

**EXPLORING THE ROLE OF TRADITIONAL LEADERS IN CONFLICT RESOLUTION
AMONGST VATSONGA AT BUNGENI AREA: LIMPOPO PROVINCE.**

BY

WELCOME AKANI BALOYI

STUDENT NUMBER 14000413

A thesis submitted in fulfilment of the requirements for

the degree:

Master's in African studies

Faculty of Humanities, Social Sciences, and Education

Department of Indigenous Knowledge Systems and Heritage Studies

at the

UNIVERSITY OF VENDA

THOHOYANDOU, SOUTH AFRICA

2025

Supervisor: Adv Professor. P E Matshidze

Co-supervisor: Dr. T. J Makhnikhe

Co-supervisor: "Adv" Dr S. L Kugara .

DECLARATION

I, **Welcome Akani Baloyi hereby** declare that this research for Masters of IKs in African Studies at the University of Venda hereby submitted by me, has not been submitted previously for a degree at this or any other University and that it is my own work in design and execution, and that all reference material contained therein has been duly acknowledged.

Signed (Student):  Date: 2025/07/04

DEDICATION

I dedicate this study to my late aunt “Winnie Phemile Baloyi” who was very supportive from the beginning of my academic journey and her words of support.

ACKNOWLEDGEMENTS

Firstly, I would like to express my utmost gratitude to the Lord God Almighty for His continuous and endless wisdom, guidance, and love.

I would like to thank “Adv” Prof P.E Matshidze, Dr T.J Makhanikhe and” Adv” Dr S.L Kugara for their support and guidance throughout the commencement and completion of this study. I will be forever grateful for their efforts, more especially in sharing useful resources and suggestions.

My heartfelt appreciation goes to my HOD Prof M.M Mokgatle for allowing me to continue studying while I was serving in her department and the necessary support to fund my studies.

I appreciate the participants of the study. Had they not participated in the study, the research would not have been possible.

ABSTRACT

This study explored the role of African traditional leaders in conflict resolution amongst *Vatsonga* at Bungeni area in Vhembe district of the Limpopo Province. The researcher argues that the advent of formal courts in the South African dispensation has resulted in the role of African traditional leaders being overshadowed. The objective of the study was to examine the institution of traditional leadership as a sector of conflict resolution; to outline the nature, scope and processes of different conflict resolution mechanisms used by *Vatsonga* traditional leaders; to assess the implications associated with adopting the *Vatsonga* traditional conflict resolution mechanisms; to appraise legislation and policies that govern traditional leadership and African conflict resolution mechanisms; and to explore possible palliatives to ensure that African conflict resolution mechanisms can be strengthened and/or can operate at an equal footing with the formal courts.

The study adopted the Sankofa and Conflict Transformation Theory. The study used qualitative method involving semi-structured interviews and focus group discussions to collect data. The population of the study was sampled using non-probability sampling. Purposive sampling was used to sample participants. Data was analyzed using thematic analysis to give the probable results that would help to bridge the gap identified in the process.

The study reveals that traditional leaders in South Africa are unaware of legislations and policies governing conflict resolution, and most are unaware of their content due to English language barriers. While traditional leaders are custodians of customary law, they are not experts in western laws. Traditional leadership is a crucial sector for conflict resolution in sub-villages, particularly in the Bungeni area, to resolve conflicts through mediation, reconciliation and arbitration. The chieftaincy, led by Chief Bungeni, is hierarchical and based on hereditary lineage which is similar to other African countries.

Key concepts: *Conflict, Conflict resolution, Traditional leaders and Jungle Justice.*

Table of Content

DECLARATION	ii
ACKNOWLEDGEMENTS	iv
ABSTRACT	v
ACRONYMS	xii
Published Article/Book Chapters.	xiii
CHAPTER ONE	1
ORIENTATION TO THE STUDY	1
1.1. INTRODUCTION	1
1.2. Background of the Study	1
1.3. Problem Statement.....	5
1.4. Aim of the Study	6
1.4.1. The objectives of the Study	6
1.4.2. Research Questions.....	7
1.5. The significance of the study	7
1.5.1. Policy Considerations.....	7
1.5.2. Field of Academics	7
1.5.3. Access to Justice by Community Members.....	8
1.5.4. Traditional Leaders.....	8
1.6. Definitions of Key Concepts	8
1.6.1. Traditional Leaders.....	8
1.6.2. Formal Courts.....	9
1.6.3. Conflict	9
1.6.4. Jungle Justice.....	9
1.6.5. Conflict Resolution	10

1.7.	Preliminary Division of Chapters	10
1.7.1.	Chapter One: Introduction and Background of the Study.....	10
1.7.2.	Chapter Two: Literature Review and Theoretical Framework	11
1.7.3.	Chapter Three: Research Design and Methodology	11
1.7.4.	Chapter Four: Data Presentation and Analysis	11
1.7.5.	Chapter Five: Discussion of the Findings, Conclusions and Recommendations	11
	CHAPTER TWO	12
	THEORETICAL FRAMEWORK AND LITERATURE REVIEW	12
2.	Introduction.....	12
2.1.	Theoretical Framework.....	12
2.1.1.	Sankofa Theory	13
2.1.2.	Critique of Sankofa Theory	14
2.1.3.	Conflict Transformation Theory.....	15
2.1.4.	Critique of Conflict transformation Theory.....	16
2.2.	Literature Review	18
2.2.1.	The Institution of Traditional Leadership.....	18
2.2.2.	Appraisal of Traditional Leadership and Legislations Governing Traditional Leaders	20
2.2.3.	Alternative Mechanisms of Conflict Resolution.....	27
2.2.4.	Approaches to Conflict Resolutions	34
2.2.5.	Conflict Resolution in Africa.....	37
2.2.6.	The Spiritual Dimensions of Conflict Resolution.....	40
2.2.7.	Actors in Conflict Resolution Process.....	42
2.2.8.	Ubuntu	45
2.2.9.	Concept of Peace-building	48
2.3.	Chapter Conclusion	52
	CHAPTER THREE.....	53
	RESEARCH METHODOLOGY	53
3.1.	Introduction	53
3.2.	Methodology.....	53
3.3.	Research Design.....	57
3.4.	Study Area.....	59

3.5.	Population of the Study	60
3.6.	Sampling.....	61
3.6.1	Non-Probability Sampling	61
3.7.	Data Collection Methods	64
3.7.1.	Semi-structured Interviews (SSIs)	64
3.7.1.	Focus Group Discussions (FGDs)	68
3.8.	Limitations Encountered.....	70
3.9.	Data Analysis	71
3.10.	Ethical Considerations.....	73
3.10.1.	Privacy/Anonymity.....	73
3.10.2.	Confidentiality.....	74
3.10.3.	Voluntary Participation	74
3.10.4.	Informed Consent	75
3.10.5.	Avoid of Harm of Participants	75
3.11.	Measures to Ensure Trustworthy.....	76
3.11.1.	Validity	76
3.11.2.	Reliability.....	76
3.12.	Chapter Conclusion	77
CHAPTER FOUR.....		78
DATA PRESENTATION AND ANALYSIS		78
4. 1	Introduction	78
4.2	Codes and Biographic Characteristics of the Participants	78
4.3	Brief Background of Bungeni and its Chieftaincy	80
4.3.1	Bungeni Area	80
4.3.2	Bungeni Royal Family	82
4.3.3	Bungeni Chieftaincy	83
4.4	Overview of Conflicts Around Limpopo Province	85
4.4.1	Mob Justice Killings are Doubling Murder Rate in Limpopo - 08 October 2019 15:57.	85
4.3.2.	Limpopo brothers stoned to death in alleged mob justice attack.	88
4.4.1.	Different parties unite to try and end Vuwani's turmoil.....	90
4.5.	The Institution of Traditional Leadership as a Sector of Conflict Resolution.....	93

4.5.1. Key functions of the traditional leadership sector	94
4.5.1.1. Accessibility of the leaders in the villages	95
4. More Effective in conflict resolution	99
4.6. Appraisal of Traditional Leadership and Legislations: Conflict Resolution	101
4.6.1. Matters that are Adjudicated by Traditional Leaders	102
4.6.1.1. Dispute of Land	105
4.6.1.2. Dispute of Customary Marriages	105
4.6.2. The Composition of the Traditional Courts	106
4.7. The nature, scope and processes of different conflict resolution mechanisms	108
4.7.1. Traditional court	108
4.7.1. Secretary of Traditional court.	109
4.7.2. Nature of conflict heard in traditional court:	110
4.7.3. Scope of conflict resolution.	111
4.7.4. Process of conflict resolution.....	113
4.7.5. Nature of the conflicts heard in traditional council.....	114
4.7.5.1. Scope of the conflict resolution in traditional council.....	115
4.7.5.2. Process of conflict resolution in traditional council.....	116
4.8. Nature of conflict heard in traditional royal council.....	116
4.8.1. Scope of conflict resolution in traditional royal council.....	117
4.8.2. Process for conflict resolution in the traditional royal council.....	118
4.9. The Roles of Traditional Leaders in Conflict Resolution	119
4.9.1. The Role of Headmen in Conflict resolution.	120
4.9.2. The role of traditional royal Council in Conflict Resolution.....	121
4.9.3. The Role of Traditional Council in Conflict resolution.	123
4.9.3.1. Mediation by traditional council.....	124
4.9.3.2. Negotiation by traditional council.	125
4.9.3.3. The role of traditional council in Reconciliation during conflict resolution.	126
4.9.3.4. The role of traditional council in Arbitration during conflict resolution.	127
4.9.3.5. The role of traditional council in Guidance during conflict resolution.	128

4.9.3.6. The role of traditional council in making decision during conflict resolution.....	129
4.10. The role of Tribal Council in Conflict Resolution.	130
4.11. Role of <i>Va -Hahani</i> in conflict resolution as a leader within the traditional leadership circles. 131	
4.12. The role of <i>Magotsa</i> During conflict Resolution.....	132
4.13. The Role of Chief in conflict resolution.	133
4.8. Chapter Conclusion	134
CHAPTER FIVE.....	134
FINDINGS, CONCLUSION AND RECOMMENDATIONS	134
5.1 Introduction	134
5.1.1. Brief Background of Bungeni and its Chieftaincy.....	134
5.1.2. Overview of Conflicts Around Limpopo Province	135
5.1.3. Overview of Sankofa theory on findings.....	135
5.1.4. Overview of conflict resolution theory	136
5.2 Study Findings	136
5.2.1 Legislation and Policies	136
5.2.2 Traditional Leadership a Sector of Conflict Resolution.....	137
5.2.3 The nature, scope and processes of different conflict resolution mechanisms.	138
5.3. The Roles of Traditional Leaders in Conflict Resolution.	142
5.3.1. The Role of Headmen in Conflict resolution.	142
5.3.2. The role of traditional royal Council in Conflict Resolution.	143
5.3.3. The Role of Traditional Council in Conflict resolution.	144
5.4. The role of Tribal Council in Conflict Resolution.....	145
5.5. Role of <i>Va-Hahani</i> in conflict resolution	146
5.6. The role of <i>Magotsa</i> During conflict Resolution.....	146
5.7. The Role of Chief in conflict resolution.....	147
5.8. Implications associated with adopting the Vatsonga traditional conflict resolution mechanism.....	147
5.8.1. Positive Implications.	148
5.8.2. Negative implications.....	148
5.9. Conclusion.....	149
5.10. Recommendations	149

5.10.1 Department of Justice and Policy developers.....	149
5.10.2. Department of Co-operative Governance and Traditional Affairs (COGTA)	150
5.10.3 Traditional Court.	150
5.10.4. Future Research	150
5.10.5 Societal members.	151
5.10.6 Traditional leaders.	151
LIST OF REFERENCES	152
APPENDICES/ANNEXURES	177
Appendix A: DATA COLLECTION TOOL	177
Appendix B INFORMED CONSET FORM	179
Appendix C LETTER FOR COMMUNITY.....	184
Appendix D: ETHICAL CLEARANCE CERTIFICATE	187
Appendix E: Language Editor Certificate.....	188
Appendix F: TURN IT IN REPORT	189
Appendix H: PROOF OF REGISTRATIONS	190

ACRONYMS

1. ACCORD: African Centre for the Constructive Resolution of Disputes
2. AI: Appreciative Inquiry
3. AITLs: African Institution of traditional leaders
4. AMCR: Alternative Mechanisms of Conflict Resolution
5. AU: African Union
6. CCLM: Collins Chabane Local Municipality
7. COGTA: Cooperative Governance and Traditional Affairs
8. CRSA: Constitution of the Republic of South Africa
9. CTT: Conflict Transformation Theory
10. DJCD: Department of Justice and Constitutional Development.
11. EU: European Union
12. FGDs: Focus Group Discussions
13. ITL: Institution of traditional leaders
14. NPS: Non-Probability Sampling (NPS)
15. SADC: Southern African Development Community
16. SAIVTLs: South African Institution of traditional leaders
17. SSIs: Semi-Structured Interviews
18. TLs: Traditional leaders
19. VTL: *Vatsonga* Traditional Leaders
20. SADC: Southern African Development Community

Published Article/Book Chapters.

This publication is based on the research for this thesis

1) Baloyi, W.A., Matshidze, P.E., Makhanikhe, T.J. and Kugara, S.L., 2022. "When the law fails to serve us, we must serve as the law": The Role of Traditional Leaders in Conflict Resolution at Bungeni, Limpopo Province. *African Journal of Law and Justice System*, 1(2), pp.61-86.

CHAPTER ONE

ORIENTATION TO THE STUDY

1.1. INTRODUCTION

The aim of the study is to explore the role of traditional leaders in conflict resolution among the Vatsonga in the Bungeni area of the Limpopo Down history, African traditional leaders were custodians of fostering peace, security and serenity within indigenous communities. In addition, it was their responsibility to create sustainable and harmonious relationships through African conflict resolution mechanisms. The advent of formal courts in the South African dispensation overshadowed their role. The current challenges facing the formal courts and the escalation of vigilantism within indigenous communities has inspired the researcher to explore the role of *Vatsonga* traditional leaders in conflict resolution. Thus, this research provides an overview of the role of *Vatsonga* traditional leaders in conflict resolution. It provides a background of the study, problem statement, significance of the study, purpose of the study, objectives of the study, research questions, theoretical framework, literature review, definitions of key concepts and research methodology.

1.2. Background of the Study

Across the world, conflicts abound, whether over ethnicity, battling for natural resources, dominance over other countries, or control over other people's lives (Zikhali, 2019). Conflicts from Latin American countries such as Mexico, Brazil and Chile have numerous avenues that revolves around natural resources and mining or oil (Wehner, 2016). To add, some European countries from the western and southern Europe have been suffering from conflicts due to post-cold war (Costa, 2017). These conflicts are created by humans and most of these conflicts emanate from disagreements on both conflicting parties (Makhado, Swamy & Tendayi, 2015).

The European Union (EU) is known for its role in resolving conflicts and peace building (Visoka & Doyle, 2016). The aim of the EU is to resolve conflicts and peace building in different regions in Europe through mediation. Wallenstein (2018) alludes that even though there are conflicts in the European regions, the role of EU is to prevent conflicts and build a sustainable peace. Therefore, EU's contribution of peace making through mediation is a milestone (Ahtisaari, 2017).

In the African continent, conflicts have become the order of the day (Zartman, 2017). Within African continent, conflicts arise due to socio-economic, political power, natural resources, fighting for power and other social amenities (Hirblinger, 2022). The African Union (AU) Charter outlines principles to resolve conflicts such as commission of mediation, conciliation and arbitration (Mbengue and Zouapet, 2020). These principles of conflict resolution are part and parcel used by African traditional leaders who resolve conflicts using indigenous laws such which govern their societies (Tarusarira, 2016).

The AU emphasizes on resolving conflicts emanating from crime, murder, rape and torturing society members by their government (Akonor & Akonor, 2017). Southern African Development Community (SADC) is the combine fifteen Southern African States that have the goals to deal with socio-economic cooperation, security cooperation and Political. Kurebwa (2018) asserts that SADC outlined that much attention need to be paid to conflict prevention and peace building that focuses on resolving grassroots conflicts to avoid escalation, relapse and protracted crises in Africa. Countries within the SADC region have made great strides in enacting well-thought legislations, representation in cabinet, parliament, local government and security sector institution to prevent conflicts (Coomaraswamy, 2015). What is key in resolving conflicts is to understand the roots of conflicts to come with appropriate methods to bring palliatives.

Run (2013) alludes that numerous indigenous conflicts that include land settlement battles, fights over grazing lands and land for crop cultivation, women abduction and accusation of witchcraft are likely to be resolved by traditional leaders. On the other hand, family conflicts which settle among others, tension of parents and divorce are pivotal in resolving family conflicts (Mezie-Okoye, 2016). Family courts, in this regard, denote help offered by family elders, uncles and aunts. Wherein such cases fail at this stage, family members approach their traditional leaders for relief.

In that way, it could be seen that the institution of African traditional leaders has been a cornerstone in resolving conflicts. African traditional leadership is an institution that governs tribes according to customary law and has developed over hundreds of years in Africa (Ramya, 2017). This institution serves as the military and government of indigenous communities with power over all aspects of life, ensuring food security and social welfare of communities; and having judicial functionaries (Ramolobe, 2023). The institution of traditional leaders includes Paramount King (His Majesty the King), queen, chief, headman and elders (Hamusunsel, 2015). Within African communities, traditional leadership is not voted to occupy the position to govern their local societies. It is appointed through bloodline or hereditary. However, the members of the royal council are selected based on their wisdom and knowledge of customs to address conflicts (Mboh, 2021).

According to Kapata, Daka, Kalimaposo, Mulenga–Hagane, Mugala and Phiri (2023), traditional leaders are known for resolving disputes in their jurisdictions by imposing a fine on the guilty party to compensate the victim depending on the severity of the offence. Furthermore, Rwabishugi and Ndyemalila (2021) allude that traditional leaders have been resolving conflicts where the perpetrator who was found guilty would be asked to compensate and return favour to victims with the sole purpose of restoring peace and order in the society.

The Constitution of the Republic of South Africa (Act 108 of 1996), hereinafter referred to as the Constitution, recognizes and outlines the role of traditional leaders. Section 211 of the Constitution notes the following about the recognition and roles of traditional leaders:

- Recognition

“(1) the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.

(2) A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.

(3) The courts must apply customary law when that law is applicable, subject to the Constitution and any legislation that specifically deals with customary law.”

The laws of South Africa recognise the role of traditional leaders and the Constitution of Republic of South Africa (1996), which is the supreme law, affirms their recognition in Section 211. Though this institution is recognised, it should align with the Bill of Rights. This means that in exercising their constitutional duties they should not infringe the rights of their subjects.

Section 212 of the Constitution addresses about the “role of traditional leaders”:

“(1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.

(2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law

-

(a) National or provincial legislation may provide for the establishment of houses of traditional leaders.

(b) National legislation may establish a council of traditional leaders.”

Even though section 212 outlines the role of traditional leaders, their role in resolving conflicts is not well stipulated. The South African Traditional Leadership and Governance Framework Act 23 of 2009 was enacted to give breath and width of how they should operate. The Act focused on the recognition of traditional societies and their recognition as statutory framework for leadership position within the institutional leadership that resolve conflicts within the local society where traditional societies are

recognised. The South African Traditional Leadership and Governance Framework Act (23 of 2009) gives ways in which traditional leaders should handle conflicts in traditional courts. Through this Act, traditional leaders are legally mandated to play a crucial role in conflict resolution that is based on restorative justice and to sustain harmony and peace in the society where traditional leaders govern. More so, the Act serves as a cornerstone to affirm the existence of the institution of traditional leaders.

In South Africa, various ethnic groups such as *Vhavenda*; *Vatsonga*; *Zulu*; *Xhosa*; *Swati*, the *Bapedi* have their institution of traditional leaders which are different but seemingly the same. Each and every ethnic group is governed by their own tradition. A key similarity to this institution is the issue of resolving conflicts and governing local societies (Baloyi, 2016). Mabaso (2018) asserts that *Vatsonga* ethnic group is found mostly in Limpopo regions and Bushbuckridge in Mpumalanga. Even though this ethnic group is found in other parts of African countries, they share linguistic and cultural practice even though they are ruled or governed by different chiefdoms (Madlome & Chauke, 2019). *Vatsonga* ethnic groups are governed by *Tihosi* (Chiefs). Though some areas such as *Malamulele* ruled by clan of Chauke “Vahlengwe” and Maluleke “*Van’wanati*” are custodians of Malamulele area (Mabale, 2017). In the Bungeni area, *Hosi* Bungeni Known as *Mabunda* with clan names of Bungeni and *Vahlave* are the custodian the Chiefdom. They reside in Vhembe District, Limpopo province in South Africa.

1.3. Problem Statement

The researcher argues that the advent of formal courts in the South African dispensation has resulted in the role of African traditional leaders being overshadowed. That is, the area of conflict resolution is now largely dependent on western institutions (Fisher, 2018). Despite the Constitutional and legislative injunctions on using traditional leaders to resolve conflicts, traditional leaders are in practice not mainly used to resolve conflicts. This has been largely caused by labelling traditional courts as inferior to formal courts (Muchaku and Magaiza, 2024). Traditional leaders’ status is undermined and has been devalued by westernization which labels them as archaic (Galvan, 2007). It is worth noting that since time

immemorial African traditional leaders were custodians of fostering peace, security and serenity within indigenous communities. What is more challenging is that the formal courts that are dominating are not user-friendly, costly, sophisticated and do not resonate with the African indigenous peoples' cultures (Berzon, 2016). In addition, the sidelining of traditional leaders in resolving conflicts have exacerbated the conflicts as restorative justice is not at the core of resolving conflicts in formal courts. Consequently, the disgruntled parties end up taking the law into their own hands so as to resolve conflicts on their own. Abandoning and neglecting the role of traditional leaders in conflict resolution does not only violate the rights of victims but exacerbates lawlessness in communities. Such is the status quo in some *Vatsonga* communities where the role of traditional leaders is undermined. Further, those who undermine it still cannot access the formal thus, resulting in lawlessness.

1.4. Aim of the Study

The aim of the study is to explore the role of traditional leadership in conflict resolution amongst *Vatsonga* at Bungeni area: Limpopo Province.

1.4.1. The objectives of the Study

The objectives of the study are the following:

- To appraise legislation and policies that govern traditional leadership and African conflict resolution mechanisms.
- To examine the Intuition of traditional leadership as a sector of conflict resolution.
- To outline the nature, scope and processes of different conflict resolution mechanisms used by *Vatsonga* traditional leaders.
- To assess the implications associated with adopting the *Vatsonga* traditional conflict resolution mechanisms.
- To explore possible palliatives to ensure that African conflict resolution mechanisms can be strengthened and/or can operate at an equal footing with the formal courts.

1.4.2. Research Questions

The study will pursue the following research questions:

- Which legislation and policies govern traditional leadership and African conflict resolution mechanisms?
- Is the institution of traditional leadership a sector of conflict resolution?
- How are nature, scope and processes of different conflict resolution mechanisms used by the *Vatsonga* traditional leaders?
- What are the implications of adopting the *Vatsonga* traditional conflict resolution mechanisms?
- What are the possible palliatives to ensure that African conflict resolution mechanisms can be strengthened and/or can operate at an equal footing with the formal courts?

1.5. The significance of the study

The study on the role of traditional leaders in conflict resolution is envisaged to be significant in the following dimensions:

1.5.1. Policy Considerations

The study is set to outline the nature, scope and processes of different conflict resolution mechanisms used by *Vatsonga* traditional leadership. As such, this will be significant in that it will influence development of policy that can strengthen indigenous conflict resolution mechanisms within the democratic dispensation. Moreover, this will create a harmonious relationship between law enforcement agencies and traditional leadership. This will create a watertight system that is complementary to the formal legal system and do away with jungle justice.

1.5.2. Field of Academics

The study will contribute to the body of knowledge of *Vatsonga* traditional leaders in conflict resolution since there is a gap to identify the panel of inquiry during conflicts resolution. Additionally, it will allow the academics to identify some of the reasons why society members resort to western courts of laws instead of consulting African traditional leaders. The findings of the study will allow the academics to explore the collaboration of traditional leaders and government during conflict resolution.

1.5.3. Access to Justice by Community Members

The study will enlighten the community members in and around the Bungeni area that they should utilize their traditional leaders to resolve societal conflicts since they are accessible. It is envisaged that the findings of the study will result in the following: reduction of killing of people due to jungle justice; families would consult with the traditional courts to resolve minor conflicts; restoration of broken trust between neighbours and society members and traditional leaders. The study is significant because it addresses the sustainable development goal number 16 of the agenda 2030, which addresses peace, justice and strong institutions in South Africa.

1.5.4. Traditional Leaders

The study is also significant because it will help to find solutions to the problems hindering traditional leaders to resolve conflicts among the society members not only in and around Bungeni area. Traditions and customs are part of South African heritage, for the study reinforces this through conflict resolution thus encouraging traditional leaders to practice their customs and resolving societal conflicts where they govern.

1.6. Definitions of Key Concepts

The key concepts used in the study are defined below:

1.6.1. Traditional Leaders

Traditional leaders are people who are the custodian, having norms, customs powers to rule their societies using customary law. In this study, the term traditional leaders will be used to refer to the following:

- **King:** A king is a person who rules an ethnic group of people or a tribe in a community especially one who is a blood line to inherit such position (Apter, 2015).

- **Queen:** A queen is a female person who inherits a position and having customary law to rule an ethnic or a tribe in a community (Mensah, Kwabena & Dauda, 2014).
- **Chief:** A chief is a leader of a clan of people who is given authority by the king to look after people who are the residents of the given community (Michalopoulos, & Papaioannou, 2015).
- **Elders:** Elders are people who are chosen in a community to advice the king or chief and are capacitated with skills to adjudicate over community conflicts or disputes (Dodo, Dodo and Zihanzu, 2017).
- **Headmen:** Headmen are people who are chosen by chief in local community to look up on sub villages and excise authority under the chief's command (Khonou, 2017).
- **Magotsa:** Magotsa are the people those are selected, to assist the headmen during conflict resolution.
- **Khorho:** Khorho means the place where people gather to resolve conflicts or discuss the societal matters.
- **Khorho-Xitshumbe:** Khorho xitsumbe is the court that resolve some emergency conflicts in a secret place in headmen or Chief's court.

1.6.2. Formal Courts

Formal courts are defined as courts of law where the presenters or defenders wear lawsuits and follow judicial process to resolve civil conflicts (National Development Commission, 2012).

1.6.3. Conflict

Conflict is a tension or disagreement between two or more parties (Halevy and Cohen, 2019). Conflict is a point or stage of disagreement that leads to violence or crisis between two or more groups (Demmers, 2016). Conflict in this study will mean disagreement among indigenous people.

1.6.4. Jungle Justice

Jungle justice is when people take the law into their own hands to resolve conflicts (Salihu & Gholami, 2018). In this study, jungle justice depicts a situation where in the indigenous community members take a law upon their hands when a conflict is not resolved.

1.6.5. Conflict Resolution

Conflict resolution is a term that explains a wide range of methods and approaches for dealing with conflict. It could be through negotiation, arbitration or mediation (Ogbu, 2020). In this study, conflict resolution will mean methods used to resolve conflicts:

- **Mediation**

Mediation is a process where a third-party assists conflicting parties to resolve conflicts (Keethaponcalan, 2017.).

- **Negotiation**

Emanuel and Ndimbwa (2014) assert that negotiation is a process where two conflicting parties try to reach agreement.

- **Reconciliation**

Reconciliation is the process that is aimed at bringing back conflicting parties to become friends and live harmoniously together (Hamber, Gallagher, Weine, Agger, Bava, Gaborit, Murthy, & Saul, 2015).

1.7. Division of Chapters

This section presents the chapter divisions, which will be divided as Chapters One, Two, Three, Four and Five.

1.7.1. Chapter One: Introduction and Background of the Study

In this chapter the researcher provides the introduction and background of the study, the significance of the study, problem statement and the discussion of aim, objectives and research questions.

1.7.2. Chapter Two: Literature Review and Theoretical Framework

This chapter present literature based on what other scholars have written about the role of Vatsonga traditional leaders in conflict resolution attempting to identify gaps, posing questions and even the arguments. Theoretical framework will be discussed to keep in context on the role of traditional leaders to resolve conflicts.

1.7.3. Chapter Three: Research Design and Methodology

This chapter discusses the nature and type of research methods which the researcher selected to conduct the research. It will present a selected research instrument, population, location and ethical.

1.7.4. Chapter Four: Data Presentation and Analysis

This chapter presents data collection, findings and analysis. Data will be presented in narrative form. This is where the researcher will indicate the different perspectives of respondents.

1.7.5. Chapter Five: Discussion of the Findings, Conclusions and Recommendations

The researcher will discuss the findings and make some recommendations after conclusion.

CHAPTER TWO

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2. Introduction

In Chapter One, the researcher outlined the introduction of the study on the role of *Vatsonga* African traditional leaders in conflict resolution. This chapter examines the theoretical framework and literature review. The literature review builds up on the previous studies conducted by other scholars or researchers on the role of traditional leaders in conflict resolution. This chapter focuses on the existing literature review and theoretical framework linked to the role of *Vatsonga* traditional leaders in resolving conflicts.

2.1. Theoretical Framework

A theory is an idea that one formulates to gain understanding on the natural existence of a phenomena, and it is introduced by a researcher to explain the research problem (Swanson & Chermack, 2013). The study was grounded under the following theories: Sankofa theory and Conflict transformation theory. It is vital to incorporate theory in social science research to formulate and justify the existence of a social phenomenon. The relationship between social theory and social research serves as a guide to generate ideas from the theories (Denscombe, 2014). A theory provides concepts to describe what the researcher perceives and to explain relationships between concepts of research. Furthermore, it allows the researcher to explain what society members of Bungeni area; outline the researcher's perceptions; and to figure out how to bring about change within the society. In other words, a theory is an instrument that enables the researcher to identify a problem and to plan a means for bringing out the situation. It is crucial for the theory to justify and support what is being done and demonstrate that it works in social science research. Both the Sankofa and Conflict transformation theories are vital in this study as they enhance the scaffolding of palliatives and foster peace within the area of conflict resolution. The theories employed are discussed below.

2.1.1. Sankofa Theory

Sankofa theory was developed through folkloric of Akan Tribe - as a bird that is used to reference the history of people living in African society (Rogers, 2014). This theory symbolizes the importance of looking on the footprint of Africans while living in a modern society but not forgetting the African roots. Sankofa is a Ghanaian slang that means that African people must go back and reclaim their past so that they can move forward. Below is the picture that depicts the Sankofa theory (Sankofa bird).



Figure 1: Sankofa Picture

Sámaand Thomas (2013).

Above is the picture of Sankofa bird looking back but going forward. This denotes the importance of reflecting on the past and to build a prosperous future (Mungai, 2015). It is a symbol amongst Ghanaians, particularly the society members who speak Twi language. It is cited that it is not bad to go back for that which was forgotten. The egg in the picture symbolizes the future generation.

In this study, the Sankofa theory was adopted to emphasize that African traditional leaders who existed in pre-modernization society play an indispensable role in resolving conflicts in this modern dynamic world within indigenous communities. Furthermore, it gives emphasis on the essence of having past indigenous knowledge to be used by modern societies to manage conflicts. Reddick (2014) alludes that this theory teaches African societies to go back to African roots where traditional leaders used to resolve conflicts in the African ways. In other words, this means avoiding or not preferring western ways of resolving conflicts amongst indigenous people living in African societies. This suggests, according to the researcher, that one can move forward to resolve conflicts in the society by allowing traditional leaders to play their role in resolving conflicts. Neglecting African traditional leaders in conflict resolution brings nothing but exacerbates the conflict (Kissi, 2018). This study advocates the usage of African indigenous knowledge in resolving conflicts amongst indigenous communities as it brings restorative justice, which is well understood to be cost effective and resonates well with the beliefs of the parties involved (Rogers, 2014).

2.1.2. Critique of Sankofa Theory

Talpade and Talpade (2014) and Kiss (2018) assert that Sankofa's inability to deal adequately with the cultural change, in particular to conflict resolution in modern society, is a shortfall. Being African today also means being at least partly European as a result of colonization that took place in African society. Sankofa, then, is perceived as to restrictive and incapable of understanding the modern African identity. Looking at the past, most skills are argued to be archaic and not work because they are not in line with the human rights in the modern society (Henshilwood, 2012).

While Sankofa continues to exercise a significant influence in part of Europe, it is also receiving attention in Africa where different organizations adopt Sankofa to deal with the modern challenges. Even though not everything that can be used in modern society, few things that can be taken and used to resolve challenges in modern societies. In conclusion, understanding that society members need to access prior knowledge and skills is key in resolving future conflicts by adopting and contextualising the past experiences (Sarah, 2014).

2.1.3. Conflict Transformation Theory

Lederach is the father of conflict transformation theory (Sheehan, 2014). This theory was developed through redefining conflict resolution and introducing a new term “transformation” that is aimed at dealing with roots of the conflicts (Ramsbotham, Mial & Woodhouse, 2011). Conflict theory states that a society is a constant state of different conflicts that emanate from various conflicts. Therefore, it engages society members and transforming relationships, interests and to deal with conflict from grassroots level (Mail, 2011). The researcher chose to use conflict transformation theory as it engaged the society members to deal with grassroots conflict and to transform their relationships. In the study, society members were engaged, conflicting and non-conflicting parties, to share their perspective on conflicts and how they should be resolved. Moreover, using this theory, society members ought to focus precisely on the change of their social relationship, conflict and individual when resolving conflicts.

Botes (2003) asserts that conflict transformation theory aims to reduce and end protracted social conflicts. Furthermore, the theory was opted for as it advocates for the ways in which peace building can be initiated by allowing traditional leaders to resolve conflicts, particularly in contexts of African methods. This theory gives emphasis on handling and defusing outbreaks of conflicts in African societies. In the past and also in some contemporary matters, conflicts were handled by traditional leaders in royal courts who make final comments and give recommendations to prevent outbreaks of various conflicts.

Conflicts between groups and individuals are part of daily life in a society (Koenane, 2017). People within a society have the potential for creative and constructive initiatives that can intervene in conflict resolution (Taylor & Lederach, 2014). Constructive change in all levels of dialogue is essential to justice and peace on both an interpersonal and structural level with direct interactions between conflicting parties or society members exchanging ideas to find better ways of resolving conflicts and the creativity to overcome conflicts. Therefore, the essence of traditional leaders being

involved in conflict resolution can foster, harness and transform conflicts and give leaders an opportunity to constructive ends and healthier relationships between their subjects.

Galtung (2012) asserts that conflict transformation theory focuses on mapping the conflict formation through the following:

- Bringing in forgotten parties with important stakes in the conflict.
- Having highly empathic dialogues with all parties singly.
- Each conflict worker may specialize on one conflict party.
- In these dialogues identifying acceptable goals in all parties.
- Bringing in forgotten goals that may open new perspectives.
- Arriving at overarching goals acceptable to all parties.
- Arriving at short, evocative, goal-formulations.
- Helping society or conflicting parties to define tasks for all parties embedding it elsewhere, bringing in forgotten parties, goals.
- Verifying how realizing that goal would realize parties' goals; and Helping parties meet at the table for self-sustaining process.

Observing from the above listed, conflict transformation theory shows how conflicts emanate and the approaches that can be used to resolve the conflicts between conflicting parties. The study focused more on helping the society or conflicting parties to define tasks for all parties, bringing in forgotten parties, setting goals and bringing in forgotten goals that may open new perspectives in conflict resolution.

2.1.4. Critique of Conflict transformation Theory

Contrary to what has been elucidated above, the conflict transformation theory is alleged to have some shortfalls. Miall (2011) argued that the conflict transformation theory uses “transformation” which is a new term that broadens the field of peace and conflict resolution. Even though conflict transformation is aimed at dealing with conflict,

it concentrates on conflict on partly level; focusing on parties, issues, goals and exclude the context within which the conflict is situated as well as factors which characterise the self –fading of conflicts. To add, conflict transformation theory is based on the idea of transformation rather than settlement, stressing that it is important to understand how conflicts are transformed in dynamic terms. Thus, the idea of transformation is aimed at transforming or to change the relationship between parties, socially and politically. In that way, it is argued vehemently that changes in individuals and conflict are resolved, and conflicts are not settled. As such, conflicts need to be settled from their grass roots to establish peace rather than changing how conflict is resolved. Conflict transformation theory focuses on the central issue of changing and conflicts cannot be resolved but they can be transformed.

Conflict transformation theory focuses on change between conflicting parties through improving their mutual understanding on their causes of conflicts. On the other hand, scholars such as Smithey (2011) emphasizes that conflict transformation theory gives more than a little elimination or control of conflict, but the inherent dialectical process to transform the dynamics of conflicts between the conflicting parties or groups. Furthermore, Sheehan (2014) cited in Lederach (1995b) articulates that this process gives transformation to human construction and reconstruction of social organisation and realities. However, the notion of conflict transformation more aptly represents the role and dynamics of social conflicts as it moves through phases of transforming relationships between parties or social organisations.

Conflict transformation theory gives clarifications on the contemporary protracted conflict. In addition, this theory is an appropriate method suitable to characterise contemporary conflicts within indigenous communities. Conflict transformation gives intervention that is appropriate for conflict resolution. Despite some challenges the conflict theory is argued to have, Korppen, Ropers and Giessmann (2011) concretize that conflict transformation can be good if there is understanding of social conflict as a natural form of human existence not something negative *per se* but as potential catalyst of change. Therefore, it does not focus only on the process of resolving conflicts but even to resolve conflicts from grassroots level.

2.2. Literature Review

A literature review is to analyses books, scholarly articles, and any other sources relevant to a particular research topic, area of research, or theory. By so doing, it gives an explanation, summary, and critical evaluation of these works in relation to the research problem being explored (Rowe, 2014). Literature review helps the researcher to unveil the gaps that are in the literature for the related study (Onwuegbuzie, Leech & Collins, 2012). The researcher randomly identified other African countries that have a remarkable history of the institutions of traditional leadership in conflict resolution. The main aim was to find out the relationship of these leadership institutions and their role in conflict resolution within societies (Kellas, Willer & Tree, 2013). The study reviewed the literature below using the following themes:

2.2.1. The Institution of Traditional Leadership

In Republic of South Africa (RSA), the institution of traditional leaders ranges from *Isilo*, *Amakhosi* and *Izinduna* (Lethuli, 2015). This institution of traditional leaders shares the similar characteristics with other institution in Africa, such as the Ethiopian institution. Okonji (2016) alludes that traditional leaders acquired or ascended to the throne through hereditary succession and this kind of leadership was kind of stewardship to local people where they govern. Traditionally, most of the kingdoms in RSA start from chief, headmen and elders of the council (Mabunda, 2018).

The supremacy of these leaders differs according to their rankings or according to the hierarchy (Khunou, 2013). The paramount chief is the commander-in-chief and has the decisive power over other leaders and over the activities of society. Madumo (2015) stresses out that this institution ruled societies with authority ranging from social welfare to conflict resolution in RSA and other parts of Africa. Helzing, Kern and Kromrey (2017) note that most of sub-Saharan countries' traditional institutions play vital roles in day-to-day life that includes conflict resolution, land administration, local security services, distribution of wealth and protect local society members from misfortune. Traditional leaders in RSA could best be defined in the contemporary political situation as the Legislature, the Executive and the Judiciary (Ntonzima &

Bayat, 2012). They also played the spiritual role presently occupied by the Church and performed leading economic and farming innovations.

The role of traditional leadership in a democratic South Africa has not been without controversy. Before colonization, indigenous people in RSA societies knew no other forms of ruling except the institution of traditional leaders (Khonou, 2011). This institution governed local society's customary law or ethnic rules that were not documented and formed part of social structures (Matavire, 2012).

For instance, Koenane (2017) postulates that during the pre-colonial period, Basotho's political constitutional model/paradigm was referred to as chieftaincy (*borena or ubukhosi*). In reality, operations for any decision arrived in a traditional court over agreement and the court was and is constituted by what is generally referred to as the chief-in-council structure. Traditional leadership was ruled through a council that consisted of heads, sub-heads, and chiefs in several ranks of society. In any discussion that the council would engage, the aim was to reach an agreement. Agreement is central to the operation of democracy in most of society and, indeed in several parts of African societies (De Kadt & Larreguy, 2018). If after due deliberations the council reached an agreement, it was taboo for the traditional leader to be against or reject it (Koenane, 2017). The latter shows how entrenched democracy was in the traditional African setting; the king's powers were limited, which is one of the driving principles of modern democracy (Baldwin, 2014).

This structure had serious implications – it represented the political setting in which both the traditional leader and the citizens participated in the act of governing. Koenane (2012) asserts that the institution of *ubukhosi* (chieftaincy) is a complex one. *Amakhosi/marena (Chief)* and *izinduna/matona (Headmen)* constituted the council. It is in this sense that the *inkosi/morena* could not make decisions by him or her. Cele (2011) outlines that between the period 1880-1893, before the advent of colonial powers in Africa, traditional leaders played a vital role in administrative and political issues of the country.

The Institution of traditional leaders in RSA plays a vital role in governing and serving as judiciary functionaries in the societies. These leaders are capacitated with the knowledge of making decisions and resolving societal conflicts. Though scholars such as Koenane have highlighted the complexity of this institution, societal members trusted them as the cornerstone to resolve their conflicts. Traditional leaderships governed through a council that was made up of heads, sub-heads, and chiefs at the several ranks of society. Meaning that, the chief cannot govern the society without the council of the institution of traditional leaders. The following theme discusses the legislation Governing Traditional Leaders in conflict resolution.

2.2.2. Appraisal of Traditional Leadership and Legislations Governing Traditional Leaders

The legislation and policies recognize the status and role of traditional leadership. The recognition of traditional leaders and their administrative and judicial powers may be interpreted as a continuation of former native rule policies as well as a distinctive feature of a modern state. The current legislations and policies are amended from the colonial and apartheid government. In the past decades the institution of traditional leadership was guided by Black Authorities Act, 1951 (Act 68 of 1951), House of traditional leaders, Houses of Traditional Leaders in South Africa, Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003) and Limpopo Traditional Leadership and Institutions Act of 2005 (Act 6 of 2005).

2.2.2.1. Black Authorities Act, 1951 (Act 68 of 1951)

The Black Administration Act of 1951 initiated the process to recognize only the traditional leaders who were appointed by and complied with the apartheid government. Under this Act, these leaders were responsible for peace creation and resolve their societal conflicts (Maqakachane, 2016). It is vital in society that traditional leaders should resolve conflicts as outlined by the Act. These leaders should use their methods or skills to resolve societal conflicts. This Act grants the institution of traditional leaders the powers to control the land at tribal, regional and territorial levels.

The homelands impacted heavily on the traditional leaders. The homeland was reestablished through the Black Authorities Act, 1951 in South Africa by Apartheid government. Unlike before, when traditional leaders had assumed their position on the basis of hereditary rights, they had to be appointed through the ratification of the appointment by the homeland government. The following theme discusses the establishment of the House of traditional leaders in South Africa.

2.2.2.2. Houses of Traditional Leaders in South Africa

In 1994 and 1995 the National and provincial houses of traditional leaders, Northern Cape, Western Cape, Mpumalanga, KwaZulu-Natal and North West were established (Mabunda, 2018). Act No. 22 of 2009 authorises the establishment of the House of traditional leaders. A national house of traditional leaders and provincial houses of traditional leaders as provided for section 212(2) (a) of the constitution and the local house of traditional leaders is created in accordance with the principles set out in section 17 of the Constitution (Tutu, 2008). In addition, the section outlines that everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions. Therefore, the house of traditional leaders and its resources may not be used to promote or prejudice the interest of any political party. The establishment of the house of traditional leaders gives the recognition of these leaders in various provinces to function under the jurisdiction of the house. The establishment of these houses is to ensure that the status and role of traditional leaders in conflict resolution is practiced in every society where they govern. The following sub-theme discusses the establishment of the National House of Traditional leaders.

2.2.3.1.1. National House of Traditional Leaders

Mabunda (2018) asserts that the National House of Traditional Leaders Act (NHTLA) (Act 10 of 1997) repealed the Council of Traditional Leaders Act of 1994. The national house of traditional leaders outlines the main functions of traditional leaders and their roles as custodians of customs, traditional values and culture (Burger, 2011).

Section 2 of this Act provides for the establishment of the National House of Traditional Leaders, and it is stipulated that the National House shall consist of members nominated (Tlhoale, 2012). Section 3 deals with the duration and dissolution of the National House of Traditional Leaders, and it specifies that the National House shall continue for five years after it has been constituted.

Three members from each provincial house of traditional leaders are selected to represent the society where these leaders govern. Six societies consist of six members, one from a provincial house of traditional leaders. Six societies are ruled by the traditional leader's management, constitutional development, internal arrangements, social development and the committee on customs, culture and traditions (Tlhoale, 2012). The National House may give advice to the national government and make recommendations on matters relating to the institution of traditional leaders. This House gives advice on the role of traditional leaders, customary law and customs of societies holding customary law systems.

The function of the House is to serve in making policy that allows and embraces traditional leaders. Though section 211(1) of the Constitution stipulates the status and the role of traditional leaders and at the same time it gives the establishment of Houses of traditional leaders. The National House of Traditional Leaders Act 200(1997) was amended in the Act of 1997.

The objectives of the National House are the following:

- To promote the role of traditional leadership within a democratic constitutional dispensation.
- To enhance unity and understanding amongst traditional communities; and
- To enhance co-operation between the National House and various Provincial Houses with a view to addressing matters of common interest.

The NHTLA (Act No.22 of 1999) places certain obligations on traditional leaders to perform their functions in accordance with the laws of the country. This Act compels traditional leaders to follow a specific approach to ensure quality service delivery at the local level. In the following section the Limpopo Traditional Leadership and Institutions Act of 2005 (Act 6 of 2005) is presented (Knoetze, 2014). The National house of traditional leaders it is established to specify the functions of traditional leaders and their roles as custodians of customs, traditional values and culture of their society. Even though it consists of traditional leaders, their function and roles should not focus on the democratic constitutional dispensation but also their role should be precisely focused on conflict resolution, since some society members need their conflicts, and society matters need to be well versed by these leaders.

2.2.2.3. Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003)

In South Africa (SA), most of communities have been ruled by traditional leaders (TLs) for many years. Furthermore, these institutions were the only leaders who were capacitated with the skills, wisdom or knowledge to govern their communities (Mabunda, 2020). Rugege, (2014) allude that this type of governance is an old system of indigenous groups. Various legislations such as Traditional Leadership Governance and Framework Act (TLGFA), 2003 were established to strengthen these leaders. Peires (2014) contests that the TLGFA is intended to resolve the hiatus in the Constitution with respect to the role of traditional leadership, has imploded in a welter of inconclusive legislation. Chapter 1 of this Act provides definitions of the paramount of traditional leaders such as headman or headman, headman ship, king or queen and the Application of the Act. According to Shembe (2014) and Mabunda (2018), the Traditional Leadership and Governance Framework Act (Act 41 of 2003) gives the foundation for the following:

➤ Recognition of Traditional Societies:

Section 2 (2) (a) outlines that the premier of the province may, by notice in the province gazette, in accordance with the provincial house of TL, the society concerned and applicable, society fall under queen or king under authority can be recognized. Section 2 (2) (a) outlines that the premier of the province may, by notice in the province

gazette, in accordance with the provincial house of TL, the society concerned and applicable, society fall under queen or king under authority can be recognized. Though the institution of traditional leaders and their society is recognized under Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003) and Section 2 (2) (a) provides that the premier can recognize traditional leaders where it is governed by traditional leaders. The same recognition of the traditional societies should be given to traditional leaders to resolve societal conflicts, since it is their society which is recognized by the premier who identifies the governance of the society by traditional leaders.

➤ **Establishment and Recognition of Traditional Councils:**

Chapter 2 (3)(1) of the Act outlines that once the traditional society is recognized by the premier, traditional society should establish a traditional council in line with principles set out in provincial legislation. However traditional societies can be only recognized by the governors of society. It is an eye of the needle that the same Act does not empower traditional leaders, but it spearheads them

➤ **Functions of Traditional Councils:**

Section 4(1) of the Act outlines the functions of traditional leaders:

- To administer traditional society affairs in accordance with customs and tradition to support, assist and guide traditional leaders in their permanence of their functions, to support municipalities in the identification of community needs.
- To facilitate the involvement of the traditional community in the development or amendment of the integrated development plan of a municipality in whose area that community resides.
- To recommend after consultation with the relevant local and provincial houses of traditional leaders, appropriate interventions where it is necessary.
- To participate in the development of policy and legislation at local level.
- To participate in the development programs of municipalities and of the provincial and national spheres of government.

- To promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery.
- To promote indigenous knowledge systems for sustainable development and disaster management.
- To alert any relevant municipality to any hazard or calamity that threatens the area of jurisdiction of the traditional council in question, or the well-being of people living in such an area of jurisdiction, and contributing to disaster management in general;
- To share information and to co-operate with other traditional councils; and lastly, to perform the functions conferred by customary law, customs and statutory law consistent with the Constitution (Noyila, 2013).

Though Section 4 of Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003) provides functions of traditional councils. The area of conflict resolution and the methods of resolving conflicts are not included in those stated functions. Section 4 of Act No.43 of 2003 emphasizes that traditional leaders should support municipality, consultation with the relevant local and provincial houses of traditional leaders and alert them to any hazard. In addition, when conflicts arise within society traditional leaders are the one of those are easily accessible to resolve conflicts.

➤ **Partnerships Between Municipalities and Traditional Councils:**

The institution of traditional leadership is made up of kings, chiefs, headmen and sub-headmen who work together in governing society. These leaders have similar responsibilities in society according to Act No 43 of 2003. Bowe (2013) asserts that the Traditional Leadership Governance Framework Act, 2003 was established with the objective to meet community needs. It is vital to note that traditional societies did not know any form of authority except traditional authorities; hence, there was resistance to the transformation of traditional leadership by government (Shembe, 2014). Traditional authorities still do not understand the democratic judicial system and would like to continue to handle cases within their communities in accordance with their

customs and traditions (Mabunda, 2018). The Traditional Leadership and Governance Framework Amendment Act 23 of 2009 outlines that the Institution of traditional leaders (ITL) must promote human dignity, freedom, equality of non-sexism, promoting culture and traditions, making peace amongst people, building nation and sustaining harmony in society.

When the Traditional Leadership and Governance Framework Act 23 of 2009, advocate that the traditional leaders must promote human dignity, freedom, equality of non-sexism, promoting culture and traditions, making peace amongst people, building nation and sustaining harmony in society. However, it does not outline that even when traditional leaders are resolving conflict, they should consider such.

2.2.2.4. Limpopo Traditional Leadership and Institutions Act of 2005 (Act 6 of 2005)

Limpopo Province has a number of traditional institutional structures similar to those in Mpumalanga and KwaZulu-Natal (Reddy & Mkala, 2008; Mabunda, 2018). Section 7 of the Limpopo Traditional Leadership and Institutions Act of 2005 provides for the powers, functions and duties of the Provincial House: To advise and make proposals to the Provincial Legislature on traditional councils, indigenous law, traditions or customs:

- To comment on any relevant Provincial Bill referred to it by the Speaker of the Provincial Government;
- The Provincial House must indicate within 30 days whether it supports or opposes the Bill;
- If the Bill is opposed, the Legislature cannot pass it before 30 days have lapsed from the date on which the Speaker had given notification;
- If the 30 days expire without any response from the Provincial House, the Legislature may pass the Bill;
- The Provincial House may exercise other powers and perform other duties conferred or imposed by any relevant law”.

2.2.3. Alternative Mechanisms of Conflict Resolution

There are other alternative mechanisms that are used during conflict resolution in African societies. These mechanisms are aimed at bringing conflicting parties to live harmoniously. They include negotiation, mediation and arbitration. Mashamba (2014) asserts that these alternative mechanisms of conflict resolution are vital for conflict resolution. These are the mechanism used in indigenous societies are not monolithic, underlying the approaches is the principle that peace is resolving conflicts. Generally, conflicting resolution approaches deducible from traditional African Society (Ajayi and Buhari, 2014).

2.2.3.1. Arbitration

Arbitration is a process in which a conflict is submitted, by agreement of the conflicting parties, to one or more arbitrators who make a binding decision on the conflict (Wani, 2011). The arbitrator play a vital role during conflict by ensuring that both conflicting parties exchange gifts or paying a recommended animal which could be a cow or any recommended animal depending on the intensity of the conflict and the ceremony can be sealed by eating and drinking as a symbol that symbolizes the agreement is reached (Ntuli, 2018).

Among Akans, arbitration system is part of traditional justice systems that had been used for centuries and preserved by the elders as a cultural heritage for the people to resolve conflicts (Chereji & King, 2013). In addition, traditional institutions play two important roles: a proactive role to promote social harmony and peace during conflicts resolution. Giz (2013) asserts that community elders, family elders, chief and kinship are local actors with authority to resolve conflicts. These local actors are chosen based on their position, wisdom, and reputation and having customary knowledge on how to resolve conflicts using arbitration (Rukuni *et al.*, 2015).

Over decades, society members in African countries have relied on arbitration as part of traditional justice to resolve their conflicts (Mutsi, 2011). Furthermore, those who lived in African societies lived in kingdoms or clans and had their own strategies to resolve conflicts (Ntuli, 2018). Intra and inter conflicts revolving in the kingdoms were done using arbitration (Gebre-Gaziabber, 2014). Chereji and King (2013) assert that conflicting parties formally present their cases at the chief's courts. Such cases include

conflicts over land and other property. Since the chief is the custodian of the land and its boundaries, all land cases are referred to him. However, cases that are reported to the chief but not withdrawn for mediation must go through the formal mediation process.

Elders of society or elders of a clan are tasked to resolve conflicts using arbitration known as “Moro” in Ethiopia. These elders resolve most of conflicts except for divorce, inheritance and marital conflicts (Ntuli, 2018). During resolving of conflicts, the setting could take place under a tree or open space where they can access a source of water to quench their thirst while sitting in a circle (Umundi, 2011). Elders would utter the last words to legitimize their decision about the resolution of conflicts. After the proceeding, both the conflicting parties could provide drinks and food as symbol of concluding the agenda of resolving the conflict. Arbitration is vital competitive and right-based and may mean constructing making if parties agreed to this beforehand.

2.2.3.2. Negotiation

Negotiation is communication between two or more conflicting parties intended to reach and resolve conflicts over one or more issues (Sansculotte-Greenidge & Fantaye, 2012). The negotiator in society would help the conflicting parties to reach an agreement or mitigate the conflict. Elders of society can assist as negotiator between two conflicting parties with their own decision. Elders as negotiator could get consent from the conflicting parties and from the society to legitimize their decisions (Ntuli, 2018). Negotiation in Africa is not a modern tool for conflict resolution. It has been used in Africa for many years and designed for both mono and multi-cultural settings to build the community by sharing the wisdom of resolving conflicts (Malan, 2012).

The elders would ask forgiveness from the victim or the accused if he/she is found not guilty (Chereji & King, 2013). Elders are involved during negotiation between conflicting parties. The legitimacy of the system is increased through the nomination of elders who are matured, knowledgeable about the process and rich in their practical experiences. Such elders are careful about their language and are expected not to use derogative words or expressions of victory, defeat, hatred or enmity in the

negotiation process (Malan, 2013). If there is dissatisfaction, parties are at liberty to present their appeal to the elders' council. Therefore, it is essential to build a social bond between conflicting parties.

Through language that is spoken during negotiation by elders, it enables conflicting parties to exchange and share information during conflicts. This must happen before and during negotiations between the conflicting parties to allow a flow of dialogue (Adejimola, 2009). Mashamba (2014) opines that both conflicting parties are monitored by elders of the royal council where they argue until the solution is reached. Traditional leaders act as facilitators in resolving conflicts whereby two conflicting parties are brought together and help them to negotiate peace and continue to live harmoniously in the community (Emanuel & Ndimbwa, 2014).

Negotiating maternal conflicts is difficult as both parties need straight forward victory. Negotiation is one of the methods or strategies utilized in attempts to resolve conflicts (Pitswane, 2014). The others are domination, capitulation, interaction, withdrawal and intervention by third parties leading to decision making. Negotiation as a process and instrument of international diplomacy has been influential in post-war period in fields such as economics and psychology (Zartman, 2006).

Negotiation can be direct in the form of consultation or representative through agents or expects. It may be institutionalised in the form of elders of community. Therefore, negotiation carries a low cost as it makes it difficult to infringe the victim and predation. In the world of diplomacy outside states frequently intervene in a conflict or a negotiating process to promote their own interests.

Waylen (2014) contends that women actors or gender concerns have often been absent from the negotiation settlements that bring an end to violent conflicts. In practice, part of negotiation tactic, parties do not like to sit face to face across each other often from fear that they might reveal something that gives the other side an advantage (Saaty, Joyce & Alexander, 1989). Most conflicts are greatly helped by the

presence of a negotiator as a third party called to assist. Resolving conflicts involves negotiation as bargaining process that gives win or lose situations (Jeong, 2018). The objective of negotiation process is to end conflicts and build stable and long-lasting peace throughout society to country. Therefore, the negotiator does not take part as third party to assist to bring both conflicting parties to find a way forward of their differences.

A study conducted by Helinjiva (2014) has found that in Darfur negotiation was used as a method to resolve conflicts. This is a method that was viewed as a practice of resolving conflicts. He further attests to the notion that negotiation is a basic practice during resolving conflicts. This process is aimed in settling and managing conflict. During the crisis of 2009 in Madagascar, the first step was negotiations to resolve the conflicts. This was conducted under the auspices of SADC. All conflicts of human society should be resolved by peaceful and no-violent methods such as negotiation (Tamang, 2015). Through negotiation as conflict resolution strategy, rivalries, disputes and incompatibilities can be checked, minimized and peace can be established (Wani, 2011).

Negotiation focuses on parties' common interests and not their relative power or position in the society. The aim of negotiation is to arrive at a "win-win" solution to the dispute at hand. Negotiation is an informal process and one of the most fundamental methods of dispute resolution. It offers parties maximum control of the process (Wanende, 2013). It has been said that negotiation leads to mediation in the sense that the need for mediation arises after the conflicting parties have attempted negotiation but have reached a deadlock.

2.2.3.3. Mediation

Mediation has been used in African societies where there is a conflict. Ndlovu and Ndlovu (2017) allude that in Ndebele societies, mediation is employed to resolve conflicts where the mediator is not part of conflict but gets involved to resolve the conflict between two conflicting parties.

Power, natural resources, marriage and generational gaps are sources of conflict in Ndebele societies and therefore the mediator serves as a bridge to resolve the conflicts (Ntuli, 2018).

The mediator listens to each side's version of the problem in an informal setting and helps the parties come up with ideas for resolving the dispute. The mediator encourages each party to attempt to understand and evaluate the interests of the other party, although the mediator generally does not "judge" the strength of either side's case (Sullivan, 2014). Ogwari (2012) alludes that chiefs and traditional leaders have been mediating in conflicts where the perpetrator who was found guilty was to compensate and return favour with the sole purpose to restore peace and order in the society.

In traditional courts in Zimbabwe (*dare*), Burundi (*Bashingantche*) and Rwanda (*gacaca*); mediators play a significant role to resolve conflicts where it involves of land and other crimes (Mutisi, 2011). In Rwanda *abunzi* mediators have synergies between states and local process to resolve conflicts. *Abunzi* mediators are found in every society in Rwanda to resolve conflicts as one of the accessible traditional mechanism to resolve conflicts.

There is no cynicism that elders of royal council and chiefs are the mediators for conflict and to bring peace. Omeje (2019) attests that chiefs in Eminent in Yendi have been mediators for conflict resolution and play their role to map the road of peace in their societies. Theresa and Oluwafemi (2014) assert that elders negotiate peace between a suspect and a disputant. Reconciliation is initiated by mediators, where the purpose is not to render judgment but to reconcile conflicting parties. Traditionally African philosophy was used to maintain law and order in society. It was, and still is in some societies, a mechanism for conflict resolution and reconciliation (Schoeman, 2013).

The traditional leaders act as facilitators in resolving conflicts whereby two parties are brought together and help them to negotiate peace and continue to live harmoniously in community. In some African countries such as Uganda, Mozambique, Rwanda,

Sierra Leone and Burundi they perform some reconciliation ceremonies that have been adopted by activists. One key requirement is the offender must acknowledge his or her guilt in order to be redeemed (Allen & Macdonald, 2013).

Mediation involves a third part which functions as the face-saving device. Conflict resolution methods such as mediation are likely to be effective when mediators take sensitive “symbolic” into account. The mediator is an influential figure in resolving conflicts. In Egypt, notable figures that are held in high regard in local society are chosen to mediate conflict that relate to clan property (Pearson, 2014). The fore mediation is used to usher peace.

Mediation as a form of conflict resolution is voluntary and generally non-binding to the parties have influence over the outcome. The third parties are involved to facilitate decisions to narrow their differences, review their competing goals. Mediation is adoptive and responsive. Different conflicts are characterised by varying and particular mediation experiences. There are number of central and common conceptual features are variables, supported by practice and whose consideration is vital in understanding the role of mediation in all conflicts. Third party intervention in a conflict with the state purpose of contributing to its abatement of resolution. Zartman and Touval (2007) point out that, mediation includes the interests of mediator. It is different from arbitration. During the process it is imperative that the parties not only agree to the mediator but find common ground elements that would lead to an agreement. Consequently, the agreement reached must be acceptable to parties. However, the challenge normally presented revolves around the implement ability and durability of agreements.

Central to all these issues is the existence of a number of elements that constitute a mediation environment determine its form, namely, parties, a mediator a process of mediation and contest of mediation. Furthermore, Bercovitch (1997) submit that mediation by its nature is consensual, non-violent, non-coercive, and non-combative. Mediators bring distinctive characteristics to talks in various forms. However, mediator's method is not always static it changes as the process of mediation unfolds and as dictated by the conditions and context.

Pitswane (2014) points out that mediators take interest in a particular outcome which generally includes the need to nudge the practice towards settlement and to practice their reputation. Further, mediators are actors who take a keen interest in the outcome of the conflict. The behaviour of mediator and strategy approach and tactics used by the mediator can also have a bearing on the conflict resolution process. However, the mediator can also be a procedural agent or a manipulator. Pitswane (2014) indicated that there are Based on the study of Pitswane (2014) point out that there are four key actors during mediation: Interests, behaviour of mediator, strategy approach and tactics, mediator as procedural agent and mediator as manipulator:

- Interests: Mediators are involved in conflict resolution since their interest is to mediate between conflicting parties. Zartman (2009) allude that state mediators have interest of being involved during conflict resolution. He further noted Chad's mediation of the Darfur intent on overthrowing its government but also protect the interests of the Zhanawa ethnic groups (Pitswane, 2014).
- Behaviour of mediator: Mediators have the universal objective of modifying settling or resolving conflict among the parties. This is the essence of mediation. As a result, they are not impassive or exogenous players with no interests. They got involved in the activity because they have particular interests to promote and protect. Zartmant (1997), Maundi et al (2006). Bercovitch (2007) point out that mediators do not get involved because of simple altruistic reason only but do so to achieve desired ends. Their participation illustrates their need to espouse a particular set of values. Mediators, by accepting the role, can benefit by extending their influence and building their capabilities.
- Strategy approach and tactics by Mediators: Mediator as communicator-facilitator, the mediator use strategy that is intended to create good conditions for communication between the negotiating parties themselves and between conflicting parties and the mediator. The Mediator seeks to develop a rapport with the parties. In addition, the mediator can persuade and coordinate the expectations of the parties by highlighting mutual interest's focal points and showing the parties different formulae regarding how to reach a settlement (Aggestam, 2005).

- Mediator Procedural agent: the third partly intervener starts by establishing the protocols and procedures underpinning the talks themselves. Apart from chairing meetings and delineating agendas, the mediator also assists the parties by inter-alia, keeping discussions focussed on relevant issues.

Behaviour of mediator, Strategy approach and tactics by Mediators and Mediator Procedural agent they are the basis that can be used for successful mediation process to resolve grassroots conflict.

2.2.4. Approaches to Conflict Resolutions

Conflict resolution includes the approaches that are aimed to resolve conflicts and bring peace to both conflicting parties. Therefore, people use various strategies or methods to resolve diverse conflict amongst them. It is generally recognized that both conflicting parties ought to approach the courts whenever there is disagreement (Harff, 2018). However, there are different approaches that are used to try and resolve conflicts. Approaches to conflict resolution include the judicial approach, power-politics approach and conciliation approach.

2.2.4.1. Judicial Approach

This approach resolves conflicts using legal framework in which a third party is given a sort of authority, based on the confidence of conflicting parties in the third party (Morano-Foadi & Andreadakis, 2011). In this approach there is use of language that is based on legal procedure to approach the intensity of the conflict. This approach gives a zero-sum and win-lose outcome. In addition, conflicting parties are always wary to take the judicial approach because of its unpredictable outcome (Von Bogdandy & Venzke, 2012). The judicial approach is essentially to resolve conflict by litigation.

In the case, the adversaries have no influence in choosing the third party. Only one party is needed for an intervention to occur, and the judge is the decision-making authority (Linzer & Staton, 2015). This approach needs a balance between a perpetrator and the victim. When conflicting parties are in contestation and seek

resolution using the legal framework, the perspective of conflicting parties relies on judges to adjudicate conflicts using public laws.

The use of the judicial approach as a method of conflict resolution can be used for conventional conflicts where both parties are seeking legal approach or legal opinion on how to settle their disagreement. However, this approach can be costly. Often, one of the conflicting parties does not have money to consult the public judicial system. This approach can be viewed as the judgement results in lose or win situation, where both the victim and the perpetrator are not compelled to live together and build the community.

2.2.4.2. Power-politics Approach

This is a situation in which the third party takes the initiative to manage a conflict out of concern (personal) bordering on realizing its own broader strategic interests rather than the interest of the parties to the conflict (Brass & Krackhardt, 2012). The third party throws into the conflict its leverage and imposes outcome on the parties.

The Cold War era witnessed the superpowers largely managing conflicts among states based on power-politics. As the 21st century advances towards its third decade, international politics is in a state of flux (Pieper, 2013). Superpowers such as the People's Republic of China (China); the Russian Federation (Russia); and the United States of America (USA) are more likely to wage proxy wars for control over other countries. In these wars, superpowers use military, economic or political aggression to advance their own interests (Goh, 2013).

Several tactics used in this regard include "light" tactics as ingratiation, gamesmanship, persuasion, and promises, and "heavy" tactics such as threats and irrevocable commitments (Genger, 2015). Although increasingly severe contentious tactics are a feature of conflict escalation, contentious tactics are not necessarily destructive (Edewor, Aluko & Folarin, 2014). Through ingratiation, one party seeks to make the other party favourably disposed toward them and so lessen their resistance to yielding. Specific tactics include flattery, agreeing with the other party's opinions, and doing them small favours (Khalaf, 2012). Gamesmanship strategies involve

inducing a state of upset or unrest that has the effect of lowering the other resistance to yielding (Fan, 2014). Ingratiation and gamesmanship both works best when the target is not aware that these tactics are being employed.

Persuasive arguments are overt attempts to induce the other party to lower their aspirations. A party usually argues either that they have a legitimate right to their desired outcome, or that it is in the other party's best interests to lower their aspirations (Onwuzuruigbo, 2010). Promises and threats, seek to induce the other party to act in some particular way, by attaching further consequences (beneficial or harmful) to their actions. The advantages of promises are that they are generally effective, relatively "nice", and may create a sense of indebtedness in the recipient. The drawbacks are that promises cost the promising party whatever reward was offered, recipients may demand more extravagant rewards in the future, or they may be mistaken for bribes (Brosché & Höglund, 2016). Threats are even more effective than promises and have lower costs. However, threats tend to evoke counter threats, increasing hostility and escalating conflict.

Another tactic involves making an irrevocable commitment to pursuing some potentially mutually harmful course of action (Dagher, 2017). In making an irrevocable commitment, "the locus of control over the outcome of the exchange has been shifted from the shoulders of one Party to those of another, who is now the only one capable of preventing mutual disaster," presumably by choosing to yield (Chatterjee & Finger, 2014). The advantages of this tactic are that it can be effective, and that it does not require much relative power, unlike promising or threatening (Brosché, 2014). The drawbacks are that it can entail substantial risks; must be used pre-emptively; must be clear and credible, and can foster escalation (Brosché, 2014). Within the context of Africa's conflicts, we can see that the categorization of conflict approaches with reference to conflict management approaches have largely been used in responding to conflict in Africa with the exception of problem-solving approach which is the best but least used.

2.2.4.3. Conciliatory Approach

Conciliatory approach looks on overcoming the disputes between two conflicting parties (Wolf, 2011). With this approach, conciliatory actions should show that both conflicting parties are willing to end the conflicts or to settle disputes. Moreover, third parties are included to bring the conflicting parties to reach agreement through improving communication between them, assisting them interpret the disputes that divide them, and exploring avenues toward a peaceful settlement (McCain, 2014). Conflicts, especially those involving deep emotions, necessarily require the systematic replacement of negative feelings and perceptions with positive ones and thereby assisting the conflicting parties to discover some mutuality of interests, which could be capitalized on for the resolution of the conflict.

Even though conciliatory approach is used for conflict resolution, however, it does not state the class of third party (Christensen & Lackey, 2013). Furthermore, one can assume that it can be any member of the community who wishes to be involved for a conciliatory approach. Some of the errors can be made during interpretations of conflict or disputes, therefore leading to cynicism and biasness of the approach.

2.2.5. Conflict Resolution in Africa

Conflict resolution in Africa it is the method or process where two or more parties attempt to find a peaceful resolution to a disagreement among them in African societies (Achankeng, 2013). The resolution in African society can include politics, warfare, financial or battling for resources. Though conflicts occur in African societies, the pre-colonial traditional leaders have been resolving African conflicts that aid to bring harmony in their societies. Having stated above some of conflict approaches the conflict resolution in Africa probe to show some of Unions and United nations in Africa resolve conflicts. Conflict resolution in Africa is endowed with valuable insights that rebuild social trust and restoration of the communal existence. Burchardt and Dietz (2014) cited in Omeje (2008) argue that though in Africa there are indigenous methods to resolve conflicts; international initiatives are mainly preferred, and they neglect the use of indigenous mechanisms to resolve conflicts in some parts of Africa. Based on the recommendations of Burchardt and Dietz and Omeje, the causes of neglecting these indigenous mechanisms need to be explored. The researcher argues that these

African indigenous mechanisms can have potential to resolve African conflicts within African countries if fully adopted and utilized.

2.2.5.1. The United Nations

Southern African countries adopt several mechanisms to resolve conflicts (Lenz, 2012). The United Nations Security Council (UNSC) attempts to secure peace in all regions through sending ambassadors to mediate and negotiate peace between conflicting parties. These attempts use military and police services to secure peace in some African countries or societies (Hultman, Kathman & Shannon, 2013). In most cases, the UN security forces use law enforcement structures to resolve conflicts without engaging with the traditional leaders of particular society, area or country (Mashimbye, 2017). This can be argued to depict the UN's failure to keep peace or to resolve some conflicts from grassroots level.

The UN in some parts of African countries such as Zimbabwe, South Africa and the Democratic Republic of the Congo (DRC) had made some efforts in conflict resolutions and building peace (Ancas, 2011). Autesserre (2012) and Khadiagala and Nganje (2016) assert that, the initial task of the UN is to establish peace in the DRC to attain peace and stability in Africa has been a monumental task. In addition, UN use military force that is able to protect the population from the exactions of the Congolese army and numerous other armed groups. Muyingi (2013) alluded that African ethics such as Ubuntu are adopted to resolve conflict peacefully in the DRC. In this regards Ubuntu is a traditional world vision. In considering Ubuntu towards conflict resolution and peace building and it is suitable in traditional Africa to build peace and maintain social order in the society of Congo.

2.2.5.2. African Union

The African Union played role in peace building and conflict resolution through adopting mediation in countries such as Burundi, Libya and Côte d'Ivoire (Oguonu & Ezeibe, 2014). The AU plays a vital role in conflict resolution in the region of Africa.

During conflict resolution, AU wherever there are conflicts in Africa it seeks the intervention of international community to resolve conflicts. Peterson (2012) posits that the AU was established by 15-member to intervene in resolving conflicts and bring peace and to intervene in cases of egregious human rights abuses and unconstitutional changes of government.

The AU use mediation to resolve conflict resolution and peace keeping. Furthermore, it promotes unity within African societies (Knoebe, 2016). This is assimilated with the customs of African traditional leaders; those enforce oneness in the societies and to resolve conflicts. During resolving conflicts, the AU ensures that every mission that is embarked they establish peace not to fuel conflicts. The mission of the AU is to make recommendations on the best perceptive to resolve the crisis and provide a framework for reconciliation, healing, justice and peace-building (Igbokwe, 2020). Au, highlight several issues that causes conflicts that includes selfish political desires of the two main parties, the nature of government, the biased military, economic misappropriation, poverty and ethnic struggle.

Leld and Madunt (2018) indicated that conflict resolved by the AU, it involves military forces to bring peace and maintain social order in the country. However, the AU's missions to resolve conflicts can face some challenges that include finances and some technical capacity problems. The Union can face many hitches in efficiently tackling the conflict, however the AU have demonstrated its effectiveness in resolving some conflict, although the achievement recorded by the AU it surpass the prevalent of conflict as a result of the continued violations of all peace accords by the conflicting parties (Keitany, 2016). One of the successes recorded by the Union is peace-making through mediation. Knoebe (2016) asserted that AU on numerous occasions involves the conflicting parties in negotiation encouragement a reduced ceasefire at the peak of the conflict.

2.2.5.3. Southern African Development Community

The Southern African Development Community (SADC) is the regional organization in southern Africa, and it focuses on strengthening the regional economic functions and political stability (Mapuva & Mapuva, 2014). The SADC was created in 1992, which placed an effort on self-reliance within the Southern African region. The objective of the SADC is to promote economic and social development through co-operation and economic integration within SADC (De Wet, 2014).

Britton and Dean (2014) examined that most of conflicts in SADC emanate from human trafficking, gender-based violence, wars and gender inequality that is the outcome of economic insecurities, these are the significant factors in the region of southern Africa. All these factors pose threat to human security and peace of society. A lot of southern African countries witnessed protracted civil conflict in their mission to gain independence from colonizers and apartheid regimes government. Mashimbye (2017) examined that the SADC resolve such kinds of conflicts that threatened the peace and security.

SADC used military power to resolve conflicts in Lesotho. Soldiers were deployed to ensure that people do not burn, vandalize or resort to jungle justice or to damage state properties (Miti, 2012). Therefore, it does not only focus only on economic functions but also on dealing with conflicts. To add, the agenda and vision of the SADC includes economic integration, freedom and social justice (Vhumbunu, 2015). Where there is social injustice and conflicts, it intervenes and has conflicts and injustices resolved.

2.2.6. The Spiritual Dimensions of Conflict Resolution

Chereji and Wratto (2013) assert that in most African societies, the spirit world plays a major role in sustaining societal order among the people. There are special conflict situations that need spiritual involvement because such cases are regarded as beyond

human understanding. The chiefs and elders would try their best to reach a resolution through their wisdom, but if they fail, the case may then be turned over to the ancestors and the gods of the lands for settlement (Ntuli, 2018).

Kanu (2019) alludes that the spiritual dimension of conflict resolution in West Africa is a voluntary process and it's mostly suggested by the accused party; in cases of witchcrafts, rape, and theft, among others; as they wish to express their innocence. When an accused of bewitching neighbour fellow tends to create conflict between two parties, this type of conflict is common in some parts of African countries such as Ghana (Crampton, 2013). Smith (2010) examined that most of the people accused of practicing witchcraft are women who are murdered by community members thinking that they are resolving conflicts. People who are accused of witchcraft flee for their safety as a part to resolve conflicts. Therefore, Crampton (2013) noted that social sanctions are used as part to resolve conflicts where the accuser is accused of participating in conflict that involves witchcraft, and they are not allowed to share equal resources. Kendie (2006) noted that people from Akan society resolve conflicts that involve witchcraft through involving oath-taking or incantations and these processes are facilitated by traditional healers or spiritual leaders.

In dealing with spiritual dimensions such as witchcraft wherein a member of the community could accuse another of practicing witchcraft, the traditional leader and his council of elders would seek help from traditional health practitioners, seers or diviners, to throw bones to determine the case at hand (Ndlovu & Ndlovu, 2017). The identified groups of people are believed by some community members to have the skills and knowledge in communicating with the spirits and ancestors, hence their divine intervention is needed.

In a protracted case where the complexity of the matter makes it difficult to discern who is right or wrong, the process is directed towards the supernatural world for settlement of disputes (Chereji & Wratto, 2013). Men play little or no part in resolving such conflicts. Sometimes, this appeal to the spirit realm is made when human efforts fail or when no confidence is reposed on the human panel. During the process, the victim may ask the accused to swear on a tutelary deity of his/her choice to prove his/her innocence (Chereji & Wratto, 2013). On the other hand, the accused may opt

to swear on any powerful “Alusi” (gods) in order to free him/her from the accusation (Sandu, 2014). If the victim accepts the accused’s offer to swear, he/she is bound to regard the dispute as closed and to wait for the supernatural judgment (Ndlovu & Ndlovu, 2017). The perjurer (accused) may die as a result or may suffer grave misfortune or illness. The more dreadful consequence is that the perjurer’s family and sometimes, the entire village may suffer from some obscure illness which may put the lineage in danger of complete extinction (Smith, 2010).

Traditional health practitioners (THPs) may sacrifice animals, use water and herbs to perform purification or rituals to resolve conflicts between the living and the ancestral spirits as they pass libations (Kyalo, 2013). Shoko (2013) states that traditional leaders conduct healing for different purposes such as conflicts between family members and ancestors. Formal courts are argued not to be able to deal with spiritual warfare such as witchcraft practices (Chiweshe, 2015). As such, these conflicts are addressed first by consulting the ancestors on how to tackle the situation or conflict before taking decisions. Therefore, the study also assessed how THPs can be involved in conflict resolution to work closely with the traditional leaders (TLs) as they might have some ideas on how to resolve spiritual conflicts and ensure that they assist in taking an oath that the accused is innocent.

2.2.7. Actors in Conflict Resolution Process

Indigenous conflict resolution methods differ in terms of actors in the conflict resolution process. Alula and Getachew (2008) assert that, in most parts of Ethiopia, the lineage structure often comprises of kings and headmen. In their study of indigenous conflict resolution mechanisms of Afar, Gamo and Borena, they observed that the clan members or the head of the clan are often included in conflict resolution. Most of indigenous conflict resolution processes in Ethiopia, are aimed at resolving conflict, can be accomplished by all interested individuals. The actors who participate in conflict resolution processes in indigenous conflict resolution can be divided into three types namely the conflicting parties (plaintiff and defendant); conflict resolvers (elders); and the crowd. The crowd involves any interested individuals or sympathiser of disputants. These actors have their own duties and rights in a conflict resolution process (Daniel, 2016). These groups are discussed below *seriatim*.

2.2.7.1. The Defendant and Accuser

The defendant is the person who is accused of wrongdoing and be represented by someone to advocate for him/her. The accuser is a person who is accuse a person for wrongdoing (Leeson, 2012). The defendant and accuser collectively make up the parties in the conflict. Both conflicting parties are the main actors in the resolution process because of the following:

- The existence of the system depends on the presence of conflicting parties, who bring their cases in search of justice. If conflicting parties were not there, there would be no conflict to resolve.
- It is very vital for both conflicting parties to avail themselves in time so that they can prepare themselves for the conflict resolution process.

The disputants' familiarities with the indigenous system, their trust on the elders, since the elders are capacitated with knowledge and wisdom in conflict resolution Resolving the conflicts using indigenous systems is less time consuming and cost effectiveness for the local people's persistence preference of the indigenous conflict resolution institution (Kyalo, 2013).

2.2.7.2. Participants

Participants in the conflict resolution may be relatives, friends, and/or neighbours of the parties in the conflict, or any passer-by can also observe the conflict resolution process (Wallenstein, 2018). In most cases, these participants have the right to participant in discussing the case. However, they do not have a role in decision-making (Miti, 2012). The decision might be taken by the elders of the society depending on the intensity of the conflict. Some of the participants are invited as eye-witnessed of a certain incident that led to conflict between the two parties. This can be led by chief, king, elders and other tribal leaders (Bukari, 2013). The aim of allowing people to participate in conflict resolution is to reconcile the conflicting parties genuinely; to reserve and make sure that there is harmony, and make everyone who is included in resolving conflicts happy; and peace is restored within conflicting parties (Ajayi & Buhari, 2014).

Participants are allowed to express their perspectives even if those views were not favourable to all, but these views were held blameworthy (Koenane, 2017). Everyone has freedom of speech in traditional courts. Participants in traditional courts settings would ask any questions about the conflicts that are affecting their daily lives and to voice out without fear. Mawere and Mayekiso (2014) argued that, even though participants are allowed to participate in the process of conflict resolution in the traditional courts, but both women and youth are being silenced to participate in making decisions or bringing their inputs. This might be that women are viewed as inferior to men.

Studies conducted by Miti (2012); Bukari (2013); Ajayi and Buhari (2014); Koenane , (2017) and Mawere & Mayekiso (2014) have found that people within the pondo tribe in nigeria,ghana and south africa, society are allowed to participate in conflict resolutions settings; though they cannot make decision since they do not have the powers to adjudicate the disputes. Hence some of these participants are family members, friends or relatives but only the elders or chief they can come up with final say. The issue of gender inequality in the participation is not considered as women are silenced, this might be that woman are considered as incompetent and therefore cannot make proper decisions during conflict resolution. Only men are considered to make decisions.

2.2.7.3. Conflict Resolvers

The main actors involved in the conflict resolution process as mediators or negotiators or arbitrators are elders and clan leaders (Stephan, 2018). Mello and Delise (2015) submit that it is crucial for a mediator or negotiator or arbitrator to be trusted by the parties to the conflict. In order to achieve that, he/she must be an upright and honourable person, who shows will and determination to help the parties in conflict. In this regard, conflict resolvers, are selected based on their good reputation, wisdom, exemplary deed, experiences, patience, commitment, talent in delivering just decisions, well versed in traditional law and other calibres (Chereji & Wratto, 2013).

Mekonnen (2016) also noted that in many communities' elders who are respected and accepted in their communities for their wisdom, experience, moral standard, knowledge of the customs of the community, their ability to analyse and advise disputants, and being patient, impartial, incorruptible and respectful of diversity are selected in the conflict resolution process as conflict resolvers. Due to the above qualities of the conflict resolvers, they are highly trusted and respected by the wider society. As a result, conflict resolvers are effective in maintaining peace and resolving conflicts.

2.2.8. Ubuntu

The concept of Ubuntu is found in diverse forms in many societies throughout Africa; more specifically, in the Bantu languages of East, Central and Southern Africa. Ubuntu is a cultural worldview that tries to capture the essence of what it means to be human (Brubaker, 2013). In essence, Ubuntu - a Nguni word, addresses the interconnectedness of common humanity, and the responsibility to each other that flows from connection (Nzimakwe, 2014).

2.2.8.1. Concept of Ubuntu as a Traditional African Ethic

Ubuntu is a principle that is based on social values of humanness, caring, respect, compassion and associated values that ensure happiness and quality of human in community as a spirit of life in a family (Mayingi, 2013). Ubuntu recognises attributes of humankind that include the existence of human equality, universal brotherhood and sacredness of life. Muzio and Robbins (2016) allude that a person with Ubuntu should be a person who is generous, welcoming, hospitable and willing to share. Therefore, in a society, members should be willing to share and participate in the society to resolve conflicts and to promote personal dignity of every individual. People in the society exist because of one another and everyone is important within the society to contribute in resolving conflicts.

People are trying to live out their Ubuntu values in the same way that religious people strive to be good (Nzimakwe, 2014). These values are always part and parcel of life of the African culture (Nwagbara, 2012 & Ndzimakwe, 2014). Survival, solidarity spirit, compassion, respect and dignity are part of Ubuntu. Its characteristics are, *inter alia*, the human experience of treating people with respect, humanness - which means that being human comprises values such as universal brotherhood and sharing, and treating and respecting others as human beings; a way of life contributing positively to sustaining the wellbeing of people, the community or society; and a non-racial philosophy applicable to all people as human beings (Muncie, 2011 & Nzimakwe, 2014).

Ubuntu embraces the social values of humanness with the societies (Hayner, 2010). Even though a person can be generous, welcoming, hospitable and sharing, it does not mean the person cannot get into conflict (Muncie, 2011). The accused is being cored from the wrong doings to the defendant and reconciled to the society as a sign of ubuntu. Hence, conflict is part of social life where there are society members. However, one cannot see or perceive that people have as it represents social solidarity of society members. Having discussed the concept of Ubuntu as a traditional African ethic, the next theme discusses Ubuntu and conflict resolution.

2.2.8.2. Ubuntu and Conflict Resolution

Marfo (2015) asserts that resolving conflicts using the principle of Ubuntu encompasses finding the process where the views of defendant, accuser and witnesses are heard. The perpetrators, if considered to have done wrong, are encouraged, both by the Council of Elders and other community members in the *Inkundla/lekgotla* forum (royal court), to acknowledge responsibility or guilt. Perpetrators are encouraged to demonstrate genuine remorse or to show a sign of true repentance (Olusola & Arigu, 2013).

In addition, perpetrators are urged to plead for forgiveness and victims in their turn are also encouraged to show mercy to their offenders (Marfo, 2015). It is possible, at the suggestion of the Council of Elders, that perpetrators are required to pay an appropriate compensation or reparation for the wrong done (Arthur, Issifu and Marfo, 2015). The payment was not through cash but paying a recommended animal or a thing that can be affordable, but a symbolic sign, with the primary function of reinforcing the remorse of the perpetrators (Nzimakwe, 2014). Conflicting parties are encouraged to commit themselves to reconciliation. This process of reconciliation normally involved the victims' and perpetrators' family members and friends, all together in a participatory manner.

While the conflict resolution ground is concerned with the reconciliation of interests and relationship of parties to the conflict resolution both the accused and the victim are compelled to live together in the society (Wanki, 2011). Therefore, the African philosophy pursues to reiterate the connectivity existing between the perpetrator and the community to live together without violating or infringing the rights of the victims or the accusers. This is the researcher's submission of understanding Ubuntu in conflict resolution.

Olowu (2017) asserts that people in society have constructively adopted the spirit of Ubuntu to resolve some society conflicts and to improve livelihood within the society. Therefore, society members participate in conflict resolution together with the assistance of Traditional leaders as a sign of Ubuntu and to support both sides during conflict resolution. These are veritable ingredients for reconciliation. Olusola and Arigu (2013) assert that resolving conflicts is to fix a broken or damaged relationship, rectify wrongs, and restore peace within society and conflicting parties. Furthermore, integrity of the mediators in terms of impartiality, transparency and fairness must be sacrosanct (Olowu, 2017). Mediators they are capacitated with knowledge to mediate conflict between two conflicting parties. The interest of the larger society must be paramount to establish good neighbourliness and social solidarity beyond the immediate injury and wrong.

Ubuntu plays vital role in conflict resolution. It is intended to bring all conflicting parties together. There is no cynicism that Ubuntu is practiced in societies to resolve conflicts and to share some society properties. However, during resolving conflicts Ubuntu ignites engaging or having dialogues with conflicting parties. Traditional elders can ask elders of the council to put suggestions that the accuser can pay appropriate compensations or reparation for the wrong done. The type of fine should be clear and the duration of paying those fines should be set so that if an accuser does not pay, there will be consequences for skipping the fine.

2.2.9. Concept of Peace-building

Watitu (2014) asserts that peace-building means different things to different people. Peace-building is part of collective sustainable efforts to build peace that can last during and after conflict (Vines, 2013). Peace-building involves the full range of initiatives, measures, and activities aimed at preventing, reducing, and transforming conflicts and developing institutions, attitudes and relationships that promote sustainable peace and development (Ibrahimefendic & Thompson, 2019). Furthermore, Murithi, (2012) submits that peace-building as a process whose goal is to strengthen the capacity of societies to promote “positive peace.” This involves activities aimed at addressing the root causes of conflict, prevention, and mitigation of all forms of violence, and the promotion of reconciliation and coexistence on the basis of human rights, social, economic and political justice.

2.2.9.1. Peace-building

Tadjbakhsh (2011) asserts that different countries across the globe including Africa, Asia and Europe are making efforts for peace-building. These efforts are characterised by a language of power, exclusion, or defence of an international order that does not address adequately the issues of liberation and inappropriate imposition (Roberts, 2011). However, after peace building the states are given security. Security officers within the states are tasked to ensure that the protests or violence it does not take place in the states.

Hutton (2014) asserts that the UN focuses on peace-building as part of the international effort to help states on the road to recovery from diverse conflict. Peacebuilding began as a key focus of international attention as a relief for war affecting devastated states, with the UN playing a central leading role (Arthur, Issifu & Marfo, 2015). The process by which peace is achieved is placed on preventing violent conflict from recurring by dealing with the underlying economic, social, cultural and humanitarian problems responsible for the conflict. However, Williams (2012) argued that using some western approaches to peace-building in Africa has not been an effective model for establishing effective peace within African societies or countries.

Motsamai (2014) alludes that the agenda of SADC is to strengthen the capacity of conflict prevention and building peace within SADC countries. Mutisi (2016) points out that the use of preventive diplomacy efforts, mediation, peace support operations, peacekeeping, peace-building and post-conflict reconstruction and development efforts, has situated Africa at the forefront of peace processes on the continent. Curtis (2013) points out that countries such as Burundi had used negotiation that led to successful peace amongst the citizen over government through power sharing, and explanation for regional and international peace-builders' contribution. It is undisputable that adopting negotiation brings peace between conflicting parties.

Zondi (2017) asserts that the AU used methods for peace-building, out of Africa's historical experience and lessons from the UN. However, it needs the existence of a legitimate government, a society that is functional and local or international parties for negotiation of peace (Arthur, Issifu & Marfo, 2015). Without these conditions, it leads to extended peace enforcement rather than peace-building. Yet, whatever the conditions that succeed, peace-building in Africa has experienced restricted success due to the failure to profoundly transform the inherited post-colonial state, society and politics (Campbell, 2012).

The process of peace-building in African societies needs to be versed by traditional leaders as the pre-governors of local people. During building peace by the SADC, AU and UN, they should engage with traditional leaders to use indigenous process to bring peace in the societies. Curtis (2013) points out that a country such as Burundi had used negotiation that led to successful peace amongst the citizen over government. It cannot be disputed that even traditional leaders can negotiate peace, but they should be involved in bringing peace.

2.2.9.3. The Constitutive Force of Traditional Culture in Peace-building

Traditional societies are characterized by communal, collective and more prone an atmospheric peaceful co-existence (Jenkins, 2013). The use of customs and values in reconciliation efforts result in communal grassroots involvement and thereby contribute substantially to eradication of the root causes of the conflict and to holistic reconciliation. Within this context, culture of conflict resolution is viewed as an important explanation of change; it is by nature (Brosché, 2014).

A community-based grassroots peace-building approach is based on the argument that since war involves most of the masses (grassroots people) or rank and file as either active members or victims, it only makes sense to involve this large segment of the society in the process of peace-building and fostering human security (Mac & Richmond., 2013). A communal approach to peace-building changes into building peace. Among many African societies, symbols and rituals are key to an effective and permanent peace-building (Stensland & Breidlid, 2011).

In many African countries, culture is hegemonic and comprise of reconciliation following violence and warfare (Jenkins, 2013). In other words, in such societies, cultural values are of primary importance to most members of the community. According to Mac Ginty (2013) local societies are more prone to use rituals that foster collective "healing" than methods that emphasized confrontation and zero-sum/power bargaining which have become common in many peace-building. Abdile (2010), Unruh and Williams (2013) point that in traditional society a communal approach to peace-building is established based on the premise that sustained peace and order in community results from the moral authority exerted by the communal group over its

members. In pastoral communities, peace-building takes the form of elders from two neighbouring clans playing an important part in defusing tensions and conflicts (Kuto, Bacha & Taye, 2018). This means resolving conflicts over grazing land requires elders to initiate peace-building.

2.2.4.3. Peace-building as Society-Building in Africa

Conflict has been accompanied by an augmentation of peace-building efforts conducted by a variety of actors. What happened in Sierra Leone, Liberia, the Democratic Republic of Congo, or Angola, among others, had a psychological element to it (Verkoren & Van Leeuwen, 2013). The crisis or trauma associated with intense relative deprivation was equal to severe suppression which escalated into rebellion against authority, age-old traditional attitudes, and professionalism. Third parties were involved in the process of peace building in different societies. In addition, good dialogue it is vital during initiating peace and to reach agreement between conflicting parties.

Sandole and Staroste (2014) assert that the main reason for most peace building efforts has been 'minimalist' in nature, where third-party intervene and aimed to attain and maintain 'negative peace' - the absence of resentments. These efforts have been at the expense of the more ambitious and, within a realpolitik perspective, unrealistic objective of achieving and developing positive peace (De Vidovgrad, 2015). Therefore, the objective of peace-building - where third-party intervene and identify the deep-rooted causes and conditions of conflict occurring between conflicting parties need to resolve when both conflicting parties are involved.

The consequences in Sierra Leone were a blatant disregard for communal values such that individuals and groups were forced to take violent action against people or organizations believed to be agents of insecurity (Roberts, 2011). The task of peacebuilding should, first and foremost, be to eliminate the mindset that compelled people not to work together. This means engaging in resocialization in order to strengthen commonly held traditional ideas and understanding. Peace is very crucial

to every society, so that it cannot hinder the societal progress or development. However, the intervention by third party should not aim to achieve peace without engaging the conflicting parties to clarify the workable solutions towards peace (Ibrahimefendic & Thompson, 2019). The third party need to be willing to assist conflicting parties to resolve their conflicts through involving traditional leaders in peace building.

2.3. Chapter Conclusion

This chapter reflected on the theoretical framework of the study; Sankofa and Conflict transformation theories. In addition, the chapter also synopsized various topics that are directly and indirectly linked with the research topic to show gaps that this research covered. In that regard, the following topics were discussed: the institution of traditional leaders; appraisal of traditional leadership and legislations governing traditional leaders; alternative mechanisms of conflict resolution; conflict resolution in Africa; the spiritual dimensions of conflict resolution; actors in conflict resolution process; Ubuntu and concept of peace-building. Chapter Three discusses the methodology used to conduct the research.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

Chapter Two discussed the theoretical framework and literature review of this study. This chapter discusses the research methods that were used in the study to achieve the aims of the study. Discussion is structured around the research design, population, sampling, data collection, data analysis ethical considerations and measures to provide trustworthiness.

3.2. Methodology

According to Wadhwa (2019) methodology refers to techniques of obtaining, organizing and analyzing data. Research method is a way to systematically solve the research problem. Walliman (2021) contends that there are three types of research methods namely qualitative, quantitative and mixed method.

Moore, Noble-Carr and McArthur (2016) define qualitative research method as a method that the research examines social behaviour and usually have what and why questions that require collection of qualitative data rather than quantitative data to answer the research question. Sarwono (2018) indicated that quantitative research method uses mathematical models and statistical analysis to provide numerical results that are considered more objectives.

Mixed method is empirical research that involves qualitative and quantitative data collection and analysis (Almalki, 2016). Quantitative and mixed method was not adopted in the study, because the researcher was not comparing the findings from both quantitative and qualitative research methods. It was necessary for the researcher to know not only research methods but also the method which was qualitative research method. This study used qualitative research method as it is an effective approach to examine the social interaction or perceptions of traditional leaders in conflict resolution. Qualitative methods are often more flexible than

quantitative methods, allowing researchers to adapt their approach and explore new areas of interest as they arise during the research process.

- **Qualitative Research Methods**

Qualitative research method is the research method that study things in their natural settings, attempting to make sense or interpret phenomena in terms of meanings that people bring to them (Merriam & Tisdell, 2015). A qualitative research method in this study was used to examine the role of *Vatsonga* traditional leaders during conflict resolution rather than quantifying. The researcher used qualitative research method to study the role of *Vatsonga* traditional leaders, their perceptions and feelings during the process of resolving conflicts. Qualitative research gives an in-depth understanding of the research topic (Fellows & Liu, 2021).

The researcher visited the selected participants to gather their perception and social understanding of participants and real life in resolving conflicts. Walliman (2021) alludes that most researchers of social studies visit research sites to observe the participants and to gain the experiences about the research site. The researcher wanted to understand the social cultural process on the role of *Vatsonga* traditional leaders play in conflict resolution. Smiley (2015) concurred that understanding the culture and behaviour of the society is vital, so that the researcher can gain in depth understanding of the occurrence of the phenomena's researcher interacted with participants to interview them. During the interaction with participants and researcher, some of participants used body language to express their feelings during engagement with the researcher. This gave the researcher an insight of the behaviour, thoughts, and feelings of the participants.

The researcher had one on one interviews with participants. The researcher had gained information that was given by the participants and interpreted the meaning of the ideas or perception on the role of *Vatsonga* traditional leaders in conflict resolution. Veal (2017) indicated that one on one interviews allow the interviewer to personal perspective and in-depth information. Conducting qualitative research, it was possible for the researcher to understand attitudes of those participants who resided in the Bungeni area on the role of *Vatsonga* traditional leaders play in conflict resolution.

The processes which are provided by qualitative research provide for a potential understanding the conflict resolution resolved by *Vatsonga* traditional leaders. The researcher used qualitative research methods to lower the costs as it does not require large sample but smaller sample size than other research methods. It had provided insights that are specific during interviews, meaning that relationships and engagement are most vital factors for participants on the role of *Vatsonga* traditional leaders in conflict resolution. Turhan (2019) clarified that qualitative research method does not require large sample and allow the researcher to conduct interviews with participants. In addition, it gives flexibility. There is no rigid structure to the qualitative research process. It seeks authentic data and emotional responses instead of structured questions that can provide straight forward answers and limit the access of collecting more data. Due to this flexibility, trained researchers are permitted to follow-up on any answer they wish to generate more depth and complexity to the data being collected (Sekaran, 2016 & Veal, 2017).

The researcher used qualitative research method to explore the ideas and perceptions about role of *Vatsonga* traditional leaders during conflict resolution. The researcher approached prospective participants to ask them to participate in the study. The researcher used focus group discussions and semi-structure interviews as part of qualitative research, to explore the ideas and understanding on the role of traditional leaders in conflict resolution. According to Hair, Page and Brunsveld (2019) focus group discussions (FGDs) and semi-structured interviews (SSIs) enable the

researcher to gather wide-ranging and exact information, gain a deeper understanding of research questions, and validate the outcomes of the information collected through FGDs and SSIs.

Therefore, the researcher gained insight of the role of these leaders in conflict resolution. The information also depended on the individual nature of the role of traditional leaders. Kapoor (2016) and Allen (2017) submit that the information that the researcher collects depends on the responses of the participants. Some participants were quite during the first encounter. They gave information very generously. The rationale for using qualitative method in this study is because of the nature of understanding of the phenomenon that is under exploration which people have perceptions on the role of traditional leaders in conflict resolution. The goal of this study was to expatiate the understanding on the role of traditional leaders in conflict resolution.

Qualitative research is interested in analysing subjective meaning or the social production of issues, events, or practices of *Vatsonga* traditional leaders in conflict resolution by collecting non-standardized data and analyzing texts and images rather than numbers and statistics. Coolican (2017) submits that qualitative research method gives an in-depth understanding of the social; cultural; and contextual factors that shape people's experiences and perceptions. Through this methodology, the researcher allowed participants to narrate their stories and share ideas on conflict resolution. This means that qualitative research method studies natural settings, attempting to interpret phenomena or attempting to derive meaning from inputs that people bring to the researcher.

3.3. Research Design

A research design is a master plan that identifies the approaches and measures for gathering and examining information that is needed (Bloomfield & Fisher, 2019). Therefore, research design ensures that information gathered helps the researcher to answer research questions effectively. The research design links data collected and conclusion, while ensuring coherence. There are five types of research design that fall under qualitative research design namely case study; grounded theory; narrative; historical and phenomenology research design (Turhan, 2019).

The researcher chose an exploratory case study approach, rather than descriptive or explanatory. Such research design was useful as it allowed the researcher to collect in-depth information on the topic of the study. The design enabled the researcher to get profound information about the role of *Vatsonga* traditional leaders in conflict resolution. In this study the emphasis is on words and feelings. This was necessary in order to understand the role of these leaders in conflict resolution. This design is useful in this study, because it gave room for expression of emotions, feelings and perceptions (Flick, 2022). Most of the information that the researcher wanted to understand about the role of *Vatsonga* traditional leaders in conflict resolution was different from one participant to the other as they did not have the same ideas on the role of these traditional leaders.

- **Case Study Research Design**

Case study research design is an investigation strategy involving extensive exploration of a single unit of study, which may be a person, family, group, community, or institution, or a very small number of subjects who are examined intensively (Skjott, Linneberg & Korsgaard, 2019). The case study approach is particularly useful to employ when there is a need to obtain an in-depth appreciation of an issue, event or phenomenon of interest, in its natural real-life context.

The researcher opted for a case study research design because the study only focussed on the Bungeni area. The researcher focused precisely on this selected study area because the researcher wanted to uncover the role that traditional leaders play in conflict resolution in that specific area. Muzari, Shava and Shonhiwa

(2022) indicated that the researcher chose case study because the selected area have a case study that needs to be investigated. Therefore, if the researcher had selected this study area but had also focussed on other areas, it was going to be time consuming and the information that is needed in regards of the role of *Vatsonga* traditional leaders was going to be confusing and therefore it was not comparison studies.

Further, the researcher used case study research design because he was familiar with the area of the study and also spoke the language spoken in that area. This enabled the researcher to interact easily in the area of study without a experiencing a language barrier (Muzari *et al.*, 2022). This is because very little is known about the role of traditional leadership in conflict resolution in this area and the researcher wanted to gain deeper understanding about this phenomenon by conducting in-depth data collection processed.

Exploratory research is research that gives clarity on why and how there is link between two aspects of situations or portent and examines area where little is known about (Swedberg, 2020). Exploratory qualitative research design was the most useful and appropriate research design in this study, as it aimed to examine the role of traditional leadership in conflict resolution amongst *Vatsonga* at Bungeni area because in this area people rush to seek formal justice to resolve their conflicts and some resort to jungle justice instead to consult to *Vatsonga* traditional leaders to resolve their conflicts.

Using exploratory research design gave the researcher better understanding of ideas or gain insights of societal members on the perspective on the role of traditional leaders, significant and process used to resolve conflicts by traditional leadership amongst *Vatsonga* at Bungeni area. Lune and Berg (2017), attest that the design allows the researcher to gain insight. The researcher started by stating research problem and this design allowed the researcher to ask questions such as what, why and how to probe during the interviews with participants. Using exploratory research design gave the researcher better and deeper understanding on the role of traditional leaders in conflict resolution amongst *Vatsonga* at Bungeni area.

3.4. Study Area

A study area is the area of interest which the researcher wants to explore for research purposes. This may include type, area's history, geography, language and culture (Su, Wang & Zhang, 2013). The research was conducted in Bungeni area that have its sub villages such as, *Ghoghonya*, *Nghonyama*, *Ringanani*, *Mabondlhongwa*, *Xitachi*, *Basani* and *Mtetsweni* in Collins Chabane municipality which is also known as LIM 345 in the Vhembe district. The Vhembe District Municipality (VDM) is one of the five district municipalities in Limpopo province alongside with Capricorn, Mopani, Sekhukhune, and Waterberg (Matshidze, 2013). LIM 345 is one of the four local municipalities in Vhembe district: Thulamela, Musina, Mutale and Makhado Municipality.

In this area, it is still common practice for the residents to consult traditional leaders for purposes of resolving conflicts. This was identified when there is a conflict within the society where people went to the royal palace to ask leaders to resolve their conflicts. It was through observation and rumours that was happening in Bungeni area that this researcher became aware of the thorn and sensitive issues of the role of *Vatsonga* traditional leaders in conflict resolution. These matters, in one way or another, triggered and motivated the researcher to explore the phenomenon further. The Bungeni area was chosen because the researcher has access of the area and the issue of neglecting the role of *Vatsonga* traditional leaders in conflict resolution were still alive. Bryman, (2016), Veal (2017); and Fellows & Liu (2021) concur that when the research is selecting study area, they observe the area and the topic is aligned with interest of researchers often select topics aligned with their interests, expertise.

Most people rush to seek or opt to the formal courts of law to resolve their conflicts. People within the community rushed to formal courts to resolve their conflicts because they view *Vatsonga* traditional leaders as an outdated judiciary system to resolve modern society conflicts and their process to resolve the conflicts, slow, guided by undocumented laws (Umundi, 2011). In addition, the researcher is familiar with the

area and the language that is spoken in this area. This means that it was easy for the researcher to access participants for data collection purposes. In addition, being familiar with the language that is spoken in this area, it enabled the researcher to collect data using vernacular especially on those participants who could not express themselves well using English as a language. It also allowed the researcher to interpret exactly what the participants was saying, to avoid misinterpretation and bias of information.

3.5. Population of the Study

Gentles, Charles, Ploeg and McKibbin (2015) assert that population of the study is a target group of participants that need to participate during the study and to give information that is wanted during research. The population for this study was the chief, headmen, sub-headmen, traditional health practitioners and community members of the Bungeni area who have resolved conflicts using traditional leaders. The study targeted headmen because they are given some small portion of land to govern and address every matter that involves the community including resolving conflict within their areas. Sub-headmen were targeted because they assist to look after the village and report to the headmen's matters happening in the societies including conflicts within the community society and they are also part of the conflict resolution team in those areas.

The Chief was targeted because he is the custodian of customs of resolving conflicts. Community members of Bungeni were targeted because they are subjected to the authority of the chief. It for these reasons that these groups were deemed most appropriate to participate in the study; and provide useful information on the role of traditional leadership in conflict resolution. Therefore, all the targeted groups were engaged in order for them to share their perspective on the topic of the study (Stuart. Ackerman & Westreich, 2018). The researcher wanted to get a deeper understanding on the role of traditional leadership in conflict resolution amongst the *Vatsongo* people in Bungeni area. That is the main reason for targeting various groups. The researcher also wanted to establish if all these groups of targeted population share similar perception and understanding on the role of traditional leaders in conflict resolution.

3.6. Sampling

Sampling refers to selection of a number of subjects from a defined population as representative of the entire population (Etikan, Alkassim & Abubakar, 2016). There are two types of sampling methods which are probability and non-probability samplings and they each have sub-types. Probability sampling is the selection of a subgroup of participants from within a statistical population to guess characteristics of the whole population (Etikan *et al.*, 2016). Non-Probability sampling is sampling method where some the population of the study does not have an equal chance to be selected to participate in the study and the selection cannot be accurately determined (Vehovar, Toepoel & Steinmetz, 2016). For the purpose of this study non-probability sampling was used.

3.6.1 Non-Probability Sampling

The researcher used non-probability sampling because the entire population of the selected area did not have equal opportunity to participate in the study (Lamm & Lamm, 2019). The researcher adopted this sampling method as it is not intended to quantify participants but to explore the role of *Vatsonga* traditional leaders. The researcher used non-probability sampling (NPS) because the researcher wanted to establish the role of *Vatsonga* traditional leaders in conflict resolution. Therefore, this sampling method was used because it deals with culture or involves humans not statistics.

There are different types of non-probability such as snow ball; convenience; quota; and purposive sampling (Parker, Scott & Geddes, 2019). The researcher used purposive sampling as one of the sub-types of non-probability sampling. Other sampling methods were not used because they are more specific to the size, using referrals and just sampling which was going to be time consuming. The availability of the participants makes them to be selected in non-probability sampling. It can be used by the researcher who seeks to conduct qualitative research. Purposive sampling method and reasons for choosing it are discussed in the section below.

- **Purposive Sampling**

Etikan *et al.*, (2016) clarify that purposive sampling is the selection of participants deliberately due to some qualities they have. Purposive sampling is used in the study based on the researcher's personal judgement that the researcher wants to discover, understand and gain insight on the role of *Vatsonga* traditional leaders in conflict resolution and therefore must select a sample from knowledgeable people.

Furthermore, the researcher used purposive sampling because the researcher had used his own judgement about the participants that were appropriate for the study. Taherdoost, (2022) indicated that purposive sampling allows the researcher to decide which participants are appropriate to take part in the study. The researcher selected participants who are involved in conflict resolution in the *Vatsonga* community of the Bungeni area. These participants were selected because they were knowledgeable in resolving conflicts and they are native people of Bungeni area. The researcher chose the elders from the royal council, headmen and sub- headmen because of the interest on how these participants play the role on conflict resolution. A purposive sampling method was used to select forty-five participants. More details about the category and reasons for participating are furnished in Table 1 below:

Table 1: Demographic Profile of Targeted Participants

Category	Age	Reasons for participants
One Chief	30 to 65 years	The participant is responsible for governing the area using customs and making decisions, so they are in a better position to contribute relevant and important information on the role of traditional leadership in conflict resolution.
Nine Headmen	Five 25 to 65 years old Four 35 to 60 years old	They were selected because they are given the responsibility of looking at and reporting matters concerning society to the chiefs.

Ten Sub-headmen	Five 30 to 65 years Five 25 to 65	These participants were selected because they assist headmen to uphold the interests of the community.
Nine elders of royal council	Six (30 to 65 years) Three (35 to 65 years old)	These participants were selected because they are custodians of royal family, advising the chief and making recommendations pertaining to communal conflicts.
Seven Traditional health practitioners. • Three Diviners • Two Faith Healers • Two Herbalists	Four (20 to 65 years) Three (30 to 65 years)	They were chosen because they work hand in hand with traditional leaders to resolve some spiritual dimensional conflicts in cases pertaining to witchcraft.
Nine society members are men, women & youth	3 youths at the age of 18 to 30 3 women at the age of 20 to 50 3 men at the age of 35 to 60	They were selected because they consult to traditional leaders for conflict resolution purposes and their experiences are important for this study. Their ages were considered to determine the historical background of their existence and knowledge of the conflicts within the community.

3.7. Data Collection Methods

Data collection is a procedure that allows researchers to systematically collect data about objects of study (people, objects or phenomenon) and about the settings in which they occur (Barrett & Twycross, 2018). The researcher had collected data haphazardly and arranged data systematically to ensure that research questions was answered. When the researcher conducted fieldwork, data was collected from participants who were knowledgeable about the role of *Vatsonga* traditional leaders on conflict resolution. Mwita (2022) points out that, there are many data collection tools in qualitative research including observation, focus group discussions and interviews just to name but a few. Therefore, SSIs and FGDs were used for data collection purposes in this study.

3.7.1. Semi-structured Interviews (SSIs)

Magaldi and Berler (2020) assert that, semi-structured interviews (SSIs) is a prepared questions that the interviewer uses to direct the interviewer to answer the prepared questions related to the topic of the study, hence other questions can be asked spontaneously and is an interaction between interviewer and interviewee which can be direct or online but guided by prepared guiding questions. Martic (2018) attests that SSIs encompass a sequence of open-ended questions depending on the topic areas the researcher wants to cover. In qualitative research methods, SSIs are commonly used as tools to gather data. SSIs are suitable for addressing profound topics that people might be unwilling to discuss in groups.

SSI questions were planned well in advance before data collection; they were approved by the supervisors of this study; and were deemed suitable for the study. Magaldi and Berler (2020) alluded that some of the questions arise spontaneously during the interaction of selected participants after realizing that there was a need to make follow up questions which did not appear on the list. SSIs give flexibility of questions in the sense that the researcher could ask a follow-up question that probed the respondents to advance more information pertaining the role of *Vatsonga* traditional leaders in conflict resolution as opposed to structured interviews which tend

to be more rigid such that the researcher cannot probe beyond. This flexibility enhanced this study because some of the traditional leaders provided short questions; and the researcher had to probe deeper for more details regarding their role on conflict resolution as that information was central for this study. Surleva and Jenalayeva (2020) stated that SSIs allow the researcher to gain in-depth data when interviewing participants.

The researcher opted to use interviews as they allow the researcher to ask participants direct questions, and it build trust between participants and researcher. It was also noted by Magaldi and Berler (2020) that when interviewing the participants, the questions need to be constructed in the manner that it allows the participants feel free to respond and it can be trusted. Interpersonal interviews enabled the researcher to note the reaction of participants pertaining to how conflicts were being resolved by traditional leaders within their community. During the interviews the researcher observed that some participants seemed uncomfortable to discuss the about the role of *Vatsonga* traditional leaders in conflict resolution; while others were sympathetic to some cases that had been previously resolved by the traditional leaders. Hence the researcher did not use observations because it was going to be viewed as biasness or disrespecting the participants during conflict resolution. Sekaran, (2016) noted that interviews are straight questions and if the participants are not prepared for the interviews, they can give sufficient information.

The researcher had ensured that before going into the community, the Do's and Don'ts for Data Collection in society were applied to collect data successively. Surleva and Jenalayeva (2020) allude that do's and don'ts help the researcher to understand and to list the things which are not supposed to be done during collecting data. Before going into the community for data collection, the researcher had selected the area, which was Bungeni area with its sub villages, set up research questions that were part of research as SSIs which were face-to-face interviews and FGDs.

The researcher had ensured that he had a letter from the department of Indigenous Knowledge Systems (IKS) at University of Venda to collect data and to set up informed consent forms that were used to inform the participants about the study and invite their voluntary participation. Eze (2017) and Muzari *et al.*, (2022) noted that during collection of data in the field the researcher must ensure that he or she needs to plan what to do and not to do in the field. The researcher had introduced himself; outlined the purpose of visitation in the community. The researcher communicated with the community in the local language (*XiTsonga*) to avoid the bias of data that is needed to complete research study; show respect the elders and paid attention when the participants were talking. The researcher did not interrupt or ask other questions while the participants were talking. The researcher switched off the cell phone when engaging with the participants; to avoid distractions and to prevent being viewed as biased by the participants.

The researcher wanted to interview the royal council and the Chief of the area. However, the researcher started to ask some of the headmen and sub-headmen how the researcher can secure an appointment with the royal council and Chief. The initial process was to ask one of the headmen to ask permission to meet with royal council and Chief. Mishra (2016) clarified that it is important to get the permission to collect data so that everyone knows about the study. Homage was paid and praises were sung when entering the Chief's premises. As a sign of respect for cultural protocol, both the researcher and research assistant they did not sit down until they were told to do so.

The participations were engaged in SSIs because they were well-respected, and they were particularly not comfortable with being mixed with other participants. Smiley (2015) indicated that, in this type of the study because some sensitive information cannot be shared with societal members. The researcher prepared the questions that were asked to the elders of royal council and the Chief before meeting with them. Some of the questions were asked to the participants face-to-face without being planned on the role of traditional leaders in conflict resolution amongst *Vatsonga* at Bungeni area in conflict resolution.

This was done to uncover or to get more information that would not have come out using planned questions on the role of *Vatsonga* traditional leaders in conflict resolution. These participants culturally govern the land, and they can share their historical background of their clan, without being mixed with other common participants. Elders from the royal council and the Chief had provided extensive information on how they resolve conflicts as they are custodians of their community. Karatsareas, (2022) noted that the participants give extensive knowledge mostly when they are respect.

In this study, participants were asked questions and might give the answer which required follow-up. This type of interviews did not require participants to fill in a questionnaire. Questions were read and explained to the participants and, where necessary, further clarity was provided (Kapoor, 2016). The researcher conducted fieldwork with the researcher assistant to gain information during interviews and to explore the feelings of participants.

The researcher created an interviews schedule that showed different days and times to interview the participants, where it was formal meetings. Adeoye-Olatunde and Olenik (2021) indicated that in order to conduct interviews properly, interview dates and times must be set, so that participants are aware about the interviews. Participants and the researcher held their meetings at the royal courts to avoid expenses of booking halls. The participants and the researcher had met at royal court to ensure that both participants feel free to discuss on the role of *Vatsonga* traditional leaders in conflict resolution; and to avoid the spread of misconception of conducting research in the area. Van Dongen, Habets, Beurskens and Van Bokhoven (2017) indicated that it crucial to explain about research study to the participants so that they become familiar. The royal court is for every member of the community; and no fees were charged to access it. Making appointments with participants created a relationship and mutual respect during the interviews. The researcher had informed the participants about the purpose of the interviews. Data gathered through SSIs was obtained by interacting with participants who resided within Bungeni area and its adjacent sub-villages. This notion is supported by Van Dongen *et al* (2017) that rich information can be gathered from participants particularly when the research interacts with participants. Interviews

took more time because the researcher allowed the participants to share as much information as they had about the topic. Where the participants encountered difficulties to answer the questions, more clarity was provided.

The researcher had asked permission from participants to record them during interviews. The researcher had recorded the dialogue during the interviews on the role of Vatsonga Traditional leaders (TLs) in conflict resolution. These had enabled the researcher to interpret and collect information that had said by the participants instead of speculations and the researcher used paper and pen to take field notes during interviews. Back (2020). Indicated that tape records help researchers to note and identify an important themes or information that is needed to answer research objectives or same structured questions.

Tshikukuvhe (2017) asserts that, the research recorded legible data in an organized manner bearing in mind that this data would in a later stage of data analysis be used as verbatim quotations. Though using this data collection tool, the researcher found it difficult for some of the participants to answer probing questions. The researcher decided that if the participants found difficulties answering many questions, they should rather stick with one question and expand it to their best ability. After the researcher re-interpreted the information and select that was suitable for the study.

3.7.1. Focus Group Discussions (FGDs)

Nyumba, Wilson, Derrick and Mukherjee (2017) allude that focus group discussion is a technique where a researcher assembles a group of individuals to discuss a specific topic, aiming to draw from the complex personal experiences, beliefs, perceptions and attitudes of the participants through a moderated interaction. The group can consist of six or more than six of participants that need to be interviewed. The researcher used FGDs to explore the views, opinion on a topic of interest and to collect a wide variety of information exploring the role of *Vatsonga* traditional leaders in conflict resolution amongst *Vatsonga* at Bungan area.

FGDs were useful in providing an insight into different opinions among different parties involved in the change process. Nyumba, Wilson, Derrick and Mukherjee (2018) indicated that using FGDs, it gives the researcher opportunity to gain insights about the topic the researcher chose to have one focus group discussion to cater society members. The FGDs consisted of nine societies members. Nine participants attended the FGDs session (three males, three female and three youth those were categorized as one female and two male).

This enabled the researcher to control the participants. An individual participant was given chance to feel free to discuss. Participants who had had attended one session were not allowed to join another session. The researcher used FGDs to acquire both general and specific information relating to the role of traditional leaders in conflict resolution. Nyumba, Wilson, Derrick and Mukherjee (2018) give clarity on the view that FGDs are part of qualitative research method that includes hearing people and learning from their personal narrations.

FGDs enable the researcher to generate understanding of participants on experiences and their beliefs exploring the role of *Vatsonga* traditional leaders in conflict resolution amongst *Vatsonga* at Bungeni area. The vitality was to observe the way participants they show gesture when their conflicts are resolved in the traditional courts. Muzari et al (2022) indicated that FGDs also allow the research to observe the social behaviour of the participants. Through FGDs participants were free to speak their minds in relations to the role of traditional leaders in conflict resolution. Mishra (2016) gave clarity that FGDs discussions participants need to be free to participate. The researcher assistant helped in arranging the meeting. The researcher assistant had assisted in gathering of data, collect and log experimental data, preparations of meeting place and to check whether participants those who are selected they come and participant through making follow ups with them and also to ensure that participants they arrived in time. Nyumba et al (2018) indicated that using FGDs, the researcher needs to make follow up on the question that was asked during their interaction with the researcher. During FGDs audio tape was used to capture exactly what participants were responding. Audio recordings offer a much more objective

record of events that allow the researcher to transcribe, translate and to interpret what participants they have said during collection of data.

3.8. Limitations Encountered

The researcher encountered some limitations during the data collection stage. These limitations included participants who took a long time to respond to invitations and appointments. Securing an appointment with the Chief was very difficult as the researcher had to undergo through some elders of the councillors for several days; this was time-consuming. Eze (2017) warns that in certain instances the researcher might be compelled to observe tight cultural boundaries to access some participants. The researcher had to cancel some appointments or postponed the meetings; disrupt other meetings and make other new appointments. To make the study possible the researcher had to cancel some of scheduling which affected the other appointments to be made possible.

Moreover, participants were having some expectations that they will receive reimbursement for their participation in the study. The other challenge was when some participants were emotional, especially those ones their case was not resolve well by traditional courts and those were once alleged for certain crimes or victims of jungle justice were easily emotional. To make this study happen the researcher interviewed the participants when they were calm. This was to ensure that they are not in emotions so that the study can happen. Bresin (2014) indicated that in social research, some participants their emotions are very high and when the research is probing during questioning their emotions become triggered. Funding for the studies was a challenge as the researcher had to rely on donation to buy some airtime to make appointments, travelling to villages and other Covid-19 compliance equipment's.

3.9. Data Analysis

Mezmir (2020) defines data analysis as the process of examining information that was gathered by the researcher. Data for this study was analyzed using thematic data analysis. According to Braun and Clarke (2022) thematic data analysis is a method for identifying, analyzing, and reporting patterns (themes) with data. Data was collected using SSIs and FGDs. Data that was gathered was kept on notebooks and voice record for the purpose of data analysis. Data that was gathered was re-read and played more than several times to ensure the correctness of the information. In addition, data that was presented in native language was translated into English.

- **Thematic Data analysis**

Castleberry and Nolen (2018) state that thematic data analysis is a method of analysing data through texts; coding of data; and developing of the themes. The researcher used thematic analysis because it is an umbrella of different approaches that include coding of data, rather than a singular method. Different versions of thematic analysis are underpinned by different philosophical and conceptual assumptions and are divergent in terms of procedure (Lowe, Norris, Farris & Babbage, 2018). Themes were taken from research questions used in the study. The researcher had organized the data in a manner which made it easier for the researcher to interpret and understand and start to become familiar with data. The researcher identified important themes and coded them according to their relevance to the objectives of the study. This allowed the researcher to review themes, to name and to define themes and produce report. The researcher chose to use thematic analysis because the researcher had looked directly at communication via texts or transcripts and hence gets at the central aspect of social interaction. During data analysis the researcher had identified six steps that lead to a better way of analysing data using thematic data analysis that is in line with scholars such as Maguire and Delahunt, (2017). These steps are discussed below:

Step 1: Familiarizing data

According to Goldsmith (2021), in order to glean meaningful conclusion from data that is gathered in the research field, the researcher must read and re-read the information

provided by participants during data collection with a view of familiarising himself with the data on the role of *Vatsonga* traditional leaders resolve conflicts.

Step 2: Generating initial codes

Generating initial codes entails coding interesting features of the data systematically across the entire data set, collating data relevant to each code (Riger and Sigurvinsdottir (2016). The researcher organised data in a systematic and meaningful way. This was done through categorizing the data that was gathered from participants by classifying them according to the participants. Coding had reduced lots of data into small chunks of meaningful according to the research question and the perspective of the researcher on the role of *Vatsonga* traditional leaders in conflict resolution.

Step 3: Search for themes

The researcher checked if the themes worked in relation to the coded extracts and the entire data set, generating a thematic map on the data related to *Vatsonga* traditional leaders in conflict resolution. Belotto (2018) indicates that searching for themes in qualitative research is very important because it allow the researcher to unpack data which is complex. A theme is a pattern that captures something vital or interesting about the research question or data. The researcher had codes that are related to the role of *Vatsonga* traditional leaders in conflict resolution as initial theme.

Step 4: Review themes

During this step, the researcher reviewed, developed and modified that were identified during reviewing themes on the role of *Vatsonga* traditional leaders in conflict resolution. This was done by re-introspecting or questioning the themes that was identified in step 3. Vaismoradi, Jones, Turunen and Snelgrove (2016) assert that thematic analysis allows themes to be reviewed in qualitative research. The researcher had read data that was associated with each theme and considered whether the data really did support it. The researcher had checked if the themes were

distinct and coherent based on the interviews and objectives of the study; collating codes into potential themes, gathering all data relevant to each potential theme.

Step 5: Defining themes

The goal of a thematic analysis is to identify themes or patterns in the data that are important or interesting and use these themes to address the research or say something about an issue (Maguire and Brid Delahunt, 2017). This is much more than simply summarizing the data. A good thematic analysis interprets and makes sense of data. The researcher had done the final refinement of the themes; identified the essence of what each theme was about; and how the themes related to each other.

Step 6: Write up

In this step the researcher summarised the whole data that was collected through interviews and focus group discussion and made a final report to produce findings of the study on the role of *Vatsonga* traditional leaders in conflict resolution. Lochmiller (2021) suggests that writing up during analysis process allows the researcher to ensure that data is transparent, and analysis becomes replicable.

3.10. Ethical Considerations

Arifin (2018) asserts that ethics is a set of moral principles widely accepted, and which offer rules and behavioural expectations about the most correct conduct towards experimental subjects, participants and others. Ethics guide the researcher not to harm participants emotionally such as discussing sensitive information that can hurt the emotions of the participants. The following ethics were upheld during the conduct of this research: ensuring the privacy and confidentiality of the voluntary participants; informed consent, avoidance of harm; and taking measures to ensure trustworthy.

3.10.1. Privacy/Anonymity

Stewart (2017) asserts that privacy is to seclude personal information without revealing them to other people and this information is available only to the self. This is

significant for quite a few reasons such as decision to share information rests with the individual and an invasion of privacy a proactive act. Wallace (1990) indicated that, anonymity in research is when the researcher donot name participants whith their real names or mentioned.

The purpose of withholding participants' names and identities was to achieve a kind of non-identifiability to those participants who participated in the study on the role of *Vatsonga* traditional leaders in conflict resolution. It is vital to protect the identity of the person from whom one collects data (Brick & Green, 2018). Sensitive information of participants such as their health status was not mentioned in the study. Names were not mentioned in the study, but participants were given codes such as participant A. This was to prevent mentioning names of participants during data presentation.

3.10.2. Confidentiality

Confidentiality involves a set of rules, or a promise usually executed through confidentiality agreements that limits access or places restrictions on certain types of information (Newman, Guta & Black, 2021). Confidentiality of the participants can be breached if some sensitive information about them is disclosed to other individuals except the researcher. The researcher had reached an agreement with participants not to disclose some of the information such as some conflicts which were not resolved well by the traditional courts and had angered members of the community; and caused further conflict among community members. Confidentiality was upheld to ensure that the information is safe from people who would use the information against traditional leaders such as allegation and to prevent participants' information of being stigmatized, exploit and marginalization (Mwita, 2022). The researcher had ensured trust is established between the researcher and the participants, because in the absence of trust could make participants to be reluctant to share critical information or perspectives on conflict resolution.

3.10.3. Voluntary Participation

Voluntary participation is a process where participants in the study are roped in voluntarily (Somerset & Hoare, 2018). Participants were informed that their participation is entirely voluntary and that they were free to withdraw their participation anytime they wish without giving reasons. Further, the researcher had told the

participants that they would not be paid for their participation in this study. This was done so that participants should not expect to be paid for participating. When the researcher approached the Chief, headmen and sub-headmen, the researcher had carried along the gift of appreciation and to show respect to the traditional leaders. It is customary that one should bear some gift when visiting the traditional leadership, and not a bribe or soft. By doing this the researcher was given a chance to discuss with these leaders about voluntary participation.

3.10.4. Informed Consent

Tamminen, Bundon, Smith, McDonough, Poucher and Atkinson (2021) assert that Informed consent is permission given to the researcher by participants to enable the researcher to interact with participants for research purposes. The researcher had explained the objectives of the research to the participants; as well as possible risks and benefits associated with their participation so that when they could make an informed decision whether to participate or not. Further, each participant was required to sign a consent form to register their voluntary participation in the study. By filling in the consent form, the participants thereby acknowledged that they were aware of what the study is about; its aims and objectives; challenges/risks and benefits associated with their participation; and had agreed to participate in this study.

3.10.5. Avoid of Harm of Participants

Sim and Waterfield (2019) note that participants can be harmed both emotional and physical in the process of research, therefore, the harm of participants need to be avoided. The researcher had ensured that the data collection took place in a safe and secure environment. Meaning participants and the researcher were not meeting in the bushy areas where they could be attacked by wild animals, but in the traditional court with chairs for a good and safe seating arrangement. Walliman (2021) indicated that it is vital to ensure the safeness of participants in the field, so that participants should not be harmed. Community members who were not part of research group were not allowed to participate in the discussion. As a further safety measure, dogs were also barred from the meetings. Smiley (2015) noted that it is crucial to ensure the safeness of the participants in the field. The researcher had ensured that during the interviews

and focus group discussions sensitive information was not discussed and that comments were proper and respectful to avoid harming some participants emotionally.

3.11. Measures to Ensure Trustworthiness

Trustworthiness is the ability to rely on truth or honesty of the information presented in the research study by a researcher and participants (Amankwaa, 2016). The principle of good qualitative research is based on trustworthiness where the researcher persuades his or her findings of the investigations must be worth paying attention. The aim of trustworthiness in qualitative research is to support the argument that the inquiry findings are worth paying attention. Trustworthiness was measured by validity, and reliability. These measures to ensure trustworthiness of a research is discussed and it is related to the study.

3.11.1. Validity

Validity is defined as the extent to which a concept is accurately measured in a quantitative study or the accuracy and trustworthiness of data and findings in qualitative research (Heale & Twycross, 2015). The researcher had ensured that information that was collected from participants using multi methods such as SSIs and FGDs allowed the cross checking of the same information that is presented by both participants during interviews is similar to avoid bias of information. This was also noted by Marvasti (2019) that triangulation is to crosscheck and confirm the information elicited from qualitative data source.

3.11.2. Reliability

Reliability refers to consistence throughout a series of measurements (Pandey & Pandey, 2015). The researcher had used a tape recorder and a notebook to record the participants during interviews.

This had helped the researcher during translation and transcription the information presented by participants during interaction to ensure that their inputs were correctly represented.

3.12. Chapter Conclusion

This chapter discussed the methodology that the study has adopted which was qualitative research method, following appreciative inquiry research design to explore the role of *Vatsonga* traditional leaders in conflict resolution at Vhembe district. The researcher had discussed the methods of data collection, sampling methods, data analysis, ethical considerations and measures to ensure trustworthiness. Chapter Four will present the results of the research study.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4. 1 Introduction

Chapter Three outlined the research methodology employed in the study. This chapter presents analysed data pertaining to the role of Vatsonga traditional leaders in conflict resolution at Bungeni area, Vhembe District in Limpopo province of South Africa. The chapter covers the following segments: demographic profile of the participants; codes and biographic characteristics of the participants; brief background of Bungeni and its Chieftaincy; Bungeni Area; Bungeni Royal Family; Bungeni Chieftaincy; Overview of conflicts around Limpopo province; key functions of the traditional leadership sector; appraisal of traditional leadership and legislations; conflict resolution; traditional council who are usually part of the traditional courts; the roles of traditional leaders in Bungeni area play in conflict resolution; the role of headmen at Bungeni area; the role of Traditional council; process and Mechanisms to resolve conflicts; mechanisms to resolve conflicts and Indigenous conflict resolution.

4.2 Codes and Biographic Characteristics of the Participants

The table below presents codes and biographic characteristics of the participants who participated in Semi-Structured Interviews (SSIs).

Participant Code	Gender	Age (Years)	Tertiary Highest Qualification	Position in the Bungeni community	Number of Years Resident
A 1	Male	40	Tertiary Qualification	Chief	40
B1	Male	51	Grade 12	Elder of royal council	51

B2	Male	45	No academic qualification	Elder of Royal Council	45
C1	Male	47	No academic qualification	Headman	47
C 2	Male	60	No academic qualification	Headman	60

Table: 4.2.1. SSIs

Table 4.2.1. depicts the biographical details of the seven respondents who participated in the Semi Structure Interviews (SSIs).

Participant Code	Gender	Age (Years)	Tertiary Highest Qualification	Position in the Bungeni community	Number of Years Resident
D1	Male	30	Undergraduate Student	community member	30
D2	Male	30	Grade 12	community member	30
D3	Female	35	Tertiary qualification	community member	35
E1	Male	45	Grade 12	Traditional Health Practitioner	45
E2	Female	30	No academic qualification	Traditional Health Practitioner	30
F1	Male	48	Grade 12	Sub-headman	48
F2-	Male	40	No academic qualification	Sub-headman	40

Table 4.2.2. FGDs

Table 4.2.2. depicts the demographic details of respondents who participated in FGDs. The FGDs composed of three groups which are divided into community members group, traditional health practitioners and group of sub-headmen. It includes gender, age, qualification and their number of years in the society as residence of Bungeni area.

4.3 Brief Background of Bungeni and its Chieftaincy

Preliminary investigations were conducted to unveil Bungeni area and the institution of traditional leadership in a bid to gain in-depth understanding of the role of *Vatsonga* traditional leadership. This was pertinent to avoid overgeneralizations with other chieftaincies in other places. To start with, the researcher captures the place in relation to chieftaincy. During semi-structured interviews and the focus group discussion on the chieftaincy of Bungeni area among *Vatsonga*, people had the following to say on the background of Bungeni area:

4.3.1 Bungeni Area

This section presents and analyses the data from participants about the setting of Bungeni area. The participants were asked the following questions: where is Bungeni area located, and how do people live in Bungeni area? This was to ensure that the researcher gained a deeper understanding of the Bungeni area's location and how people lived in that area. Participants responded with the following:

“Bungeni area is located in Spoutanousberg mountain , and it is located at Vhembe District in South Africa. Our area is dominated mostly by black population and they speak Xitsonga language”. (Participant C1).

“Our area it has sub villages that are Bungeni Xikhulu, Ghoghonya, Nghonyama, Ringanani, Mabondlhongwa, Xitachi, Basani and Mtetsweni. Most of our people the population in this area are from both low-, middle- and high-class family and we rely in practice subsistence farming. Our houses are live in hut houses, with outside portable toilets, with electricity and share communal water taps”. (Participant B2).

“We are now under Collins Chabane local municipality which is LIM 345 in the Limpopo province the four local municipalities which are. We have witnessed vast challenges ranging from scarcity of water, high unemployment rate and crimes that lead to jungle justice”. (Participant E1).

Most of the participants indicated that the Bungeni area has its sub-villages such as Bungeni Xikhulu, *Ghoghonya*, *Nghonyama*, *Ringanani*, *Mabondlhongwa*, *Xitachi*, *Basani*, and *Mtetsweni* in Collins Chabane municipality, which is also known as LIM 345 in the Vhembe district. This finding similar to the findings of Matshidze (2013) that the Vhembe District Municipality (VDM) is one of the five district municipalities in Limpopo province alongside Capricorn, Mopani, Sekhukhune, and Waterberg. It can be equally noted that within these districts, the Bungeni area falls under the Mopani district. Some participants indicated that most of the population in this area is from low-, middle-, and high-class families, is mainly black (Xitsonga speaking), and resides in a rural area ruled by a traditional leader. The Limpopo Socio-Economic Review and Outlook (2019) indicated that most low- and middle-class people might not be able to access resources, and there is a high unemployment rate. Some of the residents live in hut houses with outside portable toilets and electricity and share communal water taps.

4.3.2 Bungeni Royal Family

This section presents and analyse the data from participants about the Bungeni Royal Family. Participants were asked to give their understanding of Bungeni Royal Family. This question was asked because the researcher wanted to gain deeper understanding about the Bungeni Royal Family since the study was about the role of traditional leadership in conflict resolution in Bungeni area. Participants gave similar views regarding their understanding of Bungeni Royal Family and one of the participants captured it well by saying:

“The name of Bungeni area was named on the basis of historical remarkable events which took place in the old times or named after being a warrior. The name of Bungeni comes after Chief Bungeni the first defeated the army of Soshangane who wanted to marry his sister, so the name Bungeni mean victory. Bungeni royal family starts from Nkungunyi, Mbyela and Ghulatino is a descendent of Hlayuko of Mabunda”.
(Participant B1)

“The royal family of Mabunda known as Vahlave in clan description have become royals after occupying the geographic territory possibly after old conquest because as Shangaan or Tsonga tribe which is traced back from Mozambique hitherto in a demarcation of what is now called Limpopo since there have been colonial wars and tribal wars amid. This clan, they are found mostly in Bungeni area under` Vhembe district in Limpopo South Africa along the valley of Limpopo province before the arrival of colonizers such as Portuguese and Afrikaners around Spontenousburg Mountains, Transvaal and Gaza land. Our society had survived both colonial and post-colonial government, but due to new democracy we belong to new local municipality LIM 345. We have been in this society for several years and governed by Hosi Bungeni, so Bungeni is the name of our chief”. **(Participant B2).**

The above views of the participants showed that they have a deeper understanding of the Bungeni Royal Family from the pre-colonial era to the current times. Some participants indicated that the Bungeni area was named based on historical remarkable events that took place in the old times or named after a warrior, particularly

after winning the war and defeating *Soshangane*. The *Bungeni* area has been under the leadership of the *Bungeni* Royal Family since time immemorial. Some of the participants indicated that *Bungeni*, who is the chief of *Bungeni* area, is also known as Mabunda. *Bungeni* is the name of the first chief of the Mabunda clan. The *Bungeni* area was named after the first chief, but the surname of the chief is Mabunda. We are now talking about the *Bungeni* Royal Family because *Bungeni* now is the name of the area as well as the chief. This finding is similar to what Mathebula (2002) got: local society was governed by royal family members, such as the *Bungeni* royal family, who settled with Joel Albasini in the earliest in 1840–1850. The *Bungeni* royal family has been customarily and traditionally recognized for more than a century before the introduction of homelands (Kanyane, Popphiwa, Raseala, Mdlongwa, Viljoen, Moolman & Rule, 2017). The royal family is under the traditional authority of the Mabunda royal family, which extended its royal duties to headmen and sub-headmen from other *Vatsonga* tribal families since *Bungeni* village has vast hectares of land amongst other *Vatsonga* royal families.

4.3.3 Bungeni Chieftaincy

This section presents and analyses the data from participants about *Bungeni* Chieftaincy. The participants were asked the following questions: who are the *Bungeni* Chieftaincy, and how does one occupy the position of being a Chief in the *Bungeni* area? This was to ensure that the researcher gained a deeper understanding of the *Bungeni* Chieftaincy in the *Bungeni* area. Participants responded with the following:

“The Chieftaincy of Bungeni area is passed down from generation to generation through hereditary not voting. Only sons are regarded as heirs to the throne and the male is supposed to be first male child of the chief from the first wife”. (**Participant C1**)

“Our chieftaincy of Bungeni area it is embedded to Mabunda, Vahlave from Nyavana clan. Bungeni is our Chief who passed who gave the succession to his First son to become chief. The Elders of royal councillor, Headmen and Sub-headmen were selected to become governors of societies at Bungeni area. These headmen and sub-headmen were selected through being relative or from the same blood line and also their succession is based on the hereditary. Their tasks are different, as for Elders of royal council they give advice to chief and us headmen through their wisdom and experiences. Every matter it is supposed to pass through these elders. Our task is to allocate land, look after the society that one is given to govern as well to ensure that our traditional courts, they function twice a month”. (Participant B1.

Most of the participants mentioned that the chieftaincy of *Bungeni* area is governed by Chief *Bungeni*, and its hierarchy includes Elders of royal councillors, headmen, and sub-headmen. These leaders have their own functions, and they are selected based on the hereditary of their grandfathers and fathers. Some participants indicated that the elders of the royal council advise the chief and headmen through their wisdom. It was also indicated that almost all of the matters they pass through elders and to allocate the land. This finding is similar to the findings of Baloyi (2016), who noted that the power they had over their people is seen as the means through which chiefs were able to maintain their authority—if not even their existence. The study revealed that the *Bungeni* area is the name of the Chief who rules and establishes the hierarchy of these leaders. This is in line with the findings of Dodo (2013) that traditional leaders, particularly a king or Chief are not voted to become leaders of their people in societies but are physically born to lead their communities. In other words, they inherited the throne. The chieftaincy of *Bungeni* has a hierarchy that ranges from the Chief, royal council, headmen, and sub-headmen to govern the society. The following theme discusses an overview of conflicts around Limpopo Province. This is important because the study of these sections gives a clear picture of the kind of conflicts that the Limpopo people are exposed to. Again, the study was aimed at exploring the role of traditional leadership in *Bungeni* area which is located in Limpopo province.

4.4 Overview of Conflicts Around Limpopo Province

In South Africa, there are a number of cases of jungle justice (Mpuru, 2020). These cases are alleged to be caused by numerous reasons that lead people to resort to taking the law into their own hands instead of consulting traditional leaders (Barr, 2018). In this study, cases from Limpopo province were followed to showcase the rampant of conflicts resulting in jungle justice as the parties involved are neglecting the usage of traditional leaders in resolving conflicts. The researcher explored three newspaper articles in a bid to give an overview of conflicts around Limpopo province. These articles were selected based on the dates and the justice that people resorted to. The dates of the Newspaper articles were selected based on the dates that the researcher was collecting data and because the problem statement was based on jungle justice and the neglecting of the traditional leaders in conflict resolution. Newspaper articles serve as a primary source of information about historical and current events of societal members (Beel, Gipp, Langer & Breitingner, 2016). Below are newspaper articles that were followed and analyzed:

4.4.1 Mob Justice Killings are Doubling Murder Rate in Limpopo - 08 October 2019 15:57.¹

“Police in Limpopo are battling to contain a growing number of mob attacks that have resulted in the doubling of murder incidents. Provincial police commissioner Lt-Gen Nneke Ledwaba said yesterday he had noted with great concern a persistent problem of murder cases that emanate from mob justice incidents in the province. “These incidents continue to derail and counter the progress of the police. They double the number of murder incidents and make it look like the police are failing to prevent crime. When one person dies at the hands of criminals and the community decides to avenge [the murder], we remain with a challenge of investigating multiple cases of murder instead of one,” he said. Speaking at the release of the provincial crime statistics at

Seshego police station, Ledwaba urged that everyone contribute in changing the criminal mentality of communities. We cannot allow a situation where the very same people that are supposed to assist us in preventing crime and arresting criminals are the very same people committing crime in the name of justice. I believe it's high time that everyone realises that crime is a crime regardless of who is committing it," he said the province recorded 323 murder incidents between April 2018 and March 2019. The Seshego policing cluster led the others with 57 murders, Thohoyandou was the second-highest with 51 murders and Mankweng was in third spot with 46. Presenting the crime statistics, head of the crime registrar in Limpopo Brig Nyana Molema said 51 murders were as a result of misunderstanding and arguments and happened over the weekend. Knives and bottles are used as weapons in the commission of these crimes," she said. Thohoyandou recorded 297 sexual offences, followed by Mankweng with 207." Member of the Executive Council (MEC) for community safety Dickson Masemola said the launch of "Operation Tswara Tsotsi" has proved to be success and police should continue dealing with hardened criminals. Criminals should know that if you point a firearm at a police officer, you have committed a crime against the state. Let's fight the drug lords in our streets, who are destroying the future of young people, Masemola urged police to deal with gender-based violence through social crime prevention" (Ramoethwala, 2019)

- **Analysis**

It can be deducted from the newspaper article above that in Limpopo province there is an increase in number of jungle justice cases that is occurring on a daily basis. Mob justice is when people take the law into their hands (Allen & Reid, 2015). Traditional leaders cannot resolve cases pertaining to sexual offences, but through the help of the police can resolve conflicts that emanate from sexual offense and murder. When collaboration is not there, some society members can resort to jungle justice. The traditional leaders are the key to resolve conflict in the modern society because they are easily accessible and closer to the community members. Cases of jungle justice deviate and delay the progress of police officers to deliver justice as they spend time trying to find the root cause of the first crime and also perpetrators of mob justice. The community members resort to mob justice because they have no better platform to have the issue resolved speedily. The researcher noted that most people in indigenous societies neglect the use of traditional leaders in conflict resolution and resort to jungle

justice. This neglecting of traditional institutions that can offer justice to conflicts is because of the way westernization devalued the status of the traditional leaders and labels them as archaic or an outdated institution (Safran & Liu, 2012). On the other hand, formal courts are dominating in modern and indigenous societies as a way forward to resolve conflicts.

Community members think the police officers cannot deliver justice in the society because they arrest the culprit and give the alleged time to appeal without resolving conflicts from grassroots level. The community members need the cases or conflicts to be resolved fast without considering the consequences of destroying the lives of other accused or perpetrators. Though Ledwaba urged that community members of Seshego to stop resorting to mob justice and to hang their 'criminal mentality', it can be argued that community members still resort to jungle justice until strong explanatory factors on conflict can be devised. The researcher submits that this is a clear indication that community members view the role of these traditional leaders as inferior in a modern society to resolve modern conflicts (Lekgau, Maluleke & Tshabalala, 2019).

In order to come up with good measures, the society members should consult first with their traditional leaders to resolve conflicts. This can reduce crime and jungle justice in the society. These traditional leaders resolve societal conflicts and bring two conflicting parties together. Within the adjudication of traditional leaders, punitive measures which are given are not meant to destroy the accused, but to restore him or her to the community where he or she would be made to respect the lives of other community members (Chigwata, 2016). In case the accused is not ready to accept the charges, he/she could be banished from his/her community and no one would be blamed for that punitive measure applied to the accused (Ntonzima & Bayat, 2012). Where the accused accepts the wrong, he or she has committed, the local traditional leader through the help of the elders would address the community to accept the wrong doer back into the community (Chigwata, 2016). Traditional leaders are seen as an old institution that has authority in the indigenous communities and society members should consider these leaders to resolve their conflicts. In other words, community members ought to involve traditional leaders in resolving conflicts as that can lives of

innocent people who might be the victims of jungle justice is protected (Hamusunse, 2015).

4.3.2. Limpopo brothers stoned to death in alleged mob justice attack.²

Two brothers were stoned to death by community members who suspected them to be involved in the disappearance of a resident of the Latebejane village near Groblersdal, Limpopo. According to provincial police spokesperson Brigadier Motlafela Mojapelo, police a Rakgoadi have arrested eight suspects –four men and four women in connection with the murder of the two brothers. The incident allegedly took place on Monday at around 17:00 and the suspects were arrested in the early hours of Tuesday morning. According to the preliminary police investigations, the brutal attacks followed an incident that occurred last year on 13 when a 23 year old man Peter “Mapito” Phathlamohlaka, allegedly disappeared while fishing in the Olifants river with two brothers, Lukas Soloma, 46 and Willem Seloma 47 together with another group of men. The police were notified about the incident and a search operation by the search-and-rescue team was conducted without a success,”Mojapelo said. A missing person file was then opened and police continued with their investigations and searched operations. Two weeks ago, on January 13, when the police were continuing their investigations, local community members allegedly mobilised and attacked the two brothers at their homes. The brothers were accused of being involved in the disappearance of the missing man.

“The Public Order Police Unit (POP) was activation and the situation was stabilised. A case of assault with the intent to cause grievous bodily harm was opened and no one was arrested. Police continued with the tracing of the suspects.” On Thursday, the community gathered again and went on a rampage by barricading streets and removing learners from schools, demanding that the two brothers inform them of the whereabouts of Phahlamohlaka, Mojapelo said.

“The unrest continued until (Monday) night, when community members allegedly dragged the brothers to the nearby mountain and stoned them to death. Police and

²News 24, 29 Jan 2020

the medical emergency services were called following a tip-off and responded quickly. A police helicopter was called. On arrival at the scene, they made the gruesome discovery of two bodies covered with tree branches. The community members apparently wanted to torch them. The crowd had dispersed. The suspects aged between 19 and 44 are expected to appear in Motetema Magistrate's Court on Thursday, facing two counts of Murder and public violence.

The provincial commissioner of the SAPS in Limpopo, Lieutenant General Nneke Ledwaba has condemned the killing of the two brothers and has warned that the public will be relentless in their pursuit of any remaining suspects. The police will continue to deal mercilessly with each and every person who resorts to taking the law into their own hands," said Ledwaba. Police are appealing to anyone with information that could lead to the arrest of the remaining suspects involved in this matter to contact Detective warrant officer Malose Mothokoa". (Grobler, 2020)

- **Analysis**

Based on the above newspaper article, it can be deducted that the community members resorted to jungle justice without waiting for the police. Members of the community had consulted traditional leaders to resolve conflicts that emanate from disappearing of community members. Sources of conflicts such as assaults or disappearing of community members can be dealt by traditional leaders (Baldwin, 2016). Conflicts such as assaults require a lot of critical decision making-skill. It is very transparent that community members take the law into their own hands as a sign of the absence of justice in the society.

It is of utmost importance that if people need answers, they should seek help from the relevant sources. The matter in the article above was never a complex issue. If they suspected anything; they should have given the police a tip-off instead of taking the law into their hands. It can be said that some societal members lack trust from both traditional leaders and police officers (Bennett, Ainslie and Davis, 2013). Similarly, most South Africans resort to jungle justice because they claim that the police do not help them with anything (Sibanda, 2014). Moreover, other people claim that the punishment they receive from the law officials is not enough compared to the one that

the culprits of jungle justice might have committed to the community or the victim (Ubabukoh, 2013).

Members of the community should have consulted their leaders before resorting to jungle justice. Consulting community leaders does not cost anything. Traditional leaders are easily accessible to the community members (Mabunda, 2018). These leaders have been the corner stone in the community resolving conflicts such as land allocation, thefts and grazing land within their villages (Galaty, 2013). The power they had over their people is seen as the means through which chiefs were able to maintain their authority if not even their existence (Baloyi, 2016). Their judgment involves punitive measures, and the judgement is not meant to destroy the accused, but to restore him/her to the society.

4.4.1. Different parties unite to try and end Vuwani's turmoil

“Following years of unrest in the Vuwani area, the Vuwani Development Forum has found common ground for the two opposing parties, the Pro-Makhado Demarcation Task Team and the Vuwani Demarcation Task Team. The two parties have been at loggerheads since 2016 when the Demarcation Board announced that Vuwani would move from the Makhado Local Municipal to the Collins Chabane Local Municipality, which was to be established with the demise of the Mutale Local Municipality. The turmoil that followed left many people arrested, while properties, including schools, were torched. During the time of unrest, the Pro-Makhado Task Team opposed the idea of incorporating Vuwani into the Collins Chabane municipality, while the Vuwani Demarcation Task Team supported the idea of moving Vuwani from Makhado to Collins Chabane. Takalani Mukhudi was heading the Pro-Makhado Task Team as the chairperson, while Arnold Mulaudzi was the deputy chairperson, and Lesley Mahafha was the secretary. Thanyani Mudau was leading the Vuwani Demarcation Task Team as its chairperson, while Velly Mtileni was the secretary. The two parties could not reach an consensus while this was continuing, the communities were becoming more divided. Tribal factions formed where Venda-speaking residents were seen to be supporting the Pro-Makhado Task Team, while the Tsonga-speaking people were

supposedly supporting the new municipality. According to Mtileni, who is a secretary of the revived Vuwani Development Forum, and Mulaudzi, who is the chairperson of the revived structure, the two parties decided to come together after intervention from the Inter-Ministerial Task team. “We met with the Inter-Ministerial Task Team led by COGTA MEC Biskop Makamu and COGTA Minister Dr Nkosazana Dlamini-Zuma last November, where we agreed that we would work together for the development of our area until after the upcoming local government elections where the Demarcation Board will open the process of demarcation of our area,” said Mulaudzi. Mtileni said that the Vuwani Development Forum, which ceased to operate in 2016, would make sure that community members from the Vuwani areas received services from the Collins Chabane municipality, the provincial government and national government. “The two Task Teams are united, and we want to take Vuwani forward. We formed one structure, called the Vuwani Development Forum, which consists of committee members from various villages of Vuwani under the traditional councils of various villages,” said Mtileni. The top six office bearers are as follows: Arnold Mulaudzi (chairperson from Vyeboom - Masia), Takalani Ramuhashi (deputy chairperson from Manavhela - Tshimbupfe), Velly Mtileni (secretary from Balanganani - Davhana), Vincent Mabunda (deputy secretary from Makhasa - Majosi), Mavis Masango (treasurer from Hasani Dakari - Mudavula) and Calvin Mathebula, who is a co-ordinator from Vuwani. The total number of members is 20, who come from the following villages of Vuwani: Davhana, Masia, Majosi, Mudavula, Tshimbupfe, Mashawana, Dzwerani and the Tswinga Traditional Council. Mtileni said that the forum would make sure that roads were tarred while services were rendered in all areas of Vuwani. “We want to make sure that Vuwani should depend on itself, creating shopping malls, health centres and many more projects,” said Mtileni. Thovhele Mmbangiseni Masia, who was on the side of Pro-Makhado Task Team, said that he has not been formally briefed about the new developments. However, he said that he would highly appreciate the move as it would help in the development of the communities. “I have heard about these developments, but I have not been formally briefed about them. If that has happened, that is good news. We will really appreciate it. I will make follow-ups and get more details about this development,” said Masia. Meanwhile, Mtileni said that they had directly approached headmen from all areas of Vuwani, “not senior traditional leaders as they serve on the structures of the municipalities already”. (Musetha, 2021)

- **Analysis**

Based on the above newspaper article, it can be deducted that the issue of demarcating the new local municipality has fuelled conflict. The parties have been at loggerheads since 2016 when the Demarcation Board announced that Vuwani would move from the Makhado Local Municipal to the Collins Chabane Local Municipality. This loggerhead has led people to resort to burning public assets or schools. Some community members were arrested for committing such crime. The traditional councils of various villages surrounding Vuwani were involved in finding a lasting resolution and workable solutions.

Helzing, Kern and Kromrey (2017) note that in most of sub-Saharan countries traditional institutions play vital roles in day to day life that includes conflict resolution, land administration, local security services, distribution of wealth and protect local society members from misfortune. Community elders can assist as negotiators between two conflicting parties. Elders, as negotiators, could get consent of the conflicting parties and of the society to legitimize their decisions (Ntuli, 2018). The conflict started during the demarcation of new local municipality, people were not happy because of the decision that was taken by demarcation board and conflict start. Traditional leaders intervened to resolve these conflicts.

Even Cooperative Governance and Traditional Affairs (COGTA) has expressed concerns and consequently established a task team to review the demarcation process, which led to preparations for the 2016 local government elections (Ncube & Vacu, 2014). On the one hand, the causes of some protests and violence clearly relate to the demarcation of municipal boundaries. The demarcation of municipal boundaries reflects the deeper inheritance of spatialized, apartheid geographies and inequalities and the incorporation of areas in the former Bantustans through the democratic processes of specialisation and redistribution of resources in South Africa.

The traditional authority, those are the representatives of communities such as Vuwani and other neighbouring communities, contested the right to make a determination

about demarcation of the area. The contest between the traditional authorities and local government is a fundamental challenge of state authority and power; and the process of democracy and modernisation (Kanyane, 2017). On the other hand, the protest and violence reflect a deeper contestation of the access to socio-economic rights through the provision of basic services such as water, housing, health and education that enable meaningful citizenship and belonging.

An Overview of conflict resolution in Limpopo province unveils that different community members resort to jungle justice because traditional leaders are unable to resolve some of the conflicts. The newspaper article also reveals that community conflicts which may not warrant police arrests, and the wasting of government resources are mostly solved by traditional leaders. These leaders protect communities as they bring order in the society and members of the society (Neimark, Osterhoudt, Blum & Healy, 2021). However, some of the conflicts that emanate from murder and sexual violence traditional leaders they cannot resolve them that lead to jungle justice.

4.5. The Institution of Traditional Leadership as a Sector of Conflict Resolution

This section presents and analyse the data from participants about the Institution of Traditional Leadership as a sector of conflict resolution in the Bungeni area. The participants were asked the following questions: Is the institution of traditional leadership a sector of conflict resolution? This was to ensure that the researcher gains a deeper understanding on the Institution of Traditional Leadership as a Sector of Conflict Resolution is important because it underpins studying the institution of traditional leadership as a sector of conflict resolution contributes to building a more comprehensive understanding of how societies navigate conflict and promote peace, ultimately leading to more effective and culturally relevant strategies for conflict management. the sector for conflict resolution in every society and its sub -villages to those cannot access formal courts to resolve their conflicts. Participants responded the following:

“Most people trust their leaders to resolve conflicts including family conflicts with the help of elders of family or uncles to find resolution. Traditional leadership (TLs) is a

platform for conflict resolution. Traditional leaders are based in the village/section /homestead societies with people. They lead while living with people whom they rule, they are there to ensure delivery service and most importantly, peace is sustained in society”. (Participant B1).

“Our leaders resolve families or societal conflicts. Societal conflicts which may not warrant police arrests, and the wasting of government resources are mostly solved by these leaders. These leaders protect communities as they bring order into society and members of society”. (Participant C2).

“Traditional leaders often have longstanding relationships with community members, fostering trust. This trust can facilitate open communication during conflict resolution processes, making individuals more willing to share their perspectives and grievances”. (Participant D1)

Most of participants reveal that the institution of traditional leadership is the sector of conflict resolution that resolves conflicts from family members and societal conflicts and these leaders are based on the village where they live while governing. This finding is like the findings of Baloyi (2016) who noted that traditional leaders resolve vast conflicts, and the conflicts include societal conflicts and family conflicts. It can be noted that these leaders have relationships with their societal members that foster trust. Culturally rooted, community-centric approach to conflict resolution, with the potential to address issues effectively while maintaining social cohesion. The following sub-theme discusses the functions of the sector of traditional leaders.

4.5.1. Key functions of the traditional leadership sector

This section presents and analyse the data from participants about the functions of the sector of traditional leaders *Bungeni* area. The participants were asked the following questions, does traditional leaders serve as the functions sector for conflict resolution. This was to ensure that the researcher gain deeper understanding on the functions of the sector of traditional leaders at *Bungeni* area. Participants responded the following:

*“Traditional leaders assist government in conflict resolution amongst families or societal conflicts. Community conflicts which may not warrant police arrests and the wasting of government resources are mostly solved by traditional leaders. These leaders protect communities as they bring order in the society and members of the society. They serve as a deterrent to criminal activities that may happen as criminals know beforehand that they will have account for their actions. Most of our people they trust their leaders to resolve conflicts including family conflicts with the help of elders of family or uncles to find resolution”. **Participants C2***

*“Our traditional leaders they have jurisdiction over the conflicts that emanate from resources, boundaries, or other community issues, family and marital issues and Land disputes” **(Participant D1)***

Traditional leaders (TL) they play function as a sector of conflict resolution and to govern the society. Some participants indicated that these leaders they resolve family conflicts ranging from societal conflicts. From the information presented it unveils that people in the communities they trust these leaders this is because they are capacitated to resolve conflicts and to prevent some of criminal activities. In general, the term function is defining as the actions of traditional leaders to serve their subjects that they govern. With regards to the functions of traditional leaders, most participants indicated the following traditional leaders' function in their areas: to resolve conflicts, governing local societies, distribution of land, social welfare, judiciary functionaries in the societies and making decisions on the society. Madumo, (2015); Ntonzima and Bayat, (2012) alluded that this institution have different function such as to rule societies with authority ranging from social welfare to conflict resolution. This is due to the fact that traditional leaders are accessible, less costly and more effective in conflict resolution and they are discussed below:

4.5.1.1. Accessibility of the leaders in the villages

This section presents and analyses the data from participants about the accessibility of the leaders in the *Bungeni* area. This has helped the research to achieve the study aim through knowing the accessibility of the leaders in the village. The participants

were asked the following question: Are traditional leaders accessible in the Bungeni area? This was to ensure that the researcher gain deeper understanding on accessibility of the leaders at *Bungeni* area. Participants responded the following

*“Traditional leaderships are accessible in our society and they serve as a platform for conflict resolution. Traditional leaders are based in the village/section /homestead societies with people. They lead while living with people whom they rule, they are there to ensure service delivery and most importantly, peace is sustained in the society and we do not need to make a lot of appointments to see them. It is important for the society to have access to see their leaders so that their voices can be heard and make peace. Furthermore, it is a sector for conflict resolution in our society and its sub - villages to those cannot access formal courts to resolve their conflicts”. **Participant B1***

*“These leaders they stay with the societal members that they serve, which fosters familiarity and trust and they have deep connections and understand the cultural context and needs of their societal members and the common channels of communication. Meetings are held regularly in the society that makes societal members to access them and engage directly with them”. **(Participant C1)***

Most of participants indicated that the traditional leaders are easily accessible in the society. In general terms, accessibility is defined to mean people’s ‘overall ability to reach services and activities’. To add, it is clear that what makes the leaders to be accessible is that they stay together with their societal members and the meetings are held regularly in the society and societal members can directly interact with them. These findings are similar to what Khonuo (2014) that traditional leaders they stay closely to their people that make them to be accessible. The traditional leaders are easily accessible in every society also cited the following reasons to show is accessibility; found in every society and closeness to home where there is absence of “Formal” Courts to resolve conflicts.

a. The Vatsonga Traditional leaders are Found in Every Society at Bungeni Area

This section presents and analyse the data from participants about the traditional leaders found in every society at *Bungeni* area. The participants were asked the following questions, does the traditional leaders found in every society at *Bungeni* area. This was to ensure that the researcher gain deeper understanding on found in every society at *Bungeni* area, Participants responded the following

“Traditional leaders they are part of the society where they govern and lead. They have played a significant role in shaping the history, customs, and traditions of their respective societies”. (Participant C2).

“In every society there is the traditional leader it could be headmen and the sub-headmen that usually assist the headmen”. (Participant C1).

“Accessing other traditional leaders particularly if you are not from the royal family, it is easy but to access the Chief it is difficult, this is because a person needs to make appointments”. (Participant D1).

Most of participants indicated that traditional leaders they are found in every society where they govern. Moreover, these leaders govern societies around in local area. In every society there are Headmen of the village that is assisted by sub-headmen to govern, resolve some societal conflicts. These finding are similar to Chauke (2019) that these leaders they stay together with the societal member and in each village there is headmen who look after the society. Some of these leaders they usual meet at their traditional court twice a month usually on Sunday. While some they have meeting at tribal office to engage with each other to find solutions on different challenges from community development and resolving conflicts amongst their subjects. Though some participants mentioned that the challenge with this sector of conflict resolution is that accessing the royal palace of chiefs by who are not royal blood or clan of chief is difficult and those with problems have to pave their ways

through consulting the paramount of African Traditional Leaders Councilors (ATLCs) and to observe some protocols.

b. Less Costly

This section presents and analyse the data from participants about the less costly of accessing the traditional leaders for conflict resolution at *Bungeni* area. The participants were asked the following questions, how does it cost to access the traditional leaders at *Bungeni* area. This was to ensure that the researcher gain deeper understanding on cost of accessing these leaders at *Bungeni* area, Participants responded the following

“ With what I have seen in life I think traditional leaders are cheaper to consult since you do not need to pay fee for pressing charges. I am saying this because when consulting “Formal” legal system you need to pay a lot of money. You can’t tell me that African traditional leaders they cannot resolve modern societal conflicts that “formal” court can resolve because with these leaders there is no win nor lose situation but all we are compelled to live together harmoniously in the society”. (Participant E1).

“In most cases, our traditional leaders do not charge fees for their services but rather accept gifts as token of appreciation from their clients after they have been successfully treated. In some cases, we even pay by instalment and the prescription of payment is according to level of income or rather one pays in kind”. (Participant E2)

Most participants indicated that consulting traditional leaders it is cheap, and they require a token of appreciation because in the formal legal court a person needs to pay money. This finding is similar to Matavire (2012) and Ogwari, (2012) that consulting these leaders it does not cost than formal courts. This can be viewed that majority of the society members they depend on low income or social grants for survival, would prefer African traditional leaders as it is less costly to resolve their conflicts .The researcher also learnt that the differences between” Informal courts”

and “Formal courts” they differ in terms of consulting the traditional leaders and those are from formal courts based on the fact that traditional leaders them reside with their subjects and their view that they exist because of their subjects. In that regard, whenever consulting traditional leaders those reside at local communities, it appeared their interest is not in money but to resolve the conflicts and it makes them to be affordable. The leaders do not demand money and whenever the accused is found guilty is asked to compensate the victim and the price is fare in local communities’ area.

4. More Effective in conflict resolution

Traditional leaders are mainly preferred by society members because when they resolve conflicts, they resolve them from grass roots level and not to expel the accused in the society but to compelled him/her to live harmoniously with some society members. The participants mentioned the following emerged; Promote Ubuntu in the society and reduce Violence. This is discussed below.

a) Promote Ubuntu in the society

This section presents and analyse the data from participants about promotion of ubuntu in the society by traditional leaders during conflict resolution at *Bungeni* area. The participants were asked the following questions, does the traditional leaders promote ubuntu in the society at *Bungeni* area. This was to ensure that the researcher gain deeper understanding on promoting ubuntu in the society by traditional leaders during conflict resolution found in every society at *Bungeni* area, Participants responded the following:

“The way we resolve conflicts within the societies is based at indigenous laws that focuses on social values of humanness, caring, respect, compassion and associated values that ensure happy and quality of human in community as a spirit of life in a family”. (Participant C1).

“When we resolve conflicts, we believe that resolving conflicts through communal dialogue fosters unity and understanding, which is critical in maintaining social harmony”. (Participant C2).

“We foster to reconcile parties through forgiveness and understanding, promoting healing rather than division as this is done to promote ubuntu amongst the conflicting parties”. (Participant B1).

Majority of the participants indicated that when the traditional leaders resolve conflicts, they emphasize core social values such as humanness, caring, respect, and compassion and these values are essential for ensuring a happy and quality life within the community that is geared to ubuntu. These findings are similar to the findings of Chigwata (2016), that when conflicts are resolved through communal dialogue it fosters unity that is geared to ubuntu. Almost all traditional leaders agreed to the fact that African traditional leaders their focus is to allow society members to respect each other and not to disown the fellow society member and to ensure that there is peace within the society. Traditional conflict resolution often includes restorative practices that focus on repairing harm rather than punishment. This approach aligns with the ubuntu philosophy of maintaining harmony and encouraging positive relationships. This is also noted Olusola and Arigu (2013) that perpetrators are encouraged to demonstrate genuine remorse or to show a sign of true repentance.

(b) Promote Peace within the society

This section presents and analyse the data from participants about promoting peace within the society when the traditional leaders resolving conflicts at *Bungeni* area. The participants were asked the following questions, does the traditional leaders promote peace when resolving the conflicts at *Bungeni* area. This was to ensure that the researcher gain deeper understanding on promoting peace within the society at *Bungeni* area, Participants responded the following

“Traditional leaders in the Bungeni area, play a significant role in promoting peace during conflict resolution. They often do this by utilizing indigenous laws and traditional

practices that emphasize social values such as humanness, respect, and compassion". (Participant B1)

"The way we resolve conflicts within our society we often promote reconciliation through forgiveness and healing, fostering an environment where ubuntu—the idea of interconnectedness and shared humanity—can flourish". (Participant C2).

Most of participants indicated that when traditional leaders promote peace, they adopt indigenous laws which encompass reconciliation, respect compassion. These findings are similar to the findings of Theresa and Oluwafeni (2014) that when traditional leaders are fostering peace, they use comprehensive customs of the society such as ubuntu, reconciliation and forgiveness. It is clear that these approaches not only help to resolve the immediate conflicts but also strengthens community bonds and enhances peace in the long term.

4.6. Appraisal of Traditional Leadership and Legislations: Conflict Resolution

This theme discusses traditional leadership and legislations governing traditional leaders in the area of conflict resolution. One would presume that the majority of Bungeni society members are acquainted with at least some knowledge of the legislation governing traditional leaders and conflict resolution mechanisms. The theme focused precisely on the Constitution of the Republic of South Africa, the Traditional Courts Bill (2017) and the Traditional Leadership Governance and Framework Act (Act No.43 of 2003). These legislations govern traditional leaders. They are relevant in this study as they outline or give the roles and functions of these leaders.

Information gathered in this research shows that a large number of the society members at Bungeni area know what the legislations and policies say about traditional leadership and conflict resolution. On the other hand, participants mentioned that they have never heard about laws and policies that govern traditional leadership during conflict resolution. The researcher adduced that this is because the legislations are written in English which makes some people not to be able to know, read and interpret

them. In covering information required by the theme above, the following sub-themes are discussed;

- The matters that are adjudicated (and not) by traditional leaders, the composition of the courts, and
- Procedures of the court and adducing of evidence.

4.6.1. Matters that are Adjudicated by Traditional Leaders

This theme discusses matters that are adjudicated by traditional leaders. Section 20 of the Black Administration Act No.38 of 1927 gives power to a chief or headman jurisdiction to try and punish any “Black” person who has been involved in some matters under the control of the chief or headman concerned. In particular, this Act was enacted to govern “Black people”. Black society is the area that is dominated by people whose skin colour was referred to as “Black” during the apartheid era. In addition, the Act it gives a better control and management of native affairs. Any society member who is obstructing the duties of chief or headmen those govern the native land will be executed under this Act. However, this Act does not outline the sections that govern Indians or whites. Though the Act stipulate that the Governor-General may recognise or appointing person as chief or headmen in charge of a tribal or location and is hereby authorised to make regulations prescribing regulations, powers and privilege of such Chief or headmen.

Section 212 (1) of the Constitution of the Republic of South Africa addresses the “role of traditional leaders”. In that section, it notes.

“National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities. (b) National legislation may establish a council of traditional leaders.”

Deducing from the above section, it is clear that the national legislation may provide for a role for traditional leadership on matters affecting local communities. This role can be implied to include conflict resolution. The Constitution is a supreme law of the land, and it emphasises on having laws passed on to govern the role that traditional

leaders play in conflict resolution. In addition, all legislation that is passed should be in-line with the Constitution. This means that it must promote equality, dignity and humanity. In accordance with the dictates of the Constitution, the Traditional Leadership and Governance Framework Act (23 of 2009) was passed and the Traditional Courts Bill is underway. As such, the contents of these statutes need to be examined in light with the issue of conflict resolutions and how participants view them.

The Traditional Courts Bill (2008) gives provision that the traditional leaders hear matters such as civil and criminal conflicts arising from customary law. A civil case occurs when one person offends another person or disputes of money (Mc Quoid-Mason, 2013). On the other hand, a criminal case happens when the government files a case in court to a person for committing a crime (Heller, 2012).

Participants were of the view that traditional leaders should hear disputes of the return of dowry or damages for adultery and common law. Kariuki (2015) alludes that the chief and headmen are allowed to resolve civil matters. At the same time, it should also be noted that these traditional leaders do not adjudicate all civil matters. However, sections 5 (2) a and b of the Traditional Courts Bill (2017) stipulate that the traditional court may not hear any question of nullity of a marriage, (divorce) or separation arising out of a marriage and any matter relating to the custody and guardianship of minor children. Some participants mentioned that traditional leaders do not hear about matters such as a person being killed, accusation of poisoning a person or rape. These are the crimes wherein traditional leaders do not have a say and people end up resorting to jungle justice to resolve these types of conflicts.

One of the duties of the traditional leaders is to allocate the land (Traditional governance framework Act, 23 of 2009). In relation to this, participants also commented that conflicts that can emanate from communal land can be resolved by the traditional leaders. In addition, traditional leaders resolve conflicts that include illegal grazing of cattle, disagreement between husband and wife in the customary marriage, *crime injuria* (an action that injures the dignity of another person) failure to

adhere to tribal levy, separation of an unmarried couple, differences between neighbours and setting on fire someone's maize field (Butalia;2014).

According to Traditional Leadership and Governance Framework Act 41 of 2003, when a dispute or claim arising from the implementation of this Act arises between traditional members or other customary institutions, members of such a society and traditional leaders within the traditional society must seek to resolve the conflict or claim internally and in accordance with customs. In addition, traditional leaders perform various functions according to their customs conferred by customary law and customs. In that way, a custom is defined as the way of practicing the same culture over and over time again (Bender, 2016). While customary law is the unwritten set of rules which are developed from the customs and traditions of society (Rady, 2015). In other words, customary law is undocumented and is set by traditional leaders to execute judgment within the society (Rady, 2015).

*“You know our customary laws focused more on resolving conflicts emanating from cows eating crops for neighbours, land disputes, and address society development. But it is rare to hear cases such as murder which can be dealt with by “Formal Courts”. Some of the cases are related to the issue of witchcraft and poisoning each other. When society members fight one another, and there is a case of theft, we never receive the cases. These include also the cases of slavery, piracy, and terrorism”***Participant C2.**

Although the Traditional Courts Bill stipulates that the traditional leader can resolve conflicts emanating from customary law and customs and civil cases. Maqakachane (2016) asserts that it is vital in the society that traditional leaders should resolve conflicts as is outlined by the Constitution of South Africa in the Bill of Rights. Also, the Traditional Courts Bill (2008) outlines that a traditional court may hear and determine civil disputes arising out of customary law. The following sub-theme discusses the dispute of land and customary marriage disputes and how the legislation and/or communities outline how traditional leaders can resolve such conflicts.

4.6.1.1. Dispute of Land

According to Traditional Leadership and Governance Framework Act 41 of 2003, the law states that traditional leaders are vested with the function of land administration and the administration of justice, taking the customary law and customs of the respective traditional societies into account. Society members find themselves in conflict or battle for land allocated to stay and grazing land. Commenting on this matter, one participant noted the following:

“Whenever we are having conflicts of land that include allocation of stands, we present them to our traditional leaders, since they are the custodians of the land and we are helped on resolving the conflicts”. (Participant B1)

The findings are similar to the findings of Run (2013) and Ntuli (2018) who noted that cases such as battling for natural resources, marriage, land settlement battles, fights over grazing lands and land for crop cultivation and accusation of witchcraft are likely to be cases in the customary courts to be resolved by traditional leaders. The following sub-theme discusses the dispute of customary marriage resolved by traditional leaders as it is in line with the legislation.

4.6.1.2. Dispute of Customary Marriages

The Traditional Courts Act 09 of 2022 allows traditional leaders to settle certain civil disputes of customary law by traditional courts. Section 2 (b) of the Act notes that

“Traditional leaders can resolve the conflicts of divorce or separation arising from marriage, whether the marriage was or it is under the Marriage Act, customary marriage under the Recognition of Customary Marriages Act, 1997 (Act no.120 of 1998).”

The Traditional Courts Act 09 of 2022 proposes that when a conflict arises between married partners under the Recognition of Customary Marriages Act, traditional leaders play a role in adjudicating such conflicts. Section 21 of Chapter 6 of the Traditional Leadership and Governance Framework Act 41 of 2003 notes that a

dispute resolution concerning customary law within the traditional society or customary institution concerned must seek to resolve the conflict. This means that they can resolve customary marriage conflicts, however, if they cannot reach a common ground during the resolution process the matter can be referred to the court. One participant said the following regarding this,

“Polygamy conflict can arise when a man gets married to second wife without consent of first wife. The first wife has power to give consent or to disagree the marriage as indicated by the formal law now. I am not well informed about the Act that govern our marriage because it is negotiated by my uncles and parents, so if we have problems, I consult them”. **(Participant C1)**

The above participant mentioned that he is not informed about the law that govern their marriages but if any conflict rises, they consult the head of family and if it is not resolved they can opt to traditional leaders. To add, traditional leaders play a role in preventing conflicts within marriage by offering pre-marital counselling to couples. One of the participants mentioned that the conflict within the marriages are mainly caused by lack of time between the couples. Through consulting one of elders in the society, counselling is offered, and a happy family is restored. Mkandawire and Tambulukani (2017) submit that traditional leaders, as marriage counsellors, play several roles in helping couples to live peacefully with their partners.

4.6.2. The Composition of the Traditional Courts

The researcher was more interested in finding out the composition of the traditional courts as dictated by the law. It is vital to know how the traditional court is set up and those who preside in the traditional courts during the resolution process as per the formulation of the Traditional Courts Act 09 of 2022¹. This will give preliminary understanding on the gender ratio, collective efforts insight, the hierarchy of participants in the traditional court and other key aspects regarding to the justice they deliver. The purpose of this sub-theme is to understand the composition of traditional leadership that is in line with the legislations and to uncover the gender balance in these courts and the types of conflicts that they can adjudicated.

“Traditional courts are generally presided over by one or more traditional leaders, such as chiefs, elders, or headmen. These individuals are usually respected members of the community with deep knowledge of local customs and laws” **Participant C1.**

“Our traditional leaders collectively preside over customary matters. It is very fascinating to see how they operate because some of them did not go for formal school to study LLB. Even the traditional courts must consist of women and men and also Some of participants mentioned that the Constitution of the Republic of South Africa and traditional courts Bill emphasizes equality thus, women in various societies within the country ought to participate in the “informal” courts such as traditional courts”. (Participant D2).

“Our courts are composed of both women and men, but women do come to courts in few numbers dominated by men. We do not select who need to come to court to participate” (Participant D3).

The majority of participants mentioned that the composition of traditional court consists of chiefs, elders of the society and headmen. These findings are in line with the finding of Rautenbach (2015) that the traditional court compose of kings, chiefs, community elders and headmen depending on the society in Africa. Some of the participants indicated that in these courts consist also of both women and males of the society. It was mentioned that the constitution of the Republic of South Africa advocates that women need to be part of the traditional court. This finding is supported by the Traditional Courts Bill (2017), that the traditional courts must consist of women and men, pursuant to the goal of promoting the right to equality as contemplated in the section 9 of the Constitution. This can be viewed as part of efforts to end gender inequalities. It can be noted that involving women in these courts can bring those lived experiences to the court actions that tend to give a more empathetic and comprehensive perspective. The democratic dispersion challenged the patriarchal system that was practiced before democracy that did not allow women to participate in societal affairs including conflict resolution, where it was always men taking decision during the resolution process (Matthews, 2017). The Bill proposes that societal members should attend these courts and give comments and ask questions during the seating of courts. Everyone within the traditional court have a right to speak and express their feelings. Women in various societies within the country ought to

participate in the “informal” courts such as traditional courts. The democratic dispersion challenged the patriarchal system that was practiced before democracy that did not allow women to participate in societal affairs including conflict resolution, where it was always men taking decision during the resolution process (Matthews, 2017). The Bill proposes that societal members should attend these courts and give comments and ask questions during the seating of courts. Everyone within the traditional court has a right to speak and express their feelings.

4.7. The nature, scope and processes of different conflict resolution mechanisms

4.7.1. Traditional court

A traditional court is the place where members of the community or society gather to resolve conflicts that is happening with the society. A traditional court is a place where conflicts are resolved using customary law (Somaru & Rautenbach, 2020). Traditional courts play a pivotal role in conflict resolution in the Bungeni community. This court receives a bulk of conflicts. Participants were asked to explain what a traditional court is. The objective of this question was to determine the participants’ understanding of the traditional court. The participants responded the following.

“Traditional court is also known as khorho or hubyeni in amongst Vatsonga language. Literal meaning of khorho or hubyeni means where people meet to resolve societal issues. Khorhweni means the place where people gather, while khorho means people - those who attend the traditional court. Though both khorho and hubyeni can be used to mean the same court”.

Participant B.

“Traditional court is a place where societal members meet and resolve conflicts and other matters pertaining to the society”.

Participant B2

“Our court composed of the headmen, subhead -men, secretary and the elders of the society those sit in our Khorho”.

“Participant D1”

The majority of the participants indicated that traditional court it is known as *Khorho* or *Hubyeni* at Bungeni area, that mean where people they meet to discusses or resolve the conflict within the society. The participants indicated that this court is composed of headmen, sub-headmen, secretary and elders of the society. Based to the information presented by participants it shows that the court have its name that the societal members know by, and it should be noted that the word *khorho* means the jury or people found in the traditional court. This is supported by to Madlome and Chauke (2019) that different societal members have their name that they call traditional court and people meet and resolve societal conflict.

4.7.1. Secretary of Traditional court.

This section presents and analyse the data from participants about the secretary of the Traditional Court. The participants were asked the following questions: Who can be the secretary of the traditional court and what are the roles and responsibilities that the secretary of the traditional court play within the traditional court context. This was to ensure that the researcher gain deeper understanding on who can be the secretary of the Traditional Court and what are the roles and responsibilities of the secretary in traditional court at Bungeni area. Participants responded the following:

“The secretary receives the cases from societal members, then registers them on the book and report the matters to the headmen about the cases that are happening in the society. This person assists the headmen to schedule dates and time for hearings. The secretary writes an invitational letter to invite the conflicting parties for a hearing or resolution. The letter is written in Xitsonga. The secretary is not from the royal family”. **Participant D1**

*“The secretary of the traditional court writes the decision taken during the hearing and minutes of the meetings that are held at Khorho. Secretary of the traditional court was selected during the Khorho, looking at the commitment of the person sitting and hearing. The person is not from the royal family but a societal member of Bungeni area”.***Participant F2**

The majority of the participants indicated that the secretary receives the matters from societal members and assist headmen to schedule time and hearing of the matters. It was revealed that the secretary writes invitation letters to the conflicting parties, calling upon them to present themselves before the traditional court. It was noted that being a secretary a person does not need to be from the royal family but selected from the societal members. Based on the information presented by participants it means that the secretary can be any chosen person living from the society of *Bungeni* and the person must be the resident of *Bungeni* area under jurisdiction of the headmen. This is supported by Kakabadse, Khan and Kakabadse (2016) who define secretary as the person who is appointed to do administrative work. A secretary is the person who falls under the executive committee. The secretary is not the traditional leader, but he works with the traditional leader to write minutes during *khorho*. Again, Soyapi (2014) also indicated that being a secretary in the traditional court “*Khorho*” any societal member can be chosen to be the secretary. However, one of the reasons can be to reduce running the court as lineage and to make it in line with the constitution of the Republic of South Africa that the court should consist of societal members (Mabunda, 2018). The conflict transformation theory proposes that every societal member needs to be involved to resolve the conflict and to sit for hearing in traditional courts. Mail (2011) also indicates that the conflict transformational theory engages society members and transforming relationships, interests and to deal with conflict from grassroots level.

4.7.2. Nature of conflict heard in traditional court:

The researcher was interested in understanding the nature of the conflict heard in the traditional courts in the *Bungeni* area. Participants were asked: What is the nature of the conflicts that are brought before the traditional court? This was to give the researcher an understanding of the nature of the conflict that traditional courts resolve. The following are the responds of the participants.

“There are traditional courts known as Khorho or Hubyeni in our society they resolve conflicts such as Thefts, fights between neighbours and development of the society at last demarcations or land allocation. If the culprit or alleged, they are found guilty they are charged a certain fine depending on the conflict”. (Participant B)

“I once participated in the process of resolving conflict as the member of traditional court where someone’s cows eating the crops of the societal member. The victim was angry”. (Participant D2)

The majority of the participants mentioned that at *Khorho*, cases which are resolved include thefts, fights between neighbours, land allocations, eating of crops by animals and societal development. Based to the information presented by the participants, the development of the road and the hiring of the societal members when there are societal projects such as renovation of stadium and schools. However, the traditional court does not resolve the conflict such as stabbing one another and royal conflicts. This finding is similar to what Khonou (2018) that traditional courts resolve bulk of conflicts that are emanating from the societal members such as fights amongst the neighbour. In the same vein, Sankofa theory advocate that, the societal members of *Bungeni* area need to adopt the traditional ways to resolve conflicts particularly where the traditional leaders have jurisdiction upon. Reddick (2014) alludes that this theory teaches African societies to go back to African roots where traditional leaders used to resolve conflicts in the African ways. In other words, this means avoiding or not preferring western ways of resolving conflicts amongst indigenous people living in African societies.

4.7.3. Scope of conflict resolution.

The researcher wanted to understand the scope of conflict resolution within the *Bungeni* area. Participants were asked the following question, what is the scope of conflict resolution, so that the researcher can get depth information or knowledge on the dynamic of the conflict whether it can be resolved at other *Khorho* or where the conflict has occurred.

“You know, the royal conflicts are resolved in the royal house or by royal members. We never invite everyone who attends Khorho to hear the matters pertaining to the royal house. In this manner of conflict, it is resolved by traditional royal council family members of Mabunda through the assistance of Va-hahani as the mediators for peace”. Participant C1

“There are common cases that grazers have committed in different communities. Where you find the cattle of family members who resides at Skhunyani they went and grazed the field of a family member of Mabodlhongwa. I don’t recall when community members fights, and they conflicts are resolved in the same Khorho”. **Participant D1**

“Fights of society members can be resolved by the traditional court. But if the fight involves two communities’ members from different communities it is difficult to settle this conflict. Though the matter can be presented to Khorho to resolve it”. **Participant D2**

The majority of the participants indicated that the cases such as cattle grazing the crops for neighbours and fights between the neighbours can be resolved at the *Khorho*. Though some participants indicated that the royal conflicts can be resolved by royal family members and Va-hahani mediates in this conflict. Based on the information presented by participants, conflicts can be resolved at *khorthweni* and the conflict from royal family can be resolved at traditional royal council. The findings are similar to Dodo (2013) alluded to succeed in the royal family matters can be resolved by the royal clan. Sankofa theory advocate that, the scope of conflict resolution in traditional society entails the involvement of all stake holders in the society to make sure that the conflicts are resolve. To add, Kissi (2018) indicated that the scope of conflict resolution that is done by traditional leaders emphasises holistically approach and it is based on cultural context of conflicts when looking for resolution of the conflict.

4.7.4. Process of conflict resolution.

The researcher wanted to understand the process of conflict resolution. The participants were asked what the process of conflict resolution mechanism in traditional court is. The question was asked, because it allowed the researcher to gain more knowledge on the process of conflict resolution at traditional council.

“Matters are reported to the secretary. Most of societal members approach the secretary at any time during the day when people want to report their matter. Cases are reported at a certain price of reporting the matter it differs in amounts, before the conflicts are resolved. During resolution process, both conflicting parties are called together if there is an eyewitness”.

Participant C1

“In most cases some matters that are urgent, they are reported to the headmen himself. Most especial if the matter requires urgent resolution. The headmen mediate between two conflicting parties where he asks both conflict parties to present their stories and during this process the headmen, he is neutral. If there is eyewitness is also called if the was the witness to testify”. **Participant F1**

Most of the participants indicated that, the process of conflict resolution, the matters or cases are reported to the secretary of *Khorho*, who then report to the headmen and the headmen set the date for hearing the conflict. Each case they are reported with specific amount. Based to the information presented by participants, it can be noted that the process it starts with reporting matter to the secretary who then report the matter to the headmen who then will mediate between two conflicting parties. Both conflicting parties are called for hearing to the court so that it can be resolved by the traditional court. Ghebretkle and Rammala's (2018) who indicated that within traditional courts, conflicting parties are invited to the meeting together with the eyewitness and/or third-party during conflict resolution. The Sankofa theory supports that all societal members need to participate during the process of conflict resolution (Moreda, 2020). While transformational conflict theory, put emphasis that the researcher chose to use conflict transformation theory as it engaged the society

members to deal with grassroots conflict and to transform their relationships. In the study, society members were engaged, conflicting and non-conflicting parties, to share their perspective on conflicts and how they should be resolved.

4.7.5. Nature of the conflicts heard in traditional council.

The researcher wanted to understand the nature of the conflicts heard in traditional council. The participants were asked what the nature of conflict traditional council is. The question was asked, because it allowed the researcher to gain more knowledge on the nature of conflict that the traditional council hear. The participants responded the following:

*“Issues of giving foreigners a stand without proper documentation”.***Participant B2**

“Our traditional council deals with the matters which were not handled properly at traditional court, these cases include fighting against the stand, witchcraft and misusing of power by one of the community members”.

Participant C2

“The matters of theft and veld burning are heard in the traditional council through appealing by alleged member of the society”.

Participant E1

The majority of participants indicated that the nature of conflicts that the traditional council deal with, these are the matters which are not well resolved at traditional court level and are referred to traditional council. These matters include theft, veld burning fighting for stands, accusation of witchcraft activities and misusing of power by community members. Based on the information presented by participants it can be noted that the traditional council, hear conflicts that emanate from various sources such as fights over the stand and accusation of witchcraft. These findings are similar to Situmbeko, (2023) that the nature of conflicts that most traditional leaders resolve emanating from theft or veld burning and accusation of witchcraft in most African societies. There is no cynicism that the traditional council is an appealing court if the judgement or resolution from traditional court it did not suits well with community members. Conflict transformation theory support those findings that the as it engaged

the society members to deal with grassroots conflict and to transform their relationships (Väyrynen, 2019). In this assertion it is clear that the conflict transformational idea is to transform conflicts rather than settlement, stressing that it is important to understand how traditional council resolve the conflicts.

4.7.5.1. Scope of the conflict resolution in traditional council.

The researcher wanted to understand the scope of the conflict resolution in traditional council. The participants were asked what the scope of conflict is used by traditional council. The question was asked because it allowed the researcher to gain more knowledge on the scope of conflict that the traditional council. The participants responded the following:

*“The traditional council, serve as the appealing court for the matters which was not resolved at the traditional court”. **Participant B1***

*“Conflicts such as difference of difference between headmen in the governing the piece of land, who should look over the land”. **Participant B2***

Majority of participants mentioned that the traditional council serve as the appealing court for matters which were resolved at traditional court and conflict of the headmen fighting for ruling a piece of land. It can be noted that, the conflict between the headmen can be resolved by the traditional council. Seemingly not every conflict can be resolved by the traditional court. These findings are similar to what Nouman, Ahmad and Ullah (2022), found that traditional councils often focus on resolving disputes between individuals or groups that are related to social issues, such as social norms and customs and most of these conflicts are appealed at the traditional court.

4.7.5.2. Process of conflict resolution in traditional council.

The participants were asked what the process of conflict resolution by traditional council. The question was asked because it allowed the researcher to gain more knowledge on the process of conflict resolution that the traditional council adopt. The participants responded the following:

“If a societal member he/ she is not happy with the decision during conflict resolution at traditional court, he/she can write the letter to traditional council and received by secretary of traditional council, the secretary will record the cases and schedule date and for hearing . Once date is set, then the appealing person will be called for hearing”.

Participant B2

“When the headmen he meets difficulties in traditional court and he cannot resolve the matter, he refer it to the traditional royal council, where all headmen of Bungeni meet on every Wednesday”. **Participants C2**

Majority of participants mentioned that the process of resolving the conflicts is that when the society member is appealing in the court, they write letter to the traditional council where it is received by the secretary of the traditional council and schedule date and time for hearing. It was further noted that when headmen cannot resolve other conflicts, they seek advice from the council. Based on the information presented by the participants, it can be noted that this council resolves conflicts through inviting the conflicting parties to hear their matters during appealing their matters. Kariuki (2015) indicated that when the conflicting parties are in conflict they are brought together to the Chief's court to hear their conflicts. If the judgement that was passed by traditional court was unfair, then the traditional council will take again the judgement to make both parties happy.

4.8. Nature of conflict heard in traditional royal council

The researcher wanted to understand the nature of conflict heard in traditional royal council. Participants were asked what is the nature of the conflicts that were brought before the traditional royal council. This was to give the researcher an understanding on the nature of the conflict that traditional royal council resolves. The following is the responds of the participants:

“We resolve the conflicts of the royal family, particularly that pertaining the appointment of headmen or chief”. **Participant B1**

“You cannot hear that conflicts of royal family are resolved by the traditional courts or traditional council, but by royal council”. **Participant E1**

Majority of participants mentioned that the traditional royal council they resolve conflicts that pertaining royal family and these conflicts you cannot be resolved from traditional court but only the royal council can resolved. It was revealed that these conflicts include the matters of appointing headmen or Chief. Based on the information presented by participants, it is clear that the council resolve only the issues that revolved around the royal family. Theresa and Oluwafeni (2014) submit that the council resolves the conflicts in the royal family.

4.8.1. Scope of conflict resolution in traditional royal council.

The researcher wanted to understand the scope of conflict resolution in traditional royal council. Participants were asked the following question, so that the researcher can get depth information or knowledge on the dynamic of the conflict whether it can be resolved at traditional royal council or where the conflict has occurred. The participants responded the following.

“The cases that are heard by the royal council is pertain the issue of the governance - ship in the society and also to guide the Chief on the rulership”. **Participant B1**

“Most of the cases that this council resolve is pertaining to the Chieftainship and appointing the headmen”. **Participant B1**

Majority of the participants indicated that traditional royal council deals with the cases of the governance ship of the area of Bungeni and to guide the Chief on leadership. It is clear that the traditional royal council only deals with the cases of the royal family. These findings were revealed also Mengistu (2019) that the scope of conflict resolution in traditional royal councils typically encompasses a range of social, political, and cultural issues within a society or kingdom. Therefore, other conflicts cannot be dealt with in this council because the word royal council simply means that it addresses the royal family issues of Bungeni. The Sankofa theory supports the notion that traditions royal councils often draw upon historical precedents and cultural norms to resolve conflicts. This was also revealed by Kissi (2018) that the resolution taken by the traditional royal council is based on the historical traditions that guide them to take decision and to ensure that judgements that are taken by the council is in line with the societal traditions.

4.8.2. Process for conflict resolution in the traditional royal council.

The researcher wanted to know and to understand the process for conflict resolution in traditional royal council. Participants were asked the following question, what is the process to resolve conflicts by traditional royal council? This question was important so that the researcher can get depth information or knowledge on the dynamic of the process to resolve conflicts by traditional royal council. The participants responded the following:

“We identify the conflicting parties mostly within the royal family but sometimes even societal conflicts that it can involve elders of the society or family members those inform the council to ensure that the royal council is aware about the matter”.
(Participant B1)

“We have a senior royal council member who mediates the conflicts in our royal family to ensure that conflicting parties reach the consensus”. **(Participant B2)**

“A senior elder of the society or chief are consulted to give or offer guidance based on their experiences and understanding of societal customs and norms”. (Participant C2)

Majority of the participants stipulated that the mechanisms for conflict resolution within a royal family and the involvement of societal elders. Conflicts primarily arise within the royal family itself but can also extend to societal issues. Based to the findings a senior member from the royal council plays significant role of mediating, facilitating discussions to help conflicting parties reach a consensus. The findings are similar to what Ajayi & Buhari (2014) senior elders or chiefs are consulted for their guidance, drawing on their experience and understanding of societal customs and norms. The Conflict transformation gives intervention that is appropriate for conflict resolution. Muchaku (2020) concretize that conflict transformation can be good if there is understanding of social conflict as a natural form of human existence not something negative per se but as potential catalyst of change. Therefore, the transformation theory advocate that through involving the wisdom and collective memory of the traditions of the society the resolution can be transformative in the society of Bungeni.

4.9. The Roles of Traditional Leaders in Conflict Resolution

Traditional leadership is the institution that overlooks and governs the society through customary law. Traditional leaders at Bungeni area have been a pillar in strengthening the society in fostering peace and resolving diverse conflicts. It must be born in mind that traditional leaders are noted to be custodians of culture and traditional norms (Mboh, 2021). It is because of the latter that traditional leaders make decisions and resolve societal conflicts. What is key to note is that traditional leaders govern communities under their jurisdictions through a traditional council. As from the presented information above, a traditional council is made up of chief, headmen and traditional council of society (Koenane, 2012). There are categories of traditional leaders at Bungeni area. These leaders they play part of conflict resolution such as Magotsa, Headmen, traditional royal council, Tribal council, traditional Council, Va-hahani and Chief. These roles are discussed below:

4.9.1. The Role of Headmen in Conflict resolution.

The headmen or headwomen is person who is chosen by Chief to look and govern a particular village which is tasked to him and report the matters to the Chief. According to traditional Leadership and Governance Framework Act 2003, defined headmen in sub section (b) is recognized as such in terms of this Act; “headman ship” means the position held by a headman or headwoman; under whose authority, or within whose area of jurisdiction, senior traditional leaders exercise authority in accordance with customary law. In the context of the study, the headmen are the male person appointed by Chief to look over the land or govern at *Bungeni* area. Not everyone from the royal family can be become headmen. There are protocols that need to be followed when appointing the headmen at *Bungeni*: When the headmen are appointed, they must be from the royal family or royal blood line to become the headmen. Headmen they play a crucial role in resolving village conflicts that they are given by the Chief to look over. The participants were asked the following question, what is the role of headmen in conflict resolution? The participants were to gain deeper and comprehensive knowledge of headmen resolution. Participants responded in the following manner:

“Headmen are very important personnel in solving the conflict in the village. In fact, headmen stop problems and change conflicts in positive ways through their authority. They could reduce the conflict issues before sending them to the traditional court. These conflicts can be through correcting the behaviour of societal members and setting up the rules in the society. They perform their roles based on their potential, skills, and knowledge as well as the intensity of conflict situations”.

(Participant C1)

“The headmen play role to negotiate and to mediate conflicts between conflicting parties in traditional court. The conflicting parties will be invited for hearing after reporting their conflicts, then the headmen will listen to both parties as he is neutral without favoring other party. After listening to their stories, he then takes decision. The

headmen in Bungeni area would help the conflicting parties to reach an agreement to mitigate the conflict". **Participant D1**

"The headmen of the village schedule date and time for hearing these conflicts through the assistant of secretary of the traditional court. They preside in every conflict and the headmen. The headmen listen to the conflicting parties and take decision that allow both alleged and the victims to appeal if they are not happy with the decision taken during hearing". **Participant E1**

Majority of the participants mentioned that headmen play crucial roles in resolving conflicts through mediating between conflicting parties and negotiations. Participants in the process of mediating assist the conflicting parties to identify the issue and the area that is compromised. The headmen they negotiate conflicting parties they ask conflicting parties to forgive each other and to compensate the victim and the headmen presides over the conflict. Based to the information presented by participants it is clear that headmen they employ mediation and negotiate during conflict resolution where the headmen preside in every conflict, by my understanding they do this with the aim to restore broken relationship between conflicting parties, but the aim is not to punish but to correct the wrongdoings. According to scholar Pearson (2014), attests that the aim of mediating between conflicting parties is to usher peace. Because where I come from the village, they usher peace through helping the conflicting parties to find common ground during resolution of conflicts. This is also supported by Khunou (2013), that the role of headmen is to ensure that headmen have powers to resolve societal conflicts.

4.9.2. The role of traditional royal Council in Conflict Resolution.

The traditional royal council is the council that govern the society. Traditional royal council of *Bungeni* it constitutes of the royal members particularly those are from Mabunda clan. These of the royal family are directly related to the ruling family. This

council it resolves on the matters or conflicts revolving around the royal family. Participants were asked what is the role of traditional royal council in conflict resolution. This question was asked so that the researcher an understanding on the role of traditional royal council resolve. The following is the responds of the participants:

“Our royal council resolves conflicts specifically on the appointment of headmen or chief. The resolve these conflicts looking on trigo-tree. They look at the first who is the first son of the royal house. If this process is not followed, they go back and re-do what is known as the re-cause process, which is to check the law of succession. On the wives of the Chief who gave birth of the first-born son as the right heir of the throne”.

Participant B1

“Resolving the issue of land allocation, the royal council they look at the history of the land who did it belong to. The council will convene the meeting with traditional council, to hear how they arrived on the decision how giving other people land. From there they will re-allocate the land to the rightful people. This council it serves as an appealing court for the traditional council”. **Participant C1**

“During the resolution the chairperson facilitate during conflict resolution where both conflicting parties are called so that their matters can be clarified”. **Participant E1**

Majority of participants indicated that the royal council resolve conflicts such as appointment of headmen or chief, where they look at trigontree to identify who should be appointed to succeed for position. The council serves as an appealing court for traditional council and advice during conflict resolution. Based on the information presented by participants, it is clear that the royal council resolves conflicts through using the process of looking at the re-cause to identify who is the right person to settle for the position. Mashamba (2014), opines that resolving the conflicts through mediating monitored by e the royal council.

4.9.3. The Role of Traditional Council in Conflict resolution.

Traditional council is the council that are overlook the governance of the society or community. According to The Traditional Leadership and Governance Framework Act (Act No 41 of 2003) it establishes and recognises traditional councils, and it further stipulates that 40 percent of the members of a traditional council be elected, while 60 percent can be appointed by the senior traditional leader. The traditional council is composed by headmen's and the Chief. It is therefore fundamental to address the roles that these leaders they play during conflict resolution in day-to-day life of the societal members and to preserve culture. Traditional council in Bungeni play a crucial role in conflict resolution. This council is chaired by the senior traditional leader known as Chief Bungeni. The following question was asked to the participants, what role does traditional council plays in conflict resolution? The question was asked to the participants so that Researched can gain deeper understanding on how the traditional council resolves the conflicts. Participants responded in the following manner:

"The headmen are given powers to resolve conflicts these powers are bestowed to them by the Chief. During conflict resolution, we mediate between the conflicting parties, where the appealing party write the letter to the traditional council to appeal concerning the decision which does not certify him or her during resolution by the headmen, then the traditional council facilitate during conflict resolution by allowing both parties to speak and at give time so that they parties does not fight one another during resolving conflict". (Participant B1)

"Each member of the traditional council is allowed to give inputs during conflict resolution and to offer advice and guidance, mediation and to make decision during conflict resolution". (Participant D3)

Majority of the participants mentioned that the traditional council resolve conflicts through mediation where they allow the alleged who was not certified by decision taken by headmen and facilitate the process of resolution. This is to ensure that participants speak at a given time to avoid contagious fights and they offer guidance and decision making. The information presented by participants, it shows that

traditional royal council resolve conflicts through facilitation, mediation and offer guidance that lead to decision making. By do this it allows both conflicting parties to reach a good decision. Mashamba (2014) opines that the traditional council offers mediation and facilitation that lead to proper decision making to ensure the outcome it certify the conflicting parties.

4.9.3.1. Mediation by traditional council.

Mediation is the process where the third party gets involved or involved to resolve the conflict between two conflicting parties. Ntuli (2018), stipulate that mediation is the process to seek the third party to assist during conflict resolution. The participants were asked the following question, how does the traditional royal council mediate conflicts between two conflicting parties. The participants responded the following:

“Chiefs mediating in conflicts where the perpetrator who was found guilty was to compensate and return favour with the sole purpose to restore peace and order in the society. We encourage each party to attempt to understand and evaluate the interests of the other party, this usually done through listing both conflicting parties during hearing and they are being asked questions that probe to the interest of both conflicting parties. Although we do not judge in the same time but it depends on the strength of either side's case”. (Participant B1)

“We call both conflicting parties in our court to listens to each side's version of the problem in an informal setting and help the parties come up with ideas for resolving the dispute. After hearing their matter, then the mediator who is the headmen who can be chosen to mediate during the hearing will ask the perpetrator to ask forgiveness from the victim”. (Participant B2)

Majority of participants , mentioned that the traditional council at Bungeni area mediate in conflict resolution by bringing two conflicting parties in the council to hear

both sides of the story and where the perpetrator who was found guilty was to compensate and return favour with the sole purpose to restore peace and order in the society at Bungeni area. Based on the information presented by the participants it is clear that during mediation process both conflicting parties need to be called to give side of their stories, so that the story cannot be biased. If the other party is not involved the resolution cannot favour both parties. These findings it was also noted by Ndlovu & Ndlovu (2017), that in Ndebele societies, mediation is employed to resolve conflicts where the mediator is not part of conflict but gets involved to resolve the conflict between two conflicting parties but also invite both conflicting parties for hearing. It was noted also by Schoeman (2013) that in some societies, mediation is a mechanism for conflict resolution.

4.9.3.2. Negotiation by traditional council.

Negotiation is the process whereby the conflicting parties communicate to reach resolution of the conflict. Negotiation is a communication between two or more conflicting parties intended to reach a resolve conflicts over one or more issues where a conflict exists with respect to at least one of these conflicts (Sansculotte-Greenidge & Fantaye, 2012). Participants were asked the following question; how traditional council negotiates during conflict resolution. This was important for the researcher to get more understanding on the process of negotiation done by the traditional royal council.

“Both conflicting parties, they are called to present their stories and to state what they want in return during the negotiation. It is the Chief or headmen who lead this process. During the negotiation, the negotiator he speaks Xitsonga language to ensure every party hear the language and understand the discussion and reach agreement properly and we do not promote derogative words”. (Participant C2)

“In our traditional I council court the Chief councillor or selected headmen of the council is the one who lead and assist as negotiator between two conflicting parties their own

decision whether the alleged is punished. The headmen would ask forgiveness from the victim or the accused if he/she is found not guilty. We speak the language that is our native, so that can understand". (Participant F2)

The majority of the participants mentioned that the negotiation may involve the Chief councillors or selected headmen at the level of the traditional council. The negotiator who can be chief or headmen during the negotiations process they speak the native language to avoid confusion. Based on the information presented by participant the negotiator may ask forgiveness on the behalf of the perpetrator .On this note it is similarly to the findings of Malan (2013) that during negotiation, they speak the language that everyone can hear and are careful about their language and are expected not to use derogative words or expressions of victory, defeat, hatred or enmity in the negotiation process.

4.9.3.3. The role of traditional council in Reconciliation during conflict resolution.

Reconciliation is the process of restoring the broken friendship or relationship amongst the societal members. In Bungeni Area, traditional council plays fundamental role to reconcile relationship or friendship because of the conflict. Participants were asked the following question; how traditional royal council play role in reconciliation process conflict resolution. This was important for the researcher to get more understanding on the process of reconciliation done by the traditional council. The following is the respond of the participants:

"The two conflicting parties are compiled to sit down during resolution and ask to forgive each other by the mediator. We ask both conflicting parties to speak the truth during reconciliation and to allow them to share their perspectives on what transpired and cause conflict". Participant B1

"Sometimes the conflicting parties, to make their relationship to be restored, the perpetrator can be asked to compensate the victim. This way is not to punish the perpetrator but as the form to ask forgiveness. The mediator can initiate the binding

decision between the parties to strengthen the decision that is taken during reconciliation. It can be either signing agreement that what happened cannot happen again". **Participant C2**

Majority of the participants mentioned that during reconciliation both parties are asked to speak the truth and to ask forgiveness. The perpetrator is asked to compensate the victim, and the mediator can take binding decisions to ensure reconciliation. Based on the information presented by the participants, it is clear that when conflicting parties are reconciling, they need to speak the truth to avoid doubts and compensate the victim as a sign to show remorse to the victim. This finding is like Ajayi & Buhari (2014) that reconciliation is done through asking forgiveness and compensation of the victim, this is not to render a judgment in law but to reconcile the conflicting parties and its norms.

4.9.3.4. The role of traditional council in Arbitration during conflict resolution.

Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. At Bungeni area, arbitration can be perceived as the resolving of the conflict through involving the third party to reach agreement after when their conflicts matter is submitted to the headmen or Chief. Participants were asked the following question; how traditional royal council play role in arbitration process conflict resolution. This was important for the researcher to get more understanding on the process of arbitration done by the traditional royal council. The following is the respond of the participants.

"We are the third party who is neutral third party, after we listen to the conflicting parties in a relatively informal hearing and we make a binding decision to resolving the conflict". **Participant B2**

"The conflicting parties they submit their conflict to chief or headmen of the society for their matters to be heard, then after they sit down together with the conflicting party and discuss to reach mutual agreement to be bound by the taken decision".

Participant C1

Majority of the participants mentioned that arbitration it involves the third party those listen the conflicting parties and to both parties need to submit their matter to chief or headmen to be arbitrated and to reach an agreement on the bound decision. Based on the information submitted by participants, it is clear that when the conflicting parties cannot reach a bound decision by themselves, they have to submit their conflict to the Chief or headmen so that they can serve as the arbitral to ensure that common decision is taken because the emphasis is based on moral persuasion. Adeola and Oluwabiye (2015) also noted that the arbitration in African societies is used for resolving conflicts where parties submit their matters to the traditional leaders or heads of the families to help them to reach decision and the focus is to maintain harmony in human relationship.

4.9.3.5. The role of traditional council in Guidance during conflict resolution.

Participants were asked the following question; how traditional royal council play role in guiding process during conflict resolution. This was important for the researcher to get more understanding on how the traditional council guide the conflicting parties during conflict resolution in Bungeni area. The following is the respond of the participants.

“We guide the societal members depending to the intensity of the conflict. The societal members are either told to have remorse or the type of the charge that the perpetrator have occurred, when we make deliberation over an issue when is in the process”.

Participants B1

“Our council is informed is informed in time so that they can be prepared to guide us during conflict resolution. It should be noted that some guidance it differs due to the intensity of the conflict. At some point, it is emphasised that the perpetrator should not

*be punished or over charged on the wrongdoing but to be disciplined and to be restored back to the society”.***Participants C2**

The majority of the participants indicated that the traditional royal council guides during conflict resolution depending on the intensity of the conflict and they need to be informed in time to add the guidance offered by traditional royal council is not to punish the perpetrator but restore and to correct the wrong doings of the perpetrator. Based on the information presented by the participants, it clear that the guidance of the traditional royal council is based on restoration and correction of the wrongdoings of the societal members of Bungeni area.

4.9.3.6. The role of traditional council in making decision during conflict resolution.

Reaching decision-making processes involves the traditional royal council of the Bungeni area. During decision making processes both the accused and the victim are compelled to reach agreement through the help of the traditional council at Bungeni area. Participants were asked the following question; how traditional councils play role in making decision during conflict resolution. This was important for the researcher to get more understanding on how the traditional royal council makes decisions during conflict resolution in Bungeni area. The following is the respond of the participants.

“When the decision is taken during our presiding, it is taken based on the intensity of the problem. If the conflict emanates from land allocation for two people or the businessman acquired the land not in a rightful way; that raised conflicts in the society. Therefore, the person will be requested to start the process to apply for business land, the person will write application letter directed to traditional council, municipality, municipality and COGTA. The person will have to start from the start to apply”.

Participant B2

*“If the accused is found guilty during decision making process, fine can be applied, when the conflict involves people fighting the fine can be applied to the person who is guilty and we make decision all of us who is in the council”.***Participant C2**

Most of the participants mentioned that when the traditional royal council makes decisions, they look at the intensity of the conflict. It was revealed that if the process of allocating the land was not done properly it should start from the beginning and if the perpetrator is found guilty the decision can be to pay a fine. Based on the presented by information, it can be deducted that when the decision is being made by traditional royal council, it involves also paying the fines to compensate. Dodo (2013) indicated that the decisions taken by the traditional leaders of society is based on collectivism.

4.10. The role of Tribal Council in Conflict Resolution.

The conflicts the tribal council deal with includes allocation of the land demarcation, small issues that does not require a court to deal with such as when community members insulted each other, and also service delivery problems that need any government departments. To add, the role of the tribal council in conflict resolution it places a significant role such in maintain peace within their respective sub-villages that falls under Bungeni area. This tribal council it consists of Chief and Headmen and administrative office those are tasked to overlook the functioning of the society of Bungeni area. The administrative office is appointed by the COGTA. The participants were asked the following question, what role does the tribal council play during conflict resolution?

“Tribal council play significant role in ensuring that the society remains in peace. There was a time where there was noise in the community because of the radio played the whole night but the decision taken by the tribal council was to sermon those were making noise to the neighbours, and they were fine money and were also asked to ask forgiveness to their neighbours”. **Participant D3**

“You know the tribal council resolve conflicts such as selling of stands to two individuals which is not allowed. If the land is not demarcated properly and there is no resolution. It can be referred to the demarcation boards”. **Participant E1**

“When the conflict is resolved by tribal council, the culprit is asked to ask forgiveness and to pay specific fines depending on the intensity of the matter”. **Participant F2**

The majority of the participants indicated that the tribal office plays significant role to bring peace in the society of Bungeni through ensuring that the radios should not be played at loud volume as it can cause conflicts, and it should not play as it can raise the conflicts between neighbours. Based to the information submitted by participants, it means that the tribal council, they resolve conflicts that emanate from selling one stand for two individuals, matters such as land allocations, are firstly discussed in the tribal council and they are referred to demarcation boards to find more resolution. This means that there are conflicts that need the demarcation board if they cannot be resolved at the level of tribal council. This finding is similar to Mengesha, Yesuf & Gebre (2015) that all matters of inheritance, land issues among the members of a tribe are settled by the tribal council.

4.11. Role of Va -Hahani in conflict resolution as a leader within the traditional leadership circles.

Va-hahani are closely linked to her brother throughout life. In the case of the Chief, the father's sister *Hahani Lavakulu*, play a crucial role in royal house duties and other part of administration that concerns the royal family. In this case, *Vahahani* serves as mediators pertaining conflicts relating to the royal family matters and receives complainants and pleads on behalf of the wrongdoer in the family. These wrong doings include fights within the family and insulting one another. The participants were asked the following question during SSIs, what role doe *Va-hahani* play in conflict resolution?

“Va-hahani play crucial role in facilitating the conflicts arising within the family, in this case, I refer Va -Hahani from royal house. They resolve the matters pertaining to the royal family. They like to assist in fostering peace amongst the conflicts of husband and wife and to correct the behaviour of the women”. **Participant D2**

Mulaudzi and Kriel (2021), noted that *Vho-makhadzi* they are consulted for all affairs pertaining of the royal family. Some participants indicated that their roles vary in terms of the nature of conflict resolution and their ranks. During conflict resolution, the elderly aunty “*Hahani Nkulu*” may resolve royal conflicts in the family through mediating with the ancestors under ceremonial performance guides to entice the ancestors also known as *to offer a gratifying ancestors know in the Xitsonga language as kuphahla* when there’s a peace defunct in the household. This is important because it is believed that some conflicts are likely to occur because ancestors are not happy. Moreover, she resolves the conflicts between the wives of her brothers and the chief and his wife to find the resolution. Michael (2018), asserts that within the traditional court of Zambia, women assist in resolving conflicts in royal family.

4.12. The role of *Magotsa* During conflict Resolution.

Magotsa are the people those are selected, to assist the headmen during conflict resolution in *Khorho Xitsumbe*. The *Magotsa* are selected based to their wisdom and commitment during the Khorho. The headmen have the power to select the *magotsa* and the number of *Magotsa* should not be less than ten people. The participants were asked the following question, what are their roles that they play during conflict resolution?

“The magotsa they mediate during conflict resolution. They only get involved when they are invited for emergency resolution by the headmen of the society to assist in mediating during conflict resolution”. **Participant B2**

“You know, I was once called to attend the khorho Xitsumbe to resolve the conflict of the societal members. They were fighting to control the house of the family because his wife passed on and he was left with his kids, because they want not the father to take the family”. **Participants C2**

Majority of the participants indicated that *Magotsa* they are invited or called quickly by the headmen to assist in mediation during conflict resolution. The *Magotsa* also play

a vital role during *Khorho Xitsumbe* to assist the headmen to mediate and negotiate for peace between two conflicting parties.

4.13. The Role of Chief in conflict resolution.

Chief is a person who is in position of leadership through hereditary. According to South African History Online (2019) stipulate that a chief is not elected into office by popular vote, but through lineage, and is thus in office for life. This system is patriarchal, has largely excluded women from the office, and supports customary laws that are oppressive to women. Not everyone from the royal family can become Chief. There are protocols that need to be followed when appointing the Chief at Bungeni: the royal family they look at the first male born child in the house of the chief and also when the child is born they make the child to wear the jacket of the Chief to symbolise that the child will succeed the father's throne then when the Chief passed away, they will put the jacket on the child to say they are appointing him as the chief and also to make him swallow a stone called "Ndalama". The participants were asked the following question to get the deeper understanding on the role that Chief plays during conflict resolution. What role does the Chief play in conflict resolution? The participants responded on the following:

"Chiefs have been mediating in conflicts where the perpetrator who was found guilty was to compensate and return favour with the sole purpose to restore peace and order in the society. We encourage each party to attempt to understand and evaluate the interests of the other party, although we do not judge at the same time, but it depends on the strength of either side's case". **Participant B1**

"Our Chief, resolve the conflicts those are not well resolved by Khorho and the traditional council and to resolve the conflicts that emanating from the traditional council". **Participant C1**

Majority of the participants mentioned that Chief at Bungeni area have been mediating in conflicts where the perpetrator who was found guilty was to compensate and return favour with the sole purpose to restore peace and order in the society. Based on the information presented by participants, out of this fact, it is clear that the Chief act as

facilitators in resolving conflicts whereby two parties are brought together and help them to negotiate peace and continue to live harmoniously in community. It was noted also by Schoeman (2013) that in some societies, mediation is a mechanism for conflict resolution through the help of traditional leaders.

4.8. Chapter Conclusion

This chapter presented qualitative results; data was generated through the Semi Structured Interviews and Focus Group Discussion. The data presented was analysed using thematic data analysis. The chapter indicated that the traditional leadership amongst *Vatsonga* play an important role in conflict resolution at Bungeni area. The study also revealed that there is one mechanism that is used to resolve the conflicts within the Bungeni area which is *Khorho* “Traditional court”.

Therefore, the chapter further revealed that adopting the *Vatsonga* traditional leadership have the positive and negative implications during conflict resolution. Chapter Five presents discussions of the findings, conclusions, and recommendations.

CHAPTER FIVE

FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

Chapter Four presented the results from the participants emanating from the research questions and other prominent aspects that emerged. All this was in a bid to explore the role of *Vatsonga* traditional leaders in conflict resolution amongst *Vatsonga* at Bungeni area in Vhembe District, Limpopo Province. In this chapter, the findings, conclusion and recommendations are presented. The findings of the study are generated from the data collected and are presented in relation to literature and theoretical frameworks. Before venturing into answering the research questions, the following general information which was critical to the study (which gave insight of the place and the phenomenon being explored) was unveiled:

5.1.1. Brief Background of Bungeni and its Chieftaincy

The findings of the study revealed that Bungeni area, named after historical events, is governed by a chieftaincy under Collins Chabane. The royal family is under Mabunda's authority, and the chieftaincy is passed down through heredity. The hierarchy includes the chief, royal council, headmen, and sub-headmen, each with their own roles. This hereditary-based leadership aligns with the Sankofa principle, emphasizing cultural heritage and historical values. This cultural approach supports continuity and stability in leadership and conflict resolution practices (Owusu-Mensah, 2021). The the chieftaincy of Bungeni area is governed by Chief Bungeni. Its hierarchal it includes Elders of royal councilors, headmen and sub-headmen. These leaders have their own function, and they are selected based on the hereditary from their forefathers.

5.1.2. Overview of Conflicts Around Limpopo Province

The study revealed that in the Republic of South Africa there are a number of jungle justice cases escalating. The newspaper analysis taken revealed that some of the causes of the jungle justice around Limpopo province are fuelled by incidents of murder cases, sexual offences and demarcation of land. On this note, community conflicts which may not warrant police arrests are mostly solved by traditional leaders. These leaders protect communities as they bring order in the society. Community elders assist as negotiators between two conflicting parties. When conflicts are not resolved from grassroots level, it leads to protests, violence and taking the law into the hands of society members.

5.1.3. Overview of Sankofa theory on findings

Sankofa is an Akan concept from the inhabitants of Ghana that literally means 'go back and get it' (Owusu-Mensah, 2021). Sankofa, a principle in traditional African culture, emphasizes the importance of past experiences in conflict resolution. This approach, rooted in authority, custom, and heredity, fosters continuity and stability in leadership and conflict resolution. Traditional councils serve as custodians of past customs, preserving tradition and suppressing social unrest. Sankofa reminds royal councils to follow ancestral traditions and resolve issues within the royal family, maintaining order and order. This cultural approach fosters continuity and stability of the leadership and conflict mechanism at the workplace (Owusu & Mensah, 2021). Sankofa reminds the royal council to check how the ancestors have to solve the

controversy and settle present royal issues to the ancestral tradition, thereby maintaining the order within the royal family (Alhassan & Tonah, 2018).

5.1.4. Overview of conflict resolution theory

Conflict Resolution Theory offers the knowledge of how and in what way conflicts are resolved at traditional levels. This theory emphasises such operations that deal with negotiation, mediation and reconciliation instead of destructive confrontation. From within the framework of the councils of the traditional norms, it corresponds to the chiefs, the council of kings and heads of clans, who must restore the balance through compensation and negotiations, and collective decisions and not sanctions (Jaff, 2020; ACCORD, 2020). Traditional councils seek to sympathize with the warring factions by invoking rationality from the culture, expecting the disputing parties to compromise amicably. It is therefore in conformity with the restorative justice dimensions of Conflict Resolution Theory as it aims at repairing the damage and reintroducing the offenders in the society (Mwangi, 2020).

A discovery made on the study includes the fact that traditional councils do not deal only with issues to do with royal families; in supporting this fact, Conflict Resolution Theory provides backup. While limiting their functions to particular governance concerns, traditional councils can help appease the conflicts between the royal families without overstepping their cultural bounds. This role minimizes the chances of escalating conflicts and creates unity among people (Okeke, 2021).

5.2 Study Findings

This section presets the study's main findings in line with the study's research questions and objectives.

5.2.1 Legislation and Policies

The current legislations and policies were promulgated to govern and to give the status, role and recognition of traditional leadership in RSA. The study reveals that

some of the traditional leaders never heard about laws and policies that govern traditional leadership during conflict resolution. On the other hand, most of the traditional leaders knew of the existence of these laws but were not knowledgeable of their content. This is because the legislations are mainly written in English. This creates a communication barrier as some traditional leaders are not proficient (speak, read, write, interpret) in the English language. The following South African statutes and policies were key to this study:

- Traditional Courts Act 09 of 2022
- Black Administration Act 38 of 1927
- Traditional Leadership and Governance Framework Act (23 of 2009)

Regarding the contents of the legislations, participants noted that traditional leaders hear conflicts of minor and minimal criminal matters such as the return of dowry and/or damages for adultery. It also emerged that even though traditional leaders are not experts in formal laws and have not gone to formal schools or studied LLB they are custodians of customary law. The Constitution thus empowers traditional leaders to adjudicate on customary matters within their jurisdiction. These findings are similar to the findings of Kariuki (2015) that state that the chief and headmen are allowed to resolve some civil matters. However, traditional leaders do not hear matters such as murder, kidnapping or rape.

5.2.2 Traditional Leadership a Sector of Conflict Resolution

The findings of the study reveal that traditional leadership is a sector of conflict resolution in every sub-village and it is further revealed that it is their role to resolve conflicts. There is an argument that using heredity as the basis for who attains authority can result in bias and a lack of accountability as seen in Zimbabwe where certain leaders who had inherited authority lacked skills and knowledge of laws (Research Gate, 2015); which effectively limited their effectiveness. Those who cannot access formal courts approach them to have their issues resolved. The accessibility of these leaders in the society that they govern makes them the first port of call thus confirming that they are a sector for conflict resolution. One striking element that makes these leaders to be a sector in conflict resolution is that it harbours indigenous ways of restoring broken relations. In so doing, it promotes Ubuntu during conflict resolutions in society (Marfo, 2015). Their resolution of conflicts is based on social

values on humanity, caring, respect, compassion and associated values that ensure harmony in society. All the above strengthened the fact that traditional leadership is a sector of conflict resolution. the Bungeni area had traditional structure similar to those found in Ghana. Tijani (2019) observed similar structures in Ghana, where chiefs mediate conflicts and promote harmony using methods rooted in social cohesion and community values rather than punitive justice. This approach aligns with the study's findings that indigenous values, such as Ubuntu, are crucial in restoring broken relationships and maintaining social order within Bungeni (Tijani, 2019). Theoretically, these findings align with the Conflict transformation theory, emphasizing community and relational restoration over retribution (Zartman, 2021; Morgenmen, 2023).

5.2.3 The nature, scope and processes of different conflict resolution mechanisms.

5.2.3.1. Traditional court.

The study findings reveal that the traditional court is known as *Khorho* or *Hubyeni* where societal members meet to resolve conflicts. The findings are similar to Somaru and Rautenbach (2020) that it is a place where people meet and resolve conflicts using customary law. However, Nyakambi (2020) contends that Traditional courts are *linkundla* where disputes and other matters are held. These courts are important as they are derived from the fact that they are close to the communities.

The findings of the study reveal that the traditional court has the secretary to whom the victim reports the matter or complaint. The presence of a secretary in South African traditional courts is an unprecedented phenomenon to which the researcher could not find any comparison. The Traditional Courts Act (No. 9 of 2022) does address the structure and administration of traditional courts. However, it does not give specific

details about the secretarial role and neither does it allow this position to be filled by any community member. It is envisaged that such occurrence may be unique to Bungeni or may be a subject not studied deeply even though it may be prevalent in other areas (Rautenbach, 2015).

5.2.3.2. Nature of conflict heard in traditional court.

The findings of the study reveal that traditional courts receive conflicts such as thefts, fights between neighbours, development of society and cattle eating the crops of other societal members. This finding is similar to Khonou (2018) that traditional courts resolve bulk of conflicts that are emanating from the societal members such as fights amongst neighbours. Ntsako *et al.* (2020) affirms this notion by reiterating that traditional tribunals in Limpopo prioritize community harmony and use culturally rooted methods such as consensus-building and open dialogues, involving community input, to resolve issues. This communal approach ensures decisions are accepted and respected, minimizing the need for escalation to formal courts. Munzhedzi (2021) also corroborates the findings of this study by postulating that accessibility is an important aspect of traditional courts, as they are considered a viable first point of contact for conflict resolution

The findings of the study unveil that before the conflicts are resolved the conflicting parties are invited together with the eyewitness of the conflicts under discussion. Then the headmen will preside over the conflict. During decision making processes both accused and victim are compelled to reach agreement through the help of the societal elders, headmen and the ideas of the societal members. Dodo (2013) indicated that the decisions are taken by the headmen and elders of the society to ensure collectivism during decision making process. The socio-legal theory and the restorative justice theory also lend support to this particular study as it holds the belief and understanding that conflict intervention models should be accessible and community-based and with the primary intention of restoring relationships (Putnam & Alone, 2000). According to these theories, the organized conflict management resolves various problems within the local realm empowering communities to manage conflicts and preserve their cultures. On the other hand, critics who uphold

modernization theory might assert that while these methods might present some merits in conflict solving, they may not afford the procedural formality of the judicial systems; this may compromise impartiality (Mengesha *et al.*, 2015).

5.2.3.3. Process of conflict resolution in traditional courts.

The study findings reveal that matters or conflicts are reported to the secretary of the traditional court. The study further unveils those conflicts are reported at R150.00. depending on the intensity of the conflict. Matters that are urgent are reported to the headmen directly. The headmen first check the number of presented matters before scheduling the date for hearing the matter. This was also noted by Ghebretেকে and Rammala's (2018) who indicated that within traditional courts, conflicting parties are invited to the meeting together with the eyewitness and/or third-party during conflict resolution. Conflict theory states that a society is a constant state of different conflicts that emanate from various scenarios. Therefore, it engages society members and transforming relationships, interests and to deal with conflict from grassroots level (Mail, 2011). The study findings also reveal that The Vatsonga traditional leadership have processes that are followed when resolving conflicts. These processes entail the initial reporting of a matter, *khoro xitshumbe*, *huvo*, calling of conflicting parties, oath taking, engaging the matter and reaching a verdict and passing of judgment. According Maru (2020), the processes used in traditional courts across South Africa are not standardised and therefore may not be pinpointed as the justice system of traditional courts does not emphasise procedural precision and procedural technicalities. According to Maru (2020), traditional courts are flexible and rather emphasise negotiation, mediation and reconciliation as they are led by community elders or local leaders who are deeply familiar with the customs and social dynamics of their community. This approach is grounded in the philosophy of Ubuntu, emphasizing restorative justice, the reintegration of individuals into the community, and the restoration of social harmony (Maru, 2020). Maru's notion is also corroborated by Ntlama (2020) and Roberts and Palmer (2022), who both reiterate that tradition court procedures are flexible, and cases are heard with the intent to reach a consensus in a way that will promote and respect community values.

5.2.3.4. Nature of the conflicts heard in traditional council.

The findings of the study reveal that the nature of conflicts that are resolved by the traditional royal council include cases such as giving foreigners land without proper documentation, fights against land, accusation of witchcraft and misusing of power and the matters which were not handled properly by traditional court. Osman, (2018) noted that in traditional court, the court resolve cases that based in customary law and the court have the powers to judge on the matters that are under customary law. This finding is also corroborated by other findings which highlight that traditional leaders in South African communities often resolve disputes related to cattle theft, minor assaults, land and property disputes, and conflicts between neighbours (ACCORD, 2020; Rukini *et al.*, 2015). Traditional courts are considered more approachable for resolving issues that may not necessarily require the formal legal system, allowing for quicker and more culturally sensitive resolutions that promote reconciliation and community harmony (ACCORD, 2020; Rukini *et al.*, 2015). It was revealed that the traditional council it serves as the appealing court. Most matters are referred into the council when the traditional court fails or feels that they cannot handle properly. If a matter cannot be resolved at *khohweni* (traditional court), it can be referred to the police station.

5.2.3.5. Process to resolve conflicts by traditional council.

The findings of the study reveal that the process to resolve conflicts by traditional council, the societal members those are not happy with the decision taken in traditional court he/she may write a letter to traditional council through the secretary of the council. The dates for hearing are scheduled and the conflicting parties are invited. To add, whenever the headmen cannot resolve the conflicts at traditional court level, the headmen seek advice from the royal council. ACCORD (2020) reiterates that in the process of conflict a resolution in this court is always made by elders and traditional leaders. In this process the leaders attempt to mediate between the two parties by engaging and facilitating open dialogue. ICERM (2021) highlights the fact that these processes are usually done in communal settings such as the chief's place where other community members can participate as well. Okeke (2021) corroborates the findings of this study by highlighting that the focus of these councils is not necessarily retribution but rather the making whole of the victim but in cases where the victim is

not happy with the outcome, there is room for 'appeal processes. According to Alhassan and Tonah (2018) the processes of traditional councils reflect Sankofa principles in that it encourages the royal council to look back on ancestral wisdom to resolve disputes and ensure that current decisions align with historical practices and values, thereby maintaining social harmony within the royal family.

5.2.3.6. Nature of conflict heard in traditional royal council.

The findings of the study reveal that the traditional royal council hears conflicts that pertain to the royal family. These conflicts include appointing the headmen or chief. It is clear that the traditional council resolves the royal family matters only. The findings of the study also reveal that the scope of conflict in traditional royal council cases that emanating from the chieftainship, leadership or governance ship by the royal family. SAHO's documentation (2021) of traditional leadership outlines how royal councils are primarily responsible for internal governance issues, including appointing chiefs and managing royal succession. The study also mentions that traditional councils handle chieftaincy disputes and governance roles within the royal family structure, which aligns with the view that they are primarily concerned with royal family matters rather than broader community disputes (SAHO, 2021). Okeke (2021) also corroborates the current study by emphasizing that while their primary function is to handle internal family disputes; they occasionally address broader governance issues impacting the community. However, this study also highlights that when disputes go beyond family matters and impact broader governance, traditional councils may defer to higher authorities or collaborate with community leaders (Okeke, 2021).

5.3. The Roles of Traditional Leaders in Conflict Resolution.

There are categories of traditional leaders at Bungeni area. These leaders they play part of conflict resolution such as *Magotsa*, Headmen, traditional royal council, Tribal council, traditional Council, Va-hahani and Chief. These roles are discussed below:

5.3.1. The Role of Headmen in Conflict resolution.

The findings of the study reveal that headmen stop problems and change conflicts in positive ways through their authority. They could attempt to pacify the conflict before

sending them to the traditional court. They perform their roles based on their potential, skills, and knowledge as well as the intensity of conflict situations. The headmen play role to negotiate and to mediate conflicts between. According to ACCORD (2022), the headmen function as mediators who help to bridge the conflicting parties. Their approach frequently attempts to resolve conflict by encouraging the disputants to find compromises. This is normally carried out through small meetings, during which the headman allows the two parties to be heard and then after identifying the social factors which have precipitated the quarrel and reached a consensus which is likely to foster harmony and equity in the community (ACCORD, 2022).

This notion therefore corroborates the findings of this study. The study from the Traditions of Conflict Resolution (2021) corroborates the negotiation role of headman by postulating that unlike formal courts, where negotiation might be limited to legal arguments, headmen negotiate based on relational and social dynamics, appealing to the shared values and obligations of the parties involved. This often involves persuading parties to compromise for the greater good of community stability (Traditions of Conflict Resolution, 2021).

5.3.2. The role of traditional royal Council in Conflict Resolution.

The findings of the study reveal that royal council resolves most conflicts that paterining the appointment of headmen of chief of the village within Bungeni area. They resolve these conflicts by looking at trigo-tree. They look at the first who is the first son of the royal house. If this process is not followed, they go back and re-do what is known as the re-cause process, which is to check the law of succession. On the wives of the Chief who gave birth of the first-born son as the right heir of the throne. Resolving the issue of land allocation, the royal council they look at the history of the land who did it belonged to. The council will convene the meeting with the traditional council, to hear how they arrived on the decision how to give other people land. From there they will re-allocate the land to the rightful people. This council serves as an appealing court for the traditional council. Owusu-Mensah (2021) corroborates the fact that traditional royal councils play a significant role in mediating succession in African traditional systems most especially in the royal family. According to Owusu-Mensah

(2021), these councils often consist of elders and other high-ranking family members responsible for maintaining order, advising leadership disputes, and enforcing traditional succession laws. Alhassan and Tonah (2018) provide a contrary opinion by arguing that royal councils make issues or conflicts worse due to bias or through external pressures such as political influence or financial incentives. The theory of Structural functionalism may support the role of the royal council in managing succession conflicts within the royal family, as this theory emphasizes that societal institutions can work together to maintain social equilibrium (Merton, 1996).

5.3.3. The Role of Traditional Council in Conflict resolution.

The findings of the study reveal that the tribal council play role in conflict resolution. The role is to ensure that there is peace at Bungeni society. Society members are not allowed to play radios during the night as it can raise some conflicts between the neighbours. To add if the household that they play music they do not switch off the music they are fined and ask to ask forgiveness from the neighbours.

Koenane (2018), indicated that the tribal office they ensure that tribal council ensure that people in the society they abide with the rules of the society that are set to maintain peace and foster societal members to live together. However, Hull, Sehume, Sibiya, Sothafile and Whittal (2016) indicated that the tribal council resolve the conflicts of land demarcation and land allocations in the society.

The study reveals that traditional councils mediate conflicts, aiming to restore peace and order in society. They encourage understanding and evaluation of interests, often listing conflicting parties during hearings. The council listens to each side's version of the problem and helps them come up with palliative ways to resolve conflicts. ACCORD (2022) supports this notion, stating that the council acts as a facilitator between conflicting parties. According to Bennett (1991) traditional councils may also

be a good mediator because they may comprise of leaders with experience in conflict management therefore the conflicts may be resolved without escalating the situation.

The study reveals that traditional councils negotiate between conflicting parties in the same court, led by the Chief headmen who speak the Xitsonga language. The Chief leads the negotiation process in making their own decisions on punishment for the alleged violation. The ACCORD document (2022) offers an agreeing opinion to the one suggested by the findings of this study. It suggests that negotiation within traditional councils often occurs as a precursor to formal adjudication. In cases where conflicts have not been resolved through informal discussions, the council may mediate or facilitate direct negotiations between parties, aiming for reconciliation

The study reveals that traditional councils play a crucial role in conflict resolution, facilitating reconciliation and allowing conflicting parties to share their perspectives. The council serves as a neutral third party, guiding parties towards mutual agreement. The council's role is based on Restorative Justice Theory, which emphasizes healing and repairing harm rather than punitive measures. The council also provides guidance, advising perpetrators to remorse and be disciplined rather than punished. The council's wisdom and experience in guiding parties towards a mutually agreeable solution are key to its effectiveness. This approach aligns with the Ubuntu philosophy of African culture.

5.4. The role of Tribal Council in Conflict Resolution.

The findings of the study reveal that the tribal council play role in conflict resolution. The role is to ensure that there is peace at Bungeni society. Society members are not allowed to play radios during the night as it can raise some conflicts between the neighbours. To add, if a household plays loud music such that it disturbs the peace in the neighbourhood, such household can be fined and ordered to ask for forgiveness from the neighbours. Koenane (2018), indicated that the tribal office they ensure that tribal council ensure that people in the society they abide with the rules of the society that are set to maintain peace and foster societal members to leave together.

5.5. Role of *Va-Hahani* in conflict resolution

The study findings reveal that, *Vahahani* plays a vital role resolving the conflicts that pertain the royal family or royal house. Their role entails fostering peace between the husband and wife; and to foster a correct behaviour of the women. To add they perform libation in royal house and mediating with the ancestors under ceremonial performance guides to entice the ancestors also known as *to* offer a gratifying ancestors know in the Xitsonga language as *kuphahla* when there's a peace defunct in the household. Mamdani (2019) partially agrees with the findings of this study. According to Mamdani (2019), Va-Hahani are involved in the community official legal process as legal representatives that determine disputes of land, inheritance, family and community issues among others. They wield the last word on most decisions because of their position in the traditional hierarchy, hereditary knowledge, and social status. Va-Hahani are independence individuals whose function is to facilitate quarrels and ensure that everyone complies with the customary laws. According to several traditional African justice systems, their legitimacy stems both from the cultural role they play, as well as from people's reverence for them. According to Gade (2018) the Va-hanani role in conflict management is primarily based on the Ubuntu principle.

5.6. The role of *Magotsa* During conflict Resolution.

The study findings reveal that *Magotsa* play a role during conflict resolution. They mediate between two conflict parties. Moreover, they are invited by the headmen to assist in conflicting resolution. When some of the conflicting parties are invited, they are called in the *Khorho Xitshumbe* to resolve their conflicts where *Magotsa* mediate the conflict. During conflict resolution, the sensitive matters between the societal members are resolved in this *Xitshumbe*. Not everyone is invited in this court but those who work closely with the headmen can attend this court. The work of Olaoba (2020) and Muwowo (2019) corroborates the findings of this study by postulating that women in traditional African societies, especially elder women like *Magotsa*, are seen as nurturers and community peacekeepers. They work to ensure that conflicts are resolved in a manner that is restorative rather than punitive. In his study on the Yoruba

people, Olaoba (2020) illustrates how women have historically been crucial in facilitating dialogue and ensuring that decisions made by leaders such as Va-Hahani align with broader community values of respect and unity. According to Gade (2018), the role of the *Magotsa* leans heavily on guidance offered from the Ubuntu perspective.

5.7. The Role of Chief in conflict resolution.

The findings of the study reveal that the chiefs resolve the conflicts that are not well resolved by the traditional court. The chief mediates the conflicts between the conflicting parties where the perpetrator who is guilty is asked to compensate the victim, in this way the aim is to restore peace and order in society. The chief plays a crucial role in conflict resolution, including mediation, governing, and ensuring peace and security. Jaff (2020) supports this perspective, stating that the chief's role extends beyond adjudication to reconciliation and peace. However, Henshaw (2019) and Jaff (2020) suggest that the chief's involvement can lead to inequality; especially in cases where resources are more available to one party. This can create imbalances and tensions rather than resolving the conflict, which could potentially lead to long-term resentment. Mabunda (2018), Henshaw (2019) and Mzimela (2021) also postulates that the Ubuntu philosophy is pivotal to the conflict resolution processes of the chief as he needs to emphasize restoration of social harmony through mediation and compensation.

5.8. Implications associated with adopting the Vatsonga traditional conflict resolution mechanism.

There are positive and negative implications associated with adopting the *Vatsonga* traditional conflict resolution mechanism.

5.8.1. Positive Implications.

The study findings reveal that there are positive implications. The findings reveal that the accessibility of the tradition leaders is easy because the community members do not need to pay transport fees to attend hearings and to consult with them. However, it is not easy to access a traditional leader such as the Chief it is not because one needs to make arrangements with the headmen. The finding of the study reveals that decisions taken during conflict resolution are taken by all members who are participating in the court and it is not rigged in the sense of win or lose situations. The findings of the study indicate that during decision making, traditional leaders do not take the decision alone but through advice and inputs of the elders, *maghotsa*, executive members and the inputs of societal members. The study findings unveil that during conflict resolution, the traditional leaders speak the language that everyone can understand. In the court they do not need someone to interpreter for them because they can hear Xitsonga. They use Xitsonga language, which is native to them, so that everyone can hear during the resolution process. These findings concur with the findings of Nyakambi (2020) that the language used in the traditional courts is invariably the local language of the participants, with no risk of distortion through interpretation. This minimises the risk of information being distorted through interpretation.

5.8.2. Negative implications.

The study findings reveal that the irregularities such as dishonesty and collusion by members entrusted to safeguard the rights of people may occur. This can result in people losing trust in traditional leaders to resolve their conflicts. Exclusion of legal practitioners from the traditional courts can cause the court to temper or infringe on the rights of the community members in a democratic dispensation. There are no facts or evidence to prove the guiltiness of the alleged innocence of the accused. The study findings reveal that the presumption “Innocent until proven guilty” does not apply at *Khorhweni*. The study further reveals that only the headman and *maghotsa* pose questions during proceedings at *khorho* (Traditional court).

5.9. Conclusion.

The study aimed to explore the role of traditional leadership in conflict resolution amongst *Vatsonga*. The findings of the study revealed that traditional leaders are not graduates of law. They are custodians of customary law. The constitution of South Africa empowers traditional leaders to adjudicate on customary matters within their jurisdiction. The findings of the study illustrate that traditional leadership is a sector of conflict resolution because people who cannot access formal courts may approach traditional courts to have their issues resolved. The findings of the study also unveil that the nature of the conflicts that traditional leaders resolve range from societal conflicts to allocation of land. It was noted that the process to resolve conflicts begins with the secretary who then report to the traditional leader for a matter to be heard. The findings of the study were that there are positive and negative implications for adopting *Vatsonga* traditional practices. Further, the study findings reveal that the irregularities such as dishonesty and collusion by members entrusted to safeguard the rights of people may occur; and that the accessibility of the tradition leaders is easy because the societal members do not need to pay transport fees to attend hearings and to consult with them.

5.10. Recommendations

The study makes the following recommendations:

5.10.1 Department of Justice and Policy developers

The study reveals the police officers took time to processes charges and that community members incur costs for travelling and consulting to resolve the conflicts. The Department of Justice should promote awareness to educate societal members on the alternative conflict resolution which is to consult first traditional leaders before opting to jungle justice. This can be done through public awareness campaigns road shows in collaboration with TV channels and radio stations. This will reduce the number of jungle justice and foster collaboration with the Department of Justice. The study recommends that the Department of Justice should allow traditional courts to hear matters such as murder, allegations of poisoning and rape. Further, policy

developers must translate the laws from English into to Xitsonga and other indigenous languages. This will ensure that the traditional leaders can read and understand the policies and legislations and there will be no language barrier and make it easier to interpret.

5.10.2. Department of Co-operative Governance and Traditional Affairs (COGTA)

The department of COGTA must hold workshops to train traditional leaders to read and interpret the legislations that pertain to them. This will enable the leaders to understand the content of the legislations that guide them during conflict resolution and to prevent language barrier. This recommendation emanates from the finding that says most of traditional leaders most of them they did not go to school, and they do not have background of law. This will also help the traditional leaders to fully understand their roles in the communities especially with regard to conflict resolution.

5.10.3 Traditional Court.

The traditional court needs to allow integration with formal courts of law. The type of integration can be a referral system, where cases that require “formal” legal expertise can be directed to courts. This can be done by traditional leaders and the judiciary branch. This can be done by understanding traditional courts' roles and functions, jurisdiction, and powers in society. This will ensure that both the accused and the victims have representatives. To add, the traditional court needs to ensure that the court is composed not only of relatives, but they should include also of societal members. The court needs to be composed of people who are from the royal family only but should be inclusive. Traditional courts must strive towards gender equity to avoid being viewed as controversial. This can be done by allowing women to participate equally with men during court presiding.

5.10.4. Future Research

The study recommends that future research should focus on whether Vatsonga traditional leaders they share common traits or process of conflict resolution with other traditional leaders in South Africa. To add, the research needs also to focus on the integration of “formal” judiciary systems and traditional system on resolving conflicts,

since some of the conflicts can be resolved without opening cases in “formal” courts of law.

5.10.5 Societal members.

The study recommends that societal members need to be encouraged to utilize traditional leaders in conflict resolution. This encouragement can be done through educational initiatives where society can be taught the role and authority of traditional leaders. This can be done by traditional leaders and councils. Traditional leaders and councils they can start initiatives that are geared to educate societal members about their roles, responsibilities and the cultural significance of traditional governance.

5.10.6 Traditional leaders.

The study recommends that traditional leaders should continue improving their skills in conflict resolution. This can be done through training that the tribal council can organize. The traditional leaders should have records and documentation of the number of cases and the outcome of the resolution. It is important because it will assist in improving decision-making to enhance collaborations with “formal” courts and to have referrals of the cases. This can be done by the secretary of the traditional court. There should be transparency and accountability for the outcome of the resolution.

LIST OF REFERENCES

- Abdile, M., (2010). *Diasporas and their role in the homeland conflicts and peacebuilding: The case of Somali Diaspora* (No. 7). [University of Jyväskylä], Diaspeace Project.
- ACCORD. (2020). *An investigation into the role of traditional leaders in conflict resolution: The case of communities in the Mahikeng Local Municipality*, Northwest Province, South Africa. ACCORD.
- Achankeng, F. (2013). *Conflict and conflict resolution in Africa: Engaging the colonial factor*. African journal on conflict resolution, 13(2), 11-38.
- Adebajo, A., (2012). *UN peacekeeping in Africa: from Suez crisis to the Sudan conflicts*. Jacana Media.
- Adejimola, A.S., (2009) *Language and communication in conflict resolution*. Adekunle Ajasin University, Akungba-Akoko, Nigeria. Journal of Law and Conflict Resolution. Vol. 1(1), pp. 001-009
- Adeoye-Olatunde, O.A. and Olenik, N.L., (2021). *Research and scholarly methods: Semi-structured interviews*. Journal of the American college of clinical pharmacy, 4(10), pp.1358-1367.

Ahtisaari, M., (2017). *The Role of the European Union in Conflict Resolution*. Irish Studies in International Affairs, 28, pp.195-199.

Akonor, K. and Akonor, K., (2017). *Introduction and Justification for Research*. UN Peacekeeping in Africa: A Critical Examination and Recommendations for Improvement, pp.1-11.

Alhassan, A and Tonah, S. (2018). *Traditional leadership and conflict resolution: The role of chieftaincy institutions in Ghana*. Journal of Pan-African Studies.

Allen, M. ed., (2017). *The SAGE encyclopaedia of communication research methods*. SAGE publications.

Allen, T and A, Macdonald., (2013). *Post-Conflict Traditional Justice: a critical overview*. King's College London.London

Almalki, S., (2016). *Integrating Quantitative and Qualitative Data in Mixed Methods Research--Challenges and Benefits*. Journal of education and learning, 5(3), pp.288-296.

Amankwaa, L., 2016). *Creating protocols for trustworthiness in qualitative research*. Journal of cultural diversity, 23(3).

Amanze, J.N., (1998). *Africa Christianity in Botswana*. Mambo Press. Botswana.

Ancas, S. (2011). *The effectiveness of regional peacemaking in Southern Africa--Problematizing the United Nations-African Union-Southern African Development Community relationship*. African Journal on Conflict Resolution, 11(1).

Apter, D.E., (2015). *Ghana in transition*. Princeton University Press.

Arthur, D.D., Issifu, A.K. and Marfo, S., (2015). *An analysis of the influence of Ubuntu principle on the South Africa peace building process*. Journal of Global Peace and Conflict, 3(2), pp.63-77.

Autesserre, S. (2012). *Dangerous tales: Dominant narratives on the Congo and their unintended consequences*. African Affairs, 111(443), 202-222.

- Baldwin, K and Holzinger, K. (2019). *Traditional political institutions and democracy: Reassessing their compatibility and accountability*. Comparative Political Studies, 52(12), 1747-1774.
- Baloyi. T, B., (2016). *The Role of Traditional Leadership in Local Government*. University of Witwatersrand. South Africa. Published thesis.
- Bello, P. O and Olutola, A. (2016). *Indigenous Conflict Resolution Mechanisms in Africa: Lessons Drawn for Nigeria*. Bangladesh e-Journal of Sociology, 13(2).
- Belotto, M.J., (2018). *Data analysis methods for qualitative research: Managing the challenges of coding, interrater reliability, and thematic analysis*. The qualitative report, 23(11), pp.2622-2633.
- Berzon, T.S., (2016). *Classifying Christians: Ethnography, heresiology, and the limits of knowledge in late antiquity*. University of California Press.
- Bikam, P and J, Chakizira ., (2014). *Involvement of traditional leadership in land use planning and development projects in South Africa: lessons for local government partners*. University of Venda .South Africa. International Journal of Humanities and Social Sciences.4 (13).pp.142-152
- Bloomfield, J. and Fisher, M.J., (2019). *Quantitative research design*. Journal of the Australasian Rehabilitation Nurses Association, 22(2), pp.27-30.
- Bondy, V. and Doyle, M., (2011). *Mediation in Judicial Review: A practical handbook for lawyers*. New York. The Public Law Project.
- Botes, J., (2003). *Conflict transformation: a debate over semantics or a crucial shift in the theory and practice of peace and conflict studies?*. International Journal of Peace Studies, pp.1-27.
- Boulden, J. ed., (2013). *Responding to conflict in Africa: the United Nations and regional organizations*. Springer.
- Braan and Clerke., (2006). *Using Thematic Analysis in Psychology*. Quantitative research in Psychology. 3(2);pp.77-101

- Britton, H. E and Dean, L. A. (2014). *Policy responses to human trafficking in Southern Africa: Domesticating international norms*. Human rights review, 15(3), 305-328.
- Brosché, J. (2014). *Masters of war: The role of elites in Sudan's communal conflicts* (Doctoral dissertation, Uppsala universitet).
- Brubaker, T. A. (2013). *Servant leadership, Ubuntu, and leader effectiveness in Rwanda*. Emerging Leadership Journeys, 6(1), 114-147.
- Bryman, A., (2016). *Social research methods*. Oxford university press.
- Bukari, K. N. (2013). *Exploring indigenous approaches to conflict resolution: The Case of the Bawku Conflict in Ghana*. Journal of Sociological Research, 4(2), 86.
- Burton, J and F Dukes, eds. (1990) . *Conflict Readings in Management and Resolution*. New York: St. Martin's Press.
- Campbell, H., G. (2012). *NATO's failure in Libya*. Pretoria, Africa Institute of South Africa.
- Centre for Public Legal Education. (2018). *The Traditional Courts Bill and its implications*. Available at www.cplo.org.za
- Césaire, A (1972). *Discourse on colonialism*. New York, Monthly Review Press.
- Chaleunvong, K., (2009). *Data collection techniques. Training Course in Reproductive Health Research* Vientiane.
- Chatterjee, P and M., Finger, . (2014). *The earth brokers: power, politics and world development*. Routledge.
- Chereji, C.R. and C.W., King., (2015). *Aspects Of Traditional Conflict Management Practices Among The Ogoni Of Nigeria*. Conflict Studies Quarterly, (10).
- Chigwata, T. (2016). *The role of traditional leaders in Zimbabwe: Are they still relevant?*. Law, democracy & development, 20(1), 69-90.
- Chiweshe, M. K. (2015). *Do Traditional Institutions Matter in Participatory Essential Resource Governance Systems in Zimbabwe? Governing Access to Essential Resources*, 316.

Chuol, A. (2023). *Impact of mediation on conflict resolution in Sudan*. Journal of Conflict Management, 3(1), 1-12.

Conteh-Morgan, E., (2005). *Peacebuilding and human security: a constructivist perspective*. International Journal of Peace Studies, pp.69-86.

Coolican, H., (2017). *Research methods and statistics in psychology*. Psychology press.

Coomaraswamy, R., (2015). *Preventing conflict, transforming justice, securing peace: A global study on the implementation of United Nations Security Council resolution 1325*. UN Women.

Costa, O., (2017). *Assessing influence between international organizations*. Palgrave handbook of inter-organizational relations in world politics, pp.389-405.

Cresswell, J., (2013). *Philosophical assumptions and interpretive frameworks. Qualitative inquiry and research design: choosing among five approaches*. Los Angeles: Sage Publications, pp.15-41.

Curtis, D., (2013). *The international peacebuilding paradox: Power sharing and post-conflict governance in Burundi*. African Affairs, 112(446), pp.72-91.

De Vidovgrad, P.R., (2015). *What Role of the Private Sector in the Prevention of Election Violence? The Case of Kenya*.

De Wet, E. (2014). *The evolving role of ECOWAS and the SADC in peace operations: a challenge to the primacy of the United Nations Security Council in matters of peace and security?*. Leiden Journal of International Law, 27(2), 353-369.

Demmers, J., (2016). *Theories of violent conflict: An introduction*. Routledge.

Denscombe, M. (2014). *The good research guide: for small-scale social research projects*. McGraw-Hill Education (UK).

Di Muzio, T and H Robbins, (2016). *Debt as power* (p. 216). Manchester University Press.

Dodo, O., (2013). *Traditional Leadership Systems and Gender Recognition: Zimbabwe*. International Journal of Gender and Women's Studies 1(1), 29-44.

Dodo, O., Dodo, G. and Zihanzu, M., (2017). *African women in traditional leadership role in Zimbabwe: The case of Shona*. African Journal of Democracy and Governance, 4(1-2), pp.47-64.

Emanuel, M. and T., Ndibwa., (2013). *Traditional mechanisms of resolving conflicts over land resource: A case of Gorowa community in Northern Tanzania*. International Journal of Academic Research in Business and Social Sciences, 3(11).

Emanuel, M and T, Ndimbwa (2013). *Traditional mechanisms of Resolving conflicts over land resources: A case of Gorowa Community in Northern Tanzania*. Centre for foreign relations. International journal of academic research in business and social sciences. Vol.3 (11).pp 2222-6990.

Etikan, I., Musa, S.A. and Alkassim, R.S., (2016). *Comparison of convenience sampling and purposive sampling*. American journal of theoretical and applied statistics, 5(1), pp.1-4.

Eze, C., (2017). *Rethinking African culture and identity: the Afropolitan model*. In *Afropolitanism: Reboot* (pp. 4-17). Routledge.

Fellows, R.F. and Liu, A.M., (2021). *Research methods for construction*. John Wiley & Sons.

Fisher, J., (2014). *Managing environmental conflict. The Handbook of Conflict Resolution: Theory and Practice*. Edited by Coleman, PT, M. Deutsch, and E. C Marcus. San Francisco, CA: Jossey-Bass.

Fisher, M., (2018). *International post-conflict peacebuilding in Bosnia and Herzegovina and Cambodia*.

Foley, E.A., (2004). *Taking a critical look at conflict resolution and human rights from the Organization of African Unity to the African Union* (Doctoral dissertation, University of Pretoria).

Fouka, G. and Mantzorou, M., (2011). *What are the major ethical issues in conducting research? Is there a conflict between the research ethics and the nature of nursing?*. Health science journal, 5(1), p.3.

- Fox, N., (2009). *Using interviews in a research project*. The NIHR RDS for the East Midlands/Yorkshire & the Humber, 26.
- Gade, C. B. N. (2018). *Ubuntu and Justice in African Law*. Journal of African Legal Studies, 21(2), 45-63.
- Galbreath, D. J and C Gebhard., (2010). *Corporation or conflicts? Problematizing Organizational Overlap in Europe*. Ashgate. England.
- Galvan, D., *The Struggle for Autonomy: Finding a Balance Between Westernization and Tradition in Sarayacu* (Doctoral dissertation, University of Oregon).
- Gastrow, P., (1995). *Bargaining for Peace: South Africa and the National Peace Accord*. US Institute of Peace Press.
- Gentles, S.J., Charles, C., Ploeg, J. and K.A McKibbin., (2015). *Sampling in qualitative research: Insights from an overview of the methods literature*. The qualitative report, 20(11), pp.1772-1789.
- Ghebretekle, I and Rammala, M. (2019). *Traditional African Conflict Resolution: The Case of South Africa and Ethiopia*. Mizan Law Review. 12. 325. 10.4314/mlr.v12i2.4.
- Giz., (2013) *Deutsche Gesellschaft für Internationale Zusammenarbeit. (GIZ) (2013). Shimgelina Under the Shade. Merging Ethiopian Wide Counsel Mediation and Facilitative Mediation*. Addis Ababa: House of Federation.
- Grobler, R (2020). *Limpopo brothers stoned to death in alleged mob justice attack*. News 24
- Goh, E. (2013). *The struggle for order: Hegemony, hierarchy, and transition in post-Cold War East Asia*. Oxford University Press.
- Groenewald, A.J., (2018). *A strategic and integrated approach to South African peacebuilding: the case of the Department of International Relations and Cooperation (DIRCO)* (Doctoral dissertation, North-West University).
- Hair Jr, J., Page, M. and Brunsveld, N., (2019). *Essentials of business research methods*. Routledge.

Halevy, N. and Cohen, T.R., (2019). *Intergroup conflict 2020. Negotiation and Conflict Management Research*, 12(2), pp.161-173.

Hamber, B., (2009). *Transforming societies after political violence: Truth, reconciliation, and mental health*. Springer Science & Business Media.

Hamber, B., Gallagher, E., Weine, S.M., Agger, I., Bava, S., Gaborit, M., Murthy, R.S. and Saul, J., (2015). *Exploring how context matters in addressing the impact of armed conflict*. Psychosocial perspectives on peacebuilding, pp.1-31.

Hamusunse, P. (2015) *The Role of Traditional Leadership In Supporting Municipal Service Delivery: A Case Study Of Polokwane Municipality In Limpopo Province. Dissertations*. University of Limpopo. South Africa.

Han, Z and T.V., Paul, (2020). *China's rise and balance of power politics*. The Chinese Journal of International Politics, 13(1), 1-26.

Hatzold, M.E., (2013) *Social conflict, Economic Development and Extractive Industry: Evidence from South America*. Community Development Journal. 48(3) 501-505.

Hayner, P. B. (2010). *Unspeakable Truths 2e: Transitional Justice and the Challenge of Truth Commissions*. Routledge.

Heale, R. and Twycross, A., (2015). *Validity and reliability in quantitative studies*. Evidence-based nursing, 18(3), pp.66-67.

Henshilwood, C. S. (2012). *Late Pleistocene techno-traditions in southern Africa: a review of the Still Bay and Howiesons Poort, c. 75–59 ka*. Journal of World Prehistory, 25(3-4), 205-237.

Henshaw, L. (2019). *Challenges in Compensation in Traditional African Conflict Resolution Systems*. Journal of Comparative Politics, 12(4), 213-226.

Hirblinger, A.T., (2022). *When mediators need machines (and vice versa): Towards a research agenda on hybrid peace-making intelligence*. International Negotiation, 28(1), pp.94-125.

Hutton, L., (2014). *Internal and external dilemmas of peacebuilding in Africa*. Institute for Security Studies Papers, 2014(250), p.12.

Ibrahimefendic, E. and Thompson, R.J., (2019). *Women's Postwar Activism in Bosnia-Herzegovina: A Human Rights Approach to Peacebuilding and Reconciliation through Liminal Space*. Peace, Reconciliation and Social Justice Leadership in the 21st Century (Building Leadership Bridges, 8, pp.143-159.

Igbokwe, M. C. (2020). *The role of regional organization in conflict resolution; assessment of the African Union role in South Sudan conflict (2013-2019)* (Master's thesis).

Iris, M. Y. (2017). *Equality of whom? Social groups and judgments of injustice*. Theories of Justice, 185-202.

Jaff, D. (2020). *Mediation and Conflict Resolution in Traditional African Communities: A Case Study of South Africa*. African Journal of Law and Society, 34(2), 120-137.

Jenkins, R. (2013). *Peacebuilding: from concept to commission*. Routledge.

Johnston, M.P., (2014), *Secondary Data Analysis: A method of which the Time Has come Qualitative and Quantitative Methods in Libraries*. University of Alabam, Tuscaloosa,Al, USA

Ramothwala , P (2019) . *Newspaper article. Mob Justice Killing are Doubling murder rate in Limpopo -08 October*. News 24

Joshi, M., (2013). *United Nations peacekeeping, democratic process, and the durability of peace after civil wars*. International Studies Perspectives, 14(3), pp.362-382.

Kaldellis, A., (2013). *Ethnography after antiquity: foreign lands and peoples in Byzantine literature*. University of Pennsylvania Press.

Kalwahali, K., (2013). *The crimes committed by UN peacekeepers in Africa: a reflection on jurisdictional and accountability issues* (Doctoral dissertation).

Kambale, J. (2021). *African Traditional Justice Systems: Balancing Customary Practices with Human Rights*. Journal of African Studies.

- Kanu, I. A. (2019). *Igwebuike as an Igbo-African modality of peace and conflict resolution*. Journal of African Traditional Religion and Philosophy, 1(1).
- Kapata, K., Daka, H., Kalimaposo, K., Mulenga–Hagane, L.M., Mugala, A. and Phiri, C., (2023). *The Effectiveness of Conflict Resolution Process among Traditional Leaders: A Case Study of Mumbwa District*. World, 9(2), pp.57-63.
- Kapoor, M.C., (2016). *Types of studies and research design*. Indian journal of anaesthesia, 60(9), pp.626-630.
- Kariuki, D.F., (2015). *Conflict resolution by elders in Africa: Successes, challenges and opportunities*. Challenges and Opportunities (July 9, 2015).
- Kariuki, F. K. (2015). *Customary law jurisprudence from Kenyan courts: implications for traditional justice systems*.
- Kariuki, F., (2009). *Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities*. Kenya. Sage Publishers
- Keethaponcalan, S.I., (2017). *Conflict resolution: An introduction to third party intervention*. Lexington Books.
- Keitany, P (2016). *AU mission in S/S and mediation techniques employed: case Study of S/S*. Unpublished PhD. Research. Chicago: Chicago University Press.
- Kellas,J.K; Willer,E,K and A.R, Tree., (2013). *Communicated Perspective-Taking During Stories of Marital Stress: Spouses' Perceptions of One Another's Perspective-Taking Behaviors*. Southern Communication Journal.
- Kessler, R.C., Colpe, L.J., Fullerton, C.S., Gebler, N., Naifeh, J.A., Nock, M.K., Sampson, N.A., Schoenbaum, M., Zaslavsky, A.M., Stein, M.B. and Ursano, R.J., (2013). *Design of the army study to assess risk and resilience in servicemembers (Army STARRS)*. International journal of methods in psychiatric research, 22(4), pp.267-275.
- Khadiagala, G. M and F., Nganje,(2016). *The evolution of South Africa's democracy promotion in Africa: from idealism to pragmatism*. Cambridge Review of International Affairs, 29(4), 1561-1581.

Khunou, G., (2014). *Defining absent, unknown and undisclosed fathers in South Africa*. South African Review of Journals.Vol 11. Pp 143-172.

Khunou, S.F (2011). *Traditional leaders and Self –Governing Bantustans of South Africa Through the eye of the Needle of Constitutional Democracy*. International Journal of Business and Social Science. Vol 6. Pp 120-145

Khunou, S.F., (2017). *The customary anatomy of the traditional governance of the bafokeng traditional community: The implications of the constitutional recognition of hereditary headmanship*. Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad, 20(1).

Kissi, E., (2018). *Sankofa: The Critical Nkrumahist Theory*. Journal of Pan African Studies, 12(7), pp.154-175.

Koyana, D. S., Fenrich, J and Higgins, T. E. (2012). *Traditional courts in South Africa in the twenty-first century*. In *The Future of African Customary Law*. Cambridge University Press.

Kumar, R., (2011). *Research Methodology. A step-by-step guide for beginners*.3rd Edition. Sage .London

Kurebwa, J., (2018). *The Institution of Traditional Leadership and Local Governance in Zimbabwe*. International Journal of Civic Engagement and Social Change (IJCESC), 5(1), pp.1-22.

Kuto, L., Bacha, A. and G., Taye, (2018). *Gurraacha: An Indigenous Inter-Ethnic Peace Building and Conflict Resolution Institution among the People of South-Central Ethiopia*. Ethnologia Actualis, 18(2), pp.78-99.

Lederach, J.P., (2003). *The wow factor and a non-theory of change. Positive Approaches to Peacebuilding: A Resource for Innovators*. Washington, DC: Pact Publications, pp.119-134.

Leeson, P. T. (2012). *Ordeals*. The Journal of Law and Economics, 55(3), 691-714.

Leld H and R., Madunt (2018). *Devastating nature of conflict in S/S: How ethnic interest became a tool for conflict in S/S*, pp.1–11, Berlin, World view Press.

- Leonardi, C., (2013). *Dealing with government in South Sudan: Histories of chiefship, community & state*. Boydell & Brewer Ltd.
- Linzer, D. A and Staton, J. K. (2015). *A global measure of judicial independence, 1948–2012*. Journal of Law and Courts, 3(2), 223-256.
- Litosseliti, L., (2003). *Continuum research methods: Using focus groups in research*. London, UK: Continuum. Retrieved from ProQuest.
- Lochmiller, C.R., (2021). *Conducting thematic analysis with qualitative data*. The Qualitative Report, 26(6), pp.2029-2044.
- Lune, H. and Berg, B.L., (2017). *Qualitative research methods for the social sciences*. Pearson.
- Mabale, D., (2017). *Contested Cultural Heritage in the Limpopo Province of South Africa: the case study of the Statue of King Nghunghunyani* (Doctoral dissertation).
- Mabaso, X.E., (2018). *Xitsonga in South Africa. The Social and Political History of Southern Africa's Languages*, pp.311-330.
- Mac Ginty, R. and O.P., Richmond (2013). *The local turn in peace building: A critical agenda for peace*. Third world quarterly, 34(5), pp.763-783.
- Madlome, S.K and , R Chauke .,(2019). *"Conflict, Justice and Peace from an African Indigenous Cultural Perspective: The Case of the Vatsonga People of Mozambique, South Africa, Swaziland and Zimbabwe"*. Violence, Peace and Everyday Modes of Justice and Healing in Post-Colonial Africa (2019): 327.
- Madlome, S. K and Chauke, O. R. (2019). *Conflict, Justice and Peace from an African Indigenous Cultural Perspective: The Case of the Vatsonga People of Mozambique, South Africa, Swaziland and Zimbabwe*. Violence, Peace and Everyday Modes of Justice and Healing in Post-Colonial Africa, 327.
- Magaldi, D. and Berler, M., (2020). *Semi-structured interviews*. Encyclopedia of personality and individual differences, pp.4825-4830.
- Magaldi, D. and Berler, M., (2020). *Semi-structured interviews*. Encyclopedia of personality and individual differences, pp.4825-4830.

Makado, R, K, Swamy,S and N,L, Tendayi., (2015)., *Intercessory Personal Attributes of Traditional Leaders in Handling Conflicts: Influence on Zimbabwe School Education* .International Journal of Education and Psychological Research .Volume 4. Pp 122 - 151.

Makahamadze,T .,N, Grand and R., Tavuyanago,B.. (2013). *The Role of Traditional Leaders in Fostering Democracy, Justice and Human Rights in Zimbabwe*. Zimbabwe. The African Anthropologist, 16 (1& 2), 33-47

Malan,J., (2012). *special issue on the African Union (AU)*. African Journal on Conflict Resolution. ACCORD, 12 (2)1562-6997.

Malan,J., (2013). *The reintegrating role that can be played by a traditional conflict resolving mechanism in the eastern Hararghe zone of Oromiya regional state, Ethiopia. Exploring Gumaa as an indispensable Mpsycho-social method of conflict resolution and justice administration. Complex conflict in the Democratic Republic of the Congo: Good governance a prerequisite of CSR (Corporate Social Responsibility) peacebuilding. Reconciliation, conciliation, integration and national healing: Possibilities and challenges in Zimbabwe and Voting and violence in KwaZulu-Natal's no-go areas: Coercive mobilization and territorial control in post-conflict elections.* African Journal on Conflict Resolution. 13(1).26-70. ACCORD

Malizia, D. A and Jameson, J. K. (2018). *Hidden in plain view: The impact of mediation on the mediator and implications for conflict resolution education*. Conflict resolution quarterly, 35(3), 301-318.

Mamdani, M. (2019). *Citizenship and the Law: Traditional Justice Systems in Africa*. African Studies Review, 62(4), 213-230.

Marais, H., (2012). *A Multi-Methodological Framework for the Design and Evaluation of Complex Research Projects and Reports in Business and Management Studies*. Electronic Journal of Business Research Methods, 10(2).

Marcus, G.E. and M.M ., Fischer., (2014). *Anthropology as cultural critique: An experimental moment in the human sciences*. University of Chicago press.

Marfo, G. (2015). *Ubuntu and Conflict Resolution in African Societies: An In-Depth Study*. Journal of African Cultural Studies, 14(1), 56-70.

Martic, K., (2018). *Difference between structured, unstructured and semi-structured job interviews*.Talentlft.

Maru, V. (2020). *Customary Law in Conflict Resolution: A Comparative Study in African Contexts*. African Journal of Legal Studies.

Mashamba , C.T., (2014). *Alternative Dispute Resolution in Tanzania. Law and Practice*. Dares Salaam. Tanzania. Mkuki na Nyota

Mashimbye, R. (2017). *The role of the Southern African Development Community (SADC) in conflict resolution: the case of Zimbabwe from 2002 to 2014* (Doctoral dissertation, University of Pretoria).

Matavire, M. (2020). *Traditional justice systems and the law: Conflicts and resolutions in Zimbabwe and South Africa*. Journal of African Legal Studies, 14(2), 120-134.

Matavire, M., (2012). *Interrogating the Zimbabwean Traditional Jurisdiction and Position of women in Conflict Resolution. A Case of the Shona Tribes in Muzarabani District. Lecture in Citizenship and Conflict Transformation Bindura University of Science Education Zimbabwe*. International Journal of Humanities and Social Science.Vol.2 .No.3

Mathebula, S. (2016). *South African foreign policy's conflict mediation outcomes are significantly shaped by the democratic deficit which characterizes the African continent*. Southern Africa Liaison Office (SALO) Dialogue Online, (2).

Matshidze, P. E. (2013). *The role of Makhadzi in traditional leadership among the Venda* (Doctoral dissertation, University of Zululand).

Mawere, M and A, Mayekiso., (2014). *Traditional Leadership, Democracy and Social Equality in Africa: The Role Of Traditional Leadership In Emboldening Social Equality In South Africa*. International Journal of Politics and Good Governance .Volume 5, No. 5.3 Quarter III.0976 – 1195

Mbengue, M.M. and Zouapet, A.K., (2020). *Africa and International Conciliation. In Flexibility in International Dispute Settlement* (pp. 113-155). Brill Nijhoff.

Mboh, L., (2021). *An investigation into the role of traditional leaders in conflict resolution: The case of communities in the Mahikeng Local Municipality, North West Province, South Africa*. African Journal on Conflict Resolution, 21(2), pp.33-57.

McCain, K., (2014). *Evidentialism and epistemic justification*. Routledge.

Mekonnen, D. (2016). *Major features of indigenous conflict resolution mechanisms in Ethiopia*. International Journal of Arts Humanities and Social Sciences (IJAHSS), 1(1), 1-6.

Mello, A. L and Delise, L. A. (2015). *Cognitive diversity to team outcomes: The roles of cohesion and conflict management*. Small Group Research, 46(2), 204-226.

Mengesha, A., et al. (2015). *The role of traditional dispute resolution mechanisms in Ethiopia*. Journal of African Law.

Mensah,CA; K,B Antwi and S,Dauda., (2014). *Family traditional leaders (queen mothers) and community planning and development in Ghana*. University of Cape Coast, Ghana. Environmental Management and Sustainable Development, Vol. 3, No. 1

Merriam, S.B. and Tisdell, E.J., (2015). *Qualitative research: A guide to design and implementation*. John Wiley & Sons.

Merton, R. K. (1996). *On Social Structure and Science*. University of Chicago Press.

Mezie-Okoye,C.C., (2016). *TIV and IGBO Conflict management mechanisms: A comprehensive Study*. Centre for Conflict and Gender studies (CCGS), Port Harcourt. International Research Journal of Social Sciences.5 (7), 22-29

Mezie-Okoye,C.C., (2016).*TIV and IGBO Conflict management mechanisms: A comprehensive Study*. Centre for Conflict and Gender studies (CCGS), Port Harcourt. International Research Journal of Social Sciences.5 (7), 22-29

Mezmir, E.A., 92020). *Qualitative data analysis: An overview of data reduction, data display, and interpretation*. Research on humanities and social sciences, 10(21), pp.15-27.

Michalopoulos, S., and E., Papaioannou, (2015). *Further evidence on the link between pre-colonial political centralization and comparative economic development in Africa*. Economics Letters, 126, pp.57-62.

Mishra, L., (2016). *Focus group discussion in qualitative research*. TechnoLearn: An International Journal of Educational Technology, 6(1), pp.1-5.

Mngomezulu, N. M. (2020). *The role of traditional leaders in the maintenance of learners' discipline in rural schools: a multi-site case study* (Doctoral dissertation).

Mooney, J.E.P. and Lanza, F. eds., (2013). *De-centering cold war history: local and global change*. Routledge.

Moore, T., Noble-Carr, D. and McArthur, M., (2016). *Changing things for the better: the use of children and young people's reference groups in social research*. International Journal of Social Research Methodology, 19(2), pp.241-256.

Motsamai, D., (2014). *Are South Africa and Zimbabwe shaping the organisation?*. Institute for Security Studies (ISS), Policy Brief, 70.

Mtebule, S M and P Halala., (2014). *A History of the Xitsonga-Speaking people in Southern African*. Lingua Franca. Giyani. RSA

Mu'uz, G., (2013). *The Mada'a and Mablo of the Afar: Customary System of Conflict Transformation. Paper presented at the Second Annual Research Proceeding*, Wollo University, Addis Ababa. United Printing Press 2, 101-123.

Muchaku, S. and Magaiza, G., (2024). *The struggle within dual systems of government: dealing with conflict between traditional leaders and ward councilors in the greater Giyani Municipality in South Africa*. Frontiers in Political Science, 6, p.1311178.

Munzhedzi, M. (2021). *Access to Justice through Traditional Courts in Rural South Africa*. Law, Democracy & Development.

Mutisi, M., (2011). *The Abunzi mediation in Rwanda: Opportunities for engaging with traditional institutions of conflict Resolution*. Policy and Practice Belief. Knowledge for Durable Peace. ACCORD

- Mutisi, M., (2016). *SADC Interventions in the Democratic Republic of Congo*. conflict trends, 2016(3)
- Muwowo, F. (2019). *Gender and Conflict Resolution in African Societies: The Role of Women*. African Feminist Studies Journal, 7(3), 101-115.
- Muzari, T., Shava, G.N. and Shonhiwa, S., (2022). *Qualitative research paradigm, a key research design for educational researchers, processes and procedures: A theoretical overview*. Indiana Journal of Humanities and Social Sciences, 3(1), pp.14-20.
- Mwangi, L. (2020). *Traditional Leadership and Dispute Settlement in Rural Communities of Kenya and South Africa*. Journal of African Law, 64(2), 158-173.
- Mwita, K., (2022). *Factors to consider when choosing data collection methods*. International Journal of Research in Business and Social Science (2147-4478), 11(5), pp.532-538.
- Mzimela, L. (2021). *The Role of Traditional Leaders in Conflict Mediation and Resolution in Rural South Africa*. South African Journal of Conflict Resolution, 28(3), 102-115.
- Ndlovu, L and M., Svodziwa.,(2017). *The Role of Indigenous Knowledge Systems In Peace Building: A Case Of Umguza District, Zimbabwe*. International Journal of Politics and Good Governance Volume VIII, No. 8.1 Quarter I 2017 ISSN: 0976 –s 1195. Bulawayo, Zimbabwe
- Neuman, L. W., (2011). *Social Research Methods: Qualitative and Quantitative Approach*. USA.: Cambridge University Press.
- Newman, P.A., Guta, A. and Black, T., (2021). *Ethical considerations for qualitative research methods during the COVID-19 pandemic and other emergency situations: Navigating the virtual field*. International Journal of Qualitative Methods, 20, p.16094069211047823.
- Nouman, M., Ahmad, Z. and Ullah, M., (2022). *The Role of Dispute Resolution Council in Dispute*.

Ntlama, Y. (2020). *Ubuntu and Conflict Resolution: Understanding Community-led Justice in South Africa*. South African Journal of Philosophy.

Ntonzima, L. and Bayat, M.S., (2012). *The Role of Traditional Leaders in South Africa: A Relic of the Past, or a Contemporary Reality?* Oman Chapter of Arabian Journal of Business and Management Review, 34(953), pp.1-21.

Ntsako, R., et al. (2020). *Integrating the traditional with the contemporary in dispute resolution in Africa*.

Ntuli, N., (2018). *Africa: Alternative Dispute Resolution in a Comparative Perspective. Dispute Resolution, Compliance Advisor. Ombudsman (CAO) Washington. USA. Conflict Studies Quarterly Issue 22, pp. 36-61*

Nyakambi, N (2020). *The use of African languages in traditional courts: a Luyengweni case study*.

Oguonu, C. N and C.C Ezeibe,. (2014). *African union and conflict resolution in Africa*. Mediterranean Journal of Social Sciences, 5(27 P1), 325.

O. Nyumba, T., Wilson, K., Derrick, C.J. and Mukherjee, N., (2018). *The use of focus group discussion methodology: Insights from two decades of application in conservation*. Methods in Ecology and evolution, 9(1), pp.20-32.

Ogbu, S.U., (2020). *Understanding the conflict management and transformation mechanisms in the Igbo traditional business model*. In Indigenous African Enterprise (Vol. 26, pp. 127-141). Emerald Publishing Limited.

Ogwari, M.,A., (2012). *The role of traditional leaders in conflict management in Africa: A case study of the Somalia National Reconciliation Conference*. University of Nairobi. Nigeria.

Ogwari, M.A., (2015). *The role of traditional leaders in conflict management in Africa: a case study of the Somalia national reconciliation conference (SNRC) 2000-2010* (Doctoral dissertation, University of Nairobi).

Okeke, O. (2021). *Reintegrating African Traditional Dispute Resolution Mechanisms in Conflict Resolution*. International Journal of Advanced Academic Research, 7(12).

- Olaoba, M. (2020). The Role of Women in Conflict Mediation in African Communities. *The African Journal of Conflict Resolution*, 13(2), 77-93.
- Omeje, O. and C,Chikwendu., (2019). *Influence of African Cultural Factors on Domestic Violence*. *Esut Journal of Social Sciences*, 4(1).
- Onwuegbuzie, A.J., Leech, N.L. and Collins, K.M., (2012). *Qualitative analysis techniques for the review of the literature*. *Qualitative Report*, 17, p.56.
- Orock, R.T., (2014). *Crime, in/security and mob justice: The micropolitics of sovereignty in Cameroon*. *Social Dynamics*, 40(2), pp.408-428.
- Osamba, J. (2001). *Peacekeeping and Transformation from Below: Indigenous Approaches to Conflict Resolution and Reconciliation among Pastor Societies in the Borderlands of Eastern Africa*. *Africa Journal in Conflict Resolution*, No. 1, pp. 1-8
- Osei-Hwedie, K and M, J Rankopo., (2013). *Indigenous Conflict Resolution in Africa: The case of Ghana and Botswana restorative justice systems*. University of Botswana. Botswana.
- Osman, F. (2018). *Third time a charm? The Traditional Courts Bill 2017*. *South African Crime Quarterly*, 64, 45-53.
- Owusu-Mensah, A. (2021). *Chieftaincy succession conflict in Akuapem Traditional Area: A structural-functional perspective*. *International Journal of African Society, Cultures, and Traditions*.
- Oyeniya, A. (2017). *Conflict Resolution in the Extractives: A Consideration of Traditional Conflict Resolution Paradigms in Post-Colonial Africa*. *Willamette Journal of International Law and Dispute Resolution*, 25(1), 56-77.
- Pandey, P and Pandey, M., M (2015). *Research Methodology .Tools and Techniques*. *Bride center*. Romania, European Union.
- Parker, C., Scott, S. and Geddes, A., (2019). *Snowball sampling*. *SAGE research methods foundations*.
- Peters, K., (2006). *Footpaths to reintegration: Armed conflict, youth and the rural crisis in Sierra Leone*. Wageningen University and Research.

Polit, D.F. and Hungler, B.P., (2004). *Evaluating research reports*. Nursing research: principles and methods, 7, pp.655-672.

PWani, H.A., (2011). *Understanding conflict resolution*. International Journal of Humanities and Social Science, 1(2), pp.104-111.

Ramolobe, K.S., (2023). *The dynamics of traditional leaders' relationship with municipal councillors and service delivery*. Journal of Local Government Research and Innovation, 4, p.95.

Ramsbotham, O., Miall, H and T., Woodhouse,. (2011). *Contemporary conflict resolution*. Polity.

Ramya, T., (2017). *Exploring traditional approaches to resolving conflicts over land resources: The case of the Nyishi tribe in Arunachal Pradesh*. In Legal Pluralism and Indian Democracy (pp. 231-245). Routledge India.

Rautenbach, C. (2015). *Legal reform of traditional courts in South Africa: Exploring the links between Ubuntu, restorative justice and therapeutic jurisprudence*. J. Int'l & Comp. L., 2, 275.

Rautenbach, C. (2015). *Legal reform of traditional courts in south africa: exploring the links between ubuntu, restorative justice and therapeutic jurisprudence*. African Journal of International and Comparative Law. 2. 275-304.

Reddick, R.J., (2014). *Sankofa: A Narrative of a Native Son's Scholarly Homecoming*. Journal of African American Males in Education, 5(2).

Republic of South Africa Constitutional bill 1996

ResearchGate. (2015). *Community Expectations and Traditional Leaders in Conflict Resolution*. Public Policy and Administration Research, 5(3), 77-83.

Roberts, D., (2011). *Liberal peacebuilding and global governance: beyond the metropolis*. Routledge.

Rogers, J., (2014). *Soaring On the Wings of Sankofa. Beyond The Pride and The Privilege: The Stories of Doctoral Students and Work Life Balance*, p.119.

- Roberts, S and Palmer, C. (2022). *Community Mediation and Justice: Traditional Court Processes and Their Evolving Role*. African Human Rights Law Journal.
- Rowe, F., (2014). *What literature review is not: diversity, boundaries and recommendations*. European Journal of Information Systems, 23(3), pp.241-255..
- Rukuni, T., Machingambi, Z., C.C. Musingafi and K.E. Kaseke (2015). *The Role of Traditional leadership in conflict resolution and peace building in Zimbabwean rural communities: the case of bikita district*. Zimbabwe. Policy and Administration Research. 5 (3). pp 112-130
- Run, P. (2013). *Reconsidering the crisis of confidence in indigenous African conflict resolution approaches: A postcolonial critique*. Journal of pan african studies, 6(6), 26-40.
- Rwabishugi, L.D. and Ndyemalila, E., (2021). *The Role of Traditional Leaders in Conflict Resolution in Tanzania*.
- Safran, W. and A.H., Liu., (2012). *Nation-building, collective identity, and language choices: Between instrumental and value rationalities*. Nationalism and ethnic politics, 18(3), pp.269-292.
- Salihu, H. and Gholami, A., (2018). *International Journal of Law, Crime and Justice*.
- Sanders, J. and M., Tavakol (2014). *Quantitative and qualitative methods in medical education research*. Medical Teacher, 36, pp.838-848.
- Sandole, D.J. and Staroste, I., (2014). *Peacebuilding in fragile African states: the case for private sector involvement*. conflict trends, 2014(3), pp.24-31.
- Sandu, C. (2014). *The South Sudan coup: A political rivalry that turned ethnic*. Conflict Studies Quarterly, 7, 49-65.
- Sansculotte-Greenidge, K and Fantaye, D. (2012). *Traditional authority and Modern Hegemony: Peace-making in the Afar region of Ethiopia*. In M. Mutisi and K. Sansculotte- Greenidge (Eds), *Integrating Traditional and Modern Conflict Resolution: Experiences from selected cases in Eastern and the Horn of Africa* (pp. 75-98). Africa Dialogue Monograph Series No. 2/2012. Durban, South Africa: ACCORD.

Schoeman, M., (2012). *A philosophical view of social transformation through restorative justice teachings – a case study of traditional leaders in Ixopo, South Africa*. Department of Criminology and Security Science University of South Africa. South Africa.

Sekaran, U., (2016). *Research methods for business: A skill building approach*.

Shamoo, A.E. and Resnik, D.B., (2009). *Responsible conduct of research*. Oxford University A Press.

Shoko, T. (2013). *Karanga indigenous religion in Zimbabwe: Health and well-being*. Ashgate Publishing, Ltd.

Sim, J. and Waterfield, J., (2019). *Focus group methodology: some ethical challenges*. *Quality & quantity*, 53(6), pp.3003-3022.

Situmbeko, N., (2023). *The contribution of traditional courts in conflict resolution mechanism: a study of Kaoma district western province of Zambia* (Doctoral dissertation, The University of Zambia).

Skjott Linneberg, M. and Korsgaard, S., (2019). *Coding qualitative data: A synthesis guiding the novice*. *Qualitative research journal*, 19(3), pp.259-270.

Smiley, S., (2015). *Field recording or field observation?: Audio meets method in qualitative research*. *The qualitative report*, 20(11), p.1812.

Smithey, L. A. (2011). *Unionists, loyalists, and conflict transformation in Northern Ireland*. OUP USA.

.

Somaru, N., & Rautenbach, C. (2020). *The Indian Approach to Criminal Justice: The Role of Traditional Courts as Alternative Dispute Resolution Mechanisms*. *Comparative and International Law Journal of Southern Africa*, The, 53(2), 130-169.8

Somerset, S. and Hoare, D.J., (2018). *Barriers to voluntary participation in sport for children: a systematic review*. *BMC pediatrics*, 18, pp.1-19.

South African History Online (SAHO). (2021). *Chieftaincy and Kingship in South Africa*. Retrieved from www.sahistory.org.za

- Soyapi, C.B.,(2014). *Regulating traditional justice in South Africa: A comparative analysis of selected aspects of the Traditional Courts Bill*. Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad, 17(4), pp.1441-1469
- Stensland, A.O. and Breidlid, I.M., (2011). *The UN Mission and local churches in South Sudan: opportunities for partnerships in local peacebuilding*. conflict trends, 2011(3), pp.29-36.
- Stephan, C. W. (2018). *Intergroup relations*. Routledge.
- Stuart, E.A., Ackerman, B. and Westreich, D., (2018). *Generalizability of randomized trial results to target populations: design and analysis possibilities*. Research on social work practice, 28(5), pp.532-537.
- Sullivan, D., (2014). *Africa Traditional Procedures of Settling Dispute; a case study Between the People of Ihiagwa*. Contemporary Political Issues and Updates. CNN Political Ticker
- Surleva, A. and Jenalayeva, G., (2020). *Writing research and education proposals: dos and don'ts*. West Kazakhstan Medical Journal, (2 (62)), pp.104-109.
- Swanson, R.A. and T.J. Chermack, (2013). *Theory building in applied disciplines*. Berrett-Koehler Publishers.
- Swedberg, R., (2020). *Exploratory research. The production of knowledge: Enhancing progress in social science*, 2(1), pp.17-41.
- Tadjbakhsh, S. (Ed.). (2011). *Rethinking the liberal peace: external models and local alternatives*. Taylor & Francis.
- Taherdoost, H., (2022). *What are different research approaches? Comprehensive Review of Qualitative, quantitative, and mixed method research, their applications, types, and limitations*. Journal of Management Science & Engineering Research, 5(1), pp.53-63.
- Tarusarira, J., (2016). *Reconciliation and Religio-political Non-conformism in Zimbabwe*. Routledge.

- Taylor, L.K and Lederach, J.P., (2014). *Practicing Peace: Psychological Roots of Transforming Conflicts*. Global Journal of Peace Research and Praxis, 1(1), pp.12-31.
- Themne'r, L and P Wallensteen(2014). *Armed conflicts, 1946–2013. Uppsala Conflict Data Program*, Uppsala University. Sage. Journal of Peace Research .Vol 51(4)541-554
- Theresa A, A and B, L Oluwafemi (2014). *Methods of Conflict Resolution in African Traditional Society*. Ekiti State University, Ado-Ekiti, Nigeria. Nigeria. An International Multidisciplinary Journal, Ethiopia Vol. 8 (2) Pp. 138-157
- Tijani, A. (2019). *Traditional Leadership and Conflict Resolution Mechanisms in Ghana: The Case of Buipe*. ADRRI Journal (Multidisciplinary), 28(5), 21-47. <https://doi.org/10.55058/adrri.v28i5.497>
- Traditional Leadership and Governance Framework Act 41 OF 2003
- Tshikukuvhe, L.D., (2017). *Exploration of indigeneous medicinal knowledge of Phonda in the Vhembe District* (Doctoral dissertation).
- Turhan, N.S., (2019). *Qualitative Research Designs: Which one is the best for your research?*. European Journal of Special Education Research.
- Uecke, O., (2012). *Definition of key concepts*. In How to Commercialize Research in Biotechnology? (pp. 62-83). Gabler Verlag.
- Umunadi, K. E. (2011). *The Efficiency of Mediation and Negotiation Methods for Dispute Resolution in Delta State*. Sacha Journal of Policy and Strategic Studies, 1(2), 64-73.
- Unruh, J. and R., Williams, eds., (2013). *Land and post-conflict peacebuilding*. Routledge.
- van Dongen, J.J.J., Habets, I.G.J., Beurskens, A. and van Bokhoven, M.A. (2017). *Successful participation of patients in interprofessional team meetings: a qualitative study*. Health Expectations, 20(4), pp.724-733.
- Van Teijlingen, E., (2014).December. *Semi-structured interviews*. In PGR Workshop December.

- Väyrynen, R., (2019). *From conflict resolution to conflict transformation: a critical review*. The new agenda for peace research, pp.135-160.
- Veal, A.J., (2017). *Research methods for leisure and tourism*. Pearson Uk.
- Vehovar, V., Toepoel, V. and S., Steinmetz (2016). *Non-probability sampling*. The Sage handbook of survey methods, pp.329-345.
- Verkoren, W. and van Leeuwen, M., (2013). *Civil society in peacebuilding: Global discourse, local reality*. International Peacekeeping, 20(2), pp.159-172.
- Visoka, G. and Doyle, J., (2016). *Neo-Functional Peace: The European Union Way of Resolving Conflicts*. JCMS: Journal of Common Market Studies, 54(4), pp.862-877.
- Wadhwa, M., (2019). *Understanding quantitative research and mixed methods research*.
- Wallensteen, P., (2018). *Understanding conflict resolution*. SAGE Publications Limited.
- Walliman, N., (2021). *Research methods: The basics*. Routledge.
- Watitu, R.N., (2014). *Factors influencing the role of civil society on peace building in Kenya: a case of Nairobi county* (Doctoral dissertation, University of Nairobi).
- Galvan, D., (2007) *The Struggle for Autonomy: Finding a Balance Between Westernization and Tradition in Sarayacu* (Doctoral dissertation, University of Oregon).
- Waylen, G., (2014). *A Seat at the Table--Is it Enough? Gender, Multiparty Negotiations, and Institutional Design in South Africa and Northern Ireland*. Politics & Gender, 10(4), p.495.
- Wehner, L.E., (2016). *Inter-role conflict, role strain and role play in Chile's relationship with Brazil*. Bulletin of Latin American Research, 35(1), pp.64-77.
- Williams, P. D. (Ed.). (2012). *Security studies: an introduction*. Routledge.
- Wolf, R. (2011). *Respect and disrespect in international politics: the significance of status recognition*. IT, 3, 105.

Yeni, S. (2019). *Traditional leadership, violation of land rights and resistance from below in Makhasaneni village, KwaZulu-Natal*. *Traditional Leaders in a Democracy: Resources, Respect and Resistance*, 153.

Zartman, I.W., (2017). *Relying on One's self: Traditional Methods of Conflict Management*. *The fabric of peace in Africa: Looking beyond the state*, pp.243-256.

Zikhali, W., (2019). *Community policing and crime prevention: Evaluating the role of traditional leaders under Chief Madliwa in Nkayi District, Zimbabwe*. *International Journal for Crime, Justice and Social Democracy*, 8(4), pp.109-122.

Zondi, S., (2017). *African Union approaches to peacebuilding: Efforts at shifting the continent towards decolonial peace*. *African Journal on Conflict Resolution*, 17(1), pp.105-131.), pp.27-35.

APPENDICES/ANNEXURES

Appendix A: DATA COLLECTION TOOL

Section A: Legislation and policies govern traditional leadership and African conflict resolution mechanisms.

1. What is the Composition of the Traditional Courts ?
2. The matters that are adjudicated (and not) by traditional leaders?
3. procedures of the court and adducing of evidence.

Section B: The institution of traditional leadership a sector of conflict resolution.

4. What is the Functions of the sector of traditional leaders?
5. Can these traditional leaders be Accessible in the villages?
6. Is it more effective in conflict resolution?

Section C: The nature, scope and processes of different conflict resolution mechanisms used by the *Vatsonga* traditional leaders.

7. What roles do traditional leaders in Bungeni area play in conflict resolution?
8. Whom amongst traditional leaders play such role in conflict resolution at Bungeni area?,
9. How do all these people play their roles in conflict resolution amongst Vatsonga at Bungeni area?

Section D: The implications of adopting the *Vatsonga* traditional conflict resolution mechanisms .

10. What are the benefits or implications of these roles or the way they are played to the community these people are leading at Bungeni area?

Section E: The possible palliatives to ensure that African conflict resolution mechanisms can be strengthened and/or can operate at an equal footing with the formal courts.

11. What can be done to ensure that traditional leaders at Bungeni area fully function and respected in the society?

Appendix B INFORMED CONSET FORM

UNIVEN Informed Consent

Appendix B

LETTER OF INFORMATION

Title of the Research Study : Exploring the role of *Vatsonga* traditional leaders in conflict resolution amongst *Vatsonga* at Bungeni area

Principal Investigator/s/ researcher : (Mr W.A Baloyi, Master of Arts Degree)

Co-Investigator/s/supervisor/s : ("Adv". Prof. P E Matshidze, PhD degree, "Adv" Dr. S.L Kugara, PhD Degree and Dr Mr. T J Makhanikhe, PhD Degree)

Brief Introduction and Purpose of the Study: Down history, African traditional leaders were custodians of fostering peace, security and serenity within indigenous communities. To add, it was their responsibility to create sustainable and harmonious relationships through African conflict resolution mechanisms. The advent of formal courts in the South African dispensation overshadowed their role. The current challenges facing the formal courts and the escalation of vigilantism within indigenous communities has ignited the researcher to explore the role of *Vatsonga* traditional leaders in conflict resolution. This study intends to address such challenge by focusing on the exploring the role of *Vatsonga* traditional leaders in conflict resolution amongst *Vatsonga*.

Outline of the Procedures :

First group of participants which is traditional leaders will be required to answer interview questions which are divided into five sections. 16 traditional leaders will be purposively sampled from selected villages at Bungeni area in Vhembe district . Such leaders will be governing and resolving societal conflicts in the villages. Sampled traditional leaders will be contacted via the phone to arrange date for the interview and interview venue will be their respective homes. Interview will last 1 hour for each participant. All participants will be taken through the type of study together with its aim. Again, they will be aware that their participation is voluntary.

The second group of participants is a list of youth and traditional health practitioners will also be purposively sampled from Bungeni area. Data collected from interview and on document analysis will then be thematically analysed.

Risks or Discomforts to the Participant:

This project does not have any foreseeable risk of any discomfort to participants.

Benefits

:

At the end of the study the researcher will publish the findings of the research, whereas the participants who are traditional leaders and society members in this case, will have been enriched in terms of the study of the role of traditional leaders in conflict resolution. The study will broaden the participants' knowledge of the role of traditional leaders IN conflict resolution amongst *vatsonga* at Bungeni area.

Reason/s why the Participant May Be Withdrawn from the Study:

Participants may be withdrawn if they indicate their discomfort with the research. They may also be withdrawn if they do not stick to the interview routine and give apology for several times. Even if they may get sick and they feel they can no longer cope, they may be withdrawn.

Remuneration : There will not be any monetary incentive to participant to participate in research

Costs of the Study : No cost of any kind will participant incur in participation of this research

Confidentiality : All participants will do their interview in their respective homes. Whatever they will give as data will be handled confidentially. Their responses will be given codes to hide their names and data collected will be stored in a computer with password.

Research-related Injury : This research does not have any foreseeable risk of injury

Persons to Contact in the Event of Any Problems or Queries:

Please contact the researcher at 0671322954, my supervisor Dr (Adv) P.Matshidze at 0721594135 or pfarelo.matshidze@univen.ac.za/ Dr J.Makhanikhe at 0725310936 Or justice.makhanikhe@univen.ac.za / Dr (Adv) S.L Kugara at 0638763253 or skugara@gmail.com or the University Research Ethics Committee Secretariat on 015 962 9058. Complaints can be reported to the Director: Research and Innovation, Prof GE Ekosse on 015 962 8313 or Georges.Ivo.Ekosse@univen.ac.za

General:

Potential participants must be assured that participation is voluntary and the approximate number of participants to be included should be disclosed. A copy of the information letter should be issued to participants. The information letter and consent form must be translated and provided in the primary spoken language of the research population

CONSENT

Statement of Agreement to Participate in the Research Study:

- I hereby confirm that I have been informed by the researcher, **Baloyi Welcome Akani** , about the nature, conduct, benefits and risks of this study - Research Ethics Clearance Number: _____,
- I have also received, read and understood the above written information (*Participant Letter of Information*) regarding the study.
- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerized system by the researcher.
- I may, at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during the course of this research which may relate to my participation will be made available to me.

Full Name of Participant

Date

Time

Signature

I, ...

Baloyi Welcome Akani , herewith confirm that the above participant has been fully informed about the nature, conduct and risks of the above study.

Full Name of Researcher

Baloyi Welcome Akani

Date: **2022/07/22**

Signature

Full Name of Witness (If applicable)

.....

Date

Signature.....

Full Name of Legal Guardian (If applicable)

.....

Date.....

Signature.....

Please note the following:

Research details must be provided in a clear, simple and culturally appropriate manner and prospective participants should be helped to arrive at an informed decision by use of appropriate language (grade 10 level- use Flesch Reading Ease Scores on Microsoft Word), selecting of a non-threatening environment for interaction and the availability of peer counseling (Department of Health, 2004).

If the potential participant is unable to read/illiterate, then a right thumb print is required and an impartial witness, who is literate and knows the participant e.g. parent, sibling, friend, pastor, etc. should verify in writing, duly signed that informed verbal consent was obtained (Department of Health, 2004). If anyone makes a mistake completing this document e.g. a wrong date or spelling mistake, a new document has to be completed. The incomplete original document has to be kept in the participant's file and not thrown away, and copies thereof must be issued to the participant.

References:

Department of Health: 2004. *Ethics in Health Research: Principles, Structures and Processes*

<http://www.doh.gov.za/docs/factsheets/guidelines/ethnics/>

Department of Health. 2006. *South African Good Clinical Practice Guidelines*. 2nd Ed.
Available at:

http://www.nhrec.org.za/?page_id=14

Appendix C LETTER FOR COMMUNITY

**P.O Box
392
Sifahla
0957
26 July
2022**

**Bungeni Traditional Council
O1
Sifafahla
0957**

Dear Chief G Bungeni

Permission to have interviews with Bungeni Royal council concerning master's degree titled: **Exploring the role of traditional leaders in conflict resolution amongst Vatsonga at Bungeni area: Limpopo province**. My name is Welcome Akani Baloyi student of 14000413. I am residing in Bungeni area another sub-village of Skhunyani. I started my primary school at Masungi until I passed my matric at Russel Buneni High in 2013. I then peruse my Tertiary level at the university of Venda where I completed my Honours Degree in Indigenous Knowledge systems. Currently, I am doing the final year of my MA degree, specializing in Leadership and conflict resolution. My current title of the research is stated above.

Being raised in the Bungeni area has given me the opportunity to observe the customs, norms, values, and culture of the area to deal with various aspects of life, particularly governance -ship. In this 21st century, it is valuable to preserve our traditions and customs to resolve conflicts. I would like to ask you to collect data from your Royal council, Headmen, and society members and from your Chieftaincy perspective on the following research questions:

- 1.Which legislation and policies govern traditional leadership and African conflict resolution mechanisms?
- 2.Is the institution of traditional leadership a sector of conflict resolution?
3. How is nature, scope and processes of different conflict resolution mechanisms used by the Vatsonga traditional leaders?
4. What are the implications of adopting the Vatsonga traditional conflict resolution mechanisms?
5. What are the possible palliatives to ensure that African conflict resolution mechanisms can be strengthened and/or can operate at an equal footing with the formal courts?

Conducting this type of the study it is significant for diverse reasons: Policy Considerations this will be significant in that it will influence development of policy that can strengthen indigenous conflict resolution mechanisms within the democratic dispensation. Moreover, this will create a harmonious relationship between law

enforcement agencies and traditional leadership. This will create a watertight system that is complementary to the formal legal system and do away with jungle justice. Field of Academics, it will allow the academics to identify some of the reason why society members resort to western courts of laws instead of consulting African traditional leaders. The findings of the study will allow the academics to explore the collaboration of traditional leaders and government during conflict resolution.

Access to Justice by Community Members, the study will enlighten the community members in and around the Bungeni area that they should utilize their traditional leaders to resolve society conflicts since they are accessible. It is hoped that the findings of the study will result in the following: reduction of killing of people due to jungle justice, families would consult with the traditional courts to resolve minor conflicts, restoration of broken trust between neighbors and society members and traditional leaders and Traditional Leaders, the study is also significant because it will help to find solution to the problems hindering traditional leaders to resolve conflicts among the society members not only in and around Bungeni area.

Your response will be highly appreciated.

Regards

Mr W.A Baloyi

Welcomeakani12@gmail.com

0671322954

Appendix D: ETHICAL CLEARANCE CERTIFICATE

Appendix E: Language Editor Certificate

Appendix F: TURN IT IN REPORT

Appendix H: PROOF OF REGISTRATIONS