



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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**MAIN EXAMINATION**

**JANUARY – APRIL 2020 TRIMESTER**

**CENTRE FOR SOCIAL JUSTICE AND ETHICS**

**REGULAR PROGRAMME**

**JPE 211: AFRICAN INDIGENOUS DISPUTE RESOLUTION MECHANISMS**

**Date: APRIL 2020**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

- Q1. a) Enumerate the advantages and disadvantages of African Dispute Resolution Mechanisms **(15 Marks)**
- b) What are the similarities between African Indigenous Dispute Resolution Mechanisms and Modern dispute resolution mechanisms? **(15 Marks)**
- Q2. In responding to the genocidal war, the Rwandan Government established the Gacaca Law to indigenous courts a mandate to try crime cases committed during the genocide.
- i) Explain how the Gacaca court system worked in resolving the crimes of the Rwanda Genocide. **(5 Marks)**
- ii) Critique the Gacaca System, highlighting achievements and failures of the system as a dispute resolution mechanism. **(15 Marks)**
- Q3. Using examples, describe what at least four African communities did to ensure that disputes were not just resolved but had the conflicting parties reconciled. **(20 Marks)**
- Q4. The Bawku conflict is a deep-seated and longstanding ethno-political conflict between the Kusasis and Mamprusis in the Bawku Traditional Area of Ghana. The conflict is identity-based, and revolves around the claim for traditional political power (chieftaincy) between the Kusasis and Mamprusis. In an effort to resolve these conflict that has lasted many decades, many dispute resolution mechanisms have been employed.

- a) Outline and explain the Kusasis traditional dispute resolution mechanism. **(10 Marks)**
- b) Explain why the Kusasis and Memprusis differ in the application of the traditional dispute resolution mechanism, highlighting the points of departure from the Kusasis. **(5 Marks)**
- c) What are some of the ways through which the divide of the Memprusis and Kusasis can bridge their differences to achieve a win-win situation in resolving the conflict. **(5 Marks)**

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