

TRADITIONAL JUSTICE SYSTEM AND CONFLICT RESOLUTION: EXPLORING THE PRE-COLONIAL INSTITUTIONAL FRAMEWORKS IN MAMFE AND BAKWERI LANDS OF CAMEROON

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ABSTRACT: *The current paper is geared at establishing the historicity of the traditional justice system in Cameroon using the Mamfe and Bakweri experiences. It centers on how traditional justice was dispensed in certain specific areas in Cameroon. Before the introduction of Formal Justice Instruments, it is important to mention that different societies applied different instruments of justice. Justice systems were modeled based on cultural belief patterns. Every society in pre-colonial Cameroon had its unique instruments of dictating and punishing crime. These instruments were enshrined in the people's culture and handed down from generation to generation. The recognition of these traditional instruments of justice was born out of the ever increasing acceptance of the validity and legitimacy of the adjudicative powers of traditional leadership. In some instances a word from majesty was law. To realize this study, an interdisciplinary approach is adopted to prop into traditional instruments of justice using the Bakweri and Mamfe areas as typical examples. A qualitative design was adopted to look at the various crimes that were committed in these societies and the punishments that were mated out depending on the nature and magnitude of the crime. From all indications the traditional society in the Mamfe and Bakweri areas were not lawless societies. The people upheld human right values through their traditional belief patterns and could dictate and punish crime accordingly. The spirit of fair hearing was accorded criminals before punishment was mated out and this was enshrined in the doctrine of the traditional councils and customary courts that were charged with the resolution of land disputes, marital conflicts and other crimes like theft. Colonialism came with its own judicial system but some of the customary legal practices have continued to survive like customary marriages that are still recognized even in the presence of modern patterns of marriage.*

KEYWORDS: Traditional Justice, Conflict Resolution, Pre-Colonial, Cameroon

INTRODUCTION

Mamfe and Bakweri are all coastal communities in Cameroon with similar cultural institutions but with different patterns of traditional justice. In Mamfe just like in Bakeri land there were different categories of crime that were punished differently through informal community justice systems. Traditionally there were local laws that were unwritten, directed at the redress of violations and these informal structures were therefore to many the stick that is close to the hand for punishment of crime. Traditional justice systems have for a long time operated outside the formal justice system without adequate recognition and protection in law.¹ The subject on traditional justice have been described differently by different authors and it has been described using different tags such as indigenous, informal, non-formal, non-

¹ Kariuki Francis. Community, Customary and Traditional Justice Systems in Kenya: Reflecting on and exploring the appropriate Terminologies.p.7.

state or non-officio justice. But what cuts across these different tags is the fact that traditional justice is community generated laws that have strived in the absence of formal justice systems.²

Some authors have in their works used traditional, Customary and Community Justice interchangeably as if they are synonymous. But this is not true because the terms have nuanced meanings, are value laden and the normative contents of the respective systems they describe are different to some extent. However the focus of the current paper is not on the different forms of traditional justice or trying to differentiate between traditional, Customary and Community justice systems. The contention of this paper is to look at the making of traditional laws, the institutions that guaranteed its application and how traditional justice system was used in conflict resolution in certain parts of Cameroon citing the Bakweri and Mamfe experiences.

Just like many other African communities, the Bakweri at the foot of Mount Cameroon and the Mamfe people of the Bayang country did not have any formal instruments of justice. Rather they operated state justice systems that were home grown, culturally appropriate and operated on minimal resources.³ These laws were easily acceptable to the communities they serve. Each of these communities had its own unique instruments of dictating and punishing crime. As earlier mentioned these instruments were indigenous to these communities and were enshrined as part of the people's culture and handed down from generation to generation. The absence of formal instruments of justice like courts, prison centers and coded laws forced the local inhabitants to devise ways of handling crimes within their societies. Punishment meted out depended on the magnitude of the crime committed and punishment ranged from banishment to traditional performance that could even result to the death of the perpetrator of that particular crime. These mechanisms that were locally applied had a huge potential for enhancing access to justice, strengthen the rule of law and bring about development among communities hence their recognition.

In the Bakweri and Bayang societies traditional justice was also used to achieve social justice and inclusion particularly given that there were no formal institutions charged with this responsibility. Even in the presence of the formal justice system, some of the traditional laws have continued to survive. In recent times some of these traditional mechanisms have been recognized within the law subject to some limitations. For example the authority of a traditional ruler to ascertain the rightful owner of land in a dispute today cannot be over-emphasized. Due to this semi-formalization it is now not appropriate to describe them as traditional instruments of justice. It is important to mention that alongside traditional justice in the Mamfe and Bakweri societies there were also social networks of resolving conflicts. This is to say that apart from the traditional justice system these societies had some instruments of social control that were used in conflict resolution.

Social Control Mechanisms of Conflict Resolution in Mamfe and Bakweri Lands

In Pre-colonial Cameroon as whole and the study areas in particular there were several instruments of social control which normally included mechanisms for resolution of conflicts.

² Ibid.,

³ Matute, D. L. Facing Mount Cameroon: An Ethnographic Study of the Bakweri of Cameroon. Milwaukee: Omini Press 1990 p.4.

Different social networks were created among the males and females of every society. Working as mediators, members of these networks used rhetoric to persuade the different parties involved in disputes at various levels and their authority was restricted to the powers to arbitrate conferred upon them by the parties involved. The task to use social networks for conflict resolution was much easier when the parties involved in disputes were members of the same social group. The most common conflicts that were resolved through these social networking included marital conflicts, conflicts between parents and children and conflicts between neighbors. Although these may be considered exceptions there were also cases of crimes like robbery and debt recovery type of commercial litigations that were also submitted for arbitration through these networks without the intervention of the traditional council or the traditional customary courts.

Family Forum as a Social Network for Conflict Resolution in the study Area

In Mamfe as well as Bakweri land, family forum was relevant social network for the resolution of conflicts particularly among family members. The family forum was a committee of elders at the level of the family.⁴ All the elderly men and women in the family were part of this committee and important issues like marital conflicts, misconduct by family members, disputes over property and violent conduct among family members were handled. Accused members of the family were summoned to these gatherings following traditional protocols initiated by chosen elders.⁵ These family forums were very important in the pre-colonial days and even still exist today in the face of modern justice. All decisions taken were highly respected by all members of the family. When the family forum failed in its mission to resolve any conflict, a wider social group was now involved in the issue, which could be a male or female association to which the parties in conflict belong. These groups were intersections of different families that were brought together by some common interest or social commitment like a *njangi* contribution. These social groups were constituted on age group and gender considerations. In some societies particularly in the Bamenda grasslands there were referred to as *Manjongs* and in others as the *Nfuh*. These societies had the right to trial and punish its members. In Mamfe there were several of such societies including the *Ma Awu*.

Ma Awu Association and Conflict Resolution in Mamfe

With regards to social networking of conflict resolution in Mamfe, there was the *Ma Awu* social group that was a very powerful female society that mediated arbitrated and resolved conflicts. In kembong, the women all had respect for these *Ma Awu* societies that were about four in number with each group comprising of about sixty women.⁶ The organigram of *Ma Awu* was very simple and each group had just three female chiefs who were the principal arbitrators in conflict.⁷ There was no special criterion to become a member of the *Ma Awu* as every woman in the Kembong community was part and parcel of this group by virtue of

⁴ Along, Besong-Enow Manyor. Traditional Justice System in Cameroon: The Case of the Keaka Customary Court with Sitting at Kembong, 1920s-1955. A Long Essay submitted to the Department of History, Faculty of Arts of the University of Buea in Partial Fulfillment of the requirements for the award of the Degree of Bachelor of Arts in History, July 2015. p. 38.

⁵ National Archive Buea (NAB) File No.115. Af.27 Assessment Report on the Keaka Area, Mamfe, Mamfe Division 1927, p.23.

⁶ NAB File No. 1460, Af. 29 Intelligence Report, Kembong Area, Mamfe, Mamfe Division, p.9.

⁷ Ibid.,p.32

being a woman. The society from its composition was meant to mediate only in cases concerning women. The main objective of this group was the settlement of conflict between women and to ensure that women contributed to nation building. Women that were found guilty of certain crimes like abusing the private part of other women were judged and corrective justice applied.⁸ Just like in Mamfe, in the Bakweri land there were also women movements that were devoted to mediation, arbitration and settlement of disputes among women. For example the Queen's Mother and the Eldest Woman in any of the villages had the powers to rally all women and settle disputes related to the abuse of womanhood, non-respect of matrimonial engagements and other crimes that involved women. When these peaceful means of conflict resolution failed, the parties in conflict were given the go-ahead to get to higher level of adjudication.

The Old Forms of Traditional Justice in Mamfe and Bakweri Land

The Characterization of the traditional justice system and the so-called traditional instruments of justice are necessary in order to contextualize the litigation patterns and the performance of the traditional courts in the study area. This researcher does not propose an exhaustive approach to the subject but instead some selected patterns of determining guilt and implementation of punishment is elaborated in this work. The administration of justice in the pre-colonial set up is therefore examined practically from the crimes that were prohibited according to customary laws, the manner in which violations were dictated traditionally, the institutions involved in determining whether a party was guilty or not and the kind of punishment that was mated out for a particular crime. As earlier mentioned, even though Mamfe and Bakweri are all forest communities, their institutions and pattern of applying justice greatly differed. Similarity in these two systems could only be mapped in the role of the traditional authorities but fundamentally the institutions that assisted traditional authorities in their drive for justice were different. For example while the *bakwerians* used *Sasswood poison* to determine guilt while, the people of Mamfe used the *Otti*.

Institutional Framework for Traditional Justice System in Bakweri and Mamfe Areas

In discussing the institutional framework of the justice system among the Bakweri and people of Mamfe, it is important to look at it from the instruments that were used to determine guilt and the different societies that were used for the administration of justice. As earlier mentioned among the Bakweri people of Fako, there were principally two ways of establishing the truth in cases. The truth was either established through investigations and the use of traditional practices like the *Sasswood Ordeal*.⁹ In the first instance of determining the truth through investigations, it depended on the society that was charged with the hearing. The patterns of investigation varied with the different societies. The most common was to interrogate the parties in conflict so as establish the truth. Most often the interrogation of the plaintiff and the accused was don't impromptu so as to avoid corruption.

***Sasswood Ordeal* and the Dictation of Crime among the Bakweri**

Talking about instruments in the Bakweri land that were used in dictating crime, it is important to make mention of the *Sasswood poison* that was administered from time to time to determine whether a party was guilty of a crime or not. Through this method, if any person

⁸ Ibid.,

⁹ NAB File No. 512/1921. Report on Native Customs: The Bakweri Tribe, Victoria Division, 1921, p.3

in Bakweri land was accused of witchcraft that cannot be proven scientifically, the truth was established through the *Sasswood* poison. This traditional instrument was mostly applied for crimes that were not caught *flagrant Delito*.¹⁰ *Sasswood* poison was a kind of traditional concoction prepared with herbs from the forest that was administered to the accused person to drink. It was believed that if the accused was not guilty, then he was going to vomit the concoction.¹¹ But in an instance of guilt he was not going to vomit it and that could lead to his/her dead. Through the above methods, the guilty party could be determined and punishment meted out according to the crime committed.

When the Germans arrived the Foot of Mount Cameroon that hosts the people of Bakweri they were opposed to some these traditional forms of justice and *Sasswood* method of determining guilt was completely rejected by the Germans. In Mamfe the story was not very different because traditional mechanisms were used to determine guilty parties but these methods were sharply different from what obtained in the Bakweri land.

The *Otti* and Traditional Justice in Mamfe

Talking about these traditional institutions of justice in Mamfe, it is important to mention that there were special kinds of traditional performances that were applied at various levels to determine whether a party was guilty of the alleged crime or not. The people of Mamfe used different traditional societies like the Ekpe, the Ma Awu, the *Otti* and finally the customary court to be able to dictate crime and dispense justice. These traditional institutions were highly respected by the people as nobody ever disobeyed its rules and judgment. These bodies were respected because it was believed that they were never biased.¹²

***Otti Mogho Nsusu* and the Determination of Guilt in Mamfe**

Otti was widely used in the determination of guilty parties in a conflict. There were three forms of *Otti* and the first was the *Mogho Nsusu* which traditionally was translated as justice through the use of pepper. In applying this method to be able to determine a guilty party in a case of theft or witchcraft, all the accused or suspected persons were brought to the Chief Priest of *Mogho Nsusu*. The Chief Priest in his effort to establish the guilty party, made all the suspected persons to face the pepper that had been wrapped in leaves in a special way and were expected repeat after the Chief Priest a statement that was mentioned in the dialect and translated as follows *If I am guilty of the accused crime, let this pepper enter my eyes and never come out again until I confess the truth*¹³ After some incantations, the Chief Priest had to administer the pepper in the eyes of the suspects, one after the other. In a situation where someone was not guilty, the pepper fell out almost immediately but if the suspect was guilty, the pepper remained until the truth was confessed.¹⁴ This was one of the traditional instruments that were used in determining a guilty party in a conflict in Mamfe.

***Otti Opak* and the determination of Guilt in Mamfe**

¹⁰ A criminal that was caught in the act.

¹¹ NAB File No. 512/1921. Report on Native Customs: The Bakweri, Victoria Division, 1921 p.11

¹² NAB File No. Ja/d/1919/2. Kembong Native Authority General Correspondence, p.8.

¹³ Along Besong-Enow Manyor. Traditional Justice System in Cameroon: The Case of Keaka Customary Court with sitting at Kembong, 1920s- 1955.p.35.

¹⁴ Ibid.,

The second type of *Otti* was the *Opak* which was justice through the use of a broom. There was also the Chief Priest in charge of the *Opak*. This method was commonly used to determine theft. When a theft case was reported, all the suspects around where the item was stolen were taken to the chief priest of *Opak*. After making some incantations, the Chief Priest brought two brooms together and the suspects one after the other were asked to separate them. If you were guilty then the brooms will refuse to separate but if you were not guilty, the brooms separated with ease as you pulled them apart.¹⁵

***Otti Mleh* and the determination of guilt**

The third method that was used traditionally to dictate crime was the *Mbleh*, which was the determination of guilt through a leaf method. In the event of theft or other crimes committed, the Chief Priest of the *Mbleh* was consulted. The prime suspects of the theft or the crime were reported to the Chief Priest who used some traditional leaves that could be found only in the forest to determine whether a party was guilty of the accused crime or not. To prove whether a party was guilty or not, the Chief Priest brought out these leaves that were commonly referred to as *King Leaves* and placed them together and some incantations were performed. For guilt to be proven, the king leaves were placed together and the suspects were brought out one after the other. If the name of the suspect was called and the leaves refuse to separate, then you were guilty but if the separated then you were not associated with the crime. These were all traditional methods that were used by the Bakweris and the Mamfe people to determine whether a party was guilty of a particular crime or not. These methods were highly unorthodox but the people believed in it and never contested when a party was declared guilty. This was because of the legitimacy and acceptance that was born of the people's culture. Apart from these traditional instruments of justice, the Bakweri and Mamfe inhabitants also believed in their traditional councils as bodies that could resolve conflicts.

Traditional Councils as Forerunners of Traditional Justice in the Study Area

Traditional councils in Mamfe and Bakweri lands actually played the role of a modern National Assemblies. It played the role of the legislature because it debated laws that were instituted to govern operations in the villages. Their main function was to make laws and ensure the implementations of these laws. The composition of the traditional council in both set ups was almost the same. They were comprised of Family Heads, women representatives who were usually the Queen Mothers and the eldest woman of the village and a youth representative. The traditional council was also considered a council of elders. The women in the council had the mandate to handle matters involving the abuse of womanhood, non-respect of matrimonial engagements and any other crime that involved women.¹⁶

The traditional council was structured in a way that it was chaired by the most senior member of the house. He was assisted in his functions by an assistant chairperson who was the second eldest person in the council. Seniority was therefore considered an important element in the determination of justice in the Mamfe and Bakweri societies. There was also a minute secretary that performed the functions of a modern Court Registrar. He was in charge of

¹⁵ Ibid.,

¹⁶ George, Michael Mwafise Benda. Traditional instruments of Justice in Cameroon: The case of the Bakweri Community, From colonial to the Post Colonial Era. A Long Essay submitted to the Department of History, Faculty of Arts University of Buea in Partial Fulfillment of the requirements for the award of a Bachelor of Arts Degree in History, September 2015, p.14.

taking down all the minutes of judicial proceedings. He equally was charged with registering cases after the payment of either Five Cowries or a Cork for a minor offense in the case of the Bakweris.¹⁷ In the case of Mamfe the amount for registration of cases was not clearly defined but it varied according to the crime that was committed. It is important to mention that in the pre-colonial era it was pretty difficult to categorize crimes under Misdemeanors, Felonies, and treasonable offenses. However the gravity of the crime depended on the pains that were inflicted on the complainant or the community by the accused person.

After a case had been duly registered a date for hearing was fixed and the council issued a summon through a messenger to the accused person. This summon was either a palm frond tied together or thorn plantain leaves. To handle major cases that involved witchcraft and murder, the entire village was summoned and in some extreme cases, council members of neighboring villages were also invited to take part.¹⁸ Before inviting council members from other villages who joined the judges on ground the accused was asked to plead whether he was guilty or not and this could be likened to preliminary inquiry in the modern court of justice. If he/she pleaded not guilty, the external judges were invited but where the accused pleaded guilty, the case was summarized and judgment passed.

It is important to remark that during trials, special assessors who understood how to summarize judgments within available evidence known in Bakweri land as *Va kanda bmessongo* (who today can be likened to advocates)¹⁹ were invited to work alongside the judges to ensure fair hearing. To further guarantee fair hearing, the accused was authorized to invite influential members within and without his community to argue his/her case. Judgments were hardly contested by the concerned parties but in situations that the judgment was contested, the case was further referred to the Customary Court.

The Customary Court and Traditional Justice in the Study Area

The structure organization and functioning of the Customary Court in the Mamfe area was not very different from what obtained in Bakweri land. The setting up of these customary courts was hinged on the fact that the Europeans claimed they did not want to interfere with indigenous laws and customs. It is difficult to exact when this court went functional in Bakweri land but sources indicate that the Customary Court of Keaka with sitting in Kembong was established in 1929.²⁰ Before the creation of a separate court for Keaka, it is important to note that there was a common customary court that covered the entire Manyu area and this court was situated at Mamfe town.

As earlier mentioned the organization and functioning of these courts whether in Mamfe or Bakweri was not very different. The courts were chaired by a President and one or two Vice Presidents. There were equally assessor members that were from time to time appointed into a panel of judges to handle certain cases based on their areas of competence. There were assessors that were conversant with land disputes while others specialized in handling marital conflicts and divorce cases. Since these courts were directed at handling traditional matters, most often the president of the court was the Chief of one of the villages under the jurisdiction of that particular customary court or a senior member of one of the traditional

¹⁷ Ibid.,

¹⁸ Ibid.,

¹⁹ George, Courade. Village Dictionary of Fako Division. Younde: ORSTOM, 1973 P.19.

²⁰ Among Besong-Enow Manyor. Traditional Justice System in Cameroon: The Case of Keaka Customary Court with sitting at Kembong, 1920s- 1955.p.42.

councils and where so many chiefdoms fell under the same customary court jurisdiction, presidency of the court was rotatory.²¹ This is to say that there was a strong line of professional operation between the traditional councils and the customary courts. Just like the traditional councils, the customary courts handled all offenses ranging from simple offenses to misdemeanors and Felonies. The common cases that came in the customary courts were land disputes, debt recovery, assault, divorce and succession cases. Judgments were delivered after thorough investigations.

Administration of Punishment in the Traditional Justice System

On the kinds of punishment that were meted out in these societies, it can be said that traditional justice system was both punitive and corrective. There were certain punishments that were meant to inflict heavy pains on the guilty party like in the extreme case of banishment and there were others that were meant to correct the guilty party and to deter the individual from further crimes and in such a case fines were considered to be very important.

Depending on the nature of the crime and the society in charge, different categories of punishment were meted out. The penalties of the Ekpe ranged from a jug of Palm wine to ten jugs depending on the crime that was committed. When the guilty party was a respected member of the Ekpe, his own punishment ranged from three jugs to a goat or a cow and no fines were collected by the Ekpe in the form of money. If the crime committed was grievous or so serious, it could lead to banishment from Kembong land.²² The fines that were paid in palm wine, goats and cows were consumed by the members of the Ekpe society. The administration of punishment in Bakweri land equally ranged from fines to total banishment in very serious cases. It is important to remark that the administration of justice in these societies in the pre-colonial period was not done by trained personnels rather it was traditional authorities that played the role of judges and justice largely depended on their varied personal experiences. This provided for discrepancies in the administration of justice.

Traditional Authorities as Judges in the Justice Landscape

The subject of tradition and traditional authorities widely discussed today within the context of the social sciences and politics in Africa is extremely complex and diverse.²³ Although the practices and content of these concepts vary from one setting to the other, in pre-colonial Cameroon as whole and in the Bakweri and Mamfe communities they were meant to connote autochthony and authenticity. By invoking local/regional cultural practices vis-à-vis the traditional justice system, groups created and reinforced their own local justice; legitimize the authority of their own judicial institutions and their own legal constructs.

In the pre-colonial context, traditional authorities exercised a kind of subaltern powers that were not limited to custodian of the people's land and culture but also they had a greater say in the making, enforcement and guarantors of the traditional judicial system. In most of the pre-colonial society, traditional authorities in terms of customary law mainly acted as people

²¹Ibid.,

²² NAB File No. Ja/d/1919/2. Kembong Native Authority General Correspondence, p.8.

²³ Ranger .T. 1998 " The Invention of Tradition in Colonial Africa" in E. Hobsbawm, T. Ranger, eds., *The Invention of Tradition*. Cambridge: Cambridge University Press: p.211-62. P.217

who prevented conflict from emerging and when it did emerge they equally had the mandated authority to resolve them.²⁴

As dispute resolution mechanisms, traditional authorities were/are particularly important in issues involving access to land, the family (including adultery and in some cases divorce), debt, bodily harm, damage to property, health/sickness, witchcraft and petty theft. Even in the context of modern law, in all these matters, the traditional authorities are still the key nodes in a network of institutions that may include the Courts of First Instance, the High Courts, Courts of Appeal and why not the Supreme Court. Sometimes they are the first ones sought out by the parties, at other times they function as appeal institutions and in yet other cases they provide advice or evidence in cases being dealt with by other institutions. For example in contemporary Cameroon Legal system one would not be issued a land certificate without an attestation from a traditional authority or legitimacy over land cannot be established without the concern of traditional governance in that particular area. This is to say that even in the presence of the formal justice system; some traditional forms of justice have still stood the test of time. This argument can be buttressed by the fact that formal justice systems such as courts employ legal technicalities and complex procedures which are expensive, not expeditious and are mostly located in the major Towns and are therefore not easily accessible by a majority of the people particularly the poor in the rural set ups. For this reason, even in the presence of formal institutions of justice, there is a certain class that still heavily still relies on traditional justice today.

In establishing the role of traditional authorities in the administration of justice, it is important to observe that one of the great strengths of the justice provided by traditional authorities was that it was immediate, public, collective, face-to-face and relatively transparent in character. The hearing normally took place in the house of the traditional authority or near it, on the porch or in the garden. The frequency of the hearing varied and certain days were selected for the hearings but in some communities, hearings were scheduled when the need arose. From the survey conducted, the hearings were mostly held on Sundays or traditional rest days commonly known as *Country Sunday*.

Conflict resolution by traditional authorities was dominated by rhetoric and orality as in the customary courts. Like in the community courts, the language of expression used by traditional authorities was the local language and there was no need for interpreters. After hearings and considering the problem in most cases the traditional authority attempted to obtain acceptance of the verdict from both parties in order to maintain social equilibrium. The main forms of sentencing were translated into fines, community service or physical punishment (for example head shaving and *chambocadas*- a beating with wooden stick).²⁵ The judgments were mostly oral and when the chieftain handed them out, they also explained the contents orally to the parties concerned. All the traditional authorities levied taxes for their services. The traditional authorities in their effort to dispense justice were assisted by certain institutions as highlighted above.

Conclusion

²⁴ Ibid., p219

²⁵ Maria Paula Menses, Joaquim Fumo, Guilherme Mbilana and Conceicao Gomes. "Traditional Authorities" in Boaventura de Sousa Santos et al.(eds). Law and Justice in Multicultural Society: The Case of Mozambique. CODESRIA 2006, P.220.

In conclusion it can be said that in Cameroon as whole and the Mamfe and Bakweri societies in particular, there were community generated laws that were applied to resolve conflicts in the absence of codified laws. These laws varied from community to community in terms of the way they were fashioned and the methods in which they were applied. Every community had its own specific institutions that administered justice. Traditional mechanisms such as the *Sasswood*, *Otti* and others were used to determine guilt across the Bakweri and Mamfe societies respectively. Even the institutional framework of justice was sharply different in Mamfe and Bakweri lands and the unique factor in the two systems was that these laws were community generated and were hardly contested by the people. Another similarity could be noted from the kinds of crimes that were dictated and the punishment that was mated out for these crimes. Lastly it will be very important to remark that even though these laws were applied to resolves conflicts and guarantee social inclusion, the judicial tradition in these pre-colonial societies were plagued with a myriad of problems that included the crude nature of the customary laws, varying and at times biased interpretation that was given to the laws based on personal experiences; the varying degree to which he same crime was punished and generally the ambiguity of the judicial processes as a whole. Given there were no trained personnels to execute justice, the functioning of this sector was in the hands of traditional authorities that contributed enormously to this ambiguity.

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