salient, they are predictable. As a result, parties to a conflict are more inclined to generate confidence in local mediators as facilitators and cooperate in building consensus and mapping out a settlement satisfactory to all parties involved in the conflict.

### ***C. Adjudication***

Unlike mediation and negotiation, adjudication is a legal method of conflict management. It is about laws and rules, and therefore follows a legal procedure. The process is legal or quasi-legal in that disputants to a conflict agree, both in practice and in principle, to submit their case for outside arbitration and to comply with the outcome. Adjudication refers to "binding, authoritative third-party intervention in which conflicting parties agree to hand the determination of a final settlement to outsiders" [28]. The method works better in situations where the facts about the dispute can be gleaned from legal interpretations. For instance, they are most effective in cases that deal with contracts, debts and marriage disputes. As a consequence, it is highly limited and ineffective as a mechanism for conflict management in intense and violent conflicts. Customary adjudication is, more often than not, performed in the presence of the chief's council. The council helps the chief to sit in judgment and to unravel some intricate legal issues tied to the dispute. Like mediation and negotiation but unlike local court procedures, adjudication takes place in a friendlier and relaxed atmosphere. But unlike mediation and negotiation, adjudications are semi-formal because they follow well-structured procedures based on the interpretation of customary law jurisprudence. In rural Sierra Leone, most parties dissatisfied with first hearings appeal their case in either the 'group appeals courts' consisting of a number of local court chairmen appointed to investigate the case further at the local level or the magistrate courts at the district or provincial level. In most Sierra Leone chiefdoms, local courts are not operational because the war destroyed the infrastructure of the country. For instance, in the Pejeh Bongre chiefdom in the Kailahun district, the people

count on the chief's court for dispute adjudication.<sup>4</sup> Bokarie Sam, a former youth leader in Manowa, Peje-Bongre Chiefdom in Kailahun District recounts:

Before the war, the entire Pejeh-Bongre chiefdom had only one local court situated in Manowa, the headquarter town of the chiefdom. People of the chiefdom relied on the respective chiefs' court existing in their villages and townships. For the people, there is no urgency of the reconstruction of a local court because to them the chiefs were fulfilling the responsibility.

The preference of the chiefs' court over that of the local courts is logical—the traditional high standing of the institution of chiefship remains deeply rooted in the thinking of many rural people.

There is also the relative informality of the process. Because the people physically relate to chiefs more than the detached local court officials, and because they are familiar with the proceedings, they are more attracted to the chief's court. In addition,

chiefs are the most immediate legitimate leaders to the majority of the people.<sup>5</sup> (Translation Mine) Notwithstanding the legitimacy and familiarity associated with the chief's court as opposed to the local court system introduced by colonialism, the imposition of heavy fines, practices of nepotism and other forms of injustice marred the reputation and effectiveness of the chief's court [28]. As indicated earlier, colonialism undercut the traditional sources and means of sustenance and, therefore, the financial viability and independence of chiefs when it introduced the "salary system", which proved inadequate to sustain chiefs. Consequently, chiefs were susceptible to all forms of corrupt practices ranging from the exploitation of the rural masses through exorbitant fines to miscarrying justice resulting in social fragmentation. Youths, who became anti-chief during the recent conflict, suffered most during these processes. These activities have been cited as some of the root causes of the ten-year old conflict. The process of adjudication at the chief's court can be summarized thus: A case between two individuals or groups begins by one paying a summon fee, *mayagei*. The chief summons

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<sup>4</sup> When I visited Manowa, the headquarter town of the Pejeh Bongre chiefdom in March 2017, I discovered that no local court existed. The people in the chiefdom rely on the chief's court to arbitrate disputes.

<sup>5</sup> Interview with Bokarie Sam, Youth Leader, Pejeh-Bongre Chiefdom, Kailahun District, March 18, 2017.

the defendant who can either “cross” the summons, *ndorlahue*, interpreted as ‘not guilty’, or can just pay the complainant’s summon fee, *ndorgboanei*, meaning ‘no contest’. In the latter, the defendant pleads guilty and asks for an amicable settlement. In the former, both sides will be required to present witnesses who are subjected to an oath to tell the truth. In the process of cross-examining the witnesses, the elders examine the facts presented so far. Once established, the chief may attempt to mediate if the parties agree to accept compromise so as to reduce the financial cost and to bring the case to a speedy end in which the disputants incur no financial cost. If they decide otherwise, both parties are asked to state the amount each would pay if found guilty. Both parties are asked to leave while the chief and council members consult, *ngohutei*, meaning ‘hang heads’. Verdicts are passed by a consensus of all elders involved. The parties are called back and the ruling is passed. The wrongdoer is fined to pay all court expenses incurred by the other, plus court expenses as deemed fit by the chief. The chief’s verdict is verbal, yet by customary interpretation, binding on disputants. The community puts pressure on the wrongdoer to abide by the decisions reached at the chief’s court. Failure to pay court expenses is seen as ‘contempt of the community’, which is a very serious crime. The customary judicial system has strong mechanisms for enforcing judicial decisions reached at the chief’s court [29]. Wrongdoing is not only seen as repugnant to peaceful human interaction in the community but is also viewed as inimical to the political and social ordering of the society. For instance, criminals who constantly steal, rape, and murder but fail to comply with court rulings (seen as social deviants) are severely dealt with. In cases of serious criminal conduct such as murder and rape, the person may be ostracized, which is equivalent to life imprisonment in modern legal terms. Once ostracized, they cannot be visited when sick; they cannot be buried in a public cemetery; and they cannot even be talked to [30]. However, ostracism has been rendered ineffective with the encroachment of modernization on rural communities. Among the Mende, disputes that are ruled on include theft, property damage, inheritance, land and contract disputes, woman palaver and so on. People are inclined to come to chiefs first before they turn to local courts because traditional procedures are flexible, open, and not intimidating. People therefore feel at home. Chiefs are seen as fathers and grand parents of everyone. That is why they are called “Maada”, meaning grand-father. Second, most villages and towns have no courts and because chiefs live closer to their people, they always run to turn to them for dispute mediation and adjudication. Third, traditional mediation practices are seen as fair, inclusive and rooted in the communitarian ideal of forgiveness and reconciliation *albeit* there have been incidences of corruption, political interference, unfair judgments, exploitation in some of the modern day deliberations. The incidents unfair judgement only affects the chiefs involved and not the traditional institution of chieftaincy. Therefore, chiefs and elders involved in such practices always lose the confidence of their people and, in some other grave instances, there are uprisings against their rule. To crown it all, Mende chiefs are at the center of reconciling differences arising among groups and individuals in the community. Traditional methods of negotiation, mediation and arbitration aim at reconciling individuals and communities in an integrative and positive-sum way. Conflicts in these traditional societies are viewed as negative and counterproductive and therefore, need to be addressed in order to restore the integrity of the community. Reconciliation is at the heart of these processes in which individuals and group perceptions and their inclinations for confrontation are redirected toward cooperation and harmonious co-existence. Elders seek to achieve this through integrative, conciliatory and inclusionary methods. The communitarian ideals of forgiveness, sharing, togetherness, sense of community and tolerance are embedded in an overall goal of preparing the younger generation to live as a community and not as individuals. It must be

hastily admitted that the influence of westernization and Islam have had a preponderant affect on how individuals and groups perceive themselves and their communities today. In the first place, with the erosion of traditional power, most of the structures that used to cushion and to uphold cultural values in communities are no longer functional. For instance, ostracism has not lost its impact with the advent of modern prisons, but a deviant can appeal his/her case to a higher court and with a very efficient lawyer have him reinserted in his community. Second, the influence of western education and religion has undermined some of the traditional ethos of communitarianism. Individualism is eating fast and deep into rural communities and therefore threatening the very potency of traditional norms. Some of these practices have undergone tremendous transformation, while others have lost their content.

#### ***D. Reconciliation***

The principle of reconciliation is at the heart of African traditional conflict management processes. It is the desired end-product of a dispute resolution method that provides both the space and the condition for disputants to enter into a new relationship without friction and tension [31]. Reconciliation does not exclusively focus on rebuilding relationships between individuals and groups but it also strives to maintain community cohesiveness and stability that has been disrupted by group and individual differences. Reconciliation is both a locus and a focus in conflict management, resolution and peacemaking in customary Africa. As a locus, it involves the creation of the social space where both truth and forgiveness are validated and joined together, rather than being forced into an encounter in which one must win over the other or envisioned as fragmented and separated parts [32]. These elements pose a fundamental challenge in contemporary conflicts. Overcoming the primary factors and motivations for conflicts, whether subjective or objective grievances, suggest that conflict transformation must be rooted in the socio-psychological and spiritual dimensions long dismissed as irrelevant. That is, people have to feel and share in their distress and discomfort, and be privileged to process their ordeal as a community that is bound by a common sense of interdependence and mutual reinforcement. Reconciliation, seen as a process of encounter and as a social space, that points us in that direction [33]. Reconciliation must be proactive in seeking to create an encounter where people can focus on their relationships and share their perceptions, feelings and experiences with one another, with the goal of creating new perceptions and new, shared experiences [34]. While reconciliation focuses on the painful past, it at the same time works toward the articulation of a long-term, mutually dependent future that produces and embraces renewed relationships. It recognizes giving time and space to justice and peace, where redressing the wrong is held together with envisioning a common, connected future [35]. The praxis of reconciliation is to identify the opposing perceptions and feelings connected to the dispute, to embrace them as interdependent and to present them as necessary ingredients for building healthy relationships and societies. Reconciliation forms the centerpiece of all traditional conflict management practices among the Mendes. It is not treated as a separate entity, a situation common with western processes of reconciliation when Truth Commissions are established. Rather, it is embedded in the processes of negotiation, mediation and arbitration, and forms the intersection where acceptance and remorse for wrong-doing, truth, forgiveness, justice and peace meet. It is ingrained in the culture of the rural population and, therefore, lays the foundation for creating new lenses for dealing with the past and renewing relationships by reorienting disputants toward the future. The spontaneous acceptance of former combatants in the aftermath of the war by the civilian population reveals the naturalness of forgiveness and

tolerance of the Sierra Leonean people.<sup>6</sup> Two traditional principles of reconciliation that exist among the Mends need to be identified.

#### **i) The Principle of Consultation or *Ngohutei***

The Mende principle of *ngohutei*, literally translated as “hang heads”, is a component of peacemaking that is commonly used by elders in traditional conflict management. Consultations are not only limited to the elders who sit in judgment to take critical decisions, but it is also utilized by parties who use it as a weapon to create solidarity and to consult with their patrons, family members and well-wishers to consolidate their case by providing more evidence, by redirecting the case if the evidence is in their disfavor, or by simply accepting guilt. *Ngohutei* is significant to the elders in two related ways. First, elders hold behind-the-scene consultations after collecting evidence from the disputants and witnesses. At this juncture, they feel adequately informed to analyze and assess the evidence provided by the parties to the conflict according to customs of the land and to determine wrongdoing. At this stage, they look to the past to identify similarities and contradictions in the proceedings, and how such a case was arbitrated in the distant past. And since customary law is mostly based on historical precedence, elders are better informed about how to determine what is right or wrong by recounting historical events similar to the case. This stage is very crucial in the overall process of arbitration because it reveals the cultural component of the case and tests the fairness of the elders, the interpreters of the law. The outcome of the consultation serves as the foundation for rebuilding the broken relationship, invoking respect for the interpretation of customary law and reposing confidence in the elders’ judgment as legitimate community rulers. Once the elders make a conclusive determination of the case, they have to contend with a very delicate step: how to approach the wrongdoer with the verdict so that the individual feels like ‘one of us’ rather than ‘one of them’. A face-saving strategy is sought by the elders at this moment to ensure that the individual clearly understands the verdict, why it was taken and its implication for reestablishing a new relationship built on common understanding and community stability. This is critical because although a determination has been made based on evidence that the person is guilty, efforts are made at this point not to humiliate the individual. The offender is not perceived as an outcast or individually responsible for the offense; rather people see his/her action as a product of the society which the individual inculcated during the process of socialization. As such, seeking the individual’s interest is crucial for social cohesion and the assertion of community values. Once the offender understands these nuances, he is asked to bring the *taemugalei*.

#### **ii) The Principle of *Taemugalei*, literally interpreted as “Begging Fee”**

*Taemugalei* is a fee voluntarily paid by the wrongdoer to the victim during the process of mediation or arbitration. *Taemugalei* can be given at any stage during these processes, especially when the individual recognizes wrongdoing from the outset. *Taemugalei* can be seen as something that lies between a fine and restitution. It is neither of them in some sense because the wrongdoer is not compelled by mediators or arbitrators

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<sup>6</sup> During my fieldwork in most parts of Sierra Leone, perpetrators and victims of the war were hardly distinguishable. Former combatants have melted into the civilian population as if nothing really happened, and there is that general sense of community existing between them. The situation has led many to question the relevance of the Truth and Reconciliation Commission as an institution to promote reconciliation among the people.

or coerced by family or community members to accept guilt. The compelling motivation for a *taemugalei* is to restore the pride or honor of the victim that was lost during the encounter. Put another way, it is a process in which an individual takes personal responsibility to compensate the victim for causing harm to the victim's dignity, fame, honor or socio-psychological wellbeing during the dispute in order to restore good relationship. What needs to be stressed in this process is the voluntary nature of *taemugalei*. The offender feels morally compelled to accept that his/her actions has wounded the pride, honor or dignity of the victim and that prolonging the case until fines are imposed at the end will bode ill for future encounters and relationships. It is a self-expression of guilt that underscores honesty and forthrightness. It brings to the fore the offender's moral rectitude and the value he/she places on maintaining a good relationship with the victim. Rather than wait for the arbitrators to impose a fine or ask for restitution, the individual, out of his own volition, seizes the opportunity to rationalize the pain and distress visited on the victim during the dispute, and how those feelings can translate into animosity if appropriate measures are not taken to address them. The offender's recognition of breaking community regulations and the need for reconciliation is equally fundamental to the process of *taemugalei*. The critical elements here are truth, forgiveness and peaceful co-existence. Once the *taemugalei* has been accepted by the elders and passed on to the victim, no one can revisit the *status quo ante*. The case will be declared by the third-party as closed and a new relationship is established. The victim has no right to revisit the case or to raise the issue against the offender. If the individual does otherwise, he/she is condemned as vindictive and foolhardy and classed as having acted in bad faith. The whole community will turn against the wrongdoer and reproach him/her. Traditional conflict management is communitarian in content and procedure. The individual is seen as the product and child of the community. One's actions and experiences are seen within the broader context of how those actions affect the smooth running of the community. One is, therefore, not just abandoned or one's own devices as is experienced in western cultures where individual rights, rather than community rights, are stressed and preserved. Instead, Africans preserve the integrity of the community by securing the individual's interests as part of the collective whole. Harm to an individual is perceived as harm to the whole community. This has cumulative advantages. Fundamentally, there is less individual stress and frustration because the community provides counsel and support to its members. There is no formal invitation for an intervention into disputes between members of the community whether married couples, family members or people are from different ethnic backgrounds. Disputes among community members are negatively interpreted as anger expressed by the gods for some wrongful acts. Therefore, community members always intervene to halt disputes from escalating or deescalating feuds by performing rituals to pacify the gods of the land. Because the community provides both moral and psychological support to individuals irrespective of their socio-economic class, suicides and other forms of taking personal lives are very rare in African traditional communities. There is always someone to talk to, someone to depend on, someone to confide in and someone to rely on. The boundary between personal and community problems is blurred and murky, if it ever existed.

## 5. Conclusion

Every traditional and cultural milieu has its own unique mechanism for managing conflicts and making peace. For instance, while the police in the developed world take responsibility for detecting crime, countries in Africa rely on oath-taking to getting at the truth. Regardless of the fact that African societies are increasingly becoming more modern and westernized, these practices have not withered away. As indicated earlier, Africans rely

heavily on chiefs, other traditional leaders, the council of chiefs and precedence to settle disputes and bring resolution. Such a system, which is largely unwritten, is seen as inexpensive, people-driven, custom-based, and is easily accessible by the people. In developed countries, premium is placed on constitutionality particularly the judicial system presided over by judges and lawyers. The research has demonstrated the significant role played by traditional leadership, cultural processes, institutions and values in peace-making among the Mende of Sierra Leone. Although modernization is the vogue, and many of the communities in Mendeland are moving toward and accepting modern ways of doing business, it is evident that most individuals, families and communities prefer indigenous conflict resolution processes because they are the closest, much cheaper and can speedily settle disputes before they spiral into major conflicts. Moreover, traditional peacemaking is based on cultural concepts, values, and procedures that are understood, practiced and accepted by all citizens. The article has also proven that people in traditional settings are more familiar with their cultural dictates and, therefore, it is easier to accept outcomes and to come to grips with responsibilities that emanate from the processes. Customary dispute arbitration processes are substantially informal procedures. People are familiar with the proceedings and, therefore, predictable; they are less intimidating; and judgement is speedily passed. When the processes of peacemaking are predicated on principles cherished and acceptable by a community, and are contextualized to capture their collective knowledge and experiences, they bring harmony and stability to that community. Against this backdrop, the principles of social cohesion, accountability, reconciliation, communitarianism, peaceful co-existence, tolerance, among others, remain core values in peacemaking and conflict management among the Mende of Sierra Leone.

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