

**UNIVERSITY OF CAPE COAST**

**ASSESSING THE EFFECTIVENESS OF THE ALTERNATIVE DISPUTE RESOLUTION  
MECHANISM IN THE ALAVANYO-NKONYA CONFLICT IN THE VOLTA REGION  
OF GHANA**

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**DECLARATION**

**CANDIDATE’S DECLARATION**

*I hereby declare that this dissertation is the result of my own original research and that no part of it has been presented for another degree in this University or elsewhere.*

SIGNATURE:.....

DATE...

Candidate’s Name: PERPETUA FRANCISCA MIDODZI

**SUPERVISOR’S DECLARATION**

*I hereby declare that the preparation and presentation of this dissertation was supervised in accordance with the guidelines on dissertation laid down by the University of Cape Coast.*

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## **ABSTRACT**

Conflict resolution in Ghana has taken centre stage in the last decade with efforts geared towards developing alternative and acceptable mechanisms for dealing with the country's numerous conflicts. One of such mechanisms that have been given prominence is the Alternative Dispute Resolution mechanism (ADR). This research was set out to investigate the effectiveness of the Alternative Dispute Resolution in the Alavanyo-Nkonya conflict case in the Volta region of Ghana. The aim of the research was to ascertain reasons for the use of ADR in this protracted conflict, to investigate the structures adopted under the mechanism for the peace process and finally, to examine the strengths and weaknesses of the method.

The research heavily relied on interviews as a data collection instrument. In all twenty interviews were conducted among members of the peace mediation committee, consultative committee as well as members and leaders from the two communities. The research revealed that the method of Alternative Dispute Resolution (ADR) was preferred by the people of the two communities compared to the modern legal methods owing to the delays and judgmental posture of the legal methods. Again the research revealed that the people of the two communities were willing and prepared to negotiate and chart their own peace process hence the use of the method (ADR). The research equally revealed that the method has a large involvement of the people from the two communities and the decisions and outcomes were seen as a reflection of the decisions of the two communities. This makes the method have the buy-in of the two communities. The research therefore recommends that there should be more vigorous education on the importance of Alternative Disputes Resolution in Ghana. This can be done through the Chief's courts promoting the method and through the District and Municipal assemblies also promoting the use of ADR in solving disputes.

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## **DEDICATION**

To my only son, Felix Mac-Gatus.

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## **GOSSORIES**

DR CONGO	Democratic Republic Of Congo
ECOWAS	Economic Community Of West African States
AU	African Union
ADR	Alternative Dispute Resolution
KIAPTC	Kofi Annan International Peacekeeping Training Centre
GNP	Gross National Product
LI	Legislative Instrument
CDD	Centre For Democratic Development
UN	United Nations
DFID	Department For International Development
US	United States
GDP	Gross Domestic product
ADB	African Development Bank
HIV	Human Immunodeficiency Virus
AIDS	Acquired Immune Deficiency Syndrome
RENAMO	Mozambican National Resistance
FRELIMO	Liberation Front Of Mozambique
NGO	Non-Governmental Organization
SADC	Southern African Development Community
UNAMIR	United Nations Assistance Mission For Rwanda
EWLA	Ethiopia Women Lawyers Association
EP	Evangelical Presbyterian

## **CHAPTER ONE**

### **INTRODUCTION**

#### **Background to the study**

Africa has the uncanny reputation of being the world's leading theatre of conflict, war, poverty, diseases, and instability. It is not surprising that scholars of conflict management regard it as a major laboratory for experiments and theory building.

During the post-cold war period Africa experienced persistent violent and seemingly intractable conflicts (Eghosa & Robinson, 2005). Some of these conflicts include the notorious genocide and ethnic cleansing in Rwanda and to some extent Burundi, civil wars in Liberia, Sierra Leone, and the Democratic Republic of Congo, Sudan, Co<sup>^</sup>te d'Ivoire and Somali. Minority uprisings in Nigeria, and separatist agitation in Cameroon and Senegal, represent reference points of the conflicts in the African continent (Zartman, 2000).

The causes of these conflicts have been investigated from diverse stand points and some of the causes range from land to power and natural resource (Zartman, 2000). Disputes about land, money, or other resources take on increased symbolic significance as the causes of conflict in Africa (Department for International Development, 2001). Inequality between groups is probably the foremost cause of conflict in Africa. It is inequality between groups rather than individuals that increases the prospects of violent conflict. It exists on three mutually reinforcing levels: economic, social and political. In countries such as Liberia, Sierra Leone and Rwanda, political power and its

benefits were monopolised by one group. This led to unequal distribution of power and access to resources and revenue (Department for International Development, 2001).

Economic factors have been identified as one of the major causes of conflict in Africa. Theorists believe that competition for scarce resources is a common factor in almost all ethnic conflicts in Africa. In multi-ethnic societies like Nigeria and South Africa, ethnic communities violently compete for property, rights, jobs, education, language, social amenities and good health care facilities. In his study, Nnoli (1980) produced empirical examples linking socio-economic factors to ethnic conflict in Nigeria. According to Furnival, cited in Nnoli (1980:72-3), "the working of economic forces makes for tension between groups with competing interests." In the case of South Africa, Mare (1980) confirms that ethnicity and ethnic conflict appear to be a response to the uneven development in South Africa, which caused ethnic groups to mobilise to compete for resources along ethnic lines. It follows that multi ethnic countries are likely to experience conflicts.

Furthermore the causes of conflicts also stem from the availability or non availability of resources. Therefore Africa accommodates two types of resource based conflict: conflicts over resource scarcity and conflicts over abundance of resource and who has the right to use or own it. On the other hand countries, whose economies are dependent on natural resources such as oil and minerals, easily experience conflict. In these wars of abundance, groups compete for control of these resources, which become the "prize" for controlling the area or state and can lead to violent conflicts, as in Sierra Leone and the Democratic Republic of Congo. Unfair exploitation of

resource- rich regions can also lead to unending conflicts. Abundant resources can also attract external intervention. This equally has the tendency to result in violent conflict in the case of Nigeria and Cameroun's struggle over the Bakasi Peninsular (Eghosa & Robinson, 2005).

To add to the factors that cause conflicts in the African countries is high levels of unemployment among young men and low educational levels. Throughout Africa, conflicts have drawn on a pool of marginalised or socially excluded young men who are mostly unemployed. The massacre and genocide in Rwanda stem from the high levels of unemployment fuelled by the ethnic factor of Tutsis and Hutus. Again the conflict in Liberia was fought by socially marginalised young men basically unemployed (Eghosa and Robinson, 2005).

Political leaders and belligerent African have made increasing use of ethnic hatred which has resulted in devastating conflicts. Such prolonged conflict creates long term divisions that reduce the effectiveness of peace building efforts; the case of Dagbon in Northern Ghana is a classical example. The war in the DR Congo provides a ready example of the abuse of ethnicity. Elements of the Ugandan armed forces have exploited ethnic differences in order to benefit commercially from the conflict (Eghosa and Robinson, 2005).

The consequences of these conflicts are numerous ranging from the collapse of whole economies to the loss of human lives and separation of families. Because of violent conflicts development programmes cease to function effectively and economic retrenchment takes place. Scarce resources often have to be diverted to maintain peace and security and reconstruction of destroyed facilities and infrastructures instead of using them for development purposes (Department for International Development, 2001). The situation is

aggravated by the attitude and perspective towards conflict, which remains negative even an attempt to discuss about it will be seen as preempt to conflict. The point is, people do not usually think of conflict as a problem, although violent conflicts have been protracted and clearly detrimental to development.

The conflict for the two neighbouring communities started around 1923 and the root cause of the conflict was a land demarcation which the colonial German government drew as part of the Volta Togoland. The land apparently passes through Alavanyo and Nkonya. This piece of land became the centre of dispute and since 1923 they had fought over the land until 1958 when a Supreme Court decision ruled in favour of the Nkonya people. Alavanyo people disputed it claiming they were never properly involved.

The piece of land which is about 10 square miles is rich in mineral resources (Ho Diocesan Peace Committee, 2010). Evidence suggests that the land is rich in timbers and minerals and also very rich for farming purposes among others. Therefore every side wanted to take control of the land and this has been the contention of the conflict which has lasted for over forty years.

In 2006 peace building efforts were started by well-meaning citizens of the communities. They used Alternative Dispute Resolution mechanism against the background that the indigenous methods used in the past failed. In this method a three distinct structure of peace process was evolved and this constituted a mediation team, a consultative committee and a community peace setters. These structures negotiated peace between the Alavanyos and Nkonyas.



This research therefore intends to assess the effectiveness of Alternative Dispute Resolution mechanism as a peace process in the Alavanyo-Nkonya conflict in the Volta region. The research is to expose the benefits of this method to conflict resolution bearing in mind its shortfalls and highlighting it for the Ghanaian situation.

### **Statement of problem**

If we examine conflicting situations, it will be seen that wherever they exist, and whatever their causes, there have always been attempts to resolve them. Finding solutions requires the involvement of other people, who strive to negotiate acceptable terms and conditions between the conflicting parties. Although some of the notable and fairly successful cases have been highlighted, the South African “miracle”, Ethiopia’s ethnic federalism, Botswana’s democratic stability, sub regional approaches to conflict resolutions via the Economic Community of West African States (ECOWAS), and more recently the African Union (AU) have all adopted various mechanisms aimed at tackling conflicts in a durable and pragmatic manner (Clapham,2001).

However the efforts of these bodies have not equally yielded much success as many cases of solved conflicts have relapsed into more devastating conflicts. Indeed, some analysts have given up and gone ahead to advocate “rethinking” the state in Africa, to include the dissolution of so-called troublesome and unviable states, as well as possible alternatives to conflict resolution (Clapham, 2001). Others have called for creative and innovative

approaches, including the adaptation of alternative disputes resolution procedures, models and practices (Zartman, 2000).

The researcher is of the opinion that more innovative and alternate approaches to conflict resolution are the sure panacea to particularly Ghana's numerous conflicts situations. The problem, however, is that the literature on management of conflict does not adequately reflect or acknowledge the efforts of many available mechanisms of solving conflicts such as the alternative dispute resolution mechanism (Zartman, 2000; Clapham, 2001). Even though international agencies, governments, and private organizations have entered the 'business' of conflict resolution in ever increasing numbers, it is clear that most interventions in African conflicts have done little to prevent the continent from taking the debilitating course it has traversed over the last decade.

It is equally evident from the literature that many conflicts in Africa ranging from ethnic conflicts to civil conflicts are managed largely through the court system which are often adversarial and does not take into consideration the peculiar cultures and values of Africans. This has accounted for the failure of the court system or the formal legal system from solving the continents numerous conflicts.

The failure of these attempts further demonstrates the need for more creative approaches to conflict resolution. Alternative Dispute Resolution (ADR) programs can play a positive role in solving the conflicts in Ghana. The thrust of this research is therefore to assess the effectiveness of ADR in the Alavanyo-Nkonya conflict in the Volta region of Ghana.

## **Study objectives**

The general objective of the study is to assess the effectiveness of Alternative Dispute Resolution mechanisms in the Alavanyo-Nkonya conflict resolution. However, specifically the research would address the following objectives:

- Ascertain reasons for use of ADR in the Alavanyo-Nkonya conflict case.
- Examine the structures adopted in the framework of ADR as a conflict resolution mechanism.
- Document the strengths and challenges of the ADR in the Alavanyo-Nkonya conflict resolution case.
- Assess the level of peace in the two communities.
- Suggest measures and recommendations to help improve the peace situation and the ADR as a conflict resolution method.

## **Research questions**

- Why was ADR adopted in the Alavanyo-Nkonya conflict resolution case?
- What structures were adopted in the framework of ADR in resolving the conflict and the roles of the various actors?
- What were the strengths and challenges of adopting ADR in the conflict resolution?
- How were the people in the two communities involved in the process

- What is the state of peace in the two communities?

### **Significance of the study**

Many techniques and methods exist in the area of conflict resolutions in Africa and Ghana to be specific. However, the methods that best fit a particular conflict situation are culture specific. Dispute resolution is a part of every society's culture, and in each society some methods are favoured over others. Each culture in the world may be unique, but underlying each culture is its own specific tacit agreement or system that determines how to resolve disputes. Therefore the case of using ADR in the Alavanyo-Nkonya conflict resolution is aimed at enriching the process and highlighting the suitability of this method to the specific situation of Ghana and the Volta region.

Again this research is significant as it exposes the use of non-violent means in the resolution of conflicts in Africa and Ghana. Ghana is rich in cases of violent conflicts such as the Dagbon conflict, Bawku conflict, the Ga and Christians in Accra conflicts and the case of the Alavanyo and Nkonyas which are mostly bloody and unending. The current situation of peace in the Alavanyo and Nkonya conflict owes its success to the use of the ADR. This research would expose the advantages associated with method of conflict resolution and emphasize the use of non-violent means in conflict resolution in Ghana. It adds to the scanty literature on methods of conflict resolution in Africa and Ghana.

## **Organisation of the study**

The study would be organised into five chapters with each chapter detailing the work. The first chapter would be devoted to the background or general introduction, the statement of the problem, study objectives as well as research question to be answered in the course of the study.

Chapter Two would be devoted to the literature of the study. Therefore literature areas that would be reviewed include the nature and cases of conflicts in Africa; consequences and costs of conflicts, traditional methods of conflict resolution mechanisms and their weaknesses and failures, Alternative Dispute Resolution as a conflict resolution mechanism. All these would be discussed with appropriate subheadings.

The third chapter would be devoted to the methodology of the study. In this chapter the study areas would receive detailed explanations, the populations, samples and sampling procedures as well as the methods of data collection would all be covered in this chapter.

The fourth chapter would tackle the data collected from the two communities. Data would be analyzed and presented in this chapter with appropriate interpretations. These would be done in line with the objectives of the study. Appropriate subheadings would be created for relevant data interpretations. The fifth chapter would look at the summary of the research, the conclusions and recommendations drawn from the data.

## **CHAPTER TWO**

### **REVIEW OF LITERATURE**

#### **Introduction**

Every research is based on sound review of related literature in a particular field of study. Again the literature review also enhances the trend of knowledge in the study area hence the review of related literature in this study. This study assesses the effectiveness of Alternative Disputes Resolution in Ghana using the Alavanyo-Nkyonya conflict as a case study. Therefore literature in this area of study would cover the following subheadings: theoretical definitions of conflict, nature of conflicts in Africa, types of conflicts in Africa and Ghana, causes of conflicts in Africa and Ghana, the effects of conflicts, conflicts resolution mechanisms and Alternative Disputes resolution mechanisms.

#### **Theoretical definitions of conflict**

The literature review begins by explaining the theoretical meanings and definitions of conflicts with emphasis on violent conflicts in the case of the Avalanyo-Nkonya. Conflict is basically a struggle between individuals or groups over a range of issues such as scarce resource, claims to status, power and prestige. Galtung, (1996) defines the term conflict generally as incompatibility of goals, or a clash of goals or ‘mere’ disagreement. Coser (1995) also defines social conflict broadly “as a struggle over values or claims to status, power and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values, but also to neutralize, injure or eliminate their rivals. Such conflicts may take place between individuals,

between collectives, or between individuals and collectives” (quoted in Tonah, 2007:11).

Hagan (1995) complemented this definition by Coser by pointing out that conflicts are not primarily aimed at eliminating the opponent, but rather serve “to determine the relative standing, status, or balance of power or share in scarce resources that divergent interest groups can secure”. For the purposes of this research the definition from Coser (1995) would be adopted for this study.

### **Nature of conflicts in Africa**

Continuous deteriorating social and economic conditions as well as unstable political environment in most African countries have been a source of worry to many responsible politicians and citizens, and have attracted prolific studies by many scholars (Bombade, 2007; Otite, 2000; Drucker-Brown, 1995; Konate, 2004; Tonah, 2007). This great challenge confronting the region has been attributed to, among other things, violent ethnic and communal conflicts, which have destabilized many peaceful African countries in the past three decades or more.

In many African countries, including Ghana, the usual causes of conflicts generally revolve around land, chieftaincy, money and power, though there may be many other reasons for misunderstandings between people (Dossa, 1998). According to Gambari (2001) struggle for power and the control of natural resources and others (namely, diamond, gold and coffee

concessions), as well as massive displacement of populations characterized nature of conflicts in Africa.

### **The types of conflicts in Africa**

In understanding conflicts in Africa, first there is need to identify types of conflicts. These would put the research in perspective and also help identify which particular conflicts are prevalent within Ghana.

There have been different ways of identifying types of conflicts. One way is in terms of complexity. It has been observed that in Africa there are simple and complex types of conflicts (Mwagiru, 2001). Most of the conflicts have been and continue to be complex.

The second way is in terms of duration. In this context there are short lived and protracted conflicts. Protracted conflicts are the most common in most countries in Africa. Wars of liberation in Southern Africa were protracted conflicts and civil wars that came after independence in Mozambique and Angola were also protracted (Mwagiru, 2001). The Rift Valley conflicts in Kenya in 1991/92 and again in 1997 constitute few examples of short-lived conflicts.

The third way of identifying types of conflicts is in terms of violence. There are conflicts which are violent and those which are non-violent. Some people have characterised the non-violent conflicts as latent or structured conflicts (Mwagiru, 2001). However, most conflicts which have been studied and drawn greater attention are violent conflicts which involved bloodshed. Although most conflict resolution measures have been taken on violent



conflicts, there have also been situations where some measures are related to latent conflicts (Mpangala, 2000).

The fourth way of identifying types of conflicts is in terms of the scale of the conflict. Here conflicts in Africa have been categorised into internal, interstate and internationalized conflicts. Purely internal conflicts are said to be few in Africa. There have been a good number of interstate conflicts such as wars between Tanzania and Uganda in 1978/79, Ethiopia and Somalia and Ethiopia and Eritrea. Internationalized conflicts are the most common.

The fifth way is in terms of necessity or legitimacy of conflicts. While some conflicts are regarded as necessary and legitimate, others are unnecessary and illegitimate (Nyirenda, 2000). Legitimate conflicts are mainly concerned with struggles for liberation from an oppressive and exploitative regime. The objective is to liberate the whole society from such domination, oppression and exploitation. The first time such conflicts took place in Africa was during struggles for national independence from colonialism.

Colonised people, who could not achieve independence through peaceful means, had to resort to armed struggle. In his speech to the University of Toronto, Canada, in October 1969, the Late Mwalimu Julius K. Nyerere, emphasized the fact that although the principle was to struggle for independence through peaceful means, where peaceful means were not possible the use of violence became inevitable (Nyerere, 1974 pp51-52).

The second phase of legitimate conflicts through armed liberation began in the 1980s and gained more momentum during the 1990s. This is the time when people in some of the independent African countries found it necessary to fight against dictatorial and oppressive regimes.

In some situations those who are in power use force to suppress the people or certain sections of the people in order to perpetuate their position for the advancement of their personal interests. Such conflicts are characterised by divisive ideologies of ethnicity, racialism, regionalism and religious antagonism. Periodic violent conflicts of Rwanda and Burundi since the period of struggles for independence, clan wars in Somalia and the post independence civil war in Mozambique and Angola provide us with typical examples of such conflicts. They are based on reactionary rather than progressive motives.

Another aspect in understanding the types of conflict is identification and analysis of causes of conflicts. Various studies which have been carried out in Africa tend to point out at economic, political, ethnic, ideological, resources and religious causes (Mwagiru, 2001). Burundi, Rwanda, Kenya and the DR Congo have been greatly characterised by ethnicity tendencies.

Other researchers have categorized Africa 's conflicts into four types namely; Inter-State and Intra-State conflicts, Cattle rustling and general banditry caused by border tensions, religious zealotry, ethnic mistrust, unequal access to power and resources and inadequate state structures. They further stressed the need to be pragmatic other than dogmatic by allowing a diversity of views and ideas in the process of conflict resolution. Using dialogue as a tool in peace-making and a need to check and re-check any information passed out by the press or any intelligence system that could trigger off or exacerbate conflicts.

## **Causes of conflicts in Africa**

The causes of conflicts in Africa are many and varied. Erroneously, many conflicts have been portrayed as caused by a single factor, such as ethnicity, religion or racial. Rather, it is more appropriate to explain causes of conflicts in Africa as varied and multiple.

One critical factor that accounts for the conflicts in Africa and Ghana specifically is the diverse identities that are embedded in Africa. All new nations, regardless of continental location or racial makeup, need time to sort out their identities and stabilize. Often African tribal identity is still easily distinguished by facial features, body types, dress and names (Nnoli, 2000). As a result, it is easier for many Africans to see their tribal identity as primary and national identity as secondary.

Centuries of tribal revenge and counter-revenge are passed into the memories of new generations and cannot be easily hidden as facial features remind them of stories from the past. This easily plunges countries into conflicts both inter and intra conflicts within the continent. The actual question of what makes up a tribe is sometimes more about recent politics than ancient history. Johnson (2007) writes, ethnicity/tribe has drawn so much attention within Kenya in recent time. Increasingly, news reports focus on the 'tribal roots' of the conflict. Most people believe that this 'something else' is about deep, longstanding grudges between various ethnic groups, which have resulted in an unfair and (now) contested distribution of political and economic resources (<http://familiesforafrica.org>).

Current national boundaries follow colonial lines drawn by European powers, not ancient tribal boundaries. In these newly formed, arbitrarily drawn

national boundaries, whatever tribe is in power often takes ancient land from one tribe and gives it to their own people to solidify their own national power (Jay, 2008). These situations are the cause of most intractable conflicts in Africa which can endure for a very long time.

Much of the current violence in Kenya is spurred by a backlash against the ruling Kikuyu tribe, which flooded their people into other tribes' richest farmlands as far back as the 1960's. This is not violence emerging only from an inability to hold fair elections. Its roots go far back into tribal histories, arbitrary colonial boundaries and gross misuse of power (Jay, 2008).

Another area which foments conflicts in the continent is the nature of politics in Africa. Identity politics is one of the root causes of conflicts in Africa, says a research expert at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) in Accra (Aning, 2008). Identity politics is a system in which political leaders divide the people and give preference to their favourites, especially tribesmen and loyalists. This 'divide and rule' system forces the excluded group to struggle for recognition, which in the end, degenerates into violent conflicts.

In further exposition of the causes of conflicts it can be added that African states could do away with conflicts witnessed during political transitions if they learn to manage their elections well (International institute for journalism, 2009) . The disputed elections and power sharing in Kenya and Zimbabwe plunged these states into chaos .As some political leaders wanted to remain in power forever further demonstrates pertinent causes of conflicts in Africa particularly.

The African electoral system in which the winner takes all creates divisions among the people because when the losers are excluded from governance they become aggrieved and in some cases resort to violence. The current political situation in Ghana, in which after free and fair elections the transitional process is still characterized by acrimony because the opposition in one way or the other feels being excluded, has a tendency of plunging the country into violent conflicts.

To do away with conflicts during political transitions in the region, African states must adopt standards in conducting elections. “Africa needs an electoral system in which the loser would also be involved in governance and not be neglected (International institute for journalism, 2009).

Furthermore conflicts may arise as a result of pervasive structural or systemic factors that may create pre-conditions for violent outbreak. These conditions may include state repression, lack of political legitimacy, poor governance; unequal distribution of wealth, poverty, and other causes may be instantaneous or act as a trigger. These events may include political assassination, new enforced discriminatory policies, electoral fraud as manifested in longstanding political and socio-economic structure of society (International institute for journalism, 2009).

According to Sirleaf (2009) the root causes of conflict in Africa are bad governance, lack of respect for human rights, socio-economic and political inequity and grinding poverty. Sirleaf (2009) explained that what gave rise to the Liberian conflict is that significant portions of the society were systematically excluded and marginalised from institutions of political governance and access to key economic assets. The over-concentration of

power bred corruption, restricted access to the decision-making process and limited space for civil society to participate in governance processes.

Sirleaf (2009) maintained that the eventual economic collapse helped to propel the crisis. Resources, both human and capital and where the country experienced the highest level of decline in GNP consequently descended into war.

Assefa (1998) also emphasized the fact that poverty and underdevelopment were among leading causes of violence, conflicts and rebellion, with the rising population in the Horn of Africa.

Northern Ghana is riddled with conflicts over ethnicity and land ownership as well as over who has rights to assume certain chieftaincies. Example is the fighting between the Andani and Abudu clans in the Dagbon Traditional Area (Wayo, 2004), and the recent chieftaincy skirmishes in Buipe during the visit of Vice-President, John Mahama.

Another factor responsible for conflict in Africa and Ghana particularly is underdevelopment and structural deprivation. This may trigger conflict when there are differential opportunities to have access to particular resources/services. In a study of conflict involving the Adaklu-Anyigbe in Ghana, the triggering factors were differential proposals for the location of the administrative capital for the newly created Adaklu-Anyigbe District (Gati, 2008).

According to the research Adaklu-Anyigbe conflict occurred over a combination of both localized, economic issues and constitutional issues. While the localized issue pertains to land, the constitutional issue relates to the

practical application of a Legislative Instrument that established the Adaklu-Anyigbe District.

The conflict resulting from constitutional issue is inexplicably linked with state institutional failures in policing and adjudication of conflicts (Azar & Moon, 1986:397). State institutional failure was evident in the handling of the Legislative Instrument that established the Adaklu-Anyigbe District. The emergence of two L.Is 17 41, with one stating Adaklu-Waya and the other stating Kpetoe as the capital was the bone of contention and indeed, set the platform for the confrontation between the two traditional areas.

Talking to journalist in 1997 Mwalimu Julius K. Nyerere explained clearly how economic backwardness and competition for scarce resources in Burundi and Rwanda exacerbated political conflicts. Nyerere (1997) further explained that causes of conflicts in Africa can be summarized as follows: Poor, corrupt, and inept leadership, tribalism or tribal polarism, religious polarism and artificially established borders by colonial masters. All these factors are inter-related, and manipulated by the first factor which is bad leadership. Few countries in Africa with good leadership have been very stable.

In the view of Adjabeng (2007) phases of conflict in Africa underscore the historical and cultural factors in the exacerbation of these conflicts. Adjabeng (2007) cites the case of northern Ghana that witnessed conflicts between 1981 and 1994. These conflicts were an extension of the failure of the post-colonial government to reconstruct citizenship in a way that balanced ethnic interests. The post-colonial government, instead, marginalised some groups, which in turn aggravated conflict between ethnic groups.

## **Nature and Causes of Conflicts in Ghana**

Ghana appears an oasis of peace in a sub-region which over the last one and half decades has been better known for violent civil conflict than democracy and development. Behind this smokescreen of stability, however, there have been various forms of local conflicts some of which have turned violent. Indeed some of these violent local conflicts preceded independence and have waxed and wane with the politics of the time (Ayee et al, 2011).

Conflicts have been present since man's existence and will continue to exist as long as there are differences in opinion and interest. Conflicts may involve individuals, groups or even nations and could stem from struggles for access to opportunities in life e.g. job, position, power or diametrically opposed interests or goals which might be tangible, intangible, real or imagined. The consequences of these conflicts, if not properly managed, are injustice, deprivation and suffering (Baku, 2011).

In Ghana, the major areas of conflict have been chieftaincy, land and labour. Chieftaincy conflicts usually arise from succession to office and the reasons for this are the undocumented and flexible nature of succession to a stool or skin in the case of most Ghanaian chieftaincy successions. Other factors include the commercialisation of chiefship, less prominence or space given to minority ethnic groups and the intervention of the state in traditional political systems e.g. the deposition and appointment of chiefs under colonial and post-colonial governments (Baku, 2011).



Conflicts in Ghana can also be classified as inter-ethnic conflicts over land and political power; or intra-ethnic disputes, usually over succession to traditional political office or boundary disputes, and religious disputes between factions of Islam, Muslims and Christians and Christians and adherents of traditional religions (Tsikata & Seini, 2004).

Other conflicts consist of political violence between supporters of various political factions, parties, government and opposition, industrial disputes between workers and employers but also football violence between supporters of opposing teams. It is pertinent to note that several of the identities and conflicts listed here are inter-linked and can play reinforcing and complicating roles (Tsikata & Seini, 2004).

In Ghana land problem which is reflected in a number of land-related cases in the law courts is a critical cause of conflict. According to Baaku (2011) the number of land conflicts currently stands at about twenty thousand. Conflicts related to land are traced to commercial value attached to land with the production of cash crops and timber products.

Rapid urbanisation has increased the demand for land in the urban and peri-urban areas resulting in multiple land sales. The concept of land ownership and state legislation appropriating stool or family lands for public use which sometimes end up not being used for the said public purpose is also a cause of such conflicts. The present conflict between the people of La and the government over the La Wireless lands is a classic example.

The persistent conflicts in the North could be attributed to land ownership which came under the custody of chiefs in 1978 during the

Acheampong regime when a law was passed vesting all Northern lands into the hands of selected ethnic groups chiefs and left out most others based on the recommendations of the Alhassan Report of 1978 (Alhassan,1978). This was a destructive danger as hegemonic political elites used the state to promote their own peoples interest at the expense of other groups.

These conflicts of today are not accidental but the by-products of political engineering. Land is an asset and a resource with economic, political, social and cultural ramifications. An important problem of land tenure systems is endemic conflict, which has involved chiefs, family heads, government, individuals and groups in various permutations (Ayee et al, 2011).

There is general agreement in Ghana that the land tenure system and its administration are subject to serious problems that have exacerbated land tenure insecurity with negative implications for national development. These problems include general indiscipline in the underdeveloped and uncertain land markets, indeterminate boundaries of customarily-held lands, a weak land administration system, the problematic articulation of statutory and customary land tenure systems, and confusion over the status of derived interests and customary tenancies (Ayee et al, 2011).

Perceptions of inter-ethnic inequality and discrimination in the fields of education, government influence, resources and appointments, access to justice and cultural status are widespread amongst ethnic minority group members and others sympathetic to their cause. A common view amongst minority people was that majority group members' feeling of superiority made the general subordination of acephalous groups important to them. A Konkomba headman, speaking about the Nanumba and Dagomba conflict, put

it: 'They don't want a Konkomba man to be a head of any other thing (Sulemana, 2009).'

Another area of conflicts in the country is labour-related conflicts which gained prominence during World War II because the demand for labour have since been with us with employees and employers always embroiled in wage-related disputes and other conditions of service.

The widespread nature of conflicts is manifested in the research by CDD in 2003. According to the research, 16 percent of respondents cited boundary or land disputes, 13 percent traditional leadership disputes and 10 percent political rivalries, leadership contests and exclusion as the first most common cause of violent conflicts in Ghana.

Early UN missions and subsequent studies have identified a number of sources of conflicts in Ghana and Africa at large, including chieftaincy disputes, land issues, struggles over natural resources, political machinations and the struggle for power, religious conflicts, and poverty, issues of identity and ethnicity, as well as the wider sub-regional conflict dynamics. Each of these is exacerbated by the dominant political climate and culture based on gaining and maintaining power, rather than governing, policy development, service delivery, or equitable economic development.

Ethnic conflict in northern Ghana particularly is cyclical in nature and steeped in centuries of historically evolving relationships. Following recent outbreaks of violence, various analysts have attempted to assign poverty, unemployment, shortage of arable land and political interference as the causes of such fighting (Awudoba, 2009). These are factors that raise tensions and

create the conditions for specific outbreaks, but they are not the root causes of such ethnic conflicts.

Ethnic conflict in the North has always involved one group or faction trying to change the status quo with regard to one or more of the following issues: Inter-chieftaincy/tribal disputes over land and boundaries between chieftaincies/tribes; Inter-chieftaincy attempts to alter long-standing hierarchical relationships; Inter-ethnic efforts to alter ruler-subject relationships; and Intra-ethnic succession disputes over high chieftaincy office.

In fact, in the Northern Region, significant inter-ethnic fighting has occurred in every decade for the past century, with minor skirmishes occurring with far greater frequency. If the history of the past 100 years is a guide, then significant renewed fighting that broke out between ethnic groups in the Northern Region between the years 2004 and 2007 was just a recurrence of regular ethnic rivalries between various groups in the north (Odonkor and Mason 1994)

In the mineral rich areas of southern Ghana, mining companies and, more recently, the oil industry have caused displacement, ecological damage and human rights abuses. In addition, local chiefs and civil society organizations raise questions about whether the communities are receiving a fair share of revenues from the natural resource exploitation. This represents worrisome emerging conflicts. Most stakeholders and partners emphasized politicization and polarization along party lines as the principal drivers of conflicts in the country, a dynamic that distorts and magnifies all other conflict (Odonkor and Mason 1994). Without this pervasive political culture, the

underlying structural factors would be less likely to result in violence. Therefore, the issue of politicisation stands out as one of the most important conflict dynamics in Ghana.

### **Consequences and Cost of Conflicts**

During the last two decades, sub-Saharan Africa has been the most conflict-affected region in the world. Ten of the twenty most war-affected countries between 1980 and 1994 were African, and four of these (Liberia, Angola, Mozambique and Somalia) were ranked within the five most severely affected countries in the world (DFID Regional Factsheet, 2008).

Conflict has been responsible for more death and displacement than famine or flood. The scale and nature of warfare have directly affected the lives of many millions of Africans. The main elements of this tragedy are the millions of uprooted people who have lost their homes and livelihood, the increasing number of direct civilian casualties and increased levels of violence, abuse and mutilation suffered by non combatants.

Conflict puts society's most vulnerable children at terrible risk. Conflict can displace children, destroy schools and break down education systems. Without intervention, children can be denied access to good, safe schools or alternative forms of education - the means to rewrite their futures (DFID Regional Factsheet, 2008). The real figures and costs of many conflicts in Africa are difficult to put together. What is certain is the enormous cost to the lives of ordinary Africans, with estimates placing the figures from these conflicts between 8.5 million and 12 million (DFID Regional Factsheet, 2008; The Millennium Development Goals Report, 2005).

Millions more have been directly and indirectly affected by conflicts on the continent, with approximately fifteen to twenty-three million people estimated to have become refugees or are internally displaced. Over nine million Africans are currently living as refugees as a result of wars and regional conflicts. Africa has the highest level of internal displacement in the world and some of the largest refugee flows, the majority from countries in conflict.

In 2000, almost eleven million people in Africa were internally displaced. This is an increase of two million during the past year and is the second consecutive increase in two years, after five years in which the numbers remained relatively stable. Sudan, Angola, the DR Congo and Congo Brazzaville account for the majority of this increase. In 1999, thirteen African countries each had one hundred thousand or more displaced persons, compared to eight such countries at the start of the decade. Internally displaced persons now outnumber refugees by a ratio of three to one. Taking refugees and internally displaced people together, fourteen million people in Africa are uprooted (DFID Regional Factsheet, 2000).

In monetary terms, African conflicts are estimated to have cost approximately US\$300 billion since the end of the Cold War in 1990 (Oxfam, 2007). The majority of these monies are spent on buying arms and ammunition, generally from arms traders outside the continent. Indeed, many of these conflicts are also fuelled by or even generate war-economies, such as capturing of valuable natural resources. Equally significant is the issue of African leaders or elites stealing millions of dollars in revenue, and stashing

their stolen loot in offshore accounts - principally in Western countries (Oxfam, 2007).

Other costs of conflicts include the destruction of infrastructure, such as road, bridges, harbours and industries. Additionally, the African Development Bank estimated that Africa loses approximately US\$148 billion annually as a result of corruption fuelled by conflicts, roughly 25% of GDP (ADB, 2000).

Countries are not only robbed of human lives but financial resources stolen in conflict continue to cause the most damage to the continent. The intangible daily mental and physical effects felt by the people themselves and in some cases, other nations around them not directly involved in the conflict itself. Oxfam (2007), explained that African countries involved in conflict have on average, 50 per cent more infant deaths, 15 percent more undernourished people, life expectancy reduced by five years, 20 percent more adult illiteracy, 2.5 times fewer doctors per patient, and 12.4 per cent less food per person.

Conflict has crippled effects on the economy, most countries in the sub-Sahara Africa are retrogressing due to war either tribal, political or chieftaincy. Conflicts have weakened the volume of support and education given to people (Biney, 2004). From the research it was revealed that conflicts of any kind have serious impact. In times of conflict, the young girls are raped; there is lack of parental control and hunger thereby forcing the young girls especially to exchange sex for food and money. Conflicts bring about migration, which in turn bring about indiscriminate and unprotected sex leading to the spread of HIV/AIDS (Anarfi, 2004).

According to Human Rights Watch (2004), children are most likely to become child soldiers if they are poor, separated from their families, displaced from their homes and living in a combat zone or have limited access to education. The children are sometimes forced to commit atrocities against their own family or neighbors in order to ensure that they are “stigmatized” and unable to return to their home communities.

An article titled “Conflicts in Africa: Causes, Effects and the Way forward” in a weblog Zimpolitical, violent conflicts exact a heavy toll on society, the economy, and the environment through deaths and injuries, sexual crimes and intimidation, population dislocations within and across national borders.

The damages conflict cause to human and physical capital undermines production and leads to economic stagnation, insecurity and distortion of state expenditures. The disruption of societal networks and the fragile social capital of trust are experienced.

Interpersonal associations and intergroup interactions are also destroyed not to mention the devastation of the ecosystem, agricultural lands and wildlife. The destruction of society’s material and mechanical infrastructures, the outflow of resources including “capital flight” and “brain drain” are the heavy costs of conflicts (Zimpolitical.blogspot.com/2008).

The conflicts in the Horn of Africa have been very costly to the countries in which they occur as well as in the wider region. The most obvious effect of these conflicts has obviously been in terms of human lives lost. The recent genocide in Rwanda, for example, is said to have led to the death of over half a million people. Similarly a large number of people have died in



Somalia since the current conflict erupted following the fall of Siad Bare regime in 1991 (Wanyande, 1997).

According to a 1995 United Nations report on the Somalia conflict, the hostilities resulted in widespread death and destruction, forcing thousands of civilians to flee their homes and causing a dire need for emergency humanitarian assistance. Almost 4.5 million people in Somalia-over half of the estimated population, were threatened by severe malnutrition and malnutrition related diseases, with the most affected living in the countryside. It was estimated that perhaps 1 million people died since November 1991 and at least 1.5 million lives were at immediate risk. Almost one million Somalis sought refuge in neighbouring countries and elsewhere (UN Report, April 1995:1).

### **Traditional methods of conflict resolution**

Conflict resolution and peace building are issues which have become very topical in debates and discussions on Africa. This is not only because Africa is characterised by many conflicts, but much more so due to the realization that in most cases the conflicts have negative impacts on Africa's socio-economic and political development.

Thus conflict resolution and peace building processes have become very essential in solving the problem of conflicts in the continent .This section of the literature discusses the traditional methods of conflict resolution and outlines how effective this method is compared to the modern methods of conflicts resolution.

Traditional institutions are the instruments of social organisation and they provide the foundation for social change. The coexistence of traditional

and modern social systems has a long history. Traditional methods of social control such as communal solidarity, traditional oaths, rewards, vigilantes, informal settlements, checks and balances, decentralisation, effective communication and good governance remain strong and have been informally used successfully for conflict management in many communities (Nwafo Nwanko & Nzelibe, 1990).

A previous study by Nwafo Nwanko and Nzelibe (1990:259) provided evidence of the usefulness of some traditional strategies for conflict management in Africa as follows: Africans strongly believe in the concept of ‘communalism.’ This is because of their belief that the individual is not alone, but is included under the concept of the community.

The individual is an amulet system which is instrumental in linking that person to one’s environment on the basis of communication, principles and conventions. Conflict management follows similar patterns in Africa. Emphasis is placed on internalised values. Value is placed on honesty, openness, empathy, community solidarity, and individual loyalty to the group, but not at the expense of recognised worth of the individual. Therefore, emphasis is placed on those communication patterns and behaviours which will promote the bond of strong and productive coexistence of groups in the community.

There is general support for the use of traditional strategies to manage violence in Nigeria as indicated in Afrobarometer’s (2002) survey involving 2190 Nigerian men and women selected across 29 states within the six geopolitical zones in August 2001. Nigerians prefer informal modes of conflict resolution. Considering preferences in the management of Nigeria’s violent

conflicts, most respondents offered up to three answers in their own words (n = 6305). Taken together, these indicate that Nigerians are twice likely to prefer an informal community based process rather than an official intervention by the state government or the federal agency (54 versus 26 percent of all responses).

At the community level, people are most likely to turn to chiefs, headmen or elders to mediate disputes (17 percent of all responses), especially in the parts of the country where traditional leaders continue to perform customary functions. Thereafter, people request resolution from religious leaders (14 percent) such as a pastor in a Christian church or an imam in an Islamic brotherhood.

Ofuho (1999) in his paper to the All-Africa Conference on African Principles of Conflict Resolution and Reconciliation which was held from the 8th till the 12th of November 1999 in Addis Ababa, Ethiopia brings to light the experiences of grassroot peace-making efforts among the communities of the Kidepo Valley of Eastern Equatoria. An effective way of grass-root peacemaking in this valley is the use of curse by elders to deter the young mojjirimots from continuous cattle raids. The curse of elders is believed to lead to mysterious death. The words of elders are bitter and those who have caused troubles often vanish from society. Ofuho (1999) in his paper exposes factual stories about the conflict, highlights the use of symbols and interpretation of myths to resolve them. All these constitute practices of peacemaking.

Lanek (1999) presented a paper titled: " 'Mato Oput', the drinking of Bitter Herb" to the All-Africa Conference on African Principles of Conflict Resolution and Reconciliation. In his paper he was concerned with integrating

indigenous approaches with national and international mechanisms for conflict resolution and reconciliation. He also contrasts the indigenous approaches, especially the Acholi approach. According to Lanek (1999) this method of peace, conflict resolution and reconciliation is co-operative and can be indirect and circumstantial which does effectively encourage the accused to admit responsibility.

The Ugandan researcher Nabudere (1997) mentions that the recent collapse of the Somali nation-state and the reversion to the post-traditional method of social and political organisation in northern Somaliland have shown how dynamic some of the old systems are. The restoration of the gurtii system of Clan Elders who intervene to settle conflicts and mediate between the hostilities of the different warlords have helped to maintain a semblance of order and stability in an otherwise hostile environment created by social relations and politics of modernity.

### **Weaknesses and failures of the modern methods of conflict resolution**

In her term paper “Culture of Peace and Education” Ineba (2000) is concerned about the fact that for more than a decade, and especially since the end of the cold war Africa has been torn apart by extremely intense conflicts which have resulted in thousands of deaths, and the internal displacement of millions of civilians. She notes that the use of western methods of conflict resolution has failed. Peacekeeping operations, which have been conducted in the last few years under the auspices of the United Nations, have allowed for the establishment of peaceful processes only in very few countries, for

example, Mozambique. More often than not they have been resounding failures, recent examples are: Somalia, Rwanda and Angola.

The Nigerian government's major official strategies for managing violent conflict include state creation and the use of the Nigerian mobile police, the Nigerian military, curfew, propaganda, judicial panel, compensations and punishment. These official strategies have however not yielded adequate results since the 1960s. The "modern institutions," on their part, appear less able in dealing effectively with the mounting social disputes because of structural and operational weaknesses which reduce their effectiveness.

In a 1996 nation-wide study in Nigeria, for instance, only 22% of respondents thought that the judiciary indeed asserted its independence and judged cases without fear or favor. A significant proportion, 71 %, felt that the judiciary was not sufficiently independent. This situation arises from the perception that the judiciary is packed with pro-government jurists; the partisan selection and hurried appointments of Supreme Court justices reinforce this perception.

Bennett (1993) reflects on the judicial process in an African context and compares it with its western counterpart. The essence of the African process was reconciliation of the parties in an environment quite opposite of the western model, which seems designed to alienate and confuse the litigant (Bennett 1993). Gluckman (1993) in a similar vein, points out that in the case of western judges there is some judicial intervention in divorce cases and family disputes designed to getting the parties to settle their differences.

Traditional courts have a major advantage in comparison over other types of courts in that, their processes are substantially informal and less intimidating, with the people who utilise these courts being more at ease in an environment that is not foreboding. Deciding whether to agree to use ADR before a dispute arises requires weighing the potential impact of litigation delay and expense.

The average contract-based lawsuit takes approximately two years to resolve in court. The average duration of similar cases in arbitration can be as short as five or six months. If the extra 18 months of delay will impact the relationship between the parties or the economic health of either party, then ADR language should be included in the contract.

Finally, parties in a conflict should consider the potential value in continuing their relationship after the dispute has arisen and been resolved. ADR methods can often reduce the degree of contentiousness associated with litigation. After mediation or arbitration, parties are less likely to be standing on scorched earth and are more likely to continue to do business with one another (Casey, 2005).

One of the most important features distinguishing between western and African processes of dispute settlement is the manner in which the social relationships between the parties involved in the respective processes are treated (Nader & Todd, 1978:13). In contrasting western court processes of dispute settlement with those of African courts, Bennett notes that the essence of the latter is a tendency to mediate or arbitrate rather than to adjudicate. Reconciliation of disputes was preferred and the impartial application of rules was inevitably of less consequence (Bennett, 1991).

The closest that a conventional western-orientated court comes to such a process is the stage when an order is taken by consent, usually at the end of protracted negotiations in the course, or at the end of litigation. The judge plays little, if any; role in the process and it is usually left to the parties to negotiate the consent order through their legal representatives. This is not the usual result of the typical trial process which invariably ends in an arbitrary decision being made by a judge, with no further input from the parties after their respective cases have closed.

In South Africa the headmen or chiefs who preside over traditional courts are generally charismatic and familiar with the populace that use the courts, and are revered to an extent that judges are not. Contemporary courts that are western-orientated are mired in procedures and processes. They do not lend themselves to activism on the part of presiding officers who may do so at the risk of entering the arena and thereafter being taken on appeal or review by any of the parties or a superior court intervening in the proceedings.

In any event, the ethos of these courts is to deter such intervention by judicial officers trained in a different school of precedents, rules of court, statutory interpretation and similar devices designed to attempt justice between man and man. This is not to say that traditional methods of conflict resolution, as they prevail in traditional courts for example, are devoid of the devices referred to earlier (Mackey, 2005).

## **Conflicts resolution mechanisms and alternative dispute resolution mechanisms**

The most common conflict resolution approaches or mechanisms in Africa and Ghana include peace negotiations, mediation and/or facilitation. Indigenous methods include Alternative Dispute Resolution, peace agreements and their implementations and peace keeping.

Peace negotiation and mediation always go together because most negotiations are carried out through a mediator or facilitator. It has been noted that among the various conflict resolution mechanisms, peace negotiations and mediation have been the most common in most conflicts in Africa (Mwagiru, 2000). The mediator can be a respected wise individual or an institution. For instance, the mediator of the peace negotiations between the FRELIMO Government and the RENAMO rebel group in Mozambique was an institution (Mwagiru, 2000). It was a religious NGO in Rome, Italy called Saint Egidio (Romano, 1998).

Peace negotiations can be internal based or external based. Internal based negotiations are those that are carried out within the country where the conflicting parties are negotiating with an internal mediator. External based peace negotiations are those carried out through an external mediator or facilitator. Such a negotiation can be carried out within the country or outside the country.

Peacekeeping is another important mechanism of conflict resolution in Africa. Peacekeeping involves deployment of troops by the UN or by regional organizations such as the African Union (AU), ECOWAS and the SADC, or even individual neighbouring countries (Mosha, 1998). In most cases the



process of peacekeeping follows the signing of the peace agreement in order to foresee its implementation and prevent the re-eruption of the conflict.

In Africa processes of peacekeeping have been increasing. In 1993 to 1994 the UN Security Council sent a peacekeeping force to Rwanda to foresee the implementation of the Peace Agreement. The peacekeeping task force was known as UNAMIR (Khan, 1998). Peacekeeping forces deployed by ECOWAS in Sierra Leone and Liberia have made considerable contributions to conflict resolution processes in West Africa.

Besides peace keeping another mechanism of conflict resolution is the use of traditional methods which includes alternative dispute resolution. These are methods taken from the way traditional African societies resolved their conflicts in the past. They normally make use of wise and respected elders who intervened between conflicting groups and talk with both sides, listen to their concerns and use their wisdom to convince each side to stop conflict.

In a case that a conflict is between ethnic groups such as an interethnic war there were traditional symbols such as waving leaves of special trees indicating that one or both sides had an intention of making peace. The parties could engage in direct talks or could seek the assistance of a respected wise elder. Very often when they agreed to end the conflict, a ceremony is organised which involve feasting with traditionally brewed wine and slaughtering a cow or cows and/or goats. To ensure sustainability of the peace agreement joking relations between the conflicting clans or ethnic groups were developed. It has been observed that in Africa there is a resurgence of traditional methods of conflict resolution. In some parts of Africa traditional

methods have been used in 57 per cent of the cases of conflict management (Mwagiru, 2000).

Alternative Dispute Resolution (ADR) is a collection of processes used for the purpose of resolving conflicts or disputes informally and confidentially. ADR provides alternatives to traditional processes, such as grievances and complaints; however, it does not displace those traditional processes (CDC/ATSDR Policy on Alternative Disputes Resolution, 2002). ADR also refers to a range of methods and techniques for resolving disputes, including unassisted negotiation, non-binding third-party intervention (conciliation or mediation), and binding arbitration (CDC/ATSDR Policy on Alternative Disputes Resolution, 2002).

One of the distinguishing features of Africa's political landscape is its many dysfunctional and protracted social and political conflicts (Ibrahim, 2010). This problem is made worse by lack of effective mechanisms to manage these conflicts. Where they exist they are weak and, thus, social and political relationships in the continent have been disrupted. This has had negative consequences, including the interruption of the development and the diversion of scarce resources to the management of these conflicts.

### **Evidence of alternative dispute resolution**

In conflicts prone societies, where societal tensions are already high and justice systems typically do not function or is overwhelmed, the need for prompt resolution of disputes is particularly critical. Without timely, accessible, affordable, and trusted mechanisms to resolve differences in such

societies localized disagreements or crimes can degenerate into broader conflict.

The notion of Alternative dispute resolution fits comfortably within traditional concepts of African justice, particularly its core value of reconciliation. This implies that the use of ADR in such societies would not only make conflict resolution easier but have the large involvement of the people. This is because the dispute resolution orient from the people themselves. Pioneering ADR projects in Ghana, Ethiopia, Liberia and Nigeria have generated positive results and illustrate the suitability of ADR in African contexts.

Formal court litigation, or instances where the judge actually judges, are reserved for cases of constitutional or legal interpretation. Where there is a need to set precedence, in cases with major public policy implications, or as a last resort after ADR has been tried (Uwazie, 2007).

As part of a project on judicial reform, for example, Ghana held its first mediation week in 2003 in which about 300 cases pending in select courts in Accra were mediated over 5 days. The effort was a major success, with 90 percent of surveyed disputants expressing satisfaction with the mediation process and stating that they would recommend it to others (The Judicial Service of Ghana, 2008). The achievements of this initiative led to a follow up ADR round in 2007 where 155 commercial and family cases from 10 district courts in Accra were mediated over 4 days. Almost 100 cases were fully mediated or concluded in settlement agreements. Eighteen cases reached partial agreement and were adjourned for a later mediation attempt. A total of 37 cases were returned to court (The Judicial Service of Ghana, 2008).

The 2007 program was expanded through 2008 and over 2,500 cases in seven district courts in Accra were mediated, with over 50 percent of the cases completely settled. This demonstrated both the scale and potential reduction in backlog that ADR can generate (The Judicial Service of Ghana, 2008). More than 40 district courts in Ghana have since initiated court-connected ADR programs.

In the ADR center in the town of Ashaiman, for example, a group of five mediators settled 476 of 493 cases considered between January and June 2011. By 2013, all district, circuit, and high courts in Ghana will have functioning mediation programs, with a projection of 10,000 case mediations annually significantly reducing the pressure on Ghana's court system.

Ghana's positive experience with ADR greatly influenced the creation of the country's landmark on ADR legislation in 2010 finalized after nearly 10 years of consultations, consensus-building, bill drafting, and multiple changes in government leadership and in the judiciary (The Judicial Service of Ghana, 2008). As in Ghana, over 90 percent of disputant survey respondents expressed satisfaction with the mediation process, an intention to use it in the future, and a willingness to recommend it to others.

Statistics available at the National Alternative Dispute Resolution (ADR) Directorate in Ghana further indicate that 8,802 out of 16,080 cases have been settled since its inception in 2007.

During an initial ADR project in Ethiopia in August 2008, 31 cases from the civil and family court dockets from the Ethiopian Women Lawyers Association (EWLA) in Addis Ababa were referred for mediation. During the 3 days of the pilot, all cases or complaints were handled by newly trained

mediators, 17 of them resulting in full settlements, 6 in partial agreement or adjournment, and 8 returned to court or the EWLA (Kenneaa, 2007).

In November 2009, Lagos State held its first mediation week. About 100 medium-scale commercial disputes were selected from the Lagos Island High Court docket with the consent of disputants, lawyers, and judges and scheduled for mediation over 5 days. Using lessons learned from earlier experiences, nearly 60 percent of the mediations resulted in agreement. Over 98 percent of disputants surveyed expressed satisfaction with the process, and nearly 70 percent said they preferred mediation to court litigation. Most of the participating lawyers also found the process satisfactory and indicated that they would recommend it to their clients (Abdulah & Adejuwon, 2009).

A 2009 survey in Liberia found that only 3 percent of criminal and civil disputes were taken to a formal court. Over 40 percent sought resolution through informal mechanisms. The remaining 55 percent went to no forum at all (Uwazie, 2007).

### **Approaches of the alternative dispute resolution**

There are several mechanisms of ADRs. The most common include arbitration, mediation/conciliation, settlement negotiations, early neutral evaluation, facilitation, mini-trials and summary jury trials. While these methods are not always appropriate at all times, they each offer advantages over the traditional adversarial process. These approaches would be discussed in the ensuing pages as they relate to the purpose of this study.

## **Arbitration**

Arbitration is very much like a private court case where, instead of a judge, you have an arbitrator. The procedure is very similar and the rules of evidence apply with arbitrations just as much as with litigation. Arbitration more closely resembles traditional litigation in that a neutral third party hears the disputants' arguments and imposes a final and binding decision that is enforceable by the courts.

The difference is that in arbitration, the disputants generally agreed to the procedure before the dispute arose; the disputants mutually decide who will hear their case; and the proceedings are typically less formal than in a court of law. Arbitration offers almost no effective appeal process. Thus, when an arbitration decision is issued, the case is ended.

Now a new form of arbitration, known as court-annexed arbitration, has emerged. Many variations of court-annexed arbitration have developed throughout the United States. One can be found in Minnesota, where, in the mid-1990s, the Hennepin County District Court adopted a program making civil cases involving less than \$50,000 subject to mandatory nonbinding arbitration. The results of that experimental program were so encouraging that legislation was later enacted expanding the arbitration program statewide. As of 2003, most cases were channeled through an ADR process before they could be heard in the courts. A growing number of other federal and state courts were adopting this or similar approaches.

## **Mediation**

Mediation simply refers to the process of resolving conflict in which a third party neutral (mediator), assist the disputants to resolve their own conflict. The process is voluntary and the mediator does not participate in the outcome of the mediation process (agreement). The disputing parties themselves have control over the agreements to be reached (Amoh, 2007).

This is a more informal process where a mediator tries to bring the warring parties together. Mediations are usually non-binding but can be binding if that is the parties' desire. There are indeed so many advantages in using mediation as conflict resolution mechanism and these include:

- The process is non-adversarial,
- Less-expensive
- Assures confidentiality, impartiality and neutrality
- Is non-legalistic
- Avoids delays
- And very flexible

Besides, the process provides the disputants the opportunity to find solutions to their own conflicts. The process therefore ensures acceptance of the outcome by both parties, thereby enhancing sustainable peace (Amoh, 2007).

Mediation also known as conciliation is the fastest growing ADR method. Unlike litigation, mediation provides a forum in which parties can resolve their own disputes, with the help of a neutral third party. Mediation depends upon the commitment of the disputants to solve their own problems. The mediator, also known as a facilitator, never imposes a decision upon the

parties. Rather, the mediator's job is to keep the parties talking and to help move them through the more difficult points of contention. To do this, the mediator typically takes the parties through five stages.

First, the mediator gets the parties to agree on procedural matters, such as by stating that they are participating in the mediation voluntarily, setting the time and place for future sessions, and executing a formal confidentiality agreement. One valuable aspect of this stage is that the parties, who often have been unable to agree on anything, begin a pattern of saying yes.

Second, the parties exchange initial positions, not by way of lecturing the mediator but in a face-to-face exchange with each other. This is the first time each party hears the other's complete and uninterrupted version. The parties may begin to see that the story has two sides and that it may not be so unreasonable to compromise their initial positions.

Third, if the parties have agreed to what is called a caucusing procedure, the mediator meets with each side separately in a series of confidential, private meetings and begins exploring settlement alternatives, perhaps by engaging the parties in some "reality testing" of their initial proposals. This process, sometimes called *shuttle diplomacy*, often uncovers areas of flexibility that the parties could not see or would have been uncomfortable putting forward officially.

Fourth, when the gap between the parties begins to close, the mediator may carry offers and counteroffers back and forth between them, or the parties may elect to return to a joint session to exchange their offers.



Finally, when the parties agree upon the broad terms of a settlement, they formally reaffirm their understanding of that settlement, complete the final details, and sign a settlement agreement.

Mediation permits the parties to design and retain control of the process at all times and, ideally, eventually strike their own bargain. Evidence suggests that parties are more willing to comply with their own agreements, achieved through mediation, than with adjudicated decisions, imposed upon them by an outside party such as a judge (Amoh, 2007).

An additional advantage is that when the parties reach agreement in mediation, the dispute is over. They face no appeals, delays, continuing expenses, or unknown risks. The parties can begin to move forward again. Unlike litigation, which focuses on the past, mediation looks to the future. Thus, a mediated agreement is particularly valuable to parties who have an ongoing relationship, such as a commercial or employment relationship

### **Settlement negotiations**

Negotiation resolution is a dispute resolution process where the disputing parties negotiate the terms by which they agree to resolve the conflict between them. Under this process, the parties involved in the conflict hire professional negotiators. Such professional negotiators act as the disputants' official representatives ([www.healthfitnessandsuccess.com](http://www.healthfitnessandsuccess.com)).

During the negotiation process, the professional negotiators bargain with one another. Their goal is to get as many concessions as possible from the other party. Ultimately, they want to get the best possible resolution terms

for their clients. In the end, the negotiation resolution method may or may not lead to conflict resolution.

### **Early neutral evaluation**

Neutral assessment is a process by which an experienced neutral gives a non-binding, reasoned, oral or written evaluation of a controversy, on its merits, to the parties. It is private, voluntary, non-binding and confidential ([www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html](http://www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html)).

### **Facilitation**

Facilitation is a group process which is goal-oriented. The facilitator directs traffic, elicits views, clarifies, records significant data but is usually not involved in substantive issues. The facilitator is frequently seen as a “shadow leader”. The task is to stay in the background with little direct involvement in activities, but to see that the right things happen. The facilitator’s task is not to try to keep mistakes from being made, but, if possible, the facilitator should help the team avoid outright disaster.

In this role, the facilitator may at times be a teacher, counselor, mediator, and a support-seeker for the team, a resource finder, and at times simply a housekeeper making sure that the immediate environment does not distract the successful operation of the team. (CDC/ATSDR Policy on Alternative Dispute Resolution, 2000).

### **Mini trial**

Private, voluntary, non-binding, and confidential procedure that takes the form of a "mock trial" in which the disputing parties make submissions to a panel comprised of senior executives of the disputing parties and a third-party neutral. Generally the panel then engages in settlement negotiations ([www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html](http://www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html)).

### **Summary Jury trials**

In this process, the attorneys for each side present abbreviated versions of their case to a mock six person jury (made up of members from the regular jury pool), a presiding judge or magistrate and representatives for each party with negotiating authority. The mock jury renders a suggested verdict which is then used as the basis for further negotiation by the party's representatives. The "verdict" provides the parties with a realistic assessment of the strengths and weaknesses of their case and is often helpful in assisting the parties in reaching a settlement (<http://www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html>).

### **Relevance of alternative dispute resolution to conflict resolution in Africa**

Some reasons for using ADR are that it is faster, less costly, and easier, less formality involved, less confrontational or adversarial. It encourages creativity and searching for practical solutions. It avoids the unpredictability involved when decisions are rendered as a result of the traditional dispute resolution mechanisms (CDC/ATSDR Policy on Alternative Disputes

Resolution, 2002). The ADR process usually results in improved communications between disputing parties and is therefore better for ongoing relationships, results in participant satisfaction. Solutions tend to be durable or long lasting since they have the “buy- in” of all parties involved, publicity is avoided and most importantly, the parties retain control of the outcome (CDC/ATSDR Policy on Alternative Disputes Resolution, 2002).

A critical need for ADRs in African countries is that peacekeeping missions do not stay in the conflicting zone forever. A repercussion of this approach is that when the peacekeeping mission ends, the conflict restarts or new conflict erupt. To solve these challenges, there should be another approach to address intrastate and interstate conflict which arises in different regions of the world and this new approach is the alternative dispute resolution mechanism.

This mechanism is a natural one which each country has had since time immemorial. ADR mechanism emanate from culture, traditions, and religion. To solve the long-standing conflicts of our time, there is the need to consolidate and reinforce international and regional ADR mechanism to tackle and dismantle root problems through dialogue, negotiation, arbitration, and other means which are different in each culture and tradition (Adam, 2010).

In using ADR parties can decide to choose a Mediator or an Arbitrator qualified and experienced in the area of dispute and is not bound by the technicalities of law, rules of evidence or procedure. He/ she is therefore, free to resolve the dispute without constraints, resulting in quick resolution of the dispute. In ADR confidentiality of pleadings and documents can be maintained (Clark McNamara Lawyers <http://www.findlaw.com.au/articles/>)

Furthermore it is increasingly becoming aware that getting involved in litigation is costly and time consuming and, more often than not, there are no winners. Quite apart from the costs of litigation, the time and energy expended on litigation cannot be over estimated. It is for these reasons that the world has been seeking alternative forms of resolving disputes, resulting in what has become Alternative Dispute Resolution.

The best way, of course, of resolving a dispute is to make sure it does not happen in the first place. (ClarkMcNamaraLawyers <http://www.findlaw.com.au/articles/>). One of the great advantages of ADR is that the parties have control over the process, - no more court waiting list, no more long drawn out formal processes. Instead, an informal, quicker and cheaper process designed to get to a solution so that the parties can get on with business. Another great advantage of ADR is that, unlike the court system where everything is on the public record, ADR can remain confidential.

### **Theories of conflict**

A study of this kind which is interested in assessing a mechanism such as the Alternative Dispute Resolution presupposes the conflict situation should have been explained. This explanation of the conflict situation demand an explicit demonstration of the theories of conflict more particularly which of these theories play out in the conflict situation under study. This work therefore review relevant theories of conflict such as the Structural theory /Functional theory, Economic theory of conflict, Frustration aggression theory and the psychological theory of conflict.

### **The Structural theory of conflict**

Conflict occurs in varied ways. This theory posits that individuals do not really control the causes of conflict. In other words, conflict occurs as a result of structural factors which can be external to the individual. These factors may include deficiencies in the functions of society (Schellenberg, 1996). Further, such factors may also include malfunctions in structures of the society which can limit individual access to basic needs hence resulting in conflict.

According to early structural theorists such as Marx Weber, and Dahrendorf, societal and environmental factors produce conflict. Therefore, the structural differentiation of the social structure can result in conflict (Schellenberg, 1996). Once individuals form groups, people will strive to protect in-group cooperation and out-group hostility. In the case of the Alavanyo-Nkonya, each group, because of forces beyond their control try to protect their group interest which in this case is the ownership of land. If the other group opposes their interest, conflict is likely to result since it is about group interest and their societies sanction group protection.

### **The Economic theory of Conflict**

This theory can be explained based on four inter-relationships between economics and conflict. The economic theory of conflict is one of the most enduring theories of conflict and can be explained using many factors that explain the inter-relationship between the economy and conflict. These four inter-relations include the fact that conflicts affect economic activities, economic factors affect conflict, and conflict is a result of choice of economic agents and conflict as an economic activity (Collier, 2006). The theory

proposes that poverty as an economic factor can result in conflict. This is quite obvious because many conflicts in Africa can be owed to the state of poverty in such countries or areas. The theory further alludes to the fact that inequality can generate conflict, where resources of a country or community are not equitably distributed, it can lead to conflict. Furthermore according to the theory natural resources can also cause conflict. This is where this research becomes relevant (Collier, 2006).

According to the theory, where everybody craves to have a share of these resources generate conflict. This theory therefore explains the conflict situation of the Alavanyos and Nkonyas. Their case involves a piece of land being claimed by each party. This is because the land is rich in minerals and timber and hence each side wants to control the resource resulting in the conflict which is intractable and has lasted for almost a century. This theory is the backbone of this research.

However, the other side of this theory which is worth mentioning is that in the wake of the conflict, people called the conflict entrepreneurs stand to benefit from the conflict through several means including selling of arms. This study sees this and as a natural resource which is being sought for by either group.

### **The frustration-Aggression theory of conflict**

This is a theory that exists as a continuum. The tenet of the theory is that frustration leads to aggression and aggression can result in conflict. Psychologists define aggression as behaviour whose intent is to harm another or any sequence of behaviour whose goal is to injure the person towards

whom it is directed. Frustration is a result of the inability of a person to attain a goal (dollard et al. 1939).

This theory is appropriate in conflict situations where individuals feel that their needs are not met or fulfilled. Therefore where expectations do not meet attainment of goals, the tendency is for people to confront those they hold responsible for frustrating their ambition. Where legitimate desires of individuals are denied either directly or by the indirect consequence of the way society is structured. (Faleti, 2006).

In applying this theory to Alavanyo-Nkonya case, one realizes that the conflict was further escalated due to the frustration and aggression of the needs of these people. Successive attempts at resolving the conflict proved futile including a court decision that was never upheld. This has resulted in frustration. To fuel this frustration any rumours from either side that, one has entered into the land for timber or attempted farming that got the other group aggressive because they feel cheated. This resulted in clashes sometimes leading to loss of life. Again, each group makes demands as to how the land dispute could be solved and any group that feels that their interest are violated equally resulted in clashes.

### **Psychological theories of conflict**

There are a group of theories that are used to interpret how conflict occurs. Psychological theories involve three basic factors and these include prejudice, cognitive approaches and social/ emotional approaches (Botvinick, 2007).



Basically conflict exists whenever two or more parties in interaction with each other are pursuing goals that are perceived to be mutually incompatible or inconsistent, in the sense that it is impossible to simultaneously satisfy the goals pursued by all parties. Psychological theories argue that perceiving members of a different group unfavourably and holding certain beliefs about that group can directly lead to conflict. These factors (prejudice, attitudes and stereotypes) interact with other forms of factors such as competitors for resources (Botvinick, 2007).

## **CHAPTER THREE**

### **METHODOLOGY**

#### **Introduction**

The purpose of this research is to assess the effectiveness of Alternative Disputes Resolution mechanism in addressing the Alavanyo Nkonya conflict in the Volta region of Ghana. This section therefore outlines the appropriate methodology to be adopted for the research. Methodology provides a sound foundation to a research regarding how the research is conducted. Additionally, the validity and reliability as well as the generalisability of the research findings are highly dependent on the research methodologies employed. This chapter deals with the profiles of the two communities, the data sources, target population, sample size and sampling procedures, instruments to be used in data collection, and methods of data analysis.

#### **Profiles of study areas**

The profiles of the two study areas are presented below; this looks at the origin, as well as socio-political organisation of these two areas. The economic activities of the people are also presented

#### **Profile of Nkonya**

The Nkonya people are located in the Upper Volta region in the district of Biakoye. Nkonyas are Guan speaking group of people in the Volta Region of Ghana. It formed part of the Jasikan administrative district out of which the present Biakoye District has been carved. It is bounded by Akpafu and

Santrokofi to the south and located north of Kpando district. It has a land area of about 160sq miles (Ghanadistricts.com). In the north the area is bounded by Bouri. To the west is the Volta Lake and bounded to the East by Alavanyo. The towns in the area include Asakyire, Akloba, Ahenkro, Ntsumuru, Kadjebi, Tayi, Ntumda, Tapa and Wurupong. The Nkonya are governed by two paramount chiefs, one in the north of the area and the other in the south. Basically, the people of Nkonya are predominantly farmers; farming food crops mainly yams, maize, cassava and cash crops as cocoa and coffee.

The creation of Lake Volta brought about massive changes in the Nkonya's economic situation. Their standard of living has dropped; farm land has become scarcer. Cocoa, which used to contribute to their income, has dropped considerably.

By law, the Biakoye District Assembly, which was created in 2008 but became functional in 2010, constitutes the highest political and administrative authority in the district (Local Government Act, 1993, Act 462). The District Assembly ensures the overall development of its territorial jurisdiction promotes and supports productive activity and social development.

### **Profile of Alavanyo**

Alavanyo has seven small towns namely; Dzogbedze, Deme, Agome, Kpeme, Wudidi, Agoxoe and Abehenease with a projected population of 9,991 with 4,822 males and 5,169 females (2000 population & Housing census). Alavanyo Agome was the first settlement and for that matter, the oldest community. The paramount seat of Alavanyo is Alavanyo Kpeme. Alavanyo is bounded by Ve to the East, Kpando to the south, Nkonya to the

West and Akpafu and Santrokofi to the North. There are rich soils for the cultivation of crops such as cocoa, oil palm, mangoes, avocado pear, maize and many more crops generally produced in Ghana. The major spoken and written language is Ewe. Alavanyo can boast of a waterfall at Abehenase and a prayer centre at the top of the falls named Foyer de charite (Christ the King).

The only festival for the people of Alavanyo is the 'SASADU' festival. "SASADU" is the acronyms of the following communities: Saviefe, Akrofu, Sovie and Alavanyo Development Union. It is established to promote cordial relation among the people of Saviefe-Akrofu-Sovie-Alavanyo and also promote unity among them, foster the rich cultural heritage; encourage educational and self-help activities; conduct research, uphold and maintain ancestral ties of the people among other things. The festival is celebrated on rotational basis each year.

By law (L.I 462) Alavanyo is administered by the Hohoe district assembly. The assembly draws the ground rules for the development of all communities under its jurisdiction and Alavanyo is not an exception. The people of Alavanyo are mostly farmers who are the major suppliers of cassava, yam and plantains in the district, ([ghanadistrict.com](http://ghanadistrict.com)).

Below is the map of the two conflicting communities, Alavanyo and Nkonya. It shows the various towns and villages and their individual boundaries. The disputed area is clearly indicated on the map of Alavanyo and Nkonya. It lies between Nkonya-Tayi and Alavanyo-Kpeme. This parcel of land estimated to be about 15 square miles is described to be very rich in timber species, mineral deposits and could be used to cultivate cash crops on

a large scale. As a result of this each side to the conflict aggressively wants to claim it.

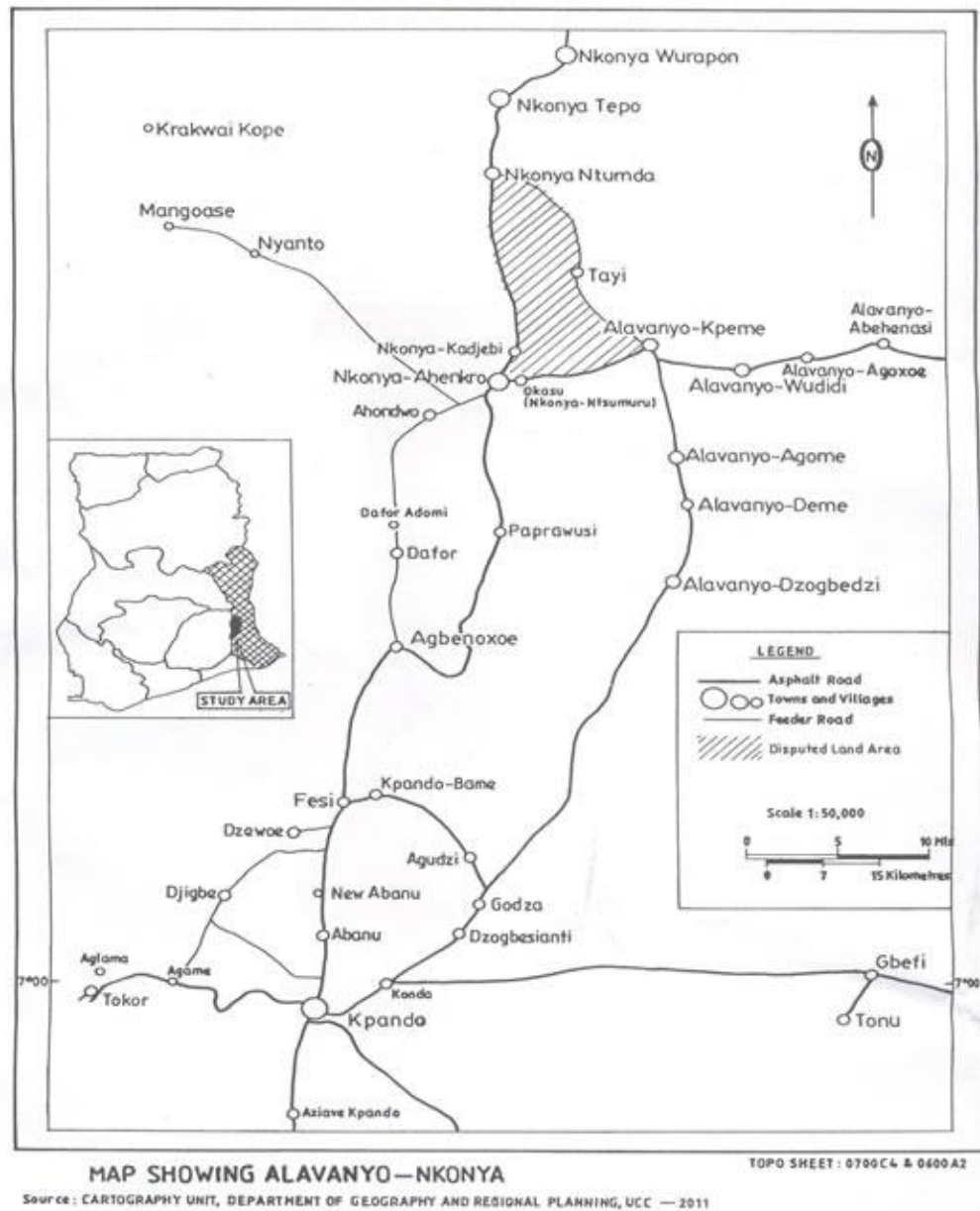


Figure 1: map of Alavanyo and Nkonya

## Research Design

The design used in this research is the descriptive design. Ghosh, (1992), defines study design as a plan of the proposed work. Suchman, (1992), pointed out that “a research design is not a highly specific plan to be

followed without deviation, but rather a series of guide posts to keep one head in the right direction”. According to Jahoda, Deutsch and Cook, (1992), “a research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure.

According to Obeng (2009), a study design is the programme that guides the investigator in the process of collecting, analyzing and interpreting data or information. Furthermore, the study design defines the domain of generalizability, that is, whether the interpretations obtained determines the type of data collection method used.

According to Amedahe (2002), the descriptive design determines and reports on issues the way they are. In other words it is descriptive because issues or phenomena are seen or viewed in their natural setting and reported on as they unfold naturally. Again, Amedahe (2002) saw the descriptive design as primarily concerned with collecting data in order to answer research questions pertaining to the current status of the subject of the study.

The design is commonly used in the social sciences because it enquires about the present picture of a situation or a population (Osuala, 2001). This design provides measures to reduce raw data into easy-to understand forms.

The study employs the descriptive research design to vividly describe how effective ADR has been used in the particular conflict case of the Alavanyo-Nkonya. In addition, the research would describe the outcome as it is and thereafter give reasons for the research outcomes. The procedures that were systematically followed in negotiating peace would be described. Also

the benefits and evidence of peace due to the use of ADR will also be given a clearer picture in this thesis. The descriptive design eliminates value judgment and biases because structured interview guide were used to collect data that allowed respondents to freely express their views and opinions about what and how the issues ought to be.

### **Data sources**

The study would make use of both primary and secondary data. Primary data would be gathered through in-depth interviews. Secondary data would generally be obtained from text books, magazines, articles, journals, internet sources, published and unpublished dissertations as well as empirical literature and related researches.

### **Target population**

The population for the study would constitute all persons and individuals involved in the peace negotiation process between the two communities. The method of Alternative Disputes resolution was used to negotiate peace in the Alavanyo-Nkonya conflict situation. This was made up of a mediation committee and a consultative committee. There was a broad participation of various actors and people from the two communities. Therefore estimating the exact population involved in this peace process would be a difficult task. However the various actors involved in the peace negotiation formed the population for this study. These mainly involved some members or staff of the Ho Diocesan Peace Building and Conflict Management Committee. This formed the top level of the negotiation process.

At the community level the peace process involved chiefs, Queen mothers, Youth leaders, Women Leaders, assemblymen, Consultative committee members and unit committee members. The process equally involved the Roman Catholic Parish Priest and the resident pastor of the Evangelical Presbyterian Church of Nkonya who constituted the community peace setters.

### **Sample and sampling procedure**

Since the population of the study cannot be estimated with accuracy the researcher selected individuals and persons from the various committees and actors of the two communities who were actively involved in the peace process of the two communities. The purposive sampling technique was used to select respondents. This is the type of sampling where the researcher selects respondents based on the kind of information the researcher requires. The researcher chooses the sample based on who they think would be appropriate for the study. This is used primarily when there are a limited number of people that have expertise in the area being researched as in the case of this research (Somuah, 2009).

Therefore in this research the information needed would be from relevant individuals who have been part of the peace process in the study area. Therefore the following groups and persons involved in the peace process were selected for the purpose of this study. Table one shows the number of respondents selected for the study using the purposive sampling technique.



**Table 1: Selection of respondents from the two communities**

Group	Number selected
Parish priest of Alavanyo,( community peace setter)	1
Ho Diocese Peace council	2
Representatives of paramount chiefs	2
Assemblyman	2
Representatives of Queen mothers	2
Consultative committee	2
Women Group	1
Alavanyo/Nkonya Youth Peace Initiative	2
Kpeme Youth Association	2
Tayi Youth Association	2
Wudidi Youth Association	2
Total	20

Source: Field survey, 2011

Table one shows the various actors who played diverse roles in the peace process. The priest of Alvanyo who was a member of the community peace-setter was contacted and interviewed as a representative of the community. The Ho diocesan peace council which was the secretariat of the peace process was also contacted and two representatives from the secretariat interviewed. The researcher equally interviewed the representatives of the paramount chiefs of the two towns.

To further make it broad base in terms of the number of respondents covered, two assemblymen were also interviewed, one each from the two

communities. In addition two representatives from the queen mothers were interviewed from the two communities. A crucial committee which was made up of members of the two communities was the consultative committee and two members of the committee, the secretary and the vice-chairman of the committee were interviewed. Other relevant actors were also interviewed including representatives of the women group, Alavanyo/Nkonya youth associations (secretary and chairman) were selected as respondents.

### **Research Instruments**

The researcher conducted in-depth semi-structured interviews on respondents. These were Semi-structured interviews in the sense that, they follow less structured procedures (Berg, 2004). Questions were ordered during the interview, language was also adjusted and interviewer was allowed freedom to probe far beyond the answers given by respondents. Interviewing in this process was in-depth that went beyond just the answers provided to find hidden causes of the subject matter (Sarantakos, 1998).

In this research the researcher made use of this format of interviewing various respondents from the two communities. The researcher asked probing questions and also asked in-depth questions aimed at finding out how the peace process was negotiated , how long it took and what the involvement of the respondents were. The researcher did this by the use of an interviewers guide .The interviewer's guide contained some set of questions not strictly according to pattern but structured such that the subject matter of the research was not lost.

However, this allowed the researcher the freedom to digress and ask other probing questions and also allowed the respondents to freely express their views on the subject matter. However the interviewer's guide was different depending on the type of respondents. The interviewer's guide for the mediation and consultative committee members were different from those that were used for the youth association, leaders and representatives of recognised groups. Interviews were recorded by means of a tape recorder which was played back later for transcription, analysis and interpretation.

### **Data analysis**

The data collected were basically recorded interviews from all twenty respondents. The recording was played back for editing. Then they were transcribed and after the transcription the researcher guided by the research objective identified themes that best explains the thrust of the research in terms of the research objectives. These themes were then developed into sentences and paragraphs and supplemented with the literature review.

### **Field challenges**

Time is one resource which served as a serious challenge during my research. Related literature to the topic has been a hindrance .Financial constraint was my major headache due to the fact that a lot of travelling has to be done shuffling between the two communities Alavanyo and Nkonya in search of respondents. A lot of financial commitment was also involved at the time of administering the questionnaires. Work place pressure and the unavailability of research facilities such as well- equipped libraries and

internet services also challenged me. These challenges threatened the authenticity and the validity of the research, but strenuous efforts and strategies were adopted to confront the aforementioned challenges head on to maintain the standard and the credibility of this research.

## **CHAPTER FOUR**

### **RESULTS AND DISCUSSION**

#### **Introduction**

This section of the dissertation looked at the data collected from the field. The data mainly consisted of interviews conducted among actors and members involved in the peace building process in the Alavanyo-Nkonya area. This data was analyzed by means of interpretation of the transcribed materials. This was done by looking at the objectives of the study and interpreting the data to address these objectives appropriately. The chapter would be divided into subsections and according to the objectives of the study. This will allow the researcher enough space to fully explain the effectiveness of ADR as set out in the major objective of the study.

#### **Reasons for adopting alternative dispute resolution mechanism in the Alavanyo-Nkonya conflict case**

The first major objective of the research was to explain why Alternative Dispute Resolution as a conflict resolution mechanism was used with regards to what pertains in the study area. To find answers to this important objective of the research 20 interviews were conducted among various actors involved in the peace building process in the Alavanyo-Nkonya conflict. The researcher in the interviews conducted asked respondents why the method of Alternative Dispute Resolution was chosen for the peace building process.

In an interview with the Bishop of the Ho diocese who was the vice chairman of the mediation committee for the peace building process he agreed

that the ADR was the best method to use because according to him the conflict for the two neighbouring communities started around 1923 and the root cause of the conflict was a land demarcation which the colonial German government drew as part of the Volta Togoland.

The land apparently passes through Alavanyo and Nkonya. This piece of land became the centre of dispute and since 1923 they had fought over the land until 1958 when a Supreme Court decision ruled in favour of the Nkonya people. Alavanyo people disagreed with the ruling claiming they were never properly involved. This explanation supports the existing literature on the causes of conflict in Africa and Ghana.

According to Jay (2008) current national boundaries in West Africa follow colonial lines drawn by European powers, not ancient tribal boundaries. In these newly formed, arbitrarily drawn national boundaries, whatever tribe is in power often takes ancient land from one tribe and gives it to their own people to solidify their own national power. These situations are the cause of most intractable conflicts in West Africa which can endure for a very long time.

The case of Nkonya-Alavanyo leans its explanation to this fact that a colonial boundary created this disputed land area. According to the Bishop the Alternative Dispute Resolution was thought of as an option because the court failed to settle the issue and therefore the people thought that the court was not being fair and that the court was too judgemental in the issue.

The Bishop entered the conflict situation as a Bishop in 1983 and since then the church had made an attempt to resolve the conflict since the court was no more an option to the people. The Bishop further acknowledged that

specifically the E.P church had also started a form of mediation. This was after realising that the court decision was unacceptable to the people and that the conflict was still persistent. This assertion by the Bishop was elaborately discussed in the literature reviewed and the reasons for the use of Alternative Dispute Resolution in the Alavanyo Nkonya conflict confirm much of the literature reviewed earlier in this study.

Many literature sources agree to the effect that court litigation unnecessarily delay cases and keep the anxiety of people to resolve their cases high and unending. For instance, according to Spangler (2003) who advocates that alternative dispute resolution is believed to be superior to lawsuits and litigation. It is generally faster and less expensive. It is based on more direct participation by the disputants, rather than being run by lawyers, judges, and the state. In most alternative disputes resolution processes, the disputants outline the process they will use and define the substance of the agreements.

This type of involvement is believed to increase people's satisfaction with the outcomes, as well as their compliance with the agreements reached. In using ADR parties can decide to choose a Mediator or a facilitator qualified and experienced in the area of dispute and the Mediator or facilitator is not bound by the technicalities of law, rules of evidence or procedure and, therefore, free to resolve the dispute without constraints, resulting in quick resolution of the dispute.

In ADR, confidentiality of pleadings and documents can be maintained (Clark McNamara [www.findlaw.com.au/articles/](http://www.findlaw.com.au/articles/)). Hence the choice of ADR in the study area may just be as apt as this was meant to increase the involvement and satisfaction of the people in the two communities and more

particularly the outcome of the agreements would be acceptable to all the disputants.

Further, probing the respondent on why this method became the best option for dealing with the conflict situation, the Bishop elaborated that after a long period of court cases and also realised that all attempts made to resolve the conflicts failed, the only option available was the ADR method under the frameworks of mediation and facilitation. He further re-iterated that bringing the two communities together to talk was the best option.

The respondent added that the people of the two communities equally thought that the best way to resolve the conflict was to talk as brothers and sisters. When the researcher asked further how the people were convinced to accept the method the Bishop explained:

*The two communities have also inter-married so much so that they realised the need to solve the problem rather than perpetuate it. Therefore the inter-marriages were used to convince the people to agree to end the fight through dialogue among others.*

This assertion by the vice- chairman of the mediation committee further buttresses the understanding and definition of ADR as a conflict resolution mechanism. Another interview conducted with the secretary of the mediation committee added to the reasons why ADR was a preferred and appropriate method in this conflict situation.

When the researcher specifically asked the secretary why this method was chosen to resolve the Alavanyo-Nkonya conflict the secretary remarked as follows:



*“I feel that conflict is powerful but dialogue is more powerful”*

The respondent further added that the people themselves agreed to interact and find a solution to their own problem. He further corroborated the earlier reason in the interview with the Bishop that the issue of litigation or court arbitration had in the eyes of the people failed them in resolving the conflict and the only viable option left was ADR. The researcher did not end this first objective of the study with the reasons cited by the Bishop and the secretary to the mediation committee.

The researcher further conducted another interview with a member of the consultative committee who also added that the ADR was chosen in this conflict situation because the people were ready to talk with each other to find a lasting solution to the problem. The choice of ADR was yet corroborated by the leaders of the various youth associations that are Kpeme Youth Association, Tayi Youth Association, and the Wudidi Youth Association. In the words of the president of Kpeme youth association he remarked that:

*Ah! After all we have been fighting for many years now but we marry each other so i think it is better we sit down with our wives and husbands to solve our own problem.*

Meanwhile similar views were expressed by the leaders of the other youth associations when the question of why the choice of Alternative Dispute Resolution in the peace process involving the two communities.

The discussion above raises two issues; first the fact that ADR was preferred in this conflict scenario because litigation had failed to provide the

long lasting peace that the people constantly yearned for and therefore this made the ADR a viable option.

Secondly the willingness of the people to actually chart their own path of peace through dialogue and this meant more interactive methods should be sort and in this case the option available was the ADR. These revelations were not at variance with the literature reviewed earlier in the study. The literature also re-iterated the preference of ADR in most conflict cases owing to the fact that litigation or western forms of conflict resolution had failed to provide the desired solutions or were overtly judgemental and too evidenced based. For instance Ahmed, (2010) asserted that a critical need for ADR in African countries is that peacekeeping missions do not stay in the conflicting zone forever. So a repercussion of this peace keeping mission as a means of conflict resolution is that when the peacekeeping mission ends, the conflict restarts or new conflict erupt.

To further illustrate the weakness of the western methods of resolving conflicts particularly in Africa, Ineba (2000) was concerned about the fact that for more than a decade, especially since the end of the cold war Africa, has been torn apart by extremely intense conflicts which have resulted in thousands of deaths, and the internal displacement of millions of civilians. She notes that the use of western methods of conflict resolution has failed. Peacekeeping operations, which have been conducted in the last few years under the auspices of the United Nations, have allowed for the establishment of peaceful processes only in very few countries, for example, Mozambique.

To solve these challenges, there should be another approach to address intrastate and interstate conflict which arises in different regions of the world

and this new approach is the alternative dispute resolution mechanism. This mechanism is a natural one which each country has had since time immemorial. ADR mechanism emanate from culture, traditions, and religion.

To solve the long-standing conflicts of our time, there is the need to consolidate and reinforce international and regional ADR mechanisms to tackle and dismantle root problems through dialogue, negotiation, arbitration, and other means which are different in each culture and tradition Ahmed, (2010).

### **The structures adopted in the framework of ADR as a conflict resolution mechanism**

The second significant objective of the study was to examine the structures within the ADR that were employed or designed and adopted for the purpose of resolving the conflict. Alternative disputes resolution as a conflict resolution mechanism worked with the framework of negotiations in its various forms, Mediation and Arbitration. The most common approaches to ADR include arbitration, mediation, settlement negotiations, early neutral evaluation, conciliation, facilitation, mini-trials and summary jury trials. The researcher therefore intended to examine under which of these frameworks of ADR the peace building process in the study area was operated.

First when the question was posed to the vice chairman of the peace building committee he explained that they had a three pronged structures. These were the mediation committee, the consultative committee and the community peace setters. These committees according to the vice chairman were inaugurated in June 2004 by the regional minister and the high court

judge of the Volta region. Specifically the researcher wanted to find out what the composition of each structure was and how they operated.

The vice chairman explained that he was the vice chairman for the mediation committee with the chairman being the moderator of the E.P Church. Other members were the bishop of Jisikan diocese, and the late queen mother of Tefle. However in all there were eight members in the mediation committee with a secretary selected by government. The mediation committee was the top most committee for the peace building process. Mediation simply refers to the process of resolving conflict in which a third party neutral (mediator), assist the disputants to resolve their own conflict. The process is voluntary and the mediator does not participate in the outcome of the mediation process (agreement). The disputing parties themselves have control over the agreements to be reached (Amoh, 2007).

According to the Bishop the name was just used to distinguish it from the other committees but it was the topmost among the committees. Therefore it is just the name but did not actually imply the term mediation. The researcher then sought to know the exact role of the mediation committee in the peace process. The respondent (vice chairman) explained that the mediation committee was in charge of taking responses from the other structures of the process and deliberating on them to find appropriate mechanisms for addressing them. The committee was also in charge of taking decisions regarding the process as a whole. They were the ultimate decision makers concerning the peace and were equally in charge of major activities involving the people of the two communities. In the direct words of the vice chairman:

*‘The role of the mediation committee was to ensure that peace comes and make sure that the other structures help us to achieve this peace’.*

Further explanation indicated that all activities about the peace revolve around the mediation committee. Again all financial transactions were the responsibility of the mediation committee and where substructures were involved or needed finances to carry out an activity it must seek approval from the mediation committee. Therefore the mediation committee was there to bring the peace through peaceful and legitimate means. The committee was the anchor for the peace process; the failure or success of the whole peace process depended on the mediation committee. In the direct words of the vice chairman he states:

*“We have the major point about the peace”.*

The next important structure in the process was the consultative committee. Again the researcher interviewed a member of the consultative committee as well as the vice chairman of the mediation committee on this issue. Results gathered from the interviews indicated that members of the consultative committee were the foot soldiers for the mediation committee.

According to the vice chairman (bishop) the consultative committee was made up of people from the two communities. They chose five people each from the two communities and these people were stationed on the ground in their various communities and fed the mediation committee with current issues. They met regularly to discuss issues of common concern and take advice and information from the mediation committee. Therefore the

consultative committee fed the mediation committee on issues happening in the two communities.

The consultative committee also had subcommittees under it. For instance, according to the vice chairman (bishop) there were the strategic allies. These were priests and pastors from the two communities. These people could however go to areas where the consultative committee members could not go. They also handled the peace from the religious point of view. They were so effective that they later were integrally merged with the consultative committee.

This explanation though elaborate did not stop the researcher from exploring the effectiveness of the method of ADR therefore in the interview with a member of the consultative committee the researcher again explored the role of the consultative committee in the peace process. The exposition of the respondent indicated that five members each from the two communities formed the consultative committee.

The committee selected its leaders, the chairman and the secretary. The respondent added that they then fixed their meeting dates and deliberated on pertinent issues. He maintained that results and conclusions reached from their deliberations were passed on to the mediation committee for action. Any decision reached from the mediation committee was referred back to them for implementation at the community levels.

When the researcher asked what pertinent issues were being deliberated on at their meetings, the respondent explained that the land issue was the major problem. Other issues that really generated and aggravated the

conflict had to do with fear for each other from the two communities which featured prominently in the discussions of the consultative committee.

The land was the major cause of the conflict and this is buttressed by several literature sources which re-echo the causes of conflicts in Africa with one major cause being land. For instance according to Gati (2008) in a study of conflict involving the Adaklu-Anyigbe in Ghana, the triggering factors were differential proposals for the location of the administrative capital for the newly created Adaklu-Anyigbe District.

Furthermore according to the research Adaklu-Anyigbe conflict occurred over a combination of both localized political, economic and constitutional issues. The localized issue pertains to land. Therefore since land is the base of the economy for such communities the only viable way to control and own the land is to fight for it. This was the case in the Alavanyo-Nkonya conflict. This was further explained to the effect that because of the conflict peoples from the two communities no longer trust each other. Therefore any time there was any rumour of one side doing something this got the other side uneasy. This was even particularly more intense in the areas that lived around the disputed land.

The hearing of a rumour was enough to trigger fighting. For such communities the fear of death was the most dreaded thing and therefore was ready to take up arms to defend and kill any time they hear a rumour of the opponent side attempting to attack them.

This assertion by the member of the consultative committee was also mentioned in the interviews with the Assemblymen from the two communities. They all maintained the fear for each other made their work

difficult because they could not go round to effectively pass information to community members for fear of misinterpretation and hence the consequence of the outbreak of violence. In the narration of one assemblyman:

*‘Even during my election it created a problem for me. We could not hold rallies. It was dangerous particularly in the night and the people were constantly uneasy. Also many people did not attend rallies for fear of the outbreak of conflict’.*

Furthermore the member of the consultative committee also raised the issue of mistrust for each other as another thing which they deliberated on. It was yet another cause of the protracted nature of the conflict. The respondent further elaborated because of the mistrust a common market which the two communities were all patronising is now defunct owing to the fact that no one wants to trade there again. Above all these two explanations other crucial issues that the respondent raised were break in inter-social relationships and the fear for people who were inter-married.

These issues were further clarified with the representatives of the queen mother who maintained that the market which the two communities used to patronise was at the time of the research re-opened owing to the success of the process. But was defunct and therefore women from the two communities had to travel a further distance e.g. Kpando, to trade.

The consultative committee member re-echoed that these were the most paramount and dominant issues that confronted them in their regular deliberations. The respondent confirmed that inter-social relationships had broken down. Activities that the two communities used to perform together



such as festivals were all stopped because of the conflict and this made life in the areas not only boring but also uncertain because people from the two communities did not know when the other community could attack. For instance the respondent mentioned the festivals SASADU of the Alavanyos and Yam Festival of the Nkonyas which saw the participation of the two communities were stopped because of the conflict.

In all the respondent re-iterated that the above issues discussed became more important than the issue of the land. Consequently it was the role of the consultative committee to find appropriate means of resolving these numerous issues and take recommendations from the mediation committee. He quickly added that the consultative committee was also the investigative organ of the whole peace process in that they investigated all supposed rumours including receiving reports from the local people and acting on them promptly. This implies that the consultative committee members were basically the foot soldiers for the mediation committee and therefore the mediation committee depended on the consultative committee for responses and actions.

To further explore this subject exhaustively the researcher probed the respondent on which other sub committees were under the consultative committee. The respondent re-iterated that other committees under the consultative committee were the community peace-setters, the youth leaders, women groups, queen mothers and the opinion leaders were all captured under the consultative committee. This explains why it is consultative committee from its original name of joint consultative committee but as a result of the groups' determination to work for peace it was renamed the consultative committee.

The respondent further explained that they undertook various activities aimed at sensitizing the people and also conscientized them on the importance of dialogue in this peace process. They organised workshop where they educated the local people as well as the youth and women groups on the need for peace and dialogue in conflict mediation.

In an interview with the leader of the women's group to find out their role in the consultative committee and their impact in helping the peace process, the leader explained that though the women were not directly involved in the war they bore the brunt of the conflict because they supplied the soldiers with water, food and medicine. The purpose of the women's wing or group was to train them to give them the voice so they could play an active role in stopping the conflict.

Through the training they could explain to the men in the battle field that they did not want more bloodshed, no more killing of innocent husbands, fathers and children. The respondent further added women were those who took care of the children and if the women were involved in the war then indirectly children were also victims of the conflict. This was a major reason for bringing on board women in the mediation process.

On how the women group operated, the respondent re-iterated that membership was drawn from the two communities and these included the queen mothers of the two communities and their representatives.

In addition anytime they had a meeting, the queen mothers disseminated the issues discussed to the women in the various communities. Further adding that to, a channel of communication was structured such that the queen mothers carry the messages to their respective paramount queen

mothers and these queen mothers sermon the women through their representatives in their respective communities and deliver the messages to them.

The respondent ended by adding that the women's wing of the peace process was another important component of the mediation process and the wing served as the messengers for the mediation committee .They also organised and taught the people on various aspect of life apart from peace. For instance according to the respondent they organized training programmes for these women in various areas. Women were trained in business management such as simple book keeping, costing etc. Such training was against the background that most women in the two communities engaged in peasant farming and petty trading. The training empowered them by giving them voice and capacity not only to do their businesses but also to advocate for an end in the war.

### **The strengths of the alternative dispute resolution in the Alavanyo-Nkonya conflict resolution case**

The purpose of this research was to find out the effectiveness of Alternative Dispute Resolution in the Alavanyo-Nkonya conflict resolution case. This objective serves as the crux of the research and therefore received in-depth attention in the interviews conducted. The researcher probed all respondents in the interviews conducted on this subject. Results gathered showcased the relevance of the chosen method in the peace building process. All twenty respondents answered questions on this subject and revealed that

the method was effective as it helped in achieving the current state of peace in the study area.

In the interview with the vice- chairman of the mediation committee, in response to the question “how would you assess the Alternative Dispute Resolution as a mechanism for peace resolution”, the vice chairman maintained that the strength with ADR was that the people themselves decided on the ways and means through which the conflict can be resolved. He further added that ADR does not impose opinions or views on the conflicting parties.

In the words of the vice-chairman:

*“We have realised that nobody can solve peace for the warring factions except for the people themselves. The only thing is to try and bring them together and how they now decide and solve the problem depends entirely on them”.*

This re-iterates the point that ADR clearly involves the people themselves and the most important things were to create the environment for the people to dialogue among themselves. To further substantiate his argument the vice chairman in a question on “Why exactly was ADR chosen as an approach to resolving the issue?” The respondent explained:

*“Because it was realised that despite all the attempts to solve the issue peace was still illusive, but also it was realised that the best option was to bring the two together to talk as brothers and sisters. Again, they themselves finally agreed to sit down together as brothers and sisters and resolve the problem”.*

This position of the vice –chairman is re-iterated in some of the literature reviewed earlier in this research. For instance according to Ahmed (2010), the ADR process usually results in improved communications between disputing parties and is therefore better for ongoing relationships, results in participant satisfaction, solutions tend to be durable or long lasting since they have the “buy- in” of all parties involved, publicity is avoided and most importantly, the parties retain control of the outcome.

Giving the desire to probe on this issue, the researcher in the interview with the leader of the women’s wing asked questions on the strengths of this method in peace resolutions particularly in the study area. In a question on “how would you assess the whole approach of ADR in this conflict resolution from the side of the women”. The leader responded:

*“It was excellent, because there is now peace and people go about their duties peaceful. The number of women who came for seminars and workshops were overwhelming; however the advantage with the numbers was that we were able to reach as many women as possible and this also facilitated understanding of the issues being discussed. Therefore the issue of dialogue is important in every conflict negotiation even in the family. It can therefore be said that the use of ADR is effective in this conflict resolution”.*

This revelation further underscores the effectiveness and strength of ADR as a conflict resolution mechanism in the study area. The fact that this process brought two conflicting parties to dialogue for a common solution to their problem re-emphasised the need for the method to be used in conflict

cases particularly in Ghana. The strength of the ADR method from an assessment of the respondents is the involvement of the people themselves and dialogue among the conflicting parties. The strength in ADR lies in the ability of the method to bring conflicting parties together to deliberate on a common solution to the problem.

Further interviews conducted revealed a similar pattern as indicated by the two respondents earlier. To fully explore these strengths of the ADR another interview was conducted with the secretary to the mediation committee all in an effort to find how useful or otherwise the method of ADR was in the conflict resolution process.

According to the secretary ADR chosen for this conflict resolution was good because the method took the key disputants out of their environments to a neutral environment where they felt safe and secured to talk about the issues. This allowed the people a freedom of air where they could pour out their grievances and have someone to listen to them. The secretary further elaborated that ADR was also beneficial in this conflict case because it allowed for trust among the people. This trust made the people dealt with the real issues in the conflict. They were rest assured that they were protected and were informed about the negatives of the war. In the words of the secretary:

*“We brought the people out of their villages and communities to the Ho Diocesan Peace Centre and trained them on peace and the relevance of peace for development. Then we as trainers with some of the people embarked on a trust and confidence visits to the two communities and this assuage the fears of the people of any possible attacks from the*

*opponents. From here any time we called for a meeting or training they came rest assured that nobody would attack one another also because we had educated them on peace and peaceful co-existence. This is what other methods of peace negotiation do not have for instance, court litigation”.*

This elaboration also further buttressed earlier respondents’ explanation about the strengths of the method. To further explain the need and the strength of this method the researcher probed further in a question to the secretary on “what do you think are the strong points of the ADR method of conflict resolution”. The secretary added that the creation of structures was helpful in getting peace in the study area. He maintained that structures were created for dealing with the peace which involved the people and this was strength of the ADR. These structures were the mediation, the consultative and the community pacesetters. Other technical structures were the diocesan peace centre, the youth leaders, queen mothers and opinion leaders all involving people from the two communities. These structures were also trusted by the people and therefore were allowed to work for the peace to come. To the respondent the strength of the structures rested in the bosoms of the people because these structures cut through a broad spectrum of the people in the two communities.

The last respondent that answered questions on the strengths and weaknesses of this method was a member of the consultative committee. This respondent also explained from the side of the consultative committee what the strengths of this method was and also given the fact that the consultative

committee members were the foot soldiers and actually implemented policies from the mediation committee.

The responses from the respondent were not completely different from the views expressed earlier from other respondents. The respondent maintained that the greater strength of the ADR method was the initial step of training the people to understand the essence of peace and more particularly on the need for dialogue among the parties. This made the people understand the process and followed it till peace was attained.

The respondent further maintained that in the use of this method views or ideas are not imposed on the people, the method only facilitates the people to the attainment of a conclusion agreed on by all parties. When the researcher in a question “In all how would you assess the method of ADR in solving this conflict”? The respondent maintained that:

*“The major strength of the method was that it did not impose views or ideas or decision, it only facilitates, therefore dialoguing is the only solution for such conflicts. The method demands honesty and truth. There should be no bias or siding with one or the other side as this can jeopardize the whole process”.*

This expression re-emphasizes the thrust of the method by maintaining that the solution or outcome from the use of this method lies with the disputants and not by any third party. The vital consideration to this method is the facilitation by a third party. This creates an environment for the two parties to interact and dialogue for a solution to the conflict. Hence, a certain level of



knowledge at the local level is crucial if this method is actually to succeed in conflicts resolution.

Besides, the buy- in of the people is also paramount as the decisions reached directly concern them. The respondent further added that the ADR method was good because it engaged all parties in the conflict in the process of dialogue and interaction. The method according to the respondent created an atmosphere or environment for people to interact and engage in dialogue.

The respondent further maintained that strength in using ADR was the selection of the people by the conflicting parties themselves which ensures transparency and trust among the people. For instance in the case of the Alavanyo and Nkonya it was the people who selected the people to be part of the consultative committee .These people were also supported by the chiefs of the various communities. This means that leaders who negotiated on behalf of the people were not imposed on the people. They represented the people through a dispassionate process of selection from the people themselves. In the words of the respondent:

*“Because we believed and followed the process thoroughly there is now peace because you see physical things that demonstrate that there is peace. Now Alavanyo people can freely go to Nkonya market to trade which was previously not the case. The road linking the two communities is now opened and people from both communities travel on it day and night”.*

## **The challenges of the ADR in the Alavanyo-Nkonya conflict resolution case**

The second aspect of this section is to look at the challenges of this method. After a critical discussion of the strengths of the method it would be worthwhile to look at the challenges of the method with particular reference to the study area. It was evident in the discussion of the strengths that the method is best suited for conflicts such as the Alavanyo-Nkonya owing to the involvement of the people themselves in the negotiation process. This section equally looks at the challenges associated with the use of the method in this conflict case.

In the interviews conducted among the members of the various committees evidence was produced to the effect that though the method was immensely beneficial to the people some challenges were identified with the practise of the method.

In the interview with the chairman of the mediation committee he mentioned that a challenge with the method was suspicion from the two communities. The chairman re-iterated that people from the two communities after the peace workshops became friendly and could interact well and even ate together, but was generally suspicion of each other. This created mistrust among them. This made the work difficult because the people did not even trust us claiming some of us belonged to a side. This was overcome with the sensitisation workshops and seminars which did not focus on the land issue or the conflicts but on how to build relationships among the people. This was done to create trust and get the people to believe in the method before the

actual seminars could be organised to discuss the conflict and further the land issue.

The respondent further mentioned the interference from the traditional courts. In the case of the Alavanyo –Nkonya the earlier court decision in 1958 was seen as a final verdict for the issue of the land and that there was no need for another arbitration and settlement of the issue. This decision was also constantly contested by the losing party and this makes the conflict protracted.

This was a challenge in the use of ADR because the method could not over turn the court decision. Again the people could not have full trust in the use of the alternative method in the resolution of the conflict. Some literature have attested to the fact that for ADR to survive and serve as plausible alternative to conflict resolutions it should have some leverage over the traditional courts. For instance according to Jong (2005) conflict resolution should not ignore completely the perceptively indigenous mechanisms, perhaps they should be viewed as alternative processes. It may be pointed out that many are the disputes that have been taken to court only for them to be withdrawn and settled out of court.

This underscores the importance of ADR and the fact that certain cases may be best suited for the ADR as a conflict resolution mechanism. It also reiterates the fact that people generally could trust the ADR in the same way they do for the traditional court system. Acquah (2006) in a statement calling for acceptance of the role of chief's courts in dispute management, argued for a role for indigenous judicial processes. He advocated for partnership between the modern and the indigenous conflict resolution process as evidenced by Alternative Dispute Resolution. This gives the realisation that the traditional

courts or judicial systems are in favour of the use of ADR for conflict and disputes resolution.

To further explore this aspect of the research on the challenges of the method, the researcher asked the leader of the women's group on what aspect of the ADR was a problem or hindered the workings of the method. In the response, the leader mentioned the challenge as the inability of the method to identify actors behind the scenes of conflict who profit greatly from the conflict and so fund such conflicts. This statement she made was in reference to the Alavanyo-Nkonya conflict where people who benefit from the conflict try to perpetuate the conflict so they can continue to benefit.

The leader cited cases in the negotiation process where disputants have asked for time to consult people (natives) in other places particularly in the big cities who hold key stakes in their communities and actually sponsor them in undertaking certain actions which they assumed would be in the best interest of their communities.

But the other side is that some other unknown figures may also benefit from conflict and therefore would not want an end to the conflict and therefore such people try to subvert the process of peace negotiation. In specific reference to the Alavanyo-Nkonya case the respondent explained that people who benefited from illegal chain saw operation, illegal palm wine tapping were those who did not want the conflict to end hence they engage in serious rumour mongering just to give them the environment to practise their illegal activities.

A further interview with a member of the consultative committee also revealed that a challenge in using this method is the fact that it is not a short

term method to resolving conflict. People are not patient to go through the whole process in a gradual way for peace to be attained. In a question to the respondent on “whether the ADR is reliable” the respondent intimated:

*“It is very reliable but there are still some challenges in that the ADR system of conflict resolution is not a onetime event it takes a lot of time. The process is long and time consuming. This makes the courts a better option for people who seek speedy resolution to conflicts. Such people may not prefer the use of ADR in the resolution of conflicts”.*

To add to the challenges of the method the secretary to the mediation committee maintained that getting the people to understand the process was a big challenge. This was because having emerged from a catastrophic situation; they did not want to open up. For fear of losing what they thought belonged to them and had been handed them from generation to generation.

Form the point of view of the women’s leader, another challenge of the method with regards to the process was the way and manner in which programmes and decisions were taken at the various committee levels without considering the peculiar needs of women.

### **Evidence of peace in Alavanyo-Nkonya**

The research would not be complete without an assessment of the state of peace in the two communities. The purpose of this research was to assess the effectiveness of ADR in this conflict case, after a detailed discussion of the reasons for the use of ADR, the structures within which the ADR was operating, the strengths and challenges of the method, the study deemed it necessary to assess the state of peace in the study area. Consequently this

subsection would be devoted to explaining evidence of peace according to the members of the two communities as well as the members of the committees.

The researcher interviewed four people from the two communities on this subject matter and these were the vice chairman of the consultative committee, the youth leaders from both Alavanyo and Nkonya that is composed of one person from each community and the paramount chief of Nkonya. Meanwhile the researcher also questioned the members of the mediation and consultative committees on the subject.

The responses from these respondents were quiet evident that their definition of peace was achieved as far as the ADR is concerned. According to the vice chairman of the consultative committee peace could now be felt between the two communities because people from the two communities now visited each other on daily basis. Hitherto, during the conflict this was not the case. It was not possible for people from the two communities to visit each other even though they were related due to inter-marriages. Due to the negotiation process the people now understand that they are brothers and sisters and not aliens to one another. The vice chairman maintained that in the past weapons were used to prosecute the war, now it was common to see people from the two communities doing things together and people could now go to their farms in peace and without fear of being attacked. In other words, because of the negotiation process the people now see themselves as one.

Further evidence produced by the youth leaders supported earlier assertions of the state of peace in the two communities. The two youth leaders accepted that as part of the peace process drama groups were formed in the various communities and they regularly educated the people on the dangers

and negative effects of conflicts. These drama groups or clubs went from community to another to propagate news of peace through play and drama. The youth leader from Nkonya further affirmed that because there is now peace, people particularly the young men can move into either of the communities to strengthen a supposed love bond and deepen their closeness through inter-marriages.

The evidence of this peace atmosphere was amply supported by the paramount chief of Nkonya who re-iterated that they had set up a peace festival for the two communities and every year people from the two communities come together to celebrate this festival and this further strengthens the union and bonds between the two communities.

Since it was the desire of the researcher to explore in full the measure of peace that the people were enjoying the researcher further asked members of the various committees that is the mediation committee, the consultative committee as well as community peace setters what evidence were available to demonstrate that there was peace among the people. The member maintained that:

*“There is peace, because now you see physical things that demonstrate that there is peace. Now Alavanyo people can freely go to Nkonya market to trade which was previously not the case. The road linking the two communities is now opened and people from both communities travel on it day and night. Social life has also bounced back because people now visit their boyfriends and girlfriends as well as relatives in the two communities at any time without fear or*

*intimidation from anybody. All these things had stopped during the war”.*

The respondent further added that in the celebration of festivals the people from the two communities participated without fear or intimidation from either side, the respondent mentioned the just ended celebration of SASADU which brought together people from all communities in the area including the chiefs.

In the view of the vice chairman for the mediation committee evidence suggest that there is now peace. From the position of the vice chairman that is the Bishop of the Ho diocese he maintained that:

*“After the first negotiation there was every sign of peace. After the first sensitisation workshop which brought the people together and they could interact with each other and even eat together. As members of the mediation committee, we thought that was not enough and therefore we decided to pay trust and confidence visits to the two communities. This was the ice breaker to the peace process. The people of the two communities were not only welcoming but demonstrated a commitment to ending the conflict.*

*Since the people after the training programmes had showed a commitment and willingness to end the violence, a peace agreement was signed by the paramount chiefs on the 31st of May 2005 signifying an end to violence or war. This was followed by the clearing of the foot path that links the two communities. The chiefs of the two communities also took an*



*oath of “no more war or violence among our people” and symbolically drunk from the same calabash in a ceremony marked by feasting and joy. The people from the two communities waved palm branches signifying an end to all forms of violence among the two communities”.*

## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### Introduction

This research was set out to assess the effectiveness of ADR in the conflict case of the Alavanyo-Nkonyo in the Volta region. The research was therefore aimed at showcasing the case of Alternative Dispute Resolution Mechanism in the Alavanyo-Nkonya conflict resolution process.

Specifically the objectives of the study were;

- Ascertaining reasons for use of ADR in the Alavanyo-Nkonya conflict
- Examining the structures adopted in the framework of ADR as a conflict resolution mechanism
- Documenting the strength and weaknesses of the ADR(especially the mechanism of mediation, negotiation and facilitation)
- Assessing the level of peace in the two communities
- Suggesting measures and recommendations to help improve the peace situation
- Making recommendations to help improve ADR as a conflict resolution method

To arrive at these objectives, the researcher made use of in-depth interviews as the research instrument and in total, twenty respondents were interviewed. They are made up of leaders and members of the various committees formed for the purpose of resolving the conflict. The interviews were conducted between June and August 2011. The research was conducted at Ho, Nkonya and Alavanyo and the responses were well transcribed.

## Summary

The research thus revealed major findings with the use of the ADR:

- ADR was preferred in this conflict situation to litigation or court litigation as the people themselves finally accepted the alternative dispute resolution mechanism.
- The people were willing to submit themselves to the whole process of dialogue and negotiations.
- ADR was thought of as a better option because the court failed to settle the issue.
- The people thought that the courts were not being fair and that the court rulings were skewed.
- The conflict resolution was carried out within certain framework of the ADR and these formed the structures under which the method operated. These were the mediation committee, the consultative committee and the community peace setters. These structures were not only respected by the people but were equally made to work involving all segments of the two communities.
- The strength with ADR is that the people themselves decided on the ways and means through which the conflict could be resolved. Therefore the outcome of the process became acceptable to all parties.
- There was suspicion among the people in the process of the negotiation. This was because members of the two communities did not create trust for each other regarding the process.
- Sensitisation workshops were organised largely to help the people to overcome their fears.

- However, it was generally accepted that peace could now be felt in the two communities as members of the communities now went about their daily chores freely.

### **Conclusion**

The use of ADR in the Alavanyo and Nkonya conflict situation has been largely successful. This is because the approach has the buy- in of all parties in the conflict of the two communities. It was broad based as it took in to account all groups and interests involved in the conflict. It could be seen that the ADR mechanism has finally brought the peace they desired for years to the communities.

### **Recommendations**

Based on the above conclusion the researcher recommends that the following measures if adopted would further help improve the ADR as a conflict resolution mechanism.

- There should be vigorous education on the importance of Alternative Dispute Resolution in Ghana. This could be done through the traditional courts promoting the method and through the district and municipal assemblies also promoting the use of ADR in solving disputes.
- Alternative Dispute Resolution desks or units should be created at the various municipal and district assemblies in the country to help educate people and also to create access to the method.

- It is also recommended that in other conflicts resolutions that do not use the Alternative Dispute Resolution the creation of structures should also be encouraged as this helps involve the people in the process.
- Conflict resolution should be introduced into the school curriculum especially the basic and senior high schools level for students to learn the culture of non-violence.
- In adopting ADR mechanism for conflict resolution, several methods could be used as this has proved very successful.

## REFERENCES

- Abdulah,A. & Adejuwon,T.(2009). “ADR Will Decongest the Courts—  
Fashola,” *The Vanguard* (Lagos, Nigeria), November 3, 2009.
- Acquah, G. K. (2006). The Judicial Role of The Chief in Democratic  
governance. In Odotei & Awedoba (Eds), *Chieftaincy in Ghana*, (pp  
15-18). Accra: Sub-Saharan Publishers.
- Adjabeng, A. (2007). *Alternative dispute resolution in Ghana*.  
[www.mediate.com](http://www.mediate.com). Retrieved on 27 Jul 2010.
- Ahmed, H. A. A. (2010). *Politics of transitional justice mechanisms from  
below: The case of Somaliland, peace & conflict monitor 04 July 2010*  
(University of Peace).
- African Development Bank (2000). Africa: The hopeless continent. *The  
Economist*, 2, 17-37.
- Afrobarometer (2002). Violent social conflict and conflict resolution in  
Nigeria. Briefing Paper No. 2. Available from: [www.afrobarometer.org](http://www.afrobarometer.org).
- Amedahe, F.K (2002). Fundamentals of Educational research methods. Cape  
Caost: University of Cape Coast Press.
- Amoh, G. (2007). *Mediation the Preferred Alternative*. Community Mediation  
Centres and Prisons Decongestion Programmes. Legal Aid Scheme  
Headquarters in Accra, Ghana.
- Anarfi, J. (2004). *From conflict to conflict: Migration, population  
displacement and refugee*. Flows: Whither.
- Aning, K. (2008). Managing the Security in Ghana Issue 1, ACCORD.

Assefa, H. (1998). *Regional approach to the resolution and prevention of conflicts in the horn of Africa*: UNESCO Paper. Available at: [www.epublications.bond.edu](http://www.epublications.bond.edu).

Alhassan R.I. (1978). Report of the Committee on Ownership of Lands and Position of Tenants in the Northern and Upper Regions.

Aryeetey, E. and Udry, C. (2011). Creating Property Rights: Land Banks in Ghana. *American Economic Review*, 100: 130-34

Ayee, Joseph R.A. et al. (2008). The Causes, Dynamic and Policy Implications of Land-Related Conflicts in the Greater Accra and Eastern Regions of Ghana. Local Context of Conflicts and Peacebuilding: Local Power Struggles, Conflict and Conflict Resolution in Ghana. <http://www.ascleiden.nl/Pdf/CDPghanareport1revisedOsaghae.pdf> (accessed 1 July 2011)

Awedoba, A. K. (2009) An ethnographic study of Northern Ghanaian conflicts : towards a sustainable peace : key aspects of past, present and impending conflicts in Northern Ghana and the mechanisms for their address Legon, Accra, Ghana : Sub-Saharan Publishers

Azar, E. E., & Moon, C. I. (1986). Managing protracted social conflicts in the third world: Facilitation and development diplomacy. *Millennium journal of International Studies*, 15(3), 1-26.

- Baku K, "Kobina Sekyi of Ghana: An Annotated Bibliography of His Writings", *International Journal of African Historical Studies*, Vol. 24, No. 2 (1991), pp. 369-81, Boston University African Studies Center.
- Bennett, T. W. (1991) The compatibility of African customary law and human rights. *Acta Juridica*.
- Bennett, T. W. (1993) Human rights and the African cultural tradition. *Transformation* 22.
- Berg, B. L. (2004). *Qualitative research methods for the social sciences* (5<sup>th</sup> ed.). Boston: Allyn and Bacon.
- Biney, E. A. (2004). *Effects of conflict on HIV/AIDS: The Ghanaian perspective*. International Conference on AIDS Jul 11-16 Bangkok, Thailand.
- Bob-Manuel, I. (2000). A cultural approach to conflict transformation: An African traditional experience. Term Paper Written for the course: "Culture of Peace and Education" taught at the European Peace University Stadtschlaining Austria. Fall Semester 2000.
- Bombade, E. (2007). Conflicts, civil society organisation in northern Ghana. In Tonah, S. (Ed) *Ethnicity, Conflicts and Consensus in Ghana*, Woeli publishing Services.
- Botvinick, M.M. (2007) .Conflicting monitoring and decision making: Reconciling two perspectives on anterior cingulate function. *Cognitive, Affective and Behavioural Neuroscience*, 7, 356-366



- Brad, S. (2003). What is alternative dispute resolution? Beyond Intractability.org. *Canadian Journal of African Studies/Revue Canadienne des Etudes Africaines*, 39(2), 389- 413.
- CDD-Ghana, 2003, *The Growth of Democracy in Ghana Despite Economic Dissatisfaction: a Power Alternation Bonus?* CDD-Ghana Research Paper No. 1, Accra, Ghana
- CDC/ATSDR Policy on Alternative Dispute resolution, 2006 Dispute.
- Chigas, D. & David, F. (2000). *ADR: A practitioner's perspective conflict management group*. Cambridge: Cambridge University Press.
- Chigas, D., & David, F. (2000). *Alternative dispute resolution workshop Report*. Washington, D.C.: World Bank.
- Clapham, C. (Ed). (2001). *Regional integration in southern Africa: Comparative international perspectives*, Johannesburg: South African Institute of International Affairs in Collaboration with the Nordic Council of Ministry and the British High Commission in Pretoria.
- Clark, M. L. (2010). Alternative dispute resolution - is it worth it? <http://www.findlaw.com.au/articles/>) Retrieved on 15 Dec 2010.
- Collier, D. (2006). Qualitative Research: Recent developments in case study methods. *Annual Review of Political science* vol.9 pp 455-476
- Coser, L. (1995). *The functions of social conflict*. Academy of Management Review.
- Coser, L. (1956). *The Functions of social conflict*. New York: The Free Press.
- De Jong, F. (2005). *A Joking Nation: Conflict Resolution in Senegal*.

- Department for International Development (2001). *The causes of conflict in Africa consultation document – March 2001*. Foreign and Commonwealth Office Ministry of Defense U.K.
- DFID Regional Factsheet (2000). Conflicts in Africa: Entering the Age of Hope [www.africagoodnews.com](http://www.africagoodnews.com) Retrieved on 22 Feb 2009.
- DFID Regional Factsheet, (2008). *Ghana factsheet. DFID: Reducing poverty in Africa*. Ghana Ministry of Finance and Economic Planning.
- Dollard, J. Doob, L., Miller, N., Mowrer, O.H., & Sears, R.R (1939). *Frustration and Agression*. New Haven, CT: Yale University Press.
- Dossa, B. (1998). *Conflicts in Africa: Causes, Consequences and Solutions*. Political and Economic Desk of Les Echo du Jour newspaper, based in Cotonou, Republic of Benin.
- Department for International Development, (2001) Preventing Violent Conflict UK Government policy Paper, Department for International Development, London
- Drucker-Brown, A. (1995). Communal Violence in Northern Ghana: Unacceptable Warfare in R. Hinde and H.E Watson (eds.) *War: A Cruel Necessity? The Basis of Institutionalised Violence*. London Tauris.
- Eghosa, D. & Robinson, C. (2005). *Researching conflict in Africa: Insights and Experiences* New York: United Nations University Press.
- Fateli, S.A (2006). Theoreis of Social Conflict. In introduction to peace and conflict studies in West Africa, by Best, S.G. (ed) Ibadan; Spectrum books

- Galtung, J. (1996). *Peace by peaceful means: Peace and conflict, development and civilization*. London: Sage.
- Gambari, I. (2001). *Perspectives on current conflicts in Africa: Verifying the special nature of today's African conflicts*. The Symposium on Africa, Japan Institute of International Affairs Tokyo February 15 – 16, 2001.
- Gati, K. (2008). *The dynamics of communal conflicts in Ghana's Local Government System: A Case Study of the Adaklu-Anyigbe Conflict*. Centre for Peace Studies Faculty of Social Science, Norway: University of Tromso.
- Ghana Statistical Service (2000). *Population and housing census: Summary Report of Final Results*. Accra: Ghana Statistical Service.
- Gluckman, M. (1993). *Politics, law and ritual in tribal society*. Oxford: Blackwell.
- Hagan, G. P. (1995). Democracy as a conflictual system—The needed cultural Premise. In M. Oquaye, (Ed.), *Democracy and conflict resolution in Ghana*. Accra: Gold Type Publishing, pp. 78–79.
- <http://familiesforafrica.org>.
- Human Rights Watch (2004). Human Rights in Africa in Osita Eze, *Human Rights in Africa: some selected problems* pp. 9 – 22.
- Ibrahim, A. (2010). Conflict resolution in Africa: Challenges for the Twenty First Century. *International Journal of Hospitality Management Vol.29*
- International Institute for Journalism (2009). *The media's role in conflict Transformation and peace building West Africa Accra, Ghana*.

- Jay, O. (2008). *Spatial poverty traps and ethnic conflict traps: Lessons from Northern Ghana's ('Blood Yams')* Overseas Development Institute  
111 Westminster Bridge Road ODI Working Paper 324.
- Johnson J. (2007). "The overwhelming minority: Traditional Leadership and Ethnic Conflict in Ghana's Northern Region"
- Johnson, J. (2007). *Understanding the Palestinian-Israeli conflict – A Primer*. Northampton, MA: Olive Branch Press, pp. 145-147.
- Johnson-Sirleaf, E. (2009). *Causes of Liberia's civil conflict* consciousness.co.za/learn Retrieved on October 1, 2009.
- Kekarias, K. (2007) Alternative Dispute Resolution (ADR) training workshop in Addis Ababa, December 29.
- Kevin, R. C. (2005). *Law Firm ADR Departments Can Respond to Market Challenges, 25 Alternatives to High Cost Litigation*.
- Khan, S. M. (1998). *Lessons of Peace-Keeping in Rwanda*: Paper for Workshop on Learning from Conflict Resolution in Africa held in Arusha, Tanzania.
- Konate, Y. (2004). The Question of Religion in Ivorian Crisis In Goethe Institute (Ed.) *Conflict: What has religion got to do with it?* Accra, Woeli Publishing.
- Lanek, R. (1999). Integrating Indigenous approaches with national and international mechanisms for conflict resolution and reconciliation. Paper presented to the All-Africa Conference on African Principles of Conflict Resolution and Reconciliation. November 8th - 12th 1999 in Addis Ababa, Ethiopia.

- Mackey, J. (2005). Meshing traditional approaches and Western methods: potential and problems," *ADR Bulletin*: Vol. 8: No. 3, Article 2.
- Maor, M. (1998). *Parties, conflicts and coalitions in Western Europe*. London and New York: Routledge, pp. 143-154.
- Mare, G. (1980). *Ethnicity and politics in South Africa*. London: Zed Press.
- Millennium Development Goals Report (2005). Conflict in Africa: Entering the Age of Hope [www.africagoodnews.com](http://www.africagoodnews.com) Retrieved on 22 Feb 2009.
- Ministry of Local Government (2000). Local Government Act, 1993, Act462.
- Mpangala, G. P. (2000). *Conflict Resoluton and Peace Building in Africa as a Process: Case Studies of Burundi and the Democratic Republic of Congo*.
- Mwagiru, M. (2000). *Conflict and peace management in the horn of Africa*. Paper presented at the IRG conference on Peace and Security in the Horn of Africa. Mombasa, Nov. 6-9.
- Nabudere, D. W. (1997). The contribution of African traditional learning to mutual understanding. *Paper* presented to the NASEDEC conference on "Learning in Intercultural Contexts", at SIDA conference Center at Sandö, Sweden, 30 Oct -2.Nov. 1997.
- Nader, L., & Todd, H. F. Jr. (Eds.) (1978). *The disputing process: Law in ten societies*. New York: Columbia University Press.
- Newman, L. (1998). *Qualitative-quantitative research methodology: Exploring the interactive continuum*. Carbondale, IL: Southern Illinois (pp. 61-74). Washington, D.C.: Island Press.

- Nnoli, O. (1980) *Ethnic politics in Nigeria*. Enugu: Fourth Dimension Publishers.
- Nwafo, Nwanko, R. L., & Nzelibe, C. G. (1990). Communication and conflict management in African development. *Journal of Black Studies*, 20(3), 253–266.
- Nyerere, J. K. (1997). In the Daily News of June 9, 1997.
- Nyirenda, R. (2000). Zimbabwe Adaptive Collaborative Management Research Project: Mafungautsi Forest. Report on District-Level Stakeholders Identification. Harare, Zimbabwe: CIFOR.
- Odonkor, M and Mason, J. 1994. Land, Paramountcy and Conflict in Northern Region: the 1994 guinea-fowl war. Unpublished confidential report for CIDA, Accra.
- Ofuho, C.H.(1999).Community Conflict Resolution and Reconciliation in the Kidepo Valley of Eastern Equatoria, South Sudan: Some Lessons from Grassroot Practices of Peacemaking. Paper presented to the All Africa Conference on African Principles of Conflict Resolution and Reconciliation. November 8th - 12th 1999 in Addis Ababa, Ethiopia.
- Osaghae, E. (1995). The study of political transitions in Africa, *Review of African Political Economy*. 22(64), 183–197.
- Osaghae, E. (2004). Political transitions and ethnic conflict in Africa. *Journal of Third World Studies*, 21, 1
- Osuala, E.C (2005). Introduction to Research Methodology, 3<sup>rd</sup> Edition African First Publishers Ltd. Onitsha

- Otite, O. (2000). *Ethnic pluralism, ethnicity and ethnic conflict in Nigeria*  
Ibadan: Shaneson C.I. Limited.
- Oxfam International Programs (2007). [www.oxfam.org](http://www.oxfam.org) (18 October, 2007).
- Resolution and Equal Employment Opportunity; Policy Statements on Equal  
Employment Opportunity, Employment and Accommodations of  
Persons with Disabilities, Reprisal, and Prohibition of Sexual  
Harassment. Revised Paper Presented at the USAID Organized  
workshop on Conflict in the Great Horn of Africa. Methodist Guest  
House, Nairobi May 21-23, 1997.
- Romano, F. (1998). *A case of undue pressure: International Mediation in  
African Civil Wars* Presented at the African Mediation Seminar,  
Independent Mediation Service of South Africa and Centre for Conflict  
Resolution, Johannesburg, 3-5 November 1998.
- Sarantakos, S. (1998). *Social research (2nd Ed.)* Australia: Macmillan, South  
Yarra.
- Shinta, Y. D. (2009). Conflict sensitive framework for development planning:  
A Case study of Ghana *Journal of University of Science and  
Technology, Ghana*.
- Somuah, A. (2009). Guidelines on social research methods.
- Spangler, A. S. (2003). *Use of Biomediacal Obstetrics Care in South-Central  
Tanzania: Production and Effects of Embodied Inequality*. Chapel Hill  
University of North Carolina
- Strategic Plan for Judicial Service ADR Programme 2008–2013,” The Judicial  
Service of Ghana, available at <<http://www.judicial.gov.gh/>>.

Sulemana, M. (2009) Understanding the Causes and Impacts of Conflicts in the Northern Region of Ghana .Ghana Policy Journal Version 3 Article 6, 23 Aug 2009.

The Accra Peace Agreement signed by the Government of Liberia, the Liberians United for Reconciliation and Democracy (/LURD), the Movement for Democracy in Liberia (MODEL) and the Political Parties in August 18, 2003, and the Accra III Agreement from 29-30 July, 2004 signed by the warring factions in the Ivory Coast.

<http://www.visionofhumanity.org/gpi/results/rankings/2008>

The Global Review of Ethnopolitics Vol. 1, no. 1, September 2001, 8-18

Tonah, S. (2007). Introduction: Theoretical and comparative perspectives on Ethnicity, Conflicts and Consensus in Ghana in Tonah, S. (Ed.) *Ethnicity, Conflicts and Consensus in Ghana*, Woeli Publishing Services.

Tsikata, D., & Seini, W. (2004). *Identities, inequalities and conflicts in Ghana* UN Missions in Somalia [www.lermuseum.org](http://www.lermuseum.org).

Tsikata, D. and Seini, W., 2004, *Identities, Inequalities and Conflicts in Ghana*. Centre for Research on Inequality, Human Security and Ethnicity. Oxford, Working Paper 5

UN Report, (1995). *Confronting conflict*. [www.un.org](http://www.un.org).

United Nations Report (1995). Report of the Somalia Commission of Inquiry *CRISE Working Paper* No. 4 November, 2004.



Uwazie, E.E. (2007) *Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability* [www.africacenter.org](http://www.africacenter.org) retrieved on 10 March 10, 2013.

Wanyande, P. (1997). *State Driven Conflict in the Greater Horn of Africa*.

Wayo Seini (2004) *Identities, Inequalities and Conflicts in Ghana*

CRISE Working paper 5 (November, 2004)

Zartman, W. (2000) *The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments*

Zartman, W. (Ed). (2000). *Traditional cures for modern conflicts: African Conflict Medicine* Boulder, Colo.: Lynne Rienner.

Zimpolitical blogspot (2008). *Conflicts in Africa: Causes, Effects and the Way Forward* Retrieved 4 December 2008 from Zimpolitical. [blogspot.com/](http://blogspot.com/) 200 Local Government Act, 1993, Act 462.

([www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html](http://www.all-things-conflict-resolution-and-adr.com/All-Things-Alternative-Dispute-Resolution.html)).

([www.healthfitnessandsuccess.com/business-success-factors/effective-communication/dispute-resolution-process](http://www.healthfitnessandsuccess.com/business-success-factors/effective-communication/dispute-resolution-process)

## **APPENDIX**

### **INTERVIEW GUIDE FOR MEMBERS OF MEDIATION AND CONSULTATIVE COMMITTEES**

1. Which of the committees did you serve on?
2. What was your role in the committee?
3. How would you describe the conflict in the two areas
4. What structures were in place to mediate the conflict?
5. Can you give a detailed explanation of how your committee worked
6. Which other groups or people were involved in this peace process
7. How would you assess the method of peace mediation in the case of the two communities
8. Do you think the use of ADR as a conflict resolution mechanism was beneficial to the two communities?
9. What are the strengths of the ADR in resolving this conflict?
10. What are the weaknesses of the ADR in resolving this conflict?
11. What is the state of peace in the two communities now?