Case Study 41

Two examples of ICH and conflict prevention/resolution

This study―actually comprising two complementary illustrative cases― looks at ICH that plays a role on conflict prevention/resolution and how gender may or may not impact on this. The two examples are (1) from Central Africa where women are the main protagonists and (2) from Afghanistan, where men are the leading actors.

Example 1: Women and mediation in Central Africa[[1]](#footnote-1)

In Central African societies, it has traditionally been a sacred duty to show respect to older women. As a result, these women have often played a key role in crisis management and conflict resolution. As a consequence, when conflicts have degenerated into armed violence, an appeal would usually be made to a respected woman of mature years to calm the tension and reconcile the combatants. This mediation role of women among some tribal groups of Cameroon has been related to their age as much as their sex, and the ‘old mamas’ have traditionally been responsible for mediation and are consulted on all problems which disturbed the peace. Among these communities, any misfortune that occurs within the community leads them to seek the mediation of anolder married woman recognized by her fellow clanswomen as having supernatural powers (such as the gift of clairvoyance, for example)*.* Once a woman is discovered to have these powers, she is involved in all meetings and consultations related to mediation within the community. Such women have a very wide range of action in their mediation activities: they can determine the causes of the evil that is damaging the society and standing in the way of peace; they are also capable of warding off fate and restoring peace, because they can intervene between the forces that cause disruption within society. After she has been consulted, an ‘old mama’ will then deal with those directly involved in the conflict and the witnesses to it. She listens attentively to them and then she addresses the protagonists, naming the person or persons at fault and asking the offended party to forgive the offender or offenders. However, if the mediation of the ‘old mama’ fails to resolve the conflict, she will then refer the parties to the conflict to the (male) head of the community.

At the same time, the influence of women in Africa has often traditionally been expressed in the private sphere. For example, among some traditional communities of Central Africa, in addition to the meals shared with the whole family a wife traditionally would reserve a small dish called the ‘bed dish’ which she gave to her husband at bedtime. During this intimate meal, the husband and wife would engage in private conversations: The wife would address her husband by the name of her first son or first daughter and give him advice on practical matters which would be highly influential in his later decision-making. Indeed, a husband’s reliance on his wife’s advice given over the ‘bed dish’ might be so great that he would sometimes postpone taking his decision about a problem he faced until the next day so that he could first seek his wife’s opinion.

Example 2: Informal dispute settlement in Afghanistan[[2]](#footnote-2)

Customary Councils, exclusively comprised of older and respected men in the community, exist in almost all local communities in Afghanistan. These serve as the means by which Afghans implement their own customary rules within a situation in which law and order has effectively broken down throughout much of the country. Even local government offices understand that sometimes the best place to resolve a dispute, even criminal disputes such as robbery or assault, may sometimes be within this informal system. The main issues dealt with through this local conflict resolution relate to land (36%), car accidents (20%), water (14%), marriages/divorces (15%) and debt (15%) as well as a range of other personal disputes. The level of local conflicts is closely linked with the agricultural cycle, and disputes are most frequent during the planting, irrigating and harvesting seasons. Although such types of disputes are common in many countries, in Afghanistan many people lack access to more formal types of dispute resolution (through the court system) and have to rely on these informal mechanisms. In addition, they may also be perceived as a more culturally acceptable and accessible method by some communities. However, it is important to bear in mind that not all members of a given community will share this view and some may prefer the more formal court system for a variety of reasons that may include their membership of a gender-based group.

The essential elements of this informal dispute resolution mechanism are largely the same throughout the country: a claimant can lodge a complaint to the Council or ask for compensation, and the defendant can respond to the claim. The Council members―generally including local elders, landowners and religious leaders―will then give their decision. This may involve the payment of a fine, the reallocation of land or establishing mutually agreeable terms for sharing a public resource such as water. In one notable example, a man had made a formal complaint to the District Governor and local judge that his sister’s husband had been violent towards her. However, a member of the local community then asked if the Council could mediate between the brother and his sister’s husband and between the husband and wife since he was concerned that the case would not be handled efficiently. This mediation took several meetings but, over the course of these, the husband admitted his fault, apologised and became reconciled with his wife and brother-in-law. Although the family needed further support to ensure that the domestic violence was not repeated, the Council was able to provide a speedy resolution that resulted in an admission of fault and a change of behaviour by the husband. Importantly, through this process the local community now has a stake in ensuring the success of the resolution. It has to be taken into account, however, that some community members (including women, young people and marginalized groups) may at time feel that these local Councils have not always consulted them or taken their views.

1. . Case loosely based on M.J. Mathey, T. Dejan, M. Deballe, R. Sopio, A. Koulaninga and J. Moga (2003) ‘The Role Played by Women of the Central African Republic in the Prevention and Resolutions of Conflicts,’ and V.Ngongo-Mbede (2003) ‘The Traditional Mediation of Conflicts by Women in Cameroon,’ in UNESCO, *Women and Peace in Africa* (Paris: UNESCO) at pp. 35-46 and pp.27-34, respectively. [↑](#footnote-ref-1)
2. . Source: Christian Dennys (2009) ‘Conflict resolution: Afghans doing it for themselves,’ in *Nato Review*, 2009 Edition 3, available online at: http://www.nato.int/docu/review/2009/Afghanistan-law-order-elections/conflict-resolution-afghan/EN/index.htm. See also: Ali Wardak (2006) ‘Structures of Authority and Local Dispute Settlement in Afghanistan*,’* in Hans-Jörg Albrecht (ed.) *Conflicts and Conflict Resolution in Middle Eastern Societies: Between Tradition and Modernity* Berlin: Duncker & Humblot. [↑](#footnote-ref-2)