

Traditional Approaches and Institutions to Conflict Resolution in Bakweriland, Fako Division, South West Region of Cameroon, 1819-2005.

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Abstract: *The absence of formal instruments of justice like courts, prison centers and coded laws especially during the pre-colonial era forced the local inhabitants of Bakweri land to devise ways of handling crimes within their societies. Punishment meted out depended on the amplitude of the crime committed and punishment varied from banishment to traditional performance that could even result to the death of the perpetrator of that particular crime. Using the qualitative approach, the paper examines the traditional approaches of conflict resolution in Bakweri land. It also shows the place of traditional institutions in conflict resolution in the study area. The study argues that, these mechanisms that were locally applied had a huge potential for enhancing access to justice, strengthen the rule of law and bring about development among communities hence their recognition and concludes that till date, even in the presence of the formal justice system, some of the traditional laws have continued to survive.*

Keywords: *Conflict resolution, Peace, Bakweriland, Nation building*

I. Introduction

Conflict is often seen as detrimental and counterproductive to social life especially if it becomes violent and destructive. In addition, taking into consideration the complexity of conflict situations, conflict resolution processes are by definition complex also. The African continent has a rich cultural heritage and a wide variety of traditions and customs. Traditional approaches to conflict resolution embedded in these African customs and tradition are very important in resolving conflict in communities and many other African societies. Amongst the Bakweris of Fako Division in the South West Region of Cameroon, where the people still adhere to their culture, they had their conflict resolution approaches which greatly contributed to the restitution of peace among their communities whenever the need arose. In recent times some of these traditional mechanisms have been recognized within the law subject to some limitations. For example a traditional ruler's authority to find out the rightful owner of land in a dispute today cannot be overemphasized. Thus they were used as some instruments of control in conflict resolution in Bakweriland during the pre-colonial period.¹

The Bakweris having been facing a lot of conflicts with land and chieftaincy being the most prominent from colonial times. In the midst of the several conflicts that have been plaguing them and is still recurrent till date, these traditional mechanisms continued to demonstrate their importance, especially in situations where the state comes in late especially with its long administrative procedures to resolve matters of conflicts. Thanks to traditional approaches and institutions to conflict resolutions in Bakweriland such as chiefs, traditional council, oath taking, libation secret societies, they made use of these instrument for the return of peace in their land. The first part of the article examines the traditional approaches to conflict resolution while the second part brings out the local institutions of conflict resolution in Bakweri land.

II. Mechanisms of Traditional Conflict Resolutions in Bakweriland

Traditional methods of conflict resolutions which will include local mediations, local negotiation, avoidance and even community conferencing were extensively used in resolving conflicts amongst the Bakweris. By tradition normally, traditional methods of conflict resolution one or both parties to a conflict request intervention by an elder of the village or even quarter head. Occasionally, elders of the land unite and bring u initiatives to form a local council to represent the community's interest.² Generally, these local peace

processes are low cost and are mostly financed through community resources.³ Looking at the situation in Bakweriland in resolving conflicts, rituals oath taking and many more. Traditional mechanisms were also put into effective use such as local mediation and negotiation, as well as avoidance and community conferencing. Generally, traditional approaches to conflict resolution in Bakweriland are aimed at finding a compromise that is acceptable to all parties involved in conflict and which can best reestablish peace, respect and even friendship among conflicting parties. These approaches try to find a consensus among conflicting parties through intensive discussions and negotiations during which both parties learn to understand the other party's interests, motivations, feelings and even their fears and desires. Such dialogue also helps to identify earlier conflict reasons for mistrust or revenge as well as additional conflict issues which might even be the primary conflict. In essence, all traditional approaches seek to reestablish a positively functioning relationship and to agree on terms for future interaction.⁴

2.1. Local Mediation

Mediation is a process in which a trained person, a mediator assists people in a conflict to communicate with one another, to understand each other and if possible to reach agreements that satisfy every one's need. Furthermore, mediation is a voluntary and confidential dispute resolution process in which a neutral mediator assists parties in finding a lasting solution to their conflict.⁵ Also, mediation can be defined as a voluntary, informal and non-binding process undertaken with an external party that fosters the settlement of differences or demands between directly interested parties. Mediation can also be defined as a process by which a neutral party—a mediator acts to assist parties reach mutual acceptance and voluntary agreement with respect to dispute.⁶ In other words the simplest translation for the word would be “in the middle”.⁷ Going by the aforementioned analysis, one can conclude that mediation is assisted by a third party where parties to a conflict admit that they have a problem which they both are willing to resolve but in which the mediator manages a negotiation process but does not impose a solution on the parties.

2.2. The Process of Mediation.

The normal kind of mediation are facilitation, good offices and consultation. Facilitation happens prior or parallel to the negotiation when facilitators try to bring conflicting parties together; facilitators talk to parties separately often through shuttle diplomacy. Good offices are low-intervention mediation efforts. Consultations, mediators act like advisers to the conflicting parties.⁸ Generally, the process of mediation involves premediation. This method or strategy of peace building must be on going and usually involved a third party, that was an external party that assist to settle the differences between parties. This usually happens when the parties to a conflict recognize that they have a dispute which both are committed to solving in which a third party manages the peace negotiation process but does not impose a solution on the parties.⁹ This involves framing the issue, meeting separately with contending parties gathering information and preparing them for the face to face meeting establishing or agreeing on rules of conduct (developing options), rules on how to deal with the mediation; negotiation: what to do and what not to do.¹⁰ Generally, before mediation begins the mediator must make sure that thorough information on the conflict and persons involved had been gathered. This helps to clarify the nature of the conflict and also helps to identify which method will best suit its solving.

The next is mediation proper: As the background of the conflict is explored, the social situation of each party is considered. This is to form an impression of the interests and needs, aspirations and motivations of each party. From the beginning of the conflict transformation there may be an inclination to understand more about the inner motives of the parties. Moreover, as the talking proceeds, which may lead to modifications of perceptions or positions of the mediators or the parties involved, the constituencies of the parties as well as the social groups are respected. If a party feels insecure and acts unassertively, the mediator's help by making such a party realize that they would be impartial in their role. This is done to enhance the sense of empowerment and confidence of the unassertive party.¹¹

Consensus seeking is the next important approach. This may develop into an extended search and much patience is needed here. Every new consensual outcome confirms the validity and value of the time-proven

tradition of this process. It also creates confidence that such a jointly developed decision will prove to be effective and long lasting¹². The choice and timing of questions are very important. In mediation open-ended questions are preferable; as they give the disputants the freedom to say what is more important to them. In fact, they encourage disputants to tell their own side of the story and generate more information. Generally, open-ended questions keep conversation flowing and help to avoid dead-end “yes” and “no” answers. For instance, how do you know it was “A” who first present at the scene? However, there is no need to avoid closed questions. Mediators can ask closed questions to have clarification and to obtain specific details. For example, how much did you pay to buy the plot? How long have you worked or lived on the said land? In the process of questioning, the mediators should avoid starting with sensitive and complicated questions. It is usually advisable to start with simpler and easier questions before getting to the difficult or sticky issues such as, asking an explanation of the genesis of the problem; what happened next? More so, the mediators ask questions in ways that portray genuine care, curiosity and interest.¹³

Through conflict study the mediators are able to differentiate between positions, interests, stance and needs. Positions/stances refer to one's particular way in which he feels comfortable to find solution to the conflict/problem, while needs/interests refer to the root cause of the conflict. These interests/ needs usually form the core of the conflict. By understanding the different interests/needs and positions/stances, mediators can look for bridges, commonalities and concessions which each side can make. These common points may become the bases for an agreement and may generate optimism in the course of finding a solution.¹⁴ Thus the essence of mediation is listening attentively to people in dispute, and the trust which develops during the process allows the mediator to perform “a bridging role” between the parties. It is a voluntary process which permits the mediator to ask them what they really want and urging them to think hard about the costs of not reaching an agreement.

In mediation, the squabble want to have a sense of being heard, taken seriously, feel important and fully present their views. This entails active listening, which can be done verbally and non-verbally that is, through eye contact, body language, physical proximity, touching and so on. Furthermore, the mediators should avoid judgment language and should ensure that there is balance conversation. The mediators should also keep at arm's length frequent interruption and interjection; prevent a situation where parties personalize the conflict by attacking the person rather than the joint issue or problem. This might lead to an upsurge of personal attacks, which might lead to forgetting the conflict itself and wasting time and energy attacking one another rather than resolve the dispute; ensure that parties should avoid allegations, abuse, generalizations, revisiting the past, and forcing others to say what they do not want to say. One of the means to avoiding this way of avoiding such a situation is for the facilitator to encourage conflicting parties to explain the situation and its impact on them by using “I statements” instead of “you statements”. That is, for example, explain how you feel and what you want rather than interpreting or judging what the other party did and guessing his motives.¹⁵

The mediators usually should have control over how the parties express their thoughts. They should guide the discussions to follow three parts: first, the facts of the problem as perceived by the parties (without interpretations and opinions). Second, the impact (feelings or reactions). Third, possible remedies (what should happen next).¹⁶ The process of mediation ends up when disputants reach an agreement. However, for mediation to be effective the mediators need to possess certain qualities.

2.3. Customary Mediation Process

When Africans in general and the Bakweris in particular sit down to discuss on a conflict, the talking usually covers all kinds of relevant background and goes into the thoughts and intensions of others. The elders from a family, clan or state and chiefs see their traditional objectives in conflict resolution as moving away from accusations and counter-accusations, to soothe hurt feelings and to reach a compromise that may help to improve future relationships.

Chiefs and elders are respected as trust worthy mediators amongst the Bakweris in general because of their stockpiled experiences and wisdom. The roles of these mediators would depend on traditions, circumstances and personalities, accordingly. These roles include: listening, giving assessment, pressurizing, making recommendations, and conveying suggestions on behalf of one party or the other. They do this by means of facilitation, through clarifying information, interpreting standpoints, summarizing discussions, emphasizing relevant norms or rules, envisaging the situation if they cannot come to an agreement, repeating an agreement

already attained, or encouraging a communication that is clear. That notwithstanding the mediators can also be passive because they also represent important shared values.¹⁷

As the context of the conflict is explored, the social situation of each party is taken into consideration. This is to give a feeling of the interest and needs, yearning and motivations of each party. At the beginning of the conflict resolution there may be a tendency to understand more about the inner motives of the parties. Furthermore, as the talking proceeds, there may be modifications of the perceptions or positions of the mediators or the parties involved; and the constituencies of the parties as well as the social groups are respected. If a party feels insecure and acts unassuming, the mediator's help by making such a party realize that they would be impartial in their role. This is done to enhance the sense of empowerment and confidence of the unassertive party.¹⁸

Taking a decision has never been easy. The process involves too many considerations of social importance in solving conflicts because internal solidarity and social relations are very pivotal. The quest for a common ground to come to a consensus is also a very important approach. It entails a lot of patience and the search can go on for a very long time. Worthy of note is the act that time has its value in tradition in solving conflicts thus; time spent to come to an agreement justifies how relevant it is in resolving conflicts traditionally. Furthermore, it goes to prove that decision taking jointly is more effective and last for a long period than single-handed decisions making.

As an agreement is finally arrived upon, the concerned parties are been notified of the decision. This agreement is proclaimed as a social contract in a ritual manner which depends on the society they find themselves in. In Bakweriland, like in many other African communities, the proclamation of peace and reconciliation can range from a handshake in public to an elaborate ceremony as required by tradition. The motive of this is to spread the news about the satisfactory conclusion of the conflict resolution process. This also places an additional obligation on the parties to respect the agreement. Society also plays an important role by assisting with implementing the agreement. From this stage, all the parties and the entire community can check whether the parties are really keeping to their commitment.¹⁹

The customary mediation is important for a number of reasons. First, it stresses the need of fostering a spirit of peace and mutual respect for both individuals and groups in times of conflict. This was effectively ensured through the clan councils and chiefs. Second, conflict is viewed as a communal concern. Conflict resolution follows conflict pattern as embedded in the norms and customs of a society. Resolution processes, therefore, were culturally prescribed. Emphasis was placed on establishing right and wrong, winner or loser. Thus, punishment was not aimed at retaliation, but at restoring equilibrium, usually through the mechanism of restitution, apology and reconciliation. There are emphasis on justice and fairness, forgiveness, tolerance and co-existence.²⁰

Conflicts were therefore seen as a part and parcel of social life. Therefore there was a need to lay down strategies to solve these conflicts even spiritually that is in terms of culture. The spiritual dimension was quite evident. Considering the fact that culture is a part of the people, it was common to see rituals been performed as methods of conflict solving and to keep the community intact. Traditional cleansing is an important process practiced to appease the gods of the land especially the gods of the mountain in the case of a conflict. At first, sacrifices 'yawo yaawo' were done using albinos or moongo, to appease the gods of the land, however, there are other offerings used instead of the moongo presently.²¹ The *mooka mo maley* is a sacred place used by the *Maley* people to do cleansing 'tanize' and the *ekoloko la maley* is used to control conflicts in the land. In the event of a conflict the *ekoloko la maley* will set up an injunction order on the disputed property until the dispute was resolved by native authorities.²² This traditional protocol enabled proper traditional management of the resources which enhanced sustainability. The approach thus emphasizes healing of emotional wounds created by the conflict and restoration of social relationship. This was often done through public acts of reconciliation which were entered into by all parties, and were binding on all the parties involved.²³

Where there was breach of confidence sanctions like the exclusion from community groups or traditional associations was made. In some cases some villages were excluded from cultural activities due to either their unpreparedness for the event or some conflicts that existed. A case in point was the Batoke village which was excluded from canoe race because they did not have a canoe to pull during the cultural event. Events like canoe racing, cultural wrestling were all a uniting force among village because it brought a lot of villages

together. All these helped to transform conflicts to harmony and reminded the groups of their shared unity. Thus in the African settling in general and that of the Bakaweris in particular "private dispute" are not really considered, since a dispute affects everyone in one way or another. As one African philosopher, John Mbiti, correctly says, the African philosophy is based on the "I am because we are since we are therefore I am" principle. Also among the mopkwe people, there is a popular saying that goes thus "*Lia loko lirha kaka lomba*" meaning a bundle cannot be tied singled handedly. To the Africans, therefore, there is recognition of the importance of relationship, togetherness and harmony in the community.²⁴

More so, indigenous conflict management and resolution mechanisms objectives are to resolve conflict locally, while replacing external dispute resolution and thereby lessening dependence on external structures. Traditional mediation helps community to keep control over the outcome of the dispute. Implementing this approach does not need complicated procedures or expensive campaigns; rather it is cheaper and empowers means of resolving conflict within a relatively short time frame. Also, in many societies, such as in Bakweriland, chiefs and elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes. Traditional conflict mediators usually possess moral status, seniority, neutrality and commands respect in their community. They are acceptable to all parties and demonstrate leadership capacity. In additions, traditional mediations is effective in dealing with inter-personal or inter-community conflict. As the different case studies in this work indicates, this approach has been used at the grassroots level in Bakweriland to settle disputes over land, boundary, chieftaincy, fishing, inheritance, ownership rights and many more.²⁵

That notwithstanding, one of the main weaknesses of indigenous mediators is that they often bring important social influence but may lack the power and the means to enforce the resolutions adopted. Advices only accepted when both parties agree to it; both parties must feel their concerns were properly addressed. Moreover, Conflict resolution by elders using mediation is based on social or cultural values, norms, beliefs and processes that are understood and accepted by the community. Based on this reason, people are able to abide and comply by their decisions. It is said that as a man grows old, his prestige increases according to the number of age-grades he has passed. An elder's seniority makes him almost indispensable in the general life of the people. As such, the presence or advice of elders is sought in all functions including in dispute resolution.²⁶ Elders hold supreme authority and customs demand that they be given due respect and honours, not only when they are present, but even when absent.²⁷ Respect for elders, ancestors, parents, fellow people and the environment is cherished and firmly embedded in the mores, customs, taboos and traditions amongst Africans. According to Bujo the admonitions, commandments and prohibitions of ancestors and community elders are highly esteemed, they reflect experiences which have made communal life possible up to the present.²⁸ Due to the respect accorded to elders, people avoid being in conflicting situations. For example, Kenyatta documents how a man could not dare interfere with a boundary mark amongst the Kikuyu people, for fear of his neighbour's curses and out of respect. Boundary trees, lilies and demarcation marks were ceremoniously planted and highly respected by the people. If the boundary trees or lilies dried out, fell down or was rooted up by wild animals, the two neighbours would replace it. But if they could not agree as to the actual place where the mark was, they could call one or two elders who after conducting a ceremony would replant the tree or lily.²⁹

Nicolas states that community mediators were "[...] people who could post one judgment, who did not try to impose their values on participants in the process [of mediation], who were not upset by, but sensitive and able to deal with cultural differences, people who could listen with understanding."³⁰

Ury also summarizes the conduct of African traditional mediation and the role of the mediators in the following words and I quote:

[...] opposed interests were resolved within the context of community peace. Quarrels over rights were sorted out within the context of overall community norms. Power struggles were retained within the context of overall community power. The mediators [...] represented the norms and values of the society, especially on moral issues. Thus they advocated a settlement that would accord with commonly accepted principles of justice in terms of customs, virtues and fairness, and reflect community judgment about appropriate behavior."³¹

2.4. Importance of Mediation

Mediation is the most regularly used form of alternative dispute resolution. Mediation permits parties to have a better control of their lives and make their own decisions. This enhances understanding, cooperation and agreements between both parties. It is less costly and takes less time than litigation and compliance since agreement is often higher than with court-imposed judgment. A major benefit of mediation is seen as privacy. The process is very much restricted from the public therefore avoiding others having access to sensitive information. In addition during mediation, the disputing parties have the opportunity for self expression as well as the opportunity to personally make decisions. Nobody makes a decision, provides any legal advice or recommend the terms of the agreement for the disputants. Mediation provides an opportunity for conflicting parties to listen to each other and also express themselves. Mediation is not about winning and losing, rather it is about having an opportunity to identify solutions that work for everyone.³²

Furthermore, since Mediation is voluntary, thus any party which becomes dissatisfied with the mediation process has the right to withdraw at any time. This eliminates the option of any party intimidating the other. In addition, mediation better improves communication between parties there by ameliorating relationships in future. In addition, it recognizes that both parties in conflict have legitimate needs and helps develop options that will successfully reconcile those needs to the satisfaction of both parties. Through mediation also, the parties can fashion creative solutions which benefit both parties-expanding the pie, rather than halving it.³³

2.5. Local Negotiation

Negotiation is the process by which the parties within a conflict seek to settle or resolve their conflicts. Negotiation is a direct process of dialogue and discussion taking place between at least two parties who are faced with a conflict. Local negotiation can only occur when two parties are willing to meet each other to work towards finding a lasting solution to conflicts amongst them. Negotiation is a method by which people settle differences. It is a process by which compromise or agreement is reached while avoiding argument and dispute³⁴. Both parties come to the realisation that they have a problem and are conscious of the fact that through dialogue, they can find a solution to the problem. There are two types of negotiation. That is positional and collaborative negotiation. Positional negotiation is based on the pursuit of the interests of the parties, and is typically adversarial and competitive, collaborative negotiation on the other hand is a process where parties try to educate each other about their needs and concerns, and both search for the best ways to solve their problems in ways that the interest and fears of both or all parties are met.

The main aim of negotiation is to reach an agreement through a joint decision-making by the parties.³⁵ Local negotiation has been extensively used in Bakweriland for settling of disputes. Severally and on different occasions the Bakweris made use of the mechanism to settle their common problems even at the level of families. Going by the order of events in a conflict, each party finds a representative who is usually an elder who has a mastery of the issue at stake. Elders who played the role of representatives in most cases played a vital role in promoting solidarity and peace between the villages at conflicts or the families in question. The elders had this respect thanks to their significant status in the community which instilled confidence and made the people to turn to them to enquire facts in the course of a dispute and to pave a way forward to restore peace and harmony.

2.6. Community conferencing

This entails a structured conversation involving all members of the community (offenders, victims, family and friends) who have been affected by the dispute or a crime. Using script, the facilitator invites people to express how they were affected and how they wish to address the harm that resulted.³⁶ Usually the Chief presides and the secretary of the village traditional council is in charge of the script writing to facilitate the process. This is so because the chief by tradition has certain powers conferred unto him which permits him to take some decisions in the phase of a conflict to restore calm within the village. This is a very useful in bringing about peace as it brings back the old age tradition whereby a problem affecting an individual is considered the problem of the entire village. Such meetings were usually done in the palace or at the village square or better still village community hall where the entire community could freely sit together for a good deliberations.

In African traditional societies, dialogue is seen to be one of the most effective instruments to bring about peace in the advent of turbulence. Therefore, the Bakweris viewed community conferencing as one of the

most palpable traditional aspects of resolving conflicts considering the fact that village elders are involved in collaboration of the chief to settle disputes in the village. The positive aspects about community conferencing was the fact that the discussions were frank, open and gave insight to the problems. Depending on the situation, the victims were sometimes asked to pay a token fine as a symbol of penitence. Thus conflict were solved in Bakweriland through free dialogue and frank discussions.³⁷ It has been and is still a very much appreciated mechanism as it returns the people to village communal life by calming down the tension as well as it envisages the eventual possibility for the non-return to violence in the community.

2.7. Avoidance

Conflict avoidance is a person's method of reacting to conflict, which attempts to avoid directly confronting the issue at hand. Methods of doing this can include changing the subject, putting off a discussion until later, or simply not bringing up the subject of contention.³⁸ It is a legitimate approach to settlement of conflicts and it is a consciously chosen strategy of deliberately walking away from a conflict situation. In most Bakweri villages, houses are built very closely link to one another. There is usually the tendency of people passing in front of a neighbours house as a main road leading to their own houses. In such cases, when two neighbours are at war and they decide to play the avoidance policy, the person who uses the others compound as a main road to his house derives a strategy or another road of going to his house by not passing in front of the neighbours house. In this is a situation, the tension dies as there is no constant contact among them. Fear only arises when the two parties meet face to face. Yet in the course of meeting, they still avoid each other by not exchanging pleasantries or greetings.

III. Traditional Institutions for conflict resolution

Traditional diplomacy has excellent functions in the prevention and resolutions of conflicts in Bakweriland. Without the techniques put in place to manage conflicts in Bakweriland, many conflicts would have gone sour. The ability of tradition to have institutions and mechanisms to easily resolve their conflicts has led to proper management of conflicts without necessarily engaging other methods. We define conflict resolution institutions as the organized structures or units that use guiding principles or norms to settle indigenous disputes and ensure understanding and peace amongst the community members. They are also considered as media through which problems between two or more persons or between communities are resolved. In the pages ahead, we will examine the different traditional institutions and mechanisms put in place traditionally to resolve conflicts in Bakweriland.

The chiefs represented the interest of the people in all aspects. In most traditional societies there exist traditional institutions that are in charge of resolving conflicts and peacekeeping. 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 coexistence among members of a community. As such, the processes of traditional peacemaking and conflict resolution are deeply rooted in the consciousness of the community. In other words, they are people-centered, participatory and community-oriented. As stated above, the case of Bakweriland is no different. Conflict resolution approaches are less intimidating because Africans have distinctive characteristics that include the people's dressing style, music, language, religion, work, arts and many more They are also bonded by social norms, value system and more.³⁹

Indigenous approaches to conflict resolution 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 . 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.

3.1. The chiefs

Conflict is a permanent characteristics in all human societies. Although the nature of these conflicts may vary from place to place the same is true for means of resolving conflict; they vary from society to society. In the cultural history of indigenous African communities, the institution of traditional leadership has succeeded in maintaining its reputation and, continues to play a very active role as custodian of the culture, customs, origins, and history of its people. Prior to the colonisation of Africa, the institution of traditional leaders was the only form of social organisation of the African peoples. In this situation, traditional leadership could be defined

as a body of governance in a particular place that is based on the application of customary law which was developed centuries ago.⁴⁰

Traditional leaders otherwise referred to as Chiefs, play a pivotal role in settling disputes among the Bakweris of Fako Division of the South West region of Cameroon. Chiefs are regarded as custodians of the traditional law and custom, of the people and it remains their sole responsibility to ensure peaceful co-existence in their communities. The Chief had as duty to adjudicate in conflicts, coordinate ceremonial activities and consolidate collective consciousness through religious rites and rituals .They also control social integration and territorial unity. With all the powers conferred on the chiefs they used these powers to resolve conflicts as it was their direct responsibility. In a situation where a decision was taken after resolving a dispute, it became their responsibility to reinforce the decision taken for peace to reign. Village chiefs settled disputes like boundary differences, quarreling, theft, and divorce cases. Each village chief had a council of notables composed of elders who knew the tradition. Chiefs decisions concerning conflicts is the final. They had the supreme say over matters that were brought before them to be resolved. Thus making them one of the greatest and most accredited institution of resolving conflicts traditionally.

3.2. The village traditional council

The village traditional council was one of the institutions that were charged with the resolution of conflicts in Bakweriland. All the villages that made up Bakweriland had their traditional council that handled matters of conflicts. One of the main institutions charged with conflict resolution traditionally over the decades which is well recognized is the traditional council. All villages had traditional councils responsible for resolving conflicts. Each traditional council served as a traditional court. Councils handled matters taking into consideration the beliefs, customs and the way of life of the people. The village council acted as a legislative arm of the government. Even the Chief who was the head of the village had to seek the approbation of these institution on important matters concerning the village.

The village traditional council handled matters ranging from land, succession rights, killings, divorce, quarrels, fighting, debts, absences from communal work, insults on women and many more. The village council was headed by the chief and was assisted in solving disputes. Village secretary existed. The council tried matters and those above the council were sent the chief. In a situations where the chief was absent, regent chiefs represented the chiefs. The village council was headed by a chief and was assisted by respectable elders or family head of the village. Each village had its own traditional council . The procedure for trial cases almost uniforms in Bakweriland. There was a village secretary who received cases , tried them first and those that were above him to handle were forwarded to the chief for judgment. The chief regent at times acted in place of the chief during his absence.⁴¹

The village traditional council was made up of the following members: the chairman who was the chief, the vice chairman, the secretary who acted as the administrator, the treasurer an five other members. A few women were permitted to be members of the traditional council. There were also three messengers who were responsible for the dispatching of convocations to the concerned people and also made arrangements for matters to be heard. There was also a local lawyer who could be consulted because he was legally connected since he attended cases in the courts and was vested with Western system of Law.⁴²

On how judges were chosen in the traditional Council Chief Epupa .Samuel Ekum explains that most of the villages had natives versed with tradition of the area. Those who were chosen to sit in the village traditional council included experience elders who had little knowledge on the legal systems, people who might have worked with the whteman especially the missionary (Bassel Mission). Some quarter heads versed with the village, its tradition and set up, sincere people who might good example and character, knowledgeable people, somebody from the royal family to replace or represent the palace councils, the complainants and the plaintiffs were treated harshly but equally as more often they were made to sit at the center of the floor for the trial of their cases.⁴³

The sanctions of the courts were usually in kind. This council acted like a peace force. The traditional council however had its shortcomings. Some individuals accused some of its members of bribery and corruption for at times; they took sides wit those who were found guilty since they gave them money or material wealth in order for them to change the course of justice.⁴⁴ It is important to note that the traditional council had certain

instruments they used to ensure that whatever decisions that were taken on a guilty person during a conflict resolution were implemented. These instruments can be an equivalent to the modern day police and gendarmes that were and still used by the decisions of our modern courts today.

3.3. The family

The family served as an appellate court to arbitrate family disputes. This was an ideal forum to resolve domestic conflicts but cases above their competences were referred to the village traditional .The family in Bakweriland is divided into two main components namely the nuclear family which consist of the immediate family and the extended family which consist of in-laws. The nuclear family, is composed of the husband who is the head of the family, his wife and children. Here the husband's authority in the family is supreme. He is the main administrator of the family matters including property, inheritance and succession issues as well pride price and many more. Disputes at the family level were arbitrated upon by the lineage head known as the *Mombaki wa Litumba*.⁴⁵ Such disputes included insulting someone and theft. This was the main institution used to manage immediate family problems.

The lineage head mindful of his position had the powers to summon and resolve disputes that emanated from within his family circle. He ensured that problems faced within his family were peacefully resolve. This was a strong booster to family ties and bonds as in the past a lot of people believed in the family circle as a peaceful place. In situations where the family head could not easily restore peace and order, the attention of the village head was drawn to enable them come to a conclusion of the matter amicably. Thus the family remains a strong institution of traditional conflict resolution which has worked tirelessly for the return of calm in village settings and the family circle as a whole.

IV. Other traditional tools used for conflict resolution in bakweriland

4.1. Peaceful talking

Here it is a matter of "soft speaking, persuasion and peace making". In this scenario the decision taking by the traditional council is been meted on the guilty person through peaceful talking. You are advised to in respect of the traditional council obey the sanctions that have been meted on you for the return of peace in the village. Over the years, it has been realized that the peaceful talking method has resolved so many problems amicably without resistance. In this manner the method was adopted as it appeals to the conscience more and many people abide to it.

Usually in the traditional councils, members were average 40years of age and above. The traditional council usually held its meetings on meeting days and there was a day among the meeting days reserved for judgment of cases. After examine the matter at stake, the decision is announced to the defaulter. A time frame is usually set for the defaulter to abide to the sanctions. When the verdict is announced, the peaceful talking method is now used to persuade the defaulter to abide to the decisions. This the people cherished as they could handle matters that concern them peacefully.

4.2. Investigatory commissions

At the local level, traditional authorities set up investigatory commissions to be able to manage their conflicts amongst them. A common scenario where an investigatory commission is useful is during a land conflict. Usually and investigatory commission is put in place to go check the different boundary limitations that existed before the conflict escalated. The delegation is usually responsible for any action taking in the area. They had the responsibility to go get facts on the ground which will enable the council of elders to better appreciate the land in contest as well as solve the dispute at hand. Thus it was a traditional diplomacy which ease the solving of conflicts in Bakweriland.

4.3. Oath taking

Traditional diplomacy in resolving conflicts were also manifested through oath taking. The taking of oaths played an instrumental role among the local people to bring some of their disputes to an end. An oath is a promise especially that you will tell the truth .It is a sword word especially on which uses God, a revered object that has a symbolic meaning or ancestral bindings. For such oaths to be realistic, both parties were present and the principles for the oath were laid by those in charge. It was believed that traditional instruments upon which the oath was based was the icon of the gods and no one guilty before it could go scot-free. Oath taking acted as a medium to which both parties gave their confession and the one who was guilty and gave a different impression was exposed to the wrath of the gods. This was a strategy used to resolve minor land disputes and other disputes in Bakweriland. Oath taking was some sort of a promise never t repeat an act or restrain from the particular action entirely. The chiefs resorted to this as it was binding on the decisions they took after resolving a conflict. To an extent, it was some sort of punishment which chiefs imposed on defaulters. Oath taking was a common

sanction and the village administration believed it was backed by the gods of the land. It was masterminded in a manner by which those found guilty and did not want to accept were caught by this oath. The Bakweris made use of this as far back as the 1850s which they used the sasswood poison to dictate anyone suspected of witchcraft. This, the German colonial administration was no comfortable about as they laid claims that some individuals cultivated the habit of corrupting those in charge of administering the oath taking.⁴⁶

4.4. Exchange of gifts

Traditionally amongst the Bakweris in worrying situations, once one party begins sending gifts to the other party at conflict with, it is a symbol of wanting the return of peace. It is a clear indication that the party sending forth the gifts do not want the prolong disputes but rather he is ready for appeasement. Gifts could range from hot drinks too expensive African fabrics, piece of land and others go as far as giving out a daughter in marriage to ensure a long lasting relationship between the disputing parties because the marriage now bounds the two parties as one family.

4.5. Display of the masquerade

It became a common scenario back in the days to hear the “nganya” during the night and see the “obasinjom” especially during the day dancing around the village with the aim to settle witchcraft disputes.⁴⁷ The obasinjom which is a secret society common among the Bakweris and the Manyu people dances around the village to sort out all the witches and wizards disturbing the village. When the masquerade comes out, it is an indication that there is problem of witchcraft in the village and the land needs to be cleansed of it. Usually if a person is accused of witchcraft by the obasinjom, the obasinjom ensures that the person confesses or in some cases they will dig up where the concoctions were buried to show proof that the witchcraft indeed existed.⁴⁸

Once the obasinjom uproots your witchcraft where it was buried or causes you to confess your evil or exposes your evil dealings, you were expected to follow the team that came out on that day with the masquerade to the house of the obasinjom for ritual cleansing.⁴⁹ During the process of cleansing, some traditional items are been requested from the person to perform the action. These items are usually bought by the victim of better still you hand over the money to the members of the secret society to go search for the items and perform the rituals. The concern is expected to be in the custody of the members of the secret society during the period of cleansing till is over. Since most people were scared of the masquerade, decisions taking by the masquerade with regards to accusations of witchcraft were usually final and the concerned must abide. Failure to abide might cause the masquerade to cast a spell on you for disobedience.⁵⁰

4.6. Secret societies

There are a lot of secret societies that exist in Bakweriland with each having a role in the maintenance of peace and order as well as resolving conflicts. The Bakweri regard deities and ancestral spirits as vital to everyday life (i.e. in guarding the land and promoting peace and prosperity in society). Consistent with views of different interviews carried pointed that individuals of Bakweriland maintain relations, believe for peace in their communities with their ancestors and deities through sacred societies and cults.⁵¹ In this situation, taboos reinforce Bakweri traditional beliefs and are punishable upon violation-for example, by casting spells that require ceremonial cleansing for curing. According to folkloric narratives told by respondents, certain animals like the African forest elephant, whiteface owl, and python are rarely touched for fear that they carry spirits of the deceased. In this tradition, felling certain trees or killing particular animals only occurs after ritual consultation with deities. For this reason, ritual practices remain essential for many people, for the sake of cultural continuity and peace to reign. All these are beliefs which the people have in maintaining peace and order in their land.

4.7. The Nyangkpwe cult

The Nyangkpwe cult symbolizes a pathway for the traditional cleansing of villages with the help of ancestral spirits. A member of the Mautu Traditional Council talked about the use of forestland for *Nyangkpwe* in a ritual activity aimed at cleansing and protecting villages from external hostilities.⁵² This was a manner to restore peace when there was inter village conflicts. The situation was not very different from that of Lykoko village where a religious cult, *Ikpe*, is used to prevents violent confrontations between villages. These are

evidences that the Bakweris hold on to culture for security reasons.⁵³ With secret societies such as this, they were able to resolve conflicts that occur between villages and ensure that each village could live in peace with its neighbour. Thus secret societies had their place in the resolving of conflicts in Bakweriland which was a traditional method of restoring peace among villages.

4.8. The Maalé

The Bakweri possess a prominent ritual known as Maale, a tradition rooted in Bakweri ancestral tradition and practiced in remote forests and villages. They maintain the Maale ritual, and also safeguard their shrines. The Bakweri people use Isuma cave and a red hill in the forest for Maale".⁵⁴ The Maale ritual is a traditional event that takes place within the forest, and in specific events. The Maale ritual uses sacred sites (caves and hills) in remote forests in villages. The secret societies use huts known as the *Mohoko juju* house which traditional doctors *Gahga yowo* use occasionally for witchcraft, healing, and to contact ancestral spirits.⁵⁵

Local narratives about the origin of *Maale* ritual seem rather diverse with different stories told by the people. A Hunter from Etome village maintained that: A hunter from *Womboko* a nearby village to Mount Cameroon went hunting in a forest and was later announced dead. Unexpectedly, he returned to the village, recounting his contact with ancestral spirits who taught him secrets of the forest and how to transform into an elephant. When village elders consulted the ancestral spirits to verify his story, they found that the spirits confirmed the hunter's narrative to be true. This confirmation urged village elders and hunters to initiate themselves: a process that required animal sacrifices, prayers and pouring of libation in the forest. Men exclusively performed this ritual.⁵⁶ Elephants have a symbolic role in the *Maale* cult. They represent totems from which the Bakweri extract spiritual powers to protect villages from external hostilities.⁵⁷ Male members of the *Maale* cult mimic such powers by illustrating the strength of Bakweri men through ritual dances where the men dress as elephants (*Njoku*). The word *Njoku*, in Mokpwe, refers to African forest elephants believed to keep ancestral spirits crucial to alter life events among the Bakweri.⁵⁸ This is why Bakweri traditional norms protect African forest elephants from being hurt. Knowing how powerful this secret society is and how much the Bakweris believe in it, they used the cult as one of those traditional instruments to settle and restore calm in the village. Most especially members of the *maale* cult when they committed a crime, they were being judged by the *maale* cult. Villagers who do not belong to the cult were not allowed to eat food prepared by cult members or drink from the gathering. Different fines were allocated for defaulters and they were made to be according to the law of the secret society. Therefore, the *maale* secret society played a major role in assisting the chief to resolve conflicts and restore order in the village.

Another version holds that the *Maalé* secret society was believed to have originated from Bomboko (*Womboko*)⁵⁹. The word male was of Bakundu origin having two significant meanings medicine and tree. In the Bakundu language the word male was the pluralized form of medicine or tree of which the Bakweris adopted as *Mae*. The founder of male was a man called *Lisongo Mwete* who lived in the Bakundu homeland. He was a trouble giver among his kinsmen. It was believed. It was believed that he committed a serious crime in the village and took to hiding in the forest for more than twenty (20) years undiscovered. Where he took refuge, he had a vision in which he saw a man called *Mosongo Na Ngonge* who ordered him to give him instructions to create a drum out of wood from the forest in which he found himself. When the drum was created, he decided to start playing it and out of his intuition with time, he decided to organise the burning fire to which accompanied the rhythm of the drum. He also made a dress from palm fronds. Symbolically, the small drum represented the *Ngaya* while the burning fire represented the *Njoku* dance. When *Lisonge* was discovered serendipitously by a hunter and the news was brought back to the village to the elders who went searching for him. The six (06) elders who went for the search of *Lisongo* were initiated into the cult. While there with *Lisongo*, they took an oath not to disclose the secrecy of the action. This was the origin of the male secret society. The revelation of this group disseminated to divergent villages in the Balundu and other clans. While some villages welcome the idea to join, others rejected it saying claims it was an evil gathering with satanic motives.

The *malé* society in Bakweri land consisted of men. It was believed that members possessed elephants and could transform into an elephant at will.⁶⁰ The word *malé* originated from the Bakundu which the Bakweri

adopted.⁶¹ People belonging to that society are of different grades and possessed some mystical powers making them different from others. The grades of *malé* in ascending order are *lova*, *vejuka*, *tamba* and *vekpa*.⁶² The four classes or stages of membership in ascending order was introduced by the Bombokos as a means of uneven distribution of food when it came to sharing their proceeds obtained from ceremonies. Any member who would like to be initiated into the higher echelon paid a membership fee accepted by the group and also provided drinks and a pig if possible. *Male*⁶³ the most popular cultural dance in Fako Division is commonly called the *elephant dance*.⁶⁴ While the *male* is seen by outsiders or non-initiates as a mere dance, it carries with it deeper cultural meaning and symbolism.⁶⁵ Should a member divulge the secrets of the *male* cult, he may die or suffer from paralysis. Some Bakweri villages involved in this cult included: Mafanja, Bokwango, Bova, Bakingili, Mokunda, Batoke, Bojongo just to cite a few.

Membership into the lower grade permitted the member to eat and also to enter into the general dance at the level of the general performance of the association. It was only at the three upper levels that a member could possess an elephant and at the second and fourth stages a member could have two elephants. This society taught men to be courageous. The *Male* taught the men traditional medicines as they knew the value of several herbs and what ailment these could treat. Thus some of the men in the society were known to be herbalists as they used the herbs to treat fellow villagers. Apart from the *male* society there existed the *nganya* society.

4.9. The “ihvarza mote” or “Efassa Moto”

In Bakweriland, dieties like “*ihvarza mote*” or “*Efassa Moto*” popularly known as god of the mountain played major roles in conflict resolution and the return of peace in the village. With regards to *Efassa Moto* which the Bakweris strongly believe in the people worship the diety. From sources on the field, they explained that sacrifices and pouring of libations were important gestures to request peace and protection of the village from *Efassa moto*. A member of the Traditional Council stated: “There exists incantation where the elites go to the forest to appease the gods in case any problem arises like rapid dryness of streams and rampant deaths in the community” Along the lines of this quotation, the Bakweri see *Efassa moto* as a spiritual force on the mountain that can prevent volcanic eruptions, earthquakes, and other disasters. By using powers from this spiritual being, the Bakweri gain sacred knowledge of how to cause rainfall during lengthy seasons of dryness and little crop growth.

The or beter still *Efassa Moto* is believed to be the god in which even the chiefs consult to give them extra powers and wisdom to successfully rule their chiefdoms.⁶⁶ In situations where the chief was faced with a prolong conflict without solutions, they also did libations and offered sacrifices to the god of the mountain hoping that he will answer them by either providing the chief with wisdom to resolve the conflict or better still manifest a sign which will put an end to the conflict. Thus the god of the mountain remains one of those outstanding pillars which the Bakweris depend a lot on for the return of calm and many other joyful happenings in their villages. The majority of the people (67%) believe that the god ‘ihvarza mote’ protect the land and heal the land (23%) which is why the beliefs should be revived to appease the gods.⁶⁷ This justifies why this diety remains one of most powerful in which the Bakweris consult for the functioning of daily life.

3.10. Nyango na muna or better still “Liengu la Mwanja”.

Another deity which the Bakweris also believe in restoring order and calm in their villages is the *Nyango na muna* or better still “*Liengu la Mwanja*”. In Wovea, a member of the Village traditional council talked about the role of the Bakweri as custodians of the sea, what he described as their task of caring for the sea in expectation of peace and fortune from the goddess of the sea *Liengu-la-mwanja*.⁶⁸ Based on Bakweri belief,

⁶³ A man known as Lisongo Mete went hunting on the Fako Mountain and lost his way, but as a hunter he turned his fate into an uneasy adventure for survival. While in the forest, he watched the animals closely, especially the elephant and after a long time or stay with these animals, he came up with the *male*. When he returned to the village several years after, he put his experience to test and this has stood the test of time.

⁶⁴ *Nganya* is a mystical cult of the Bakweri people. It is said to be at the centre of the origin of the *njoku male* cult. The dance is performed at night. Members of the dance group must be initiated into the cult, where they procure some exceptional and extra-ordinary powers. The *Nganya* is a trouble shooter and handle cases of witchcraft and demon manifestations. It hunts spirits of witchcraft and secrecy possessed by individuals in the society.

⁶⁵ Interview with Ewome Ekosse, 78 years, member of the Malle dance, Bwasa, March 30 2014.

Liengu-la-mwanja relates to the *Liengu* cult, also known among the Bakweri as ‘deep water’. This cult retains the highest connection with water spirits and symbolizes a rite for both men and women to consult the sea goddess to cure complex diseases especially diseases which they claim were inflicted on someone by another person as a method of revenge due to a grudge

One of the Quarter Heads of Wovea village explained that: The formation of *Liengu* cult comes from the story of a woman known as *Liengu*, who contested with a man known as *Moto*, over an issue of who could make the biggest fireside on the land. When *Moto* won the contest, the villagers forced *Liengu* to flee to the sea where she never returned.⁶⁹ Based on the above narrative, in the *Liengu* ritual, when a rare illness infects a woman, other women take the infected individual to a fireplace with three stones and dress her with roots from an Iroko tree. A traditional doctor *Gahga yowo* comes in, makes her faint, and addresses her in a secret *Liengu* language. The *Gahga yowo* then invites drummers and gives some medicine to the infected woman, which she later vomits, after waking up, to symbolize the healing process. The Bakweri keep the information about the ingredients of the plant medicine a secret part of the cult. They maintain such rituals to support the life of people in critical situations of sickness.

In addition, members of the *Liengu* were usually elderly women especially in the past that could sit to settled cases that concern women or when a woman is insulted. For example an insult like the *Titi Ikoli* was one of those insults that were used on a woman in Bakweriland.⁷⁰ Women most at times elderly women to resolve the conflict and fines the man who has used the insult on the woman. The *titi ikoli* was considered a very humiliating insult on women. So whenever it happen that a woman complains about the *titi ikoli* the problem was taken seriously and needed the intervention of the council to resolve such a problem.

3.11. The Nganya Society

This was another society which had its reputation in pre-colonial Bakweriland. It was basically another group within the *maale* society. This society performed only at night in an enclosure and membership was strictly for men. The *Nganya*, is believed to have the warthog as their totem and the animal is present in the forest. The society had basically two functions; firstly, it was an entertainment group, secondly, it traced and destroyed any evil spirit believed to be a menace to the peace of the villagers.⁷¹ The *nganya* was said to have mystical powers ready to destroy the ghost of any witch or wizard. Here the men were trained to have supernatural powers to fight witches and wizards. Thus, they were the privileged few who earned a lot of respect from the population for their action. This secret society provokes villagers by dancing and singing around the house at night. It has an important socio-cultural function, because during this possession, members are able to express their anger and problems. It is believed that in this way the *Nganya* can trace and destroy evil spirit.

Members were educated as herbalists while others were taught ways of a Seer. They could predict the weather or were believed to stop rain from falling during an important event such as a festival or the death of a *sango mboa*.⁷² Also, members were taught how to trace and destroy any evil spirits. The Bakweri villages especially those located near the Mount Cameroon still have functional secret societies. In general, the aim of traditional secret societies is to safeguard their communities from evil.

V. Conclusion

The traditional conflict resolution mechanism has been the most effective and widely accepted in Bakweriland over the years. Traditional conflict resolution mechanisms eliminate expenses among disputants from incurring prosecutor cost, writing cost, transportation cost, and meal cost. It also strengthens the disputants’ solidarity because the two disputants get a win-win approach, rather than the win-loss approach of the legal litigation. Whatever the cause of the disputes, local elders ensured that it is settled. Elders to settle disputes are selected with the belief that they know the history of the disputing parties. In cases of murder conflict, community elders and religious leaders play a vital role. These groups of people ask the victim family for reconciliation when they get a message from the quality family. During reconciliation, all relatives of the victim are required by the elders to remain under oath not to attempt any revenge.

True to it that women are relegated to the background when it comes to resolving conflicts traditionally, they still remain a major force for reconciliation and peace building in the community. It is unadoptable that women did not put conflict resolution activities beyond facilitating ways in which conflict to resolve. However, it is impossible to resolve conflicts without the aid of women. So they need to be totally engulfed in the system. The weak sides of traditional conflict resolution the exclusion of women and youngsters from the system. Finally, the researcher comes to conclude that there are strong sides that overweight the weak

sides of traditional conflict resolution mechanisms. For instance; its cost-effectiveness (elders do reconciliation job for free), easy for the rural people to understand and save time which can be utilized for productive purposes in nation development. Therefore, the use of traditional approaches to conflict resolution in Bakweriland remains an in-depth cultural heritage which the custodians of the tradition strive to preserve it at all cost as it is a precious jewel that needs to be passed on from one generation to another.

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