

Indigenous Justice System in land conflict resolution: The case of the Paramount Chief's court in the Oguua Traditional area, Ghana

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Received 19 December 2019; revised 30 January 2020; accepted 30 January 2020

Abstract

Indigenous African societies have had their own in-built structures and mechanisms for managing and resolving misunderstandings related to land and other natural resources. These in-built structures were based on cooperation among people and an outcome was expected to be mutually beneficial to all parties involved. The indigenous justice system particularly the chief's courts are time tested and has been prevalent in many African countries, yet the utility of these social control mechanisms remain challenge in contemporary African society. This study examined the indigenous justice system in land conflict resolution at the paramount chief's court in the Oguua Traditional area laying emphasis on their efficacy in contemporary land dispute resolution. Data were collected through in-depth interviews of traditional authorities, land experts and litigants at both the chief's court and state court. Through attendance and direct observation of conflict resolution sessions at chief's court, in-depth interviews facilitated the collection of non-participant observatory data. The sampling procedure was generally purposive for all respondents informed by a single case study design. Through thematic analysis, the emerged themes were analysed. It was found that, the chief's court presents an indigenous well-structured leadership hierarchy appropriate for dealing with land conflicts within its jurisdiction. Land conflicts resolution procedures at the chief's court continue to be largely informal, flexible and voluntary participation. An effective collaboration between land sector agencies and traditional authorities should not only be seen as a desire but a necessity. A more entrenching approach will be for the chief's court to be mandated and empowered with legal backing to enforce their decisions in land conflicts resolution through.

Keywords: Land conflict, Indigenous Justice system, Chief's court, Oguua, Ghana

1. Introduction

Conflict is a natural phenomenon and an inevitable part of human existence. The concept of conflict defies a single definition. According to Wallensteen (2002), a conflict has generally been defined as a

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