

The Metaphysical Role of Traditional Courts in Solving Conflicts in Nembudziya Area in Gokwe North District of Zimbabwe, Zimbabwe

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Abstract: The traditional legal system is viewed with suspicion when it comes to the issue of conflict resolution and transformation. The contemporary world perceives it as backward, incompetent, uncivilized and barbaric. This qualitative research set out to critique the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe. The researcher employed the phenomenological research method to carry out the study. Nine participants were selected using snowball sampling. In-depth interviews were used to generate data. Thematic content analysis was used to analyse data. The researcher found that the role of traditional courts included playing people-centred courts, mediating, negotiating, truth-telling, reparation, compensation, restitution, hearings, adjudication, healing, reconciliation, restoration, and application of customary law. The researcher concluded that without hearing, the traditional legal system ceases to function well. Second, the researcher is content that the traditional legal justice is people-centred, unlike the Roman-Dutch law principles that are divisive, separatist and discriminatory. Third, the researcher observed that adjudication was seen as a method preferred by the traditional courts to settle/resolve conflicts/disputes affecting rural communities in the country. Fourth, the researcher concluded that traditional courts embrace the mediation process to control the legal process and craft logical solutions compatible to them. The researcher recommends that whatever judgements made from Civil Courts on the resolved appealed disputes/conflicts/cases should be made available to the traditional courts so that roles/methods of conflict transformation can be perfected in accordance to the anomalies arising from appeal conflicts/disputes. The researcher finds it is prudent that the traditional courts should initially meet each side separately in order to have a clear understanding of the conflicts/disputes so as to carefully plan for a dialogue rather than victims/plaintiffs alone. The gulf between civil courts and traditional courts necessitate the need for more research in order to harmonise the functions between the two forms of legal system.

Keywords: Metaphysical role, traditional courts, people-centred courts, mediating, negotiating, truth-telling, reparation, compensation, restitution, hearings, adjudication, healing, reconciliation, restoration, application of customary law.

INTRODUCTION

During the pre-colonial period, the community of Nembudziya Area in Gokwe North District of Zimbabwe was entirely governed by the African legal philosophy of ubuntu which entails that one is human as he/she is seen against the checklist of the society's acceptable conduct. These checklists included, but not limited to harmony, consensus, reconciliation, peace, sharing, love, respect, the sanctity of human blood and good relations. But above all, metaphysics as the controlling factor of all these expected conduct, metaphysics and people communicate through different mediums. Whenever there is a shortfall within the checklist of the expected conduct signals are sent through different mediums, hence, the need to address

the imbalance for a peaceful living. Ubuntu entails that we as a people, what makes us happy as a people, and what is expected of me as person towards my people as a group- I am because we are. In other words, traditional courts were community-centric as they sought to broker peace and reconciliation among people.

Soon after colonization in 1890, the responsible government of 1890-1923 replaced the traditional and cultural powers of traditional courts with judicial, administrative and political modern institutions to take charge over the blacks. This meant that the Roman-Dutch law was introduced by the colonial administrators in 1891 brought about exploitative

schemes that influenced the administration of African customary law enforced by the Traditional Chiefs' Courts and African Appeals Courts [1].

According to Dodo [2], the unholy combination of the Roman-Dutch legislative and African customary laws disempowered traditional courts before the respective chiefdoms as they were restricted to try petty conflicts/disputes among their subjects while murder, thefts, fights and witchcraft, among other serious conflicts were referred to the colonial authorities. In addition, the traditional chiefs were demoted to play the role of mere administrative officers. More to it, Dodo [2] argues that confusion in the traditional courts also mounted about which law to use then since the colonial administrators considered some customs as *contra bonos mores*. This was a gross anomaly in the legal fraternity since it was repugnant to good morals in terms of colonial ideologies and was banned by the whites to pave way for racial discrimination against black majority [2].

The traditional courts were gender-insensitive. They were biased in favour of men. According to Dodo [2], female traditional chiefs were invisible to the colonial authorities and they were regarded as perpetual minors in society with no political function, and traditional courts has been a patriarchal institution since pre-colonial. In that regard, women were perceived as incapable decision makers who could compromise issues of governance [2].

The effectiveness of traditional justice was diminished consequent upon the use of colonial administrators to preside over traditional courts. With regards to African customary law, colonial administrators were not only ignorant, but ignoramus of it. As a result, they therefore, preferred to apply Roman-Dutch law principles to the African traditional legal justice which they were not conversant with. By so doing, they were unable to deal with conflicts incisively and decisively. The Constitution of Zimbabwe Amendment [3] Act of 2013 that regards custom as an important source of law applicable in the traditional courts, and it acknowledges that the traditional legal system was damaged and viewed as barbaric, backward and uncivilized by foreign who had no idea about ubuntuism. The Roman-Dutch law is devoid of metaphysics which is particular to the African traditional legal system. Thus, this paper, amongst other mediums of communication chose traditional courts to assess their function in conflict resolution and transformation to maintain a peaceful society as accepted by metaphysics in the African traditional customs in Nembudziya Area in Gokwe North District of Zimbabwe.

Statement of the Problem

The Roman-Dutch law denounced the African traditional legal system in spite of the fact that the latter

was consistent with conflict resolution and transformation processes that were consistent with the metaphysical needs and requirements of the indigenous people.

Research Question

How does the metaphysical role of traditional courts obtain in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe?

METHODS AND MATERIALS

This study utilised the qualitative methodology. According to Silverman [4], the qualitative methodology provides an interpretive paradigm which is usually associated with the tactics that offer the opportunity for the research participants' voice, concerns and practices to be heard therefore the research participants' voice, concerns and practices on African traditional legal system were heard. The participants' perceptions on the metaphysical role of the traditional legal justice can best be explained by the people experiencing it in Gokwe rather than the foreigners or the Western legal practitioners. Therefore, interpretive or qualitative paradigm gave the researchers more room to investigate through interviews and conversations with research participants what they thought about the nature of metaphysical role of the traditional legal justice in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe was like.

The study was carried out using a phenomenological approach where researchers basically looked at a given phenomenon of the metaphysical role of traditional courts in solving conflicts. Under this approach, phenomenological research method was employed in gathering data. There was use of interviews from a village chief, village sub-chief, village head and six elders who had knowledge about how traditional legal courts work.

Population and sampling

The population for the study included the all the people in Nembudziya Area in Gokwe North District of Zimbabwe who had the knowledge of traditional legal justice. Since it was not possible to study the whole population, a sample of a few participants was made use of. This study utilised the snowball sampling or chain sampling, chain-referral sampling which is defined by Sharma [5] as a non-probability sampling technique where existing study subjects recruit future subjects from among their acquaintances. Thus the study sample builds up from one source and enough data was gathered that was useful for this research. According to Sharma [5], this sampling technique is often used in hidden populations which are difficult for researchers to access.

The researcher began this process by attending a meeting held by one Village Head which she had

heard about through their Village Chief and Village Sub-chief who reside in the community. The Village Head invited the researcher to attend the village court where one business man was caused of having an affair with a school child. Thus the process of snowballing began. Etikan, Alkassim and Abubakar [6] purport that entrée to a group is gained through people one knows and that cascades to know others and through them, entree to new circles is enlarged.

Through this sampling method, the subject was used to locate the hidden population and that saved the researchers' financial and time resources during the sampling process. Snowball sampling method is advantageous in that it does not require a diverse planning and the respondents used are considerably smaller in comparison to other sampling methods [6].

Since snowball sampling does not select units for inclusion in the sample based on random selection, it is impossible to determine the possible sampling error and make generalizations from the sample to the population [5].

Research Instruments

The researcher interviewed the participants one by one. Interviews allowed interviewees to open up on the phenomenon under study [5]. The researcher was able to get thick descriptions of the metaphysical role of traditional courts in Nembudziya District of Gokwe in Zimbabwe. The participants were interviewed twice each to enable the researcher to establish whether or not they still held the same views about traditional courts' role in solving conflicts.

Data Analysis

The researcher used thematic content analysis that Silverman [4] hails for its potency to deal with qualitative data. Data were first coded, analysed and then categorised into relevant themes that emerged from the findings. Village Chief was coded VC. Village Sub-chief was coded VSC. Village Head was coded VH. Village Elders were coded VE1-6. Data were interpreted with the aid of direct quotes, vignettes and narratives.

DISCUSSION OF FINDINGS

The findings are in two sections, namely, biographical data and actual findings.

Biographical Data of the Participants

The study had nine participants comprising the VH, VC, VSC and six VEs. The VH, VC and VSC were male. Three VEs were male, while three VEs were female. The average age of the participants was 55years. All the participants were not gainfully employed and they were resident in Nembudziya District of Zimbabwe.

Roles played by traditional courts in dealing with conflicts

The researcher found that the traditional courts had many methods for resolving, settling, managing, dealing and transforming conflicts/disputes at their disposal. The Village Chief had this to say about such diverse traditional courts' roles:

People-centred role

1. *As far as I am aware the roles of traditional courts are a multitude. They include but not limited to the aspects of adjudication, restoration, and reconciliation and unification of the conflicting parties. The traditional legal system exercises neutrality when executing its legal mandate. It values the oneness in the community. It does not like to create a situation whereby it leaves any one of the conflicting parties worse-off (VC).*
2. *I am certain that the traditional court is a unifier. It promotes social cohesion, thereby, defeating disharmony in the society (VSC).*
3. *Traditional courts exist to serve the interests of the indigenous people. They have interests of people at heart. They are there to serve the needs of the local people, and people feel proud to associate with such people-driven legal system (VH).*
4. *Traditional courts are a system that offers a fair judgement to all. They are not like the formal courts which lack a human face. One day I went for a court session where I saw a fully grown man being unmanned in front of a full capacity crowd for a rape case which he did not commit. In fact, the judge gave a woman who falsely claimed to have been raped by the innocent man a more listening ear than what was given to the accused (VE1).*
5. *Traditional courts have an important role to play in society, but they lack gender sensitivity at times. Women's concerns are marginalised in most cases because the courts reside in a patriarchy, which contradicts the ubuntu adage, 'musha mukadzi', that is, 'women define what society is all about' (VE2).*
6. *I am of the opinion that the traditional legal system can be harsh when people are accused of witchcraft. This could be because the traditional law court officials are themselves afraid of witchcraft consequences. Therefore, if by any a chance, they are given an opportunity to punish a suspected witch, they sometimes cease to use rationality in their judgement (VE3).*
7. *An African legal system offers sober justice that is agreeable with the customs and traditions of a society (VE4).*
8. *Indigenous people's conflicts are best dealt with by African traditional legal courts. These courts practise conciliatory systems that work very well with local people in Nembudziya. For example, they know how to broker peace between families*

fighting over the cases of murder, theft or adultery (VE5).

9. *I am sure that the western legal system would destroy the social fabric system obtaining in Nembudziya if it is allowed to override the otherwise effective traditional legal system (VE6).*

On the basis of the above findings, the researcher is content that the traditional legal justice is people-centred, unlike the Roman-Dutch law principles that are divisive, separatist and discriminatory. What it only needs to do is expedite the advancement of women officials in its legal echelons. As a result of the above findings, the people-centred role of traditional courts gives the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe District of Zimbabwe an impact.

Hearings

In connection with hearings in traditional courts, the participants advanced varied remarks as shown below:

1. *Hearing is the foremost duty of traditional courts that seeks to establish facts regarding particular parties that are in conflict (VC).*
2. *Hearing is perceived as a legal right in which everyone has the right to be heard regardless whether one is the accused or the aggrieved (VSC).*
3. *Hearing offers conflicting parties opportunities to debate their sentiments which eventually culminate into the generation of the decisions that lead to the final verdict (VH).*
4. *Fair hearing is basis upon which moral and judicious judgements are arrived at in the traditional courts (VE1).*
5. *While the traditional courts are sometimes criticised for their lack of evidence, the presiding officers try their level best to offer all parties an opportunity to be heard, present evidence and subsequently in the weighing of evidence and decision thereon (VE2).*
6. *Hearing in the traditional courts is a vehicle to offer natural justice. The side sides of the dispute are heard first before a judgement is reached (VE3).*
7. *The existence of the process of hearing in the traditional legal system is a confidence builder and booster in this legal system (VE4).*
8. *People are now appreciating the role of the traditional legal system mainly because of its embracing of the people-centred hearing system (VE5).*
9. *The weakness of the hearing process in the traditional legal system is that men appear to contribute more in decision making. Women appear just to provide the gallery or audience, and end up being consumers of sometimes unfair judgements which could otherwise not have been*

reached had women views had been taken on board (VE9).

10. *Time is not of essence, but the results matter most. In the western legal system, disputants are given definite times to return to court, but in the traditional legal system, solution could be reached after some years with the intent to unite, reconcile and harmonise people (VC).*

From the preceding findings, the researcher exhorts that without hearing, the traditional legal system ceases to function well. It would no longer be of service to the people of Nembudziya and beyond. Innocent people would face unfortunate fate in a similar they would do in western legal courts. Consequent upon the above mentioned observations, hearings form the strong basis upon which the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe is made visible.

Adjudication

Another key role of the traditional legal system that emerged from the study was adjudication.

- *Adjudication involves almost everyone present in order to reach a verdict (VC).*
- *Through adjudication, traditional courts mutually reach judgments after making thorough persuasive consultations (VE3).*
- *Emphasis is on rebuilding the broken relationships than employing punitive measures such as punishment (VE6).*
- *Owning or acknowledging, apology, mercy and forgiveness are of an important value even if punishment ensues (VSC).*
- *After the decision has been passed, sharing of meal is usually done as a symbol of showing unity, oneness and social cohesion, which all hallmarks of metaphysics (VE4).*

The researcher observed that adjudication was seen as a method preferred by the traditional courts to settle/resolve conflicts/disputes affecting rural communities in the country. The researcher viewed it as an important role of the traditional courts as it guarantees assurance to the parties involved in the conflict/dispute about the need of their participation in providing reasoned argument and adduce evidence before the traditional courts. With regards to the preceding findings, adjudication anchors the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Mediation

Mediation was among roles of traditional courts that emerged during the conduct of this study.

1. *Even if the disputants were not on talking terms, traditional courts, no matter how heinous the crime would be, traditional courts are inclusive*

consultation and consensus compromise in nature (VC).

2. *Traditional courts are persuasive through the use of respected elders who mediate the conflict transformation process (VSC).*
3. *Traditional courts value metaphysics which advocate for symbiotic relations among people. This can be achieved through effective mediation (VH).*

The researcher concludes that traditional courts embrace the mediation process to control the legal process and craft logical solutions compatible to them. Mediation was said to be flexible and allowed solutions to be tailored according to the needs of the underlying concerns of the parties and the root causes of their differences. It is against the backdrop of such findings that mediation strengthens the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Negotiation

The researcher observed that traditional courts also play a negotiation role in dealing with conflicts whereby the courts embrace an iterative communication between the parties involved in conflict/dispute in order to reach a mutually acceptable solution to conflict/dispute.

1. *The traditional court creates assurance between parties to remain silent whilst the other will be talking (VC).*
2. *The court rules conflicting parties' threats during iterative communication process (VSC).*
3. *Disputants respect each other's lines of thought during the negotiation process (VH).*

The researcher is content with the role of negotiation through traditional courts to build peace, unity, harmony and reconciliation among disputants. In line with the preceding findings, negotiation is among the bedrocks that build the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Truth-telling

All the participants pointed out that truth-telling is one of the vital approaches administered by the African courts for them to have clear understanding of the conflicts/disputes that obtain in the community.

1. *Truth-telling helps to create forthright people in society (VC).*
2. *Truth-telling reconciles the once erstwhile enemies (VSC).*
3. *Truth-telling promotes forgiveness and reconciliation practices in society (VH).*
4. *Truth-telling is associated with the promotion of virtues of integrity, honesty, trustworthiness, straightforwardness (VE4).*

In this regard, the researcher concludes that the traditional courts encouraged/even warned the conflictants/disputants to express events of the conflicts/disputes as they are honestly without any slightest degree of fabrication/whatsoever that has a higher propensity of derailing the vehicle to peace. Truth-telling is the basis upon a conflict free society is built [7]. It is against the background of such findings that truth-telling justifies the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Restoration

The results of the study showed that traditional courts also use restoration when dealing with conflicts.

1. *Traditional courts are participatory in their restoration of order (VC).*
2. *Traditional courts emphasise restorative justice (VSC).*
3. *Traditional courts encourage law offenders to accept responsibility of the harm they cause to others in society (VH).*
4. *Through restoration, traditional courts were celebrated to have created a positive environment for change, healing and reconciliation for perpetrators, victims and communities (VE6).*

The researcher feels that traditional courts were meant to exist to place condemnation on the conflicts/disputes rather than the perpetrators and integrate them into the community rather than stigmatization. On the basis of such findings, restoration consolidates the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Reparation

It was revealed that, through reparation role, the traditional courts try to return the victims of the conflicts/disputes to the situation that existed before the conflicts/disputes. In this role, traditional courts were cited to have taken a monetary approach to defining reparations based exclusively on ordering monetary compensation, especially in economic conflicts/disputes as they have explicit monetary dimension. The traditional courts enquire the direct material harm in economic conflicts/disputes while in violent conflicts/disputes, the medical expenses to project the amount of income the victim would have earned to equate the extent of reparation.

1. *Traditional courts encourage monetary compensation in socio-economic disputes such as unpaid dowry, compensation for a murdered relative, compensation for stolen property among other socio-economic disputes (VC).*
2. *Traditional courts sometimes request for reparation using non-monetary compensation such as grain, domestic animals or labour, depending on the nature of the offence that raised conflict (VSC).*

3. *Traditional courts focus on what the victims should receive from the perpetrator in line with the harm inflicted by the dispute (VE5).*

In compliance with the reparation role, the researcher deduced that the aim of the traditional courts is to administer justice to victims affected by conflicts/disputes in the possible fairest way. Under such a scenario, reparation reinforces the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Restitution

The researcher observed that traditional courts played the role of restitution in settling; resolving, managing and transforming conflicts/disputes by employing measures that seek to re-establish the victim's previous position before affected by the conflict/dispute.

1. *The traditional courts ensure that the perpetrator pays a value which is equivalent to the loss incurred by the victim (VC).*
2. *The restitution can also be in terms of monetary and non-monetary value (VSC).*
3. *The previous position of the victim is restored through restitution (VH).*

In practice, through restitution, the researcher contends that traditional courts try to neutralize the consequences and justify from the perspective of victims the violation/harm they have suffered. The researcher concludes that reparations are designed in the context of a transition to democracy. Under such circumstances, restitution consolidates the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Compensation

The traditional courts were said to be playing a pivotal role in instituting compensation to victims suffered in the conflicts/disputes.

1. *Traditional courts express compensation in monetary terms where necessary (VC).*
2. *Sometimes traditional courts charge compensation in non-monetary terms (VSC).*
3. *Both monetary and non-monetary compensation should satisfy the conditions of justice (VH).*

The researcher concludes that compensation while it is situation-specific and dependent on the gravity of the dispute might monetary or non-monetary. What traditional courts ensure is the fact that the compensation must not disadvantage either of the conflicting parties. In that way, compensation emphasises the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Reconciliation

The study revealed that traditional courts played a significant role in fostering genuine form of reconciliation between rivals by restoring social order and social harmony in rural communities.

1. *Traditional courts are there to foster the spirit of forgiveness and reconciliation among people (VC).*
2. *People are taught metaphysical values associated with the restoration of social harmony and order for the benefit of creating a stable society (VSC).*
3. *Traditional courts allow people to relate to each well and solve problems on mutual grounds (VH).*
4. *Spirit mediums could be invited to assist on issues as murder, witchcraft, ngozi, unpaid debts and theft that require the intervention of metaphysical solutions (VE1).*

It can be concluded that the traditional court allows parties to focus on their relationship and share their perceptions, feelings and experiences with one another. It was noted that apologetic message from the perpetrator was very powerful to the victim who would in turn feel mercy and forgive the former. A new positive relationship would then be created and restored the social order of parties. In that regard, reconciliation underscores the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

Healing

Regarding the aspect of healing, it emerged from the study that the traditional courts play a fundamental role in healing the conflicting parties as indicated by the participants' ensuing sentiments:

1. *The traditional courts are usually sensitive to the needs of the conflictants. They serve their interests (VSC).*
2. *Traditional courts apply collective thought and minds of the community before reaching a decision (VC).*
3. *Community members' ideas are also considered for weighing before the law court arrives at a judgement (VH).*
4. *Traditional courts adopt an inclusive approach to conflict transformation (VE1).*

In the light of the above findings, traditional courts invite victims, perpetrators, men, women, adult children and elderly people on board in the process of healing so that it would promote co-existence, a culture of sustainable peace and harmony. By so doing, healing underpins the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe. In that regard, traditional justice tools repair social breakdowns in search of durable peace, reconciliation and harmony [7].

Application of customary law

The participants acknowledged the fact that the juridical framework of the traditional courts in

Zimbabwe is set out in the Customary and Local Courts Act (No.2 of 1990).

1. *The traditional courts operate within the confines of the customary law which is particular to the people of Nembudziya, and Zimbabwe as a whole (VC).*
2. *The presiding officers and other law court officials in the traditional courts have a strong understanding of the customary law in which they operate (VSC).*
3. *Customary law transforms immoral behaviour of perpetrators of violence, vandalism, rape, adultery, theft, bullying, noise and murder in an amicable manner (VH).*

The researcher is of view that customary law is culture-bound, context-bound and situation-specific. Verdicts that work in one situation might not be the best to solve similar disputes in a different setting. In that regard, the application of customary law underlines the metaphysical role of traditional courts in solving conflicts in Nembudziya Area in Gokwe North District of Zimbabwe.

CONCLUSION

In view of the aforesaid findings, the researcher comes with a dozen-fold conclusion. First, the researcher exhorts that without hearing, the traditional legal system ceases to function well. Second, the researcher is content that the traditional legal justice is people-centred, unlike the Roman-Dutch law principles that are divisive, separatist and discriminatory. Third, the researcher observed that adjudication was seen as a method preferred by the traditional courts to settle/resolve conflicts/disputes affecting rural communities in the country. Fourth, the researcher concludes that traditional courts embrace the mediation process to control the legal process and craft logical solutions compatible to them. Fifth, the researcher is content with the role of negotiation through traditional courts to build peace, unity, harmony and reconciliation among disputants. Sixth, the researcher concludes that the traditional courts encouraged/even warned the conflictants/disputants to express events of the conflicts/disputes as they are honestly without any slightest degree of fabrication/whatsoever that has a higher propensity of derailing the vehicle to peace. Seventh, the researcher feels that traditional courts were meant to exist to place condemnation on the conflicts/disputes rather than the perpetrators and integrate them into the community rather than stigmatization. Eighth, the researcher deduced that the aim of the traditional courts is to administer justice to victims affected by conflicts/disputes in the possible fairest way. Ninth, through restitution, the researcher contends that traditional courts try to neutralize the consequences and justify from the perspective of victims the violation/harm they have suffered. Tenth, the researcher concludes that compensation while it is situation-

specific and dependent on the gravity of the dispute might monetary or non-monetary. Eleventh, the traditional court allows parties to focus on their relationship and share their perceptions, feelings and experiences with one another. Twelfth, traditional courts invite victims, perpetrators, men, women, adult children and elderly people on board in the process of healing so that it would promote co-existence, a culture of sustainable peace and harmony. Thirteenth, customary law is culture-bound, context-bound and situation-specific.

RECOMMENDATIONS

It against the backdrop of the preceding findings and conclusions that the researcher drafts the ensuing seven recommendations:

1. Whatever judgements made from Civil Courts on the resolved appealed disputes/conflicts/cases should be made available to the traditional courts so that roles/methods of conflict transformation can be perfected in accordance to the anomalies arising from appeal conflicts/disputes.
2. It is prudent that the traditional courts should initially meet each side separately in order to have a clear understanding of the conflicts/disputes so as to carefully plan for a dialogue rather than victims/plaintiffs alone.
3. The traditional chiefs and the council should always be exposed to research in the area of law so as to keep track to contemporary statutes which affect the institution of the traditional courts.
4. The traditional chiefs and traditional chiefs' council should be capacitated in the area of statutes governing their institutions.
5. The traditional courts should collaborate with the police and civil courts who handle criminal related conflicts/disputes.
6. The traditional courts should adopt the normal trial procedure as in the modern/formal courts rather than implementing the aspects, the leading of evidence by the victim/plaintiff called examination in chief, cross examination and re-examination of conflicts/disputes in haphazard manner so as to improve procedural justice.
7. The gulf between civil courts and traditional courts necessitate the need for more research in order to harmonise the functions between the two forms of legal system.

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