

The African Peace-Building Strategy and the Western Alternative Dispute Resolution: A Critique

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ABSTRACT: The paper examined African peace building strategies against western alternative dispute resolution (ADR) mechanism to assess their comparative effectiveness and the need for integration in contemporary conflict resolution. The aim and objective of this paper was to evaluate the theoretical foundations and practical applications of indigenous African peace building approaches versus Western ADR models, identifying strengths, limitations and possibilities for collaborative frameworks. The study analyzed the philosophical understanding of African traditions rooted in Ubuntu and communalism, and also examined Western ADR mechanism within individualistic frameworks. This led to critiquing the transplantation of Western models into African contexts, and proposing culturally sensitive hybrid framework. The qualitative comparative analysis research methodology was employed through extensive literature review of variable case studies like Rwanda's Gacaca Court, Burundi's Bashingantale system, and West African palaver tradition through documenting power dynamics and epistemological bases in both approaches. The finding revealed that African peace building strategies effectively addresses communal conflict and restores social cohesion through community engagement and spiritual reconciliation but faces obstacles with documentations and objectivity. While the Western ADR offers systematic procedural narrative, yet this proves culturally alienating and excludes community participation and perpetuates neo-colonial power imbalances. In bridging this gap, the paper recommended the validation of legal frameworks recognizing indigenous mechanism and continuous documentation of traditional practices. This integrated African conflict resolution into educational curriculum capacity building for traditional institutions as well as cross-regional knowledge exchange platforms and developing adaptations for urban and transnational conflicts. The paper also closed the existing gap in peace building creating sustainable peace rooted in cultural values. The paper finally concluded that, effective resolution requires hybrid mechanism centering on indigenous knowledge while selectively incorporating Western elements for procedural clarity, cultural self-determination and community ownership.

KEYWORDS: African Peace Building, Alternative Dispute Resolution, (ADR) Western ADR mechanism, Ubuntu philosophy. Community Participation.

1. Introduction

Middle adulthood is a psychologically significant period in which individuals may experience changing social roles, family responsibilities, health concerns, occupational transitions, and increasing awareness of aging and mortality. Although life satisfaction is frequently conceptualized as a broad evaluation of one's life, psychological well-being reflects a wider range of positive psychological functioning. Death anxiety introduces a different dimension because it concerns emotional and cognitive responses to mortality. Examining these constructs jointly can therefore provide a more comprehensive account of psychological adaptation than considering any one variable independently.

The Satisfaction With Life Scale established a concise approach for assessing an individual's global cognitive evaluation of life circumstances (Diener et al., 1985). Peace building and conflict resolution is one of the drastic components of the norms in modern universal good governance, especially in areas engulfed with pockets of conflicts and post conflict reconstructions. According to Murithi, (2006), Africa, with its diverse socio-cultural history and complicated colonial legacy had over the years developed indigenous peace building mechanisms that predates Western legal systems which incorporates communal value system of reconciliation, restoration and social harmony. The author argue further that these indigenous approaches were enshrined in African worldviews like, "Ubuntu" and responsibility, emphasizing community participation, restorative justice

and rebuilding of social relationships rather than adversarial adjudication. The universal popular acceptability of Western alternative dispute resolution (ADR) mechanism for example, mediation, arbitration and negotiation has raised a dialectical perceptions or questions about the applicability, effectiveness and cultural appropriateness in African context where conflict resolution is deeply embedded in communal traditions and indigenous knowledge system.

According to Zartman (2000), the drastic imposition of Western (ADR) by the imperialist into African legal and social frameworks and their agents like international development agencies, multilateral institutions and legacy of colonial legal systems had continued to influence contemporary governance structure. Other Western scholars who nurses Eurocentric sentiment argues that Western (ADR) offers clear procedures, legal certainty and alignment with international commercial standards, especially in cross-border conflicts and investment arbitration. In a lighter note, skeptics argues that the adoption of these models represents a form of epistemic colonialism that marginalizes indigenous knowledge, undermines local agency and fails to address the contextual realities of African conflicts, which are often characterised by communal dimension, historical grievances and so on. Lederach, (1995) observed that the altercation between the global legal system and indigenous practices raises very important questions about foundational worldview, power dynamics and practical outcomes of different peace building approaches.

The paper systematically and critically examines the African Peace Building Strategy and Western (ADR) by explaining their epistemological foundation, procedural characteristics and effectiveness in promoting sustainable peace. Through a comparative analysis, the paper explores the points of convergence and divergence between these approaches, evaluates the challenges and opportunities of integrating Western (ADR) into African contexts, and examines the broader implications of such integration for cultural sovereignty, social justice and conflict transformation by engaging with de-colonial and legal pluralism.

Theoretical Framework

Relational justice theory is tied to core five pillars of African Peace Building and Conflict resolution mechanism. They are as follows:

A. Community Ontology

This theory is of the view that the self, comprises through relationships. Conflict is not merely a disagreement between parties but a rupture in the relational web of the community. And Peace or Justice cannot be achieved without restoring that web. This

theory is derived directly from “Ubuntu” foundational ontology.

B. Restorative Retributive Strategy

The Western ADR had its core mandate of the application of retributive strategy, and resolution. The theory emphasizes the restoration of social harmony and community dignity. In the indigenous African societies, the concept of “Ubuntu” which is community indigenous justice and restoration are interlinked and aimed at the restoration of victims and integration of offenders back into the community. The restoration of relationship and social harmony undermined by the conflict are also of importance.

C. Cultural Legitimate Supremacy

The theory argues that the legitimacy of a peace building processes depends not on procedural neutrality but on cultural authority. The elders, chiefs, women’s councils and religious figures carry moral weight that no externally appointed neutral mediator can replicate. Ubuntu peace building mechanism in Africa is a point to be reckon with as it references human dignity, relational context, and non-polarizing narratives that reorient people away from conflict escalation towards reconciliation and social repair.

D. Epistemic Sovereignty

The theory insists on the right of African communities to generate, validate and apply their own thinking of peace without requiring Eurocentric validation. Developing and systematizing the African ADR philosophy helps to decolonize the neocolonial agenda by showing the African ADR is a valid and well developed mechanism to conflict resolution. This is not a rejection of all external knowledge, but a demand for epistemic pluralism in which African frameworks are treated as primary not derivate.

E. Critical hybridization

The relational theory does not beckon for romantic return to pre-colonial era. It obviously accepts that some aspect of African practices is rooted in inequalities especially around gender and age. Romanticizing tradition can obscure power imbalance, silence marginalized voices or excuse abuses. Also, some customs may conflict with universal human rights standards particularly regarding gender or minority protections. The theory therefore advocates for critical hybridization, which is the deliberate community driven synthesis of the best of indigenous mechanism with universal human rights principles, not as concessions to Western norms, but as an expression of African agency in an evolving world.

Conceptual Foundations

The Western Alternative Dispute Resolution (ADR)

According to Sander (1976), the foundations of Western Alternative Dispute Resolution (ADR) could be traced to his address at the 1976 National Conference on the causes of popular dissatisfaction with the administration of justice otherwise known as "Pound Conference". In the address, the author recommended a structural paradigm shift in the justice system. The author argues that there should be variable options for litigant to manage disputes in the court system. This is narrowed down to what he describes as "multi-door court house" where variables of disputes would be articulated and resolved. It could take the form of negotiation, mediation, or arbitration.

These views of Sander, was corroborated by Mnookin (1998) who argues that ADR could be said to refer to a set of practices and techniques aimed at permitting the resolution of legal dispute outside the courts. Generally, it includes mediators, arbitration and lots of hybrid processes by which a neutral third party facilitates the resolution of legal disputes without formal adjudication. The author stressed further that the change becomes imperative as a result of expanded critique of adversarial litigation as structurally ill-suited in resolving conflict with relational, emotional ongoing dimensions. This shift set the progress for the institutional expansion of ADR throughout American courts and the legal culture in the decades that followed.

Menkel-Meadow (1984) argued that the second foundational pillar of Western ADR theory is the problem solving model of negotiation. The author is of the view that his postulation is a direct challenge to the adversarial assumptions embedded in conventional legal practice. He stressed further that adversarial orientation leads to negotiators adopting a zero-sum conceptions of the problem they seek to resolve, thereby limiting themselves by assuming single issue negotiation in which parties value only one contested item. However, the problem solving mechanism the author proposed is premised on identifying parties underlying needs and objectives and developing solutions that will resolve these needs through expanding the resources available to the negotiation. The author concludes that this approach holds that agreements will be more effective when the parties conceive of their purpose as solving the problem or planning the transaction, rather than winning or gaining unilateral advantage. This framework is exemplified across the author analysis on how mediation theory and legal negotiation developed across Western legal institutions.

For Mnookin, (1998), the theory of mediation as a distinct ADR Mechanism carries its own conceptual

framework grounded in the idea that a neutral third party can unlock agreements that structurally or psychologically are unable to reach on their own. Advocates of ADR regularly argues that arbitration and mediation reduces the transaction cost of resolution and otherwise lead to better outcomes with lots of benefits like creating of a resolution that are better suited to the parties. Also, that the interest and needs of the parties in disputes meets and align with the terms of the resolution.

Fisher and Ury's (1981). argues that mediation for example operates on a distinct logic. Whereas, arbitration replicates a court like decision by an appointed neutral mediator who recommends how the disputes should be resolved, facilitating the parties and own communicative processes. The author stressed further that the foundational framework stressing that effective dispute resolution requires moving beyond stated positions to unravel the underlying interest such as the needs, fears and motivations that actually drive conflict, enabling parties to construct mutually satisfactory agreements rather than zero sum outcomes.

The Conceptual Framework of Western ADR

According to Fis (1984), the conceptual framework of western (ADR) is not without its fundamental tensions, which were articulated in the author critique of the settlement movement. The authors argue that the ADR movement promises to reduce the volume of litigations initiated by parties to a conflict, and accordingly the bulk of its proposals are devoted to negotiations and mediations prior to suit. The author's objection to this postulation was normative arguing that settlement no matter how efficient, sideline adjudication which he regarded as a mechanism for articulating and enforcing societal values, not merely resolving private quarrels. The author objected to settlement among other things securing the peace while not necessarily delivery justice and for denying the court the opportunity to develop the law. His critique has remained generative within ADR scholarship, prompting ongoing debates about power imbalances between parties, the confidentiality of ADR processes and whether the privatization of dispute resolution serves or undermines the broader goals of access to justice.

The African Peace Building Strategies

According to Metz, (2011) African peace building strategy is fundamentally enshrined in the philosophy of "Ubuntu" an indigenous African worldview whose essence is expressed in the Nguni Bantu Maxim "Umuntu Ngumuntu Ngabantu" meaning "I am because we are" creating a collective ethnic identity, mutual obligation and social harmony at the center of conflict resolution. Unlike Western liberal peace building mechanism that values personal rights and state centered mechanism. Ubuntu understands peace not as ordinary absence of

violence but as lived condition of relational wholeness and communal solidarity. The author went further to stressed that this foundational value has profoundly shaped African approaches to transitional justice and reconciliation privileging restorative processes that includes truth telling, apology, and community reintegration against punitive legal framework. He argues further that Ubuntu provides a coherent moral theory capable of grounding human rights discourse within an African philosophical tradition making it more culturally legitimate and contextually effective than externally imported normative frameworks.

For Cillier, (2008), the second conceptual pillars is rooted on the principle of African ownership and agency which asserts that sustainable peace which must be led by African themselves, getting leverages from the indigenous knowledge systems, local institutions and understanding basic norms and customs. This conception acts as a corrective measure to asserts liberal peace building frameworks that critics argued failed to account for African political cultures and historical experiences. This conceptual framework was institutionalized by the African Union (AU) (2002) who put forward the mechanism in the implementation of African Peace and Security Architecture (APSA) established under the auspices of the Protocol relating to the Peace and Security council of 2002, which created continental and regional mechanism for conflict prevention, management and resolution. Cilliers went further to argue that APSA represents a normative commitment to African solutions for African problems embedding peace building within structures of regional sovereignty and inter-governmental cooperation rather than external conditionality. Regional Economic Communities such as ECOWAS, IGAD, and SADC serves as sub-regional pillars of this architecture operationalizing the principle of solidarity and demonstrating the continents growing institutional capacity for autonomous conflict management.

According to Clark (2000), the third foundational concept is “traditional and customary conflict resolution” which recognizes that pre-colonial African societies developed sophisticated framework for mediating disputes, restoring justice and reintegrating offenders long before the emergence of modern state system. An example is Rwanda’s Gacaca community courts which mobilized local participation, oral testimony and restorative norms to adjudicate genocide related crimes and reconstruct social trust at the grass root level. In collaboration to this postulation, Zartman, (2000) provides an elaborate extensive account of the Gacaca courts with emphasis on customary Rwanda dispute resolution traditions.

The author succeeded in processing over 1.9 million cases, while simultaneously serving goals of truth-

telling, reconciliation, and community reintegration that formal judicial processes could not achieved alone. These indigenous system operates on principles of dialogue, consensus, and symbolic reparation complementing formal legal institutions in post conflict settings. The author stressed further that traditional African conflict resolution mechanism were rooted in elder mediated dialogue and communal consensus that offer durable frameworks for peace that derives their authority for cultural legitimacy rather than external enforcement.

According to UNDP report (1994), African peace building strategy is conceptually grounded in a “human security framework that extends the notion of peace beyond political stability to encompass economic justice, structural equity, and social development. This Report recognized that armed conflict Africa is deeply rooted in poverty, inequity, resource competition, and political competitions and exclusion. From this standpoint, Peace building cannot be detached from development and lasting peace requires transforming the structural conditions that generate and reproduce violence.

The Areas of Convergence

According to Akinola and Uzodike (2018), African peace building strategies and Western Alternative Dispute Resolution (ADR) frameworks share a foundational commitment to non-adversarial, dialogue driven approaches to conflict resolution. Although, the both methods, give credence to peaceful resolution rather than coercive or litigious mechanism. The both system, according to the authors view conflict as a social phenomenon that can be transformed through structured communication, and neutral dialogue and understanding. They stressed further that the Ubuntu philosophy, which underpins many African peace building traditions, encapsulates humanness, fairness, justice, and the African value system. It is in tandem with the western ADR that lay emphasis on interest based negotiation and mediation. Although, the both systems seek to preserve relationship rather than produce winners and losers, which otherwise means it is always a win-win situation, which is the focal point of these reconciliation mechanism. This shared rejection of zero-sum outcome shows convergence recognition that lasting peace requires voluntary participation of all parties to initiate peace, not imposition by a third party who delivers the verdict

For Uwazie, (2011), the second convergence area lies on the community participation and stake holder’s inclusion citing the African tradition mechanism, like Gacaca courts, Kgotla assembles and other indigenous methods which involves a broader community participation in deliberating and resolving disputes which is an attribute of Western ADR on participatory Justice, restorative circles and community mediation.

The author stress further that ADR can serve as practical bridge between the formal legal system and traditional modes of African justice, contributing to an effective dispute settlement system that foster's peace building and conflict resolution at both the interpersonal and community levels. The both methods recognized that conflict is a two party affair and sustainable resolution requires the participation of those parties who were affected, and also who will live with the outcome at the end of the resolution.

Zehri (2002) observed that the third conveyance shows that the both mechanism shared a common phrase on restoration rather than retribution as a primary goals of dispute resolution. The Western restorative justice is an offshoot of contemporary ADR which jettisoned punitive models, moving towards restoring relationship and reintegrating offenders, which was equals to what was obtainable in African peace building. The author concludes that restorative justice expands the circle of those with a stake in the outcome beyond just the government and offender to include victims and community members with particular concern for needs that the conventional criminal justice system often neglects the truth telling and restitution approaches. This shared areas or restorative approaches position both system not only as alternative to war, but to a retributive logic of conventional criminal justice, creating meaningful conceptual ground on which African and Western practitioner can collaborate.

Jackson (2009) opined that both African peace building and Western ADR converges in their dependence on trusted third party facilitators which may be elders, chiefs, mediators, or neutral arbitrators whose moral authority and impartiality are essential to the legitimacy of the process. The author argues critically on the view of judicious use of intermediaries remains one of the enduring and most effective tools in the conflict resolution mechanism, for preventive diplomacy and truth commission. However, in African worldview, respected community leaders seek cultural knowledge to guide disputing parties towards consensus while Western ADR relies on accepted neutral mediators.

The author concludes that in spite of these convergence, the sources of authority differs as one is grounded in cultural and ancestral standing, while the other in professional certification and procedural rules. In otherwords, both system converge on the functional principle that effective dispute resolution requires a trusted, impartial human presence, capable of holding space for difficult and often deeply painful conversation.

Areas of Divergence and Hostility between the two

Mechanism of Conflict Resolution

I. Philosophical and Ontological Difference.

According to Mbiti (1969), the most fundamental divergence between the African peace strategy and Western alternative dispute resolution, ADR is embedded in their opposing ontologies of human existence and personhood. The author is of the view that the African conflict resolution is grounded in the philosophy of "Ubuntu", whose foundation axiom lies on "Umuntu Ngumuntu Ngabantu", meaning "a person is a person through other persons". This establishes what scholars described as a deeply rational ontology in which selfhood is constituted through communal belonging rather than individual autonomy. It is a point to note that the authors foundational work on African philosophy depicts that religion and by extension all social practices, including conflict resolution in virtually African societies is not primarily individualistic, but for the consolidation of the community of which individual is part of. The author went further to argue that this communal ontology stands in sharp contrast to liberal traditions that underpins the Western ADR, that proceeds from the presence of self-determining, rational individual as a primary or moral legal reasoning. He concluded that in Western ADR, framework dispute resolution is designed to serve and protect individual rights, interest, and autonomy, a philosophical orientation that is structurally incompatible with the African understanding of personhood, as inherently social and relational.

Murithi (2006) postulated that the second area of the divergence lies on how justice and peace are conceptualize within each philosophical traditions. He argued that Western ADR is an embodiment of mediation, negotiations and arbitrations describing peace as a technical and procedural problem. It set aside the dispute, identifies competing individual interest and arrive at a binding settlement, treating violence primarily as a legal or contractual violation. Conversely, he stresses that African peace philosophy treat conflict as a rupture in the moral fabric of communal life, which can only be healed, through communal dialogue, acknowledgment, and the restoration of relationships. The author extensive works and research on Ubuntu as a peace making framework identifies five stages of the conflict resolution process. They are acknowledgement of guilt, showing remorse and repenting, asking for forgiveness, giving forgiveness and paying compensation or reparation as a criterion to reconciliation emphasizing that sustainable peace is fundamentally about rebuilding human relationships rather than adjudicating individual grievances. The author finally argues that the epistemological divergence between the both holds that Western ADR assume that peace is achievable through institutional compliance and enforceable settlement, and African peace making holds that genuine peace is an

emergent property of restored, communal bonds a goal that legal formalism is structurally incapable of achieving.

According to Akinola Uzodike (2018), the third area of divergence and hostility is in the area of colonial legacy or euro-centrism that demarcates the Western ADR and African peace building methods. The author observed that the Western ADR is philosophically hostile to African indigenous epistemologies. He argues that Ubuntu encapsulates humanness, fairness, justice, and African value system and the difficulties in its adoption by state institutions derive largely from the complex interactions exemplified by the modern post-colonial state which was designed to reflect Western rather than African ontological assumptions. The author viewed Western ADR framework as transplanted into African contexts as condition attached to development aids or legal reforms programs. In actual sense, they do not offer an alternative mechanism for Peace building. They actively displaced indigenous legal ontology substituting communal dispute ownership with alien framework of adversarial bargaining of an individual self-determination. The collateral outcome is structural ontological conflict in which African understanding of peace as communal restoration is subordinated to a Western understanding of peace as individual right protection. This imposition reveals that the hostility between African Peace Strategy and Western ADR is not a matter of procedural preference, but a contest over whose ontology superseded and granted legitimacy with the post-colonial African state.

ii. Areas of Divergence on Power and Legitimacy in African Peace Building and Western ADR.

The issue of legitimacy and power on African Peace Building strategy and Western ADR has always been a critical divergence argument over the years. According to Richmond (2010), in African traditions, legitimacy is socially and morally derived. He observed that it flows from the community ancestral authority, elder's wisdom, and cultural values rather than from institutional appointment or legal codification. He stressed further that indigenous framework for example "Kgotla" in Botswana or elder led councils across the continent draw their authority not from constitutional authority but from centuries of communal trust and participatory village governance. A divergence from Western ADR that derives legitimacy in procedural corrections for example, the neutrality of the mediator, the voluntary consent of the parties and the enforceability of the outcomes within a formal legal framework. He argued that indigenous framework is fond of rejecting the liberal peace building framework that produces hybrid forms of peace that the dominant liberal peace project is structurally unable to accommodate. Power struggle, is one of the second and

most contested area of divergence. According to Lederach (1997), points that Western ADR has a theoretical assumption of party equality. For example, parties in conflict represent themselves as autonomous, who were at the same time capable of negotiating for themselves the outcome of the dispute. This assumption is analytically unattainable in post-colonial African contexts where conflicts are frequently rooted in structural inequalities, historical dispossession, ethnic imagination, and gendered power asymmetries that ADR processes neither acknowledge nor correct. The author argued further that African peace building framework especially the Ubuntu philosophy, are far more attentive to these enshrined power differentials as community elders, and community stake holders actively balance power by amplifying the voices of the marginalized and holding dominant actors accountable to communal standards of justice. The author is of the views that a sustainable peace building requires moving beyond traditional diplomacy focused on top levels actors, and short term objectives towards a holistic approach that empowers resources from within the society and stressed the dexterity of peacemakers at every level of negotiation. This insight, he argues challenges, the hierarchical assumptions embedded in Western ADR which tends to be in favor of the elites brokered agreement over grass roots participatory legitimacy thereby reproducing rather than transforming the power in imbalances that give rise to the original. The divergence of power and legitimacy resonate in the role of the state, and an external institutions authorizing dispute resolution. In Western ADR, the state or an internationally recognized body remains the sole much arbiter, or guarantor of the process, even when resolution occurs outside formal courts.

Mamdani (1996) observed that this state orientation sits in deep confrontation with many African Peace Building traditions, particularly where the state itself is a party to conflict or historically delegitimized institution in the eyes of affected communities. The author offers a foundational demonstration for this tension, explaining that colonial legacy in Africa produced a bifurcated power. structure that meditated racial identity and identity among citizens and ethnic identity among subjects. This could be seen as a system whose after effects continue to hunt post-colonial governance and conflict resolution, stressing further that the imposition of European legal and administrative structures, systematically delegitimized, customary authority, creating enduring crisis that Western ADR framework with their dependence on state enforcement and international institution backing cannot resolve without first confronting the colonial foundation of the governance structure they seek to utilize. He concludes that any meaningful reconciliation of the two framework power relations will continue to shape the very terms on

which African and Western dispute resolution system encounter one another.

Areas of Divergent on Structural, and Institutional Imbalances in African Peace Building and Western ADR

According to Richmon (2011), the focal point of the divergent of the both methodology lies on foundational assumptions about authority legitimacy and institutional design. He stressed that Western ADR are largely premised on liberal legalism, which were legally structured around formal institutions, neutral third party's mediators, procedural rules, and impossible agreements, which are deeply enshrined in state authority of jurisprudence. The author went further to postulate that his mechanism empowers individual rights, legal accountability and institutional efficiency. In contrast to this stimulation of Richmond MacGinty, (2008) opined that African Peace Building mechanism, derives legitimacy from communal consensus, elders in councils and customary governance systems that predate colonial/state structures. He stressed that the imposition of Western institutional models through international peace building missions has frequently sideline those indigenous structures, creating a parallel legitimacy deficit in which eternally designed institutions instruction lacks grass root legitimacy, which ultimately undermining lasting peace.

According to Paris, (2004), the structural imbalance between the two framework lies in the power asymmetry, which is enshrined in the international peace building initiative. He observed that the Western ADR as institutionalized by the world bank, and major donor agencies tends to frame African conflicts as governance deficit requiring technical actions like democratic elections, constitutional reforms judiciary restructuring that mirrors Western liberal democratic templates. The author argues further that this set of arrangement depicts what scholars describe as "Liberal Peace" agenda, where peace building becomes a vector for the export of particular political and economic norms rather than a generally neutral conflict resolution process. The author argued that in this scenario, African state and communities in this arrangement are positioned as recipients rather than architects of peace creating a structural dependency that distort local ownership. The results are that Peace building intervention often reinforce the very institutional imbalance they purport to resolve by bypassing African Union mechanism and sub-regional bodies such as ECOWAS or IGAD that possess, contextual, legitimacy, and relational capital unavailable to external actors.

For Paris (2004), the third significant divergence between the two framework lies in the epistemological mismatches between the two frameworks. He observed that the Western ADR operates within compressed,

project circles timeframe, driven by donor funding windows and measurable deliverables, privileging short term cessation over long-term reconciliation. African peace building according to MacGinty, (2008) is exemplified in the process such as Gacaca courts in Rwanda, the Ubuntu Philosophy in Southern African or the Gadaa system in the Horn of Africa. They are all embedded community centered templates that gives credence to relational restorations, intergenerational healings and moral reintegration over procedural finality. Richmond (2011) argues that this epistemological gap reflects deeper colonial continuities, whereas Western knowledge systems are institutionally privileging over indigenous peace epistemology resulting in hybrid peace architectures that are structurally incoherent but formally incorporate local elements, while substantively subordinating them to Western norms and donor conditionality.

Areas of Divergence on Gender and Social Inclusion in African Peace Building and Western ADR

i. Conceptual Framework of Inclusion

According to the United Nations Security Council report 1325 (2000), African building traditions and Western Alternative Dispute Resolution ADR significantly diverge in how they conceptualize gender and social inclusion for Western ADR. The report argues that it is embedded in Liberal democratic ideals that tends to treat inclusion as a procedural matter, ensuring equal representation at the negotiation table by initiating gender, neutral language, and adhering to formal equality standards. This methodology is generally supported by international framework. They report advocates for women as formal participation in peace processes. According to Tripp (2015), African Peace building often operates through communal and relational paradigms where inclusion is understood in terms of social roles, intergenerational relationship and community harmony rather than individual rights. The author concludes that women in post-conflict African societies frequently exercise peace building influences through informal culturally rooted channels than Western ADR procedural frameworks may overlook or displace when imposed without contextual adaptation.

ii. Structural Power and Patriarchal Tensions

According to Enloe, (2000), the second area of contradiction lies on how the both methods utilizes the embedded patriarchal structures. He is of the view that the Western ADR in its institutionalized forms, attempts to neutralize power imbalances through trained mediators, standardized procedures and accountability mechanisms, designed to surface and counteract gender-based disadvantage. In contrast, the African peace building mechanism, are enshrined within the fabrics of the very social structures that produce gender

inequalities (i.e). elders led councils, clan or village based arbitration and customary law systems that may formally exclude women from decision making rules. The author argued further that the militarization of social life in conflict affected societies deepens the subordination of women not only during armed conflict but in the post conflict reconstruction of institutions, including traditional disputes resolution bodies. The author concluded that this development or analysis is relevant to African contexts where peace building processes have been co-opted by political and patriarchal elites, meaning that the restoration of ingenious mechanism does not automatically restore the more equitable gender dynamics that may have existed in pre-colonial community governance.

iii. Intersectionality Youth and Marginalized Voices

Crenshaw (1991) observed that the divergence lies in how the both mechanism addresses the intersectional dimensions of social and inclusion for example, the roles of youth, ethnic minorities and displaced persons. He is of the view that the Western ADR has rapidly incorporated, intersectional analysis, recognizing that gender cannot be separated from race, class, disability and other compounding identity markers. The author stress further and argued that single axis legal procedural frameworks repeatedly fail individuals who assumed many marginalized identities simultaneously. This dialectic applies with equal force to ADR processes that treat gender in isolation from ethnicity, age or displacement status. Naniwe Kaburalue (2008) is of the view that African peace building mechanism present a nuance and more complex configuration of social stratification where age grade with system, ethnic kinship hierarchies and land based identities, are often more operationalize and more significant than the identity categories that were grounded in Western ADR. The author went further to expatiate his analysis by illustrating “the Burundian Bashingantahe Institution”, explaining how youth and women were structurally marginalized within an otherwise communally respected peace building body, underscoring that indigenous African mechanisms carry their own exclusions that neither uncritical celebration nor wholesale Western replacement can adequately resolve.

iv. Areas of Divergence on Enforceability and Legitimacy

State Sponsored Legal Compulsion versus Communal, Social Obligation.

According to Akinola and Uzodike (2018), divergence lies in what each mechanism recognizes as binding authority. The Western ADR, especially arbitration and formalized mediation divides their enforceability from state institutions and codified legal

instruments that carry coercive power. The outcome according to the author could be converted to court orders and enforced through sanctions backed by the states monopoly on legitimate force. In contrast, they argued that African peace building, mechanism operates through a different paradigm of compliance and accessibility. The author cited that Ubuntu as an indigenous approach to conflict resolution, emphasizes community centered processes in which compliance is maintained through collective moral authority, communal solidarity and social accountability rather than legal compulsion. He was of the view that when there is a defense in the terms of a customary resolution, whether reached through the Rwanda Gacaca, the Botswana Kgotla, or the Kenyan Baraza, the sanction is communal ostracism, moral disgrace and the severing of relational bonds rather than fines or imprisonment. This creates significant enforceability gap where African customary peace settlements intersect with Western legal system they are frequently unrecognized and legally unenforceable, even when the community regards them as fully settled and binding.

Procedural Authority versus Relational, and Moral Authority.

According to Murithi (2009), Western ADR locate legitimacy in procedural integrity. such as, neutrality of the third party mediator or arbitrator, adherence to the due process, voluntary participation and formal authorization through professional, licensing and legal recognition. A reconciliation is regarded legitimate because it was conducted through recognized rule backed by government. In contrast to this postulation, the author stressed further that African Peace Building the society traditions grounded legitimacy in an entirely different set of sources that were rooted in relational, ethics, and communal membership. He is of the view that ethical Peace Building must engaged with the morality of forgiveness and reconciliation as substantive community values on merely procedural outcomes. A system that is consistent with African Peace building traditions than with Western neutral process driven framework. The author argues further that in African worldview, legitimacy of peace building processes is carried through the cultural standing of the presiding elder, the depth of community participation, whether the outcome restores relational harmony in a manner consistent with the shared, moral values of the affected community. He concluded that a reconciliation reached by an external appointed party may therefore be viewed as a procedurally valid but culturally illegitimate simply because the mediator holds no recognition standing within the community. This is a legitimacy deficit that Western ADR's procedural mechanism is structurally unable to address.

When Enforceability and Legitimacy Contradict each

other.

The core divergence between the two mechanism hinges on when enforceability and legitimacy, actively pull in opposite directions across the two frameworks. According to Lederach (1997). Western ADR legal enforceability is treated as the maker of settlements validity. For example, the state's recognition of an outcome is itself proof of its legitimacy whereas in African Peace Building, this framework is often reversed. A reconciliation or outcome represent the community legitimacy, yet remain entirely unenforceable through formal legal channels, while a court backed Western ADR awards may be legally binding yet widely regarded as illegitimate because it's by passed community elders, and failed to address relational restoration or ignored collective harm. The author argues that in putting these two divergence together, he exerts that sustainable Peace Building requires moving beyond top level, and short term diplomatic settlement towards a holistic approach that builds an institution that empowers indigenous actions and resources within the society. He stressed further that this analysis captures exactly why internationally peace settlements in African post-conflict era frequently collapse during implementation. The reason for that is that they carry formal enforceability possibility under international law but lack the community legitimacy that African peace building traditions regards as the very foundation of durable peace. The divergence could therefore be seen as not merely technical or procedural but a fundamental conflict between two incompatible theories that makes a resolution genuine, just and lasting.

Case Studies of African Peace Building

A. Rwanda Gacaca Courts (2001-2012)

This mechanism revitalized existing traditional community justice institutions to process genocide crimes in a large scale, contrasting it with the ICTR that is more expensive, distant and culturally alien. A critique to this mechanism, indicate the African model vulnerabilities and the ICTR's fundamental unsuitability for mass communal trauma (Phil Clark 2010).

B. Burnudis Bashingantahe Court.

This is an example of pre-colonial institution whose origin cut across ethnic council of elders who have integrity. The mechanism showcases how Belgian colonialism gutted its moral basis by replacing character with colonial usefulness. The courts informally survive through cycles of violence and documented massacres during the 1993 crisis. It also covers the action aid and life and peace institute revival programme, especially the inclusion of women in peace reconciliation and the

ongoing tension with formal law under 2010 communal law reform (Ingelaere/kholhagen 2012).

C. West African Palaver Tradition.

This strategy of peace building goes deeper than just the concept, tracing its philosophy by restoring lost relationship, but not to determining winners or losers. It acts as a healing institution (Oborji 2020).

D. South African-Truth and Reconciliation Commission (1996-2003)

This strategy represents a global influential model of conditional, amnesty, public testimony and Ubuntu philosophy that became a template for transitional justice worldwide (Tutu 1999).

The Neo-Colonial Critique of African Peace Building Strategy and Western ADR

These critiques could be summarized into three perspectives as follows:

A. The Western ADR as Legal Transplantation and Epistemic Domination.

According to Greco (2010), the promotion of Western Alternative Dispute Resolution (ADR) framework across Africa, constitutes a form of legal transplantation that produces colonial hierarchies of knowledge. In contemporary scholarly literature, it has become a great worry to decolonize what scholars see as neo "colonial agenda" within the ADR framework by investigating colonial, legacies and biases in ADR practices. This practices are tied to what is called "Common Law". This common law in African context is ingenious English common law which were transplanted and imposed during the colonial rule. The question is, why was African Law relabeled "customary law" and distorted through the colonial "repugnancy test", which accepted only those rules that did not contradict European belief system? The author argues further that this structural distortion continues in post-colonial era through Western ADR export. The author also stressed that since the change in the rule of law in the 1980s by the neo-colonialist to reflect Western ideas, it has become imperative for the adoption of Western legal frameworks to assist developing, nations which has become an acceptable norm. It has created a window for the exporting of the newest software ADR technology to Africa raising the critical question of whether this promotes genuine access to justice or function more like a soft drink company selling a branded product to populations that already have their own traditions of dispute resolution. The author concludes that this has generated a monumental criticism by scholars and peace analyst to review ADR not as an efficient preserve of access to justice, but as a mechanism of pacification and control especially knowing that African communities

historically used mediators informally trained through lived experience, known to the disputants, not expected to be neutral and operating collectively within a council. This is a model fundamentally incompatible and individualistic procedurally neutral to Western ADR template being imposed.

B. The Western Peace, Initiative and Neo-colonial Peace Building Framework

According to Paris (2004), liberal intervention on African Peace Building at a larger stage had always been criticized extensively as a Eurocentric doctrine that European powers had a duty to civilized dependent peoples. He argued further that Western liberalism have promoted a particular way of how state should implement peace building in tandem with liberal democracy and market oriented economics through reconstructing war shattered states in consonance with liberal democracy to the dependent states making peace building much expensive. This neo-colonial framework is further embedded through donor conditionality.

Pugh, (2008) argued in his critical analysis of liberal or Western Peace Building Initiatives has virtually been a neocolonial from top to down imposition of a liberal Peace that favours business over labour and welfare which ignores public preference. The author criticizes further that African approaches to peace building has been constrained by these realities. The neo-colonial conditions that persisted after independence settled the effects of lasting peace, and the overall peace effort embarked by both the AU and regional economic communities, became a failure.

C. Customary Law and Colonial Erasure of African Judicial System.

According to Mamdani (1996), one of the most criticized aspect of Western ADR is its continuous attempt to erase African Judicial System by perpetuating a hierarchy between “civil” and “customary” legal orders. The author demonstrated that the African colonial state had a distinctive system in civil sphere and courts which governed urban citizens through European laws. In the customary sphere, traditional authorities governed rural subjects through customary law, thus constituting the African colonial state through a racialized distinction between citizens and subjects, a legacy whose structural effects persisted long after formal independence. The author argued further that these division was never dismantled after independence. The Western ADR treated African conflict system as inferior rather than legitimate alternatives to western procedure. African dispute resolution mechanism historically focused on principles of reconciliation and the maintenance of social cohesion rather than primitive justice. The author stress that any punishment was always meant to bring healing to the

victim, the offender, and the community at large. The author stressed that in spite of this laudable effort, these practices, continues to be sidelined in favour of Western ADR, although most African countries have adopted several forms of ADR, based on Western models, yet African culture and legal systems are fundamentally different from western Culture. This calls for modification which is necessary and a consistent failure to make these modifications reflects not a neutral technical oversight, but a structural bias rooted in the colonial assumption that Western legal forms are universal defaults.

Integration and Decolonization Framework of African Peace Building versus Western Alternative Dispute Resolution (ADR)

The following are the suggested areas between the two mechanism:

A. Ubuntu and Relational Justice Versus Western Individualism

According to Elechi Morris & Schaver (2010), African peace building are deeply enshrined in the philosophy of Ubuntu, which means “I am because we are” which had an embodiment in communal harmony, collective healing and relational restoration over the adversarial based logic that dominate Western ADR privileges procedural neutrality, individual autonomy, and legal enforceability. The authors highlighted that the African peace building give credence to restoration of bridge, relationships within a community context often through processes like “indaba” (community dialogue), Gacaca, (Community Courts in Rwanda), and elder lead councils. The authors concluded that decolonizing peace building requires more than simply adding African practices as supplements to Western frameworks; but rather, it requires a fundamental reorientation that validates African epistemologies as separate recognized for conflict transformation, not merely cultural vibrations of western ADR.

B. Structural Decolonization and the Extents of Western ADR Introduction or Imposition

Nader, (1993) opined that the imposition or the introduction of Western ADR models or strategy into post conflict African societies has extensively reproduced colonial hierarchies by allowing organize state institutions to systematically, marginalize, customary and indigenous conflict resolution mechanism that communities had already trusted and implemented. The author further stressed that international peace building interventions, which were driven by liberal peace theory imposes top to down approach that has to do with law, good governance and conflict resolution. However, this speculation is often ad variance with African social structures in which conflict is understood as a spiritual,

communal and intergenerational matter not merely a legal dispute between two parties. In contrast Zartman, (2000) demonstrated that integrating a decolonization framework means critically integrating whose knowledge system are legitimized in peace processes and actively elevating indigenous African institution for example “Kgotle” in Botswana or “Umunna” assemblies in Igbo communities which act as primary, not peripheral, mechanism of dispute resolution.

C. Towards and Integrative and Pluralistic Framework.

According to Laderach (1997), a sincere integrative mechanism to peace building must progress from the lenses of “African traditional” versus “Western model” and instead build a hybrid framework that draws on the strength of both without subordinating one to the other. The author argues that this approach will necessitate creating space for African restorative principles that combines truth telling, communal reconciliation ritual cleansing and symbolic reparation, that operates alongside with Western ADR or rather in some instances where state institutions carry legacies of colonial violence and are therefore distrusted by local populations. He concluded that trying to decolonize the strategy of ADR requires institutional humility from Western practitioners, necessitating investment in African led peace building research and training and policy frameworks. This would have recognized customary dispute resolution as legally legitimate not as a scantier alternative, but as a co-equal pillar of a pluralistic justice system.

Conclusion

The different strategies of African peace building mechanism and Western alternative dispute resolution (ADR), necessitated a critical altercation between indignity and imposed generalization in conflict resolution. The Western (ADR) framework which is grounded in legalistic, individualistic and procedurally rigid paradigms which had tremendously impacted or brought its weight to bear on conflict management globally. Their uncritical transplantation into African soil has often produced shallow and unsustainable outcomes that fail to resonate with the lived realities of African communities. It is arguably to portray that African peace building mechanism is an example of Gacaca in Rwanda the palaver traditions across west and central Africa. This mechanism is not on themselves anachronism awaiting transformations from the West, but rather they are sophisticated community rooted mechanism that is characterized by collective healing, restorative justice relational harmony and spiritual reconciliation over the adversarial win lose logic that were prevalent in western ADR. The paper is of the notion that the indigenous mechanism recognize that

peace is not merely the absence of violence but the restoration of broken relationship and the harmony and consolidation of the social fabrics devoid of disintegration.

The critique of Western ADR in the African context is therefore not a wholesale rejection of its importance but rather a criticism of its hegemonic exertions which attempts to act as a readymade product rather than a dialogue partner. The paper points out that when ADR sidelines cultural translation, community ownership or being sensitive to African colonial wounds. They risk reproducing the very power asymmetries that generated conflict ab initio. The hegemonic exertions of donor and development agencies, who transported mediation processes often tends to relegate indigenous actors, undermines traditional authority structures and produced results that were alien to the community.

What comes out from this critique is an imperative for genuine epistemic humility, and an understanding that peace building knowledge is not exclusively a property of Western scholarship or international institutions. Africa peace building strategy must be built from within, drawing its own philosophical traditions while selectively and critically engaging with external tools where they add demonstrable values. This calls for a hybrid model that is not mere cosmetic fusion but a deep negotiated integration that place African institutions, voice and wisdom at the centre.

Finally, sustainable peace in Africa should not be rooted in Western models, but rather it should be generated through the community with people who understands that reconciliation is not a procedure, but a journey shaped by history, culture, memory and a shared commitment to a future worth living together.

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