



COLLEGE OF BUSINESS, PEACE, LEADERSHIP AND GOVERNANCE

NPPD 517: CULTURE, CONFLICT AND HUMAN RIGHTS LAW

END OF FIRST SEMESTER EXAMINATIONS

NOVEMBER/DECEMBER 2022

LECTURER: DR. I.R. MADENGA

DURATION: 3 Hours

INSTRUCTIONS

Answer question Number 1 in Section A which is **COMPULSORY** and any 2 que

SECTION A Question 1 (Answer all questions in this section)

‘Due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often-vital role and to do so in conformity with both international and local tradition’ (Kofi Annan, 2004). The UN supports the revival of community-based conflict resolution approaches. This UN’s stance on African Traditional Conflict Resolution Mechanism confirms the growing consensus by peacebuilding researchers that indigenous conflict mechanisms must be prioritised. The greatest resource for sustainable peace in the long-term is rooted in the local people and their context (Sending 2009). In fact, ‘local ownership has become probably one the most relevant approach in post-conflict peacebuilding interventions in sub-Saharan Africa’ Mateos (no date). African traditional conflict resolution mechanisms are best ‘resources and answers’ to conflict resolution because they are locally-owned and context-based (Huyse and Satter 2008). This is not to say that external or broader interventions are irrelevant. Instead, macro or external interventions must be informed by micro-level initiatives (Machakanja 2010).

African traditional conflict resolution mechanisms have withstood the test of time. Their revival is arguably motivated by a number of factors: They are inherently restorative because they are based on truth recovery and accountability; They take a bottom-up approach, hence outcomes are locally-owned; they empower both the victims and the perpetrators by listening to their stories; they are context-based and maximise local resources such as shared history, mediation/negotiations and indigenous knowledge systems; they are legitimate and flexible (can be repealed). Notwithstanding the above strengths, African traditional conflict resolution mechanisms have glaring weaknesses: Their predominantly patriarchal nature make them gender insensitive; women are invariably considered as voiceless minors, who cannot make independent contributions as mediators or public participants; through socialization, it is considered a taboo for African (Zimbabwean) women to make public testimonies.

1(a). African traditional conflict resolution mechanisms are best ‘resources and answers’ to conflict resolution because they are locally-owned and context-based (Huyse and Satter 2008). Discuss the concepts local ownership and local context. (10 marks).

1(b). Explain the merits and demerits of using African traditional conflict resolution mechanisms (10 marks).

1(c). Examine the claim that culture should be celebrated, but not in isolation. (10 marks).

1(d). Analyse the revenge, retributive and restorative forms of justice in conflict transformation. (10 marks).

1(e). Peace and justice should be inseparable. Discuss. (10 marks).

1(f). “Mercy and truth are met together; righteousness (justice) and peace have kissed each other” (Psalms 85: 10). Draw a diagram to show Lederach’s ‘meeting place’ (reconciliation) theory. (10 marks).

Section B (Answer any 2 questions)

2. Evaluate the effectiveness of the *gacaca* or the *mato oput* traditional mechanism as conflict transformation tool in Rwanda and Uganda respectively. (20 marks).

3. Do you agree that both peace and conflict are choices made by people through either commission or omission? (20 marks).

4. Discuss the controversies around the South African Truth and Reconciliation Commission. (20 marks).
5. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW of 1979) is a key treaty of the Human Rights Law. Why, and how should women be included in all developmental programmes? (20 marks).

END OF PAPER