

## **THE ROLE OF INDIGENOUS KNOWLEDGE SYSTEMS IN PEACE BUILDING: A CASE OF UMGUZA DISTRICT, ZIMBABWE**

**Ndlovu Loveness and Svodziwa Mathew**  
Bulawayo Polytechnic, P.O Box 1392, Bulawayo, Zimbabwe

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### **ABSTRACT**

*The history of indigenous systems in solving disputes and peace building in Zimbabwe dates back to the pre-colonial era where elders and community leaders met to resolve local conflicts and disputes using their own indigenous knowledge mechanisms. The basis of this study was to investigate the effectiveness of indigenous system in peace building in Umgusa District of Matabeleland North Province, Zimbabwe. The study utilized a qualitative methodology which was informed by the constructivist philosophy. A case study design was adopted with Umgusa district as the case. The research relied on participatory rural appraisal technique to gather primary data, where focus group discussions, face-to-face interview being administered. They were identified through random sampling to ensure that every member in the area had an equal chance of being chosen and for the research to be reflective of the community views. The research gathered that participants generally acknowledge the importance of the role played by traditional leaders in resolving conflicts and disputes. It also established that most traditional leaders are corrupt and biased in their judgements, while some have become the ruling party mouthpieces thus politicizing judgements. They are intolerant to opposition supporters. The study also revealed that the traditional arbitration process is vulnerable to bias as there are no written rules and judgement is at the discretion of the chief or the appointed presiding officer. The study recommends that there should be capacity building for traditional leaders. There is a lot of expertise amongst the traditional leaders in rural communities. However, there is need to compensate for their shortcomings in terms of exposure to state laws and their interpretation; and to enhance their effectiveness in conflict resolution prowess through workshops or seminars designed to induct the traditional leaders in modern law over and above their traditional oral historical perspective to the chieftainship.*

**Key Words - Role, Indigenous Knowledge Systems, Peace Building**

## **1.0 Introduction**

The history of indigenous knowledge systems in solving disputes and peace building in Zimbabwe dates back to the pre-colonial era where elders and community leaders met to resolve local conflicts and disputes using their own indigenous mechanisms. Myers (1997:27) noted that today's large-scale violent conflicts in many African States cannot be perceived as conventional 'wars' any longer, many African States are suffering from intra-conflicts emanating from social-economic and political recognition (Pitsch, 2002).

The need to focus on the use of indigenous knowledge systems as another alternative in conflict handling can be seen as a fruitful response to the African protracted conflicts. From this point of view the use of exogenous systems in conflict handling seems to be not working well in bringing lasting peace solutions in Zimbabwe (Sabera, 2007a). The colonisation of Africa brought many changes to African traditional models of justice to the extent that resolving conflicts using indigenous systems has become a problem that needs to be researched about (Ndiaye, 2012). Western models of justice (through globalisation) are affecting African traditional justice systems. Peacemaking and peacekeeping missions in African countries have been used as ways of addressing protracted conflicts. Re-surfacing of conflicts and lack of durable peace in Africa have therefore forced many governments to re-think what can be done to bring about sustainable peace (Wunch, 2009).

A good example is the current conflict in Nigeria where an Islamic group namely Boko Haram (western education is a sin) is physically showing human abuse and violence as witnessed by their abduction of more than 200 school girls on 14th of April 2014. On this note, Chayes Sarah of Carnegie Endowment for International Peace (Saunder, 1999), urged America not to aid Nigeria since the conflict is rising from groups within Nigeria. It is clear that Chayes was advocating for Nigerians to use local mechanisms as many foreign conflict handling mechanisms in African states fall short of restoring positive relationships among intra-conflicting parties (Ndlovu-Gatsheni, 2009). The notion of including indigenous systems in conflict handling was then advocated for as a fundamental pillar in resolving African conflicts and problems by the

African Union (AU) and the African Centre for the Construction Resolution of Disputes-ACCORD (2012:4). The notion of establishing effective mechanisms that suit a given environment for preventing new flare-ups can be taken as a better solution to control the resurfacing of intra- conflicts in Africa.

African indigenous systems foster constructive change from the personal, rational, structural and cultural dimensions in order to construct good relations among societies. Huyse and Salter (2008: 10), states that most African indigenous knowledge system approaches strongly support the notion of restorative justice, where the community, victim and the offender are involved in the healing, restoring and compensating sessions in the entire community. It is against this backdrop that concepts like conflict resolution and conflict management were formulated to bring a sense of sustainable peace to many conflicting parties and violent nations that were not in a position to bring vigour and resounding solutions. A lot of money and resources have been used in many nations that are suffering from intra state conflicts to build peace, but still the efforts are proving to be fruitless as conflicts usually resurface. Yin (2008:2) argued that Africa has always had its forms of governance within its societies.

These forms of governance are African based conflict handling systems that are built around the values, traditions and norms of Africans. Machakanja (2011:4) posits that against this background of protracted conflicts, the use of endogenous systems can be positive as traditional relationships and structures hold more customary support than those imposed from outside. According to Murithi (2008:16) examples of African traditional conflict transformation and peace building can be drawn from *gacaca courts* (small courts) in Rwanda, The *kotgra* in Botswana, *mato oput* (drinking the bitter root) in Northern Uganda, *bashingantahe* in Burundi, The shrine of *tiru sina* in Ethiopia , *gadaa oromo* in Ethiopia , *ukuzidla* in South Africa and *the dare/ dale* ( traditional court) in Zimbabwe (Ladley, 1982).

Indigenous systems remain very important in organizing the lives of the people as they strengthen good relationships among societies by providing valuable insights that can inform the rebuilding of social trust and restoration,(Murithi 2008:16). The use of indigenous systems in

handling conflicts in Zimbabwe has been supported since 1980 and also through the creation of Chapter 15 sub-section 282 (128) of The Traditional Leaders Act in the new constitution of Zimbabwe. One magistrate in Umgusa district said: Despite the efforts of the government in trying to bring proper justice in the criminal justice systems, appeals and trying of cases of the same nature are increasingly done on daily basis as the victims and offenders are using courts as a revenging instrument unlike in the traditional courts were proper healing and compensation is taking place (Twigg, 1996). It was therefore the basis of this study to investigate the effectiveness of indigenous system in peace building in Umgusa District of Matabeleland North Province.

### **1.1 Conflict Transformations as Concept of Peacebuilding**

A number of theorists like Lederach (1997:3) now advocate for the pursuit of conflict transformation as opposed to conflict prevention, conflict resolution and conflict management. Lederach (2003:7) argues that conflict transformation reflects a better understanding of the nature of conflict itself. Conflict resolution implies that conflict is bad hence something bad should be ended thus conflict can be resolved permanently through mediation and other intervention processes, conflict management on the other hand correctly assumes that conflicts are long term processes that people can be directed or controlled as though they were physical objects (Lederach 2003:9). Furthermore as put by Lederach (1997: 7) conflict transformation does not suggest that we simply eliminate or control conflicts but rather work with its dialectic nature. This takes into cognisance the fact that conflict is social and naturally created by humans who are involved in relationships, it changes (transforms) events, people, relationships that is creating the initial conflict. This transforming process is seen greatly in many indigenous systems like the traditional (*dale*) court of the Zimbabwean culture.

Lederach's (1997:3) perception of conflict transformation notes that conflict is a situation which needs a holistic approach in handling for positive results. For peace the building process to take place the approach should be based on justice, the building of right relationships and social structures that allow expression of divergent social thinking whilst encouraging positive group cohesion. Thus the conflict transformation concept views conflicts as normal social antigens of

life that need to be constructed to positive conflicts through formulation of good relationships within societies.

Lederach (1997:3) goes on to note seven concepts that are important and need to be adhered to, for a better constructiveness of positive attitudes and orientation. These are to envision and respond, ebb and flow, life-giving opportunities, constructive change processes, reduction of violence and increase in justice; direct interaction and social structures and human relationships.

### **1.2 Statement of the Problem**

The general domination of the criminal justice system in conflict handling in Umgusa District is leaving many people dissatisfied. The gap between the weakness of the criminal justice system to bring lasting peace in conflict handling and the reality with regard to restoration of local members to attain good relationships that are embedded in mutual respect indicates that endogenous systems can be of greater value in resolving conflicts.

### **1.3 Aim of the Study**

It was this study's aim to investigate the effectiveness of indigenous system in peace building in Umgusa District of Matabeleland North Province.

### **1.4 Objectives of the Study**

- To identify endogenous systems of conflict handling that are being used in Zimbabwe.
- To analyse the causes of conflicts in Umgusa District.
- To investigate the effectiveness of *Dale* system in peace building.
- To identify factors that negatively impact on local mechanisms in building positive peace.

### **1.5 Research Questions**

- Which indigenous building systems are used in Zimbabwe in handling conflicts?
- What are the main factors that contribute to conflicts in Umgusa district?

- Do similar conflicts re-occur after indigenous solutions?
- What factors impact on the effectiveness of local systems in building positive peace?

## **2.0 Research Methodology**

The study utilized a qualitative methodology which was informed by the constructivist philosophy. A case study design was adopted with Umgusa as the case. The research relied on participatory rural appraisal technique to gather primary data, where focus group discussions, face-to-face interview were administered. There were identified through random sampling to ensure that every member in the area had an equal chance of being chosen and for the research to be reflective of the community views. The random sampling technique is simple to use and easy to apply when small populations are involved, though it is cumbersome for large populations. Each household was numbered and this was used to select the required sample (Belzer, 1999).

Focus group discussions were applied in gathering data at ward level where community members with different portfolios were involved. These included community members from various wards in the district. Interviews were held with traditional chiefs, kraal heads and teachers. Face to face interviews offered a great advantage of probing with the respondents on the subject. They offered the researcher a distinct advantage of immediate feedback as the respondents' emotions were shown clearly on their faces. Also non-verbal cues gave the researcher messages which helped in understanding the verbal responses, which will be changing or even, in extreme cases, reversing or contradicting its meaning (Atien, 2008). Notably one of the advantages of these types of interviews is the fact that the most respondents had a hard time in turning down the interviewer. They also provided instant responses which helped the researcher to make quick decisions. Thematic analysis was used in this study as it was preceded by transcription of focus group discussion and interview proceedings, member checking, segmenting, coding and enumeration.

## **3.0 Results**

### **3.1 Demographic Analysis**

The respondents to the study were residents of Umuza District in Ward 12. The surrounding villages that are affiliated to traditional justice systems namely the *dale* court in handling conflict. Both females and males (local key informants) were included. Many people in Umuza district live in rural areas. This gave a contributing factor why indigenous systems like the *dale* court is commonly used in the area rather than the criminal justice systems (CJS). One participant noted:

“Customary values and roles are playing a vital role in the process of handling conflicts using the traditional court system to both men and women in this area as they participate in bringing peace in area”- FGD 2

Here the researchers were referring to the system where women and men are found in the mediate conflicts. The researchers observed that women were included most and took some mediating and reconciliation roles between domestic family conflicts. Thus women were commonly participating at family level more than men. More men participated from the village head courts up to the chief’s court. This simply clarifies that the family court has usually held cases that are ‘family’ in nature and women were regarded as good peace builders in domestic disputes than men. Men could be just be given the outcome of the cases dealt with by women and in most cases handled provided win-win solutions to the disputing parties, giving ample space for restoring good relationships among families. This is complemented by the data from focus group discussions when one of the members said: Women do not participate in trial process of cases brought to the headman’s court up to chief’s court. Women are only listeners and their role is to handle domestic disputes at family level. *Idale* courts are for men (*Idale lamadoda*). Thus question one of the interview guides which sought to find the interviewees’ role in peacebuilding was covered as they identified their roles.

### **3.2 Indigenous Systems Being Used in Peace Building in Zimbabwe**

The key informants and group discussions provided information that Zimbabwean culture has its own local mechanisms that are used to handle conflicts. This also coincides very well with what the researcher observed during the study as the area uses endogenous systems to resolve disputes

and conflicts. The following endogenous systems are said to be used in Mt Darwin, the kinship of pleasantry, taboos, the silence mode and the traditional court (*Dale*).

The data gathered from group discussions and the data from key informants corresponded very well with read articles from scholarly journals and scholarly books. This secondary data from related literature were sources of data that showed some of the Zimbabwean endogenous systems that are being used in handling local conflicts. Most of the articles read specified that Zimbabwean culture has its own endogenous systems that are effectively used to handle disputes and conflicts. The FGD noted that;

"Our Ndebele culture values the interpersonal relationships. Thus the use of silence (*ukuthula*), kinship pleasantry, taboos (*inzilo*) and traditional courts (*idale*) maintain good relationships and take care of friendships because everyone needs other people in any society."

Thus these four local mechanisms are easily indentified and being used in Zimbabwe to maintain friendship in a way that leads to further interaction and restore individual's inner peace that is essential to the community. However the *dale* system was said to be the most commonly used and desirable traditional system that has the concepts of healing, restoration and compensation that aims to bring and build sustainable peace towards both conflicted parties and the community at large. Key informant and focus group respondents said

"the traditional court (dare) is not there to strengthen or worsen conflicts, dare system is there to build positive relationships (ubuhlobo obuqinileyo) among people and that is why it is commonly used to handle conflicts in our community".

*Dale* system was therefore advocated for in many parts of Umgusa rural areas as many people have a feeling that it works better than criminal justice systems. One participant argued that;

"In urban areas our traditional family courts are being used to handle conflicts. Married couples who want their marriage to sustain life and staying in marriage are using the dare system to restore their marriage relationships".

Magistrate courts on the other hand are worsening conflicts and traditional justice system can be an alternative in such cases as it restore relations between disputing couples. I witnessed this in two occasions as I was called to be a mediator in two marriage dispute cases in Harare and if it was not this dare system, sure the couple could have divorced.

### **3.3 Causes of conflicts in Umguza District**

Causes of conflict in the area under study showed that politics of ‘community’ identification and moral social- economic conflicts continue to affect the resurfacing of conflicts in the area. One of the respondents noted that,

"The area has greater percentage of unemployed youth as a contributing factor in resurfacing of conflicts as they fight for power to grab fertile farm lands and natural resources like gold minerals. Thus social, political and economic conflicts are disturbing peace building process."

This corresponds with Mutisi (2009:23) when she said that intra-state conflicts in Africa seem to have replaced inter-state conflicts as the principal source of conflicts are now emanating from social, economic, political and ever-expanding population, which is accompanied by shrinking economic resources resulting in fuelling the conflicts.

### **3.4 Social Conflicts**

The data collected showed that many of the social conflicts begin from the point of simple disagreement between individuals and two or more families to a point where open violence becomes inevitable and difficult to handle in the local area. The data gathered revealed that local communal members or families may experience deep-seated cleavages based upon religious and cultural lines as they strive for security, recognition, and distributive justice from the dominating families (Mutisi, 2009).

With the area being dominated by one family lineage taking turns in heading the village (*usobhuku*), the family holding power becomes irresponsible to other families around them

resulting in conflicts and violence. The untended families turn against those holding power, bringing a line of incompatibility in terms of peace building. One elderly respondent said: The uprising of the rebels (*matsanga*) headed by Alfonso Dhlakama waged civil war in Mozambique from around 1990s and forced the Mozambicans to migrate to Zimbabwe for safety (Kunder, 1998). Many of these people did not return to Mozambique despite the attainment of its independence. This is causing some formation of small ethnic conflicts. Other respondents also noted that this has brought some clashes over cultural dilution; superiority and self determination among the *korekore* ethnic group and those from Mozambique (Murithi, 2008a).

The data also revealed that where the village head does not represent these specific families in the social and political interests of these people, conflicts emerge. Due to the current human rights campaigns social conflict groups are formed with different families fighting for recognition and revivals as they resist domination of certain families. Feelings of being marginalised have therefore led to social conflicts from all levels, from the individual up to national level (Muchemwa, 2013). From data revealed many families now have social conflicts that emanate from the campaign of gender based violence and human rights abuse. The data gathered also showed that religious conflicts do occur invisibly as they are spearheaded by the globalisation concept. Sources cited globalisation as a system that is causing social conflicts through moral and cultural decadence.

This corresponds very well with scholarly articles. Wolpe and Watson (2006:128) when they stated that domestic values have been influenced by outside actors as globalisation guarantees international recognition. Different churches with different beliefs are sources of conflicts in the area of study. Every church tries to claim its identity despite its immoral values to the society. Many churches are seen as fuelling conflicts among families as they pin pointed older people and accused them of possessing witchcraft and being responsible for misfortunes befalling to their family members (Galtung, 1990).

Other churches deny such acts saying it is immoral to pinpoint someone as a witch. From the data gathered many of these churches have caused havoc among families as they target wealthy

families to seek payments either in the form of money or cattle claiming to have powers to exorcise evil spirits and goblins from the affected families. One of the interviewed key informant stated, “this has brought protracted social conflicts among families and the dare system is dealing with these cases most of the time as they try to resolve conflicts caused by these church prophets”. The chief’s court tries to facilitate dialogue between conflicted families breaking down the wall of incompatibility as a way of initiating sustained dialogues among family members. This is cemented by Murithi (2008:17) as he stated that endogenous approaches to peace and conflict handling emphasise the rebuilding of social trust through reconciliation as it focuses on the prism of the rebuilding of social trust of people.

### **3.5 The Political Conflict Aspect**

The data gathered showed that ZANU-PF supporters and ex- combatants in the area have different visions with most of the youth that supported the MDC manifesto. This has brought tension between these two political parties. The mechanism of trying to win the opposition supporters using compelling force like arresting and detaining in prisons those found wanting, has not attained fruitful results. The CJS has not brought inner peace to most of the victims and their family members during the period of political violence. This is cemented when one participant noted that,

"even though the physical, psychological and moral violence inflicted in 2007 to 2009 political violence did not affect the community as a whole, many scars were left unhealed and there is a need for an appropriate mechanism like the dare court to be used in healing the wounds inflicted from the individual level up to the community level."

A good example can be drawn from *gacaca* courts of Rwanda, where it had managed to restore reconciliation and peace despite mass human atrocities that left millions of people dead (Mutisi 2009:20).

### **3.6 The Economic Conflict Aspect**

As noted earlier on that the area under study is not industrialised, the data gathered showed that many of the bread winners used land as the only source of income to fend for their families. This varied from farm land, grazing pastures, forests for firewood and gold deposits as all these land

concepts are attracting conflicts even in inter-family members (Twigg 1996, Igbowe 1998). One key informant said “the need for land is becoming a basic need for many unemployed youths who violently accuse each other in land boundaries and land inheritance resulting in conflicts”. Another member from FGD one said “Umgusa is unindustrialised area; we are fighting for the only available resources as a source of income for our survival” The researcher observed that this has attracted many conflicts and violence that includes murder, resisting arrest from state agents, poor human security (spread of HIV), domestic violence and land degradation in areas like gold panning areas. Thus from the data collected the hard economic situation of around 2004 up to 2010 was then used by political parties to influence the youth. Natural resources have therefore become a source of political contention within and among families of the community. This links very well with concepts of Wolpe (2006:6).

### **3.7 The *Dale* Court as Conflict Transformation Mechanism**

The need to know the effectiveness of the dare systems in the area under study was provided by the respondents and the direct observation of the researcher. From the data gathered from all respondents and from the direct observation of the researcher most of the *dale* court area is an open structure or space that is open under a tree for everyone to bring his / her case for trial. Its main focus is to mend broken relationships, restoring and strengthening positive relations among community members. The openness is a symbolic democratic principle of the system that the area is open for everyone who wishes to listen or participate in the dare proceedings. Thus the *dale* area is not only there to handle conflicts, but rather it is also taken as a place where happy moments and ceremonies take place. Thus the local members can meet there to discuss issues pertaining to family problems, how to improve good governance, positive relationships and human security that involves the chief's granary (*Isiphala senkosi*).

One council of elders' respondent said: The dare systems handles many things that range from theft, marriage disputes, property inheritance, witchcraft disputes and many others that infiltrate the community. Our main aim is not to strongly punish our own people but rather to build the ubuntu concept and good communication among people as to integrate the community into positive peace. The *dale* system therefore imparts cultural norms for appropriate behavior that

brings harmony and also provides other services that are linked to formal services, like marriage and divorce witnessing, approval letters for identification cards to be taken from home affairs department.

### **3.8 Cases Tried by the *Dale* court**

From the data collection techniques, various aspects were noted during data gathering that are included in the *dale* process. The following cases were tried in the presence of the researcher (direct observation) by Chiefs in various areas of Umgusa. Many cases tried in the *dare* court are of local matters like assault, theft, insult, marriage disputes (that included adultery) and family matters that included farmland boundaries. The researcher observed that in all cases the *dale* court system sought to mend broken relationships of families and communities (Webster, 2002:12).

## **4.0 Conclusion**

The research looked into the roles carried out by leaders in peace building as well as identifying the capacity gaps that exist in their operations. It also sought to find out if there is any form of training undertaken by traditional leaders prior to assuming their responsibilities. The research found out that people generally acknowledge the importance of the role played by traditional leaders in resolving conflicts and disputes. It also established that most traditional leaders are corrupt and biased in their judgements, while some have become the ruling party mouthpieces. They are intolerant to opposition supporters. The study also revealed that the traditional arbitration process is vulnerable to bias as there are no written rules and judgement is at the discretion of the chief or the appointed presiding officer.

Some of the arbitrators are often ignorant of state laws on an issue they may be arbitrating over hence likely to pass judgment that may be at variance with state laws. There is no formal training that the traditional leaders undergo prior to practicing their leadership role in the community. Since there is an outcry for peace in the country at large and in particular rural communities, ways of improving the efficiency of traditional leaders in conflict resolution has to be devised.

## **Recommendations**

- Capacity building for traditional leaders. There is a lot of expertise amongst the traditional leaders in rural communities. However, there is need to compensate for their shortcomings in terms of exposure to state laws and their interpretation; and to enhance their effectiveness in conflict resolution prowess through workshops or seminars designed to induct the traditional leaders in modern law over and above their traditional oral historical perspective to the chieftainship.
- Stakeholders who have the capacity to impart necessary skill proficiencies to meet the needs of the traditional leaders should be encouraged to come on board.
- The relevant authorities should facilitate distribution of relevant state laws and acts especially in such issues as inheritance, succession, Bill of rights to update the knowledge of traditional leaders in these areas.
- Networking with others Traditional leaders should be encouraged to share ideas and exchange notes amongst themselves on common issues in arbitration, mediation, forgiveness and reconciliation as well as conflict management.

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