

# Traditional Conflict Resolution Mechanisms in Modern African States

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## ABSTRACT

Conflict remains a persistent feature of many African states, often exacerbated by weak institutions, identity politics, resource competition, and postcolonial governance structures. Long before the emergence of modern legal and political systems, African societies developed indigenous conflict resolution mechanisms rooted in communal values, restorative justice, consensus-building, and moral authority. These traditional mechanisms—such as councils of elders, mediation by traditional rulers, age-grade systems, and customary courts—continue to operate informally alongside formal state institutions. This article examines the relevance, effectiveness, and limitations of traditional conflict resolution mechanisms within contemporary African states. Using a qualitative, conceptual, and comparative approach, the study explores how indigenous practices contribute to social cohesion, legitimacy, and sustainable peace, particularly at the grassroots level. The paper further analyzes the tensions and complementarities between traditional mechanisms and modern legal frameworks, highlighting issues of human rights, gender inclusion, constitutional recognition, and state authority. Drawing on examples from selected African societies, the article argues that traditional conflict resolution mechanisms, when appropriately adapted and integrated, can complement formal justice systems and enhance conflict management in modern African states. The study concludes by advocating for a hybrid conflict resolution framework that respects cultural heritage while aligning with democratic governance and international human rights norms.

**Keywords:** Traditional conflict resolution, Indigenous justice systems, African societies, Peacebuilding, Customary institutions

## INTRODUCTION

Conflict is neither new nor alien to African societies; rather, it has historically been a managed social reality embedded within communal life. Prior to colonial intervention, African communities developed sophisticated systems for preventing, managing, and resolving conflicts using indigenous norms, values, and institutions. These traditional conflict resolution mechanisms were largely restorative in nature, emphasizing reconciliation, social harmony, collective responsibility, and moral accountability rather than punishment or exclusion (Gyekye, 1997; Zartman, 2000). However, the advent of colonial rule and the subsequent establishment of modern African states significantly altered indigenous governance structures, marginalizing traditional institutions in favor of Western legal and administrative frameworks.

In contemporary African states, conflict persists in various forms, including communal clashes, land disputes, chieftaincy struggles, ethnic tensions, and religious violence. While modern legal systems exist to address these conflicts, they often suffer from limited accessibility, procedural rigidity, high costs, and a perceived lack of legitimacy at the grassroots level (Boege, 2011). As a result, many communities continue to rely on traditional conflict resolution mechanisms operating informally alongside state institutions. This coexistence raises important questions about the relevance, effectiveness, and legitimacy of indigenous practices in modern state systems.

Traditional conflict resolution mechanisms are deeply rooted in African worldviews that prioritize communal well-being over individual interests. Concepts such as ubuntu, omoluabi, and ujamaa reflect shared moral philosophies that frame conflict as a rupture in social relationships requiring healing rather than mere

adjudication (Murithi, 2009). These mechanisms often involve respected elders, traditional rulers, lineage heads, or age-grade systems who mediate disputes through dialogue, storytelling, rituals, and consensus-building. Their authority is derived not from codified law but from cultural legitimacy, moral standing, and collective trust (Osaghae, 2015).

Despite their enduring presence, traditional conflict resolution mechanisms face significant challenges in modern African states. Critics argue that some indigenous practices conflict with constitutional principles, international human rights norms, and contemporary notions of equality particularly regarding gender inclusion, youth participation, and due process (Merry, 1988; Bennett, 2017). Additionally, the dominance of state-centric governance models often limits the formal recognition and institutional integration of traditional systems, creating tension between customary authority and state sovereignty.

This article situates itself within this ongoing debate by critically examining the role of traditional conflict resolution mechanisms in modern African states. It seeks to explore how these mechanisms function in contemporary contexts, the extent to which they contribute to sustainable peace and social cohesion, and the challenges they face within plural legal systems. By adopting a conceptual and comparative approach, the study argues that traditional conflict resolution mechanisms should not be viewed as relics of the past but as adaptive social institutions with the potential to complement modern justice systems when appropriately re-engineered and regulated.

In doing so, the article contributes to broader discussions in the social sciences and humanities on legal pluralism, indigenous knowledge systems, governance, and peacebuilding in Africa. At a time when many African states grapple with protracted conflicts and institutional fragility, revisiting and re-evaluating indigenous approaches to conflict resolution offers both historical insight and practical relevance for contemporary policy and practice (Zartman, 2000; Boege et al., 2009).

## **Conceptual Clarifications and Theoretical Framework**

### **Conceptual Clarifications**

Conflict refers to a situation in which individuals or groups pursue incompatible interests, values, or goals, often resulting in social tension or violence. In the African context, conflict is commonly linked to land ownership, political authority, identity, and access to resources, and is often embedded within social relationships rather than isolated events (Best, 2006).

Traditional conflict resolution mechanisms denote indigenous, community-based processes developed over time to manage and resolve disputes using customary norms, values, and institutions. These mechanisms typically involve mediation, negotiation, reconciliation, and restitution facilitated by elders, traditional rulers, lineage heads, or community councils. Their primary objective is the restoration of social harmony rather than the determination of legal guilt or punishment (Zartman, 2000; Murithi, 2009).

Modern African states refer to postcolonial political entities characterized by formal governance structures, codified legal systems, and constitutional authority largely inherited from colonial administrations. These states often operate plural legal systems in which statutory law coexists with customary law, creating both opportunities and tensions in conflict management (Boege et al., 2009).

Legal pluralism describes the coexistence of multiple legal systems within a single political space. In many African countries, customary law continues to regulate social relations at the community level, even where state law claims supremacy. This pluralism shapes how conflicts are perceived, addressed, and resolved in practice (Merry, 1988; Bennett, 2017).

### **Theoretical Framework**

The study is anchored in legal pluralism theory, which challenges the assumption that the state is the sole source of law and authority. Legal pluralism recognizes the legitimacy of non-state legal orders and emphasizes how customary institutions function alongside formal legal systems, particularly in postcolonial societies (Merry,

1988). This framework is useful for understanding why traditional conflict resolution mechanisms persist despite the presence of formal courts and statutory laws in African states.

In addition, the article draws on restorative justice theory, which emphasizes healing, accountability, and the repair of social relationships rather than retribution. Traditional African conflict resolution mechanisms align closely with restorative justice principles, as they prioritize reconciliation, compensation, apology, and reintegration of offenders into the community (Gyekye, 1997; Zehr, 2002). This theoretical lens helps explain the continued relevance of indigenous mechanisms in fostering long-term peace and social cohesion.

The study also engages communitarian social theory, which underscores the primacy of community values, collective responsibility, and shared moral obligations. African societies are often organized around communal identities in which individual actions are evaluated based on their impact on group harmony. Traditional conflict resolution mechanisms derive their authority from these communitarian norms, reinforcing social order through moral persuasion rather than coercion (Gyekye, 1997; Etzioni, 1993).

Together, these theoretical perspectives provide a comprehensive framework for analyzing how traditional conflict resolution mechanisms operate, adapt, and interact with modern state institutions. They also offer analytical tools for assessing the strengths and limitations of indigenous approaches within contemporary African governance and justice systems.

### **Historical Evolution of Traditional Conflict Resolution Mechanisms in Africa**

Traditional conflict resolution mechanisms in African societies evolved long before the emergence of colonial and postcolonial state structures. These mechanisms were integral to indigenous systems of governance, social regulation, and moral education, serving as tools for maintaining order and cohesion within largely kinship-based communities. Conflict was understood as a disruption of social equilibrium, and its resolution was embedded in cultural norms, rituals, and shared values that emphasized collective survival and continuity (Gyekye, 1997; Falola, 2004).

Pre-colonial African societies developed diverse yet functionally similar approaches to conflict management. Institutions such as councils of elders among the Yoruba, palaver systems in West and Central Africa, the Gacaca courts among the Igbo and later institutionalized in Rwanda, and lineage-based mediation structures among the Akan and Zulu exemplify indigenous systems designed to address disputes through dialogue, consensus, and moral persuasion (Zartman, 2000; Murithi, 2009). These mechanisms relied heavily on oral traditions, customary law, and the authority of respected community figures whose legitimacy stemmed from age, wisdom, and moral integrity.

Colonial intervention marked a major turning point in the evolution of traditional conflict resolution mechanisms. European colonial administrations introduced formal legal systems based on Western jurisprudence, often dismissing indigenous institutions as primitive or incompatible with modern governance. Customary law was either subordinated to colonial courts or selectively codified to serve colonial interests, thereby distorting its original restorative and communal orientation (Mamdani, 1996; Chanock, 1985). This process weakened traditional authorities and disrupted the organic relationship between indigenous institutions and community life.

Despite colonial marginalization, traditional conflict resolution mechanisms did not disappear. Instead, they adapted to changing political realities and continued to operate informally at the grassroots level. In many rural and peri-urban areas, communities retained reliance on elders, traditional rulers, and customary forums to resolve disputes related to land, marriage, inheritance, and local leadership, often preferring these mechanisms to formal courts due to their accessibility, affordability, and cultural legitimacy (Boege et al., 2009; Osaghae, 2015).

The post-independence period further reshaped traditional conflict resolution mechanisms as African states sought to consolidate authority and modernize governance structures. While some governments attempted to abolish or restrict customary institutions in favor of centralized state control, others adopted more accommodative approaches by recognizing customary courts or incorporating traditional leaders into local

governance systems (Sklar, 2004). However, the relationship between traditional mechanisms and the modern state has remained ambivalent, characterized by coexistence, competition, and occasional collaboration.

In contemporary African societies, traditional conflict resolution mechanisms reflect a hybrid evolution shaped by historical continuity and institutional transformation. They operate within plural legal environments where customary norms intersect with statutory law, religious law, and international human rights frameworks. This historical trajectory underscores the resilience of indigenous conflict resolution practices and highlights their capacity to adapt to modern contexts while retaining core principles of restorative justice and communal harmony (Zartman, 2000; Murithi, 2009).

### **Structures and Processes of Traditional Conflict Resolution Mechanisms**

Traditional conflict resolution mechanisms in African societies are organized around well-defined social structures and procedural norms that reflect communal values, moral authority, and participatory governance. These structures and processes vary across regions and cultures, yet they share common features centered on dialogue, consensus-building, and the restoration of social harmony rather than punitive justice (Gyekye, 1997; Zartman, 2000).

At the structural level, traditional conflict resolution is typically facilitated by recognized community institutions such as councils of elders, traditional rulers, lineage heads, age-grade associations, and religious or spiritual leaders. These actors are selected based on age, wisdom, experience, moral standing, or hereditary legitimacy, and they command respect within their communities. Their authority is socially constructed and sustained through trust, cultural norms, and collective acceptance rather than coercive power (Osaghae, 2015; Sklar, 2004).

The processes of traditional conflict resolution are largely informal and flexible, allowing procedures to adapt to the nature of the dispute and the social context in which it occurs. Dispute resolution often begins with mediation, where neutral community representatives facilitate dialogue between conflicting parties. Emphasis is placed on storytelling, confession, and collective deliberation, enabling all parties to express grievances and perspectives in an open forum (Murithi, 2009). This participatory process fosters mutual understanding and reduces the likelihood of escalation.

Consensus-building is a central feature of traditional conflict resolution mechanisms. Decisions are rarely imposed unilaterally; instead, resolutions emerge through prolonged discussion aimed at achieving communal agreement. The goal is not to declare a winner or loser but to reach outcomes that are socially acceptable and morally justified, thereby ensuring compliance and long-term peace (Zartman, 2000; Gyekye, 1997).

Rituals and symbolic acts often accompany the resolution process, serving to reinforce reconciliation and restore broken relationships. These may include public apologies, compensation in the form of livestock or labor, communal feasts, libation ceremonies, or cleansing rituals. Such symbolic practices carry deep cultural significance and function as moral closure, reaffirming shared values and reintegrating disputants into the community (Falola, 2004; Murithi, 2009).

Enforcement of decisions relies primarily on social pressure, moral obligation, and communal sanctions rather than formal legal coercion. Compliance is encouraged through respect for tradition, fear of social ostracism, and concern for communal reputation. This form of enforcement is particularly effective in tightly knit communities where social relationships are enduring and interdependent (Bennett, 2017; Merry, 1988).

Overall, the structures and processes of traditional conflict resolution mechanisms demonstrate an indigenous governance logic that prioritizes social cohesion, legitimacy, and sustainability. Their emphasis on inclusivity, moral reasoning, and restorative outcomes distinguishes them from adversarial legal systems and explains their continued relevance in managing conflicts within modern African states.

### **Challenges and Limitations of Traditional Conflict Resolution Mechanisms**

While traditional conflict resolution mechanisms play an important role in contemporary African societies, they are constrained by several structural, normative, and contextual challenges. These limitations affect their legitimacy, effectiveness, and potential for integration into modern state systems.



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## Human Rights and Gender Concerns

One of the most prominent challenges confronting traditional conflict resolution mechanisms is their perceived incompatibility with modern human rights standards. Many indigenous systems are patriarchal in structure, often excluding women, youths, and marginalized groups from meaningful participation in decision-making processes. Dispute resolution forums are frequently dominated by male elders, which can result in biased outcomes, particularly in cases involving marriage, inheritance, or sexual violence (Merry, 1988; Bennett, 2017). Such practices conflict with constitutional guarantees of equality and international human rights instruments to which most African states are signatories. As a result, traditional mechanisms are often criticized for reinforcing social hierarchies and limiting access to justice for vulnerable groups.

### Lack of Formal Recognition and Legal Authority

Another major limitation is the absence of clear legal and constitutional recognition of traditional conflict resolution mechanisms in many African states. Although customary law may be acknowledged in principle, traditional institutions often operate without formal statutory backing or defined jurisdiction. This lack of recognition weakens their authority and creates uncertainty regarding the enforceability of their decisions. In plural legal systems, disputants may comply with traditional rulings only when it suits their interests, resorting to formal courts when outcomes are unfavorable (Boege et al., 2009; Sklar, 2004). This situation undermines the consistency and credibility of indigenous mechanisms within the broader justice system.

### Susceptibility to Abuse and Politicization

Traditional conflict resolution mechanisms are also vulnerable to manipulation, corruption, and politicization, particularly in contexts where traditional authorities are co-opted by political actors or state elites. The erosion of moral authority among some traditional leaders, driven by partisan affiliations or material incentives, compromises the neutrality required for effective mediation. In addition, the absence of standardized procedures and accountability frameworks can lead to arbitrary decisions and abuse of power (Osaghae, 2015; Mamdani, 1996). These challenges raise concerns about transparency and fairness, limiting public confidence in traditional systems.

Overall, these challenges highlight the need for critical reform and contextual adaptation of traditional conflict resolution mechanisms if they are to function effectively within modern African states.

## Integration of Traditional and Modern Conflict Resolution Systems

The coexistence of traditional conflict resolution mechanisms (TCRMs) and modern state judicial systems in African societies presents both opportunities and challenges. Effective integration can enhance access to justice, improve social cohesion, and strengthen governance, while misalignment may lead to duplication, conflict of authority, and reduced legitimacy of either system (Boege et al., 2009; Zartman, 2000).

### Legal Pluralism as a Framework for Integration

Legal pluralism provides a theoretical and practical basis for integrating traditional and formal conflict resolution systems. It acknowledges the coexistence of multiple legal orders and recognizes the legitimacy of both statutory law and customary law within a single state (Merry, 1988). By embracing legal pluralism, modern African states can create hybrid governance models that leverage the strengths of both systems. For example, statutory courts can refer appropriate disputes to customary forums for mediation, while ensuring that resolutions align with constitutional and human rights standards (Bennett, 2017).

### Complementarity and Cooperation

Integration efforts often focus on complementarity, where traditional mechanisms handle local disputes and restorative processes, and formal courts address complex legal issues requiring statutory enforcement (Murithi, 2009). This complementary approach maximizes the strengths of both systems: TCRMs provide accessible, culturally legitimate, and speedy resolutions, while formal courts offer enforceability, standardization, and

alignment with national law. Cooperation between traditional leaders and state authorities—such as through advisory councils or joint committees—enhances coordination and reduces jurisdictional conflicts (Osaghae, 2015).

### **Policy and Institutional Strategies**

For integration to be effective, state policies must formally recognize the role of traditional mechanisms within the broader justice framework. This can include codifying the scope of customary courts, establishing guidelines for procedural fairness, and providing training for traditional leaders on human rights, gender inclusion, and conflict management (Boege et al., 2009). Institutional strategies may involve creating liaison offices within ministries of justice, encouraging documentation of customary practices, and promoting participatory governance models that incorporate both traditional and modern authorities (Sklar, 2004).

By implementing these measures, African states can foster a legal ecosystem where traditional and modern systems coexist productively. This hybrid model not only strengthens access to justice but also ensures that conflict resolution practices remain culturally relevant while upholding universal standards of fairness, equity, and human rights (Murithi, 2009; Zartman, 2000).

### **Implications for Peacebuilding and Governance**

The continued relevance and potential integration of traditional conflict resolution mechanisms (TCRMs) within modern African states have significant implications for peacebuilding, governance, and social stability. Recognizing and strategically leveraging these indigenous mechanisms can enhance community resilience, strengthen local governance, and reduce pressure on formal judicial institutions (Boege et al., 2009; Murithi, 2009).

### **Enhancing Community-Based Peacebuilding**

Traditional mechanisms contribute directly to grassroots peacebuilding by addressing disputes before they escalate into broader conflicts. Their restorative and reconciliatory nature prioritizes repairing social relationships, fostering dialogue, and promoting forgiveness, which are critical for sustaining long-term peace in closely knit communities (Zehr, 2002). By integrating TCRMs into formal peacebuilding frameworks, policymakers can strengthen early conflict intervention strategies and ensure culturally sensitive approaches that are more likely to gain community acceptance (Murithi, 2009).

### **Strengthening Governance and Social Trust**

The involvement of traditional authorities in dispute resolution enhances local governance by providing accessible and trusted channels for conflict management. Communities often view traditional leaders as morally accountable and culturally legitimate, which can improve compliance with decisions and reinforce social order (Osaghae, 2015; Gyekye, 1997). Integrating TCRMs into governance structures can also increase public trust in state institutions, particularly in regions where formal courts are perceived as distant, slow, or biased.

### **Reducing Judicial Backlogs and Increasing Efficiency**

Formal judicial systems in many African countries are overburdened, under-resourced, and slow, leading to delays in conflict resolution and limited access to justice for marginalized populations (Boege et al., 2009). Leveraging traditional mechanisms for local dispute resolution can reduce the caseload of formal courts, streamline the justice process, and provide timely solutions. This complementary relationship ensures that both systems operate efficiently while preserving the legitimacy and authority of indigenous practices.

### **Promoting Inclusive and Culturally Sensitive Governance**

Integrating TCRMs into modern state systems encourages participatory governance and inclusion of community perspectives in decision-making processes. Traditional forums often allow for collective deliberation and moral negotiation, fostering culturally sensitive solutions that reflect local values and priorities (Merry, 1988; Bennett,

2017). When formal state mechanisms respect and incorporate these indigenous practices, governance becomes more responsive, locally grounded, and socially legitimate.

In summary, traditional conflict resolution mechanisms provide not only tools for managing disputes but also critical pathways for enhancing peacebuilding, governance, and social cohesion in modern African states. Strategic recognition and integration of these mechanisms can bridge gaps between formal institutions and communities, ensuring that conflict management is both effective and culturally resonant (Zartman, 2000; Murithi, 2009).

## CONCLUSION

Traditional conflict resolution mechanisms (TCRMs) continue to play a vital role in managing disputes and maintaining social cohesion in modern African states. Rooted in indigenous values, communal norms, and restorative principles, these mechanisms offer culturally legitimate, accessible, and efficient alternatives to formal judicial systems, particularly in rural and peri-urban contexts where state institutions may be weak or overburdened (Gyekye, 1997; Zartman, 2000).

The historical evolution of TCRMs demonstrates their resilience and adaptability. Despite colonial disruption and postcolonial attempts to centralize legal authority, indigenous mechanisms have persisted, evolving alongside social, political, and legal transformations. Their continued relevance is reinforced by their alignment with community values, their restorative focus on repairing social relationships, and their ability to provide context-sensitive solutions that formal courts often cannot deliver (Murithi, 2009; Boege et al., 2009).

Nevertheless, traditional mechanisms face significant challenges, including gender exclusion, lack of formal recognition, susceptibility to politicization, and tensions with constitutional and human rights norms. These limitations highlight the need for thoughtful reforms and strategic integration with modern legal systems to ensure fairness, legitimacy, and enforceability of outcomes (Bennett, 2017; Merry, 1988).

Integration of TCRMs with formal judicial structures, guided by principles of legal pluralism and restorative justice, offers a practical pathway to enhance governance, improve access to justice, and strengthen peacebuilding efforts. By leveraging the strengths of both systems, African states can develop hybrid models of conflict resolution that are culturally grounded, socially legitimate, and institutionally effective (Osaghae, 2015; Sklar, 2004).

In conclusion, traditional conflict resolution mechanisms are not relics of the past but dynamic, adaptive institutions capable of complementing modern state systems. Recognizing their value and integrating them responsibly into contemporary governance frameworks can enhance social cohesion, strengthen local democracy, and contribute to sustainable peace in African societies.

## RECOMMENDATIONS

Based on the analysis of traditional conflict resolution mechanisms (TCRMs) in modern African states, the following recommendations are proposed to enhance their effectiveness, legitimacy, and integration into formal governance structures:

### Legal Recognition and Institutional Support

African states should formally recognize traditional conflict resolution mechanisms within constitutional and legal frameworks. This recognition can include codifying the jurisdiction of customary courts, defining procedural standards, and clarifying the relationship between traditional institutions and state judicial bodies (Boege et al., 2009; Sklar, 2004). Institutional support, such as liaison offices between customary courts and state ministries of justice, can enhance coordination, oversight, and enforcement of decisions.

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## Promotion of Inclusive Practices

To address human rights and gender concerns, traditional mechanisms must be reformed to include women, youth, and marginalized groups in decision-making processes. Training programs for traditional leaders on human rights, gender equality, and procedural fairness can improve inclusivity and legitimacy, ensuring that customary practices align with modern ethical and constitutional standards (Bennett, 2017; Merry, 1988).

## Capacity Building and Education

Capacity-building initiatives should equip traditional leaders and mediators with knowledge of modern conflict resolution techniques, legal frameworks, and restorative justice principles. Educational programs at community and institutional levels can enhance the skills of customary authorities and increase public awareness of both traditional and formal mechanisms (Murithi, 2009). This fosters better cooperation between state institutions and indigenous systems.

## Hybrid and Complementary Models

States should adopt hybrid models that integrate traditional and formal conflict resolution mechanisms. This includes allowing formal courts to refer disputes to customary forums where appropriate, while ensuring that outcomes comply with statutory law and human rights obligations (Osaghae, 2015). Joint committees, advisory councils, or participatory governance structures can facilitate coordination, monitor compliance, and reduce conflicts of authority.

## Documentation and Standardization

Traditional mechanisms should be documented and standardized to preserve cultural knowledge and ensure consistency in procedures. Recording customary laws, protocols, and mediation processes provides a reference for training, policy-making, and research, while also protecting indigenous knowledge from erosion due to modernization and urbanization (Falola, 2004; Zartman, 2000).

## Community Engagement and Awareness

Effective integration requires active engagement with communities to ensure understanding, trust, and participation. Awareness campaigns highlighting the benefits, procedures, and rights associated with traditional mechanisms can enhance public confidence and encourage voluntary compliance with outcomes (Gyekye, 1997; Murithi, 2009).

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