Critical Issues in Peace and Conflict Studies

Theory, Practice, and Pedagogy

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Chapter 13

Indigenous Processes of Conflict Resolution

Neglected Methods of Peacemaking by the New Field of Conflict Resolution[1]

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Almost three decades have passed since Western scholars, practitioners, and to some extent policy makers, embraced conflict resolution as a legitimate area for scholarly endeavor and a useful tool within the realm of professional practice. The new field of research and practice came to be known as Alternative Dispute Resolution (ADR). Within this relatively brief span of time, the field has expanded exponentially, both in theory and in practice. Curriculums have been organized by degree-offering institutions of higher learning in North America, Europe, and Australia. Some universities in developing societies have also begun offering degrees in this field.[2] Some basic concepts have become a part of the language of discourse in local communities and international relations. Already, there are some feverish activities to consolidate the accumulated knowledge in the form of conflict resolution handbooks.[3] Also, some efforts have been focused on snatching the last words from the mouths of the retired pioneers, so that a complete history relative to the evolution of this newly created profession can be accurately recorded and preserved for future generations.

In my view, Western scholars and practitioners have every right to be proud of the remarkable accomplishments attained within a relatively short period of time. This achievement has been possible, in part due to modern technology, the literate tradition on which Western civilization has been anchored, the availability of skills regarding research, the existing capacity to organize ideas and practical projects, and the availability of resources to enable theorists and practitioners to embark on a new profession of such status. Also, and more significantly, is the fact that Western intellectuals have been able to create a new paradigm that rejected absolute power as a preeminent tool to settle disputes.

This structure is in striking contrast to the paradigm which led Europe to two world wars, which ravaged Europe, led to the Cold War, and which debilitated many regions in developing societies. Notwithstanding these significant achievements, it is fairly safe to state that the field of conflict resolution still remains a Euro-centric model in all aspects of its functions (e.g., degree curriculum, theoretical frame, research orientation, and practice). More serious is the fact that conflict resolution as conceived and practiced in the West has been elevated to occupy a much more visible and domineering space in the world of ideas and practice. Conversely, many other indigenous practices which have been modeled for many centuries by indigenous communities around the world remain largely ignored.

There have been those who have argued that conflict is a culturally constructed social phenomenon and that its resolution must take into account the cultural context in which it takes place. Specifically, the works of Witty,[4] Avurch and Black,[5] Avurch,[6] Abu-Nimer,[7] Lederach,[8] Augsburger,[9] Sponsel and Gregor,[10] Fry and Bjokqvist,[11] and Davidheiser[12] stand out in this regard. Also, more recently a number of textbooks in the field of conflict analysis and resolution have added some specific references to the propositions that culture does play a significant role in the dynamics which influence conflict formation, escalation, and resolution. Examples of the theorists who have moved to this direction include Pruitt and Kim[13] and Folger et al.[14]

In this critical essay, I will attempt to point out how the newly Western-based field of conflict analysis and resolution has largely neglected indigenous processes of conflict resolution practices, which have engendered a longer history of successful *functions* than in "traditional" societies. The essay will have five major themes. In the first theme, I will attempt to show the extent to which a comparative approach to the field has been neglected. In the second theme, I will discuss the negative consequences of such neglect by the literate world regarding the nature and the value of indigenous systems of conflict resolution. The third theme will focus on the common features found in indigenous systems of conflict resolution (this will be based on a preliminary examination of the available cases). The fourth theme will discuss the negative consequences of neglect regarding indigenous processes of peacemaking by the literature of ADR. The fifth theme will explore the potential of indigenous systems of conflict resolution, and how to expand the new field by developing a comparative approach. Also, under this section, some major challenges facing scholars in the area of indigenous forms of conflict resolution will be explored.

Before embarking on the substance of this work, it is critical to define a number of terms. Perhaps more significantly the term *indigenous* needs special attention. Scholars use the term indigenous in two broad applications regarding culturally related practices. In the first sense, it is used in reference to the broad range of cultural practices and products, which are found outside the Western world. Stating it differently, it refers to anything created outside the scope of Western influence. In the second sense, the term indigenous refers to communities that are not independent states, and are encapsulated into modern states as marginalized and subordinate populations. Additionally, they are generally characterized as communities which place high value on coexistence with nature, as opposed to its exploitation and abuse; they have their own economic systems, which do not correspond with the conventional capitalistic economy.[15] In the context of the current work, the term indigenous refers to the former category as described above. More specifically, it refers to the broad range of peacemaking traditions, which have been developed by non-traditional societies.

One issue is the extent of the absence of literature regarding the views from indigenous systems of conflict resolution. In any field of knowledge basic concepts are written in a core body of literature. Early volumes are used as reference books or textbooks. They are known as classic books in the particular field. In keeping with tradition, scholars within the field of conflict resolution have also produced what can also be considered classic books. For the purpose of establishing the presence or the absence of ideas and practices, which have been developed by indigenous communities, I examined a number of prominent books (altogether, sixteen of them) in the field of conflict resolution.[16] Upon examination of the content of these classic works, one can easily reach a conclusion that there is a distinct absence of the vast array of peacemaking processes invented and practiced by indigenous communities around the world.

WHY HAVE INDIGENOUS SYSTEMS OF CONFLICT RESOLUTION BEEN NEGLECTED?

In my view, understanding the historical roots which have contributed to this level of neglect, relative to the oldest and widely used practices of peacemaking forms will help us to view this issue in a proper perspective. Thus, I will briefly discuss seven basic reasons, which have contributed to the neglect of indigenous processes of peacemaking.

THE HISTORIC BIAS TOWARD THE PRACTICES IN THE TRADITIONAL CULTURES

The European bias toward the traditional cultures commenced with the civilizing mission, which began in 1500 when Portugal and Spain received an endorsement, at their request, from the pope to conquer and colonize any territory which was not occupied by Christians. The actual motives can be categorized into two broad areas. The first is rooted in the history of European expansion, which eventually led to the European domination of the world, which reached its zenith in 1914. A chief motivation for this new thrust was that by the beginning of the fifteenth century, Europe was entering the industrialization phase of its development, and securing new material sources for an intense new enterprise which was very critical.[17] The second was psychological, the pride that was gained from dominating peoples of other cultures. As scholars have observed, any form of domination necessitates a rationale (justification) for controlling its victims.[18] It was during this period and the ensuing centuries that the projection of the non-Western cultures as savage, and unworthy of recognition by the "civilized world," became very popular in Western thought and perception. It was during this period that places like Africa were condemned as the "Dark Continent," only to be viewed as a natural place for partition, colonization, and a source for importing slaves.[19] To be sure, the damnation of African culture and its peoples predates European colonization; the prejudice toward African culture was rooted in Semitic religions. Believers were taught that blacks were the descendants of Ham, the son of Noah, and since he was cursed by his father, blacks were also cursed. It was based on this thesis that slavery was justified.[20] Later on, another layer of powerful negative thesis was developed by European scientists regarding African peoples, which posited that the Africans, as a category, belonged to the last leg of human evolution; therefore they were closer to the ape family and were racially inferior. The third level of negative thesis emerged when Western historians declared that Africa had no history.[21] During the same period, similar types of prejudice were manifested against other societies in Asia, the Americas, the Middle East, and Australia. After the 1940s, the decolonization movement went forward with considerable speed.

THE REINFORCED BIAS AGAINST TRADITIONAL CULTURES DURING THE COLD WAR

The Cold War emerged as decolonization went forward with considerable speed. In due course, remaining under colonial rule became a politically, socially, and psychologically unacceptable status in the eyes of many

nationalists in developing societies. In addition, maintaining and managing colonial territories became politically and economically difficult for colonial powers. It also became a morally unacceptable proposition to the citizens of the European imperial powers. The Cold War emerged, in part, due to this sudden transformation in developing societies. The Soviet Union saw a new opportunity to compete against and challenge the Western dominance of the world, which had emerged during the previous five centuries. The United States saw the emergence of the Soviet Union as a new competitor, and a dangerous one, to its national economic and security interests and those of its Western allies. It was in this context that, during the period of the late 1950s and early 1960s, two dominant economic models emerged regarding development strategies for the newly decolonized developing societies. The United States proposed and promoted a new paradigm known as the modernization school[22] and the Soviet Union promoted a revolutionary political/economic model.

The key tenets contained in the modernization school were as follows: (1) there are two economic sectors in developing societies—the traditional and the modern; (2) the traditional system was backward and incompatible with modernity; (3) special development centers should be developed, which would transform these societies from backwardness (traditional) to modern; and (4) these modern centers should be managed by the Western-educated and pro-democracy cadre of professionals.[23]

The basic elements promoted in the revolutionary model were as follows: (1) every society goes through five development stages—peasantry, feudalism, capitalism, socialism, and communism; (2) the developing societies are backward due to traditional cultures; (3) the developing societies need state controlled economic development plans, which will accelerate the rate of development so that they can catch up with the developed economic systems; (4) in order to achieve such goals, the economic development has to be centralized; (5) the governments have to be run by the revolutionary elements—the polite race in the societies; and (6) any element that opposes this revolutionary approach has to be eliminated through a revolutionary process. This process included extremely negative propaganda, terrorizing any local leaders who showed sympathy for the cultural past, and physically liquidating those opposed to the revolutionary movement.[24]

These two models were promoted by the two super powers, who had claimed to have been persuaded by these two diametrically opposite ideologies regarding social change and the future of developing societies. Yet both of them possessed strikingly similar views regarding the cultures of developing societies: (1) both models castigated the traditional cultures of the developing societies as backward and a hindrance to the project of development and

modernization; (2) both models focused on the urban elite, who by their own disposition had benefited from supporting external projects; (3) both models, in a variety of ways, supported the militarization of the centers of powers; (4) both models increased the dependence of the urban elite who ruled the states in those societies based on external rewards, and as a result neglected the development of traditional cultures of their respective societies; (5) both models promoted the application of power as a method of resolving conflicts; and (6) both models elevated the cause of state integration, usually at the expense of local autonomy and cultural identities. The status of indigenous systems of conflict resolution and the integral parts of the traditional cultures also suffered as a result of the policies promoted by the two models.

THE BIAS OF THE URBAN ELITE IN DEVELOPING SOCIETIES TOWARD THE TRADITIONAL CULTURES

Urban elites in developing societies inherited the newly independent states when their colonial masters departed. These newly independent states also inherited the Western legal system as a frame of reference to resolve conflicts in their respective societies. However, the Western legal system remained a tool to be used in matters relating to the state such as land, insurgency against the state, taxation, and so on. At the same time, indigenous systems of conflict resolution remained in effect in most communities around the world. This situation led to a dual system of conflict resolution in those societies, the Western legal-based approach, and the one based on indigenous processes of conflict resolution. However, the urban elite depended on the indigenous systems when it came to matters of great importance, such as marriage, homicide, intra- and inter-community conflicts, and so forth. While the indigenous systems survived in this manner, it still remains a marginalized and neglected affair. For example, most African students and scholars I have spoken with over the last two decades or so refer to indigenous systems of conflict in their respective societies as "informal" or "traditional." The relevant point here is that there was no investment by new state systems in the study of indigenous systems of conflict resolution and therefore such knowledge and practice remained unattended to by the "literate" world. While the Western-based legal system was taught in modern universities, where the newly educated elite acquired their skills and legitimacy to embark on their professional lives, the knowledge of indigenous systems of conflict resolution was excluded due to the fact that it was perceived unworthy to be included in the modern university curriculum. Therefore this critical knowledge remained marginal; the sole mission of passing such knowledge and practices of these processes of

peacemaking to the next generations was relegated to oral forms of communication at family and local village levels.

ADR WAS CREATED TO ADDRESS THE NEEDS OF THE WESTERN, INDUSTRIALIZED SOCIETIES

Prior to the birth of Alternative Dispute Resolution, which was consolidated during the 1970s in United States, there was the legal mechanism, which was ostensibly created to resolve conflicts between the states, and the same tool was used in dealing with domestic disputes.[25] The very name of the new field, "Alternative Dispute Resolution," signifies that it is a new profession that was created to address needs in the industrialized West. It is obvious that all these activities were based on the Western experience regarding social changes which took place in the 1960s and 1970s. Yet these changes had little connection, if any, with daily experiences in the traditional societies around the world.

The Limitation of the Pioneers Regarding the Cultural Traditions of the Traditional Societies

Pioneers of the new ADR field were scholars who had specialized in a particular area within their respective discipline. It is well known that most social science disciplines were mostly based on the experiences of Western societies (with the exception of the field of anthropology). Some scholars who pioneered the new field of conflict resolution launched into a new area of inquiry and practice because they were generally dissatisfied with theoretical orientation and practices, which were anchored in their own disciplines. The classic case relative to this type of dissatisfaction is represented by the experience of John Burton, who was trained in the area of international relations, and subsequently became a practitioner in international diplomacy and conflict resolution. Essentially, his writings, which he completed after he had left an Australian government position, were intended to provide an alternative vision and create new models in dealing with social conflict, in particular deep-rooted conflicts. Others, such as Lewis Coser (sociology) and Christopher Mitchell (international relations), expanded their search from their original discipline.

Lack of Representation in Terms of Experience from Traditional Societies

Historically, in general, there has been a disproportionate representation of persons with urban backgrounds in higher education, where new areas of

knowledge were proposed, refined, and published for the larger community. Therefore, the direct benefits of modern universities never reached persons from rural areas of the world communities, which, for the most part, is where groups practice indigenous systems of conflict resolution. This problem is particularly acute in developing societies with a special level of severity among indigenous peoples in the Americas, Australia, Europe, and the former Soviet Union. More relevant to the current situation is that institutions where the new profession is being developed are primarily located in Australia, North America and Europe. Unfortunately, they have not been able to break down those historic barriers against people of developing societies, particularly those communities in rural areas. This situation is compounded by two related factors, which continue to plague institutions of higher learning. The first problem relates to the social phenomenon of cultural reproduction in the academic world. This social phenomenon takes two forms. The first form illustrates that universities, through their established procedures, tend to hire new faculty members who share similar values and beliefs to personnel in respective departments and administration. In my observation, this is the reason that minorities remain marginal groups in academic departments in North America and other continents. The second issue is that academicians tend to support graduates who pursue lines of research established by their faculty. While this approach is totally legitimate, at least in my view, the problems stem from the fact that the field of conflict resolution, as it currently exists, is based on information which had been collected from a very limited human universe in the first place.

The Mission and Promise of the Modern State

When colonial European powers departed from their respective territories, there were explicitly and implicitly stated expectations from all newly independent states in developing societies. The new leadership of these newly decolonized states promised national integration, modernization, equality, and social justice "for all citizens." The premise of the new development/ modernization movement was predicated on the notion that old traditions had to be removed and modern ideas and practices had to be embraced.

THE BIAS OF ANTHROPOLOGISTS

Anthropology, as a field, has been dedicated to the study of cultures from a comparative perspective. Indeed, Western anthropologists have spent an inordinate amount of resources (funds, energy, and time) to explore cultures

in non-Western societies. However, as the products of Western culture themselves, they carried the Euro-centric worldview to the study of other cultures. Also, it seems that the basic mission of the field was to explore the nature of other cultures for the purpose of transferring knowledge-based benefits to their own societies. As a result, a particular focus was to accumulate information from "uncivilized" societies and assist them in reconstructing their patterns of human evolution. Thus, anthropologists tended to look for cultural groups that they considered the "most savage" and the most violent. Based on these attitudinal orientations and strategic goals for research, they looked more for violent activities in such societies at the expense of peacemaking activities. Sponsel and Gregor, in their reflective work wrote the following regarding this subject:

> "In anthropology, until recently, conflict, aggression, and violence have claimed most of our attention; peace, both interpersonal and inter-group, has received relatively short shrift. For example, Brain Ferguson's recent (1988) bibliography on the anthropology of conflict all 366 pages of reference; of these, only four pages are devoted to peace and conflict resolution. . . . On the face of it, a disproportionate interest in warfare by anthropologists is strange. For human society to persist, even the most violent of them, there must be order, sociability, reciprocity, cooperation, and empathy,—perhaps, even compassion and love. In even the most warlike societies, the vast preponderance of time is spent in the pursuit of ordinary, peaceful activities that embody these qualities."[26]

THE CONSEQUENCES OF THE NEGLIGENCE OF INDIGENOUS SYSTEMS OF CONFLICT RESOLUTION

In this section, I will argue that there have been negative consequences as a result of the negligence and marginalization of indigenous systems of peacemaking. More specifically, I will discuss five general areas (categories) of negative consequences as a result of the marginalization of indigenous systems of peacemaking.

There is a disconnect between modern legal systems and the cultures of indigenous populations. The modern legal system, for the most part, is the invention of European civilization and in many respects does not correspond with the cultural values of traditional societies. Some critical features of the legal systems are as follows: (a) the central focus to establish sufficient evidence accompanied by well developed technical arguments; this approach inherently favors the party that has resources to hire the most skilled lawyers (e.g., the O. J. Simpson case); (b) this approach does not take into account the

future relationships between the parties—in most traditional societies repair-
ing the damaged relationship is the chief goal of peacemaking; (c) for the
most part, it focuses on the individual grievances—it does not recognize the
interconnections between the individual, family, and community; (d) the legal
approach to conflict resolution depends totally on the coercive power of the
state; (e) it has no room for the spiritual dimension of peacemaking; and (f)
the main goal in the legal approach is to win over the opponent, not to repair
the damaged relations as a result of the conflict. Naturally, when the source
of the conflict, which stems from dysfunctional relationships between parties,
is not addressed, the conflict may continue at an attitudinal level.

To illustrate the nature and quality of the disconnect between indigenous
peoples and the state legal system, I wish to cite a vignette. In 1996, while I
was still teaching at the Institute for Conflict Analysis and Resolution, George
Mason University, Fairfax, Virginia, my graduate assistant was recruited by
the Organization of the American States (OAS) to work in Guatemala. As
most readers may know, the state of Guatemala has a bloody history regard-
ing its treatment of the indigenous population who happened to be the major-
ity. The OAS ostensibly recruited her to help the government of Guatemala to
improve its record in the area of human rights violations. After a few months,
she reported to her contact faculty members, in writing, indicating that the
indigenous peoples in Guatemala did not trust the legal system and did not
use it at all; the reasons are obvious—the Spanish dominant minority had
used its legal system to marginalize and control the indigenous population
in Guatemala.

I can report a similar view among the Oromos in the Ethiopian empire
state, where the state legal system was used to strip them of their basic
rights in all critical aspects of life. Ethiopia has had three radically dif-
ferent regimes during the last seventy years—the government of Emperor
Haile Sellassie (1932–1974), the regime of the Dergue (the military junta)
(1974–1991), and the government of the Tigray Liberation Front (TPLF)
(1991–present). Each of these regimes had its own constitution, and each
regime used its constitution to marginalize the indigenous majority popu-
lation in the periphery, where the Oromos constitute the majority of the
population. As a result, the Oromos by and large do not trust the Abyssinian
legal system.

Indigenous systems of conflict resolution should occupy a major space in
the cultural landscape of the populations in developing societies. This aspect
of their culture remained vulnerable to the abuse of power by the urban rul-
ing class, who control the state apparatus. The Somali experience under Siad
Barre illustrates this point. The Somalis possessed two indigenous traditions,
the clan system and the eldership system, which survived colonial adminis-

tration, Islam, and the modern state. The clan system ensured the survival of each member in a very austere material environment, where the competition for daily survival becomes an imperative function of the clans system, while the indigenous system of conflict built bridges between the clans to create and sustain relatively harmonious relationships. However, both of these indigenous systems were undermined by the regime of Siad Barre; he pitted clans against clans, and elders against elders. When his regime collapsed in 1991–1992, the intensive and destructive cycle of contentious conflict between General Mohamed Adeed and Mohammed Hamidi ensued, leading to the total collapse of the societies' basic social and psychological infrastructures, and the Somali society looked like a bottomless pit, so to speak. The national nightmare, which was experienced and is still being experienced by the Somali society during that period and up to the present, can justifiably be explained by Chinua Achebe's imagination in his highly acclaimed novel, *Things Fall Apart.*[27]

The Western systems of conflict resolution, while rich in theories of social sciences and practical models, have not developed the concepts and practices, which adequately meet the spiritual dimension of peacemaking which involves rituals. In 1996, I was confronted by a Liberian journalist— a Liberian American. At the time, she lived in Baltimore, Maryland, and was running radio talk shows about events in Africa. She invited me to join her for lunch in Washington, DC. During our conversation, I told her that some experts in conflict resolution from George Mason University and other organizations in North America had visited Ghana to meet with community leaders from Liberia. At the time, ethnic conflict in Liberia was still going on. As soon as I uttered those words, she became agitated and spoke with a loud voice.

> "What do these, so called, experts from North America know about the conflict in Liberia; they do not know our culture and they do not understand our fears. They come and tell us that we should forgive and forget. In my case, the other group wiped out my entire family members, and we lost all our properties. How do I forget and how do I know that these acts of violence would not be repeated again?"

As she continued with expressions of concern and frustration, it was evident that she had much deeper fears and anguish over the loss of her family members, and her dissatisfaction with the Western-based model of conflict resolution, as applied in dealing with the conflict in her country.

> "In our culture when blood is shed as a result of such conflicts, there are rituals to be performed. The members of the community of the aggressors come out

and be accountable and participate in such rituals; it is such activities, which would assure the victims of violent conflicts that such hostile acts against them would not be repeated; then, forgiveness and healing would be much easier."

There is a lack of adequate preparation on the part of indigenous communities to deal with modern state based bureaucracy. As indicated previously, historically the educated elite in developing societies relegated the indigenous processes of conflict resolution to the status of backwardness and irrelevance to the functions of the modern sector, while in the rural areas, the masses continued practicing the traditional ways of resolving conflicts. For example, there has not been much research conducted to establish the critical features of indigenous processes of peacemaking, which have common threads or are radically different from the state based legal system. Neither is there credible research nor are there suitable models that have been developed to reconcile concepts and practices of the two systems. The problem is becoming more acute regarding this issue as a result of more recent movement by the indigenous peoples around the world, asserting their rights to use their own indigenous methods of conflict resolution. In my view, this movement has evolved as a result of the fact the West has embraced conflict resolution (ADR). Consequently, it is natural for such groups to take a more proactive position with respect to their processes of peacemaking, including in dealing with conflicts which take place within modern sectors.

The recent political event in Bolivia illustrates this point. Evo Morales, an indigenous political leader, was elected president, the first in the history of that state. Once elected, he elevated members of the indigenous population to high positions of government as one of his priorities. Also, it seems that he and his supporters wanted to inject the cultural values of the indigenous population in Bolivia into the affairs of government. For example, the minister of justice was an indigenous woman who had not been trained as a lawyer. This situation presents contradictions at two levels. First, by definition, when someone is appointed as the minister of justice in a modern state system, that individual automatically becomes the chief law officer for that particular state. That appointment, ipso facto, assumes that person knows the legal system. That kind of knowledge usually comes from formal training in the legal system. Second, the bureaucracy of the department of justice is based on the modern legal system and is usually staffed with trained lawyers. The relevant issue in this case stems from the fact that there was no adequate preparation to bridge the gap between the indigenous systems and the justice system which was based on the state legal system. The lack of the necessary preparation in dealing with two fundamentally different approaches relative to the cause of justice was revealed in the answer the new justice minister

gave to a reporter. The reporter asked the new justice minister to explain how she could be the minister of justice, when, in fact, she was not trained as a lawyer. In her response to the question of the reporter, she referred to the fact that the indigenous people view justice in a different light. This statement is fundamentally true. However, she did not explain how she and her associates bridged the gap between the two fundamentally different systems. The gap becomes self-evident, as she has the responsibility of running a modern state bureaucracy, which has been staffed by lawyers trained in the Euro-centered legal tradition.[28]

The state/international legal based system has proven to be inadequate in dealing with inter-communal violent conflicts. This point refers to inter-communal conflicts that have taken place within a larger collectivist societal system. The inadequacy of legal approaches stems from two major factors. First, collectivist societies generally have culturally crafted systems rich with rituals for dealing with inter-communal conflicts. In recent years, such conflicts have been handled through the power approach; power which either uses physical violence to alter power relations in the conflict or state, or an internationally sanctioned legal approach to punish the aggressor party. These two approaches do not adequately deal with the emotional trauma as a result of the conflict.

Nor do they address the future relations of the communities, which have engaged in violent conflicts. To illustrate this point, I will cite three internationally known inter-communal conflicts during recent years, where such patterns of action have taken place. The first was the conflict in Lebanon. Lebanon experienced a violent inter-communal conflict between 1975 and 1990, which resulted in the destruction of the infrastructure of the state system. After two decades of destructive civil war, the situation became calm, essentially as a result of intervention by Syria. However, the psychological, emotional, and spiritual dimension of the conflict was even more serious.[29] As is the case in most of the societies in the Arab world, there are indigenous processes of conflict resolution, known as *sulha*, which are commonly practiced in the villages in Lebanon.[30] In contrast to most other Arab states, where *sulha* is not recognized by the state legal system, in Lebanon this form of peacemaking has been recognized as a legitimate process of peacemaking. As is quite common in many indigenous processes of conflict resolution, the strength of *sulha* lies in its features, which emphasize forgiveness, reconciliation, and healing, and is facilitated by elders and reinforced by a rich set of rituals. As had happened in so many other communities, the indigenous practices had been relegated to the back room, so to speak. Several years later, after the violence had stopped, Lebanese who had been affected by violent conflict during the prolonged civil war turned to *sulha* in a haphazard way, in search of reconciliation and healing.

Rwanda is another such state where inter-communal conflict has caused much death and destruction, both physically and emotionally. Within a hundred days, between 800,000 and 1,000,000 Tutsi ethnic members and moderate Hutus were killed by an organized Hutu militia. The killings of so many unarmed civilians were declared genocide by the international community. Such a declaration, ipso facto, led to the establishment of UN Criminal Tribunal. Thousands of Hutu suspects were placed in crowded jails for several years, waiting for their turns to face the investigation by the newly established tribunal. With limited resources and given the high number of suspects to be investigated regarding the crime, the government in Kwagale determined that, if they were to continue on this path, it would take some hundred years before they completed the trials. Therefore, the government made a fundamental decision regarding the entire matter—it went back to *Gacaca*, a community based indigenous process of peacemaking. The basic elements of the *Gacaca* process, as specified in dealing with crime committed during the genocide, was that an individual who had participated in the genocide would confess to the community where the crime took place, and ask the community for forgiveness, and the concerned community would forgive him/her.[31] While one can argue that the *Gacaca* approach was not a perfect solution in dealing with those who committed crimes during Rwandan genocide, it was a culturally codified method of conflict resolution, which gave much deeper meaning to the populace. In my view, this process would have been much cleaner and enriching if it had been conducted by local elders. Instead, it was organized at the order of government officials, most probably Tutsi bureaucrats, who were the victors in the conflict. This instance is another case in which the well-developed indigenous process of conflict resolution, in the evolution of the ethnic communities in Rwanda, had been neglected as a result of the emergence of the legal system during the colonial era. It was subsequently adopted by the leadership of independent Rwanda. Indeed, *Gacaca* was implemented in a haphazard manner; it was something that was thought of at the last minute.

The third case is the role that indigenous processes of conflict resolution played during the violent conflict in Somalia, which ensued after the collapse of the regime of Siad Barre. The indigenous forms of peacemaking in Somalia survived many social forces (colonialism, Islam, the state system, and the Cold War). It is the most enduring, most trusted cultural practice in the Somali society.[32] It will be recalled that the Somali society plunged into social strife of an epic proportion after the regime of Siad Barre collapsed in 1991, as a result of a power struggle between two ambitious individuals—namely, General Mohammed Adeed and Ali Mahadi—which eventually led to the collapse of the state infrastructure and the catastrophic civil war that

ensued. Several international and regional organizations such as the UN, the Arab League, and the Organization of African Unity (OAU) attempted to intervene to make peace among various Somali factions. In relative terms, it was the Somali indigenous form of peacemaking, which was more successful in making peace in Somalia than any other mechanism of peacemaking.[33] Once again, the Somali experience illustrates that an indigenous system of conflict resolution is the mechanism which the populace relate to and trust the most. It deals with different dimensions of the conflict. However, it had been neglected by the state system, the ruling class, and academic institutions.

INDIGENOUS PROCESSES OF CONFLICT RESOLUTION—A COMPARATIVE APPROACH

Thus far, our knowledge of indigenous processes of conflict resolution is primarily based on personal experience, for those who grew up in societies where the communities practiced this form of peacemaking, or by reading case studies. Little research has been done from the angle of comparative studies. From the outset, it should be admitted that since indigenous communities around the world live in vastly different material and social ecology, the task of producing comparative studies is difficult. However, in my view, attempts have to be made. By examining case studies in a comparative way, one can gain insight regarding the basic characteristics found in indigenous forms of peacemaking. In the following paragraphs, I wish to share with the readers some preliminary observations regarding the common features, which I found in the cases studies, which were selected from North America, Africa, the Middle East, and the South Pacific. Based on content analysis of these cases, the following common features were established: (1) The goal of peacemaking is to establish the truth regarding the cause of conflict by collecting evidence from the parties and witnesses. This theme suggests that there will be no peace and reconciliation between the conflicting parties unless the cause of the conflict is established and the party responsible for the cause is held accountable. (2) In these communities, once a conflict takes place, it does not remain the responsibility of the individual who caused the conflict only; the family and the community take the responsibility in assisting to establish the facts and in resolving the conflict. This is in contrast to the modern legal system, where the focal point for resolving the conflict is placed solely on the individual. (3) The elders are key players in resolving conflict. (4) Spirituality plays a key role in peacemaking. (5) Stories or parables are important forms of discourse in mediation. (6) During peacemaking, connections are made between the individual, family, community, nature and the

supernatural. (7) Conflict resolution is used to focus on the need for unity and in keeping the tradition of the family and the community. (8) Conflict resolution is not an option, it is mandatory. (9) The goal of conflict resolution is not based on class and power, it is based on the worth the community places on the individual irrespective of power and the social status of the parties. (10) The main goal of conflict resolution is to repair damaged relations and not to exact punishment, although punishments are involved where damage has been done as the result of the conflict. (11) Forgiveness is critical to achieving the goal of repairing the damaged relationships as a result of conflicts. (12) The rituals play a key role in the process of peacemaking.[34]

HOW DO THESE COMMON FEATURES FOUND IN INDIGENOUS PROCESSES OF PEACEMAKING COMPARE WITH BASIC ASSUMPTIONS AND PATTERNS OF PRACTICES OF ADR?

In the next section, I will briefly describe how ADR differs from indigenous processes of peacemaking. In examining the key literature regarding the current status of mediation as conceived, taught, and practiced in Western societies, I was able to establish the following features: (1) There is an assumption that conflict can be settled and managed through rational planning. (2) The needs, desires, and interests of the individual are the overarching goals of conflict resolution. (3) Material resources are often the codes which Western parties and mediators use to describe or establish a process of conflict resolution. (4) Issues for regarding negotiation are often materially based.[35] (5) There are no provisions made to address the spiritual dimension of conflict. (6) Participation in the conflict resolution process is based on the parties' willingness to participate; it is not mandatory. (7) The individual party in conflict has the sole responsibility to resolve the conflict. (8) The concerns of the larger community in which the conflict takes place are not expressed explicitly during the mediation process. (9) Rituals are not included in mediation. (10) The mediator is expected to be neutral and an outsider. (11) Professional training is the source of legitimacy; personal reputation in the community and trust are not considered as important. (12) Confession and forgiveness do not play any significant role in mediation.[36]

In my view, the existence of such a gap between the central themes and functions which are found in indigenous processes of conflict resolution and those found in the ADR has profound implications with respect to the curriculum for the degree programs in the field of conflict analysis and resolution. Should we assume that all the students who would be graduating from the

conflict studies programs in Western societies will practice in individualist societies?

THE OPPORTUNITIES AND THE CHALLENGES ASSOCIATED WITH PURSUING THE STUDIES OF INDIGENOUS PROCESSES OF CONFLICT RESOLUTION

Thus far in this essay, my discussion has focused on five general areas: (1) how traditional methods of conflict resolution had been neglected; (2) the factors which have contributed to the marginalization of this form of peacemaking; (3) the consequences of the marginalization of this form of peacemaking; (4) some preliminary observations regarding the basic features commonly found in indigenous methods of conflict resolution; and (5) ADR and its distinct features, which are different from indigenous processes of conflict resolution. In the last section, I wish to explore, though briefly, the opportunities and challenges relative to the studies of indigenous systems of conflict resolution.

THE OPPORTUNITIES

Why should we study indigenous processes of conflict resolution? I commence this discussion with the assertion that as long as indigenous processes remain marginalized and neglected, the field of conflict resolution will remain incomplete and indeed impoverished. In my view, there are several strong reasons why the scholars in the field of conflict resolution should study indigenous processes of conflict resolution.

As discussed previously, the European colonization of the world created a wall of prejudice against non-Western cultures; it depicted non-Western cultures as backward and unworthy to invest resources (time, energy and funds) in studying. After decolonization, the rulers of new states manifested ambivalence toward their own cultures at best; they viewed indigenous processes of peacemaking in the same manner as their colonial masters. The pro-West group was taught to get rid of traditional systems, which were considered backward, and also to reject pro–Soviet Union views, where the revolution should cleanse the traditional systems, which, according to their point of view, was backward and irrelevant. This level of sustained attack over some five centuries has made indigenous peoples (particularly the educated elite) think that, somehow, their cultures are inferior and backward. Thus, they have nothing to offer to the modernity project. In my view, sys-

tematic studies of indigenous process of conflict resolution will contribute greatly toward the restoration of honor and dignity to the cultures of the non-Western peoples of the world. Specifically, they would have more confidence in their own systems of conflict resolution.

Much more solid and robust research and publication in this area will help the field of conflict resolution to develop and enhance a cross-cultural perspective and will make the field of conflict resolution more comparative as a field of learning and practice. Currently, dramatic changes are taking place in many traditional societies, with significant impacts on interpersonal and inter-group relationships. For example, stratification is emerging in such communities with the result of an imbalance of power in inter-relationships at all social levels. Such changes are altering the social context in which indigenous forms of peacemaking take place. In my view, introducing social science research regarding the practices of indigenous forms of peacemaking will help to identify such changes and the negative impact on indigenous forms of peacemaking—with such knowledge, potential remedies could be considered. John Burton, in his important work entitled *Conflict Resolution as a Political System*,[37] wrote a critique, arguing that Western approaches to governance has been based on power rather than the consideration of human needs. He passionately recommended that conflict resolution should be incorporated into the political system. He proposed this approach as an alternative to the Western legal-based approach in dealing with human basic needs. I believe pursuing research and publication in the area of indigenous mechanisms of conflict resolution will assist and enhance our understanding of how conflict resolution can be incorporated into the political system. Such endeavors, as discussed in this section, have the potential to encourage the elites, particularly the academic community, to re-enter, so to speak, the cultural arena of the majority in the rural area, at least at the intellectual level, from which they had distanced themselves, because *traditional* cultures were viewed as backward and irrelevant to contemporary social issues.

The Challenges

There are several major challenges, which the field of conflict studies has to face in pursuing this line of research and practice. In the following paragraphs, I will briefly discuss them. Currently, it is estimated that there are about five thousand ethnic groups in the world. A critical question arises relative to the required resources (funds, expertise, time, and energy) to do credible research regarding the peacemaking process of each group. In other words, the question emerges, how will we ever be able to study all of these systems of peacemaking with professional efficiency and equity? If we have

to select some of these for focus, what criteria will be used? Will it even be ethical to make such selections?

The rise of modern elites in developing societies has created unique complexities regarding the status of indigenous cultures—when the utilization of indigenous cultures suits their political interests, including indigenous processes of conflict resolution, they embrace and use traditional culture. However, if respecting the basic tenets of indigenous cultures does not support their immediate political needs, they are totally capable of and willing to abuse these cultures. The best example relative to this type of political phenomenon is the case of President Siad Barre, who ruled Somalia for some twenty years with an iron fist. In Somalia there were two major African traditions—the clan system and the eldership—which survived Islam and colonialism. In environmentally hostile conditions, which are prevalent in Somalia, the clan system was created to ensure the survival of the individual, and at times the clans clashed over resources (e.g., land, water, etc.) for the survival of their clan members, and the eldership system managed conflicts between the clans. When oppositions rose from various clans to challenge his autocratic rule, in order to stay in power, he (Siad) pitted clans against clans, and elders against elders. Thus, the catastrophic inter-clan strife, which took place in Somalia after the collapse of his regime, ensured that the Somali society behaved as though it was a bottomless pit.[38]

Another pattern of misuse of the indigenous processes of conflict resolution is also emerging in developing societies. Since ADR emerged in the West, conflict resolution as a field has become more attractive to the elite in developing societies; it has become a new fad, so to speak. As a result, some elites are claiming to be experts in indigenous forms of peacemaking when they are not, and they are using their relative power in the society, their education and name recognition, to present themselves as peacemakers in modern elite-powered conflict. The case of the Peace Committee in Ethiopia (PCE), mostly comprised of academics, which was created after the fall of the *Dergue* (military junta) in 1991, presumably to ameliorate the ensuing ethnic schisms between the Tigrean led government and members of other ethnic communities, illustrates this point. The relevant point for our discussion here is the mischievous process which the PCE undertook after the fraudulent elections of 2005, where the opposition challenged the outcome of the disputed elections and violence ensued, briefly, when Meles Zenawi's security forces opened fire against the members of the opposition party, killing and wounding several hundred people.

In addition, the regime imprisoned the leadership of the opposition party. The PCE negotiated with Meles Zenawi, the prime minister, to release the political prisoners, on the conditions that they accepted wrongdoing

against the government, and write individual letters of apology. Then, the chairman of PCE made claims to the media that the PCE used traditional methods of conflict resolution in facilitating the agreement.[39] As indicated in this work previously, such a tactic is contrary to the indigenous forms of peacemaking in indigenous communities. In this context, the critical question becomes, who represents the real experience and practice of indigenous forms of peacemaking? In my view, the prevailing bias against anything *traditional* in the context of contemporary global systems makes it very difficult for this area of inquiry and practice to be more attractive for funding for research and practice. Also, such prevailing bias could discourage potentially academically strong students from pursuing gradu-ate studies in this area. In the context of contemporary notions of ideals of justice and equality between all segments of human society, some aspects of practices in indigenous systems of peacemaking may be problematic. For example, most practices of peacemaking by indigenous communities are done by elders, which, ipso facto, favors older males. Women around the world are becoming dissatisfied with male hegemony in societal daily lives, as they are increasingly having more access to modern education, and becoming more empowered. Equipped with modern education, can the younger persons participate in peacemaking? Will that be acceptable to such cultures?

Critics of indigenous processes of peacemaking have argued that it vests too much in keeping harmony in the community and, thus, those who have more power in the community ultimately control the process, using it to main-tain their status of privilege and power in the community.[40]

CONCLUSION

In this essay, I have argued that the indigenous processes of conflict resolu-tion, which, by far, have a much longer history, and successful functioning in traditional societies have been neglected by the theorists and practitioners of ADR, a profession that is only about three decades old. The level and nature of the neglect is manifested in the absence of textbooks relative to indigenous systems of conflict resolution, the lack of courses in the cur-riculums of the degree programs offered in Western universities, the lack of examples reflecting everyday social realities from traditional societies, and the absence of the spiritual dimensions, usually shown through rituals, which are commonly present in indigenous processes of conflict resolution. What is even more significant is the fact that ADR has been promoted as the new

paradigm on the block to the world community, as though it is universal in all its forms and dimensions, and relevant to all cultures and social realities. Therefore, it is not surprising that the reactions from non-Western societies toward ADR have been lukewarm at best, and at times, there is outright rejection of the new model.[41]

In my view, in order for the field of conflict resolution to take indigenous processes of conflict resolution more seriously, as suggested in this essay, we need to understand the historical and cultural background in which the Western and the traditional cultures have interacted during the last five centuries. Also, I have suggested that the negligence of indigenous processes of conflict resolution by the literate world in the past, and, more recently, by the theorists and practitioners of ADR, has had negative consequences for the peoples of traditional societies, which have experienced considerable levels of group humiliation, ambivalence toward their own culture, division, and disorientation. Curiously, more recently, some communities, which had experienced violent conflicts, have turned to indigenous processes of peacemaking in the hope of finding more appropriate mechanism of healing and reconciliation. These episodes have also revealed that individuals and communities turn to the traditional techniques of peacemaking more in some haphazard manners due to the fact that their culturally based methods of peacemaking have been neglected for so long. As the same time, there are no well-trained experts in the tradition of the social sciences, who can provide leadership in such endeavors. As a matter of fact, some members of the elite sector, as discussed in the chapter, tend to become involved, when actually they know very little, and their knowledge about the processes of indigenous systems of conflict resolution is based only on conventional wisdom, or on some vague memories.

In my view, the indigenous processes of conflict resolution should be the new frontier for the profession of conflict resolution. It both presents real promise and has the potential to broaden our horizon regarding human capacity to invest more in peaceful coexistence. It also presents real challenges. In particular, those institutions which offer graduate degrees in the field of conflict resolution have an unparalleled opportunity to guide their graduate students to do ethnographic studies, focusing on peacemaking activities in major cultures in different parts of the world. The next phase of such study should include comparing the main features commonly found in different processes of conflict resolution, the interactions between the state-based legal system and indigenous systems of peacemaking, the evolution of the hybrid types of peacemaking, and the application of indigenous processes of peacemaking in dealing with inter-ethnic conflicts.

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NOTES

1. Howard Johnson, my graduate assistant, worked on most of references for this work. He also the read the paper and made constructive suggestions. I am grateful for his valuable contribution toward the completion of this paper.

2. Louis Kriesberg, "The Conflict Resolution Field: Origins, Growth, and Differentiation," in *Peacemaking in International Conflict: Methods, Techniques,* I. William Zartman, ed. (Washington, DC: USIP Press, 2007), 25–60.

3. For example, currently, there are three handbooks on the subject of conflict analysis and resolution. See Dennis Sandole, et al., eds. *Handbook of Conflict Analysis & Resolution* (New York: Routledge, 2008); Michael Meffitt, *Dispute Resolution Handbook* (San Francisco: Jossey-Bass, 2005); Morton Deutsch, et al., (eds.), *The Hand Book of Conflict Resolution: Theory and Practice* (San Francisco: Jossey-Bass, 2006).

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23. So, *Social*; Hume and Turner, *Sociology.*

24. See *The History of Marxist/Leninst Theory,* http://www.friessian.com/mar .htm. The "revolutionary" regimes, which were supported by the Soviet Union used these tactics in dealing with their opponents, including those who argued for maintaining traditional values. The case of Cuba, the regime in Afghanistan during the Soviet Union invasion, and the *Dergue* (military junta) in Ethiopia (1974–1991) illustrate this point.

25. Augsburger, *Conflict*, 192.

26. Sponsel and Gregor, *The Anthropology of Peace*, 199.

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34. Kemp and Fry, in their review of ten case studies of "peaceful" societies, established similar patterns of handling conflicts by those communities. Of course, their work focused on peaceful societies, whereas my studies included both communities who are peaceful and those who use violence. See Graham Kemp and Douglas Fry, eds., *Keeping the Peace* (New York: Routledge, 2004).

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36. See the list of sources as presented in note 15.

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39. Orly Halpern, "In Ethiopia, Elders Dissolve a Crisis the Traditional Way," *The Christian Science Monitor*, http://www.csmonitor.com/2007/2009/p01-woaf.html. However, there was sustained critique of the PCE regarding this case, which appeared for several months on http.//www.Ethiomedia.com.

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