

Philosophical Root of Afrocentric Mediation: Examining Restorative Justice, Reciprocity and Common Humanity

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Abstract

This paper examines the philosophical root of Afrocentric mediation. The paper argues that mediation is well-entrenched in conflict management in Africa since this process has been practiced all over the continent for many centuries. In addition, the paper posits that despite being labelled 'alternative', mediation is in fact 'appropriate' in the African context due to its ability to promote effective, expeditious, collaborative and sustainable management to conflicts and disputes. The paper discusses how Afrocentric mediation can be promoted for justice, equity and development by focusing on restorative justice, reciprocity and common humanity.

1.0 Introduction

Mediation is one of the most fundamental approaches towards sound and effective conflict management. Mediation usually happens when a neutral third party known as a mediator intervenes to assist the parties in negotiating jointly acceptable resolution of issues in conflict¹. In addition, mediation has also been defined as process of conflict management where conflicting parties gather to seek solutions to the conflict, with the assistance of a third party who facilitates discussions and the flow of information, thus aiding in the process of reaching an agreement². Mediation can also be described as negotiation between two or more parties facilitated by an agreed-upon third party³. In most instances, mediation is usually a continuation of the negotiation process since it arises where parties to a conflict have attempted negotiations, but have reached a deadlock⁴. As a result of the deadlock, parties involve a neutral third party known as a mediator who facilitates communication, promotes understanding, focuses the parties on their interests, and uses creative problem- solving to enable the parties to reach their own agreement⁵.

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¹ What is Mediation?., Available at <https://www.commerce.gov/kr/reports-and-resources/eo-mediation-guide/what-mediation> (Accessed on 18/08/2026)

² Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Glenwood Publishers Limited, 2nd Edition., 2017

³ What is Mediation?., Available at <https://www.pon.harvard.edu/tag/mediation/> (Accessed on 18/08/2026)

⁴ Bercovitch. J., 'Mediation Success or Failure: A Search for the Elusive Criteria.' *Cardozo Journal of Conflict Resolution*, Vol. 7, p 289

⁵ Ibid

Mediation provides several features and advantages making it an appropriate technique for effective conflict management towards peace, prosperity and development. Its key attributes to this end include informality, flexibility, efficiency, confidentiality, party autonomy and the ability to promote expeditious and cost-effective management of disputes⁶. In addition, mediation focuses on the interests of the parties and provides a platform for collaboration enabling parties to come up with sustainable, mutually satisfactory and durable outcomes⁷. Further, it has been observed that mediation is a voluntary, collaborative and consensus-based process and it therefore leads to resolutions and outcomes that are effective, longer lasting and more sustainable than adversarial processes or otherwise imposed outcomes such as litigation and arbitration⁸. Mediation also encourages active listening while also promoting open and respectful communication therefore helping break down barriers including cultural barriers and building trust among parties⁹. In light of its key features and advantages, mediation has the ability to preserve and even strengthen relationships while also providing parties with a wide range of solutions than those available through adversarial processes such as arbitration and litigation¹⁰.

Embracing mediation is therefore vital towards sound and effective conflict management for Sustainable Development. There have been calls to strengthen the use of mediation in conflict management at both the global and national levels. For instance, at the global level, the *Charter of the United Nations*¹¹ urges parties to disputes to embrace various conflict management strategies including negotiation, enquiry, *mediation*, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other *peaceful means* of their own choice¹² (Emphasis added). Further, at a national level, the *Constitution of Kenya*¹³ mandates courts and tribunals to promote Appropriate Dispute Resolution Mechanisms (ADR) mechanisms including reconciliation, *mediation*, arbitration and Traditional Dispute Resolution Mechanisms (TDRMs)¹⁴ (Emphasis added).

This paper examines the philosophical root of Afrocentric mediation. The paper argues that mediation is well-entrenched in conflict management in Africa since this process has been practiced all over the continent for many centuries. In addition, the paper posits that despite being

⁶ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

⁷ United Nations Environment Programme., 'Natural Resources and Conflict: A Guide for Mediation Practitioners' Available at https://peacemaker.un.org/sites/peacemaker.un.org/files/NRCMediation_UNDPAUNEP2015_0.pdf (Accessed on 18/08/2026)

⁸ Ibid

⁹ Saaida. M., 'Peace Studies: Conflict Resolution and Mediation Strategies' Available at https://www.researchgate.net/publication/372289839_Peace_Studies_Conflict_Resolution_and_Mediation_Strategies (Accessed on 18/08/2026)

¹⁰ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

¹¹ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI

¹² Ibid, article 33 (1)

¹³ Constitution of Kenya., 2010., Government Printer, Nairobi

¹⁴ Ibid, article 159 (2) (c)

labelled 'alternative', mediation is in fact 'appropriate' in the African context due to its ability to promote effective, expeditious, collaborative and sustainable management to conflicts and disputes. The paper discusses how Afrocentric mediation can be promoted for justice, equity and development by focusing on restorative justice, reciprocity and common humanity.

2.0 Afrocentric Mediation: Opportunities and Challenges

Mediation has been described as an age-old practice in Africa¹⁵. It has been observed that the practice of mediation in Africa traces back to the very origin of humankind¹⁶. In particular, it has been pointed out that before the introduction of formal justice systems in Africa, virtually all communities in the continent had well established mechanisms and institutions for conflict prevention, conflict management, peace-building, peace-making and peace-education¹⁷. Since conflicts are viewed as a threat to peaceful coexistence and harmony, traditional African societies utilised mediation, adjudication, reconciliation, arbitration and negotiation among other appropriate strategies for conflict prevention, resolution, management and peace-building¹⁸. Further, it has been observed that conflict management among African societies focuses on consensus-building, harmony and reconstruction of social bridges, and the re-enactment of order in society hence creating the need for appropriate and effective mechanisms including mediation¹⁹.

It has been observed that mediation among customary justice systems in Africa have been effective in handling and managing conflicts for many centuries since they reflect the sociopolitical orientation of the African people, addressing all the social, political and economic aspects of conflicts among people who live a communal way of life²⁰. These techniques are rooted in communal values, restorative justice, consensus-building, and moral authority²¹. In particular, it has been observed that conflict management among Africa societies usually involves mediation in the first instance, where neutral community representatives facilitate dialogue between conflicting parties²². During the mediation process, emphasis is placed on storytelling, confession,

¹⁵ Gallagher. M., & Ahamed. S., 'The Changing Face of Peace: African Mediation and Paradigm Transitions' *African Studies Quarterly*, Volume 23, Issue 2, 2025

¹⁶ Laibuta. K., 'Contending with Multiple Legal Orders for Wholesome Dispute Resolution' Available at <https://lc-adr.net/wp-content/uploads/2017/10/ADR-IN-AFRICA-2.pdf> (Accessed on 18/08/2026)

¹⁷ African Traditional Conflict Resolution Methods., Available at <https://www.scribd.com/document/363363850/Conflicts-in-African-Traditional-Society> (Accessed on 18/08/2026)

¹⁸ Adeyinka. A., & Lateef. B., 'Methods of Conflict Resolution in African Traditional Society' *An International Multidisciplinary Journal*, Ethiopia Vol. 8 (2).

¹⁹ Ibid

²⁰ Traditional Methods of Conflict Resolution., Available at <https://www.accord.org.za/conflict-trends/traditional-methods-of-conflict-resolution/> (Accessed on 18/08/2026)

²¹ Akhobai. E. M., 'Traditional Conflict Resolution Mechanisms in Modern African States' *International Journal of Research and Innovation in Social Science.*, Volume 10, Issue 1 (2026)

²² Ibid

and collective deliberation, thus enabling all parties to express grievances and perspectives in an open forum towards sustainable outcomes that can ensure peace and harmony²³.

Afrocentric mediation is therefore a useful tool towards effective, appropriate and sustainable conflict management. It has been correctly observed that Afrocentric mediation is deeply rooted in the culture and customs of the people of Africa due to its focus on reconciliation, justice, peace and harmony making it an appropriate process in conflict management²⁴. Mediation and ADR aligns with Africa's community-oriented societies, where reconciliation, restorative justice, peace and harmony are prioritized over retribution²⁵. Afrocentric mediation has been practiced since antiquity with respected figures including elders and priests acting as neutral mediators²⁶. Their wisdom enabled parties to resolve their conflicts in a collaborative and non-confrontational manner with emphasis on peaceful co-existence and harmony within the community²⁷.

In light of its appropriateness in conflict management, mediation has been described as a restatement of African customary jurisprudence²⁸. Mediation aligns well with the core tenets of justice among African societies where corrective, restorative and reconciliatory mechanisms are the primary means of conflict resolution²⁹. In light of challenges in formal justice systems in Africa, it has been observed that Afrocentric mediation can strengthen access to justice towards Sustainable Development³⁰.

Despite its rich history and numerous benefits, the current practice of mediation in Africa can undermine the philosophical roots of Afrocentric mediation. For example, it has been observed that the current practice of mediation and ADR in Africa originated from the West and is therefore largely influenced by Western conceptions of justice³¹. For example, there have been attempts to formalize and integrate mediation with judicial processes a situation that can lead to loss of its key attributes such as confidentiality, informality and privacy which have been fundamental for

²³ Ibid

²⁴ The Influence Of Culture On Mediation In The African Context., Available at <https://worldmediation.org/the-influence-of-culture-on-mediation-in-the-african-context/> (Accessed on 18/08/2026)

²⁵ Africa: A Rising Hub for Alternative Dispute Resolution., Available at <https://www.linkedin.com/pulse/africa-rising-hub-alternative-dispute-1vlye/> (Accessed on 18/08/2026)

²⁶ Kaushal. R., & Kwantes. C., 'The Role of Culture and Personality in Choice of Conflict Management Strategy.' *International Journal of Intercultural Relations* 30 (2006) 579-603

²⁷ Ibid

²⁸ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

²⁹ Our Mediation Heritage., Available at <https://www.conflictdynamics.co.za/Blog/Our-Mediation-Heritage-%20?swcfpc=1> (Accessed on 18/08/2026)

³⁰ Muigua. K., 'Resolving Conflicts through Mediation in Kenya.' Op Cit

³¹ Muigua. K., 'Reframing Conflict Management in the East African Community: Moving from Alternative to 'Appropriate' Dispute Resolution.' Available at <http://kmco.co.ke/wpcontent/uploads/2023/06/Reframing-Conflict-Management-in-the-East-African-Community-Movingfrom-Alternative-to-Appropriate-Dispute-Resolution-1.pdf> (Accessed on 18/08/2026)

the success of Afrocentric mediation for many centuries³². In addition, it has been observed that in the current era, traditional and customary justice systems and institutions including elders have largely been sidelined and disregarded undermining their role as key stakeholders in Afrocentric mediation among other ADR processes³³. Consequently, there is need to reaffirm the philosophical roots of Afrocentric mediation in order to promote effective and appropriate access to justice in Africa for Sustainable Development.

3.0 Promoting Restorative Justice, Reciprocity and Common Humanity for Afrocentric Mediation

It is imperative to embrace Afrocentric mediation in order to promote effective, appropriate and culture-specific conflict management in Africa for Sustainable Development. It has been observed that Afrocentric mediation is deeply rooted in the culture and customs of the people of Africa due to its focus on reconciliation, restorative justice, peace and harmony³⁴. It is therefore necessary to uphold the core philosophical tenets of Afrocentric mediation towards enhanced access to justice for development.

In particular, restorative justice is a fundamental value in Afrocentric mediation. It has been observed that in contrast to traditional models of justice which primarily focus on punishment and retribution, restorative justice takes a different approach and centers on addressing harm, fostering dialogue and promoting accountability³⁵. Restorative justice practices are ideal in preventing conflict, building sustainable and durable relationships and repairing harm by enabling people to communicate effectively and positively³⁶. Mediation is an appropriate tool in fostering restorative justice since it emphasizes dialogue, mutual agreement and cooperation thus reconciling the interests of parties and contributing to a more holistic understanding of justice³⁷. Mediation has been identified as a primary tool for achieving restorative justice due to its focus on accountability, dialogue and collaborative solutions³⁸. In particular, due to the collectivistic nature of African societies, embracing Afrocentric mediation is crucial towards achieving restorative justice for peace, harmony and social-cohesion³⁹.

³² Muigua. K., 'Fusion of Mediation and other ADR Mechanisms with Modern Dispute Resolution in Kenya: Prospects and Challenges.' Available at <https://kmco.co.ke/wp-content/uploads/2022/11/Fusion-of-Mediation-and-Other-ADR-Mechanisms-with-Modern-Dispute-Resolution-in-Kenya-Prospects-and-Challenges.pdf> (Accessed on 18/08/2026)

³³ Akhobai. E. M., 'Traditional Conflict Resolution Mechanisms in Modern African States' Op Cit

³⁴ The Influence Of Culture On Mediation In The African Context., Op Cit

³⁵ The Role of Restorative Justice in Modern Criminal Justice Administration., Available at <https://www.park.edu/blog/the-role-of-restorative-justice-in-modern-criminal-justice-administration/> (Accessed on 19/08/2026)

³⁶ Restorative Justice Council., 'What is Restorative Justice?' Available at <https://restorativejustice.org.uk/what-restorative-justice> (Accessed on 19/08/2026)

³⁷ The Role of Mediation in Restorative Justice: A New Approach to Criminal Cases., Available at <https://www.ijrti.org/papers/IJRTI2504185.pdf> (Accessed on 19/08/2026)

³⁸ Ibid

³⁹ Our Mediation Heritage., Op Cit

Promoting reciprocity is also crucial towards effectively embracing Afrocentric mediation for peace, justice and development. Reciprocity in general means that an individual has duties to return a benefit to those who have provided them with some benefit⁴⁰. Reciprocity in the context of justice means that justice systems are based on proportional fairness, social cooperation, mutual exchange, and receiving and sharing burdens fairly⁴¹. It has been observed that mediation can promote reciprocity through mutual concessions, cooperation and collaboration towards breaking deadlocks⁴². In particular, Afrocentric mediation has been identified as a reciprocal give-and-take process that focuses on shared values and community relationships thus encouraging cooperative dialogue and concession among parties in order to restore and repair the social fabric⁴³. It is therefore necessary to effectively embrace Afrocentric mediation by focusing on reciprocal empathy and solidarity towards appropriate conflict management and access to justice⁴⁴.

In addition, Afrocentric mediation gives prominence to common humanity. In particular, it has been observed that mediation is guided by the African philosophy of *Ubuntu* with humanness, peace, justice, harmony and reconciliation at the centre of decision-making processes⁴⁵. *Ubuntu* is a core value in conflict management in Africa since it focuses on common humanity. For example, this philosophy emphasizes restorative justice (harmony in the community), rather than punitive justice⁴⁶. Afrocentric mediation focuses on common humanity since it is guided by *Ubuntu* by giving prominence to cooperation, reconciliation, harmony, and peaceful co-existence among individuals and within communities⁴⁷. It is therefore necessary to inculcate common humanity in Afrocentric mediation including through focusing on *Ubuntu*.

⁴⁰ Alexander. M., 'Justice, Reciprocity, and the Boundaries of State Authority' Available at <https://repository.arizona.edu/server/api/core/bitstreams/b1f0482c-0c43-42b9-bb2a-0b7c3d96c8a2/content> (Accessed on 19/08/2026)

⁴¹ Hartley. C., 'Justice as Reciprocity and Future Generations' Available at <https://onlinelibrary.wiley.com/doi/abs/10.1111/1758-5899.70159> (Accessed on 19/08/2026)

⁴² The Concept of Reciprocity in Mediation., Available at <https://mediate.com/the-concept-of-reciprocity-in-mediation/> (Accessed on 19/08/2026)

⁴³ Kagoro. B., 'Afrocentric Conceptions of Conflict Transformation: Beyond Ubuntu Mythology and Romantic Traditionalism' Available at <https://www.csvr.org.za/wp-content/uploads/2021/05/Discussion-paper-Afrocentric-Conceptions-of-Conflict-Transformation-Kagoro-2021.pdf> (Accessed on 19/08/2026)

⁴⁴ Ibid

⁴⁵ Batchelor. B., Chetty. N., & Makore. S., 'Incorporating Afrocentric Alternative Dispute Resolution in South Africa's Clinical Legal Education' Available at <https://www.saflii.org/za/journals/LDD/2021/17.pdf> (Accessed on 19/08/2026)

⁴⁶ Van Norren. D., 'African Ubuntu and Sustainable Development Goals: seeking human mutual relations and service in development' Available at <https://www.tandfonline.com/doi/full/10.1080/01436597.2022.2109458#abstract> (Accessed on 19/08/2026)

⁴⁷ Motsisi. M., 'Mediation & Ubuntu' Available at <https://www.mmatheomotsisi.com/mediation-ubuntu/#:~:text=Ubuntu%20as%20the%20Primeval%20Model,promotes%20genuine%20trust%20and%20openness> (Accessed on 19/08/2026)

4.0 Conclusion

Mediation provides an appropriate and effective pathway towards sound conflict management and access to justice both globally and in Africa. However, in the African context, it is imperative to revisit the philosophical root of Afrocentric mediation for sustainable, culture-specific and appropriate outcomes for justice and development. In particular, it is imperative to embrace restorative justice, reciprocity and common humanity towards appropriately harnessing Afrocentric mediation for peace, justice, development and sustainability.

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