AFRICA PEACE AND CONFLICT
JOURNAL

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AFRICA PEACE AND CONFLICT JOURNAL

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Articles and case analysis—critical case studies or thematic discussion and analysis of topical peace and conflict themes (7,000 words maximum, including endnotes; abstract, 150 words or less).

Briefings/practice—training or intervention strategies, outcomes and impacts, policy review and analysis, country situational updates, and so on (2,000 words maximum).

Book reviews—critical assessments of new books that integrate peace and conflict concerns (1,500 words maximum).

Resources—reports, upcoming conferences and workshops, notices of new books and videos, e-communications, and Web sites that link peace and conflict studies (150 words maximum); documents, declarations, communiqués, and other relevant nongovernmental or multilateral organizational statements (1,000 words maximum).

The editors will consider only material that meets the following requirements:

- Submissions must be original and cannot have been published previously, online or in print. They cannot be under consideration for publication by another journal or organization.
- Submissions should be prepared electronically, preferably in Microsoft Word.
- For notes and references, use the short-title system (not the author-date system) as per *Butcher's Copy-editing: The Cambridge Handbook for Editors, Copy-editors and Proofreaders*, 4th edn (2006).

Include full name, brief bio(s) with institutional affiliation of author(s), and contact details, including mailing address and telephone number.

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The editors reserve the right to alter all manuscripts to conform with APCJ style, to improve accuracy, to eliminate mistakes and ambiguity, and to bring the manuscript in line with the tenets of plain legal language.

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Guest Editor's Note

Since the early 1990s, peace, conflict, and violence have become major preoccupations for researchers, policy makers, academics, and practitioners, leading to an extensive literature based on years of experience and knowledge. Contrary to the notion popular in some circles that western perspectives are at the forefront in the creation of knowledge in these areas, southern scholars and practitioners have in recent years become more robust and prolific in contributing to debates as they apply to Africa. The articles in this issue of the *Africa Peace and Conflict Journal* examine different issues in these three overlapping areas.

Barry Hart and Muhyadin Saed analyse how customary law principles and practices are being used to resolve clan and sub-clan conflicts, including acts of criminality. Using Somaliland as an example, they underscore the potential value of integrating principles of customary law, conflict transformation, and restorative justice in the search for peace and security. They emphasise the role of multi-sectoral approaches and actors in the promotion, interaction, and exchange of ideas to deepen understanding aimed at resolving protracted conflict. Their examination sheds light on how the international community could learn from organic and flexible traditional forms of resolving conflict and achieving justice.

Simeon H. O. Alozieuwa raises the issue of the economic dimension in the ongoing tensions and occasional violence in Jos, Nigeria. He notes that the conflict is commonly viewed as an ethnic dispute, but argues that the 'indigenous' population's fear of political domination by a 'settler' group and such a scenario's ensuing economic implications are the true drivers of the conflict. Alozieuwa warns that failure to mediate the intensifying religious dimension of the conflict could create space for extremists to further fan the flames, potentially generating and leading to the export of religion-based terrorism.

Fidelis Allen and Ufo Okeke-Uzodike analyse the politics of oil production in Nigeria and the conflict in the Niger Delta pitting the government and oil companies against justice and environmental groups. Using the nonkilling political analytical tool, they critically examine the relationship between oil, politics, and the killing behaviours of state and non-state actors in the region. Allen and Okeke-Uzodike argue that oil-related killings in the delta are a result of a lack of vision in regard to nonkilling leadership and politics. They contend that only a nonkilling approach to governance and the politics of oil and economic distribution and development offers a chance for lasting peace and social justice in the Niger Delta.

Pyana Mwamba Symphorien discusses popular approaches to peacebuilding in war-ridden societies and their failure to bring about positive peace. Focusing on the Democratic Republic of the Congo, he reviews the current state of discourse on the crisis in the east, noting the prevailing economic, mismanagement and bad governance, and politico-cultural schools of thought. Symphorien argues that while such analyses are valid, they fail to address the root causes of conflict and to foster inclusive and community-driven peacebuilding strategies responsive to the physical and psycho-social

needs of affected peoples. He attributes the failure in DR Congo to peacebuilding processes that focus on the top leadership and macro-level solutions to the exclusion of a micro-level, transformative model. He advocates a paradigm shift to transformation-oriented approaches to peacebuilding and peace education.

Karolina Werner examines the role of indigenous peacebuilding mechanisms in post-conflict situations with a focus on the potential for hybrid forms that integrate traditional approaches and western strategies. She argues that state-driven judicial mechanisms from developed countries often fail to fulfil the needs of people in divided, non-western societies due to the fragile nature of governance systems in the war-torn nations. Werner notes the assessment that although western models of peacebuilding are often effective in securing quantitative peace, they are less effective at managing the qualitative dimensions of peace. Thus, she asserts the need to highlight the importance of historical context, culture, and local ownership, relayed through trust and cooperation of affected populations, as the cornerstone for any responsive and sustainable peacebuilding initiative. She cites examples from Rwanda, Uganda, and Mozambique, where indigenous methods of conflict resolution have played significant roles in advancing peace.

Edwin Barasa Mang'eni examines the role of youths in the 2007–2008 electoral violence in Kenya. He attributes what he views as reactionary violence to deprivation derived from structurally violent and alienating social and political environments that benefit only a few. He argues that Kenya's youth violence and vigilantism are consequences of weak and fragile political, social, and economic structures of governance. Mang'eni notes the need for peacebuilding approaches that embrace inclusivity, equity, and reconciliation to address the problem of youth violence.

Khalid Ali El Amin assesses the potential for the realisation of grass-root initiatives for peace and reconciliation in the Darfur conflict. He cites the genesis of the Darfur conflict as being anchored in claims of identity, contested as 'Arab' pastoralists versus African farmers, and highlights the distinction between earlier inter-tribal conflicts in Darfur and what he refers to as the post-2003 'grand conflict', in which the two communities are both victims. El Amin argues for grass-root initiatives to achieve inter-communal reconciliation and restoration of peace, providing examples of efforts from the Arab and African communities that have alleviated tensions and improved or re-established damaged relationships.

Sarah Templer looks at how the Tree of Life, a therapeutic workshop process, is helping survivors and perpetrators of violence in Zimbabwe come to terms with the psychological consequences of their experiences and actions. She illustrates how the approach of the Tree to Life maintains what she calls 'integrity of process' by being sensitive to local issues and customs, providing clear communication to manage expectations, and enabling participants to carry this survivor-to-survivor process forward. She also notes that policy environments can sometimes constrain the activities and voices of vulnerable groups.

Guy Martin reviews Mahmood Mamdani's *Saviors and Survivors: Darfur, Politics, and the War on Terror,* examining the conflictive interpretations and analyses given to the complex and much-debated Darfur conflict. Martin highlights that Mamdani begins with pointed criticism of the U.S.-based Save Darfur movement, which Mamdani characterises as 'anti-peace' because of its insistence on military intervention as a means of resolving the conflict. He analyses how Mamdani traces the genesis of the

conflict to the 'Arab-Fur' civil war from 1987 to 1989 and disputes the notion that it is an African-Arab war. Mamdani's interpretations and assertions, according to Martin, are likely to leave readers more confused than enlightened about the Darfur conflict.

Golda Keng reviews *Africa's New Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions*, a compilation of critical commentary anal-ysing the African Union's new framework edited by Ulf Engel and João Gomes Porto. She out-lines authors' viewpoints on the five pillars of the peace and security architecture—the Peace and Security Council, the Continental Early Warning System, the African Standby Force, the Panel of the Wise, and the Peace Fund—and assesses the volume to be a well-written, well-researched, and candid contribution on these institutions.

The articles in this issue contribute to the perspective that the overarching goal of peacebuilding is to establish legitimate governing structures based on a set of embed-ded dimensions, rooted in historical and cultural contexts, that in turn determine the relationship between states and their citizens. They advocate for resilient political processes responsive and adaptive to change through mechanisms of democratic peacebuilding and justice, such as participation, inclusion, and consideration for local populations and contexts.

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Pamela Machakanja
Associate Director
Institute of Peace, Leadership and Governance
Africa University, Zimbabwe

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From the Managing Editor

Welcome to another issue of the *Africa Peace and Conflict Journal,* the fifth since publication began in December 2008.

Wars and violent civil conflicts have dominated media stories about Africa since the early 1990s. The 2009–2010 *Human Security Report* cites sub-Saharan Africa as having been one of the most conflict-prone regions since 1946, enduring anti-colonial conflicts, struggles for control of post-colonial states, and cold war proxy confrontations.[1] These conflicts increased unevenly from the mid-1950s until the early 1990s. No clear trend was discernible in the 1990s, but between 1999 and 2005, the number of conflicts declined by almost two-thirds. Their number, however, again increased in recent years as a result of new or recurring confrontations in the Central African Republic, Democratic Republic of the Congo, Mali, Niger, and Somalia. From 2002 through 2008, sub-Saharan Africa experienced more non-state armed conflicts than all other regions combined worldwide. On a positive note, the agreements to end some of Africa's deadlier conflicts early in the new millennium—including those in Angola, Côte d'Ivoire, Liberia, and Sierra Leone—have, thus far, held.

Although most civil conflicts have abated (at least somewhat), threats to peace and stability continue to plague the continent. Recent post-election developments in the West African nations of Guinea and Côte d'Ivoire are cause for concern. The devastating political impasse in Zimbabwe and on-again, off-again violence in the eastern DR Congo also pose threats to regional stability. Although these simmering conflicts haunt African policy makers and academics alike, there are sometimes glimmers of hope, along with moments of regression.

This most recent *Human Security Report* comes at a time when APCJ is exploring a number of security- and stability-related topics. The contributors to this edition look at various issues involving violence and security and how local communities have bypassed the state in seeking solutions on their own. Many questions remain concerning what should be done to build peace in the wake of violence: What are the dynamics of conflict in a given African context? Why are youths at the forefront of violence in countries across the continent? What measures should or can be taken to mitigate violence? These and other questions must continue to be examined in trying to better understand conflicts in Africa and how to build peace there.

The editorial team and the editorial board of APCJ wish to take this opportunity to thank all of our readers and benefactors for the encouragement and support they have accorded us in the past two years. As we continue to build on our achievements, we would be grateful for feedback on how we can improve the quality of the journal as well as how we can sustain it. In the next few weeks, you will be receiving a survey about APCJ. Please take a few minutes to complete it and return it to us. Your participation would be deeply appreciated, as it will help us produce an even-higher-quality product.

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1. Human Security Report Project, *Human Security Report, 2009/2010: The Causes of Peace and the Shrinking Costs of War* (Vancouver, 2010), www.hsrgroup.org/human-security-reports/20092010/text.aspx.

APCJ and the University for Peace (UPEACE) Africa Programme continue to benefit from the generous support of the International Development Research Centre (IDRC) of Canada, whose financial assistance has made possible the publication of the journal since 2008. The patronage of IDRC has also allowed a number of junior researchers to benefit from UPEACE-led capacity-building trainings in peace research and from support for doctoral research and fellowships.

I extend our gratitude to guest editor Pamela Machakanja, associate director of the Institute of Peace, Leadership and Governance at the Africa University in Zimbabwe, for guiding our understanding of the various topics and ideas covered in this issue of APCJ.

Tony Karbo

Integrating Principles and Practices of Customary Law, Conflict Transformation, and Restorative Justice in Somaliland

Barry Hart and Muhyadin Saed

In Somaliland, customary law is primarily used to resolve clan and sub-clan conflicts and address certain criminal issues. After years of civil war, peace was established in Somaliland in May 1991 through the use of principles and practices of customary law. Examination of customary law's relationship to international conflict transformation and restorative justice theory and practice is in the early stages. An integration of these methods of change needs further exploration for the purpose of informing local and global problem solving and the application of justice. The values that underlie these practices necessitate that special attention be paid to the potential bridge that restorative justice might provide between Somaliland's customary law and civil law.

DUE TO CHANGING SOCIAL, POLITICAL, ENVIRONMENTAL, AND economic realities in Somaliland, particularly in urban areas, customary law is undergoing a period of adjustment.[1] Though still widely used, its approaches for dealing traditionally with conflicts over the spilling of blood, camel raiding, pasture and well use, and women

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1. Prior to becoming a British protectorate, Somaliland had two legal systems: customary law and Islamic, or *sharia*, law. These legal systems worked together to regulate civil and religious life, with the former holding greater sway in everyday matters. As a result of the British presence (1884–1960), Somaliland adopted statutory or codified law, as well as British common law, which emphasizes court decisions more than statues or codes. For details, see Bryan A. Garner, *A Dictionary of Modern Legal Usage*, 2d edn (Oxford, Oxford University Press, 1995). After independence in 1960, when Somaliland briefly merged with the southern part of Somalia formerly referred to as Italian Somalia, its legal system was altered so that 'common law was overruled by the civil law tradition'. Civil law gives judges more freedom in interpreting statutes, with less emphasis placed on prior court decisions. See Mohamed Farah Hersi, 'Research guide to the Somaliland legal system', February 2009, 2.1.3 customary law, www.nyulawglobal.org/globalex/somali land.htm#.

Barry Hart is a professor of trauma, identity, and conflict studies at the Center for Justice and Peacebuilding at Eastern Mennonite University, Harrisonburg, Virginia, United States. He has worked extensively in the Balkans and West Africa as well as in Somaliland, where he helped develop the Institute of Peace and Conflict Studies at the University of Hargeisa. **Muhyadin Saed** is the lead researcher in conflict resolution at the University of Hargeisa. He received a postgraduate diploma from the university's Institute of Peace and Conflict Studies. The authors gratefully acknowledge the assistance of Linda Lavender in the development of this article.

seem insufficient for resolving some current concerns, such as those involving more complex issues of property ownership, boundary disputes, and situations resulting from a growing urban population fleeing drought and desertification. In short, the means of resolving contemporary issues 'often [go] beyond the scope of traditional intervention'.[2]

The traditional problem-solving practices of customary law have been the foundation for Somali social, economic, and political life since around the seventh century. In the early 1990s, traditional leaders—*aqils*, *sultans*, and *odays* (clan elders)—used these practices to bring peace to Somaliland. Through patience, listening, and skill, they negotiated peace settlements that included foundational principles and structures for an 'independent' Somaliland.[3] Customary law practices continue to have an important place in problem solving and justice in rural Somaliland, but even in this context, limitations are arising.[4] The organic and flexible nature of Somaliland's customary law needs to be employed to adjust to the rapidly changing social and political realities of its urban and rural settings. This process would appear to involve strengthening existing problem-solving principles and practices and potentially integrating others developed outside of Somaliland. Among them would be conflict transformation, which has origins theoretically in the West but also utilizes many practical conflict resolution skills of African and other indigenous peoples.[5]

Another area in need of change is the relationship between customary law and Somaliland's westernized, secular civil law system, as there is an ever-increasing interface between them.[6] Professionals in the legal community, educators, and traditional leaders should be encouraged to further develop this linkage in order to enhance creative problem solving and application of justice in Somaliland. Meeting this need requires an innovative integration of traditional methods with existing legal frameworks, including, for example, introducing restorative justice to serve as a possible bridge connecting the two systems.

Adaptation efforts began after Somaliland's democratization process—following a peacebuilding conference in Hargeisa in 1997—in part with the support of UN bodies and international nongovernmental organizations (NGOs) that promoted and partnered with local NGOs that support and train elders, women, youth, and professionals in areas of health and leadership as well as conflict resolution methods that complement traditional ones.[7] The Institute of Peace and Conflict Studies at the University of Hargeisa offers graduate-level courses to professionals in conflict analy-

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2. John Sully (ed.), 'From plunder to prosperity: Resolving resource-based conflict in Somaliland', Dialogue for Peace, Interpeace and the Academy for Peace and Development, Hargeisa, 2006, p. 4, www.apd-somaliland.org/publications.htm.

3. In June 2010, Somaliland held internationally recognized free and fair elections, continuing to build on its status as a viable state, but the international community has never recognized Somaliland as a state. See Abdulazez Al-Motairi, 'From Sool to Salal: The Somaliland democracy prevails again', *American Chronicle*, 28 June 2010, www.americanchronicle.com/articles/view/166065.

4. Mohamed Abdi et al., '[Somaliland:] Land-based conflict project. Working note', Academy for Peace and Development, 20 September 2007, www.apd-somaliland.org/docs/apd2007land_conflict_wn.pdf.

5. See John Paul Lederach, *Preparing for Peace: Conflict Transformation across Cultures* (Syracuse, New York, Syracuse Press, 1995).

6. Interview, Mohamaud Hussen Farah, dean, Faculty of Law, University of Hargeisa, 30 March 2008.

7. Interview, Mohamed Salax, executive director, Hagsoor (an NGO), Hargeisa, 26 March 2008.

sis and transformation theory and techniques and invites elders to speak in class about traditional methods of conflict resolution. Interaction and exchange of this type deepen understanding for all participants and will help prepare additional actors to address Somaliland's conflicts.

There are certain security issues related to fighting between clans, killings that take place across clan lines, and regional issues that might benefit from the harmonization of customary law and Somaliland's civil law. Currently, these two systems of law compete with each other, instead of forming a coherent and connected legal system. An important area of consideration in the harmonization process might be the documentation of customary law processes and rulings. At present, this has not occurred, but if it does, such documentation could provide information to civil courts for appealing a ruling by the elders.

Customary law procedures provide the possibility of rejecting a ruling by the elders, but there is no appeal process of that ruling once it has been accepted by the parties involved. This approach has worked for millennia, but there are now more complex issues, such as those related to human rights concerns, regional and global political and economic factors, as well as a growing legal body of knowledge within Somaliland's governance structure. Therefore, the need for harmonization is timely and essential, and as noted, could best be accomplished though an innovative integration of traditional methods and existing legal frameworks.

THEORETICAL FRAMEWORK

The traditional or customary law practices of Somaliland and the international values and practices found in the conflict transformation and restorative justice fields are related and can inform each other in important ways. The theoretical framework used in this study is based on an integrated peacebuilding model that incorporates conflict transformation and restorative justice principles and practices as well as other factors that help transform conflicts and stabilize societies.[8] These principles and practices include development, security, education, religion, leadership, and governance, along with reconciliation, identity and worldview formation, and trauma healing. Customary law and conflict transformation are examined through various aspects of the framework for the purpose of understanding their similarities and differences and how they might be harmonized in the Somaliland context. Customary law's principles and the related values that underlie its practice—including listening, patience, honesty, fairness, flexibility, nonviolence, and reconciliation—are compared with the values and practices of conflict transformation that international mediators, negotiators, and restorative justice practitioners strive to incorporate in their work, including respect, humility, nonviolence, accountability, listening, and utilizing creative and just processes.

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8. B. Hart (ed.), *Peacebuilding in Traumatized Societies* (Lanham, Md., University Press of America, 2008); H. Zehr, *Changing Lenses: A New Focus on Crime and Justice* (Scottdale, Pennsylvania, Herald Press, 2005); L. Schirch, *The Little Book of Strategic Peacebuilding* (Intercourse, Pennsylvania, Good Books, 2004); J. Docherty, *Learning Lessons from Waco: When the Parties Bring Their Gods to the Negotiation Table* (Syracuse, New York, Syracuse University Press, 2001); John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace, 1997).

Somaliland's customary law is based on compensatory practices, while its civil law is more punitive in nature.[9] Customary law holds the offender and his or her sub-clan or clan accountable for a criminal action. Its process of elder-based consensus places great weight on precedence in order to determine outcomes and impose fines, usually as camels or cash. Civil or case law, meanwhile, is focused on the individualistic use of incarceration and fines determined by a judge or judges, who depend on legal writings.

In addition to examining the relationship between customary law and civil law in Somaliland, the research presented here proffers that restorative justice theory and practices might be included in the legal equation to close the gap between the two existing systems. Restorative justice, like customary law, is about establishing or rebuilding a relationship after acts of violence or crime have damaged or severed it. It is also a mechanism that helps establish responsibility for the offending action. In general, restorative justice perceives a role for both traditional models of problem solving and a well-functioning legal and judicial system—an integrated system that will 'safeguard the rights of individuals and . . . establish some kind of *truth* when it is being denied'.[10]

The research examined modernization theory as a possible approach for addressing Somaliland's issues, but it was ultimately rejected. This theory assumes 'a relatively benign relationship between advanced and less-advanced nations and [that] development occurs through the assimilation of these groups or nations into a more modern and complex society with the appropriate values'.[11] According to this theory, all that is required is a transfer of knowledge, technology, legal frameworks, and cultural norms found in the more advanced societies. Ethical standards applied to the research required avoiding the imposition of solutions from the outside that could be culturally biased and potentially damaging to the identities, worldviews, and well-being of the people of Somaliland in their application.[12] This study on Somaliland rests on the principles and methods that reflect the importance of listening, humility, nonviolence (in this case, not doing psychological violence), and establishment of just partnerships.

DATA SOURCES, METHODS, AND RESULTS

A literature review of Somalia and Somaliland's customary law was conducted, as well as a review of the use of customary law to end the war in Somaliland and help establish a post-conflict government.[13] A literature review of major contributions to the

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9. G. Johnstone, *Restorative Justice: Ideas, Values and Debates* (Collumpton, Devon, UK, Willan Publishing, 2005); H. Zehr and B. Towes (eds.), *Critical Issues in Restorative Justice* (New York, Monsey, 2004).

10. Zehr, *Changing Lenses*, 273.

11. T. L. Jantzi and V. Jantzi, 'Development paradigms and peacebuilding theories of change: Analyzing embedded assumptions in development and peacebuilding', *Journal of Peacebuilding and Development*, 5:1 (2009): 65–80 (available online).

12. J. Sutherland, *Worldview Skills: Transforming Conflict from the Inside Out* (Vancouver, Worldview Strategies, 2005).

13. D. Sullivan and L. Tifft (eds.), *Handbook of Restorative Justice* (London, Routledge International, 2006); Johnstone, *Restorative Justice*; Zehr, *Changing Lenses*; Zehr and Towes, *Critical Issues in Restorative Justice*. Somalia had a civil war in the early 1990s between the government of Mohamed Siad Barre, which wanted to solidify its control over all of Somalia, and members of the Somali National Movement (SNM), who opposed his government and control. The SNM (and other rebel groups) defeated pro-Barre forces in January 1991, but internal fighting continued in Somaliland, the northwestern region of Somalia.

peacebuilding and conflict transformation fields was also undertaken.[14] Restorative justice literature provided insight into restorative and punitive justice models, exploring community-based and criminal justice–oriented processes and transformative justice.[15]

Fieldwork conducted from 2008 to 2010 represents the main source of research material for this study. It included individual interviews with aqils, sultans, and odays, women, youths, academics and lawyers, and members of local and international NGOs. Focus groups of elders, women, and youth were conducted in Hargeisa, the largest city and capital of Somaliland, and in the western and eastern regions of the territory. More qualitative data on perceptions of differences between customary law and conflict transformation were gathered during a graduate certificate course on peacebuilding at the University of Hargeisa. A group of forty-five Somalilanders, among them government officials, heads of NGOs, academics, and business people, were asked on a written questionnaire to compare customary law and conflict transformation values, analytical techniques, strategies, practices, and goals. Their responses are reflected in Table 1.

The outcomes of the research point to a clear relationship in terms of similarities between customary law and conflict transformation, but also show how they differ. Customary law focuses on conflict resolution, or stopping conflict in the short term. Although it incorporates efforts to determine the root causes of the conflict, in-depth analysis of conflicts and intervention for long-term social stability are not fully part of the customary law process. In contrast, conflict transformation seeks short-term as well as long-term solutions to problems through the transformation of individuals, relationships, cultures, and structures.[16] Conflict resolution in the context of Somaliland—regarding land disputes, personal harm, or even murder—tilts in this direction, but does not go far enough in engaging larger systems or structures in a way that would more effectively prevent future conflicts.

This research suggests that customary law—harmonized with conflict transformation values and practices—and civil law can be connected by restorative justice. Since Somaliland is expanding its use of civil law to deal with complex conflicts and crime, restorative justice principles and practices might represent the bridge necessary to conjoin the civil and customary systems. Restorative justice has played this type of role in other contexts. In New Zealand, for example, it is an important connection between the indigenous Maoris and their traditional problem-solving practices and the country's civil courts.[17]

Through a series of peace and reconciliation conferences between the SNM, elders, and community members, a final peace accord was reached in 1997.

14. D. Fry, *The Human Potential for Peace* (New York, Oxford University Press, 2006); Schirch, *The Little Book of Strategic Peacebuilding*; C. Sampson and M. Abu-Nimer, *Positive Approaches to Peacebuilding* (Washington, D.C., PACT Publications, 2003); L. Reychler and T. Paffenholz, *Peacebuilding: A Field Guide* (Boulder, Colorado, Lynne Rienner Publishers, 2001).

15. Johnstone, *Restorative Justice;* Zehr and Towes, *Critical Issues in Restorative Justice.*

16. John Paul Lederach, *The Little Book of Conflict Resolution* (Intercourse, Pennsylvania, Good Books, 2003).

17. G. Maxwell, A. Morris, and H. Hayes, 'Conferencing and restorative justice' in Sullivan and Tifft, *Handbook of Restorative Justice.*

SOMALILAND

Somaliland is located in the eastern region of the Horn of Africa, separated from Yemen and Saudi Arabia to the north by the Gulf of Aden, with Djibouti to the west, Ethiopia to the south, and what was once known as Italian Somalia to the east.[18] Somaliland's territory, some 67,000 square miles, was controlled by the British before 1960 and is approximately the size of England, with an estimated population of 3.5 million. Most Somalilanders are nomadic but an increasing number are becoming pastoral-nomadic farmers. Drought and related issues affecting the export of goods have led in the last ten years to an influx of people to urban areas.

In June 1960, the colonial powers withdrew from Greater Somalia, which included regions in the west and south of Somalia, Puntland in the northeast, and Somaliland in the northwest. The UN Trustee Council granted it independence on 1 July 1960, at which point it became the Somali Republic.[19] This new union faced a number of challenges, including integrating different legal systems carried over from the colonial period. Italian law had been practiced in the western and southern regions and British law in the northwestern region, creating a governing disconnect among the newly united territories.[20] In addition, the Somali Republic had historically been without a central government, instead having a society governed by clan structures and traditional problem-solving mechanisms. The citizens of the new political entity were therefore ill-equipped for and distrustful of a central governing authority.[21]

The seizure of power by Mohamed Siad Barre in a military coup in 1969 exacerbated the issues that Somaliland experienced in the Somalia union.[22] Power had largely been concentrated in the southern region, so Puntland and Somaliland had little representation in Mogadishu, the capital. Along with geographical distance, clan identity differences created a sense of alienation and isolation from the central government. Distrust and discontent set in, which led a group of businessmen, religious leaders, intellectuals, and former army officers to form the Somali National Movement (SNM) in 1981. The SNM sought independence from the Barre government and fought to secure it over the next decade. The SNM eventually prevailed, and Somaliland seceded from the Somali Democratic Republic in May 1991.[23]

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18. M. Bradbury and the Catholic Institute for International Relations, *Becoming Somaliland* (London, Progessio, 2008); S. Shay, *Somalia between Jihad and Restoration* (New Brunswick, New Jersey, Transaction Publishers, 2008); S. H. MacCallum, 'The rule of law without the state', Ludwig von Mises Institute, 12 September 2007, http://mises.org/daily/2701.
19. I. M. Lewis, 'Visible and invisible differences: The Somali paradox', *Africa: Journal of the International African Institute*, 74:4 (2004), 489–515.
20. M. Brons, *Society, Security, Sovereignty, and the State in Somalia: From Statelessness to Statelessness?* (Utrecht, International Books, 2001); M. Michaelson, 'The painful road to reconstruction', *Africa Today*, 40:2 (1993), 53–73.
21. M. Notten and S. H. MacCallum, *The Law of the Somalis* (Trenton, New Jersey, Red Sea Press, 2006).
22. Shay, *Somalia between Jihad and Restoration*.
23. A. M. Hashi, 'The implications of traditional leadership, "Guurti" and other non-state actors in local governance in Somaliland', World Bank, 2005, www.mbali.info/doc238.htm; K. Menkhaus, 'State collapse in Somalia: Second thoughts', *Review of African Political Economy*, 30:97 (2003), 405–422; A. I. Samatar, *The Somali Challenge: From Catastrophe to Renewal?* (Boulder, Colorado, Lynne Rienner Publishers, 1994).

During the first twelve years of its self-declared independence from the rest of Somalia, Somaliland did not have political parties, but instead relied on traditional forms of social and political organization embedded in western-style institutions of governance. In 1997 Somaliland had adopted a draft interim constitution based on a power-sharing process called the Beel system, which blended the principles and practices of clan elders with western democratic processes and structures of governance. The Beel system consisted of an executive (Golaha Xukuumadda) comprised of a president, vice president, and council of ministers, a legislature—composed of the Upper House of Elders (Golaha Guurtida) and House of Representatives (Golaha Wakiillada)—and an independent judiciary for administering civil law.[24]

The authority held by the elders of the Upper House, or Guurti, included responsibility for selecting a president, ensuring state security by managing internal conflicts, and acting as a check on the executive as well as the House of Representatives.[25] This role for elders in government has a long history. Guurti governance of Somaliland 'goes back [to] when we settled in this part of the world[;] when foreigners came . . . as colonizers, the guurti governing bodies reached agreements with them. [This was done] with the Turkish, the kadives of Egypt and the British'.[26]

The Beel system should not be described as a democracy; it neither established political leadership or the right to legislate or recruit judges, policemen, or soldiers, or others, to carry out the law. Rather, it allowed for decisions to be made based on consensus, where policy would be formulated through well-argued discussions that satisfied the needs of the elders and clans.[27] This system of government eventually evolved to include political parties and election of the president and members of the lower house. A present danger is that government has become a power-sharing coalition of Somaliland's main clans, weakening the Beel system and thereby impeding effective government.[28] The challenge for Somaliland is to develop a government that is fair and satisfies traditional clan-based rules and regulations while at the same time addressing the global influences and pressures related to governance and secular legal structures.

CUSTOMARY LAW

The Somaliland constitution outlines three separate, but not mutually exclusive, legal systems: *sharia* law (based on Islamic traditions and interpretations of the Quran), civil law (based on officially binding punishments and agreements), and customary law (consisting of rules used by councils of elders to regulate life and resolve conflicts at the clan and sub-clan levels).[29] Although all laws need to be consistent with sharia and its codes of conduct, customary law (*xeer*) determines daily life and is used to address the majority of conflicts in Somaliland, including murder. Somali folk wisdom

24. Hersi, 'Research guide to the Somaliland legal system', 2.1.3 Customary Law.

25. M. Bradbury, A. Y. Abokor, and H. A. Yusuf, 'Somaliland: Choosing politics over violence', *Review of African Political Economy,* 30:97 (2003), 455–78.

26. Upper House of Elders report, 28 March 2007.

27. Notten and MacCallum, *Law of the Somalis.*

28. Bradbury and the Catholic Institute for International Relations, *Becoming Somaliland.*

29. Interview, Mohamaud Hussen Farah, 30 March 2008.

is clear on the division between law and religion: 'Diinta was la baddali karraa, xeerka la ma baddali kara' (One can change one's religion, one cannot change the law). It also advises, 'Between religion and tradition, choose tradition'.[30]

Customary law consists of broad principles and flexible practices utilized within the clan structure and is best described as 'a set of rules, regulations and values that form the foundation of Somali society'.[31] These rules and corresponding values have been developed based on context and need; if used regularly by communities, within regions or at the national level, they eventually become recognized as law. Customary laws interface with civil law primarily in registering verdicts made by traditional elders.[32] For example, in the case of murder, the police and courts may be the first involved, with the elders brought in if an outside or non-judicial process is desired by the parties. The elders then inform the courts of their decision. The following case is illustrative of customary law and how it interacts with civil law:

> A member of one tribe murdered a member of a different clan. The offender was arrested, and the victim's family was given a choice [by the court] to have the perpetrator tried in the court system [under civil or case laws] or to have the case adjudicated by a traditional council of elders [customary law]. If the latter, the agreement would be rendered on the local level [by the elders], and would be taken back to the court as a binding resolution. In this case, seven Elders from each clan were chosen to decide the case. They came together in council and agreed that the perpetrator should make amends to the family of the deceased by giving [the victim's family and clan] 120 camels or the equivalent in Somali currency. That agreement was then taken to the court and the signatures of all parties involved bound the agreement [for the families and the court].[33]

Although customary law continues to be applied to conflict resolution in rural settings in Somaliland, its principles and practices are being questioned, especially concerning issues related to land ownership. According to one elder, 'First and foremost, the nature of conflicts is not the same as it was before. Formerly, conflicts were small and used to arise from disputes over settlements, water and pasture land, [as well as] the abuse of women and/or contested property like animals'.[34] The elder noted that he and other odays have no training in conflicts concerning land tenure. Settling land-related conflicts is further complicated by the loss or destruction of property titles during the Somali civil war. The titles are often contested by multiple parties, increasing the level of complexity and making it even more difficult for elders to effectively resolve such disputes.

Formal methods for solving land and urban property issues are also plagued by a lack of technical expertise among municipal staff. They may have only a 'limited capability and knowledge in conflict resolution mechanisms'. There is also 'corrup-

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30. Notten and MacCallum, *Law of the Somalis*, 35.
31. CHF International, 'Grassroots conflict assessment of the Somali region, Ethiopia', August 2006, 13, www.chfhq.org/files/3707_file_Somali_Region_Assessment_8.4.06.pdf.
32. J. Gundel, 'The predicament of the "Oday": The role of the traditional structures in security, rights, law and development in Somalia', Danish Refugee Council and Novib-Oxfam, Nairobi, November 2006.
33. Interview, Mohamaud Hussen Farah, 30 March 2008.
34. Interview, Muse Ali Faruur, Hargeisa, 19 March 2009.

tion . . . leading to biased and unfair decisions'.[35] These factors impede development and cause distrust between the people of Somaliland and government institutions. In an effort to begin to change this situation and effectively mediate such conflicts, there has been a movement to pair elders, who are trusted by the people, and municipal and government officials, who may have a better technical understanding of land ownership.

According to one study on land-based conflicts, '[T]his mix of modern and traditional mediation has proven to be rather successful. . . . One reason for this success is the acceptance and sustainability of the solution—the population approves this method'.[36] The combination of familiarity with the elders' role and respect for them, coupled with the technical expertise of land and property ownership professionals, appears to be meeting the people's needs, which includes recognition through the use of cultural norms and processes, acknowledgment of the meaning and identity tied to the importance of land, and control of one's environment.[37]

Strengths and Weaknesses

Customary law is used in an array of matters, including marriage, war and peace, and leadership. Life is an organic and interdependent process for the people of Somaliland (and elsewhere), so it is essential to acknowledge and understand the importance of interdependency in relationships in Somali culture and how it impacts decision making.

Customary law is intertwined with identity and clan lineages. Everyone is represented by an aqil, sultan, or oday who, along with other duties, acts as a mediator or judge in instances of conflict. The elders also sometimes provide early intervention. These representatives, respected for their wisdom, humility, honesty, and diligence, listen to all parties, consult with each other, and decide outcomes. In a collectivist society such as Somaliland's, decisions are not made between individuals, but between families and clans.

Under customary law, elders issue compensatory decisions rather than punitive judicial rulings. These issuances are not only meant to end conflict, but also to regulate relationships between clans and sub-clans and establish norms 'encompassing or cutting across diverse economic and social conditions'.[38] As problem solvers and peacemakers, elders set aside personal interests for the sake of peace and justice—a form of justice meant to reflect laws that provide for 'the protection of persons and property'.[39] Such a requirement is not solely a legal one, but is also expressive of a concern to avoid violating persons, property, or freedoms. These factors highlight the rela-

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35. Mohamed Abdi et al., 'Local capacities for peace: Addressing land-based conflicts in Somaliland and Afghanistan', Academy for Peace and Development, 2009, 51, www.apd-somaliland.org/docs/2009land-basedconflict_apd_inef.pdf.

36. Ibid.

37. V. Redekop, *From Violence to Blessing: How an Understanding of Deep-Rooted Conflict Can Open Paths to Reconciliation* (Ottawa, Canada, Novalis, 2002); M. E. Clark, *In Search of Human Nature* (London, Routledge, 2002).

38. Puntland Development Research Center, 'Integration of customary law into sharia and secular law', August 2003, 10, www.pdrcsomalia.org/publication/BOOKIII.HAR.pdf.

39. MacCallum, 'Rule of law without the state', 3.

tional aspects of customary law that emphasize interdependence as a people and find-ing constructive ways to maintain that relationship.

Somaliland customary law appeared to reach its apex in the 1990s, when its values and practices were used at conferences to transform war into peace, or at a minimum, a cease-fire. Negotiations took place between male leaders, whose gatherings were open to all adults. Women supported these processes, often demonstrating and lobby-ing for specific points or pushing for changes in emerging outcomes. Although the elder's problem-solving methods prevailed, the agreements reached did not always hold. Regardless, basing their decisions on precedent and adjusting to current reali-ties, they eventually helped stop the fighting between clans, allowing for reconciliation conferences at the inter-clan level.[40]

In the years following independence, Somaliland did not have a strong govern-ment. Therefore, elders were frequently called upon to resolve conflicts and take on administrative and security functions. One of the most significant of these local, but nationally important, conflicts concerned the port city of Berbera. The elders led a ne-gotiation process that confirmed the port's status as a public asset, ensuring that fu-ture Somaliland governments would be able to extract from it a source of revenue with which to build an effective administration. The conference also proved signifi-cant in elevating the status of elders because it established a framework for the Guurti to become an integral part of the new government's legislative assembly. It was charged with controlling clan militia, fighting between clans and sub-clans, and de-fending Somaliland.[41]

The importance of the Guurti remains evident in Somaliland's current governance structure, but for some it is losing credibility because of a perception that it is too close to the president and that its process of elder selection does not follow traditional pat-terns. In addition, the economic and political forces at work in Somaliland have en-gaged the traditional sectors in broader, urban-based and top-down socio-political realities and structures. Some criticize the Guurti for competing for status in this new hierarchy and abandoning its traditional and collectivistic role of regulating social life, managing resources, and resolving conflicts.[42] Aquils, sultans, and odays at other lev-els of society, but particularly in the urban context, are experiencing similar criticism, often from within their ranks.

Further complicating the elders' role and status in society is that 'conflicts come up again and again ... [because] the [conflict resolution] mechanisms used by the elders do not prevent the crime, they only *manage* the resolution once the crime has been com-mitted'.[43] This statement represents part of a growing critique of traditional problem-solving approaches: The process is structured to end conflict in the short term, that is,

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40. H. Yusuf and Robin Le Mare, 'Clan elders as conflict mediators: Somaliland' in P. van Tongeren et al. (eds.), *People Building Peace II: Successful Stories of Civil Society* (Boulder, Colorado, Lynne Rienner Publishers, 2005).

41. A. Farah and I. Lewis, 'Somalia: The roots of reconciliation. Peace making endeavours of contempo-rary lineage leaders—A survey of grassroots peace conferences in Somaliland', ACTIONAID, London, 1993.

42. Hashi, 'Implications of traditional leadership'.

43. Interview, Mubarik Ibrahim, researcher, Institute of Peace and Conflict Studies, University of Hargeisa, 25 March 2008.

bring about a 'cease-fire'; it is not sufficiently analytical, however, to address the root causes or structural issues that might prevent future conflicts.[44]

Women in Somaliland have different perspectives than men, as well as among themselves, about customary law and how it resolves conflicts. Some would agree with the exchange of young women for marriage across clans to cement settlements reached by the elders. Others are critical of elders who determine that an exchange of girls and boys from each side of a conflict will prevent its further escalation or that conflict is preventable by integrating clans through arranged marriages. From a structural perspective, customary law, alongside elements of civil and sharia law, has negatively affected women's status in society since it gives men more power in the areas of marriage and divorce, the custody of children, and property ownership. It has also subjected them to psychological harm and 'domestic violence, female genital cutting and other forms of violence sanctioned by societal norms and practices'.[45] Furthermore, customary practices prevent women from participating in local and national conflict resolution processes though they were critical to the peace efforts of the 1990s, providing food for the peace conferences and letting their opinions be known about the direction of the talks through private conversations and demonstrations.[46]

Conflict Transformation

Customary law's weaknesses are significant, but so are its strengths. To acknowledge the former and bolster the latter will help address Somaliland's current and future conflicts. As Somalis say, '[C]ustomary law is peace', which means that 'when it is adhered to, it brings about peace'.[47] Adhering to its constructive principles and practices of honesty, nonviolence, trust building, flexibility, and culturally relevant methods of mediation, conflicts can be resolved in the short term and relative peace achieved. As noted earlier, however, this level of peace is often broken because the conflict resolution process may not always fully address the underlying causes of the conflict (or crime). Research suggests that with deeper analysis and more strategic peacebuilding procedures, Somaliland's conflicts—property- and water-based as well as violent conflicts related to cross-clan killing or broader wars—may be transformed and greater conflict prevention realized.

Conflict transformation is concerned with meeting the interests and needs of individuals and groups based on analysis involving the historical, political, economic, socio-relational, and psychological aspects of the conflict. It uses principles and practices that stem from a cultural and contextual understanding of the involved parties.

44. Interview, Mohammed Hassan, lead researcher, Academy for Peace and Development, Hargeisa, 24 March 2008. Some argue that elders do seek to determine 'root causes' in order to render the most effective resolutions. This tension needs further exploration within the customary law–conflict transformation nexus to clarify what is meant by 'root causes'.

45. 'Women's Right[s] and Justice', *Lammaane,* 1:2 (December 2007), 2.

46. Nagaad, 'Overcoming patriarchy's challenges: Promoting women's political participation', bi-annual report, 2005/2006.

47. M. Mohamed, 'The role of Somali women in the search for peace' in *Women and Peace in Africa: Case Studies on Traditional Conflict Resolution Practice* (Paris, UNESCO, 2003), http://unesdoc.unesco.org /images/0013/001332/133274e.pdf.

Transformational theories and practices are also concerned with how oppressive structures and regressive leadership contribute to or escalate conflict and prevent transitioning to peace.[48] Transformational methods have been developed to systematically analyze and help constructively bring about change in relationships and the structures of oppression. These approaches and the values of nonviolence, respect, human security, dignity, and growth that inform them are meant to empower people at all levels of society. A deeper, more comprehensive peace results from this process.

Conflict resolution, in theory and practice, examines and attempts to meet the underlying needs of people and deals with systemic issues of a specific conflict. Its methods are also meant to stabilize a conflict situation, allowing people to continue their relationships, do their jobs, and move beyond the immediate difficulty. Unlike conflict transformation, however, conflict resolution interventions do not fully address historical harm or current structural injustices. Conflict resolution may also result in co-optation, important issues being ignored, or a cover up instead of implementation of the real changes needed.[49] Furthermore, conflict resolution processes may be used because no other methods are known or made available.

Though Somaliland customary law does not always transform conflict, its practices often reflect elements of the transformational model. In the following example, elders engaged in the research project explain the reasons for and methods used to resolve longstanding, ten-to-twenty-year-old conflicts between clans:

> The solution came for different reasons: The clans may be tired of fighting and they are ready to agree to peace [mainly brokered] by another clan. This intervention would be by a third clan's *ergo* [a committee of elders sent to pacify the conflicting parties]. If the fighting was still going on, the first step was for the ergo to go to each side and tell them they should stop the fighting. Second, the warring parties were told to disarm and place the weapons far from the fighting zone. Third, both parties [fifty elders on each side] swore not to wage any attack during the process of talks. Fourth, each side listened to the other.[50]

Once an agreement is reached, the following process is used to deal with the damage that occurred during the fighting:

1. Any contested or visible property is returned to its owner (e.g., horses, camels, guns, and so on, because the conflict will not stop when someone sees his property that had been taken by force in the hands of an aggressor).
2. The loss of something is dealt with in a number of ways:

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48. L. Schirch, 'Trauma, identity and security: How the U.S. can recover from 9/11 using media arts and a third approach to human security', in Hart, *Peacebuilding in Traumatized Societies;* V. Volkan, *Blind Trust: Large Groups and Their Leaders in Times of Crisis and Terror* (Charlottesville, Virginia, Pitchstone Publishing, 2004).

49. John Paul Lederach, *The Little Book of Conflict Transformation* (Intercourse, Pennsylvania, Good Books, 2003).

50. Elders from three regions of Somaliland—Marodi-Jeh, Togdher, and Awadal—were interviewed along with focus groups of elders and other clan members. Data were gathered on traditional methods of conflict resolution and mediation processes. Interviews from the elders validated one another, with minor contextual and substantive differences. For example, in eastern Somaliland, conflicts related to water and pasture sharing are the most prevalent, while in the western part, rural land disputes that involve farming issues are the most common.

- Restitution of all that was lost by both parties is paid (i.e., each side compensates the other for all loss of material property).
- Both clans are told by the ergo to forgive and forget about all loss of life (i.e., both sides should forget the men they have lost in the fighting for the sake of peace). In long-term conflicts, when the death toll is great on both sides, blood compensation is not paid to either clan.
- After comparing the deaths of each side, agreement on payment is reached where only the extra deaths are compensated for (e.g., if one clan lost twenty-three men and the other twenty-five, blood compensation would be paid for only two men).

3. Harmonization of relationships follows and the conflict is transformed.

Transformative practices in this intervention include the use of a third party committee—an ergo composed of elders known by both clans but not directly involved in the conflict. Their engagement is respected by the fighting clans and provides the two sides space to begin negotiations to stop the violence. The ergo acts as the initial bridge between the clans and then develops another one, comprised of fifty elders from each community. These elders swear that there will be no fighting during the initial talks. Their honesty and wisdom and the respect given them by clan members and society in general is enough to guarantee the cease-fire. The next step is a listening and negotiation process that may take weeks or months but ideally ends in an agreement to stop the fighting and address material losses. Compensation for these losses (and 'extra' deaths) is then determined. Through a more detailed transformative lens, the above practices might look like this:

- The *ergo* would encourage each side to develop a narrative of the conflict, explaining that they will not necessarily be the same but will be testament to their perspectives on the real or perceived causes of the conflict.[51] How to address the causes would then be incorporated in the final peace agreement.
- Rather than the often-used 'forgive and forget' approach to the loss of life, the process established by the ergo would include sharing the pain of the loss of loved ones and other members of the clan. This might involve a ritual for remembering the dead, reminding both clans how their religious or customary traditions deal with such loss, and encouraging them to draw from (and further develop) these traditions to acknowledge the losses on both sides.[52]
- The ergo would help the clans determine how they want to communicate in the future to prevent conflict from escalating into violence, that is, determining what new mechanisms they could put in place to maintain peace.
- The ergo would encourage the clans to determine if there are new social, political, legal, or economic structures required to meet both sides' needs. These might include structures identified from the clans' narratives or ones they have been aware of for some time. Along with new means of communication, these new or revised structures could help prevent future violence.

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51. A. Puljek Shank and R. Puljek Shank, 'The contribution of trauma healing to peacebuilding in southeast Europe' in Hart, *Peacebuilding in Traumatized Societies*.

52. L. Schirch, *Rituals and Symbols in Peacebuilding* (Bloomfield, Connecticut, Kumarian Press, 2005); C. Yoder, *The Little Book of Trauma Healing* (Intercourse, Pennsylvania, Good Books, 2005).

Conflict transformation is only one element of the larger peacebuilding framework. It is part of a change process that analyzes conflict at multiple social, political, and economic as well as relational levels and applies this knowledge strategically across the range of issues identified by the analysis. Its focus in the short-term is to stop conflict and start a process of building relationships through listening and dialogue. Over the long-term, it becomes an important component for changing unjust structures. The entirety of the process is meant to help stabilize society and prevent future violence.

When conflict transformation values and practices are placed alongside Somaliland customary law, it is clear that there are many points of similarity (see Table 1). Where they differ, the flexibility of both should nonetheless allow for some integration. As their interdependence is acknowledged and evolves, a more effective means of transforming Somaliland's every increasing and complex conflicts will potentially take place.

RESTORATIVE JUSTICE: A BRIDGE BETWEEN CUSTOMARY AND CIVIL LAW

Justice systems are critical to building and maintaining stable and peaceful societies. They deal with complex conflicts, and through their criminal justice component, prosecute perpetrators of prohibited acts against the community. Somaliland has been reforming its criminal justice system over the last few years, but has continued to regularly rely on customary law to help it address criminal (and other) issues. Representatives of the judicial legal structure understand that customary law is better understood and more trusted by the people, compelling them to share cases with customary law practitioners.[53]

The tension between these different systems of law has its roots in Somaliland's culture, which, as noted, recognizes collective responsibility, for the purpose of social stability, and the western perspective of the law, which is geared more toward individual responsibility for actions that require punishment by the state.[54] A more balanced form of punitive or retributive justice and customary law, similar to what is found in New Zealand and other western legal systems, would benefit both systems of law in Somaliland and add to its peacebuilding capacity. Restorative justice has the potential to enhance this process and form a bridge between these two law-based systems. It addresses individual and societal interests and needs through a community-based system of accountability to victim and offender; responsibility on the part of the offender is central, and the involvement of the victim and other community members helps in finding solutions to restore relationships and social harmony.

Restorative justice is rooted in indigenous and religious systems of problem solving,[55] and over the last thirty-five years has been integrated on a global basis into formal legal systems. Though found in a variety of contexts and practiced in various ways, the field of restorative justice formally began with the 1994 *Elmira* case in

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53. Interview, Mohamaud Hussen Farah, 30 March 2008.
54. C. Villa-Vicencio, 'Transitional justice, restoration and prosecution' in Sullivan and Tifft, *Handbook of Restorative Justice*.
55. M. Hadley, 'Spiritual foundations of restorative justice' in Sullivan and Tifft, *Handbook of Restorative Justice*.

Customary Law versus Conflict Transformation

	Customary Law	Conflict Transformation
Values	Respect for traditional law (informs ways of acting and being in relationships with others) Interdependence Moral duty (of elders) to solve or settle society's problems Listening, patience, wisdom, and honesty by elders Importance of feelings and dignity	Maintenance of healthy relationships and structures that support them Interdependence Fairness, equality, responsibility, and accountability for and among everyone Listening and self-reflection Emotional healing
Analysis	Elders collect information from both sides of a conflict, look for causes and core issues Elders investigate the relationship between the parties Elders seek understanding through precedent, but adjust analysis if not available	Seeks and examines underlying—historical and current, personal, relational, cultural, and structural—causes of conflict Develops theories of conflict and theories of change for a particular conflict Investigates positions, interests, and needs Analyzes power dynamics Examines identity and formation of and threats to worldview Looks for connectors and dividers Investigates trauma and resilience factors Explores social bonding, bridging capital, and individual and community assets
Strategies and Practices	Quick intervention Conflict resolution Negotiation, mediation, arbitration, debate, prayer, ritual Meeting of elders or mediators with parties separately; elders decide outcomes 'Blood payment' or exchange of young girls Forgive and forget	Strategic intervention Conflict transformation Creation of safe spaces for negotiation, mediation, dialogue, education, ritual, and psychosocial support Solicitation of information for problem solving (at all levels of society) Advocacy and activism Transitional, distributive, and restorative justice Transformational justice
Goals	Security Peace and stability Settlement of disputes/conflict resolution Achievement of main goal through consensus (among elders) Agreement on short-term peace Regulation of relationships among clans	Security Change at the personal, relational, cultural, and structural levels (conflict transformation) Transitional, distributive, restorative, and transformational justice (at all levels and for all persons in society) End to the conflict and establishment of long-term peace

Source: Barry Hart and Muhyadin Saed.

Ontario, Canada. According to Stutzman Amstutz, a probation office and volunteer for the Mennonite Central Committee (MCC) named Mark Yantzi and Dave Worth, who worked for MCC, 'were frustrated by the ways offenders were cycling through the [criminal justice system], without taking responsibility for what they had done to their victims. They suggested to the judge that the two offenders in this case go back and meet the people they had harmed. After some hesitation, the judge sentenced the offender to do this'.[56]

The results of this case were that the offenders met their multiple victims, heard what they had to say, determined fair restitution, and apologized for their actions. This small beginning of addressing harm and making things right began a community-based movement that eventually gained acceptance in legal circles. Instead of meting out punishment deemed somehow equal to the harm done—an 'eye for an eye' response—restorative justice advocates suggest that 'once the facts of the crime have been established, our priority should not be to punish the offender but [i] to meet the victim's needs, and [ii] to ensure that the offender is fully aware of the damage they have caused to people and of their liability to repair that damage'.[57]

Restorative justice is not just about victims and offenders. Its indigenous and religious roots indicate that there is a community responsibility to address wrongdoing and the harm it causes and be involved in making things as right as possible. This is done to help restore, if possible, the broken relationship between victims and offenders in order to maintain harmony and a well-functioning community. The interdependent reality of community requires that its members be active in transforming conflict and creatively dealing with criminal acts in order to meet individual needs within their collective reality.[58] Such an ethic is at the heart of restorative justice and points to similarities in customary law principles and practices.

Where restorative justice and customary law may differ is that the principle and practices of the former are meant to give everyone a voice within the community. In patriarchal societies, where men make decisions about major issues, whether within a traditional or legal context, the ideas, opinions, and psychological pain of others are not always heard. In a more restorative social system that attempts to meet the concerns, interests, and rights of all, it is critical for the voices of women and young people and other marginalized members of society to be heard. A more complete expression of restorative justice values and practices within the customary law framework would further justice processes in Somaliland.

Introducing restorative justice methods to strengthen the existing relationship between customary and civil law in Somaliland requires an educational process involving judges, lawyers, academics, restorative justice and customary law practitioners as well as academics and practitioners involved in conflict transformation. The Institute of Peace and Conflict Studies at the University of Hargeisa has introduced restorative justice concepts into several of its courses, and as the institute creates separate courses on restorative justice and engages its law school faculty and students to further re-

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56. L. S. Amstutz, *The Little Book of Victim Offender Conferencing* (Intercourse, Pennsylvania, Good Books, 2009), 9, 10.

57. Johnstone, *Restorative Justice,* 1.

58. D. Louw, 'The African concept of *ubuntu* and restorative justice' in Sullivan and Tifft, *Handbook of Restorative Justice*; Zehr, *Changing Lenses.*

search the subject, it could well become a bridging system between customary law and the judicial system.

CONCLUSION

Customary law, due to its organic and flexible nature, has the potential to integrate into its system of rule-based problem solving the values, strategies, and practices of conflict transformation. In so doing, it benefits from the deeper analysis of conflict and can be used to act more strategically in addressing the multiple causes of conflict and bring about relational and structural change. At the same time, the theoretical and practical bases of conflict transformation expand when they involve certain principles, attitudes, and practices of customary law, particularly those that stress integrity, interdependence, and listening. The union of these approaches in Somaliland would help in improving understanding of conflicts and crimes and transforming them. With restorative justice acting as a bridge between customary law and civil law, elders and justices can work together to more effectively address complex issues.

Beyond the Ethno-Religious Theory of the Jos Conflict

Simeon H. O. Alozieuwa

The conflict in Jos, Nigeria, has hitherto been viewed primarily from an ethnic perspective, as a conflict between Hausa-Fulanis (so-called settlers) and indigenous Plateau peoples. Commonly referred to as the 'settler-*indigene*' question, the ongoing situation has increasingly assumed a religious dimension as well. Although some analyses have acknowledged the economic factors behind the conflict, the failure to address the inherent underlining economic anxiety masked by the indigenes' fear of political domination by the Hausa-Fulanis will exacerbate the already tense relations between the two groups. There is also an urgent need to diffuse the increasingly religious element of the crisis as it is clearly a time bomb waiting to explode. If the conflict continues to fester, it could lead to Jos becoming a centre of religious fundamentalism in Nigeria and West Africa.

JOS, THE ADMINISTRATIVE CAPITAL OF PLATEAU STATE IN NIGERIA, became well-known for its peaceful nature, tranquillity, and friendliness. Its semi-temperate climate and ambient, scenic beauty supported a robust tourist trade. These characteristics contributed to the harmonious co-existence of its many inhabitants of disparate ethnic origins and religious beliefs, including Christianity, Islam, and African traditional religions, among others. Jos's main ethnic groups are the Beroms, Afizeres, and Anagutas, who are predominantly Christians and regard themselves as 'natives' or 'indigenes', and the Hausa-Fulanis, who are predominantly Muslim and are regarded as 'settlers', because they 'settled' in the area after the other groups.

The creation in 1991 of the Jos North Local Government Area (LGA) out of the existing Jos LGA by the military regime of Ibrahim Badamasi Babangida changed the city's once-harmonious atmosphere. The new LGA, which the Hausa-Fulani minority had advocated, reversed the local dynamics, relegating the Beroms, Afizeres, and Anagutas to minority status in the city they perceive as theirs while giving the Hausa-Fulanis a numerical superiority in the Jos North LGA. Thus the stage was set for acrimonious co-habitation between the natives-indigenes and the settlers. In 1994, when a Hausa man was designated by the military to run as chairman of the new LGA, violence erupted, and the federal government imposed a state of emergency. The natives successfully turned back the appointment.

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Efforts in 2004 by the civilian administration of Governor Joshua Dariye, a Berom Christian, to have the Jos North LGA administered by a duly elected chairman precipitated blood letting as the Hausa-Fulanis and the Beroms, Afizeres, and Anagutas fought over which of the two sides should control the LGA. The 2004 violence underscored a new dimension of the conflict.[1] At that time, Plateau state had split into two power blocs—one led by Governor Dariye and the other headed by Ibrahim Mantu, a Muslim of Hausa-Fulani stock and the country's deputy Senate president. Although, the factionalization between these two camps concerned political control of the entire state, the indigenes saw in Dariye a messiah of a sort, one of their own who could deliver control of the Jos North LGA to them. In their eyes, the Muslim leadership in the state and Abuja had attempted for years to use their position under the military regime in favour of the Hausa-Fulanis, who saw Mantu as their political saviour as far as the Jos North LGA was concerned.

Four years later, during 28–29 November 2008, a fragile peace that had prevailed finally collapsed. In addition to large-scale losses of property, the police and State Security Services reported 200 and 643 deaths, respectively, in two days of violence.[2] A nine-member ad hoc committee in the federal House of Representatives attributed the immediate cause of the violence to an attempt by the Plateau state government, led by the People's Democratic Party (PDP), to influence the ascendancy of two Christians from the Beroms and Anagutas as LGA chairman and vice chairman. The Muslim population and the (Christian) Afizeres, both affiliated with the PDP, disapproved of the party's actions because they thought of the LGA as their 'territory'.[3] Slightly more than a year later, on 19 January 2010, another spate of violence erupted, in the Kuru Karama area of Plateau, some 30 kilometres south of Jos. Human Rights Watch (HRW) put the death toll at 150. HRW's report that the dead were primarily Muslims pointed to the deepening religious dimension of the crisis.[4] A reprisal attack by the Fulanis on Dogon-Nahawa village in the early hours of 9 March 2010 left between 100 and 500 Berom Christians dead.[5]

Despite acknowledgments in the public discourse and scholarship of the sociopolitical and economic components of the foregoing conflicts in Plateau state, the dominant perspective continues to perceive the crisis as essentially an ethno-religious

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1. A 2002 study by the federal government–supported Institute for Peace and Conflict Resolution (IPCR) in Abuja tracked a spate of earlier crises, in 2001, in Plateau state that were intra-indigenous in character. Of note are those between the Bokkos and Wambas (in neighbouring Nasarawa state over farmlands and waterfalls), between the Mangus and Bokkos, and between the Panyams and Changas. See Institute for Peace and Conflict Resolution, 'Strategic conflict assessment of Nigeria: Consolidated and zonal reports', 2d edn (Abuja, 2003), 66–71.

2. See 'How Jos crisis erupted, by Reps committee', *Daily Trust*, 24 March 2009, for a report on the events in late November 2008.

3. Ibid.

4. Kuru Karama's population is predominantly Muslim Fulanis. For a summary of the Human Rights Watch report, see 'Nigeria–Protect survivors, fully investigate massacre reports–At least 150 killed by mobs in Kuru Karama', allAfrica.com, 22 January 2010, http://allafrica.com/stories/201001240005.html; see also Human Rights Watch, 'Arbitrary killings by security forces: Submission to the investigative bodies on the November 28–29, 2008 violence in Jos, Plateau state, Nigeria', 20 July 2009, www.hrw.org/en/node/84005/section/1. See especially section 4.

5. The figures are disputed. The police cite 109 deaths, but some media reported a figure of 500. See for instance, *Daily Independent*, 11 March 2010, 1; also, see note 54 below. The figures have not been reconciled.

problem. The prevailing perspective, which also contributes to casting the conflict on the international stage as part of an eternal struggle between Islam and Christianity, is fundamentally flawed and ignores the main problem. Although ethnic and religious issues are not irrelevant to the conflict between the settler Hausa-Fulani community and indigenous Plateau residents, overlooking other contributing factors, including economic ones, undermines any serious effort at finding a lasting solution to the problem.

Although the religious element must be appreciated, understanding its nexus with the material condition of the parties involved is equally pertinent because of the conflict's potentially broader implications for international security and peace, especially pertaining to Islamic extremism that in some instances expresses itself in the form of terror activities.[6] Northern Nigeria is experiencing an uptick in incidents involving Islamist extremism. The group al-Qaeda in the Islamic Maghreb has offered to train Nigerian Muslims 'in weapons, and give you whatever support we can in men, arms and munitions to enable you to defend our people in Nigeria'.[7] Until the troubles in Plateau are located within the context of the political economy of the various groups antagonistic toward one another, Jos will continue to boil.

DOMINANT PERSPECTIVES

The ethno-religious and regional differences dividing Nigerian society and its disparate groups are naturally popular topics of examination. In public discourse and academia, they are blamed for the difficulty in building a strong and truly united Nigerian nation. This is widely acknowledged in the country on a daily basis, as reflected in a song by Bongos Ikwue, one of Nigeria's celebrated musicians:

> I know a Hausa Yaro [boy] who loves an Igbo Ngo [girl]
> I know a Yoruba Bola, who loves a Tiv Kwasa
> Due to mama's teachings, religious differences
> Tribalism feelings, the Yaro and the Ngo, the Bola
> And Kwasa, Mustapha and Christopher,
> Dan and Nda couldn't live together.
> This they call religion, and I won't live in that region.
> No, no . . . ![8]

As noted, from a religious perspective, the conflict in Jos is perceived as a dispute between the Muslim Hausa-Fulani community and the Plateau Christian population. The ethnic strand of the explanation of the conflict pits the settler Hausa-Fulanis

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6. On 15 March 2010 the sultan of Sokoto, while speaking to members of the National Youth Service Corps, ruled out religion as a cause of the crisis, instead noting 'a combination of ethnic, political and economic factors'. See *Leadership: For God and Country*, 16 March 2010.

7. Oluwole Josiah et al., 'Violence: al-Qaeda offers to train, equip Nigerians', *Punch*, 2 February 2010, www.punchng.com/Articl.aspx?theartic=Art201002023311090.

8. As cited in Ogoh Alubo, 'Understanding the issues in the citizenship-indigeniship crisis in Nigeria' in Joseph Golwa and Oche Ojiji (eds.), *Dialogue on Citizenship in Nigeria* (Abuja, Institute for Peace and Conflict Resolution, 2008), 1.

against the indigenous Plateau people. Both outlooks underscore an identity crisis in Nigerian citizenship, which Ogoh Alubo has explored:

> Citizenship in Nigeria, to be sure, has been foisted on the agenda of political discourse mostly because recent experiences show many cases of violence against Nigerians who are citizens of particular spaces within Nigeria's territory. Central to the discrimination is space within Nigeria's territory. Central to the discrimination is identity politics and how different forms of identity are being manufactured to define and redefine the targets for the violence. Some times, it is religion, a contest between the Christians and Muslims but more often, it is ethnicity. . . . Both sets of identity refer to some relationship to the land; not a return to the feudalism of yore but claims over who arrives in a particular location first.[9]

The issue of who arrived first applies across Nigeria. Luke Uka Uche, in an exposition on the country's major tribes, provides insight into the settlement pattern that has contributed in part to tensions today. He notes how Usman Dan Fodio, a Fulani, in the early nineteenth century waged Islamic holy war (*jihad*) to conquer and Islamize most of the areas in today's northern Nigeria, including parts of Yorubaland (Kwara) that border on the north. Noteworthy also are the Islamized Hausa areas, where inhabitants before the infiltration of the Fulanis in the thirteenth century were non-Muslims and where the 'weaving of religion with the political structure ha[s] had a tremendous social influence of detaching [Hausas] from people of other ethnic groups'.[10]

One of the important factors aiding the success of the jihad in most parts of the north was the predominance of savannah. Joseph Anene and Godfrey Brown underscore this point in their explanation for why Islam did not penetrate the Igbo area of Nigeria. They note, 'The Igbo ethnic group…is located in the Eastern thick forest portion of Nigeria. It is often said that the thickness of their vegetation and its impenetrability by outsiders afforded them a natural protection to beat off a large-scale invasion from outside'.[11] Uche appears to concur, stating that 'this shielded the Igbos from being routed during the Jihad, and perhaps, from subsequent conversion to Islam'.[12] In attempting to debunk the popular perception of the political north as educationally backward, he also makes the point that if detached from bias and prejudice, one recognizes that the Hausa-Fulanis were the first group to attain literacy in Nigeria—as a result of Islamic influence. He points to Basil Davidson's assessment that the north produced one of the oldest and highest advanced civilizations in Africa and the world during the Iron Age.[13] This civilization peaked around 900 B.C.–A.D. 200 and is known as Nok culture, for its location in the Nok region.[14]

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9. Ibid.

10. Luke Uka Uche, *Mass Media, People and Politics in Nigeria* (New Delhi, Concept Publishing Company, 1989), 7–11.

11. Joseph C. Anene and Godfrey Brown, *Africa in the Nineteenth and Twentieth Centuries* (Ibadan, University of Ibadan Press, 1966), 281, as cited in Uche, *Mass Media, People and Politics in Nigeria*, 14.

12. Uche, *Mass Media, People and Politics in Nigeria,* 14.

13. Basil Davidson, *The Lost Cities of Africa* (Boston, Little Brown and Co., 1959), 58, cited in Uche, *Mass Media, People and Politics,* 10.

14. Ibid. Its people excelled at making fine terracotta figurine portrait heads around the plateau region.

The plateau area of northern Nigeria is semi-savannah with some rocky hills and mountains. Although it does not feature the thick vegetation of the east, its topography nonetheless provided some natural barriers against the invading Hausa-Fulani jihadists. The 'indigenous' Jos people inhabited this area. They embraced Christianity, and there exists a strong belief among them that the Hausa-Fulanis remain bent on completely Islamizing the area and continuing their southward march until they 'dip the Koran into the sea.'[15] The Jos people are determined to halt that march.

It is possible that the Nok cultural heritage and the group pride it continues to generate could spur resistance against another group, in this case, the Hausa-Fulanis. It was apparently within the larger context of fear of ethnic and religious domination that Bitrus Kaze, representing the Jos South and Jos East constituency of Plateau state in the National Assembly, made a reference to outsiders being responsible for various crises in Jos: 'It is very clear to any discerning mind that what happened in Plateau is not as a result of the interest of people within Plateau State. Actually, the crisis just manifested itself in Jos but the interest transcends Jos and Plateau State. People outside the Plateau have interest in Jos crises and I can tell you investigations in the past have shown that people outside Jos are culpable'.[16]

While ethnicity and religion are generally important variables in the daily equation of Nigerian life, their functionality perhaps appears to be more pronounced for two reasons in the Middle Belt region, of which Plateau state is a part. First, the Middle Belt is physically located within the country's northern half, which is predominantly populated by the largely Muslim Hausa-Fulanis. Second, the Middle Belt is also inhabited by a host of mostly Christian minority ethnic groups. The presence of indigenous religions pre-dating Christianity and Islam has made no difference to either of these two sides. In fact, according to Matthew Kukah, the earliest propagators of Islam and Christianity in Nigeria, fired by zeal, sought to destroy or at most cut down to size the traditional religious beliefs and political systems they encountered. Kukah details how Islam was used as an instrument for enthroning Hausa-Fulani hegemony in the north.[17] Elsewhere he has argued that the attitudes of propagators of Islam and Christianity sowed the seeds for their religions' subsequent politicization in Nigeria, more so when their quest for converts and subsequent expansion created problems for communities where relationships had been largely non-confrontational.[18] H. Gunn asserts, 'In the Middle Belt areas, Muslims were noted to have lived with pagans in a condition of social symbiosis, that no attempt was made to convert the hill peoples, and that, in fact, indigenous life was little influenced by Islam until after the area was administered [under Islamic colonialism and imperialism]'.[19]

15. The statement is credited to Sir Ahmadu Bello, a former premier of the now-defunct Northern administrative region. See Tam David-West, 'Northern domination: Disinformation, intellectual laziness', *Sunday Sun,* 7 November 2010, 54–55.

16. See the interview with Kaze in *This Day*, 11 March 2010, 15. Also see various federal government reports on the Jos crises indicting the Hausa community. They include the Justice Aribiton Fibresema Report (1994); Justice Nikki Tobi Report (2001); and Justice Bola Ajibola Report (2008).

17. Matthew Hassan Kukah, *Religion, Politics and Power in Northern Nigeria* (Ibadan, Spectrum Books, 1993), ix, 10.

18. Matthew Hassan Kukah, *Democracy and Civil Society in Nigeria* (Ibadan, Spectrum Books, 2003), 97.

19. H. Gunn, *Pagan Peoples of the Central Area of Nigeria* (London, International African Institute, 1956), 48, as cited in Kukah, *Religion, Politics and Power in Northern Nigeria,* 1.

As the conversion campaigns by Muslims and Christians in these early periods grew in intensity, some communities, Kukah states, used conversion to assert their hegemony over others from neighbouring areas.[20] Another scholar argues that conversion to Christianity became an attractive option for some of the many minority ethnic groups that had experienced tribulations under what they viewed as Hausa-Fulani colonialism and imperialism during and after the jihad.[21]

POLITICAL ECONOMY PERSPECTIVE

Approaching the Jos conflict from a political economy perspective is not simply a matter of looking for economic motives behind individual actions or looking for economic explanations for social actions.[22] Rather, according to Michael Barratt Brown, 'it is borne out of the concern with political economy itself as the inter-connection of economic and political structures in social formation in which these social formations remain a complex totality . . . and in which case, economic or material interpretations are not applied mechanically but dialectically, allowing for feedback of human consciousness'.[23]

Okwudiba Nnoli has identified a link between economic relations and the mobilization of primordial identity in struggles in Nigeria.[24] In another study, he notes how ethnic hostility becomes inevitable under conditions that politicize ethnicity and enlist governmental powers in socio-economic competition.[25] He buttresses this assertion with W. G. Sumner's concept of antagonistic cooperation. According to Sumner, the opportunity always exists for inter-human hostility to be aroused by competition for desired but scarce values, such as the satisfaction of economic needs, status, political ambition, or sex partners.[26] Sumner, in turn, uses Leonard Plotnicov's account of an incident in Jos prior to independence in 1960 to underscore how appeal to ethnic differences and animosity was brought to bear on an otherwise purely economic matter. According to Plotnicov,

> the colonialists tried to check the march of Nigerian nationalism by identifying with and sponsoring reactionary communal interests in the country, particularly in the North, and preying on their communal sentiments and animosities. For example, before the Second World War, the Yoruba and Hausa dominated petty trade in Jos. Igbo traders came during the war and concentrated in a part of the 'Native Town' which the Hausa had a sentimental attachment to. The result was tension between the Hausa and Igbo.

20. Kukah, *Democracy and Civil Society in Nigeria*, 97.

21. Tesemchi Makar, 'The relationship between the Sokoto caliphate and non-Muslim people of the Middle Belt' in Yusufu Bala Usman (ed.), *Studies in the History of the Sokoto Caliphate*, cited in Kukah, *Democracy and Civil Society in Nigeria*, 97.

22. See Julius Ihonvbere (ed.), *The Political Economy of Crisis and Underdevelopment in Africa: Selected Works of Claude Ake* (Lagos, JAD Publishers, 1989), 38–40.

23. Michael Barratt Brown, *Economics of Imperialism* (Harmondsworth, Penguin Books, 1994), 24; see also Simeon H. O. Alozieuwa, 'The political economy of the presidential system in Nigeria' (doctoral diss., University of Abuja, 2005), 76.

24. Cited in Ben U. Nwosu, 'The political economy of citizenship-indigeneship controversy' in Golwa and Ojiji, *Dialogue on Citizenship in Nigeria*, 83.

25. Okwudiba Nnoli, *Ethnic Politics in Nigeria* (Enugu, Fourth Dimension Publishers, 1978), 122.

26. W. G. Sumner, *Folkways* (New York, Dover, 1959), as cited in ibid, 215.

> The war ended in the midst of high hopes and expectations by the people, but scarcity, inflation, and the rationing instituted during the war prevailed. In addition, the general strike of 1945 hit the supplies of food and consequently, serious anxiety for the population. Each morning, for several weeks, a long line of people waited outside the market to receive their fixed ration of grain from the District Officer. The British blamed the strike and the resultant difficulties on the leading Igbo anti-colonialist of the time, Nnamdi Azikiwe, and the Igbo. They prevailed on Northerners to boycott the strike. What is more, they exploited the situation to incite the Hausa against the Igbo in Jos. In the prevailing atmosphere of inter-communal trade competition and the animosities arising from the settlement of the Igbo in the 'Native Town', the Jos communal riots of 1945 became inevitable.[27]

Other scholars have explored this perspective to explain the tendency in Nigeria by the elite and the masses to exploit ethno-regional and religious dichotomies while in pursuit of economic advantage.[28] Ben Nwosu and Ogoh Alubo have chronicled examples involving the Hausas and Yorubas in the 1930s concerning a monopoly over the kola nut and cattle trades, the 1992 Zango and Kataf crisis in Kaduna in northern Nigeria over moving a market from one area to another, and tensions between the Wawas (Enugu people) and Anambra people in the Igbo southeast over asset sharing after Enugu state was created out of the original Anambra state in 1991. They agree with Ake's postulation that tribalism flourishes because it is useful, especially in the economic sense.[29]

It is against such a backdrop that one should view eruptions in Jos. Whether they are declared to be inter- or intra-ethnic or religious, they are often purely motivated in the main by economic anxiety, notwithstanding that the Institute for Peace and Conflict Resolution (IPCR) perceives the problem squarely within a political context.[30] In its conclusions, the IPCR might have drawn inspiration from the argument advanced by David Lake and Donald Rothchild on causes of ethnic conflict. They contend that most of the paradigms widely used in explaining ethnic conflict are at best incomplete and at worst simply wrong and that ethnic conflict is not caused directly by inter-group differences, 'ancient hatred' or century-old feuds or the stresses of modern life. Their postulation downplays the economic factor in ethnic conflict by suggesting instead that such conflicts stem from 'collective fears of the future,' which contain within them the potential for tremendous violence.[31]

For the purposes here, in spite of other intervening variables, including the fact that 'places of worship like churches have always been the targets of these riots for

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27. Leonard Plotnicov, 'An early Nigerian civil disturbance: The 1945 Hausa-Ibo riot in Jos', *Modern African Studies*, 9:2 (1971), 299–300, cited in Nnoli, *Ethnic Politics in Nigeria*, 122. The strike was over the ill-treatment of Nigerian workers by the British colonialists.

28. See, for example, Nwosu, 'The political economy of citizenship-indigeneship controversy'; Kukah, *Religion, Politics and Power in Northern Nigeria;* and H. Asisi Asobie, 'Centralizing trends in Nigerian federalism' in Tunde Babawale et al. (eds.), *Re-inventing Federalism in Nigeria: Issues and Perspectives* (Lagos, Friedrich-Ebert-Stiftung, 1998), 49. The latter two focus on elites' manipulation of ethnicity and religion in furthering their economic goals.

29. Claude Ake, *A Political Economy of Africa* (New York, Longman, 1981), 2.

30. Institute for Peace and Conflict Resolution, 'Strategic conflict assessment of Nigeria', 66.

31. David A. Lake and Donald Rothchild, 'Containing fear: The origins and management of ethnic conflict' in Michael E. Brown et al. (eds.), *Theories of War and Peace* (Cambridge, Massachusetts, MIT Press, 2000), 292.

whatever root reason' and that 'religion is a galvanizing force in the crisis no matter what the initial cause of conflict',[32] the following observation remains crucial in the attempt to understand the situation:

> The Beroms have been accused of resenting the economic progress of other settler groups: yet, this is another simplistic assertion. Most Plateau natives collectively feel they do not have the Federal connections or patronage other major ethnic groups have. And most Nigerian wealth has been driven by oil money. The Beroms and other Plateau natives are predominantly farmers and have had to experience their lands taken away and degraded by tin mining. Now, they have to contend with migrant groups who use Federal influence and wealth to displace them from their own lands. The massive structure of the Federal Government is fueled primarily by oil money. The Beroms, as well as other Plateau natives, feel they should have a measure of autonomy in their core lands just the way Native Americans in their homesteads are treated as a Sovereign nation, elevated to the status of a protected minority. Nigeria's constitution has no place for respecting the rights of minorities, whether it is Jos, or the Niger Delta.[33]

UNDERSTANDING THE CRISIS

Catholic archbishop of Abuja John Onaiyekan succinctly summed up the problem in Jos as 'a classic conflict between pastoralists and farmers, except that all the Fulani are Muslims and all the Berom are Christians'.[34] The IPCR traced the Jos crisis to the struggle for control between the Hausa-Fulani (the settlers) and the Beroms, Anagutas, and Afizeres (the indigenes) over the Jos North LGA. The population of the new administrative area was numerically skewed in favour of the so-called settlers, turning the so-called indigenes into a minority. As noted, the simmering animosity generated by the struggle for control of the Jos North LGA only needed the attempted appointment in 1994 of a Hausa candidate as the chairman before it exploded into violent conflict. Again in 2001, violence erupted after a Hausa candidate was proposed as the Jos North LGA coordinator of the National Poverty Eradication Programme. The IPCR explains this trend as follows:

> Conflicts in Plateau State are closely related to the minority status of its people ('indigenes') in the wider framework of the North. The citizenship conflict sometimes also called the indigeneship conflict in the state occurs in the relationship between the Hausa/Fulani and the 'indigenous' populations of Jos North LGA. This is not to say that conflicts of this nature are peculiar to Plateau State. The indigeneship question is an aspect of the wider Nigerian national question and is faced by nearly all the states in the Nigeria federation. The functionalisation of the situation in Jos North LGA is attributable to the minority status of the 'indigenes' and the claims made by the Hausa/Fulani 'settlers' in the city, with a counter threat perception of domination and long term take over and eventual exclusion suspected to come from the Hausa/Fulani.[35]

32. James Butty, 'Nigerian professor says latest Jos violence a result of many factors', VOANews.com, www1.voanews.com/english/news/africa/butty-nigeria-violence-analysis-20jan10-82131892.html.

33. 'Another massacre in Nigeria: An unending cycle', *Economist*, 11 March 2010.

34. Aminu Abubakr, 'Appeals for calm after Nigerian sectarian slaughter', Agence France-Presse, 8 March 2010.

35. Institute for Peace and Conflict Resolution, 'Strategic conflict assessment of Nigeria', 67.

The fear of domination is not unfounded; indeed, it appears to have become a common feature of African life. In the Democratic Republic of the Congo, for instance, the relationship between the indigenous (*autochtone*) tribes in northern Kivu province, consisting of the Bafuleros, Banyakari, Bashis, and others, and settlers from Rwanda, the Banyamulenges, remains tension filled. Although Nnoli focused on ethnic groups' attitudes towards the state vis-à-vis their contribution to national wealth, his observation remains relevant concerning the tension created within a system when one or more groups nurse fears of domination by another or are genuinely alienated by the state. This is irrespective of whether the wealth involved is pooled in a common storehouse. According to Nnoli,

> Ethnic group access to state power or lack of it is an important element in ethnic politics. If minority ethnic groups are denied commensurate access as dictated by the size of their population and their contribution to the national wealth, their dissatisfaction is likely to lead to increased ethnic tension. In Africa, this access to state power is important for the various ethnic groups because of the extensive intervention of the African state in many spheres of life of the Africa society.[36]

Chike Okolocha offers his perspective on the manipulation of ethnicity in the rivalry and competition among Nigeria's ethnic groups. As he sees it,

> Ethnicity has manifested as a very potent cleavage agent in Nigeria. . . . Basically ethnicity in Nigeria rose from rivalry between the Hausa-Fulani, the Igbo and the Yoruba ethnic groups following the amalgamation of the country in 1914 and the creation of regions in 1939. . . . [E]thnic consciousness can be traced back to the colonial epoch when the new political economy lumped the various people together in a forced new social intercourse. The newly foisted consciousness was readily exploited by the aforementioned groups to upstage each other in their political struggles. Others [the remaining ethnic groupings] have since taken cue and ethnic consciousness has in many instances translated into resentment and open hostility across the country. [E]thnic cleavages represent the competition for national resources.[37]

An insight provided by Bekky Ndirang, a Jos indigene, may be illustrative of this fear of denial of access, in particular within the context of the minority status of the indigene people 'in the wider framework of the North'. Ndirang's political perspective traces the fears of domination to the fact that states such as Kaduna, Nasarawa, and Bauchi 'were settled "indigenously" by persons other than Hausa-Fulani, except the northern part of Kaduna, which is peopled by the Hausas [and are] now being governed by the Hausa-Fulani ethnic group'.[38] This, she asserts, stemmed from the accommodative disposition of the indigenous population in those states that the Hausa-Fulanis exploited to take control of the political leadership. Ndirang echoes a

36. Okwudiba Nnoli, *Ethnicity and Democracy in Africa: Intervening Variables,* CASS Occasional Monograph, no. 4 (Lagos, Malthouse Press, 1994), 27.

37. Chike F. Okolocha, 'Political cleavages and transition to democracy in Nigeria' in B. Caron et al. (eds.), *Democratic Transition in Africa* (Ibadan, CREDU Documents in Social Sciences and Humanities, 1992), 237.

38. Interview, Bekky Ndirang, a Plateau state indigene of the Mangu ethnic group, Abuja, 16 March 2010.

common perspective among the minority ethnic groups in the north of Nigeria that attributes to the Hausa-Fulanis an obsessive love of power; she asserts that once a Hausa-Fulani occupies any political position in the LGA, he would not likely yield it to a member of any other ethnic group. In a veiled reference to the acrimonious relations between the indigene and settler populations and fear of domination, Jonah Jang, the governor of Ndirang's Plateau state (since 2007), stated the following after a meeting at the State House in Abuja on 30 March 2010 between the acting president, Goodluck Jonathan, and the governors of eight states in the north:

> Like I have said, the northern governors in their last meeting agreed that they will visit me in Jos and we will sit down and look at the problems affecting the northern states and Plateau to ensure that we get to the roots of these crises. It's Plateau today, it could be somewhere else again. I don't pray so. But it's good that we sit down. Until we have peace in the north, it will be difficult for investors to come and do business. Nobody will like to come and set up a business and tomorrow, it will be set on fire. I believe that if we are sincere, the leadership of this nation is on our shoulders and we owe it a duty to future generations to ensure that there is harmony; there is religious tolerance, there is understanding. Every Nigerian is a citizen of this country and is free to settle anywhere in this country. And we must live as brothers and sisters.[39]

In the broad perspective, for the Jos indigenes to allow a Hausa into a position of leadership in the Jos North LGA would be tantamount to kick-starting a process of the latter's eventual takeover of the entire state. To Ndirang, the Jos North LGA is the 'heart' of Jos and the political and economic lifeline of the state.[40]

In its political role, the Jos area hosts the House of Assembly and Government House and some federal institutions, including the Rukuba Army Barracks and the University of Jos, and the state government Secretariat building. When, the Beroms in the Jos South LGA—the other half of the old Jos LGA created after Jos North was carved out of it—attacked the Fulanis in January 2010, it was not so much a reprisal for the Beroms' human and material loses in November 2008 as it was a pre-emptive strike to forestall the Fulanis in the area from nursing ambitions similar to those of the Hausas in the Jos North LGA—a clear manifestation of political anxiety.

IDENTITY CRISIS

The settler-indigene question in Nigeria is one aspect of an identity and citizenship crises in a polity with more than 350 ethnic groups (which is not an uncommon issue in Africa). The literature provides some useful insight in making the point that most of the discourse in Nigeria on ethnicity and citizenship has been dominated by considerations of the majority-minority dichotomy and power differences between such groups.[41] O. Otite views 'ethnic majoritarian rule' in political terms, whereby majority ethnic groups in Nigeria singularly or (usually) in alliance block the will and civil

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39. Several national newspapers reported his comments in their 31 March editions, including the *Vanguard, Guardian, Daily Sun, Daily Independent, Daily Trust,* and *Leadership.*

40. Interview, Bekky Ndirang, 16 March 2010, Abuja.

41. See E. E. Osaghae, R. Suberu, and E. Onwudire (eds.), *The Nigerian Civil War and Its Aftermath* (Ibadan, John Archers, 2002), 52–73; Nnoli, *Ethnic Politics in Nigeria,* 218.

liberties of minority groups.[42] Alubo has, however, noted that identity is also used to define individuals and provide responses to the question 'Who am I?' To him, it has ethnic, religious, gender, class and other layers, all of which refer to the same person.[43] Alubo goes on to underline the multi-layered nature of identity and the tendency for some forms of it to dominate in particular circumstances. Thus, contestations over identity are usually markers of other tensions, particularly in relation to material benefits and opportunities.

It is commonplace for people who share ethnic and religious identities in one circumstance to be excluded from rights, privileges, and opportunities enjoyed by others in an ethnic or religious group. Where this happens, Alubo contends, other definitions, such as settler, stranger, or non-indigene, come to the fore. This brings to mind the conflict between the Wawas (Enugu state indigenes) and Ijekebees (Anambra state indigenes), both of which are mainly Christian and Igbo. Following the creation of Anambra state, the issue arose concerning whether indigenes of Anambra should remain in the Enugu civil service or take positions in the new, Anambra civil service. It was resolved that each side, Anambra and Enugu, should retain immovable property in the other side's dominion. Anambra indigenes had the option of remaining in the Enugu civil service at Enugu or joining the civil service of the new Anambra state in Awka, the capital. Indigenes of Anambra who stayed in Enugu met with such discrimination that they eventually moved to Awka.

In Jos, the conflict in the wake of the creation of the Jos North LGA corresponds with the contention that social relations within the states have increased in acrimony as the struggle for resources and development has become more localized. As Alubo notes, crises ensue because of the new spaces and opportunities they offer to exercise power and control over resources.[44] It is instructive that while the IPCR identified politics as the central element in the ensuing conflict in Jos, it tended to overlook Richard Joseph's thesis on prebendalism: Nigerian politics is about the domination of the polity in order to gain control of public resources or an exclusive claim to allocate these resources for private ends.[45] Politics in this clime, according to former Senegalese president Leopold Senghor, is 'politicians politics'—that is, 'the struggles of clans . . . to place well oneself, one's relatives, and one's client in the *cursus honorum*, that is the race for preferments'.[46]

The IPCR asserts that behind the citizenship conflict in the Jos crisis, the next significant problem emanates from land resources. At the most fundamental level, this assessment points to an economic underpinning.[47] Land is, obviously, a crucial factor in production and does not necessarily hold any significance if not for its economic

42. O. Otite, 'Managing Nigeria's ethnic pluralism in a democratic environment', University of Calabar, 2000, cited in Alubo, 'Understanding the issues in the citizenship-indigeneship crisis in Nigeria', 5.

43. Alubo, 'Understanding the issues in the citizenship-indigeneship crisis in Nigeria', 4–6; see also Obaro Ikime, 'The Nigerian civil war and the national question' in Osaghae, Suberu, and Onwudire, *The Nigerian Civil War and Its Aftermath*.

44. Alubo, 'Understanding the issues in the citizenship-indigeneship crisis in Nigeria,' 4.

45. Richard Joseph, *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic* (Ibadan, Spectrum Books, 1987).

46. Robert H. Jackson and Carl G. Rosberg, 'Personal rule: Theory and practice in Africa' in Peter Lewis (ed.), *Africa: Dilemmas of Development and Change* (Boulder, Colorado, Westview Press, 1998), 17–18.

47. Institute for Peace and Conflict Resolution, 'Strategic conflict assessment of Nigeria', 66.

value. In other words, whether perceived as intra- or inter-ethnic or religious, conflicts in Jos represent the struggle for resources due to the fact that the ethnic groups that trace their history to the earlier occupation have an ancestral connection to a geographical area, allowing them to lay claim to ownership of the place and exclusive rights and predominance in privileges in theory meant for all citizens of the area.[48] In the same manner, the conflict between the supporters of Dariye and Mantu over political control of the state devoid of all pretences is squarely about who will have control of public resources or exclusive claim to allocate these resources.

Beyond the facade of political anxiety is the real issue of revenue-yielding facilities in the Jos North LGA that drive the economic factors behind the perceived ethno-religious strife. Theses outfits include the motors garages, where dues are collected from motor vehicle transport owners going in and out of Jos, banks, shops, the Jos Model Market (Terminus Market), hospitality facilities, and other symbols of a modern city and state. In Jos South, where the Beroms carried out their attack on the Fulanis in January 2010, although the fear of a Muslim takeover may point to political anxiety, events there occurred in a context similar to those involving the fears expressed by the Jos North indigenes connoting economic apprehension (though that area does not command the same economic weight or have more economic value than Jos North).

The economic dimension of the conflict was further buttressed by the fact that the Fulanis who lost loved ones in the January attack had urged the Beroms to release the cattle they had seized during the campaign. Their plea was ignored. Although Ndirang is of the opinion that the Fulanis would have attacked the Beroms even if they had returned the cattle, that they did not provided ample reason for the Fulanis to retaliate two months later.[49] It is germane to underline in this regard the strained relations between the nomadic Fulani herdsmen and the Beroms over grazing land dating back to the mid-1940s. Just as the dust over the recent violence in the area appeared to be settling, reports cropped up that pastures used by the Fulani in the Berom area had been poisoned.

THE NEW POLITICAL ECONOMY OF WAR

Conventional wisdom about wars and insurgents, as duly noted by Ukoha Ukiwo, holds that acts of violence originate in perceptions held by insurgent groups of relative deprivation and social injustice.[50] He also notes, however, the influential perspective presented in Paul Collier's pioneering work on the 'new political economy of war'.[51] According to Collier, people rebel not necessarily because of historical and social grievances, but because of the opportunities available should they prosper from war. This trend can be seen in the conflict in the oil-rich Niger Delta region of Nigeria, where militant youths engage in all manner of criminal activities, such as kidnapping, sabotage of oil and gas pipelines, and siphoning of refined and crude oil and gas in the

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48. Nwosu, 'The political economy of citizenship-indigeneship controversy', 80.

49. Interview, Bekky Ndirang, Abuja, 16 March 2010.

50. Ukoha Ukiwo, 'From "pirates" to "militants": A historical perspective on anti-state and anti-oil company mobilization among the Ijaw of Warri, Western Niger Delta', *African Affairs,* 106:425 (2007), 589.

51. Paul Collier, 'Doing well out of war: an economic perspective', in M. Berdal and D. Malone (eds.), *Greed and Grievances: Economic Agendas in Civil Wars* (Boulder, Colorado, Lynne Rienner, 2000), 91–112, cited in Ukiwo, 'From "pirates" to "Militants"', 589.

name of agitating for a better deal for the region. For William Reno, who also recognizes the secondary role of social injustice in agitation, war, injustice, and social unrest are used merely as ideologies for joining predatory organizations.[52]

Collier's theory would appear to apply to the conflict in Jos, but in an obverse sense. Can one find in the wanton wastage of life and property a tendency by one group to gain economic advantage against the other within the context of settlers versus indigenes? That is, are there violent entrepreneurs in the Jos conflict? Although a few conflict entrepreneurs may want a reign of violence in order to engage in predatory activities, the pattern of destruction of property, especially within the metropolis—for instance, the burning of the ultra-modern market built by the state government, the shops that define the commercial life of the city, and resultant lull in tourism due to a sense of insecurity—points to a conscious attempt by a group to hit at the economy of the state and by extension those who claim to own the land. In this context, the reprisal attack by the Fulanis in March 2010, in which many women and children were killed, should also be viewed as extending beyond merely inflicting pain and agony on the Berom men who might have carried out the January attack against them. Indeed, whether rightly or wrongly, Berom women are traditionally considered to be hard workers around the home.[53] Therefore primarily targeting females as well as children, who represent the successor generation of the Berom, should be assessed within the economic context of dissipating the Beroms' labor force, undermining their future productive capacity and economic well-being, perhaps because of their refusal to release the Fulanis' cattle.[54]

CONCLUSION

The ethno-religious and sectarian analyses of the perennial crisis in Jos obscure the fundamental issue at stake: the fear of the indigenous population of Plateau state of possible domination by the Hausa-Fulanis in the context of the minority status of the former. This fear, however, transcends the possibility of political power transferring to the hands of the settlers in the near future to underscore an anxiety about the economic consequences of such a reality. In a polity where control of state power means unfettered access to state resources and their allocation, should the settlers gain political power in Plateau state, the frontiers of accumulation for elites among the indigenes could be circumscribed, if not completely shut down. It should be noted that the masses of the indigenous population, most of whom are pawns on the chessboard of the political elite, are excluded from access to the booty obtained by the indigenous elite.

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52. William Reno, 'Shadow states and the political economy of civil wars', in Berdal and Malone, *Greed and Grievance,* 51, cited in Ukiwo, 'From "pirates" to "militants"', 589.

53. Interview, Bekky Ndirang, Abuja, 16 March 2010.

54. For deaths classified by gender, see *This Day,* 11 March 2010, 6. The Plateau state police commissioner, Ikechukwu Aduba, put the number of those in a mass burial at 70: girls, 26; women, 16; boys, 12; and men, 16. The police had issued an overall body count of 109, but Gregory Yelong, the Plateau state commissioner for information and communications, claimed there were some 500 dead. Another source cites the dead as 28 children under five, 19 over five, 21 women, and 15 men. On this, see 'Nigerian police revises Jos violence toll to 109 people', *Christian Telegraph,* 11 March 2010, www.christiantelegraph.com/issue9019.html.

The greater danger posed by continuing to perceive the Jos conflict essentially in ethno-religious terms is its potential to eventually lead to control of the city by religious extremists and the export of terror from it to other parts of the world. Being a predominantly Christian area situated in the predominantly Muslim north of Nigeria, Jos has become an object of keen and fierce contestation between adherents of Christianity and Islam. Thus, while not overlooking the economic factors causing ethnic tension, efforts should be geared towards diluting the religious fervor on and below the surface. The prevalent perception that most ethnic groups in Plateau share the same sentiments as the Berom, and collectively see an Islamic threat, still must be taken seriously in spite of the underlying economic factors.[55] Imputing religious causes to the conflict in a society as deeply religious as Nigeria's may eventually lead to the implosion of the polity. This will result in dire regional and broader consequences. The Nigerian state must address the issue of citizenship as the current system has failed to provide opportunities for the citizenry for self-actualization irrespective of where they reside or are born.

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55. Tom Burgis, 'Ethnic rivalries fuel Nigeria violence', *Financial Times*, 26 January 2010.

Oil, Politics, and Conflict in the Niger Delta: A Nonkilling Analysis

Fidelis Allen and Ufo Okeke-Uzodike

A dominant feature of the discourse on the Niger Delta is the role oil plays in politics and conflict in the region. Oil revenue is a motivating factor for the posture of the political class at the national level and is implicated as a cause of violence during elections and in ongoing violence and killings in the delta. Applying Glenn D. Paige's nonkilling political analytical tool to Nigeria's current situation indicates that oil-related killing in the Niger Delta is the result of a lack of vision of nonkilling leadership and politics by the state and non-state actors. Only a nonkilling approach to governance and the politics of oil production and distribution of benefits, however, can bring lasting solutions to the conflict in the delta between local justice and environmental groups confronting the actions of the federal government and oil companies.

OIL WAS DISCOVERED IN COMMERCIAL QUANTITIES IN 1956 in Oloibiri, in present-day Bayelsa state. The first shipment for export occurred in 1958. The discovery and exploitation of petroleum put the spotlight on Nigeria as a prospective wealthy nation, because it was expected that oil would transform it into a developed country. Since that time, however, oil has become an overriding element in analyses of underdevelopment and conflict in the Niger Delta region.[1]

One part of the discourse on the link between oil and conflict in the region criminalises violent activities of members of the local community and environmental rights and justice groups. Another simplistically points to self-serving materialism as a core motivational element among key political and economic actors, that is, the Nigerian state and western corporate interests.[2] Conflictive relationships pitting local justice

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1. The Niger Delta is understood here as the nine Nigerian states where oil is exploited: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers. Scientific and geographical definitions limit the region to a few core states, namely, Bayelsa, Cross River, and Rivers, which are defined by common vegetation.

2. See John Agbonifo, 'Oil, insecurity and subversive patriots in the Niger Delta: The Ogoni as agent of revolutionary change', *Journal of Third World Studies*, 26:2 (2009), 71–106.

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and environmental rights groups against the government and oil companies began to turn particularly violent in the early 1990s, leading to killings grounded in the delta region's social, economic, psychological, political, and cultural conditions.[3] This dynamic is exemplified by the struggles of the Ogoni people, who demanded repeal of national laws that denied economic and environmental rights to oil-producing communities.

Not surprisingly, oil increasingly became the basis of analyses of the political economy of conflict in the Niger Delta and development in Nigeria. It is estimated that the Nigerian government has earned more than $600 billion in revenues from oil since 1957; in 2005, it earned $45 billion from it, or approximately 80 percent of the country's overall revenue that year. The sale of oil represented 95 percent of Nigeria's total export revenue in 2009.[4] Despite the huge sums accruing from the oil sector, social and economic conditions of residents in the Niger Delta have remained deplorable. Basic social services—such as the provision of electricity, safe drinking water, and access to affordable education and medical care—are largely negligible, leading John Agbonifo to proffer that 'the link between dispossession, environmental degradation, political marginalisation and the perception of injustice provides the context within which to understand spiralling violence in the region'.[5] Augustine Ikelegbe, agrees, asserting that criminal and state violence and resistance by local communities in the Niger Delta flow from years of neglect in the face of intense exploitation and the destructive political economy of oil.[6]

Nonkilling theory is a framework for research and action in which a conscious effort is made to explain or understand practices, policies, institutions, cultures, politics, and behaviours that promote killing of human and non-humans in society and to assess what is needed to transition from a killing state to a nonkilling one. The theory is a framework for action in the sense that it should guide policy and the cultural, political, and socio-economic behaviour of individuals and institutions towards creating a nonkilling society. Such a society should be devoid not only of killing, but also of political violence, injustice, hunger, poverty, and so on. The lack of vision or rejection of such a society on the part of citizens, groups, and governments is reflected in the frequency of the choice of violence as a means for resolving conflict.

Violent behaviours can easily lead to death, so there is no denying that the concept of nonkilling is relevant to the broader conceptual issues of conflict prevention and conflict management to stop conflicts from escalating to violence and to reduce violence when it occurs.[7] The application of nonkilling as an analytical tool in understanding or analysing politics, the oil economy, social relations, or the conflict in the

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3. Loss of non-human life—that is, wildlife and flora—due to the activities of oil companies operating in the Niger Delta had long been an issue.

4. Agbonifo, 'Oil, insecurity and subversive patriots', 72.

5. Augustine I. Ikelegbe, 'Socio-economic environmental challenges and the quest for sustainable development in Nigeria's oil rich Niger Delta: A commentary', *Journal of Sustainable Development in Africa*, 6:1 (2004), www.jsd-africa.com/Jsda/spring2004/articlepdf/Arc%20-%20Ikein%202.pdf.

6. Augustine I. Ikelegbe, 'Civil society, oil and conflict in the Niger Delta: Ramifications of civil society for regional resource struggle', *Journal of Modern African Studies*, 39:3 (2001), 437–69.

7. See Moolakkattu Stephen John, 'The concept and practice of conflict prevention: A critical reappraisal', *International Studies*, 42:1 (2005), 4.

Niger Delta is conceptually and theoretically embryonic.[8] The basic, underlying assumption is that oil and politics contribute to killing behaviours in the Niger Delta. As such, a process of transition from killing to nonkilling is needed to build a nonkilling political economy of oil to give new shape to the conflict between the government and oil companies and local justice and environmental groups in the region.

NONKILLING THEORY

Nonkilling theory is a relatively new conceptual framework advanced by Glenn D. Paige.[9] According to Paige, nonkilling society is 'a human community, smallest to largest, local to global, characterized by no killing of humans and no threats to kill; no weapons designed to kill humans and no justifications for using them; and no conditions of society dependent upon threat or use of killing force for maintenance or change'.[10] A nonkilling society cannot be the result of force or terror; such a society would not have military industrial structures for manufacturing weapons. Paige argues that extant structures of society do not require lethality for change or maintenance. The premise for this formulation is to challenge the age-old belief that lethality is inevitable in human relations. Page insists that a nonkilling global society is indeed possible and in part cites the following as grounds for his position:

- It is widely accepted that humans have potential for killing and nonkilling, and despite the ability and opportunity to kill, most humans have not killed other humans and are not likely to become killers.
- Some social institutions have already demonstrated a capacity for making contributions towards realising a nonkilling society that if properly appropriated and supported could contribute even further to such a society emerging.
- Given existing knowledge and evidence of the causes of killing and nonkilling, as well as factors responsible for the transition from killing to nonkilling, the various social, economic, psychological, and biological explanations for a nonkilling society promise 'nonkilling transformative intervention'.[11]

Paige provides empirical evidence of places with characteristics of nonkilling societies and institutions to buttress his conviction that lethality can be overcome. He notes forty-seven societies around the world with experience in nonkilling. By 2001, there were twenty-seven countries without standing armies.[12]

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8. Data were gathered for this analysis from textual materials and key informant interviews with members of youth, justice, and environmental groups, traditional rulers, staff of oil companies, the political class, and government leaders in the Niger Delta. The growing literature on the area provided a rich source of information. The quota sampling technique was adopted to determine the sample size of the populations to be interviewed and to ensure the inclusion of different strata of actors in the Niger Delta conflict. Two members of each of the above-mentioned groups were interviewed, for a total of twelve. Within each group, participants were selected for the simple reason of ensuring different perspectives. Additional interviews were conducted in the Port Harcourt and Yenegoa areas of the delta with two members of the Joint Military Task Force, the government security outfit responsible for securing oil facilities.

9. Glenn D. Paige, *Nonkilling Global Political Science* ([United States], Xlibris, 2002).

10. Ibid., 1.

11. Ibid., xii. A nonkilling transformative intervention refers to various efforts at interpersonal, institutional, policy, or governmental levels to transform a killing society or culture into a nonkilling one.

12. Ibid., 47.

The nonkilling theory presents a four-part approach to political analysis, which includes the need to understand the 'causes of killing; causes of nonkilling; the causes of transition between killing and nonkilling; and the characteristics of completely killing-free societies'.[13] Causation is a key concept in explaining killing, nonkilling, and the transition from killing to nonkilling societies. It is in this regard that the nonkilling theory provides opportunities for understanding the situation in the Niger Delta and exploring the possibility of getting to a nonkilling society there.

The concept of nonkilling may have been presented as a novelty in academic research, but as part of moving towards a nonkilling and free global society, Paige encourages sceptical scholars to pose questions in their research using the hypotheses derived from his theory. A review of theoretical literature shows clearly that scholars have tended to conceptualise 'nonkilling' in the guise of 'nonviolence', and the two are sometimes used synonymously because of the intersection of the two concepts. This was especially so after some of India's successful experiences with nonviolent struggle, led by Mohandas Gandhi and his followers, against oppression and injustice. As Joám Evans Pim notes, 'the underlying ideas behind nonkilling are not new'.[14] For example, in many respects, some religions, including Christianity, Judaism, Buddhism, and Hinduism, are rooted in nonkilling; their long histories suggest that nonkilling is as old as they are.

Pim argues that nonkilling and nonviolence arose mutually in historical moments as strategies for social change. Regardless, western scholars prefer nonviolence to nonkilling, perhaps because 'it is better suited to the western intellectual taste to abstract concepts'. Howard Thurman is quoted by Pim as arguing that nonkilling and nonviolence mean the same thing.[15] Since publication of *Nonkilling Global Political Science,* some scholars have perceived nonviolence as a key concept of nonkilling.[16] Others have responded affirmatively to Paige's questioning of whether a global nonkilling society is possible. For instance, Leslie Sponsel writes from the background of anthropology, laying out extensive scientific data on existing societies that have lived peacefully, without killing, throughout history.[17]

Towards a Nonkilling Filipino Society (2004) is perhaps the first effort by a group of scholars to focus attention on the nonkilling concept or theory.[18] This volume attempts to justify the idea of nonkilling as a possible framework for research, analysis, and action by applying it to a specific society. The relevance of the theory addressed here draws from and hinges on the growing scholarship of nonkilling political analyses. It seeks to assess the extent to which oil and politics contributed to killing between 1990 and 2010 in the Niger Delta, the contexts for nonkilling there, and the potential for a transition from killing to nonkilling going forward.

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13. Ibid., 72.

14. Joám Evans Pim, 'Introduction' in Joám Evans Pim (ed.), *Toward a Nonkilling Paradigm* (Honolulu, Center for Global Nonkilling, 2009), 13, www.nonkilling.org/pdf/volume_toward.pdf.

15. Howard Thurman, *Disciplines of the Spirit* (Richmond, Indiana, Friends United Press, 1963), in ibid., 14.

16. See Natalia M. L. M. Morales, 'A nonkilling society is definitely possible in the Philippines' in Jose V. Abueva (ed.), *Towards a Nonkilling Filipino Society: Developing an Agenda for Research, Policy and Action* (Marikina City, Aurora Aragon Quezon Peace Foundation and Kalayaan College at Riverbanks, 2004), 79.

17. Leslie E. Sponsel, 'Reflections on the possibilities of a nonkilling society', in Pim, *Toward a Nonkilling Paradigm,* 35–73.

18. See note 16.

CONFLICT IN THE NIGER DELTA

Given oil's importance to the Nigerian economy, it is not difficult to understand the desire of the government and oil companies to protect the energy sector. Eleven companies operate 1,481 oil wells and 159 oil fields, pleasing shareholders and helping sustain the state through huge revenues.[19] The problem with this scenario is that key actors in the oil business and national political system have failed to ask if killing or conditions that lead to it increase or lessen the value of oil to the state. Does oil influence the shape of politics in ways that lead to killing? Can oil-related violent conflict lead to killing?

The relationship between oil and killing is manifest at various levels in the delta. Government security forces have killed members of armed groups challenging the oil companies and state security personnel. The corporations and the government are being confronted by armed groups for various perceived injustices, political underrepresentation, environmental despoliation, and the general failure by the government to develop the Niger Delta. In addition, local gang members and members of armed local justice and environmental groups, such as the Movement for the Emancipation of the Niger Delta, have been involved in killing. Hazardous health conditions, criminal activities, and frustrations stemming from the economic and environmental situation have contributed to the early deaths of some residents. A non-physical form of killing flows from the psychological effects of the negative environmental impact of the oil industry's activities on local communities and destruction of livelihoods, complicating the already difficult conditions of poverty. According to one of the voices from the field, 'The oil companies neglect what happens to the land as long as they are mining oil. Oil mining results in death, gradual death, for the dispossessed local people. Government is slow to respond to the effects of oil mining'.[20]

Despite the immense importance of oil production to the Nigerian state, the oil companies, and Niger Deltans, the resource has been volatile in terms of the politics and violence involved in its regulation. Since the 1990s, resistance against destruction of the environment and the distribution of only limited or inadequate benefits from the exploitation of oil has led to state and non-state violence resulting in a number of deaths.[21] Attacks on oil companies and government security personnel as well as hostage taking and killings were routinely carried out by armed groups operating under the umbrella of the Movement for the Emancipation of the Niger Delta. The credibility of claims by some involved in fighting for development and against environmental despoliation in this group was doubted by many, as they were at the same time vandalising pipelines and killing members of rival groups seeking to control the illegal sales of stolen oil, colloquially referred to as *condescent*. Their attacks appear to have had the more devastating effect on the Nigerian state because

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19. Agbonifo, 'Oil, insecurity and subversive patriots', 72.

20. Interview, Celestine Akpobari, Bori, 5 May 2010. Akpobari is the national coordinator of the Ogoni Solidarity Forum. Also see Fidelis Allen, 'Implementation of oil-related environmental policy in Nigeria: Government inertia and conflict in the Niger Delta' (PhD diss., University of KwaZulu-Natal, 2010), 204.

21. An Ijaw group led by Jasper Isaac Boro had been the first to revolt against the federal government, in the 1960s. Jasper and his colleagues had been infuriated by what they saw as the injustice in the federal government's failure to develop the Niger Delta region, where oil had just become a key revenue earner for the state.

such actions negatively affect production, which in turn decreases the revenue that the state depends on for foreign exchange and expenditures. Some consider state violence a legitimate and proper response to these threats, in order to sustain extraction and production. Government commandos have on several occasions descended upon unarmed communities and people protesting oil-related damage to their environment. Such was the case with the Movement for the Survival of the Ogoni People (MOSOP) under the leadership of the late Kenule Saro-Wiwa.

The government exhibits a lack of nonkilling vision in the nature of its management and governance of the oil sector, failure to protect the environment through the enforcement of oil-related policies and laws, use of force against resistance or threats to the oil industry and oil revenue, and failure to develop the Niger Delta. The oil companies display it in their environmental practices, weak corporate social responsibility, and role in intra- and inter-community violent conflicts. In addition, oil-rich communities are also guilty of lacking visions of nonkilling politics and interactions with the state, oil companies, and other communities. They fail to incorporate visions of nonkilling into their activities and demands for justice and development, which translate into intra- and inter-community violence, armed attacks on oil company facilities, kidnappings of oil company workers, killing of government security personnel and oil workers, and violent local politics and struggle for control of the illegal trade in oil.

Management of the oil sector to attain sustainable development was never envisaged or adopted within the government in the early stages of developing the oil industry.[22] Yet, poor and irresponsible management of natural resources is a critical element in conflict in natural resource–rich nations. The ensuing conflict is incubated in the social, economic, and political conditions that result from management of natural resources devoid of sustainable development, protection of the environment, and improvement in the living conditions of residents near the resource and respect for their human rights. More often than not, a contributing factor is government's failure to sufficiently involve local communities in the policy process.

Violent conflicts that spring from the above conditions could possibly be avoided if policy makers gave expression to nonkilling considerations. A number of scholars have attempted to explain this phenomenon in the context of the 'resource curse' theory. In the case of Nigeria, the Niger Delta is the anchorage of the country's oil wealth, but paradoxically, the region bears a huge burden of unemployment, poverty, and underdevelopment that make nonsense of the oil resource, which if managed properly could be a blessing to the region.[23] The government's approach regarding the management of the country's oil was nonparticipatory and exclusionary in regard to citizens in the delta. Most Nigerian oil and environmental policies formulated years ago were done so without due regard to and contributions from relevant stake-

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22. Indeed, it would have been surprising had the colonial government taken the interests of Nigerians into consideration during policy making at that time. This situation, however, did not change upon political independence.

23. See P. Collier, *Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It* (Oxford, Oxford University Press, 2007), quoted in Helen Collinson and Rod Macleod, 'Striking oil: Blessing or curse', *Praxis Note,* no. 52, June 2010.

holders, such as the communities that could possibly suffer from environmental degradation.[24] Implementation of these policies and laws undermined the rights of the people in the oil-producing communities of the Niger Delta in numerous ways, including damage to the environment and subsequent losses of livelihoods due to social dislocation and poverty.

Exploration for oil had begun in 1908 at Araromi, in present-day Ondo state, by Nigerian Bitumen Corporation, a German company. World War I interrupted this initial effort (but the search resumed in 1937). In 1914 the British colonial government had enacted Oil Mineral Ordinance no. 17, empowering the state to determine prospecting rights. Under the regulation, licenses or leases would only be granted to companies registered in Britain. Shell D'Arcy (which later became Shell Petroleum Development Company in Nigeria) monopolised rights to prospect for oil in the entire Niger Delta, between 1908 and 1959, when other oil companies emerged with licenses to also prospect for oil.[25]

The Petroleum Act of 1969 and its correlate, the Petroleum (Drilling and Production) Regulation of 1969, was a fairly comprehensive law with provisions for protecting the environment from damage caused by the activities of petroleum extraction, but the oil companies did not comply with many of its regulations. Gas is still being rampantly flared, causing damage to the environment. No systematic and extensive assessment of its impact have been conducted, but the immediate negative effects on the air, land, and crops have been acknowledged, as has its destruction of wildlife.[26] Over the past five decades, the formulation and operation of laws supposedly regulating the oil sector have served to undermine the fundamental environmental, economic, social, and cultural concerns of local populations. It is easily discernable that some laws, such as the Land Use Act of 1978, were calculated efforts by the federal government to effectively remove problems of access to land needed by the oil industry and the state. Embedded in that particular act is the tacit objective of ensuring unencumbered access to land for the purpose of exploring for and producing oil. Under it, ownership rights of all land and its mineral resources came to belong to the federal government. This served to alienate oil-rich communities from their ancestral lands.

The law on land ownership obviously runs contrary to the interest of the indigenous communities in oil-producing areas that depend on environmental resources and the land for their livelihoods. The Ogoni people articulated this interest in a Bill of Rights, accusing the government and oil companies of stealing their wealth in different fora and despoiling the environment. The Ogonis have demanded land restora-

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24. These policies include the Oil Mineral Ordinance, 1914 (amended 1925); Oil (Safety) Regulations, 1963; Oil in Navigable Waters Regulations, 1968; Oil in Navigable Waters Act no. 34, 1968; Petroleum Regulations, 1967; Petroleum Act, 1969; Petroleum (Drilling and Production) Regulations, 1969; Petroleum (Drilling and Production Amendment) Regulations, 1973; Petroleum Refining Regulation, 1974; and the Land Use Act, 1978.

25. Fidelis Allen, 'Background: Petroleum and Nigeria', report on communities and a civil society consultation forum on the petroleum industry bill, organized by the Social Integrated Development Centre (Social Action), Stakeholder Democracy Network, and Bayelsa Forum of NGOs, Yenegoa, 27–28 November 2009, 1–3.

26. The flaring of gas has been denounced by successive governments in Nigeria but remains legal in so far as there is no law prohibiting it. The government has regularly moved deadlines to implement a ban on it.

tion and access to farmland. Laws that alienate communities from their land structurally embed killing features, which can lead to social, economic, environmental, political, and cultural conditions of marginality. Ample evidence of those effects abound in the literature on the oil-related conflict in the Niger Delta. National ownership of Nigeria's oil and the nature of governance over it, in which only federal political institutions play a significant role, has put at risk any previously existing harmonious relationships between the government and oil companies on one side and local justice and environmental groups on the other. The sense of injustice among the latter groups is an outcome of the mode of governance used to manage the resource.

Exacerbating the conditions in these communities is the lack of development among them, evident in the absence of potable drinking water, hospitals, schools, roads, and electricity in spite of the huge revenues that have accrued to the Nigerian state during five decades of oil production. The government's negligence in enforcing relevant oil-related environmental laws meant to achieve sustainable development manifested itself in the poor compliance attitude of oil companies, whose corporate social responsibilities in theory entail respect for the environment and participation in the development of the communities where they operate.

The Environmental Impact Assessment Act of 1992 demands government enforcement of compliance by the oil sector. The law has not been followed, which is why local communities have on their own initiative resisted damage to their environment by the oil companies while also insisting on responsible governance of the environment and development of their region. The response of the Nigerian state has been a mixture of force and nonviolent strategies. The use of security personnel to violently quell resistance against oil companies has been one approach. A soldier interviewed simply stated, 'We are trained to kill, and that is our mission in the Niger Delta'.[27] In another example, government security personnel responded violently to peaceful protests by the Movement for the Survival of the Ogoni People, killing some of its members in 1994.[28] Nine MOSOP leaders, including its spokesman and founder, Saro-Wiwa, were tried and executed by the military government under Gen. Sani Abacha for the deaths of four prominent Ogoni men at the hands of Ogoni youths in 1994.[29] Violence has not only begotten violence in the Niger Delta, but has also influenced the emergence of a culture with serious implications because of its devaluation of life.

The transition from military rule to democracy in 1999 did not alter the character of the Nigerian state in respect to its use of force. The Joint Military Task Force, constituted and deployed by the government to the delta to protect oil company facilities and dismantle resistance against the state and the corporations, has engaged innocent and sometimes unarmed local civilian populations protesting corporate activities and the lack of regional development. The experience of Odi in Bayelsa state is a prime example. President Olusegun Obasanjo had sent the military into the area on 20

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27. Interview, soldier (name withheld) with the Joint Military Task Force, University of Port Harcourt, 4 June 2010.

28 See for example, Okey Ibeanu and Robin Luckham, *Niger Delta: Political Violence, Governance and Corporate Responsibility in a Petro-State* (Abuja, Centre for Democracy and Development, 2006), 48. Also see Allen, 'Implementation of oil-related environmental policy', 93.

29. The four were killed on 21 May 1994 by youths who felt betrayed by their speaking in favour and support of the government and oil companies.

November 1999 to restore order following the killing of twelve policemen (ostensibly by members of a community gang who viewed the police as enemies for their role in hunting down youths regularly protesting against the state and the oil companies). Likely driven by revenge, the Nigerian army entered the small town, exchanged fire with some gang members, and then attacked the civilian population indiscriminately while razing nearly all its buildings. Although the government put the death toll at forty-three, others estimated that more than two thousand people were massacred.[30] Such an order by the presidency in whatever guise could not possess an element of nonkilling as a principle for good governance. The testimony is seen in the outcomes of killings and the conditions that promote the killing, including frustration and anger on the part of community members who feel cheated and marginalised by the political and economic systems.

Some scholars and local justice and environmental groups in the Niger Delta have accused the oil companies operating in the region of collaborating with the government in violating the environmental, social, economic, political, and cultural rights of members of the local communities, particularly because of the level of the environmental damage.[31] The socio-economic implications of the damage have fuelled the anger that has become the cornerstone of local grievances against the companies and the government. Most of the communities in the Niger Delta have traditionally lived off the region's environmental resources, for example, from farming and fishing, which have been greatly diminished through oil pollution and the flaring of gas.

Environmental viability is at the heart of a nonkilling analysis of oil, politics, and conflict in the delta. Not only should the environment not constitute a threat to humanity in terms of lethality, the environment and its associated resources should not be destroyed or killed. As Paige notes, '[W]e kill the environment and the environment kills us. A nonkilling society requires a nonkilling ecology'.[32] In reality, oil in the Niger Delta has caused enormous devastation to the environment, making fishing and farming impossible for some indigenous people who have historically depended on it for their livelihood. The activities of oil companies and the failure of the government to undertake properly its regulatory responsibilities have conspired to nurture and deepen a high rate of unemployment and underemployment and entrench poverty that envelops many youths and communities in much of the delta.

It is common for unemployed and underemployed youth to become easy prey to mobilisation efforts of conflict entrepreneurs seeking to foment violent activities, in this case against the oil companies. The role that oil plays in the state of unemployment in the Niger Delta is noteworthy. Locals often complain that oil spills and other related pollution and activities that have destroyed their means of livelihood have also left them unable to find alternative sources of income. According to O. Olarinmoye, 'Nigeria's oil wealth is actually oil of poverty or a curse, because it has produced only

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30 Nnimmo Bassey, 'Trade and human rights in the Niger Delta', *Pambazuka News*, 1 June 2006, www.pambazuka.org/en/category/comment/34801.

31. Interview, Celestine Akpobari, Bori, 5 May 2010.

32. Paige, *Nonkilling Global Political Science*, 120.

poverty, underdevelopment and conflicts since its commercial exploitation began in the late 1950s'.[33]

Poverty, unemployment, and underemployment are a function of how Nigerian politics and the economy are managed. A nonkilling approach would require the practice or use of models that deal effectively with the need to reduce poverty by creating jobs. Such models should de-emphasize the re-distribution of wealth or resources in society while increasing productivity of goods and services. The lure of oil money seems to have blinded the members of the political class to the need and their responsibility to deliver social services to the people they are supposed to represent. A boom in corruption and desire to pocket oil money by the political class—with its own debilitating intra-class struggle for political power—underpins the inability of the Nigerian state to address critical social needs of citizens in the Niger Delta.

In August 2008, Social Action and the Centre for Global Nonviolence held a conference at Aluu, Rivers State, on whether a nonkilling society is possible in the delta. Seminar participants were drawn from youth groups, civil society, nongovernmental organizations, and traditional ruling institutions in the Niger Delta. Citing pervasive poverty, 30 out of 50 participants (60 percent) insisted that a nonkilling Niger Delta is impossible. They offered the following reasons: destruction of the environment, lack of development in the region, pervasive unemployment, and lack of political power. According to many of the participants, the attainment of such a society would be highly dependent not only on a drastic reduction of poverty but also on the political empowerment of the region in the context of governance at the federal level. The 20 participants (40 percent) who argued that a nonkilling society in the Niger Delta is possible linked it to specific preconditions, including regional development and political and economic empowerment of the people of the delta.[34]

A NONKILLING TRANSITION?

Until 1 October 2010, when bomb explosions killed about a dozen people near Eagle Square in Abuja, the year could have been characterized by the lull in violent activities by armed groups and soldiers in the Niger Delta. In particular, the Movement for the Emancipation of the Niger Delta, which was responsible for a number of attacks on oil facilities and the kidnapping of expatriate and Nigerian oil company workers since 2006, had been quiet, until the October attack, for which it claimed responsibility. Also, illegal oil deals and vandalism of pipelines had fallen drastically, as had confrontations between the Joint Military Task Force and militia groups in the delta.

The relative calm in terms of the suspension of oil-related violence was credited to the assumption of the presidency by Goodluck Jonathan, a native of the Niger Delta.

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33. O. O. Olarinmoye, 'Politics does matter: The Nigerian state and conflict (resource) curse', *Africa Development*, 33:3 (2008), 21–34.

34. Fidelis Allen was a speaker at the seminar, held 7–8 August 2008. Among those who attended were militants who later accepted the amnesty offered by the federal government under President Musa Yar'Adua and now being carried out by President Goodluck Jonathan. For a report on the seminar, visit the Social Action Web site at www.saction.org.

At the seminar in Aluu, a respondent had stated, '[A] nonkilling society in the Niger Delta is not possible until those who think that Nigeria is their personal property allow others like us in the Niger Delta to also taste the presidency'.[35] Could Jonathan's ascendancy be the beginning of a transition from killing to nonkilling, courtesy a shift in the political opportunity structure? Jonathan is the first Niger Deltan to hold the highest political office in Nigeria. As one opinion leader in the Niger Delta notes, '[A] sense of involvement in the politics of Nigeria at the highest level of governance has been injected into the people of the Niger Delta'.[36]

The political elite and the process that delivered the presidency to Jonathan involves a nonkilling strategy, for which members of the National Assembly, civil society, and citizens at large must be commended. A genuine transition from killing to nonkilling, however, requires a comprehensive and integrative approach that guides a shift away from killing associated with basic laws and policies that generate conflict or wars that lead to killing. For instance, laws or policies that deter rather than enable the oil-producing communities of the delta from participating effectively in decision-making processes in the political and economic systems are certainly inimical to peace.

A valid transition away from killing in oil-producing communities requires socio-economic and political reforms sensitive to the development needs of the Niger Delta. That continues to be the challenge for the Nigerian government. For the people in the delta whose living conditions remain dire, the need for substantive or material change cannot be replaced simply by the transfer of political power to a native of the area. Rather, they still need to see concrete alterations in their lives in the form of a cleaner environment, basic amenities and services, job opportunities, and access to the accoutrements of citizenship. When nonkilling is fully appreciated and practiced at governmental, nongovernmental, and inter-personal levels, it possesses the capacity to prevent violent conflict or transform and manage ongoing violent conflicts.

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35. Telephone interview, youth and opinion leader (name withheld) in the Niger Delta, 15 October 2008.
36. Ibid.

Gaps in the Eastern Congo Peacebuilding Process: The Role of Peace Education and Local Tensions

Pyana Mwamba Symphorien

The prevailing explanations of peacebuilding failures tend to emphasize economic interests and cultural and political aspects. Peace education and recognition of local tensions and understandings of conflict and peace are, however, necessary components for building an enduring peace. The Democratic Republic of the Congo's transition from war towards peace and democracy demonstrates the need to address micro problems in extending local, regional, and national security. Involvement by local peoples in peace work and peace education are an appropriate methodology of peacebuilding in war-torn societies to bring about the personal and systemic changes necessary for securing sustainable peace.

THE PEACE AGREEMENT SIGNED ON 17 DECEMBER 2002, in Pretoria, South Africa, between the Congolese government and rebel movements brought an end to the seven-year conflict that some have called 'Africa's world war' given the number of countries involved and the scale of the human, social, and material destruction. Its conclusion allowed the Democratic Republic of the Congo to restore national unity and organize the first general and democratic elections since independence in 1960. Despite presidential and legislative elections held in 2006 and the political unification of the country, security problems, especially in the east, continue to puzzle peacebuilders, academics, and policy makers.[1] A few days after the elections, fighting broke out in the capital, Kinshasa, between the security forces of former vice president and opposition leader Jean-Pierre Bemba and the Congolese army. More than 200 people were reportedly killed and many more wounded before the restoration of order.[2] Similarly, North

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1. Koen Vlassenroot and Timothy Raeymaekers, 'Kivu's intractable security conundrum', *African Affairs*, 108:432 (2009), 475–85.

2. Paulin Manwelo, 'Ethical reflections on the intervention of the UN and EUFOR in the DR Congo' in Heinz-Gerhard Justenhoven and Hans-Georg Erhart (eds.), *Intervention im Kongo: Eine kritische Analyse der Befriedungspolitik von UN und EU* (Stuttgart, Kohlhammer, 2008), 176–77.

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Kivu became a crucible of war, where fighting between the army and insurgents led by renegade general Laurent Nkunda left more than 370,000 persons internally displaced in 2008.[3]

In South Kivu and Oriental provinces today, the problems that sustained the conflict that lasted from 1997 to 2007 have yet to be addressed; fear of the ethnic other and suspicion and rumours run as deep as ever.[4] The UN Plan of Action (2008–2010) for eastern Congo identifies the problems that stand stubbornly in the way of peace: intra- and inter-community disputes over land, illegal timber logging, undetected anti-personnel mines, violence against women, and insecurity around the gold and cassiterite mines towards which former militias awaiting re-integration continue to gravitate.[5] The plan expresses increasing concern about criminal activity by youths, unemployment, and the relatively recent appearance of street children.

Ominously, but perhaps not surprisingly, the program for disarmament, demobilization, and reintegration (DDR), launched nationwide in 2005, has had little success tackling the problem of youth criminal activity and militias groups. In addition, struggles over the country's rich natural resources continue. This is not, however, due to a lack of effort. The deployment of UN peacekeepers to DR Congo has been one of the largest in the organization's history (up to 22,000 troops), and the conflict has also involved some 60,000 representatives, volunteers, and employees of nongovernmental organizations and multinational groups.[6] The government, through 5 Chantiers (Five Grounds), a socio-development program, continues to work to transform the simmering embers of the conflict in the east.

Despite the progress made in DR Congo, two related questions persist: Why have all the many peacebuilding efforts failed to bring about lasting peace and how can sustainable peace be reached in eastern DR Congo? One possible reason is that these efforts have been based on an external and top-down approach, rather than a bottom-up and transformative model that takes local tensions into account and emphasizes personal and systemic change through peace education. Prospects for successful peacebuilding in eastern DR Congo would likely improve with the implementation of strong peace education programmes and local involvement, but the ultimate success of such efforts would still depend on the country's determination and ability to address the local causes of conflict.

THE DR CONGO CONFLICT AT A GLANCE

The DR Congo conflict has been marked by a series of challenges that at various turning points took the form of a cycle of civil wars and other armed confrontations. Shortly after independence in 1960, the first Congolese prime minister, Patrice Lumumba, was assassinated, on 17 January 1961. The country plunged into an era of

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3. Ibid. The Rwandan army arrested Nkunda in Rwanda on 23 January 2009.

4. Johan Pottier, 'Representations of ethnicity in the search for peace: Ituri, Democratic Republic of Congo', *African Affairs*, 109:434 (2010), 23–50.

5. United Nations Development Programme, 'Plan d'actions prioritaires visant la stabilisation et le relèvement communautaire de l'Ituri', Bunia, 2008, 19–20.

6. Paulin Manwelo, 'Lettre ouverte à la communauté internationale à propos de la parabole du bon samaritain', *Congo-Afrique*, no. 440 (2009), 649 n. 1.

bloody rebellion that lasted until 1964, when it was quelled, and the first successful legislative elections were organized. As the country prepared for presidential elections, Mobutu Sese Seko seized power in a military coup. He would rule the country for thirty-two years.[7] In 1996, with the support of Burundi, Rwanda, and Uganda, Laurent Kabila launched a rebellion in the Kivu provinces in the eastern part of the country and ousted Mobutu, proclaiming himself president in 1997. A year later, Kabila expelled his neighboring allies, and in retaliation, they waged war against his regime. Seven countries—Rwanda, Uganda, Burundi, Namibia, Zimbabwe, Angola and Chad—were ultimately involved, along with more than five rebel movements, challenging the government of Kinshasa. The war wrecked enormous havoc on Congolese civilians, including widespread sexual violence against women, the displacement of 2.5 million persons, widespread disappearances, and 4 million civilian deaths by assassination, execution, and death squads.[8]

The war came to an end with the assassination of Kabila on 16 January 2001 and the signing of the general peace agreement in Pretoria in December 2002. The agreement created a government of national unity, which led the transition process and organized the 2006 elections. The transition was marked by tensions and security problems, with the eastern part of the country permanently under threat of militia groups. The DR Congo continued to face social and structural challenges, including profound poverty, mismanagement, extensive physical, psychological, and sexual violence, political elitism, mistrust between and among communities, land disputes, and ethnic tensions. Key governance problems, including decentralization and participative and accountable management of local resources, remain unresolved. Economic and social inequalities continue to be major challenges to peace. Armed groups still roam the mineral-rich east, some originating in Rwanda and Uganda.

LITERATURE ON THE CONGO CONFLICT

There are scores of analyses about the crisis in DR Congo, but three schools of thought dominate the current discussion: the economic, mismanagement and bad governance, and politico-cultural discourses. The economic perspective is the most popular for dissecting events in DR Congo, particularly in the eastern region, which is rich in natural resources. Several research reports assert that international mining companies are supporting militias and other rebel groups for the opportunity to exploit the country's various deposits.[9] Likewise, the involvement of some neighboring countries (namely, Rwanda and Uganda) was not thought to have been initiated solely for political reasons, but also, and more important, because of the benefits they expected to gain from access to DR Congo's natural wealth.[10] The crisis, according to proponents of this per-

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7. See J.-F. Bayart, S. Ellis, and B. Hibou, *La criminalisation de l'état en Afrique* (Brussels, Editions Complexe, 1997).

8. Olivier Lanotte, *République Démocratique du Congo: guerres sans frontières, de Joseph-Désiré Mobutu à Joseph Kabila* (Brussels, Grip, 2003); Rigobert Minani Bizuho, 'La République Démocratique du Congo: la démocratie à l'épreuve de la géopolitique et de la bonne gouvernance', *Congo-Afrique*, no. 423 (2008), 217–28.

9. International Alert, 'Les activités de développement et de construction de la paix de l'Union Européen dans la Région des Grand Lacs', *Conflict Prevention Partnership*, 23 August 2006, 21.

10. Bizuho, 'La République Démocratique du Congo'.

spective, is a fight for control over resources, and the war should be characterized, some argue, as 'international, not local'[11] (leaving this school of thought open to criticism for ignoring the Congolese people's responsibility in sustaining the conflict).[12]

The mismanagement and bad governance argument draws on issues of colonialism and the cold war.[13] Unlike African nations occupied by the British, whose imperialist approach was more pragmatic and less paternalistic than Belgium's, Congo suffered under such severe paternalism and suppression that when the nation became independent in 1960, there were few Congolese prepared to take on the responsibility of managing the country's affairs.[14] This situation opened the door to mismanagement, chaos, and ultimately the series of civil wars that devastated the country. Paulin Manwelo points to the role that the geostrategic power equation of the cold war played in exacerbating Congo's problems in that as a 'friend' of the West, Mobutu Sese Seko's regime received large amounts of financial support, but neither he or the western powers did much to promote a political climate of peace and democracy in the country.[15]

The politico-cultural explanation of the conflict follows a path similar to that of the mismanagement and bad governance school. Congo's recent history has been overwhelmingly shaped by the more than three decades of dictatorial rule by Mobutu. Although Mobutu is acknowledged as the builder of unity and nationalism among Congolese in the early post-colonial period, he also created a culture of fear, corruption, terror, and division and denied basic human rights.[16] The Congo conflict tends to be described as driven by historical rivalries between ethnic communities because of its politics of nationality and citizenship and lack of clear land ownership policies, fostering disputes over territorial boundaries and traditional administrative power.[17]

The conflict has come to be epitomized by the proliferation of small arms and light weapons mostly due to weak Congolese state security and poor governance structures.[18] Conflict actors were able to manipulate populations because of poor management of social communication and the subsequent processing of information among communities based on stereotypes and accusations.[19] A. Mwaka Bwenge and Hélène

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11. See Lanotte, *République Démocratique du Congo;* Human Rights Watch, 'Ituri: "Covered in Blood". Ethnically targeted violence in Northeastern DR Congo', Research report, vol. 5, no. 11, Washington, D.C., 2003.

12. Hélène Morvan, *Réinventer le quotidien: la cohabitation des populations civiles et des combattants Mai-Mai au Kivu* (Uppsala, Life and Peace Institute, 2005), 15.

13. Marie-France Cros and François Misser, *Géopolitique du Congo, RDC* (Paris, Tournai, 2006).

14. Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (London, Mariner Books, 1998).

15. Manwelo, 'Ethical reflections on the intervention of the UN and EUFOR in the DR Congo'; J.-F. Bayart, *State in Africa: The Politics of the Belly* (New York, Longman, 1993).

16. Bayart, Ellis, and Hibou, *La criminalisation de l'état en Afrique.*

17. Séverine Autesserre, 'D.R. Congo: Explaining peace building failures, 2003–2006', *African Political Economy*, 34:113 (2007), 423–41; Azarias Ruberwa Manywa, *Notre vision de la République Démocratique du Congo* (Paris, L'Harmattan, 2006); C. Nguya-Ndila Malengana, *Nationalité et citoyenneté au Congo/ Kinshasa: le cas du Kivu* (Paris, L'Harmattan, 2001); S. Mugangu Matabora, 'Terre, territoire et nationalité: les enjeux des conflits ethniques dans le Kivu montagneux' in S. Mugangu Matabora (ed.), *Les Droits de l'homme dans la Région des Grands Lacs* (Louvain-la-Neuve, Academia-Bruylant, 2003), 46–53.

18. Jean-Claude Willame, *Banyarwanda et Banyamulenge: Violences ethniques et gestion de l'identitaires au Kivu* (Brussels, Institut Africain–CEDAF/L'Harmattan, 1997).

19. Vlassenroot and Raeymaekers, 'Kivu's intractable, security conundrum'.

Morvan attribute the prevalence of violence and insecurity in the eastern DR Congo to alliances that coalesced based on ethnic considerations and the dearth of state-led social and economic activities in the region.[20] The politico-cultural school of thought has met with criticism for downplaying the relative role of external (international) actors in the conflict.

With respect to the violence witnessed in eastern Congo, an emerging alternative literature emphasizes the ingenuity of humans and advocates moral investment as a challenge for peace and political stability.[21] This view presents the Congolese crisis as an ethical emergency, which requires moving beyond economic, bad governance and management, and politico-cultural factors, because humans cannot be reduced to these elements.[22] From an ethical perspective, to identify as a human is not simply to pursue political power, selfishly guard ones own socio-economic interests, and identify solely with one's ethnic or religious group.[23] On the contrary, as Aristotle argued, a correct understanding of humans should accentuate two variables: rationality (which endows the capacity to be a co-creator of socio-cultural, political, and economic life) and reasonability (which endows the ability of people to live in harmony with each other).[24] Jürgen Habermas argues that reasonability is the level at which one should situate the foundation of socio-political life.[25] When there is a lack of rationality, violence and chaos will prevail.[26] This means that human beings will always fight for political power, wealth, pride, and their beliefs. There has been little focus on increasing awareness of the root causes of the DR Congo conflict and the various peace agreements and their effects on prospects for achieving lasting peace.

INTERNATIONAL DISCOURSE ON PEACEBUILDING AND CONGOLESE PEACE EFFORTS

The focus of the international community in regard to peacebuilding is on stopping the violent eruption of conflict and making a sustainable transformation of violent conflict into peaceful action. The main questions in respect to war or armed conflict, as in the case of eastern DR Congo, are Who is involved? How can peace be built? What range of activities is needed, and how much time is there to act? Such questions

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20. A. Mwaka Bwenge, 'Les milices Mai-Mai à l'est de la République Démocratique du Congo: dynamique d'une gouvernabilité en situation de crise', *Revue Africaine de Sociologie*, 7 (2003), 21–43.

21. Paulin Manwelo, 'Lettre ouverte à l'homme politique congolais', *Congo-Afrique*, no. 438 (2009), 563–66; idem, 'Lettre ouverte au citoyen congolais à propos de la refondation de l'état', *Congo-Afrique*, no. 43 (November 2009), 644–48.

22. Thierry Nlandu Mayamba, 'Le modèle d'homme politique face à l'éthique et à la pauvreté', *Congo-Afrique*, 43 (2009), 693–99; Symphorien Pyana Mwamba, '(Re)construire l'Afrique noire: fonder l'ordre socio-politique sur la raison?' *Raison Ardente*, 72–73 (2006), 106–23.

23. Paulin Manwelo, 'Root causes of the December 2007 post-election crisis in Kenya' in Aquiline Tarimo and Paulin Manwelo (eds.), *Ethnicity, Conflict and the Future of African States* (Nairobi, Paulines Publications Africa, 2008), 90–97.

24. Aristotle, *La Politique* (Paris, Vrin, 1995); Emmanuel Kant, 'Réponse à la question: Qu'est-ce que les lumières?' in *Oeuvre philosophique de Kant* (Paris, Gallimard, 1985), 2:209–217.

25. Jürgen Habermas, *Théorie de l'agir communicationnelle,* vol. 1: *Rationalité de l'agir et rationalisation de la société* (Paris, Fayard, 1987).

26. Sylvin Tshikoji Mbumba, *De la bonne gouvernance: appel à un nouvel ordre éthique du pouvoir en Afrique noire* (Kinshasa, Editions du Cerdaf, 2001).

primarily concern the legitimacy and effectiveness or limitations of any peacebuilding process. One can outline four main positions on the international discourse on peacebuilding: the conflict management, conflict resolution, complementary discipline, and transformation-oriented schools of thought.[27]

The management school is the oldest approach to peacebuilding and is historically linked to the cold war period. It emphasizes the use of diplomatic and military interventions and the role of international (outside) actors, rather than local actors and domestic peace initiatives. Its primary aim is to identify the leaders of the conflicting parties at the macro level and bring them together to negotiate a cease-fire and peace agreement based on the belief that 'when a peace agreement is reached between the warring parties, it will automatically be trickled down to the entire population, because these top-leaders own their constituencies and the power to use or not to use force behind them'.[28] Since the Pretoria agreement, peacebuilding in the recent DR Congo conflict—mediated by the United Nations, European Union, and African Union—is illustrative of the conflict management school.

Military interventions and diplomatic solutions, such as mediation and negotiation toward power sharing, have been central in the DR Congo's peacebuilding process under the management and coordination of the United Nations, European Union, and African Union. There has been little effort put into locally based initiatives, except the unsuccessful Goma conference in January 2008 that was called for by a new government to respond to the pressure of war against Nkunda's forces and other armed groups in North Kivu and South Kivu. In this regard, one should also note the most recent joint Rwanda–DR Congo Umoja Wetu (Our Union) military operation launched by the government against the Democratic Front for the Liberation of Rwanda (FDLR) in North Kivu (in March 2009), Kimya II (Second Peace) in South Kivu (since July 2009), and the ongoing Amani Leo (Peace Today) Program (since June 2010).[29]

Whereas the management approach has the benefit of engaging those in power who have the ability to conduct large-scale violence or end it and bring about peace, it is criticized primarily for its neglect of local problems and issues and the assumption noted above that once an agreement is reached, peace will a 'trickle down' through the population.[30] Furthermore, the approach overlooks the roots of conflict and insists on apparent political problems.[31]

The conflict resolution school is a critical reaction to the management school. Its proponents advocate community-based dimensions of peacebuilding and are skeptical

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27. Thania Paffenholz, 'Understanding peacebuilding: Management, resolution and transformation', *New Routes*, 14:2 (2009), 2–6.

28. Thania Paffenholz, *Community-based Bottom-up Peacebuilding: The Development of the Life and Peace Institute's Approach to Peacebuilding and Lessons Learned from Somalia, 1990–2000* (Uppsala, Life and Peace Institute, 2003), 14–15.

29. Séverine Autesserre, 'Hobbes and the Congo: Frames, local violence, and international intervention', *International Organization*, 6:2 (2009), 249–80.

30. Séverine Autesserre, 'The trouble with Congo: How local disputes fuel regional violence', *Foreign Affairs*, 87:3 (2008), 94–110; for the tendency of international mediators to concentrate solely on the top leadership of parties in conflict, see John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace Press, 1997).

31. Thania Paffenholz, 'Western approaches to mediation' in Luc Reychler and Thania Paffenholz (eds.), *Peacebuilding: A Field Guide* (Boulder, Lynne Rienner, 2001); Autesserre, 'Hobbes and the Congo'.

about the effectiveness of diplomatic and military interventions to deal with intra-state conflicts, such as in eastern DR Congo. The conflict resolution approach seeks to address the root causes of conflict and reconstruct broken relationships between parties. For this school, the peacebuilders are mainly (western-based) NGOs, who lead workshops with non-official actors close to the conflicting parties, especially elite-based civil society and grassroots associations.[32] Although this school has contributed significantly to development of the peacebuilding discourse, it has been criticized from a conflict management perspective on the ground that improving communication and building relationships between conflicting parties do not necessarily lead to an agreement to end war.[33] The approach is also criticized for its assumption that work with civil society and at the grassroots will naturally have an effect at the national level.[34]

The complementary school is built upon the critical nexus of the conflict management and conflict resolution schools. Given the strengths and limitations of these two schools, complementary discipline evolved as the next logical approach, assuming peacebuilding requires simultaneous efforts based on top-down and bottom-up approaches.[35] The main criticism against this school is that the issue of coordination is not seriously addressed.

The transformation-oriented school promotes targeting the root causes of armed conflicts by replacing conflict management and conflict resolution with conflict transformation.[36] Building on the complementary school's position, it tries to fill the gap between short-term conflict management and long-term relationship building, as well as the transformation of the underlying causes of conflict.[37] The ultimate goal is to establish and construct long-term infrastructures for peacebuilding by supporting the reconciliation potential of the society.[38] Like the conflict resolution approach, the transformation-oriented model recognizes the need to rebuild destroyed relationships by focusing on reconciliation.[39]

Assuming a tripartite conception of society—consisting of a top level (leadership), middle range (civil society leaders), and grassroots—the transformation-oriented school differs from the conflict resolution approach in that it considers the workings at the leadership level and the society as a whole, rather than only those at the grassroots and middle range. From the transformation perspective, third-party (outside) intervention should concentrate on supporting internal actors and coordinating

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32. R. Fisher, 'Integrative conflict resolution' in I. William Zartman and J. Lewis Rasmussen (eds.), *Peacemaking in International Conflict: Methods and Techniques* (Washington, D.C., United States Institute of Peace Press, 1997), 100–121.

33. J. Bercovitch, *Social Conflict and Third Parties* (Boulder, Westview Press, 1984).

34. Oliver P. Richmond, 'Rethinking conflict resolution: The linkage problematic between "Track I" and "Track II"', *Journal of Conflict Studies,* 21:2 (2001), 155–61.

35. Wolfgang Heinrich, *Building the Peace: Experiences of Collaborative Peacebuilding in Somalia in 1993–1996* (Uppsala, Life and Peace Institute, 1997); Bo Wirmark (ed.), 'Government-NGO relations in preventing violence, transforming conflict and building peace', conference report, Mariefred, Sweden, 1997.

36. K. Rupesinghe, *Conflict Transformation* (London, St. Martin's Press, 1995); John Paul Lederach, *A Little Book of Conflict Transformation* (Intercourse, Pennsylvania, Good Books, 2003).

37. Lederach, *Building Peace;* John Paul Lederach and Michelle Maiese, 'Conflict transformation: A circular journey with a purpose', *New Routes,* 14:2 (2009), 7–10.

38. Paffenholz, 'Understanding peacebuilding.'

39. Ibid.

external peace efforts. Attention should be paid to local tensions and culture, which requires acceptance of a long-term time frame. The transformation-oriented approach therefore combines such activities as mediation or negotiation at the state level (Track I); problem-solving workshops and peace missions at the middle level (Track II); and a range of peace initiatives—for example, peace education, peace and human rights advocacy, local peace commissions, community dialogue projects, and trauma healing—at the grassroots level (Track III).[40] The major innovation of the transformation-oriented school is its shift of focus from international to local actors, emphasizing civil society and ordinary citizens more so than do the resolution and complementary schools of thought.

A peacebuilding process is doomed to failure if it focuses only on the macro level and neglects local tensions. Changes in legal and other institutions without psycho-cultural transformation are similarly futile.[41] Analysis suggests that changes in institutions that manage conflicting interests and needs are most effective when they are closely associated with efforts to address macro as well as micro problems and engage psycho-cultural issues.[42] Changes that go to the root of a conflict must be comprehensive in this sense, touching all levels of the society and all aspects of people's relationships. As John Burton asserts, 'a society is a totality, behavior anywhere affects behavior everywhere'.[43]

A denial at the local level, for example, through unemployment or lack of food, has the potential to spin into national and even international violence and crime. Local power struggles involving ethnic identity, corruption, and violence can produce national as well as provincial implications, such as creating flows of internally displaced persons or refugees that may have consequences that extend beyond the local arena. Tensions in the family, clan, municipality, province, or school can develop into violent behaviors years later.[44] For social stability to emerge through change and peace requires public awareness about the sources of problems and a consensus approach to social solutions, which are fundamental to critical consciousness or peace education. The paradigm of critical consciousness has been defined as a 'process of promoting the knowledge, skills, attitudes and values needed to bring about behavior changes that will enable children, youth and adults to prevent conflict and violence, both overt and structural; to resolve conflict peacefully; and to create the conditions conducive to peace, whether at an intrapersonal, interpersonal, intergroup, national or international level'.[45]

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40. Lederach, *Building Peace*.

41. Robert Bush and A. Baruch, 'Realizing the potential of international conflict work: Connections between practice and theory', *Negotiation Journal*, 19 (2003), 97–103.

42. J. Rudolph Rummel, 'Dimensions of conflict behavior within and between nations', *General Systems Yearbook*, 8 (1963), 1–50; Daniel Christie, Richard Wagner, and Deborah Winter, *Peace, Conflict and Violence* (Upper Saddle River, N.J., Prentice-Hall, 2001); Marc Howard Ross, *Managing Conflict Constructively: Interests, Interpretations and Disputing in Comparative Perspective* (New Haven, Yale University Press, 1993).

43. John Burton, *Violence Explained: The Sources of Conflict, Violence and Crime and Their Prevention* (Manchester, Manchester University Press, 1997), 140.

44. On the link between peacebuilding, local tensions, and education in war-ridden societies, see Gray Cox, *The Ways of Peace: A Philosophy of Peace as Action* (New York, Paulist Press, 1986); Séverine Autesserre, 'Local violence, international indifference? Post-Conflict 'settlement' in the eastern D.R. Congo, 2003–2005' (PhD diss., New York University, 2006).

45. Susan Fountain, 'Peace education in UNICEF', Working paper, UNICEF, New York, 1999, 1, www.unicef.org/education/files/PeaceEducation.pdf.

EMPIRICAL RESULTS: PEACEBUILDING, LOCAL TENSIONS, AND EDUCATION

Despite efforts to reestablish state institutions, national unity, and organize elections, DR Congo has yet to overcome its security problem. The primary issues are the inability to address the root causes of the conflict; to integrate grass-root expectations into the peacebuilding process and foster understanding of conflict and peace at the local level; and to implement community-based psycho-social transformation and healing programs. The failure to address these issues is due in part to the prevailing peacebuilding process being based on an old and inappropriate school of thought, the management school, which focuses on the top leadership and macro level while ignoring the majority of the population and micro-level conflict transformation and relationships. The search for lasting peace in DR Congo would appear to require a paradigm shift from the management school to the transformation-oriented approach of peacebuilding, as the latter takes into account the fundamental questions of the root causes of violence and people's relationships (conflict resolution school), the involvement of society as whole in peace work (complementary approach), and the integration of grass-root needs and understanding of conflict and peace via a critical consciousness process.

With respect to the management school of peacebuilding, it was at a time appropriate for the United Nations, European Union, African Union, and other international actors to intervene to mobilize the top leadership involved in the conflict to help restore unity and build legitimate institutions through democratic elections. After having long focused on macro-level settlement and diplomatic and military interventions, however, attention should now be paid at the local, grass-root level.[46] A desire for such an undertaking has empirical support in DR Congo based on fieldwork conducted from January through March 2010 among communities in Bukavu town and surrounding rural areas in South Kivu. The research sought, first, to determine whether there are connections among the prevalence of conflict, local tensions (over lands, identity, and resources), and understanding of conflict and peace in eastern Congo, and second, to evaluate the effects of neglecting local problems and understandings of conflict in achieving peace.

In the first instance, respondents were asked about their personal understanding of peace. They were also asked their opinion on the root causes of the conflict in the region. This field experiment resulted in a strong positive correlation between local tensions and understanding of conflict and peace in eastern Congo (see Fig. 1).

International diplomats and governmental actors involved in peacebuilding in Congo truly believe that diplomatic and military interventions can produce lasting peace. The view that peace is the absence of war or force and that the rule of law is a powerful tool in addressing conflict contrasts with perceptions of the local, eastern Congolese population. Among 306 respondents, 189 (61.4 percent) stated that peace, to them, is respect and promotion of human life. Thus, if a significant percentage of a local population perceives peace as respect and promotion of human life, then it is

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46. For further development of this argument, see Pyana Mwamba Symphorien, 'Beyond pacifism from outside and power-mediation: The challenge of peacebuilding and social reconciliation in DR Congo', *Hekima Review*, 41 (2009), 132–43.

Figure 1

Degree of Correlation between Local Tensions and Peace

Is there any correlation between local tensions and understanding of peace?

- ■ Very strong
- ■ Strong
- ▨ Relatively strong
- ▢ Poor
- ☐ Very poor
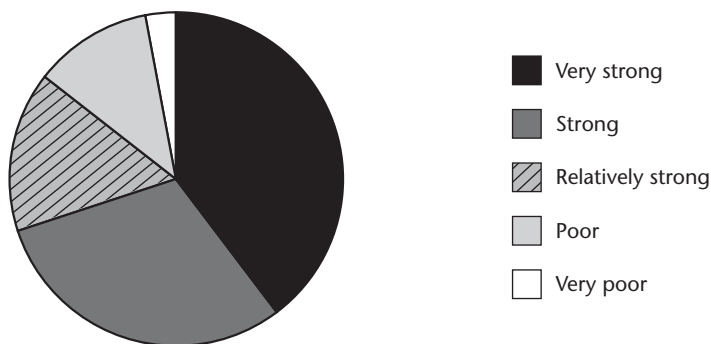
Source: Pyana Mwamba Symphorien, 2010.

necessary to revisit the popular notion that violence is a deeply rooted cultural element or a societal norm in eastern Congo.[47] It also becomes difficult to convince the local population that benefits of sustainable peace can be imposed through the use of force or military intervention. Peace to them is more than the rule of law and the absence of war.[48]

For these local people, poverty is principally the outcome of bad governance and institutionalized injustice, which is particularly bitter in a country as blessed in terms of natural resources as DR Congo. One respondent asserted that the same explanation is valid for the 'gun culture' that, accordingly, might be interpreted as a 'means of ful-filling unsatisfied human needs'.[49] Bad governance and an unequal distribution of resources and services have resulted in the eastern Congo crisis being exploited by neighboring countries and multinational corporations with interests in the natural and mineral resources of the region. This means that although the conflict involves to a large extent macro and external or international (and economic) involvement, the main roots are internal, micro, and local, whichever term is preferred.[50] This observation challenges the 2003 Human Rights Watch report that opened with the following statement: 'Congo: the war is only international, it is not local'.[51] Hélène Morvan argues, however, that 'the conflict is not only international, it is also local'.[52] Underlining the extent of local problems in the conflict, this study found poor and inadequate social infrastructures, making many areas inaccessible for conducting research. This was particularly so in rural locations, including Idjwi, Ihembe, and Luhago (South Kivu), leading to some neighborhoods not being surveyed.

47. On this assumption, see Autesserre, 'Hobbes and the Congo'.
48. Focus group discussion, Bukavu, 15 February 2010.
49. Interview, Walungu, 27 January 2010.
50. Interview, Bukavu, 20 February 2010.
51. Human Rights Watch, 'Ituri'.
52. Morvan, *Réinventer le quotidien*, 15.

To appraise grass-root awareness of neglecting local problems and understanding of conflict in achieving peace, the eastern Congo's residents were asked to indicate the level of their participation in peace work and the extent to which they were informed about the various Congolese peace agreements since 2002. They were also asked to assess the importance of local involvement and peace education programs in the region and how much this could contribute to strengthening peace there. The survey revealed three critical issues: the majority of the population is not conversant or knowledgeable about the peace agreements; most respondents, especially youths, had not participated in a conflict transformation program (and thus viewed the ongoing peacebuilding process as a matter of concern only to politicians and militia group leaders); and the majority of the population is deeply wounded psychologically.

The field study revealed that residents of eastern DR Congo, and likely the country as a whole, are in need of healing and empowerment. Without implementing a process of community healing, any effort to bring about peace will fail. Among the 306 respondents, 229 (75.3 percent) believed that if conflict persists in the east, it will primarily be because the local people's aspirations, needs, and vision of peace and conflict have been neglected in the current peacebuilding process. It appears that any future peace proposal should be developed to include a grass-root perspective (see Table 1).[53]

Further analysis indicated that the low rate of awareness of the roots of the conflict and various peace agreements has an impact on establishing peace.[54] Those surveyed acknowledged the importance of peace education and local involvement in peacebuilding and conflict transformation in the region. Peace education here is defined as a multidisciplinary model that embraces human rights, gender issues, social and economic justice, and peaceful methods of solving personal and social problems. Numerous communities suffered at the hands of people who committed crimes, for instance, the rape of women, theft and destruction of goods, and killings. Of the 306 respondents, 82 (26.8 percent) strongly agreed that such crimes had connections to limited knowledge about the roots of conflict, human rights, gender issues, and peace-

Table 1

To what extent are local and peace education necessary for achieving peace?

Response	Number	Percentage
Very large extent	64	20.9
Large extent	173	56.5
Some extent	39	12.7
Small extent	18	5.9
No extent	12	3.9
Total	306	100.0

Source: Pyana Mwamba Symphorien, 2010.

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53. Focus group discussion, Luhago, 10 March 2010.
54. Focus group discussion, Ihembe, 20 February 2010.

ful methods of solving personal and social issues; another 162 (52.3 percent) simply agreed (see Table 2).

It also came to light that many children currently participate in the conflict as soldiers; most members of the armed groups in the region are young (between twelve and twenty-five years of age). Criminal activity, dishonesty, and unfairness have destroyed interpersonal relationships, particularly for the younger generations. Lies, laziness, and the easiest option have become the new way of life in the region. The residents of eastern Congo believe these phenomena are due to a lack of critical thinking and of solid civic education for youths today (see Table 3).[55]

Table 2

Do you think that limited knowledge of human rights, respect of human life, and gender equality contributes to criminality and violence in the region?

Response	Number	Percentage
Strongly agree	82	26.8
Agree	160	52.3
Disagree	39	12.7
Strongly disagree	25	8.2
Total	306	100.0

Source: Pyana Mwamba Symphorien, 2010.

Table 3

Does a lack of critical thinking and solid civic education affect the conflict in eastern DR Congo?

Response	Number	Percentage
Strongly agree	90	29.4
Agree	149	48.7
Disagree	55	18.0
Strongly disagree	12	3.9
Total	306	100.0

Source: Pyana Mwamba Symphorien, 2010.

CONCLUSIONS AND RECOMMENDATIONS

The failure of peacebuilding processes in war-ridden societies in recent decades illustrates how challenging such undertakings can be, demanding formidable amounts of insight, sensitivity, and creativity. Specific lessons may be drawn from the DR Congo, where an uneasy peace process continues. The ability to reach a stable peace hinges on

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55. Interview, Uvira, 29 January 2010.

a country's determination to address the root causes of conflict and construct just and functional political institutions and a vibrant civil society. Peace agreements tend to be more effective when they engage society as a whole; they are also likely to be more efficient in societies where critical consciousness about the roots of conflict and peaceful methods of resolving personal and societal problems is sufficiently adequate to enhance the strength of institution building and decrease suspicions and prejudices as a source of violence.

Although the peace agreement signed in Pretoria identified root causes of the armed conflict, the subsequent peacebuilding process did not look particularly promising with regard to local problems and community psycho-social transformation. The 2006 elections and the 2008 agreement did not bring the peace and democracy for which many had hoped. Instead, the process has generated an atmosphere of skepticism because elections did not succeed in building a lasting peace and political stability.[56] Critics argue that democratization has not led to an accountable government in DR Congo, but has instead reinforced wartime power dynamics and mismanagement.[57] It is therefore paramount that local problems be addressed and grass-root perceptions of peace and conflict be considered to pre-empt any spillover effects of social and political instability in the eastern Congo region. There are three main ways in which this state of affairs can potentially be approached: through improved governance and institutional reform, a justice and reconciliation commission, and peace education programs.

Improved Governance and Institutional Reform

Structures that deal with resource allocations and distributions in Congo should be thoroughly revisited and configured in such a way that individuals and communities equitably benefit from the country's resources. The large number of people lacking food and the poor state of the national infrastructure, including transport and communications, necessitate urgent intervention to increase local food production and reduce the eastern region's isolation from the rest of the country. All of this implies a radical transformation of the agricultural system and domestic policies. Such a shift depends upon a coherent political decision involving a plan of action and a vision for the society to be created in addition to offering incentives and alternatives for making changes. To do so, however, requires an awareness of certain material conditions.

The link between increased poverty and the involvement of multinational corporations and foreign countries in the Congolese conflict for economic gain makes it critical to pursue reform in the area of mining contracts and management policies, launched in 2006 by the government, with the participation of Congolese civil society.[58] This process should lead to new institutions and laws that allow the local population to truly benefit from their regional resources and prevent illegal pillaging and

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56. Human Rights Watch (Belgium), 'RD Congo: l'accord de paix n'a pas mis fin aux meurtres de civils', *Dialogue*, no. 244 (2008), 33–38.

57. Rigobert Minani Bizuho, 'Société civile et processus de démocratisation en DR Congo', *Congo-Afrique*, no. 439 (2009), 721.

58. The Catholic Church, in particular the Jesuit Research Center for Social Action, was actively involved in this area.

shady contracts. Protection of local workers' rights and the environment by the mining and logging companies should also be an important element of this reform process.

These huge, demanding, and critical tasks cannot be left solely to politicians or the government. DR Congo civil society has a role to play in governance and institutional reform, but it must also sensitize and mobilize the grassroots and suggest effective ways of dealing with the country's problems. To do so, it must assert and ensure its independence from state authority, because part of its duty is to critically examine government actions and create a critical mass of involvement among the citizenry.

At the same time, the support of the international community is greatly needed in terms of financial investment and technical assistance. The cancellation of DR Congo's external debt in 2010 and the $8.5 billion agreement between the DR Congo and China involving mineral resources and development assistance are good examples of how the international community can help with large, well-targeted investment as part of the process of building new social infrastructures and addressing human needs. The government could also be assisted in tackling the county's problems through improved diplomatic relations with neighboring countries, ensuring financial and technical support for mining law reform and implementation, and preventing individuals, countries, and multinationals from pillaging Congo resources.

Justice and Reconciliation Commission

A regional, or national three-year-long healing program should be developed to help sustain peace and democracy and promote social reconciliation. It would involve a commission with more authority than the parameters of the previous, failed truth and reconciliation commission (Commission Verité et Reconciliation, 2004–2006) and the Goma conference (January 2008) and its subsequent unfruitful Amani (peace) action program (2009).[59] The proposed commission should follow along the lines of the 1990s Congolese Sovereign National Conference, but be de-politicized and de-centralized. The success of any reconciliation and national healing model depends on the extent to which it includes and consults with all the major stakeholders at every level of society.

The commission should first create space for Congolese local populations (as opposed to politicians) to discuss what has happened, address past traumatic experiences, and resurrect a common humanity. The second aim of the commission should be justice. The central questions are What and who needs reconciliation and healing? While perpetrators and victims and survivors will have different answers, reconciliation and healing should address the most obvious human rights abuses and the root causes of the conflict, focusing on land rights, property rights, and civil and political rights. Related to this issue is whether reconciliation and healing based on restorative justice—conditional amnesty versus blanket amnesty—is the best way to address

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59. The Goma conference was organized to address the root causes of the persistence of violence in the east. The Amani program was then supposed to start the healing process and rebuild destroyed areas. Instead, the process appears to have been political theatre and a distraction. Most of the Amani program objectives were not achieved.

human rights abuses or whether other means, such as retributive justice or legal action—punishment or prosecution—should be adopted.

The choice between pursuing prosecution or punishment of perpetrators via a legal (justice) system and pursuing reconciliation and healing through restorative justice is not an easy one and depends heavily on circumstances. In eastern Congo, some of the people thought or known to be perpetrators of human rights violations continue to hold power or are in strategic positions to obstruct advancement of the envisioned reconciliation and national healing process. Given this situation, restorative justice may be the only realistic option. Those who support this view argue that in such contested situations, reconciliation and healing through restorative justice can help a society turn the page and bring people together in a way a legal system might not be able to do in dealing with gross human rights violations.[60] If restorative justice can help, a commission could provide space for 'truth, justice and forgiveness to meet, where concerns for exposing what happened and letting it go in favour of renewed relationships are validated and embraced'.[61]

The process should be organized throughout the country at all levels: individual to individual, family to family, community to community, militia to militia, militias to people, and national armed forces to civilians, and so on. The commission must integrate grass-root understanding of peace and conflict in trying to ameliorate the damage caused. The process needs also to involve reparations or restitution and resettlement of displaced families, which goes hand in hand with the rehabilitation of destroyed or abandoned infrastructure and amenities, especially schools, health facilities, and water resources.

The truth commission should be led and organized by civil society, if not by religious leaders given their social influence and moral authority in the east and the country in general. At the least, with meaningful engagement by civil society and the public required for successful national healing and reconciliation, civil society could monitor implementation of the process. Their witness would lend legitimacy to the process and reinforce the principle of a transformation-oriented, bottom-up approach toward seeking sustainable and transformative peace. Although the commission should not be led by the government or be government-oriented, due to some government actors being accused of human rights violations, its success nonetheless depends in part on the political will and involvement of the Congo government, which should supply funding (in partnership with the international community) and secure the authority of the commission through a bill passed by parliament and enacted into law.

Such an act should empower the commission to establish the time period to be covered by its work, determine the nature of human rights abuses to be investigated, and assess the social and economic effects of the abuses and make recommendations, including on preventive and health-promoting approaches, counseling and healing programs, and community interventions. The quality and credibility of the work of the commission, and the legitimacy of the outcomes, would largely depend on how independent it is and the seriousness of the commissioners.

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60. Desmond Tutu, *No Future Without Forgiveness* (New York, Doubleday, 1999); Pamela Machakanja, *National Healing and Reconciliation in Zimbabwe: Challenges and Opportunities* (Cape Town, Institute for Justice and Reconciliation, 2010).

61. Martha Minow, *Between Vengeance and Forgiveness* (Boston, Beacon Press, 1998), 17.

Peace Education Programs

The residents of eastern Congo want an increase in the number of peace education programs available to them and the rest of the country.[62] They recognize peace education as a cornerstone in creating cultures of peace that promote governance reform and societal healing and reconciliation. Some want peace education to be made a requirement by law. Although the goal here is the creation of cultures of peace, cultures of violence cannot be ignored. Thus an important part of peace education must be educating Congolese (from a young age) to recognize both structural and behavioral violence.[63]

Peace education begins with teaching children how to settle immediate differences without resort to fighting and then leading them toward teaching about conflict transformation in their family, community, country, and the world. Experimental programs should be held in schools and other community venues. The prevention of violence and inculcation of peace values need to be incorporated into all aspects of the school curriculum, in formal and informal education, and must be reflective of the diverse groups within the society.

Congolese schools should identify and monitor youth and students at high risk of involvement in violence, establish and enforce codes of expected behavior, and develop innovative strategies and proactive approaches to teach youths and adults how to better understand themselves and others so that all Congolese can live in a more democratic and tolerant society. Democracies are inherently conflictual, but they function best when disputes are resolved peacefully. Thus, increasing the number of academic institutions involved in violence prevention and conflict transformation is a key peacebuilding activity and is why the DR Congo government and the international community should actively invest and support projects in this area. To this end, the Ministry of Education should initiate and sustain peace education studies programs for teachers in the east. This could be done in partnership with UNESCO and other global networks of peace educators, such as Teachers Without Borders.

Families, informal schools or other unofficial conveyors of wisdom, and places occupying public space—such as supermarkets, churches, media, clubs, and so on—should be mobilized to take part in peace education projects. There are many ways to proceed. If, for instance, mothers and fathers in each family or ethnic community in eastern Congo could be encouraged and empowered to teach children to consider and try to understand the homes and hopes of children in every other family or ethnic group, the cause of peace in the region would be nobly served. Each bishop or priest integrating nonviolent and reconciliation themes into their missions and messages would also be of value. Music is influential in the lives of DR Congo youth, so peace education through music and other entertainment media could be important tools, especially for targeting school dropouts and those hanging around recreational centers.

Approaches that tap into children's and youth's emotions can create a generation that abhors violence and thus limit the number likely to violate other communities or

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62. Education is traditionally conceived as passing on the knowledge, skills, and cultures of one generation to the next, with room for addition. Elise Boulding, 'The concept of peace culture' in UNESCO, *Peace and Conflict Issues after the Cold War* (Paris, UNESCO, 1992), 126.

63. Ibid.

perhaps continue doing so. The government and the international community could organize regional or national music competitions revolving around themes of peace and nonviolence and entrepreneurship. The High Commission of Media could incorporate use of the music produced into media policy. Hotels and nightclubs and other businesses might also be encouraged to use and promote this music in their respective environments.

Targeting youths and other members of society at home through movies, radio, television, and other media is crucial to countering the stereotyping used to abet conflict and violence. The process of reconnecting with the self and others by confronting traumatic and violent events and memories offers prospects for a hopeful future. Combining the two can deliver a powerful message and perhaps change attitudes and behaviors for the better. Remembering as well as mourning violence and traumatic events allows communities to share their stories and bond through them. The sharing of social resources, such as culture, family bonds, and traditions, and political and economic resources can only occur when people have connected with one another. In this respect, personal storytelling, peace meetings, exposure tours and conferences, traditional ceremonial rites, sensitization schemes, and trauma-healing sessions are crucial to ensuring that adults and youths everywhere are reached and encouraged to become agents of peace and conflict transformation.

The challenge of increasing creative peace education programs is not simply a matter of how to respect and understand a certain cultural or ethnic group, but how to do that in a setting where multiple groups are present and have a sense of interdependence. To make this happen is the duty, not only of the government, but also of DR Congo's civil society and the international community.

Rediscovering Indigenous Peacebuilding Techniques: The Way to Lasting Peace?

Karolina Werner

Africa hosts the largest number of peacekeeping missions in the world, with each affected country having a unique culture and its own perspectives on conflict resolution. These different experiences and perspectives make it important to tailor peacebuilding efforts in response to specific contexts and types of conflict. Indigenous peacebuilding mechanisms in post-conflict reconstruction offer the potential for hybrid approaches in which traditional mechanisms are adapted to include certain western principles and to respond to large-scale conflict for which they were never originally envisioned. Examples from Rwanda, Uganda, and Mozambique provide an assortment of documented cases in which indigenous methods of conflict resolution have played significant roles in furthering peace. They emphasize the role of culture, dialogue, understanding, and partnership and illustrate the complexities of peacebuilding after widespread and long-lasting conflict.

AS PEACEBUILDING ACTIVITIES HAVE BECOME MORE COMMON, unsuccessful attempts at implementing western models of justice and peace are increasing in post-conflict countries.[1] The primarily state-driven judicial mechanisms so common in developed countries often do not fulfill the needs of places where government institutions are weak and have lost the trust of their citizens. Too often, western humanitarian and development aid policies are not tailored to the unique circumstances of specific states, and local values and traditions are considered secondary to the priorities of donor governments and organizations. In fragile states, however, trust and cooperation of the population are fundamental to the success of any sustainable state-building exercise, as are support for local design and ownership of new structures and policies. In

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1. This is not to say that all such attempts have been ineffective, but many would argue that the empowerment of local people and trust in their capacity and traditional methods may not only allow for culturally appropriate reactions to conflict, but might also serve as preventative mechanisms.

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countries ravaged by conflict, citizens view many, if not all, state institutions with suspicion, and if local traditions and structures are not given adequate attention at the initial stages of the peacebuilding process, new approaches may lack legitimacy and remain ineffective. This is a major concern for justice and security institutions, because they are the basis for creating a safe and transparent system to address issues surrounding perpetrators implicated during and after a conflict and thus are important elements in helping societies heal and rebuild. These institutions are also the ones that typically suffer most during war.

Many developing countries boast complex community-based justice and conflict resolution systems that have been active for generations, managing conflict between families, tribes, and villages. Some of these systems, such as the Rwandese *gacaca* courts, have been transformed into peacebuilding mechanisms. In recent years, conflict resolution professionals and various international agencies have acknowledged some of these indigenous methods of conflict resolution as viable instruments of peacebuilding.[2] In the past, projects supported by donor states aimed primarily at creating formal justice and security structures as a means of state building and introducing western democratic values. Increasingly there are examples, such as the International Criminal Tribunal for Rwanda (ICTR) and the local gacaca courts, where indigenous and modern institutions have both been active in promoting healing and reconciliation in war-torn states. Although the concurrent existence of two systems has led to a number of challenges, identifying the extent to which various donor-supported justice and security mechanisms can be integrated with traditional cultural values and structures of recipient countries is a key consideration for sustainable peace.

Various attempts at integration have been made, but perfecting these methods remains elusive. Each country has its own history and culture along with traditional attitudes and approaches to justice. International efforts to establish a democratic society, with the institutions particular to it, may exacerbate an already tense situation between ethnic groups as well as alienate the local population. Acknowledging the need for local ownership by embracing traditional peacebuilding mechanisms with which the communities are familiar may add legitimacy to international undertakings. Furthermore, such concepts as democracy can be adjusted, expanded, and integrated with traditional processes and definitions, making them culturally appropriate for various and different settings.

Promoting and adapting indigenous peacebuilding mechanisms are often challenging when considering international norms and human rights practices. For example, many existing structures are based on patriarchic models, which exclude female participation. Such traditional models although adopted in the past have been transformed to meet criteria established by the standards of contemporary international human rights, which advocate the engagement of women. Naturally, the adaptation or re-creation of these models raises questions, including the following: Has the international community created caricatures of what were once culturally valid forms of seeking justice? Do new versions of traditional courts have the trust

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2. *Indigenous, traditional,* and *customary* are used interchangeably throughout this paper, despite the subtle differences between the terms. The term *indigenous* is the one I believe embodies the native character of the peacebuilding methods, while allowing for the changes and historical influences to which each historical ritual is susceptible.

and respect of the local population? How can international peace workers engage local communities to help ensure that culturally legitimate and locally owned structures are put in place?

To ensure that peacebuilding mechanisms are accepted by the population, they must be culturally relevant. Culture provides the worldview and understanding of events that shape conflict, as well as its resolution and any subsequent building of stable peace. Without cultural legitimacy, peacebuilding is doomed to ineffectiveness.

CULTURE AS A CONTEXT AND RESOURCE

Historically, societies have proven to be open to adapting their cultural norms of conflict resolution and peacemaking. For example, the native inhabitants of North America changed their methods somewhat after the arrival of European settlers to include some European traditions. Although, this only lasted until the settlers were able to assert control over the native tribes and impose their own institutions, the point remains that most cultures are somewhat open to new influences and practices, and conflict resolution methods are frequently adapted and molded by historical changes within a country.[3] In African cultures, the colonial powers also had such influence, so it is next to impossible to distinguish between some truly original methods of peacemaking and new forms they may have taken following the introduction of various outside cultures. That said, the study of these indigenous methods can provide insight into the cultural values and norms of a group as well as promote better understanding of their concepts of peace and reconciliation.

Culture can provide peace workers with a context as well as a resource for potential conflict resolution activities. The context informs about values, meanings, as well as community practices and allows one to see and make sense of the world through the eyes of the locals. As a resource, culture guides certain activities and may provide tools for responding to new situations, as it remains fluid and flexible, rather than static. International peacebuilding practitioners and their local counterparts should primarily learn from each other, proposing concepts that take into account the traditions and lives of the local community so they can avoid imposing alien cultural change, no matter how desirable or seemingly natural. Dialogue is an important element of interacting and learning about and from post-conflict societies. It helps defy stereotypes and challenges perceptions. It also provides an opportunity to freely speak about a new social order, political institutions, and the concept of the state in general.[4]

There will always be a temptation to return to standard and universal templates, such as those used by international agencies when they enter a country amid armed conflict or organize post-conflict elections. Unlike dialogue and fluid processes that adjust based on the climate within a country, standard procedures and protocols allow for somewhat transparent and well-defined activities for which personnel can be trained and dispatched; funding agencies often use standard templates as requirements for securing funding. This natural tendency to control, standardize, and man-

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3. Roger Mac Ginty, 'Indigenous peace-making versus the liberal process', *Cooperation and Conflict,* 43:2 (2008), 139–63.

4. Samuel Gdaydee Doe, 'Indigenizing post-conflict state reconstuction in Africa: A conceptual framework', *Africa Peace and Conflict Journal,* 2:1 (2009), 1–16.

age every conflict in a similar fashion is an effect of the results-oriented culture of the West. Experimental approaches that endeavor to learn about and apply unique cultural methods are often unpredictable and time consuming, so they are rarely widely supported or implemented across an entire conflict zone.

Such interventions and institutions as international tribunals have met with only limited success when it comes to stable peacebuilding within post-conflict countries. The international community is slowly approaching a point where various indigenous methods are being considered as potential alternatives. In 2004 UN secretary-general Kofi Annan stated in a report to the Security Council that 'due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them continue their often vital role and to do so in conformity with both international standards and local tradition'.[5] As the case studies below demonstrate, the international community remains far from perfecting any methods, whether western, traditional, or hybrid, but nonetheless, attempts continue to be made. Africa—the continent with the largest number of peacekeeping missions—provides interesting examples of these efforts.[6]

RWANDA

Following the 1994 genocide in Rwanda, the government sought the assistance of the United Nations in establishing a system of retributive justice.[7] This is especially interesting because Rwanda is a deeply Christian country, but church involvement in the genocide likely discredited its teachings on forgiveness and reconciliation.[8] UN Security Council Resolution 955 established the International Criminal Tribunal for Rwanda in 1994 to prosecute those responsible for the genocide and other serious offenses of international humanitarian law committed in Rwanda and neighboring states from January through December 1994.

Although Rwanda initiated the establishment of the court, it had a number of objections to Resolution 955 and voted against it. The government opposed the time limit imposed on the tribunal to only prosecute acts that occurred in 1994. It also argued for the seat of the tribunal to be in Rwanda (instead of Arusha, Tanzania) and opposed the rejection of capital punishment, the imprisonment of detainees after conviction in third countries, and the participation of nations that supported the genocide in the nomination of judges, among other factors.[9] Despite voting against the creation of the tribunal, Rwanda remained willing to support its activities as necessary. Arusha was selected as the site of the ICTR because of the unstable environment in Rwanda. However, the physical distance of the court from Rwanda, the lack of Rwandan influence over its work and detainees, and other problems, such as un-

5. United Nations, 'The rule of law and transitional justice in conflict and post-conflict societies: Report of the secretary-general', S/2004/616, 23 August 2004.

6. Doe, 'Indigenizing post-conflict state reconstuction in Africa'.

7. Lyn Graybill and Kimberly Lanegran, 'Truth, justice, and reconciliation in Africa: Issues and cases', *African Studies Quarterly,* 8:1 (2004), http://web.africa.ufl.edu/asq/v8/v8i1a1.htm.

8. Lyn Graybill, 'Pardon, punishment, and amnesia: Three African post-conflict methods', *Third World Quarterly* 25:6 (2004), 1117–30.

9. Olivier DuBois, 'Rwanda's national criminal courts and the international tribunal', *International Review of the Red Cross*, 321 (1997), 717–31.

derstaffing and underfunding, contributed to dissatisfaction and disillusionment by Rwanda with the tribunal's activities.[10]

Although imprisonment of all perpetrators would be impossible due to the number of people involved in the events of 1994, Rwandans needed closure in order to live together in peace. The tribunal lacked the community-based approach and restorative aspects of justice mechanisms traditional to Rwanda that assist perpetrators, victims, and bystanders, living side by side, to heal. In the impersonal and detached court, cases often took years to be resolved and primarily involved prosecuting leaders of the genocide. In 2001, in an effort to bring justice closer to home and engage the community, lessen the burden of the ICTR, alleviate pressure on local courts and prisons (already weakened by the conflict), and include an element of restorative justice in the process, the Rwandan government decided to employ the indigenous justice instrument known as gacaca.[11] The gacaca community courts could also deal with those perpetrators who may have been omitted by the national courts due to a lack of space or time.

Gacaca, meaning 'grass', had been in use since pre-colonial times and was originally conceived to settle family disputes and other minor offenses, focusing primarily on the restoration of harmony within the community.[12] When needed, an informal gacaca session would be held, with participants sitting on the grass in a setting presided over by local *inyangamugayo* (people of integrity), who would pass judgement according to what was best for the community. In dealing with the genocide, the gacaca courts would be addressing crimes far more serious than those traditionally brought before the forum while continuing to adhere to restorative principles. Building on the traditional system, legislation on the gacaca courts new role included apology and compensation, such as community service or contributing to a compensation fund.[13] Regardless, the newly established courts represented a marked departure from the original ones; the transition was not seamless.

The gacaca courts are state-run and more formal than the simpler traditional, community courts. Furthermore, they have the ability to prosecute, and reconciliation is no longer the main goal.[14] Initial support for the gacaca courts was overwhelming, with public turnout during the election of judges at a remarkable 90 percent.[15] Unfortunately, original plans for the compensation fund were put on hold after the state realized that it would be unable to cover the demands for awarding damages to individual survivors.[16]

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10. Simeon O. Ilesanmi, 'So that peace may reign: A study of just peacemaking experiments in Africa', *Journal of the Society of Christian Ethics,* 23 (2003), 213–26.

11. Ibid.; Graybill and Lanegran, 'Truth, justice, and reconciliation'.

12. Graybill and Lanegran, 'Truth, justice, and reconciliation'.

13. Graybill, 'Pardon, punishment, and amnesia'.

14. Bert Ingelaere, 'The gacaca courts in Rwanda', in Luc Huyse and Mark Salter (eds.), *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (Stockholm, International IDEA, 2008).

15. Amnesty International, 'Gacaca: A question of justice', December 2002, www.amnesty.org/en/library/info/AFR47/007/2002.

16. Ariel Meyerstein, 'Between law and culture: Rwanda's gacaca and postcolonial legality', *Law and Social Inquiry,* 32:2 (2007), 486.

For all the positive aspects of gacaca, the process was not entirely successful. There was a glaring inequality in prosecutions, with government soldiers of the Rwandan Patriotic Front (comprised of Tutsis) exempt from the process. The skewed focus on Hutu crimes had a negative effect on participation and perceived justice of the courts.[17] There was also concern about the safety of attendees, both the accused and witnesses. The impartiality and legal knowledge of lay judges, speed of the trials, as well as public absenteeism and lack of meaningful participation were additional, significant obstacles.[18] Furthermore, according to Amnesty International, the gacaca courts often did not meet minimum human rights standards in regard to fair trial and the presumption of innocence.[19] In response to the organization's criticisms, the Supreme Court of Rwanda offered a new perspective, juxtaposing the right to fair trial with the prohibition against the indefinite detention of suspects. According to the court, the gacaca system was the best solution given that the entire country had been engaged in the genocide, and resources following the crisis were scant.[20]

Could the western approach to justice that Amnesty International seemed to advocate help Rwandans heal?[21] Considering that virtually everyone was involved in the genocide, whether as a bystander, victim, or perpetrator, and sometimes in more than one capacity, it would be impossible to imprison and try everyone. The gacaca courts offered an alternative that may have been misused by various individuals and was set in a political climate that likely did not always encourage speaking out,[22] but it was a familiar instrument, embedded in the culture of the society. This enhanced its legitimacy and likelihood of success at reconciliation and healing.

The gacaca courts were an experiment, a hybrid form of justice that combined traditional structures with modern principles in a new context. Over the years, both negative and positive aspects of the courts have been identified, which can be done with all court systems, including western ones. One need only look as far as the Nuremberg trials to find examples of victor justice. None are flawless, but some people take comfort in the fact that they are familiar and they know what to expect. The same might be said for Rwandans and gacaca courts. In general, they provided the population with an alternative to the more formal and distant processes of the national and international courts, enabling people to work through the conflict and continue functioning collectively as communities. The gacaca courts provided an opportunity for dialogue and remained relatively flexible. Whatever the negative aspects of the gacaca courts, these aspects were positive ones.

NORTHERN UGANDA

Decades of war in northern Uganda have created a humanitarian disaster. Thousands of Acholi, the ethnic people of Acholiland, as well as other inhabitants of the north,

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17. Graybill, 'Pardon, punishment, and amnesia'.
18. Penal Reform International, 'Eight years on. . . A record of gacaca monitoring in Rwanda', 2010, www.penalreform.org/publications/eight-years-ona-record-gacaca-monitoring-rwanda.
19. Amnesty International, 'Gacaca'.
20. Meyerstein, 'Between law and culture'.
21. Amnesty International, 'Gacaca'.
22. Meyerstein, 'Between law and culture', 467–508.

have become internally displaced due to a war waged by the Lord's Resistance Army (LRA) against the Ugandan government. The LRA, under the leadership of Joseph Kony, has committed atrocities and torture in the name of religion. At first, Kony acted to protect the Acholi, but after being denied the blessing of Acholi elders, turned against them.[23] In 2003, after several attempts to deal with the rebels internally, the Ugandan government decided to seek the help of the International Criminal Court (ICC), which issued arrest warrants for five rebel leaders, including Kony.[24]

In response to the ICC indictments, the LRA offered to negotiate with the government for a peaceful end to the conflict in exchange for rescinding the ICC warrants. Its proposal produced a mixed response in Uganda, with various elders and traditional leaders believing that an internal solution would be the more peaceful and appropriate avenue. Due to the complexity of the war, and difficulty distinguishing between perpetrators and victims, reconciliation and amnesty appeared to be the favored approaches.[25] Furthermore the rather fragile relationship between the north and the government had undermined any trust local leaders might have had in the state regime.[26] There was also mistrust toward the ICC and questioning of its objectivity, primarily due to its not issuing warrants for government forces.[27]

Other objections to the ICC, similar to ones raised in the Rwandan case, involved the lack of community involvement and dissonance in the type of punishment acceptable in Uganda and by the international community. In northern Uganda, accepted methods of punishment include shame, mockery, jeering, social rejection, and some form of compensation.[28] This differs starkly from the ICC's typical sentence of life imprisonment. Traditional Acholi conflict resolution practices, such as *mato oput* (to drink a bitter potion), flow from Acholis' understanding of life. Mato oput, based on remorse and the readiness to accept responsibility for one's actions, does not involve courts of law.

The traditional rituals of the process are usually carried out after mediation overseen by elders and an expression of remorse by the perpetrator. The mediator, usually a leader from an uninvolved clan, remains impartial and coordinates any arrangements made for the payment of blood money, which is the customary reparation after a killing occurs.[29] Following mediation and statement of remorse, a cleansing ritual to rid the killer of vengeful spirits is performed and by extension to cleanse his or her entire community. Another part of the traditional mechanism, which gives the process its name, involves the whole community drinking a concoction of bitter herbs from the same calabash.[30] It begins with the killer and the next of kin of the victim drinking

23. Joseph Wasonga, 'Rediscovering mato oput: The Acholi justice system and the conflict in northern Uganda', *Africa Peace and Conflict Journal,* 2:1 (2009), 27–38.

24. IRIN, 'Uganda: Balancing forgiveness with justice', 6 September 2006, www.irinnews.org/report.aspx?reportid=60819.

25. Barney Afako, 'Reconciliation and justice: 'Mato oput' and the Amnesty Act', *Conciliation Resources,* 2002, www.c-r.org/our-work/accord/northern-uganda-reconciliation-justice.php.

26. James Ojera Latigo, 'Northern Uganda: Tradition-based practices in the Acholi region' in Huyse and Salter, *Traditional Justice and Reconciliation after Violent Conflict.*

27. Wasonga, 'Rediscovering mato oput', 27–38.

28. Ibid.

29. Latigo, 'Northern Uganda'.

30. A calabash is a squash-like vegetable used as a vessel (but can also be consumed).

from the vessel simultaneously, after which others partake.[31] This is meant to symbolize the bitterness of the past and a promise to never taste such bitterness again. A shared meal follows the drinking ceremony.[32] Forgiveness—a necessary aspect of mato oput—allows for moving beyond the crime and for agreement on some sort of compensation, reached during mediation. Mato oput, like many other traditional African reconciliation methods, is highly symbolic. This method used to reconcile and heal may be considered archaic or insufficient by westerners, but it works well among the Acholi.

In northern Uganda, everyone, living and deceased, is considered part of the community.[33] A person who commits an act of violence is initially expelled from the home clan. Violence tears the fabric of the community, which is why the entire clan of the person involved in violence is held responsible. It is believed that the spirits of ancestors have a particularly strong influence, so they are called upon in peacebuilding and post-conflict situations.[34]

Today Ugandans, appearing to be suffering from conflict fatigue, are ready to move on with their lives, and their traditional approaches to justice allow for the closure that some people require.[35] There is much debate about whether mato oput can handle the magnitude of the crimes committed in the northern war. As with many other traditional conflict resolution mechanisms, mato oput was never meant to be used in such a context and would therefore require adaptation to the new situation. This in turn raises the question of how adaptation should proceed and whether the changes implemented would diminish the effectiveness and trust in the process. Like gacaca, mato oput relies on the willingness of the community, the perpetrator, and the victim to actively participate.

Ugandans are taking indigenous methods seriously and have even included them as part of a framework for an agreement on accountability and reconciliation signed in June 2007 by the government and the LRA and an annexure to the agreement, signed in February 2008, detailing its implementation.[36] This is possibly one of the strongest signs thus far of how important these traditions are to the local communities. Another ritual, *nyono tong gweno* (stepping on the egg), which sometimes precedes the mato oput rite, has been used to allow the return and reintegration of more than 12,000 LRA soldiers to their communities and to cleanse unwelcome spirits.[37]

MOZAMBIQUE

Mozambique offers a successful case of employing traditional methods of conflict management in a surprisingly localized and individual fashion. The war between the government led by the Liberation Front of Mozambique (FRELIMO) and the

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31. Latigo, 'Northern Uganda'.
32. Wasonga, 'Rediscovering mato oput'.
33. Ibid.
34. Ibid.
35. Glenna Gordon, 'What northern Ugandans really want', *Reuters AlertNet,* 13 July 2007.
36. Luc Huyse, 'Introduction: Tradition-based approaches in peacemaking, transitional justice and reconciliation policies' in Huyse and Salter, *Traditional Justice and Reconciliation after Violent Conflict.* A copy of the annexure can be found at www.iccnow.org/documents/Annexure_to_agreement_on_Accountability _signed_today.pdf.
37. Latigo, 'Northern Uganda'.

Rhodesian- and South African–sponsored Mozambique Resistance Movement (RENAMO) lasted from 1976 to 1992 and resulted in the deaths of more than 1 million people.[38] The conflict was initially over the FRELIMO government's backing of the Zimbabwean African National Liberation Army, which was fighting against white minority rule in Rhodesia. Later, South Africa began supporting RENAMO, hoping a RENAMO-led Mozambique would prevent the guerrillas from basing themselves there. As in many other conflicts, most of the population suffered various atrocities committed during the sixteen-year war. The conflict in Mozambique was fueled by pro-apartheid forces that carried out a form of terror warfare that destroyed much of the nation's infrastructure and society itself.

The population of Mozambique adapted a unique method of handling the violence and conflict that began to permeate their culture. Unlike the more systemic examples of employing traditional conflict management mechanisms discussed above, in Mozambique local communities and individuals themselves began to actively engage in a culture of peace, using traditional forms of conflict resolution.[39] This is not to say that in other countries, including Rwanda and Uganda, similar examples cannot be found. In Mozambique, however, these grass-root approaches played a major part in resolving and transforming the conflict and its culture.

The communities of Gorongosa district dealt with the war's aftermath through the *magamba* spirit. It is believed that anyone with a history of violence might have been possessed by such a spirit. While the spirit's presence has negative health and mental side effects, it also creates an opportunity for healing. In recognizing the presence of magamba, a healer can help identify the reason for the possession and suggest ways of healing by asking it what it wants while the person involved in the violence is under a trance. Often the spirit requires a correction of some past wrongdoing, either on the part of the person possessed or his or her family members.[40]

Furthermore, according to Carolyn Nordstrom, during the war the majority of communities in Mozambique had at least one African doctor, a *curandeiro* or *curandeira*, who specialized in the art of healing emotional, societal, and physical wounds resulting from war.[41] Through their efforts they also healed the community and the war itself. It is believed that those exposed to war carry violence within them, so the doctors remove or cure the violence, for example, from a newly arrived refugee. Those treated also receive help reintegrating into the community and family life. The process depends on an abrupt break from the past, with the events in the person's past no longer discussed or acknowledged in the way a court or a truth and reconciliation commission would operate.[42]

This type of African medicine had far-reaching effects and helped countless survivors to return to a semblance of normal life. As with other examples, many of the rituals used by curandeiros depend on symbolic acts and community involvement

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38. Carolyn Nordstrom, 'Terror warfare and the medicine of peace', *Medical Anthropology Quarterly*, 12:1 (1998), 103–121.

39. Ibid.

40. Victor Igreja and Beatrice Dias-Lambranca, 'Restorative justice and the role of the magamba spirit in post-civil war Gorongosa, central Mozambique' in Huyse and Salter, *Traditional Justice and Reconciliation after Violent Conflict*.

41. Nordstrom, 'Terror warfare'.

42. Graybill, 'Pardon, punishment, and amnesia'.

and support. These particular traditions do not involve the perpetrator as well as the victim in their rituals. The cleansing and healing were performed on returning refugees and soldiers who were either kidnapped by the community specifically to be reintegrated and cleansed of the war or those who returned voluntarily wishing to again become part of the community.[43]

The bottom-up cultural resistance to the conflict was unique in Mozambique in that it was not the perpetrators or victims who were targeted and treated, but the violence itself. In Mozambique, people believe that violence is made and learned, and so it can be unmade and unlearned.[44] Revenge is not encouraged or discussed because of the violence it so obviously could perpetrate. The grass-root movement during the war prepared the society for a life of peace and helped heal the wounds of the conflict in ways that government-level courts or other systemic methods could not. The government itself would later choose a route that echoed the forgiveness of the cleansing rituals by calling for a general amnesty after elections in 1994.[45]

REPLACING A CULTURE OF WAR

The violence noted above, particularly in Rwanda and Mozambique, created nationwide cultures of conflict because of their extreme nature and wide reach. People lived in fear and lost their dignity, often hiding in forests and jungles away from their homes and scavenging for food; they were at the mercy of nature and other displaced people. The loss of humanity further played into the culture of war by creating a situation in which human life became irrelevant, and refugees became less like people and more like hunted animals. This image reinforces the often-used, dehumanizing messages and language of oppressors.

The culture of war is an important aspect of any conflict and often allows for the manipulation and rallying of people against each other. This is particularly true when leaders employ deeply held beliefs and historical grievances as propaganda. Peacebuilding efforts are meant to counter the culture of violence and help establish a future-oriented life. Such efforts will only be accepted and considered legitimate, however, if they respond to the historical and cultural contexts in which the conflict is being fought.

For example, there is much discussion about the lack of acknowledgment of the past and the wrongs that were committed in Mozambique.[46] The concern is that if these issues are not dealt with accordingly, the resentment and hurt will remain buried and eventually manifest itself through renewed violence. This could be the case or those expressing this opinion may be superimposing their own cultural understanding of dealing with conflict and violence onto a culture that has dealt with it in its own way successfully. From a western perspective, violence, particularly murder, should be severely punished. (Some states in the United States still impose the death penalty for murder.) There is hope of reintegrating some offenders into society, but they must first endure a prescribed punishment before such an attempt is made. Yet, western sys-

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43. Nordstrom, 'Terror warfare'.
44. Ibid.
45. Graybill, 'Pardon, punishment, and amnesia'.
46. Ibid.

tems of legal justice often lose sight of the victim, who is supposed to take solace in the state prosecuting the offender. Reconciliation is generally not a goal, nor are healing and reconstruction of affected relationships within the community.[47] In examining western liberal systems closely, the various loopholes and negative elements become clearer, yet most citizens accept these justice mechanisms as legitimate and support their work.

On the other hand, in Rwanda, Uganda, and some non-African locations, such as Kosovo and Timor-Leste, the international community's capacity to build peace and create institutions that are considered legitimate and just by the population continues to be a topic of discussion; much debate has been sparked between scholars regarding the superiority of internationally versus internally led peacebuilding and state rebuilding.[48] Some scholars, including James Meernik, contend that international instruments like the International Criminal Tribunal for the Former Yugoslavia have had no significant impact on post-conflict populations. Meernik argues that the Yugoslavian tribunal did nothing to improve ethnic relations in Bosnia after the war.[49]

No system of dealing with conflict—including traditional African, western and hybrid ones—is perfect. The key is that it be viewed as legitimate within the culture and context in which it exists. The African peacebuilding techniques noted here have some common elements. Most important, because the majority of the cultures are collectivist, whole communities are usually involved in the ceremonies, whether they resemble courts, healing rituals, or large family gatherings at which a problem is shared, discussed, and possibly resolved. Furthermore, they all seem to involve elders, chiefs, or other individuals, such as the curandeiros, held in high regard by the community. Additionally many of the processes have spiritual elements to them. This is something that western cultures are likely most uncomfortable with, as westerners emphasize logic, or reasoning, and scientific proof in the context of trials. Although a small element of spirituality remains in the form of religious references, the system is based primarily on logic and science. Not so in African cultures where ancestors who have long passed away remain an important part of the community and are invoked in the healing and transformation process. Four additional objectives are significant in many African approaches: reconciliation, accountability, truth, and reparation.[50]

Roger Mac Ginty cautions against romanticizing indigenous conflict resolution practices, noting that 'traditional' does not always imply good. Some of these methods arguably perpetuate existing power relationships and have proven to be unable to prevent the conflicts in question for a variety of reasons.[51] The cases here also demonstrate that some of the methods used are not always successful in dealing with the new, large-scale crises that the societies confront or have faced.

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47. Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, Massachusetts, Beacon Press, 1998).

48. Doe, 'Indigenizing post-conflict state reconstuction in Africa'.

49. James Meernik, 'Justice and peace? How the international criminal tribunal affects societal peace in Bosnia', *Journal of Peace Research,* 42:3 (2005), 271–89.

50. Huyse, 'Introduction: Tradition-based approaches'.

51. Mac Ginty, 'Indigenous peace-making'.

In Rwanda, the gacaca courts were remodeled in response to a problem they were never equipped to handle. The results have been mixed, with the new version of the customary court being more coercive and prosecutorial than its original voluntary and socially backed original.[52] Uganda continues to struggle with the conflict in the north while employing various peacebuilding methods, including mato oput, although the conflict finally seems to be coming to a close. Mozambique appears to be the only country that has dealt with its conflict in a somewhat successful manner by employing indigenous techniques from the ground up. Regardless, discussions continue on whether peace will continue to prevail.

From a western perspective, the various nuances of these customary systems are perceived as weaknesses. They largely depend on the knowledge and wisdom of community elders, often to the exclusion of women; there is little consistency; the majority of agreements reached are verbal and dependent on a variety of variables; and these traditions are often confined to a certain tribe and do not extend to others, whereas the modern wars in which many of these countries are engaged may affect a number of tribes. At the same time, these indigenous methods have significant strengths, some of which have already been mentioned, including the tradition of dialogue and community involvement, the openness of the processes, legitimacy and trustworthiness derived from deep roots in the culture, and fulfillment of the majority of the agreements reached (as the perpetrators are accountable to their whole community and so are unlikely to be able to avoid upholding their part of the compact).

In the cases examined above, the hybrid methods of peacebuilding, such as the remodeled gacaca courts, remain far from ideal. The transformation of such indigenous mechanisms is always a delicate balance between introducing a completely new method under the guise of a familiar name and maintaining the spirit of the traditional institutions while adapting them to a new, much broader and violent type of conflict. In general, relying on custom as a legitimating device for artificially establishing certain new structures will not result in the desired acknowledgment and trust of the people. Yet traditional values and customs are comforting in times of conflict, so Africa, as a continent, is also taking steps to provide contemporary options modeled from African culture, such as the Council of the Wise, which is based on the traditional respect held for elders of a tribe.[53] The members of this council are revered elders continent-wide and can intervene and mediate in large-scale conflicts in which local elders may not have the required recognition or legitimacy.

Despite the establishment of the Council of the Wise and similar institutions, 'African solutions to African problems' have yet to come to fruition, with the majority of peacekeeping activities promoted by the African Union based on western templates.[54] As a

52. Alexander Betts, 'Should approaches to post-conflict justice and reconciliation be determined globally, nationally, or locally?' *European Journal of Development Research,* 17:4 (2005), 735–52.

53. The Council of the Wise was created in 1999 by the Economic Community of West African States (ECOWAS). Similar institutions have been created since, including the African Union's Panel of the Wise adopted in 2002. See O. Onwuka 'The ECOWAS Council of the Wise: An indigenous framework for conflict resolution', *Africa Peace and Conflict Journal,* 2:1 (2009), 55–62; and African Union, Protocol relating to the establishment of the peace and security council of the African Union, Article 11, Durban, 9 July 2002.

54. Mac Ginty, 'Indigenous peace-making'.

matter of necessity, these activities are integrated into the broader peacekeeping movement around the world to allow for joint operations and support. As such, Mac Ginty points out, those adopted tend to be based on the strengths and capacities of the available peacekeeping forces, rather than those of the country suffering from conflict.[55] It is important to avoid template-based, pre-packaged methods when dealing with local grass-root movements and instead focus on promoting unique solutions based on the cultural and historical contexts in which they take place.

The question that should be asked is What can one learn from traditional mechanisms to help peace workers and governments in the future provide assistance to war-torn countries and societies? Resurrecting some of these traditions provides an avenue for including communities in the process, and that helps ensure a more stable and sustainable outcome.[56] Furthermore, these customary institutions often address the psychological and social dimensions of conflict, which western methods fail to do.[57]

CONCLUSION

A one-size-fits-all model for peacebuilding operations cannot be applied across the world. Peace workers, international groups, and nongovernmental organizations must instead proceed while paying attention to the historical and cultural contexts of the country and conflict in question. Institutions, particularly those dedicated to peace and justice, must be, as Weinstein points out, 'the result of a bargain—a social compact between rulers and constituents—and it is the nature of that compact that shapes the existence, structure, and membership of the institutions'.[58]

Until now, too many peacebuilding efforts have been inadequately coordinated between internal and external partners. Typically the international community takes the lead, leaving the internal actors to take over unfinished and untried projects after the initial period. It is through dialogue, learning about culture and context, as well as supporting local communities in their visions of just institutions and respected mechanisms that international peace workers can provide useful tools and resources that strengthen the community and help build lasting and sustainable peace. By maintaining the original purposes of certain indigenous institutions while taking into consideration the new post-conflict context, a joint effort between the international community and the state to adapt and transform some culturally appropriate institutions may be the best option. As Mac Ginty asserts, this allows for the process as well as the definition of peace to be identified locally through grass-root movements. These types of hybrid institutions may be the answer to building a lasting and stable peace in countries ravaged by war.[59]

At this point in time, although western models of peacebuilding are 'often effective in securing the quantifiable aspects of peace . . . [they are] less effective in managing

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55. Ibid.

56. Patricia Daley, 'Challenges to peace: Conflict resolution in the Great Lakes region of Africa', *Third World Quarterly,* 27:2 (2006), 303–319.

57. Mac Ginty, 'Indigenous peace-making', 139–63.

58. Jeremy M. Weinstein, 'Autonomous recovery and international intervention in comparative perspective', Working Paper 57, Centre for Global Development, Washington, D.C., April 2005, 8–9.

59. Mac Ginty, 'Indigenous peace-making', 139–63.

the affective dimension of peace—reconciliation, trust, inter-communal respect'.[60] Further research is needed on the inherent challenges of combining traditional and liberal approaches to peacebuilding. Examples such as Rwanda, still being discussed, are a natural starting point, but conclusions are far from being reached as history continues to take its course.

60. Roger Mac Ginty and Oliver Richmond, 'Myth or reality: Opposing views on the liberal peace and post-war reconstruction', *Global Society,* 21:4 (2007), 496.

Violence as a Bargaining Tool: The Role of Youths in the 2007 Kenyan Elections

Edwin Barasa Mang'eni

The role played by youths in 2007–2008 electoral violence in Kenya was in reaction to four decades of political and social deprivation set within a culture of structural violence established and upheld by successive national governments. This environment, constructed for the benefit of a relatively few individuals and groups, fueled simmering animosities and desire for the economic spoils of political control. Solutions to youth violence can be sought in changes aimed at improving long-term relationships, altering attitudes among conflicting parties, and developing socio-economic and political systems that promote inclusivity, equity, recognition, and reconciliation.

MOST AFRICAN STATES ATTAINED INDEPENDENCE with the involvement of youths in liberation struggles as leaders and willing participants, but also as conscripts, sometimes forced to fight under the influence of drugs and brainwashing.[1] Such scenarios played out several times during the independence struggle and the post-independence era in Kenya, where young people were and continue to be manipulated by political elites for their own expediency.

The members of the pro-independence Mau Mau movement were young men and women (led by World War II veterans) who despite their contribution to the independence struggle were later neglected by the dominant political forces that took power from the colonial government in 1963.[2] Successive Kenyan governments failed or refused to address the lingering injustices resulting from the colonial legacy. In negotiations to end colonial rule, leaders of the Kenya African National Union (KANU), the Kenya African Democratic Union (KADU), and the British administration agreed to a post-independence governing system and arrangements

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1. Angela McIntyre (ed.), *Invisible Stakeholders: Children and War in Africa* (Pretoria, Institute for Security Studies, 2005), 1–11.

2. The Mau Mau movement, which started in 1952, sought emancipation from colonial rule and a return of land in the possession white settlers to Africans. The movement died off gradually because of ideological differences with the ruling class soon after independence.

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preserving elements of the status quo that protected the interests of white settlers while ignoring key demands by African freedom fighters for access to land.[3] This situation would later be exacerbated by class divisions and internal political conflicts among Kenyan elites.[4]

Because of ideological differences among the freedom fighters—for instance, some favored capitalism, while others advocated socialism—as independent Kenya's first head of state, KANU leader Jomo Kenyatta, a Kikuyu, combined political prudence and tactical competence in efforts to consolidate power.[5] Kenyatta concentrated on luring the opposing KADU (led by Daniel arap Moi, a Kalenjin) into KANU under the banner of 'Nation Building for African Economic Prosperity', a move that would also, not coincidentally, eliminate political competition for KANU. Eventually KADU dissolved and merged with KANU—essentially establishing one-party rule, with little opposition—which affected the functioning of the parliament and compromised the efficacy of checks and balances (including restraints on the executive), political pluralism, and political participation at all levels.[6] The new arrangement reduced political avenues and options, securing succession among the ruling political and economic elites.[7] In 1966 Jaramogi Odinga Odinga—Kenya's first vice president and a Luo who had had ideological differences with Kenyatta—resigned from KANU and formed the socialist Kenya People's Union (KPU). In elections held in 1966, KANU won twenty-one of twenty-nine seats. The KPU was banned in 1969. KANU ultimately created an imperial presidency, underpinned by state institutions.

Power and wealth-creation processes favored those who belonged to the Gikuyu-Embu-Meru Association (GEMA), an ethnic-based organization founded by Gikuyu, Embu, and Meru politicians and powerbrokers seeking to consolidate wealth and power in the central Kenya region. The group's representatives surrounded Kenyatta and sought to isolate or exclude anti-Kenyatta elements within and outside the government that might challenge presidential decrees, provincial administration machinery, and institutional authoritarianism. The process and administration set in place enhanced the accumulation of wealth by a relatively few politically connected individuals among certain ethnic groups and led to the neglect of other groups. Abductions and assassinations were included among the methods used to deal with those who challenged the prevailing order. With time, youths, the poor, and others excluded from the system—but wanting a voice in their governance and politicians attentive to their economic needs—would become pawns used by the politically powerful and wealthy to maintain their positions of privilege. The violence surrounding the 2007 elections is the result of this long-running dynamic.

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3. Representatives of the British government, Africans, and white settlers in Kenya met in London in 1963 at Lancaster House to finalize constitutional arrangements and the transition to self-governance. Abdalla Bujra (ed.), *Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy* (Nairobi, Development Policy Management Forum, 2005), 17–19.

4. Bujra, *Democratic Transition in Kenya*.

5. Charles N. Mwaura, 'Political succession and related conflicts in Kenya', paper prepared for a conference on conflict resolution in the greater Horn of Africa, sponsored by the United States Agency for International Development, Nairobi, 27–28 March 1997, http://pdf.usaid.gov/pdf_docs/PNACH217.pdf.

6. Ibid. The constitution would be amended in 1982 to officially declare Kenya a one-party state.

7. Mwaura, 'Political succession and related conflicts'.

DEEP ROOTS OF MODERN KENYAN POLITICS

Kenya's economy experienced rapid expansion under Kenyatta and under his successor, Moi, who would hold power from 1978 to 1990. In the 1980s and 1990s, Kenyans' advocacy for multiparty political expression was met with repression by the KANU government, including targeting of university students, who were thought to be sympathetic toward 'dissident' politicians and university lecturers agitating for reforms in governance. Issues of justice and democracy, inadequate security structures, and academic freedom fueled student unrest in the late 1980s.[8]

Kenyan students had long been actively manipulated by political elites pursuing power. In 1986 the KANU government became concerned when rumors began circulating about secret movements—such as Mwakenya, the Kenya Revolutionary Movement, and the Kenya Patriotic Front—seeking its overthrow. The groups were thought to be driven by university graduates, many of whom were arrested and accused of possessing copies of *Pambana and Mpatanishi,* a publication the government deemed seditious. In the clamor for multiparty democracy during the 1990s, KANU accused the opposition of recruiting among student organizations in universities and mobilizing them for violent confrontations with government forces.[9]

During the run up to 2002 presidential and legislative elections, most young voters were optimistic that the opportunity to effect regime change would bring with it pro-youth policies leading to their socio-political empowerment. Many had hoped that the National Alliance Rainbow Coalition (NARC), if elected, would restore rule of law, institutional independence, and accountability, which KANU had failed to do or had purposely ignored. NARC brought together Raila Odinga of the Liberal Democratic Party (LDP), Kijana Wamalwa of the Forum for the Restoration of Democracy (FORD–Kenya), and Mwai Kibaki of the Democratic Party of Kenya in a coalition of convenience to challenge KANU. It represented disgruntled Kenyans looking to put behind them the legacy of patronage, repression, corruption, and underdevelopment. NARC supporters wanted a new government to redistribute land to squatters and solve perennial interethnic violence, especially in the Rift Valley, change the constitutional order to allow for inclusive government, proportional representation, devolution of power, and recognition of minorities. In addition, they hoped a new regime would improve the outlook for youths through employment, business, and capacity development opportunities.

The NARC coalition, which put forward Mwai Kibaki as its presidential contender, won the election, ending four decades of KANU rule. Barely two years into the coalition, the LDP raised concerns about violations of the coalition's memorandum of understanding, which stipulated the power-sharing arrangement between the partners. The LDP eventually left the coalition and formed the Orange Democratic Movement (ODM) in 2004. The ODM, led by Raila Odinga, merged with KANU and then alleged repression by the NARC administration because of its connections with former president Moi; it accused the NARC of attempting to remove Kalenjin KANU supporters from influential government positions. In 2005, this new opposition alliance successfully

8. Angela Khaminwa and Simon Nyambura, *Violence in Kenya's Public Universities: Reversing the Tide, Building a Culture of Peace and Dialogue* (Nairobi, Nairobi Peace Initiative–Africa, 2006), 17–18.

9. Mwaura, 'Political succession and related conflicts'.

lobbied for the rejection of a draft constitution written under the guidance of Attorney General Amos Wako that the alliance perceived to be a radical shift from the Bomas draft developed between 2003 and 2005 by the Constitution of Kenya Review Commission. The latter proposed a transfer of powers from the president (elected by the people) to the prime minister (elected by parliament) in addition to introducing checks on executive appointments and a devolution of central powers to the regions. The Wako draft retained the powerful executive and did not address the issue of devolution.[10]

As the 2005 plebiscite on the constitution approached, polarization with ethnic overtones reached a fever pitch, preparing the ground for one of the most trying periods in Kenya's history. Youths were in the forefront as agents of change or protectors of the status quo. On several occasions, youths from the various parties faced off, sometimes becoming violent. ODM supporters saw themselves as representing marginalized, underdeveloped regions, seeking political pluralism and a resolve to address historical injustices and unfair wealth distribution. Youths marginalized under KANU rule expected their party to bring about desired and much-delayed change, ushering in opportunities in devolved regions.[11] Meanwhile, youths supporting the ruling NARC saw their role as one of defending their perceived opportunities and interests in their home regions. These attitudes would carry over to the 2007 elections.

RESEARCH METHODOLOGY

This study is the result of a descriptive survey, in which qualitative information was generated through personal, in-depth interviews and focus-group discussions. The choice of these methods was influenced by the sensitive nature of the subject at the time of data collection, which required a level of confidence building before subjects would respond through face-to-face interactions. The use of self-administered questionnaires was rejected when respondents proved to be reluctant to fill them out after learning of the subject of the study.

An interview guide was designed to facilitate the collection of primary data, through interviews and discussions, from individuals involved with FORD–Kenya (youth league chairperson), the Party of National Unity (youth organizer with the Kibaki Again campaign), and the Orange Democratic Movement (youth coordinator). All of them were from Nairobi. Purposive sampling was applied in selecting individual respondents interviewed from the following youth organizations: Youth Agenda, Volunteer Youth Philanthropist, Youth Initiatives Kenya, Africa Youth Trust, and Kibera Youth for Peace and Development. All of these groups are based in Nairobi. Other respondents were associated with the Youth Consortium and Step-Youth, in Eldoret, and Kondele Youth Forum and Kisumu Youth Organization, in Kisumu city.

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10. Society for International Development, 'Searching for a more perfect union? Scenarios for Kenya's constitutional referendum', Nairobi, 2010, www.sidint.net/perfect-union.

11. Chris Kwaja, 'Do the people have faith in electoral democracy? Lessons from Kenyan 2007 presidential elections', *Africa Journal of Political Science and International Relations*, 3:2 (2009), 38–45, www .academicjournals.org/ajpsir/PDF/Pdf2009/Feb/Kwaja.pdf.

In-depth interviews were conducted with parliamentary candidates from the following parties and areas: Kisumu rural constituency; Patriotic Party of Kenya, Eldoret East constituency; the Independent Party and Makadara constituency, Nairobi; the Party of Hope, Makadara constituency. Interviews with civic candidates included those in the Makongeni ward, Makadara constituency; Orange Democratic Movement, Kawangware ward; Dagoretti constituency, Orange Democratic Movement–Kenya, and Timboroa ward, in Eldoret South constituency under the Party of National Unity (PNU). District youth officers with the Ministry of Youth Affairs and Sports based in Kisumu and Eldoret were also interviewed, along with the youth advisor from the United Nations Development Programme (UNDP) at the ministry's headquarters in Nairobi. Three respondents to in-depth interviews were aged fifty and above, three between the ages of forty and forty-nine, one between thirty-five and thirty-nine, eight between twenty-eight and thirty-four, and five between twenty and twenty-seven. The total number of respondents was twenty, 30 percent of which were women.

Two focus-group discussions were held in Mathare, an informal settlement, and South B, a middle-class settlement, both in Nairobi. One such discussion was held in Kisumu and another in Eldoret. The Kisumu and Eldoret sessions involved four participants, who provided a rural perspective from districts between fifteen and twenty-five kilometers from the two cities. Two youths representing Kamjesh, a youth vigilante group, attended the Mathare focus group in Nairobi, and two youth perpetrators of violence were in attendance in Eldoret and Kisumu.

After data collection and screening, content analysis was employed to deduce meaning and identify relationships of emerging themes and their bearing on the subject matter. The issues of the objectivity of respondents and confidentiality were taken into consideration.

THEORETICAL CONCEPTUALIZATIONS OF VIOLENCE AND KENYAN POLITICS

One purpose of electoral violence is to cause a change of behavior among those believed to wield power over resource distribution. In such cases, violence is used as a tool to bring dominant actors to the negotiating table and may be instigated by victims or by others within or outside the power structure. Remi Anifowose defines electoral violence as the 'use of threat or physical act carried out by an individual or individuals within a political system against another individual or individuals and/or property with the intention to cause injury or death to persons and/or damage or destruction of property and whose objective, choice of target or victims, surrounding circumstances, implementation and effects have political significance that is [intended] to modify the behavior of others in existing arrangement of power structure [*sic*] that have some consequences for the political structure'.[12]

According to Makumi Mwagiru, 'Political or electoral violence is . . . concerned with the issue of the legitimacy of government. It removes or fractures political competition, and is aimed at removing or cowering political dissent'. He further avers that electoral violence is geared toward subverting the ends of the electoral and democratic

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12. Remi Anifowose, as quoted in Kwaja, 'Do the people have faith in electoral democracy?' 41.

processes. The context of Mwagiru's definition applies to the state as well as perpetrators of violence. Conversely, where the victim becomes the perpetrator, the definition can take the form of 'a tool of trade' that aims at 'intimidation' and 'disempowerment of political proponents' for purposes of accessing power.[13]

Factors of political economy can at times lead to violence, especially when the state is structured in such a way that some elements of the population are or feel excluded from meaningfully participating in it or from access to its resources and opportunities.[14] Political life in Kenya developed based on ethnic interests, which led to state-encouraged rent-seeking activities. For instance, during Kenyatta's tenure (1963–1978), indigenous capital development favored the Kikuyu, of which he was a member. Under the Moi (Kalenjin) regime (1978–2002) and Kibaki's (Kikuyu) government (2002–2007), their ethnic kin benefited. This pattern resulted in inequalities in development in some areas, such as the North Eastern province and parts of Nyanza, Western, Eastern, and Coast provinces, which are relatively poorer compared to Nairobi and Central province because of their limited access to political power.[15] The nature of deprivation is evident in the country's (arid and semi-arid) North Eastern province, informal settlements in most towns, and rural areas afflicted by underdevelopment and poverty. Furthermore, pastoralism, a major economic activity in parts of the northern Rift Valley, upper Eastern, and North Eastern provinces, had been considered a low priority by successive governments, leading to far-reaching consequences for these communities in terms of the dearth of opportunity creation and the perpetuation of deprivation.[16]

Structural deprivation had deepened after independence due to poor governance policies, lack of children's rights, failure to prioritize education, and negligence in skills development and employment. Such deprivation became a mobilizing factor along ethno-political lines, creating hopelessness among Kenya's youths, rendering them gullible, potentially violent, and 'not ready for self-reliance'.[17] The term *youth* remains contested, with some people viewing it as a social construct having less to do with age, and more to do with status and behavior intrinsically linked to the transition from childhood to adulthood and assuming certain roles. The United Nations defines youths as people between eighteen and twenty-four years of age. In 2006 they comprised 18 percent of the world's population, totaling more than 1 billion. Some 85 percent of them lived in developing countries.[18] The Kenya National Youth Policy defines youth as 'those aged between 15–30 years, taking into consideration their physical, cultural, psychological, socio-economic and political dimensions'.[19] The study here uses this last description as its operational definition of youth.

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13. Makumi Mwagiru, 'Political and electoral violence in Kenya', as cited in Roland Schwartz (ed.), 'Political and electoral violence in East Africa', Working Papers on Conflict Management no. 2, Friedrich Ebert Stiftung and Centre for Conflict Research, Nairobi, 2001, 6–7.

14. Laurie Nathan, ' "The four horsemen of the Apocalypse": The structural causes of crisis and violence in Africa', *Peace and Change,* 25:5 (2000).

15. John O. Oucho, *Undercurrents of Ethnic Conflict in Kenya* (Leiden, Brill, 2002), 55.

16. Ibid., 44–57.

17. McIntyre, *Invisible Stakeholders.*

18. United Nations Development Programme, *Youth and Violent Conflict: Society and Development in Crisis?* (New York, UNDP, 2006), 15–16, www.undp.org/cpr/whats_new/UNDP_Youth_PN.pdf.

19. Ministry of Youth Affairs and Sports, 'Kenya national youth policy', Nairobi, 2006, 1–5.

Electoral violence can result from fragility in the state caused by the destruction of political, social, and economic structures of governance or unfairness stemming from inequalities. Vigilantism, which has plagued Kenyan society for more than a decade, is one example of what can happen when institutional systems break down.[20] Violence perpetrated in furtherance of establishing, maintaining, and re-creating a socio-political order is sometimes carried out by police officers on duty or involved in extra-legal violence, such as membership in death squads (in extreme cases).[21] In some instances, state officials desperately seeking to restore eroded legitimacy encourage the communal lynching of suspects and other forms of violence.

Dialectical violence can be alleviated or eliminated by altering the unstable situation or environment. Clashes over land during 1992 and 1997–1998 and the electoral violence of 2007–2008 were characterized by divisive ideologies of ethnicity, regionalism, and sometimes religion. The 2002 and 2007 elections were regarded by youths as 'a platform for peaceful management of social conflict'.[22] To some, youth involvement in the 2002 electoral process had added to the possibility of defeating an ineffective KANU government. The failure of the Kibaki-led NARC government to live up to expectations disappointed the youth constituency, perhaps contributing to the 2007–2008 violence.

THE 2007 BALLOTING

On the eve of the 2007 presidential and legislative elections, the Party of National Unity, a coalition backing Mwai Kibaki, formed after the NARC crumbled. Charity Kaluki Ngilu, the NARC secretary general, had left the party and joined ODM, taking with her NARC party registration documents, thereby putting Kibaki in legal limbo and without a party with which to run for re-election. The PNU was created to sustain Kibaki's political survival.

Before the balloting, a win for the Odinga-led ODM, or a loss for the Kibaki-led PNU, was being interpreted as emancipation by youth supporters of ODM and as 'potential deprivation' by PNU-aligned youths, with the winner potentially reaping benefits for their engagement. The electoral process was arguably a platform for negotiating social conflict. This situation produced conflict-inducing ideologies, perceptions, and opinions.

As widely expected, the election was hotly contested. As the results trickled in, it became a foregone conclusion that ODM had trounced PNU and other small parties for legislative and civic seats. The ODM won overwhelmingly in Nyanza, Western, Rift

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20. J. Biegon, 'Electoral violence and fragility in Africa: Drawing lessons from Kenya's experience in the 2007/8 post-election violence', paper delivered at the conference 'Financial Markets, Adverse Shocks and Coping Strategies in Fragile Countries', Accra, Ghana, 21–23 May 2009.

21. Michael L. Fleisher, 'Sungusungu: State-sponsored village vigilante groups among the Kuria of Tanzania', *Africa: Journal of the International African Institute,* 70:11 (2000), 209–228; Martha K. Huggins, 'Introduction: Vigilantism and the state—A look south and north' in Martha K. Huggins (ed.), *Vigilantism and the State in Modern Latin America: Essays on Extralegal Violence* (New York, Praeger 1991), 1–18.

22. A. Reynolds, 'Elections and electoral systems: Implications for conflict management', *Democracy and Elections in Africa,* 2:13 (2006).

Valley, Coast, North Eastern, and Nairobi. The PNU retained seats in its strongholds—central Kenya, central Rift Valley, and parts of Eastern.[23]

In the presidential balloting, vote counting began at the stipulated time on 27 December 2007. As results trickled in, there were indications that Odinga was leading Kibaki. Tensions rose when results from PNU strongholds were delayed; at this juncture, Kibaki was trailing Odinga by more than a million votes. The release of the delayed results narrowed the gap, and Kibaki was ultimately declared the winner, by 321,728 votes, by the Electoral Commission of Kenya.[24] Violence erupted across the country in ODM strongholds, with supporters venting their anger by attacking PNU supporters, mainly Kikuyus, in their communities.

In early January 2008, tensions heightened further after Samuel Kivuitu, chair of the election commission, stunned the country by announcing that he did not know for certain whether Kibaki had won the election and acknowledged that he had announced the winner, perhaps prematurely, under pressure. He later advised a recount, which neither party took under consideration. On 24 January 2008, organized retaliatory attacks began in PNU strongholds, targeting ODM sympathizers. The conflict transformed into an ethnic, economic, and class struggle spearheaded by youths, especially those from lower economic strata.[25]

Peter Mwangi Kagwanja notes how youth violence had become an integral part of the current quest for democracy in Africa.[26] He posits that in undemocratic situations, such as those during the Moi regime, youths are not only among the exploited, but are exploiters as well. As an example, he cites Mungiki gangs, who were used by the system to create chaos, but who also took advantage of the situation to consolidate and strengthen their own power, which they then used as a tool of trade for causing insecurity that ensured their survival. In 1995 Mungiki had become prominent in parts of central Kenya, Nairobi, Naivasha, and Nakuru, extorting protection money from communities in which they were the cause of insecurity.

At the height of the 2007–2008 post-election violence, Mungiki—mainly Kikuyu youths mobilized across Central and Rift Valley provinces—were allegedly enticed to kill perceived opponents of the Gikuyu community in Molo, Nairobi, Naivasha, and Nakuru, among other places. Prominent Kikuyu politicians were rumored to have masterminded and financed killings in some communities. Other equally vicious groups—including the Chinkororo (Kisii, in Nyanza), Kalenjin Warriors (Kalenjin, in Rift Valley), Taliban (Luo, in Kariobangi and Nairobi), and Baghdad Boys (Luo, in Kisumu and Nyanza)—are said to have had links to politicians or political parties who recruited them as agents provocateurs during election cycles.[27] Other groups engaged in vigilantism include the Jeshi la Mzee (cutting across ethnic groups in Nairobi), Siafu (in Nairobi), the Manyala (in Eldoret), the Marakwet Warriors (in Eldoret),

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23. United Nations High Commissioner for Human Rights, 'Report from OHCHR fact-finding mission to Kenya, 6–28 February 2008', 14, www.ohchr.org/Documents/Press/OHCHRKenyareport.pdf.

24. Ibid.

25. Ibid.

26. Peter Mwangi Kagwanja, 'Facing Mount Kenya or facing Mecca? The *Mungiki*, ethnic violence and the politics of the Moi succession in Kenya, 1987–2002', *African Affairs*, 102:406 (2003), 25–49.

27. PeaceNet Trust, 'Post election violence in Kenya: Facts and figures', Nairobi, 2008, 53–54.

Sabaot Land Defence Force (Kitale and Mt. Elgon), and the Sungu Sungu (in Kisii district, Nyanza).[28]

TRANSLATING MESSAGES INTO ACTION

The political environment during an electoral cycle can affect youth behavior, sometimes producing far-reaching implications, generating opportunities for violence or peace. Along with ideologies, the language and interpretation of political messages of the electoral discourse play key roles in shaping such behavior. During the 2007 campaign, youths translated various cues into action in an effort to make meaning out of political statements and symbols and produce the results desired by the communicators. Venomous statements were made through the media, political platforms, and churches. These institutions buttressed hatred and justified violence, thereby sanctioning it in the eyes of youths. Business people, politicians, members of community associations, religious leaders, and community radio stations and television all have the capacity to facilitate youths' actions through indoctrination and financial and logistical support.

Through manipulation of language and negative ethnic portrayals, Kenya's political elites invoked change as a necessity during the 2007 campaign. Polarization based on the search for political power had been evident during the 2005 constitutional referendum. For instance, in a bid to rally ODM supporters, an ODM politician had stated, "Wakisimamisha pension ya Moi, then Wakalenjin na Wakamba Watavamia statehouse" (If they stop President Moi's pension, then Kalenjin and Kamba communities will invade the statehouse).[29] This statement was to counter sentiments by a PNU political supporter who had suggested stopping pension payments for the retired president (a Kalenjin) for allegedly involving himself in referendum politics and campaigning against the draft constitution aimed at fostering unity between the Kamba and the Kalenjin. In another instance, a PNU politician was quoted as referring to the Luo as a lazy community of fishermen dependent on the government for their basic needs, unlike the Kikuyu, who were described as hard working and property owners, instigating offense among Luos.[30] In the 2007 elections, youths deciphering similar sentiments translated them into action, in most cases by violently targeting the opposing political camp.

Messages relayed through local media, especially newspapers and FM radio, cultivated fear and ethnic-based hatred. The media for instance covered attacks in real time, which in turn prompted more people to resort to violence in the name of defending their community or party. Ethnic militias composed of youths capitalized on the disorder and political uncertainty to expand their economic interests and extend their areas of influence by demanding money from members of the public perceived to be economically well to do. Politicians also hired youths to cause mayhem in

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28. 'Report from OHCHR fact-finding mission to Kenya', 8.
29. Kenya National Commission on Human Rights and the Kenya Human Rights Commission, 'Behaving badly: Deception, chauvinism and waste during the referendum campaigns', Nairobi, 2006, 30.
30. Ibid., 30–31.

strongholds of the opposing camp with the expectation that such acts would give them political advantage over their opponents.[31]

The reprisal attacks that began on 24 January were orchestrated by the Mungiki in Nakuru and Naivasha and parts of the surrounding countryside in Molo and its environs. Those involved targeted ODM sympathizers among the Kalenjin, Kisii, Luhya, Luo, and Maasai along with others tribes perceived to have persecuted Kikuyus. It was said that Mungiki had infiltrated the police force and had received financial support from senior members of the PNU inside and outside government.[32] Meanwhile, ODM supporters, mainly youths, were involved in attacks against PNU supporters based on the perception of them as alleged masterminds of a stolen election and as 'outsiders' and therefore enemies of the Kalenjin, Kisii, Luo, Luhya, and Mijikenda communities. In 2007–2008, the groups' organization was more sophisticated than usual, and the magnitude of the violence resulted in an overwhelming destruction of property and lives.[33]

Recruiters for Violence

Eighty-six percent of respondents interviewed cited several primary reasons for joining gangs: ethnic polarization, willingness of the political class to hire them in exchange for rewards, and, in part, the state's incapacity (because of institutional collapse) to effectively respond to their violence. To some extent, youths empowered by politicians and business people enticed economically disadvantaged youths to take part in the mayhem, sometimes against their will. The leaders that emerged within the violent youth groups acted as intermediaries between members and financiers, who included politicians and members of the business community, creating a merchant-client relationship.

Perpetuators of Cultural Practices

Culture too had a hand in shaping violence or aggression during the post-election period. According to one respondent in Eldoret, the Kalenjin community depends upon warriors to defend it against aggression. Once circumcised, a male youth automatically joins this rank and is expected to act accordingly without fear or questioning. These communities have standby brigades for any eventuality. According to 87 percent of respondents, every community had 'accepted violent youth groups' because they were considered a form of legitimate security.

A culture of violence is tolerated and accepted among the Boranas, Gabra, Garre, and Rendille in Upper Eastern, and youths are the main implementers of it. For instance, newly initiated Rendille warriors are supposed to steal livestock and kill a member of rival communities, which include the Borana and Gabra. Teenage girls are expected to sing songs for the warriors upon their return from a successful raid and

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31. PeaceNet Trust, 'Post election violence in Kenya'.
32. 'Report from OHCHR fact-finding mission to Kenya', 8.
33. Ibid., 8, 14.

in the process try to predict what color of cow or camel they have stolen. Thus youths act as perpetuators of certain violent cultural practices with the blessing of their communities and in the name of ensuring the community's survival.[34]

Power elites have been blamed for abusing vulnerable, generally poor, misinformed youths, and even those plagued by diseases and other conditions. In doing so, they prevent the nation's young from fully realizing their potential. In fact, 92 percent of respondents indicated that the main challenge they faced was unemployment, 87 percent said poverty, and 83 percent identified police harassment. People in such situations are vulnerable to manipulation by those with more power and resources.

Articulators of Community Grievances

During the 2007 campaign, politicians formed ethnic-based organizations and mobilized resources with community associations and businesspeople to generate and support youth involvement. This included indoctrination against other ethnic groups, creating a confrontational environment that made it acceptable to avenge past injustices. Sixty-seven percent of all respondents interviewed chose to see themselves (youths) in the role of 'articulator' of society's feelings and frustrations, thus justifying violence in the name of protecting their communities' interests. In reality, however, they were taking instructions from elites to further the latter's selfish attainment of political power. The youths who saw themselves as definers of their ethnic group propagated the hate speech of politicians, accepted ethnic stereotypes, and believed the political propaganda aimed at them, all of which was geared toward agitating them to intimidate members of the opposing political parties and ethnic groups aligned with other camps.

According to a Nairobi Peace Initiative (NPI)–Africa survey in 2009, two categories of youths (that is, secondary- and college-level graduates) have suffered the brunt of exclusionary policies (such as omission from decision making and governance), limited access to public information targeting them and to public sector jobs, and sporadic arrests of unemployed youths by the police.[35] From 2000 to 2005, some quarter of a million (241,492) people had completed either a primary- or secondary- and college-level education, with close to 1 million (959,599) ready to enter the labor market with an aggregate grade below C-plus.[36] This category of youth faces high levels of unemployment due to their weak academic credentials, making them vulnerable to abuse by those willing to provide them with money or other basic means of survival. The survey found that the majority of those who participated in heinous acts of post-election violence

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34. Community Initiative Facilitation and Assistance, 'The conflict analysis situation of the Upper Eastern in Kenya report, 2010', Marsabit, Kenya, 2010, 19.

35. Nairobi Peace Initiative–Africa, 'A review of challenges faced by Kenyan youth: Peace agenda in youth development', Nairobi, 2009, 10–35.

36. 'Transformation of higher education and training in Kenya to secure Kenya's development in the knowledge economy: Report of the Public Universities Inspection Board', Nairobi, 2006, 23. A C-plus at the high school level is a fair performance and the minimum required for going on to public universities. The universities do not, however, have the capacity to absorb all who have attained this grade, so they in reality require a B-plus, thus excluding some potential students who might end up being exposed to vulnerabilities, in particular joblessness.

never went beyond the second form in high school, pointing toward a strong correlation between levels of education and youth involvement in violence.

Organizers of the Youth Constituency

Youth leaders acting as power brokers to the financiers of mayhem mobilized their constituents, fanning expectations within their community while pushing the agenda of their financial backers. Some of these youths, following orders, blocked roads, transported weapons, gang raped women, set houses on fire, and maimed and killed perceived enemies. The youths in the focus groups who had taken part in the violence indicated that their actions made them feel that they had a certain measure of power over their victims, including people older than they were, and groups. According to one of the youths, 'We were so powerful during the mayhem and operated above the law. Even the police who often harass us in the streets and villages, arresting us for petty offenses, had no power over us. They even ran away on noticing that we were around. We have never been so powerful before'.

Change Agents through the Vote

The violence perpetrated by youths following the 2007 elections points to a systematically organized social movement for change by the ballot or the bullet. As leaders of tomorrow—according to the rhetoric of politicians—youths had to be aggressive in toppling the incumbent government through the vote or by any other means, justified or not. Laurie Nathan argues that when the political playing field is skewed and favors the incumbent, and in the end excludes opponents, violence is likely to occur.[37] While the nature of the political landscape, which left some candidates advantaged and others disadvantaged, was evident during the campaign, the prospect of losing through the ballot motivated some to find alternative means of wresting political power from their opponents. When the ballot failed to provide the desired change in some quarters, violence emerged as the alternative, and youths participated zealously because the elections represented to them the best opportunity for a way out of poverty and better lives.

Peacemakers

Despite the violence that occurred, the post-election period also presented an opportunity for a critical minority among youths to emerge as peacemakers. Some youth-led civil society organizations, such as the Youth Agenda Consortium in Eldoret, and initiatives in Nairobi were involved in transformative negotiating within their constituencies across gender, age, and ethnic boundaries. They presented themselves as change agents through peaceful means, a notable departure from the violence of youths affiliated with certain politicians and parties. John Paul Lederach argues that youths can be transformed through strategies aimed at improving their long-term relationships and attitudes toward conflicting parties and developing systems that pro-

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37. Nathan, 'The four horsemen of the Apocalypse'.

mote justice, peace, forgiveness, reconciliation, and recognition.[38] One section of the national accord that brought about a PNU-ODM national unity government in 2008 outlines actions needed on the way to national cohesion—structural, constitutional, and institutional reforms involving the judiciary, police force, civil service, parliament, regional government, transparency and accountability, and land policies, along with addressing poverty and inequality. It identifies youths as threats to tranquility if not utilized as a positive resource and suggests strategies for reducing high levels of youth unemployment, presenting an opportunity for the country to deal with the issues and challenges its young people face.[39]

Role of Female Youths

Some argue that women perceive and understand violence through a lens different from those of males. According to one theory, women view the world as 'a web of relationships in which individuals can be identified by the nature of these relationships. Their concerns with relationships are the basis of their nurturing role, their passion for affirming life, and their opposition to war. … [M]en tend to have … an "ethic of justice" which proceeds from the premise of equality—that everyone should be treated the same. Women, on the other hand, are more likely to have an "ethic of care", which rests on the premise of non-violence—that no one should be hurt'.[40]

This argument is founded on the premise that traditionally women's roles have revolved around cultural ideas about their feminine psyches, that is, their supposedly inherent traits (or nature), sexuality, and fertility. This has led to assertions that they are predisposed to peacemaking and resist institutionalizing violence. Cases have been documented, however, where women have been actively engaged in war or violence as combatants, taking on so-called male roles. Elizabeth Ferris cites wars in Angola, Namibia, and Eritrea as instances where women have been involved in active combat.[41] There are also situations in which women might impart approval of a culture of violence to their children, such as when they glorify violence by men through war songs, express an expectation that their children might someday participate in war or other violence, or approve of crime as an option for helping alleviate poverty for the family.

According to 37 percent of respondents, women at the forefront in some of the incidents during the post-election violence acted as opinion shapers at the grassroots by peddling information against 'enemy' communities that was not necessarily true but promoted their agenda. This helped create an environment for violence through mockery and incitement. The wives and girlfriends of gang leaders were said to have set high expectations and made demands of their male partners, because they saw the situation as an economic opportunity for them, for instance, to become beneficiaries of booty in the form of clothes, money, and household goods.

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38. John Paul Lederach, *The Little Book of Conflict Transformation* (Intercourse, Pennsylvania, Good Books, 2003).

39. Kenya National Dialogue and Reconciliation, 'Agenda item 4: Long-term issues and solutions', Nairobi, 30 July 2008, www.dialoguekenya.org/docs/S_of_P_with_Matrix.pdf.

40. The view of Elizabeth Ferris as presented in Aruna Gnanadason, Lucia Ann McSpadden, and Musimbi Kanyoro (eds.), *Women, Violence and Nonviolent Change* (Geneva, WCC Publications, 1996), 3–7.

41. Ibid.

As active participants on the frontlines, women propagated acts of revenge, betrayed victims to their assailants, mobilized youth, protested in the streets, helped barricade roads, threw stones, and generated false alarms by wailing, to provoke strong feelings for revenge among their male counterparts. They were also caregivers to family victims, children, and the elderly and provided food to fighters and those affected by the violence. A number of women actively participated in peace efforts. In the opinion of 33 percent of respondents', women were thought to be assets for initiating dialogue, as they were viewed as forgiving easily and having influence over men, especially regarding their involvement in violence.

ELECTORAL POLITICS AND CONFLICT

It is important to consider the environment before, during, and after the 2007 elections in trying to understand what guided youths' participation in violence across the country after the balloting. Laurie Nathan argues that failing to adequately address historical injustices and exclusion within the framework of state formation and nation building can lead to dire consequences in the form of conflict that leaves society deeply divided.[42]

The electoral process the world over can be viewed as a vehicle to legitimate power by presenting to the citizenry a case against one's political opponents. In nominal democracies, such as those found in many countries in Africa, it is often more than an opportunity to settle political scores; it is also a way to address inequalities and offer hope to those marginalized by the exclusive nature of governing regimes. Given these perspectives, one can begin to grasp why violence erupted in Kenya: A change in government raised fears of possible reprisals among the ruling class and beneficiaries of the system while offering to others the chance to escape from poverty and marginalization after years of exclusion.

Electoral politics play a significant role in conflict management in divided societies. The design and structure of an electoral system are key variables in creating conditions conducive or unfavorable to violence. Kenya's winner-take-all system raises the stakes, turning the electoral process into vicious campaigns that deeply divide the society. John Oucho asserts that in instances where KANU won a general election, it often punished areas with a strong opposition by denying them government resources. Kenya is diverse in class structure, ethno-regional differences, and economic well-being and ripe with inequality.[43] Its socio-economic character has been shaped by public policy choices made and pursued by government and incentives provided to individuals, institutions, and groups based on their political affiliation.

Politicians promoted a multiparty facade in the 1990s, but continued to use denial of government resources as a political instrument. For privileged youths in leadership positions, the system was a means to quick wealth acquisition. For instance, Youth for KANU in the 1990s produced a notable crop of young politicians who were handsomely rewarded by the Moi regime for their efforts during the campaign that helped KANU clinch victory. Youth for KANU 1992, commonly known as YK'92, was headed by William Ruto, a prominent politician, and Cyrus Jirongo, a successful businessman

42. Nathan, 'The four horsemen of the Apocalypse'.
43. Oucho, *Undercurrents of Ethnic Conflicts in Kenya*.

and politician. While a few youths benefit, the majority fall prey to marginalization in the form of skewed resource distribution and poverty, oppression, hunger, hopelessness, insecurity, and violence.

Anton Blok notes that it is important to understand an act of violence through the context in which it occurs and within the 'context of its antecedents to see whether it resembles earlier acts'.[44] By 2002 the KANU government had lost legitimacy with the people, which is why the National Alliance Rainbow Coalition won resoundingly in elections that year. Failure by the NARC and PNU governments to deal with exclusion through reforms also destroyed their legitimacy. In the 2005 referendum and 2007 elections, the platform upon which a majority of youths voted was constitutional reform, arguably because the incumbent regime had failed to respond to popular demands. The country's weak institutions further fertilized the ground for violence. The presidency, judiciary, parliament, and administrative organs had failed to deliver expected or needed services. In 2007 the opposition did not perceive the electoral process as fair; their lose would mean continued deprivation and exclusion. After the elections, the opposition believed the justice system would work in favor of the incumbent regime, so appealing to the government to resolve the electoral dispute was not considered an option worth pursuing. Violence was an alternative.

The violence of 2007–2008 was dictated more by youths' environment than by the announced election results. Weak governing institutions acted as accelerators. The police were singled out as one of the key contributors to violence.[45] According to an NPI–Africa report, the police had harassed youths to the point that dealing with law enforcement became one of the main challenges facing them: 'Our findings confirm that leading challenges experienced by the respondents was unemployment; this was followed by poverty and harassment by the Kenya police and Nairobi City Council authorities'.[46]

The Independent Review Commission, popularly known as the Kreigler Commission, was established in 2008 by the coalition government based on recommendations contained in agenda number four of the post-election National Dialogue and Reconciliation process.[47] It was charged with the mandate of conducting a review of the 2007 general election and made recommendations for strengthening electoral laws and institutions and drafting a new constitution for Kenya. On 28 February 2008, Raila Odinga of ODM and Mwai Kibaki of PNU, the two principals in the coalition government established through the National Reconciliation Accord, signed a commitment toward implementation of agenda four, representing a starting point for peacebuilding.[48]

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44. Anton Blok in Stephen Ellis, 'Violence and history: A response to Thandika Mkandawire', *Journal of Modern African Studies*, 41:3 (2003), 457–75.

45. 'Report of the Independent Review Commission on the general elections held in Kenya on 27 December 2007', Nairobi, 2008, 4.

46. Nairobi Peace Initiative–Africa, 'A review of challenges faced by Kenyan youth', 23.

47. 'Kenyan National Dialogue and Reconciliation, through the mediation of H.E. Kofi A. Annan and the panel of eminent African personalities: On the resolution of the political crisis. Annotated agenda and timetable', February 2008.

48. 'Report of the Independent Review Commission on the general elections'. Agenda four, as part of the national dialogue process, calls for constitutional, institutional, and legal reforms tackling regional inequity and poverty, land reforms, unemployment among youth, national cohesion, transparency and accountability, and impunity.

The new political dispensation ushered in through a referendum on adopting a new constitution on 4 August 2010 offers a framework within which youths can assume legitimate roles and participate in the socio-political and economic developments of Kenya. Some of the new constitution's provisions, such as chapter 8, section 97, 19(c), and chapter 11, section 177(c), specifically provide for youth representation in the National Assembly and lower structures of governance, hence creating an opportunity for passage of youth friendly policies. Implementation of the new constitution will, however, require monitoring and checks by the legislature and civil society to ensure that the spirit of this 'second liberation' is lived in full and that Kenyan youths are liberated from violence.

CONCLUSION

Youth exclusion is a reality in Kenya that touches on fundamental, structural variables that determine societal relationships. Indeed, no solution to youth problems can be developed until the root causes of youths' exclusion are addressed to the satisfaction of all parties involved. Peacebuilding approaches, especially those targeting youths, must embrace a paradigm shift from a culture of violence to embracing peace and cohesion and adopt a transformational approach to move from a culture of violence to one of nonviolence, where human dignity is appreciated. Institutional reforms, social justice through equitable resource distribution, equal access to opportunities, and legally based reforms are necessary to alleviate institutionalized violence against youths. Kenya's electoral system under the new constitutional order must ensure that the principles of fairness and equality become enshrined in and practiced across the country to avoid a repeat of the 2007–2008 electoral violence.

Darfur, Grand Conflict: Inter-Communal Rift and Grass-root Initiatives for Reconciliation

Khalid Ali El Amin

A national-level agreement is important for the people of Darfur and for a broad and deep reconciliation, but power politics and sectional elite interests have persistently foiled mediators' attempts to conclude settlement of the conflict there. In the meantime, the grassroots have taken reconciliatory initiatives, which have received little or no attention, in efforts to restore some normality to lives disrupted by the erosion of livelihoods among pastoralists and settled peasant communities since 2003. Underlying these initiatives is the economic interdependence between the two groups and responsive, influential local leadership. Although it is difficult for the grassroots to make a significant impact under the current political conditions, they nonetheless have the potential to positively influence reconciliation efforts and the peace process.

A CHARACTERISTIC FEATURE OF DARFUR'S SOCIO-POLITICAL FABRIC includes making a distinction between tribal pastoralist groups who claim an Arab identity and peasant, farming communities of African descent.[1] Despite the difficulty of distinguishing between an Arab and an African based on skin color, and between pastoralists and farming communities in Darfur, in general the so-called Arab tribes raise animals, while African tribes tend to pursue farming and speak Arabic in addition to their African language.[2] Pastoralists move north and south during the wet and dry

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1. In the context of Darfur, the term *Arab* refers to a group of people who self-identify as or claim to be Arabs.

2. Sayed Hamid Hreiz, 'Darfur anthropology: The ethnic and cultural dimension of the political conflict' (in Arabic), paper presented at the Institute for African Research and Studies, Cairo University, 2005. 'Tribe' in Darfur denotes an identity and a socio-political unit that provides collective security, not an ethnic identity in the sense that its members claim to be descendents of the same ancestor. Households and individuals can change tribal identity and loyalty. With regard to economic activities, members of settled farming communities might rear animals in addition to farming, while pastoralists might additionally practice farming. Thus both communities combine animal rearing and farming, but in different degrees. Tribes of African identity predominantly pursue farming, but animal rearing, which involves continuous mobility, is the dominant activity among tribes of Arab identity.

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seasons across farmlands in search of pasture and water for their animals. Customary rules regulated and ensured resource access rights for Arabs and for Africans along pastoralist passage corridors and facilitated economic and social exchanges between them.[3] Individual clashes and conflicts were usually contained through *judiyya,* a traditional mediation mechanism, before they could escalate into broad, inter-tribal violence.

During the 1990s, a combination of factors led to a significant rise in conflicts between pastoralists and peasant farmers, in which the former frequently attacked the latter. Armed movements in Darfur initially emerged as self-defense groups among African peasants for protection against Arab pastoralists.[4] By 2002 these self-defense groups had developed into armed protest movements focusing on Darfur's economic and political marginalization within the national context. The movements targeted the central government and demanded a national restructuring of power and wealth in which Darfur would have a fair share.

When in 2003 the Darfur movements stormed El Fashir, the regional capital of North Darfur, in a dramatic show of force, the government responded harshly, deploying a militia that wrecked havoc among African peasant communities and gave the Darfur conflict its now-widespread image. The government-backed militia, the Janjawid, were mostly drawn from Arab tribes, but not usually from those that interacted with the African peasant villagers they attacked.[5] Among African communities, a clear distinction is made between inter-tribal conflicts and the violence that erupted with the 2003 attack. Local community leaders use the term *grand conflict* to refer to the post-2003 violence.[6] Darfur's African peasant communities were, indeed, victims of government-backed militias, but the majority of Arabs did not participate in them. The Darfur grand conflict eventually grew to have regional and international dimensions, drawing in the African Union, Chad, Egypt, and Libya as well as the United Nations, United States, and the United Kingdom, among many other international actors.[7]

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3. The terms *passage corridors* and *routes* are well known, in Arabic *masarat* or *mraheel*, and are specifically used with reference to the physical space reserved according to custom for pastoralists' passage through farms and farming communities.

4. Tighani Mustafa, *Inter-tribal Conflict in Darfur: Causes, Consequences and Cures* (in Arabic) (Khartoum, Sudan Currency Printing Corporation, n.d.), 98.

5. Interview, Salah El Dein Mohamed El Fadl, a top Fur leader with the title *magdoum* and a member of the South Darfur Regional Assembly, *al-Sahafa*, 2 April 2008; interview, Abdel Rahman Abdel Alla, an informed source, Nyala, July 2006.

6. This distinction was made in most interviews, including those with Abdel Gadir Adam, a Messeriya *omda* of Niteiga, east of Nyala, Nyala, July 2006, and with Shartai Yagoub, a Fur *shartai* of Tor Kalomie, Zalengie, July 2006. The terms *shartai* and *omda* refer to mid-level local leadership positions; they are of equal rank, but different tribes use different names for them.

7. A. de Waal, 'Prospects for peace in Darfur: A challenge to the African Union' in Said Adejumobi and Adebayo Olukushi (eds.), *The African Union and New Strategies for Development in Africa* (Dakar, CODESRIA and Development Policy Management Forum, 2009), 287–99; Mahmoud Abu El Ayneen, 'The role of the US in the Darfur cisis' (in Arabic) in H. Mekki and E. Fleifel (eds.), *Darfur Problem: Origins and Positions. Scenarios for Resolution and Intervention* (Cairo, Institute for African Research and Studies, Cairo University, 2005); K. Salih, 'The internationalization of communal conflict in Darfur and its regional and domestic ramifications, 2001–2007', *Arab Studies Quarterly*, 30:3 (2008), www.thefreelibrary.com/The+ internationalization+of+the+communal+conflict+in+Darfur+and+its...-a0189598585.

LITERATURE ON THE PEACE PROCESS
AND GRASSROOTS

Political negotiations began in N'Djamena, Chad, in 2003 to find a peaceful solution to the conflict early on. A peace deal signed in Abuja, Nigeria, in 2006 between the government and one faction of the three main armed movements drew a great deal of criticism for the deficiencies in its provisions as well as for not being implemented. Many criticized the agreement for its failure to address security issues and power and resource sharing, lack of involvement of certain armed and non-armed groups, and its contribution to the fragmentation of the armed movements.[8]

Soon after the agreement's signing, Alex de Waal, one of its architects, publicly identified what he considered to be its main advantages. He recognized, however, that the agreement had little support and argued for the inclusion of the armed movements that did not sign in order to broaden the political base of its support.[9] Observing the lack of government commitment to implementation, de Waal came to the conclusion that prospects for the settlement of the conflict would be better if the peace process were broadened and Sudan's power structure transformed.[10]

In light of developments in the effort to broaden the peace process by engaging local civil society representatives, Theodore Murphy and Jérôme Tubiana argued that civil society representatives could generate momentum for the process, communicate community concerns to negotiators, and provide legitimacy for any agreement.[11] They, however, recognized that civil society representatives were subject to government manipulation and beset by divisions. Complicating the issue of broadening civil engagement was the government's creation of its own civil society organizations.[12] Top National Congress Party (NCP) leaders attended talks in Doha in 2009 in their capacity as representatives of civil society groups.[13] In the meantime, the transformation of Sudanese politics and the reconfiguration of the country's power structure are yet to occur, and government manipulation has rendered broadening the peace process almost meaningless. The focus in the literature concerning Darfur has been on the peace process solely as negotiations conducted at the national level. When civil so-

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8. Katherine Pounds Taber, 'Bringing peace to Darfur: Lessons of the Darfur peace agreement', *Houston Journal of International Law* (September 2008), www.thefreelibrary.com/Bringing+peace+to+Darfur %3a+lessons+of+the+Darfur+Peace+Agreement.-a0193182661; Senait Woldu Tesfamichael, 'Negotiating peace for Darfur: An overview of failed processes', Beyond Intractability.org, March 2008, www .beyondintractability.org/case_studies/negotiating_peace_for_darfur.jsp?nid=6809; Stephanie Hanson, 'Structuring the peace process', *Backgrounder,* Council on Foreign Relations, 11 October 2007, www.cfr.org/publication/14455/structuring_a_peace_process_for_darfur.html; Nureldin Netabay, 'The Darfur peace process: Understanding the obstacles to success', Beyond Intractability.org, May 2009, www.beyondintractability .org/case_studies/darfur_peace_process.jsp?nid=6823.

9. A. de Waal, 'The Darfur peace agreement, part 5: How to include the different Darfur movements', Justice Africa, 2006, www.justiceafrica.org/wp-content/uploads/2006/07/DeWaal_Darfur_Peace_Agree ment_5.pdf.

10. De Waal, 'Prospects for peace in Darfur'.

11. Theodore Murphy and Jérôme Tubiana, 'Civil society in Darfur: The missing peace', United States Institute of Peace, Washington, D.C., 2010, www.usip.org/publications/civil-society-in-darfur.

12. Ibid., 6–7.

13. Abdellatif Abdelrahman, 'Darfur NCP civil society groups to where?' *Sudan Tribune,* 31 December 2009, www.thefreelibrary.com/Darfur+NCP+Civil+Society+groups+to+Where%3f-a0215496909.

ciety has been brought into the picture to open a channel for bottom-up communication, the opening has been subordinated to national machinations.

RECONCILIATION: RELEVANT CONCEPTS AND APPROACHES

The term *grassroots* refers to the ordinary members of society at the local level (that is, excluding elites at the center of politics).[14] The term *top down* refers to a situation in which decisions are made by a few in authority, rather than the collective of people affected by the decisions.[15] The term *bottom up* identifies a process in which the grassroots make decisions on matters affecting their lives or communicate their needs to those in power to influence their decisions. In Darfur, *pastoralists* refers to tribes whose members might occasionally practice some farming but primarily depend on raising sheep, goats, cattle, and camels in herds that require moving regularly in search of pasture and water. The term *peasant farmers* refers to village dwellers of African descent involved in farming who have access to land, use family labor to produce food for domestic consumption, and grow some cash crops for sale to earn money.

As a word, *reconciliation* means reestablishing cordial relations or getting two things to correspond. In socio-economic and political discourse, reconciliation is a complex, multifaceted concept open to different connotations depending on context. In the case of Darfur, reconciliation could refer to the process of reconnecting previously involved parties who no longer have cordial relations. Thus reconciliation, in a socio-political context could be defined as 'restoring friendship and harmony between the rival sides after conflict resolution, or transforming relations of hostility and resentment to friendly and harmonious ones'.[16] A transformed relationship, in this sense, could be understood as the product of a transition from social or inter-communal relations fractured by conflict to renewed and restored relations. For reconciliation to materialize in this situation, five requisite principles must be satisfied: restored mutual trust; relationships based on the present rather than the past; cooperative community engagement; changes in behavior and attitudes; and structural transformation.[17]

Reconciliation can occur at the community, national, and personal levels. At the community level, reconciliation is normally between different groups—that is, collectives of people who identify with each other based on a common racial, religious, ethnic, or other distinguishing characteristic—living in a particular area.[18] National-level reconciliation refers to a macro approach that places more emphasis on elite groups (for example, political parties and movements) and the politics of governing than on individuals and communities.

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14. Free Online Dictionary, Thesaurus and Encyclopedia, www.thefreedictionary.com/grassroots.

15. Adapted from Cambridge Dictionaries Online, http://dictionary.cambridge.org/dictionary/british/top-down.

16. Yaacov Bar-Siman-Tov, 'Introduction: Why reconciliation?' in Yaacov Bar-Siman-Tov (ed.), *From Conflict Resolution to Reconciliation* (New York, Oxford University Press, 2004), 4, as quoted in Franklin Oduro, 'A review of the literature on reconciliation: What do we understand by "reconciliation"? Emerging definitions of reconciliation in the context of transitional justice', final draft, 2007, 29, www.idrc.ca/uploads/user-S/11776890581A_Review_of_the_Lit._on_Reconciliation(final_draft).doc.

17. Ibid., 29.

18. Ibid., 28.

Scholars and practitioners hold divergent views concerning what elements constitute reconciliation in post-conflict situations. This in turn has given rise to different approaches for addressing gross human rights violations committed during conflicts. One prominent approach is to use transitional justice as a cornerstone for reconciliation. Transitional justice, in general, consists of policies and approaches pursued by post-conflict states to deal with past human rights violations, though it continues to be debated. It is nonetheless understood to incorporate the principles of truth finding, justice, and respect for victims, formal court proceedings, reparations, apology, forgiveness, and healing. These elements are adopted in different combinations according to the socio-political environment.[19]

A useful differentiation between forms of transitional justice is one that depicts it as retributive and restorative justice.[20] While retributive justice emphasizes formal court proceedings to establish the truth about human rights violations and to punish those judged to be responsible, restorative justice places more emphasis on telling the truth in exchange for some sort of amnesty or forgiveness. International tribunals and international criminal courts are examples of retributive justice, but the Truth and Reconciliation Commissions formed in South African and Sierra Leone represent instances of formal, restorative transitional justice. Reconciliation approached through the principles of retributive justice uses punishment to deter a repetition of past abuses and provide justice to the victims and society, whereas restorative justice has as its primary goal the repair of the harm done to individuals through apology, compensation, and forgiveness in the interest of peace and reconciliation among society as a whole.

The overwhelming emphasis in the literature on transitional justice as an approach to reconciliation has invited much criticism, including that it is elite-based, neglects grass-root approaches, and is grounded in western moral codes and conceptions. As a result, a trend has emerged in theory and practice that devotes more attention to grass-root-level reconciliation. Along these lines, Anna-Karin Evaldsson has critically examined elite conceptions of reconciliation, as reflected in the Truth and Reconciliation Commission of South Africa, and their relevance to the attitudes of the

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19. Dawn L. Rothe and Christopher W. Mullins, 'Building justice after war: The use of multiple post-conflict justice mechanisms', *Social Justice*, 35:3 (2008), www.thefreelibrary.com/Building+justice+after+war%3a+the+use+of+multiple+post-conflict+justice...-a0201802104; J. M. Vorster, 'Truth reconciliation, transformation and human rights', *Ecumenical Review,* 56:4 (2004), www.thefreelibrary.com/Truth%2c+reconciliation%2c+transformation+and+human+rights.-a0133683517; Pumla Gobodo Madikizela, 'Transforming trauma in the aftermath of gross human rights abuses: Making public spaces intimate through the South African Truth and Reconciliation Commission' in Arie Nadler, Thomas E. Malloy, and Jeffrey D. Fisher (eds.), *The Social Psychology of Intergroup Reconciliation* (Oxford, Oxford University Press, 2008); Padraig McAuliffe, 'East Timor's community reconciliation process as a model for legal pluralism in criminal justice', *Law, Social Justice and Global Development*, 12 (2008), www.thefree library.com/East+Timor's+Community+Reconciliation+Process+as+a+model+for+legal...-a0192852728; Rafi Nets-Zehngut, 'Passive healing of the aftermath of intractable conflicts', *International Peace Studies Journal*, 14:1 (2009), www.thefreelibrary.com/Passive+healing+of+the+aftermath+of+intractable+conflicts.-a0238179015.

20. Louis Kriesberg, 'Reconciliation: Aspects, growth and sequences', *International Journal of Peace Studies*, 12:1 (2007), www.thefreelibrary.com/Reconciliation%3a+aspects%2c+growth%2c+and+sequences.-a 0178359707.

public at large, using empirical data collected on grass-root conceptions of reconciliation. Her findings indicate that with the exception of forgiveness, the transitional justice concepts of truth, confession, and healing are almost absent from the South African public's conception of reconciliation, indicating a sharp discrepancy in outlook between the elite, who established the commission, and the general South African public.[21]

Other scholars' findings convey, in essence, similar conclusions. In examining the Truth and Reconciliation Commission in Sierra Leone, Rosalind Shaw found that it had little popular support in part due to the public's emphasis on 'forget and forgive', which received little consideration in national reconciliation efforts.[22] In a similar vein, Lona McGregor criticizes the macro-level peace process in Sri Lanka for its narrowness and lack of public involvement. Although she focuses primarily on the participation of broad sections of the population, McGregor's arguments point to the limitations of national-level peace processes and stress the need for the involvement of ordinary people to establish and sustain durable peace.[23]

John Paul Lederach, who recognizes the importance of national-level peace arrangements, draws attention to the special significance of 'on-the ground', grass-root reconciliation. He argues that true reconciliation is not a result of political accommodation crafted in political circles, but rests upon interdependent relationships between large numbers of antagonists carrying on everyday life. In his words, '[T]he process of advancing political negotiation at polished tables in elite hotels, while very difficult and complex in its own right, is both a more formal and a more superficial process than the experience of reconciliation in which former enemies are brought together at the village level'.[24] In this sense, apart from its potential impact on national-level processes, grass-root reconciliation stands as a significant contribution to peace in its own right. For reconciliation to be comprehensive, a peace needs to incorporate stakeholders at all levels. Lederach suggests a peacebuilding model that brings together top-level, mid-range, and grass-root leaders to coordinate national and grass-root reconciliation efforts. He assigns great importance to mid-level leadership, which could be empowered in peacebuilding and reconciliation among the society at large at various levels to achieve sustainable peace.[25] Darfur offers an interesting example of grass-root reconciliation and the role that local leadership can play in the restoration of inter-communal peace.

21. Anna-Karin Evaldsson, 'Grass-roots understandings of reconciliation in South Africa', *Crossroads*, 5:3 (2005), 76–106, www.webasa.org/Pubblicazioni/Evaldsson_2005_3.pdf.

22. Rosalind Shaw, 'Rethinking truth and reconciliation commissions: Lessons from Sierra Leone', United States Institute of Peace, 2005, 5–9, www.usip.org/files/resources/sr130.pdf.

23. Lona McGregor, 'Beyond the time and space of peace talks: Re-appropriating the peace process in Sri Lanka', *International Journal of Peace Studies*, 11:1 (2006), www.thefreelibrary.com/Beyond+the+time +and+space+of+peace+talks%3a+re-appropriating+the+peace...-a0148575772.

24. John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace Press, 2008), 55.

25. Ibid., 37–42; also see Walter Wright, 'John Paul Lederach: Peacebuilder bibliography', 2004, 2, www.mediate.com/articles/wrightW2.cfm; Nuredin Netabay, 'Bottom-up approach: A viable strategy in solving the Somali conflict', Beyond Intractability.org, March 2007, 3, www.beyondintractability.org/case _studies/bottom_up_approach.jsp?nid=6800.

ECONOMIC INTERDEPENDENCE AND COMPLEMENTARITIES: THE CONFLICT'S INDIRECT IMPACT ON PASTORALISTS

The displacement of hundreds of thousands of settled African peasant farmers throughout Darfur dramatically altered the region's demographic and socio-economic landscape. While the loss of security and prevailing lawlessness have prevented the majority of displaced peasant farmers from returning to their villages to lead normal lives, the abandonment of farming and the desertion of villages has similarly caused great damage to the lives and livelihoods of pastoralists. This stems primarily from the interdependence of the local economies of the two groups.

Before the government counterinsurgency campaign emptied Darfur's countryside of its settled peasant population, pastoralists depended on these farming communities for food supplies and other goods and services. Few pastoralists practiced farming or produced their own grain. Village markets dotted corridors used by the pastoralists, providing them grain and other food items at restocking points while they were on the move. This system became both convenient and economical in its evolution. Pastoralists did not need to travel long distances in rural Darfur, nor did they need to carry large stocks of grain and other food items with them during their search for pasture and water. The destruction of farming and the displacement of peasants created grain scarcities and hindered pastoralists' access to this staple. The result has created severe food insecurity that went unnoticed by most humanitarian agencies and organizations.

Despite some attempts to produce grain themselves, pastoralists could not overcome the acute food shortage. Insecurity and transport difficulties exacerbated grain scarcity, leading to soaring prices.[26] Disruption of movement, high transport costs, the need to pay for protection, and the risk associated with the general conditions of insecurity combined to also raise the price of grain that could be transported into rural Darfur.[27] Robbers and bandits often attacked traders, and men who provided armed protection for traders imposed high fees. Armed men also demanded fees from traders at crossing points. As a result, the number of traders decreased during the post-2003 period, with negative implications for grain supplies and grain prices.[28] In response to the grain shortage, pastoralists developed a tendency to stay close to towns and large rural centers. This, however, led to animal overcrowding and increased ease of disease transmission, along with depletion of green cover, poor pasturing, and intensification of competition over limited resources, all of which sometimes caused intra-pastoralist conflict and violence.[29]

Peasant villages and the markets along passage corridors offered pastoralists, in addition to grain supplies, convenient access to other necessary items, such as soap, cooking oil, matches, kerosene, clothing, and shoes. Under the conditions of insecurity following the outbreak of conflict, pastoralists had to travel long distances to get

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26. Food and Agriculture Organization and World Food Programme, 'Crop and Food Supply Assessment Mission to Sudan', FAO and WFP, Rome, 2006, 23. ftp://ftp.fao.org/docrep/fao/008/j7072e/j7072e00.pdf.

27. Informal interview, Abdel Gabar A Fadl, lecturer and researcher at the University of El Fashir, El Fashir, July 2006; interview, Abdel Gadir Adam.

28. World Food Programme and UNICEF, 'Emergency food security and nutrition assessment in Darfur, Sudan 2005', Rome, 2006, 52.

29. Interview, Shartai Yagoub.

the smallest of needed items at the risk of being attacked by bandits and robbers.[30] Some enterprising pastoralists turned into traders themselves and began bringing goods and commodities into their areas for sale to compensate for the loss of village markets and shops. The disruption of transport, protection fees, and risk of robbery, however, have all contributed to the persistence of shortages, problematic access, and high prices.

The estimated price increases of some commodities indicate the scope of the problem before and after the start of the grand conflict in 2003. Based on numerous field visits, a Darfuri researcher estimated that in rural North Darfur the price of a pound of sugar increased from 1,500 Sudanese pounds to 6,000 (300 percent), a bottle of oil from 2,000 Sudanese pounds to 8,000 (300 percent), and a sack of grain from 45,000 Sudanese pounds to 150,000 (230 percent).[31] As the security situation worsened, commodity prices tended to skyrocket across rural Darfur, with pastoralists suffering the most.

The desertion of peasant villages also eroded pastoralists' livelihoods by undermining their economy and damaging their cash-earning capacity. Village markets were the primary setting in the livestock-marketing chain where pastoralists sold livestock for cash to traders, who then herded them to urban centers, where they were slaughtered or transported to the main markets in central Sudan or for export.[32] Thus the post-2003 violence and insecurity disrupted the livestock market. Few traders in rural Darfur dared venture to engage in the livestock trade because of the risk of loss.

The abandonment of farming also deprived pastoralists of crop residues, which before the grand conflict provided fodder for livestock. This affected animal health, milk productivity, and cash income, which dropped for pastoralists who sold milk in large quantities for processing into white sour cheese. For example, the milk that pastoralists around Zalengie sold for processing for the Nyala market dropped dramatically and, along with it, so did the pastoralists' income.

Villages also offered diversification for cash income opportunities that helped support pastoralists' livelihoods. Using camels, some pastoralists earned money by transporting peasants' crops from farms to villages and from villages to markets. Income was also generated through the sale of handicrafts and animal products, such as milk, gee, and sour milk, to peasant villagers.[33] Thus pastoralists were deprived of complementary cash income when the villages were emptied of their peasant inhabitants.[34]

A lack of access to humanitarian food relief made pastoralists' food (in)security situation even worse. Unlike the displaced peasant communities—the direct victims of Darfur's violence who gathered in camps in tens of thousands—pastoralists remained scattered over a relatively wide rural area. While the former were visible and accessible to humanitarian agencies, the latter were almost invisible because they did not

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30. One source stated that pastoralists have to travel eighteen to twenty kilometres to get salt, soap, or matches. Informal interview, Mohamed Salah, field officer for the Food and Agriculture Organization, Nyala, July 2006.

31. Interview, Abdel Gabar A Fadl.

32. Abdel Rahman Hamid et al., 'Markets, livelihoods and food aid in Darfur: A rapid assessment and programming recommendations', European Union, Food and Agriculture Organization, and United States Agency for International Development, Khartoum, 2005, 28, 48, http://pdf.usaid.gov/pdf_docs/PNADE 802.pdf.

33. Food and Agriculture Organization, 'Nomads in North Darfur', unpublished draft report, Nyala, n.d.

34. Hamid et al., 'Markets, livelihoods and food aid in Darfur', 21–24.

assemble in secure, accessible places where humanitarian workers could aid them.[35] In addition, the deteriorating security situation in most parts of Darfur prevented NGOs and UN relief food distribution efforts from reaching pastoralists. The pastoralists being confined to pockets in rural Darfur and dispersed in small mobile groups made relief food delivery difficult if not impossible in some cases. Thus, pastoralists have not received humanitarian food assistance, and their severe food insecurity persists.

The loss of services that peasant villages once provided is another consequence of the conflict that pastoralists endure. During their migrations, they could access village clinics, health centers, and dispensaries for critical health care needs and services. Midwives were readily available for women in labor. These services disappeared along with the displaced settlers.[36] As a consequence, laboring pastoralist women and the sick must be taken hurriedly by camel over long distances to a midwife or a medical center, raising the risk of great suffering.[37]

A GRASS-ROOT RECONNECTION

The suffering the peasant settlers and pastoralists have endured has contributed to a tendency among them toward rapprochement. Fatigue from the violence and insecurity that disrupted normal life for so long is widespread among both groups, who yearn for the restoration of the normal, generally peaceful lives they had led before the grand conflict. Darfuri men and women, including leaders, articulate this feeling through their use of the Arabic expressions *kama fi sabig* and *zay ma kan zaman* ('as was in the past'). The desire to heal wounds and reconcile is evident in various efforts, interactions, and gestures of good will, particularly by Arab pastoralists.

One sign of this fatigue and desire for peace was Arab sheikhs' refusal to respond positively to a government plan to wage a campaign against the armed movements in 2005.[38] Local officials had called for a gathering of pastoralist tribes near Zalengie, close to Jebel Merra, and urged them to attack the movements nearby.[39] The Arabs rejected the government's request, asserting that it was the government's war, not theirs. The Arab tribes' response represents an expression of their increasing realization that the grand conflict, into which some of their tribesmen have been dragged, has damaged their own interests.

Yet another example of Arab attitudes towards their African compatriots is that of Nawaiba camel pastoralists preventing Hotiyya (Arab) cattle herders from cultivating

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35. Without in-depth understanding of the complexity of the Darfur grand conflict and the problems involved, these factors have been exacerbated by the reality that the pastoralists are treated in accordance with the simplistic conception that *all* pastoralists are aggressors, and thus do not deserve assistance. Few organizations care about the way they have been affected by the conflict.

36. The health service facilities that these groups shared were staffed by personnel drawn from the settled community. Medical personnel and midwives were also displaced and moved into camps with their communities.

37. Interview, Abdel Gadir Adam; interview, Shartai Yagoub.

38. Interview, Shartai Yagoub; interview, Mohamed Ahmed, community leader and conflict resolution mediator, El Fashir, August 2006.

39. Three calves were slaughtered for a feast held during the gathering.

lands that the Fur had been forced to abandon because of the grand conflict.[40] In 2005 a Nawaiba-Hotiyya inter-tribal conflict erupted around Zalengie over this issue, leaving 136 Hotiyya and 64 Nawaiba dead and many others injured.[41] Ironically, Fur leaders became the main mediators between the Nawaiba and Hotiyya. Fur local leaders of all ranks, together with leaders from other tribes, entered the conflict zone under heavy exchanges of fire to mediate an end to the intra-Arab tribal violence.

Arab defense of Fur land and Fur mediation to resolve an intra-Arab conflict, together with other examples of Arab-African inter-communal gestures lend credibility to other findings that 'individual participation in government-backed militia does not imply tribal responsibility in the eyes of the people from Darfur including the victims'.[42] In other words, although people have been polarized along Arab-African lines, they do not hold deep inter-tribal animosities. The Darfur grand conflict is viewed by those directly involved as a government-instigated dispute, not an inter-tribal problem.

The Fur leaders' actions are illustrative of two elements necessary for reconciliation: The first is a genuine willingness to reach out to the other, thus dispelling suspicion and surmounting mistrust, and the second is the role wise tribal leadership, from outside the conflict, can play in reconciliation and the restoration of peace. Along these lines, an Arab sheikh from the Eiteifat (a camel herding tribe) in North Darfur was quoted by a reliable source in El Fashir as saying, 'We want to reconcile with our African neighbors, . . . and we will do what it takes to meet their demands'.[43] The importance of peaceful coexistence to the pastoralists' livelihood has been a major factor contributing to a softening of positions, giving impetus to inter-communal reconciliation from below.

The two groups' interwoven interests and complementarities have made it imperative for them to start interacting in mutually beneficial exchanges after years of distrust. The interdependence of the pastoral and peasant economies, for which village markets in the past were the main intersection, has led to the resurgence of some large rural markets, despite widespread insecurity. The markets are protected by agreements forged by local leaders to allow both groups to gather and feel secure in their exchange of goods. One of these large, flourishing markets, in Treij, some sixty kilometres south of Zalengie, takes place one day a week and attracts men and women of assorted tribal origins from surrounding areas.

The Treij market, or *sauq*, evolved from a grass-root need on both sides to sell and buy commodities and local tribal leaders' willingness to respond by taking action. In the agreement made by the local leaders, no individual can enter the market with

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40. The area surrounding Zalengie consists of Fur land rich in water and tree cover with numerous seasonal streams providing an abundance of water and fertile soil. The area has been one of the main targets of the government's counterinsurgency campaign. Most peasant farmers, who cultivated vegetable and fruit gardens, were displaced by the violence. The farms became pasture for camel and cattle, used particularly by Nawaiba and Hotiyya, whose seasonal movements in 2010 were blocked.

41. State of West Darfur, 'Reconciliation conference for Nawaiba and Hottiya conflict' (in Arabic), Zalengie, 2006; interview, Shartai Yagoub.

42. Victor Tanner, 'The rule of lawlessness: Root and repercussions of the Darfur crisis', Sudan Advocacy Coalition, Interagency Paper, January 2005, 19, www.hlrn.org/img/violation/darfur%20-%20report%20final%20rule%20of%20lawlessness.pdf.

43. Interview, Mohamed Ahmed.

weapons, to lessen the possibility of attacks. Acceptance of the agreement made it possible for the market to bring together pastoralist and peasant communities and to function as a venue for the groups to reconnect and interact peacefully. Every Saturday more than twenty truck loads of commodities arrive at the Treij market, where African and Arab tribesmen and women intermix and exchange goods peacefully despite the continuation of the crisis.[44]

In the foregoing example, the mutual interests of the Arabs and Africans, rooted in survival, proved stronger than the suspicion and mistrust that violence has created. The reappearance in different parts of rural Darfur of rural markets has been driven by the need to exchange goods and to benefit in a way characteristic of previous pastoralist-peasant community relationships.[45] The resurrection of Treij and other rural markets indicates the extent to which the economies and the livelihoods of the two communal groups are too interwoven for the widespread violence to disconnect. Peaceful interactions in markets, hospitals, and large urban and smaller rural centers that were not possible during 2003 and 2004 had begun a widespread comeback in Darfur by 2006 and have been on the increase ever since.[46]

Reconciliation Initiatives

The examples presented above, and others, show a grass-root predisposition towards reconciliation and the restoration of peace in attitudes and forms of interaction that bring the two polarized groups closer. There are also cases in which grass-root reconciliation initiatives have already restored peace in communities with mixed populations. These materialized, without outside intervention or involvement, to restore normality to lives upset by violence and mistrust. Such initiatives at the micro level, driven by mutual interests, have proved to be ahead of politicians' thinking in making peace a reality.

One grass-root effort involved reconciliation between groups of diverse tribal origins in southern Nyala that formed peacefully coexisting, mixed sedentary farming communities to practice *goz* and wadi cultivation.[47] Members of these communities had not been directly drawn into the grand conflict, but the widespread violence had generally created inter-group tensions leading to polarization along African and Arab

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44. Interview, Shartai Yagoub.

45. Rural markets have also emerged in Amara, Artala, Delieg, Garsila, Mukjar, Um Dukhun, and Waro, among other places. Interview, Mohamed Ahmed Mahy El Dein, top Darfur local administrator, Khartoum, February 2010.

46. Informal interview, R. Richard, former food security monitor with the World Food Programme in Garsila, Nyala, July 2006; informal interview, Naglaa Zakaria, field monitor for the Sudanese Popular Committee for Relief and Rehabilitation (SPCR), Nyala, July 2006; informal interview, Salah Hassan, SPCR officer, Nyala, July 2006; interview, El Hadi Omer Mohamed, senior government officer in Geneina (West Darfur), Khartoum, 2010; interview, Ismael Dafalla, lecturer at the University of El Fashir, Khartoum, 2010.

47. The area includes the villages of Dreeb Al Reh, Galadi, Higier Tono, Kwala, and Sunta and is inhabited by Dajo, Fur, and Zaghawa (African tribes) along with Hotiyya, Thaalba, and Torjum (tribes of Arab identity). Goz is sandy land on which farming depends on rain and is mainly devoted to millet cultivation; wadi farming is practiced on silty clay land in the proximity of seasonal water courses, and at times wells can be used for irrigation, tapping shallow underground water. Vegetables and fruits are the main crops produced on small plots of land.

lines.[48] In 2003 and 2004, these stresses led to clashes in which members from both groups were killed. Viewing the events as a localized conflict, sheikhs and *omads* (local leaders and notables) from the two sides successfully led an intra-communal reconciliation effort in July 2005 that restored peace. Agreements were reached on the payment of blood money for victims according to custom and for handling future violations. As a result, South Nyala villages have since experienced sustained stability, despite an actual inability to pay blood money.[49]

Selia'a, east of Nyala, provides another example of a successful grass-root initiative for inter-communal reconciliation and restoration of peace. Selia'a was home to 16,000 people, mainly Barno, Birgid, and Fur (tribes of African identity), with Rezeighat cattle herders neighboring to the south. In 2004 some of the Darfuri armed movements moved into the area, attracting army and government-backed militia attacks. Selia'a was ransacked and its inhabitants displaced to camps near Mahajriyya and Greida, close to the Rezeighat Arab pastoralists and also where the displaced Africans remained subject to government-backed militia attacks. In 2005 Rezeighat pastoralists and the armed movements reached an understanding according to which the latter would open a corridor for passage so the Rezeighat could resume their seasonal north-south and south-north movements in return for the prevention of attacks on the displaced African population. The security situation for the displaced African groups substantially improved.

The government, however, then took actions that could have jeopardized the newly restored local peace. That same year, 2005, it issued legislation narrowing pastoralist corridors from one kilometre to one hundred fifty metres and increased the distance between areas of temporary pastoralist settlements.[50] The local leadership of both groups formed two committees, one from each side, to find an alternative to the legislation acceptable to both of them. The two committees agreed that the government legislation was unreasonable; that the widely accepted customary rules establishing the width of passage corridors or routes and the distance between areas of temporary pastoralist settlement would be adopted; and that the Rezeighat would commit themselves to conforming to customary rules governing the tracking of bandits in cases of robbery.[51] This ensured the Rezeighat's responsibility for controlling attacks on the displaced African communities. The agree-

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48. Informal interview, Hashim Zakaria, director of the Sudanese Popular Committee for Relief and Rehabilitation, Nyala, July 2006; informal interview, Zuhier Mohamadi, UNAMIS (United Nations Mission in Sudan) political officer, Nyala, July 2006.

49. The government, though not part of the reconciliation process, but recognizing that these communities were too poor to pay blood money, promised payment instead. It did not fulfill its promise, but intercommunal peace withstood this test.

50. There are two types of temporary settlements: one involves their placement every fifteen kilometres, where pastoralists rest for a few days before moving on, and the other allows pastoralists to settle temporarily for a month or so, to graze their animals on nearby pasture and gather provisions. FAO, 'Nomads in North Darfur', 2–4.

51. Interview, Hashim Zakaria. The customary rules governing tracking bandits and attackers is called *tatyeeb al-manazil*. According to it, a tribe or community whose *dar*, or neighborhood, has been entered—determined by the tracking or footsteps of an attacker—is compelled by tradition or custom to do one of three things: prove that the footsteps or the tracks lead out of its neighborhood; submit the attacker to those in pursuit; or take full responsibility for the crimes committed by the attacker if unable to meet one of the first two conditions. In this case, the custom dealing with bandits is applied to attackers. This information was gathered from different Darfuri sources during field visits in 1990, 1995, 1996, 2005, and 2006 in addition to interviews with Darfuri sources in Khartoum post-2006.

ment restored good relations between the two communal groups. In June 2006, they held a festival to celebrate their reconciliation.[52]

In another case of a grass-root initiative for inter-communal reconciliation, Arab pastoralists withdrew from lands they had occupied during the violence and allowed its original, displaced peasant owners, of African descent, to return to their farmland northeast of Nyala. The area had been inhabited by Dajo tribesmen, who practiced wadi and goz farming. In 2003 government-backed militia attacks forced the Dajo to abandon their farms and villages and seek shelter as displaced persons in camps on the outskirts of Nyala. The Messeriya, who claim Arab descent and live east of the Dajo, could not make traditional seasonal passages because armed movements had blocked their corridors. As a result, the Messeriya were confined to the land that the Dajo had fled, using it as pasture for their animals. In 2005 the Dajo traditional tribal leadership reached an agreement with the *nazir* of Messeriya that provided for the Dajo's return to their homes. Displaced Dajo families and households wishing to return could contact the nazir, who would then instruct his people to vacate the land.[53]

Like many others, this is a case in which the Arab pastoralists had a vested interest in the peasant villagers' being in their homes. Even if not yet fully realized in the big picture, the Dajos' return meant restored markets, sources of grain, and other benefits of which the Messeriya had been deprived since desertion of the villages in 2003. Noting the ways in which the violence and the desertion of the Dajo villages had affected the pastoralists, one young Messeriya leader stressed in a noticeable expression of regret regarding past events that people should change their mindsets and respect each other; that achieving objectives through negotiations is better than war; and that in war no one wins.[54] This realization of the extent to which the conflict had harmed both groups' interests is widespread among leaders and ordinary people alike.

Inter-communal grass-root reconciliation, even when driven by need and mutual interest, is supported by a long and revered Darfuri tradition of mediation and reconciliation.[55] The judiyya culture, which leans towards reconciliation, is widely used in rural Sudan to settle differences and disputes. By its tradition, wise men and local leaders play the role of mediators to resolve conflicts. Even under the conditions of Darfur's grand conflict, judiyya is still used among the displaced in camps and pastoralists in the countryside.[56] The Fur mediation to resolve the Hotiyya-Nawaiba conflict is a case in point.

Based mainly on negotiations, the judiyya indigenous mediation mechanism is often adopted to bridge a divide and reconcile conflicting parties at different local levels.[57] This tradition of reconciliation, a characteristic feature of tribally diverse Darfur communities, has facilitated and supported grass-root initiatives and has contributed

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52. Interview, Hashim Zakaria. Some active NGOs' representatives attended the festivities.
53. Ibid.
54. Interview, Abdel Gadir Adam.
55. Adam Azzain and Khalid Ali El Amin, 'Conflict prevention, management and resolution: Capacity assessment for IGAD', Intergovernmental Authority on Development, Djibouti, 2001.
56. Interview, Shartai Yagoub; interview, Abdel Gadir Adam.
57. In resolving a conflict, mediators apply custom and appeal every source of wisdom to push the conflicting parties into reconciliation. Verses from the Quran, proverbs, and verses from poetry are sometimes cited to soften strongly held positions. The opponents might be reminded of intermarriage, blood relations, and friendly relations among their ancestors to induce a compromise.

to mending fences between Darfur's two major communal groups. Combined with other factors, the tradition has made it possible to move at the grass-root level to restore normality to life and seriously attempt peaceful coexistence despite the rift the grand conflict has created. The inevitability of sharing the same space and economic interdependence leaves no other option but to seek reconciliation.

Implications for the Peace Process

Grass-root reconciliation reconnecting Arab and African individuals and groups is in its own right a major contribution to peacebuilding in Darfur. The downscaling of inter-communal tension in communities where reconciliation has prevailed sends a peace message to the entire Darfuri community and provides examples for others to follow. By 2007, as tensions subsided, some of the displaced began, with the help of local leaders, to return to their villages for the farming season. Markets in rural centers started operating, and ordinary people from Arab and African communal groups met to exchange goods and commodities.[58] The role local leaders played in rural Darfur is similar to that of clan leaders who restored a measure of peace to Somaliland. In the absence of a state, Somali local leaders inspired and led a peace and reconciliation process that resulted in peace accords between clans and sub-clans without outside intervention.[59]

While efforts to reach a national peace agreement remain deadlocked, reconciliation at the grass-root level continues. The urgency for peace that such reconciliation represents originates or stems from a strong desire for a settlement. This was expressed by the AU Panel on Darfur when it reported that it 'strongly sensed the impatience and frustration of the Darfurian people with the slow pace at which the leaders, on all sides, are approaching the urgent task of concluding a comprehensive and a durable political agreement'.[60] Despite the fact that it is doubtful whether grass-root needs and interests will be addressed by those in control, the pressure for peace from the grassroots should not be underestimated. Experiences elsewhere point to the significance of grass-root pressure in the realization of peace and the achievement of positive change. Lederach argues that 'virtually all of the recent transitions toward peace—such as those in El Salvador, Ethiopia as well as the earlier one in the Philippines—were driven largely by the pressure for change that was bubbling up from the grassroots'.[61]

A national peace process based on a restructuring of power and a genuine democratic transition could provide conditions more conducive to national and grass-root reconciliation. While on the one hand transitional justice, whether retributive or restorative, could be pursued nationally to hold those accused of orchestrating vio-

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58. Interview, Khalid Mohamed Ahmed, lecturer at the University of El Fashir, 2010; interview, El Hadi Omer Mohamed.

59. 'Humanitarian aid and conflict prevention: Lesson from the Greater Horn' in David R. Smock (ed.), 'Creative approaches to managing conflict in Africa: Findings from USIP funded projects', Peaceworks 15, April 1997, 21, www.usip.org/files/resources/pwks15.pdf; also see Lederach, *Building Peace,* 52–53.

60. 'Text: Recommendations of the AU Panel on Darfur', *Sudan Tribune,* 25 October 2009, www .thefreelibrary.com/TEXT%3a+Recommendations+of+the+AU+Panel+on+Darfur.-a0210459365.

61. Lederach, *Building Peace,* 52.

lence accountable for their actions, on the other hand, grass-root inter-communal reconciliation, which is already under way, could help bring some perpetrators to justice according to local custom. Although there are difficulties in applying judiyya to the grand conflict, in which the government is involved as a major actor, the use of this mechanism of mediation and reconciliation should not be hindered if conditions are favorable to holding local perpetrators accountable based on custom and as part of a comprehensive reconciliation process.[62] In fact, the judiyya tradition intersects with almost all principles of formal restorative justice (supporting truth and reconciliation commissions). Local leaders could play a pivotal role by applying indigenous customary justice and reconciliation rules to further heal the rift between the two groups and restore cooperation.

Attempts at national reconciliation show, however, that transitional justice (whatever form it might take) and reconciliation in post-conflict situations are more likely to be genuinely pursued in countries where democratic regimes replace oppressive ones. Unlike Rwanda, South Africa, and Uganda, Sudan has not had a political transition yet. As of December 2010, the regime party to the Darfur violence not only remains in control, but is persistently reluctant to reach and implement political agreements that might end its monopoly over power and wealth. Consequently, the lack of real democratic transition in Sudan is the major challenge for national as well as inter-communal peace and reconciliation.

CONCLUSIONS AND RECOMMENDATIONS

Spatial interactions and economic interdependence arising from sharing the same space and the same natural resources have been characteristic features of the relationship between Arab pastoralists and settled African peasants who coexisted peacefully in Darfur for centuries. This interdependence and their complementarities have evolved over centuries of interaction and today provide the conditions for peaceful interfacing.

The destruction of interdependent local economies and livelihoods and disruption of normal life following the post-2003 grand conflict have contributed to the emergence of a strong desire to reconnect and restore former relationships. Gestures that lowered inter-communal tensions have been accompanied by initiatives spontaneously emerging from the grassroots, without outside intervention, in many parts of Darfur, despite the continuation of the crisis. The grassroots have been able to cast off fears, overcome suspicion, reconcile, and restore normality to lives wracked by violence and fear for so long. Spontaneous grass-root reconciliation initiatives have reconnected members of both groups in everyday life, at markets, hospitals, and social occasions.

Proceeding without the conclusion of a peace agreement, those at the community level who have borne the brunt of the conflict have outpaced politicians at all levels in reconciliation and genuine attempts to restore peace. Local leadership re-

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62. Favorable conditions here primarily mean neutralizing external influences on local leaders, particularly influence by the government, empowering local leaders and reaching a political settlement that creates political conditions conducive to peace and reconciliation.

sponsive to grass-root interests and needs played a central role in the restoration of inter-communal peace. This is indicative of the influence and respect local leaders command. Taking seriously a place for grass-root-level leadership in peace restoration could be beneficial to peacebuilding in Darfur as well as other parts of Sudan and beyond. Local leaders' knowledge of their societies' people, cultural values, customs, history, and psychology combined with their wisdom and genuine concern for the community lead to the respect and influence they have earned—all of which contributes to their effective leadership. Successful conflict mediation, reconciliation, and peacebuilding, at all levels, require such leadership, as various communities have demonstrated.

The main recommendations for enhancing reconciliation and peacebuilding in Darfur could be stated as follows: First, local leaders should be empowered and strengthened to promote peace and security in Darfur. Potentially they could play a key role in rehabilitation and reconstruction and be a positive presence in peacebuilding and reconciliation in the post-conflict environment. Second, serious consideration should be given to involving local leaders in the administration of justice, when the time comes, especially in dealing with local perpetrators in accordance with tradition and the sprit of inter-communal reconciliation.

Third, local leaders—not members of elite-based civil society—should be acknowledged as the representatives of most Darfuri communities if the interests of the grassroots are to be represented in the peace process. They are the guardians of the grassroots' interests, who have their own ways of dealing with government. Fourth, complementarities and mutual interests between the two communal groups should be incorporated and built into post-conflict rehabilitation and reconstruction development projects for establishing a sustainable peace and inter-communal cooperation. Effective local leaderships that have gained the respect of their communities are potentially useful in resolving many issues in conflict situations.

Integrity of Process: How Tree of Life Is Taking Root in Zimbabwe

Sara Templer

Tree of Life, a low-cost survivor-to-survivor therapeutic workshop process, was introduced into Zimbabwe in 2004. It is currently being delivered among survivors of organized violence and torture. The process involves three days of workshop discussions and activities through which participants are enabled to piece together their traumatic experiences and integrate them with the rest of their life story, using the image of a tree to facilitate this work. Evaluations of the workshop outcomes to date and follow-up meetings with participants indicate positive changes in the lives and outlook of the majority of participants.

BALANCING THE NEEDS OF VULNERABLE INDIVIDUALS AND GROUPS with the administrative criteria and processes typically imposed by funding agencies is not a task for the faint-hearted. Community development and aid programme workers devote enormous amounts of precious time and energy detailing their project proposals in standardised language, justifying their costs on rigorous balance sheets, and quantifying outputs and benchmarks reached in terms that often seem far removed from the spirit of the project as it unfolds in 'real life'. Controls are necessary to maintain accountability as funds and goods flow from benefactors to beneficiaries, but many members of organizations that walk the line between interacting with donors and making life liveable for vulnerable constituencies express frustration with inflexible processes, formulaic language, and prescribed modes for measuring 'progress' or 'outcomes achieved'. In similar ways, restrictive policy environments which constrain the activity and voices of various groups can hinder development workers and other agencies in their efforts to alleviate suffering of different kinds. In these contexts, a key challenge for non-governmental organizations is to maintain 'integrity of process' with regard to the job they believe is theirs to do on the ground, regardless of the constraints of the policy or funding environment.

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The Tree of Life survivor-to-survivor, trauma-healing approach was introduced in Zimbabwe in 2004. Its methodology and medium- to long-term value for participants have been assessed in recent publications, which report that a majority of participants experience an improvement in their psychological state and an increased ability to cope; in addition, the process enables them to find new aspects of value in their lives and to connect with other people and participants, many of whom they remain in contact with after the workshop ends.[1] Tree of Life as a mechanism can be used for addressing personal trauma as well as, albeit indirectly, inter- and intra-community conflict. The method is relatively inexpensive: The only requirement is food and a residential environment for the three days of the workshop, as it is important that participants meet in a safe environment, outside the context in which they experienced violence. It does not require the intervention of highly skilled professionals. Tree of Life is thus an important development for communities in Zimbabwe, where the incidence of politically motivated and other violence is high, but financial and certain other resources, including qualified psychologists and therapists, are scarce.

The Small Tree of Life, the main body of facilitators and members in Zimbabwe, meets on a monthly basis, under a tree in a peaceful garden in Harare. Aside from a small number of administrative staff and the 'guardians' who founded the organization, all of the facilitators have survived some form of violence, usually organized violence or torture in a political context. Each of the facilitators has participated in a Tree of Life workshop, a process which involves debriefing survivors in such a way as to enable them to integrate their traumatic experiences with the rest of their life story and recognise that their value and purpose as an individual can endure and even grow beyond their experience of violence or torture. Thus, despite their differences in age, gender, and skills, and despite the different locations from which they come, the people gathered in the circle share something specific and powerful: the knowledge as a survivor that not only does violence devastate and dehumanise, but healing is also possible. Understanding both aspects of this experience means that the people in the circle share a realistic but hopeful vision of what is suffered by Zimbabweans living with trauma and the healing and restoration of dignity that are possible.

INTEGRITY OF PROCESS

Working quietly and relatively slowly—building trust is crucial—members of the Small Tree of Life connect with other people they know who have experienced organized trauma and violence. They invite not only victims, but also perpetrators of violence to participate in the workshops. The latter is possible because former perpetrators have sent 'scouts' to workshops to gauge the safety of the process: Zimbabwean society is riven with suspicion and fear, and people often worry that there are spies everywhere.

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1. For details about the process and an assessment of its efficacy and value in the Zimbabwean context, see T. Reeler et al., 'The Tree of Life: A community approach to empowering and healing the survivors of torture in Zimbabwe', *Torture* 19:3 (2009), 180–93; and A. Iliff, 'Root and branch, Tree of Life: Sowing the seeds of grassroots transitional justice', Oxford Transitional Justice Working Paper Series, March 2010, http://africanarguments.org/2010/03/root-and-branch-tree-of-life-sowing-the-seeds-of-grassroots-transitional-justice.

Communities are severely hurting, and many people report having been effectively forced into committing violence against their neighbours and families, or 'selling out' and accusing others of various things, to save themselves or their loved ones. In such instances, the distinction between 'victim' and 'perpetrator' becomes blurred. Some perpetrators of past violence find it difficult to continue living in the communities where they have tormented people and are recognising that they, like their victims, need healing and empowerment so they can repair the broken relationships with their neighbours and become confident and strong enough to resist resorting to or being used for violence in the future. As these and similar relationships develop, the 'Big Tree of Life' is gradually taking root in numerous communities.

The Tree of Life organizational approach is characterised by open and unambiguous discussion among facilitators and participants with regard to the work that it promises, the challenges and dangers involved, and the potential for the continuation of that work in the future. This integrity of process is demonstrated in three key ways: being sensitive to local issues and customs; communicating clearly with all participants to ensure that they do not expect or hope for anything beyond the agreed process; and taking steps to ensure that participants are able to continue the process of healing and empowerment in their communities with increasing independence and autonomy.

Sensitivity to Issues and Customs

Introducing Tree of Life into a community is a delicate process. On the one hand, it requires local knowledge and awareness of the particular issues with which each community grapples. In Zimbabwe, many people have experienced multiple traumas over several decades, and exploring a village or suburb's history can reveal complex layers of disputes and grievances. The Tree of Life approach therefore needs to balance the urgency of working with people to relieve their distress with the restraint needed to understand and properly engage with specific complexities. On the other hand, Tree of Life seeks to maintain the space in which it currently operates in society. With this in mind, the organization must be careful about whom it approaches to participate in workshops and how conversations are broached with them.

There are large numbers of individuals and communities who could benefit from Tree of Life workshops, but if the organization is perceived to be political in any way or to support a particular group over another, its ability to operate would likely be severely curtailed. To date, Tree of Life has been positively received in most areas where it has been piloted. Some facilitators describe its approach as a healing and empowerment process for all Zimbabweans who wish to avail of it. Because it is free of any political agenda, it is perceived as non-threatening. Nonetheless, as noted above, the political and social climate in Zimbabwe is such that suspicion and mistrust remain rife. Tree of Life therefore operates with considerable caution, because those involved know that the mere fact of meeting in a group of five or more people can potentially put participants in danger.

The workshop methodology, which involves meeting in a circle and passing around a talking piece to give each participant the space and time to speak and be heard, relates closely to traditional modes of addressing conflict and injury or loss in a community setting, such as the *dare*, the circle in which community members and leaders

hold council. Tree of Life can thus be said to be a process that does not seek to contest or compete with traditional modes of interaction. This aspect of complementing traditional modes of communication is illustrated in an experience I had with local Shona and Ndebele Tree of Life members in relation to their totems.

A child is always given his or her father's totem, which usually refers to an animal emblematic of their clan and represents their bond with the family group. It is natural to inquire about a person's totem; it helps people map possible family linkages and relative status to one another (as in being equivalent to a brother or a mother, for example) and thus what measure of respect or deference is appropriate. One important dimension of the totem tradition is that it constitutes a conflict management mechanism: it would be unthinkable for a son to challenge his father or someone who is the equivalent of his father; the prospect of damaging such a bond can deter people from resorting to violence or confrontation and encourage them instead to seek ways of resolving differences that will protect the relationship.

One of the Tree of Life facilitators commented that discovering one another's totems frequently plays a role in connecting participants in a workshop in unexpected ways. This has the positive effect of an icebreaker, linking people in a meaningful context that is distinct from their common experience of violence and trauma and validating the way in which the facilitators speak of the extended Tree of Life *family*. Indeed, when participants introduced themselves in the circle in a branch meeting, a number of people took note of each other's totems and when their turn came expressed happiness at having discovered new relationships. They remarked, 'I have a brother in the circle', 'I have a daughter', and 'I have a mother here today'.

Communication to Manage Expectations

In June 2010, I accompanied members of the Small Tree of Life to a sprawling high-density suburb on the outskirts of Harare. Home to almost 400,000 people, the area's infrastructure is notoriously poor: the roads are badly eroded and the provision of electricity, clean running water, and sanitation is almost non-existent. It is the sort of environment where one might want to arrive with an aid lorry, loaded with sacks of mealie meal, bottles of cooking oil, and drums of water or anything else that might ease the hardships faced by the families there. The Small Tree of Life arrived in a small pick-up truck crammed not with aid supplies, but with three facilitators and two curious researchers. It appeared as though we had arrived empty-handed.

A member of the local branch of the Big Tree of Life greeted us and invited us into his home. There were twelve of us in all sitting in a circle in his living room. We passed around a smooth, stone talking piece for making introductions, and the local members outlined the complex issues weighing upon the suburb's residents. They explained that recent election-related eruptions of organized violence and torture had occurred against a backdrop of historical tensions and rivalries within and between local communities and had further exploited and exacerbated these divisions. One major contested issue is that of 'belonging' in the area: waves of settlers had come to call the area home, ranging from the 'originals', who had established roots there in the early 1900s to various influxes of relative 'newcomers' in the 1970s and 1980s. Residents' claim to housing and land is highly contested. In addition, most 'local' MPs do not even live in the area and do not understand or perhaps care about the community's issues.

Inhabitants of the area are acutely aware of their vulnerability at election time. For example, they know that because the infrastructure is so poor, a politician can appear to be conscientious simply by promising a toilet or a road. Because the residents are in such dire need of resources, they have little option but to accept these often cynical and short-lived gestures of 'development'. After elections, the MPs withdraw to the plush suburbs of Harare, leaving the local residents to contend with the threat of brigands, thieves, and other troublemakers who hide out in the chaotic muddle of streets and houses and who are fodder for those who wish to employ them to intimidate the local population by orchestrating violence in wards that resist voting for the 'right' candidate or party. Big Tree of Life members told us that with only two secondary schools for the whole population and layers of grievance, frustration, and anxiety, people in the community felt disempowered and overwhelmed by thoughts of their severely limited prospects.

It became clear that it did not matter whether the Small Tree of Life appeared to arrive empty-handed or otherwise. What mattered was the fact that its members had come. The local residents in the circle had all experienced organized violence or torture and had gone through the Tree of Life workshop process. The act of having made the journey to visit them and sit in that living room was an important part of the ongoing process: everyone in the circle had the time and opportunity to share what had been learned to date and what hopes and expectations the Big Tree of Life had at that stage.

The locals spoke of the benefits they felt the Tree of Life process had brought them: 'Other organizations gave us *chibage* (maize); it was finished in three weeks! But Tree of Life gave me my dignity back'. In turn, each of them explained that whereas their various experiences of violence had made them 'want to leave this place' and had caused them to 'be harsh with [their] children', the debriefing and self-understanding that was enabled in the workshop had given them a lasting sense of restored agency: 'Now I can care for my children'. 'This is my home, and I want to work [here], for the community!' They wanted help in organizing more workshops, particularly in a neighbouring ward infamous for violence. (That morning a local newspaper had reported rumours of torture centres being set up in anticipation of elections in 2011.)

Theirs would be delicate and dangerous work, but Big Tree of Life members know what is possible. They do not have t-shirts or cooking pots or food supplies or other things that might be equated with day-to-day life with 'Tree of Life' stamped on them. What they do have is firsthand knowledge that a person's experience can be transformed and a continuing, supportive relationship with the individuals and the organization that helped them come to this realisation. Small Tree of Life members did not say 'This is too difficult' or 'This is straightforward. Here's what you need to do. . . .'. Instead, they made it clear at the beginning of the meeting that 'they had heard the Big Tree of Life calling' and that they knew then that they 'must come to listen to what the Big Tree of Life have to say'.

The visitors listened quietly and waited their turn to accept the talking piece. They acknowledged that they knew the community-based members were potentially 'bringing danger for themselves' by having this conversation. They also spoke of the complexity of the challenges facing them, and then asked the Big Tree of Life members what they, with their knowledge of the local area and issues, thought needed to be done. The response was that 'some workshops with the perpetrators' would be necessary, at which point the Small Tree of Life members explained that while there was

currently no money for residential workshops—which would be crucial for enabling the safe participation of perpetrators—there would be some available soon. The Big Tree of Life could therefore begin making plans.

The next steps would be devised by people from within the community—people who themselves had experienced violations in that community and who had also gone through the Tree of Life process. They therefore knew the benefits of participating in the workshops, but also that there would be no material or financial gain for them. They recognised that they would have to wake up the next day in the same neighbourhood and face its circumstances. Because of these factors, they could identify and take into account the real dangers as well as the real opportunities in their community, resulting in their plans being modest and realistic. For all that, they were full of real hope.

Enabling Participants to Continue Moving Forward

In making these plans, it was clear that the organization was resisting any impulse towards a giddy acceleration of the process: it could have been argued that since the workshops were of such enormous benefit and inspiration to the Big Tree of Life members, perhaps they should plan twenty more right away, so that as many people as possible could participate. There were, it seems, at least three reasons why it was well advised to proceed relatively slowly.

First, funding was limited. While the Tree of Life process does not require significant resources, the value of *residential* workshops cannot be overstated. Individuals who wish to participate and who attend the first day of a workshop could be intimidated or otherwise prevented from completing the three-day programme. This is particularly true for perpetrators of violence who may be unconvinced of the benefits of completing the process after only one day or who may be visited by others who persuade them to disengage from the process, but it also applies to mothers who struggle to secure child care arrangements and people who cannot pay for or access transport to the workshop venue. With this in mind, it could be counter-productive to the aims of the process for the organization to press on and conduct the workshops in a non-residential or lower-cost format. Therefore, proceeding in sync with available funding and resources was certainly wise in this case.

Second, the Tree of Life works with people who, at sometime in the past, have had their autonomy and dignity wrested from them: all of the facilitators have experienced violations of some kind, completed a workshop programme, and managed to achieve a measure of healing. To micromanage the process from above would undermine the therapeutic goal of restoring the facilitators' awareness that they can contribute to the direction of their own and their community's lives. In the approach it has adopted, Tree of Life works *with* people to enable their healing and empowerment. The organization does not list the specific outcomes and steps that it wants participants to achieve. There is no pressure to 'forgive', to 'reconcile', or to 'move on'; in fact, Tree of Life explicitly refrains from using any of these terms or other prescriptive language.

It is important to the Big Tree of Life that participants, regardless of whether they go on to become facilitators, are aware at every stage that they own their process of healing: their recovery and what they go on to do in their lives do not 'belong' to the programme. That is what empowerment means in this context: participants recognise that they can better cope with their experiences and that they are free to share this

learning with their communities if and however they wish. This was made clear by the Small Tree of Life representatives who came to hear what the community-based branch had to say and to discuss how it wanted to proceed.

The Small Tree of Life committed to supporting the community-branch members as they planned and tried to take new steps, indicating that it would be available to discuss challenges along the way. The members of the Small Tree of Life, however, also told those gathered that they must 'release us', meaning that the Big Tree of Life must value its own experience and feel confident taking steps alone into the community that it knows so well. In short, the branch is justified in pursuing and facilitating the much-needed healing among its own neighbours. The relationship with the Small Tree of Life will remain, but the work and experience of healing and empowerment, the future, belongs to the community itself.

Third, the worth of the assistance that Tree of Life offers is attested by the ongoing involvement of participants. Although its approach does not negate the need for external evaluation, the participants' commitment to perpetuating the process is itself a built-in evaluation mechanism. The people who arrive at Tree of Life circles come because they believe in and benefit from the process: in the commonly understood sense of 'humanitarian aid', there is nothing tangible to be gained. Indeed, in terms of the dangers and fears that pervade Zimbabwean society, there is much to be lost. Yet individuals are motivating their neighbours to participate. It is purely on the strength of the evidence of positive personal growth that the Tree of Life is growing. The only incentive that its branches have to encourage others to participate is to continue living within their communities with their own restored sense of self and purpose.

CONCLUSION

This description of the Tree of Life process is only a snapshot of the organization's work. The circumstances under which it carries out its work change constantly, affected by limited funding for residential workshops, the general poverty of resources across the country, the constant threat of violence, and currently, the increasing tensions surrounding public consultation on a new constitution. Nonetheless, I was struck by a statement made by the man who invited us into his home for a circle outside Harare. When I was handed the talking piece and asked to introduce myself to the circle, I said that I was a visitor. He immediately responded, 'Welcome! This is Zimbabwe. And we are Zimbabweans. And this is what we do'.

This statement demonstrates that despite the constraints and challenges that the organization faces, the Tree of Life has taken root. It also shows that the organization is resisting the temptation to 'brand' its outputs: the people who go through the process are members of the family of the Tree of Life, but they are also as free to define themselves as they had been before they participated in the workshop. The statement also reveals the extent to which participants feel a sense of belonging, not only among fellow Tree of Life members and participants but also within a wider and more diffuse community. Crucially, it emphasizes the extent to which participants of the Tree of Life process come to feel they are in control of their actions and lives, despite the threatening and disempowering circumstances in which many Zimbabweans currently find themselves.

Saviors and Survivors: Darfur, Politics, and the War on Terror, by Mahmood Mamdani

New York: Pantheon Books, 2009. xii + 398 pages. Select bibliography to p. 373. Index to p. 398. ISBN 978-0-307-37723-4 (hbk).

Reviewed by Guy Martin

FOR THE LAST TWENTY YEARS, a brutal civil war involving Arabs and Muslims has been raging in the western Sudanese province of Darfur, mostly off the radar of the international media and in the shadow of the fifty-year-old civil war pitting Muslims against Christians in the south. Mahmood Mamdani, a Ugandan political scientist at Columbia University, New York, offers his very personal interpretation of the Darfur conflict in *Saviors and Survivors: Darfur, Politics, and the War on Terror,* the outcome of his five-year experience as a consultant for the African Union under the auspices of Darfur–Darfur Dialogue and Consultation (DDDC).

Following the studies of Julie Flint and Alex de Waal in *Darfur: A Short History of A Long War* (2005) and Gérard Prunier in *Darfur: The Ambiguous Genocide* (2005), Mamdani begins his work with a pointed criticism of the U.S.-based Save Darfur movement, an offshoot of the Save Darfur Coalition (SDC). According to him, the Save Darfur movement 'is *not* a peace movement: it calls for a military intervention rather than political reconciliation, punishment rather than peace' (p. 16). Indeed, the movement's active lobbying eventually led to the adoption on 22 July 2004 of concurrent resolutions in both houses of the U.S. Congress declaring that a genocide was taking place in Darfur (pp. 23–24). This triggered a heated 'numbers debate'. The U.S. government and the United Nations estimated the number of victims since February 2003 to be 400,000—a figure consistently repeated by the U.S. media—while the World Health Organization calculated 70,000 deaths (pp. 25–39). Mamdani argues that the 'tenacity with which Save Darfur advertisements clung to the figure of 400,000 is explained by the need to justify the claim of genocide and because 'the Save Darfur Coalition is determined that there is only one way to save Darfur—that is, to occupy it through a military intervention' (p. 47).

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Mamdani traces the genesis of the conflict in Darfur to the so-called Arab-Fur civil war fought between 1987 and 1989, but asserts that at no point has the Darfur conflict been a war between 'Africans' and 'Arabs'. This latter assertion reflects the politically sensitive issues of determining who is an 'Arab' and who is an 'African' in the province and which ethnic groups are 'indigenous' and which are 'foreigners'. In the Sudanese context, the standard for defining an Arab is derived from the process of Arabization, that is, acculturation through migration and contact. Thus, 'from this point of view, Arab is a cultural identity' (p. 106). The historical record identifies the Fur, Massalit, and Baggara as the original inhabitants of Darfur, who were succeeded by waves of foreign immigrants, including the Tungur, Rizeigat, and Zaghawa, starting in the eleventh century (pp. 80–81, 90–92, 103–104).

During the Arab-Fur war, Mamdani states, Arab 'tribes' in Darfur united under the banner of the Arab Gathering. Government-supported Arab bands, the Janjawid, roamed Fur areas, burning villages and killing indiscriminately while the Fur responded in a similar manner with their own militias, the Malishiyat. By the time Brigadier Omar Hasan al-Bashir took over the government on 30 June 1989 in a military coup d'état, 'the War in Darfur had turned into a conflict over land driven by two uncompromising ideologies—one Arab supremacist, the other Fur nativist' (p. 246). Mamdani states that international humanitarian intervention is only justified when genocide—namely, 'bad' violence run amok, amoral and evil—has been known to occur (p. 279). The author concludes his analysis with the observation that genocide has been 'instrumentalized by big powers so as to target those newly independent states that they find unruly and want to discipline' (p. 281).

Mamdani situates the Darfur conflict in its indigenous and colonial historical contexts and then goes on to analyze it from the perspective of nation and state building in Sudan (pp. 171–205) as well as the broader geopolitical settings of the cold war and the post–cold war world dominated by the U.S.-led 'war on terror'. He concludes that under the guise of international humanitarian intervention, ' "the responsibility to protect" is . . . a clarion call for the recolonization of "failed" states in Africa' (p. 300).

Mamdani's interpretation of the Darfur conflict is highly debatable and controversial, and his analysis and policy recommendations are seriously flawed on a number of counts. First, a reader might ask, what is the author's rationale or justification for his relentless criticism of the Save Darfur movement? Based on his observation that the movement is an offshoot of the Save Darfur Coalition, jointly created by the U.S. Holocaust Memorial Museum and the American Jewish World Service (pp. 22–23), one might infer that the Save Darfur movement is a Jewish-Israeli conspiracy that frames U.S. policy and seeks to demonize an essentially internecine Arab conflict as well as the government of Sudan, which is unfairly held responsible for it.

Second, Mamdani's definition and use of the concepts of 'race' and 'tribe' are highly problematic. He initially observes, 'Arab is a cultural identity. Whoever speaks Arabic and partakes in "Arab" cultural practices is an Arab—regardless of ethnic origin' (p. 106), but he inexplicably goes on to state that 'Arab is, above all, a political identity—one that is tribal, not racial. To be an Arab is to be a member of an Arab tribe' (p. 108). His assertions leave the reader confused as to whether 'Arab' (in the Sudanese context) is a cultural or a political identity. As for the Arabs of the Nile Valley in northern Sudan, as well as some Darfuri Arab tribes, such as the Funj, Mamdani calls them,

strangely, 'African Arabs' (pp. 93–101). This leaves unresolved and unexplained the crucial question of who exactly is an 'African' in Darfur.

Third, and equally problematic, is the author's use of the term *tribe*, which is repeated ad nauseam throughout the book. The reader must wait until page 169 to find the explanation for its use: Mamdani is in fact using the term in a colonial administrative sense, or more precisely, to indicate 'an administratively produced political identity'. He is completely wrong when he asserts, peremptorily, that 'anthropologists have often used *tribe* and *ethnic group* synonymously . . . to denote groups that are culturally identifiable, such as through language' (p. 169). Anthropologists, however, would be particularly mindful of the essentially negative connotation lent to the term *tribe* by colonial administrators intent on demeaning the importance of ethnic groups.

Pursuing a theme from his earlier works—most notably *Citizen and Subject* (1996), *When Victims Become Killers* (2001), and *Good Muslim, Bad Muslim* (2004)—Mamdani confirms that he is enamored with binaries, in this book looking at saviors versus survivors; riverine, sedentary Arabs versus western, nomadic Arabs; Arabs versus non-Arabs; Arabs versus Africans; Arab supremacists versus Fur nativists; cattle nomads versus camel nomads; sedentary farmers versus camel nomads; landless tribes versus land-rich tribes; native tribes versus non-native settler tribes; tribal identity versus racial identity; Muslims versus Christians; tradition versus modernity; and victors' justice versus survivors' justice. While such binaries are definitely neat and aesthetically pleasing, they generally tend to grossly oversimplify a sociologically complex reality and thus result in a greatly impoverished analysis.

Most disturbing is the author's assertion that 'Darfur is . . . where genocide has become ideological' (p. 8). If genocide is, indeed, 'ideological', then why did he revise downward the post–February 2003 death toll in Darfur from 400,000 to 70,000? More to the point, why deny that a genocide ever took place in Darfur? Could it be because of expectations that the naive reader will watch passively as murder and mayhem progresses unabated in 'Negro Africa' (pp. 77–78)?

Equally puzzling is Mamdani's almost total exoneration of any responsibility on the part of the Sudanese government and political leadership for the Darfur conflict. Commenting on the warrant requested on 14 July 2008 by the prosecutor of the International Criminal Court for the arrest of President Bashir on charges of conspiracy to commit genocide and other war crimes, Mamdani states, '[N]one of these allegations can bear historical scrutiny' (p. 271). He goes on to assert that ascribing responsibility for the massacre of tens of thousands of civilians in Darfur to Bashir 'is demonization masquerading as justice' (p. 273). This is contradicted by his own earlier statement to the effect that the post-2003 government-sponsored counterinsurgency included three groups: the Janjawid, the Popular Defense Forces, and 'additional armed forces', who coordinated their operations with military intelligence and the air force (pp. 255–58). Exonerating the Sudanese government and leadership contradicts all available evidence and also leaves one wondering about the author's actual political agenda. As to policy recommendations, they are limited to suggesting 'survivors' justice' (as practiced in South Africa), and should the crisis in Darfur worsen, an external intervention under the auspices of the African Union (pp. 299–300).

After finishing *Saviors and Survivors*, the reader is left more confused than enlightened about the origins, root causes, manifestations, consequences, and prospects for

resolution of the Darfur conflict. Does the fact that this book deals with Darfur mean that just about anyone can write anything they like about 'Negro Africans' (p. 78), and not only get away with it, but also be rewarded for it? Where are the Darfuri voices? The Darfuri do not need denial; they need prompt and decisive action to stop the senseless killings, which one Sudanese observer, Sharif Harir, describes as being 'completely out of character with the people of Dar Fur' (p. 235). In spite of the fact that he dedicated his book 'to those who seek to make an independent African Union, and . . . dare to pursue a path of reform' (p. v), all available evidence seems to suggest that Mamdani—a reformed Marxist—has, regrettably, chosen to become a successful academic entrepreneur, exploiting his privileged academic position and access to top African Union policy makers for his personal aggrandizement to the detriment of the African peoples in general and the Darfuri people in particular. While some anxiously await the emergence of academics able and willing to articulate the interests and priorities of the people of Darfur, they can be sure of one thing: Mahmood Mamdani is not one of them.

Africa's New Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions, edited by Ulf Engel and João Gomes Porto

Farnham, Surrey, Ashgate Publishing Co., 2010. Global Security in a Changing World. xix + 159 p. Bibliography to p. 171. Index to p. 179. ISBN 9780754676058 (hbk).

Reviewed by Golda Keng

Africa's New Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions features contributions from academics, development cooperation specialists, and African Union (AU) staff. It serves as an illustrative analysis of the AU's new African peace and security architecture (APSA) and is aimed at students, academics, and practitioners seeking to understand the objectives, mandate, and potential contributions of this new framework. Central to its message is the forceful, yet critical argument that although facing tremendous challenges, African states were doing more than 'conveniently changing the name of their continental organization' from the Organization of African Unity (OAU) to the African Union when they adopted the Constitutive Act, and with it, a new security vision for the continent (p. 2).

The editors, Ulf Engel and João Gomes Porto, professors of African politics and peace studies, first introduce the OAU, which prior to the 1990s faced criticisms of 'indifference, of bureaucratic paralysis and of being an elite club of dictators far removed from the realities of daily life of the common African' (p. 1). They then proceed to examine the vision, mission, and fundamental objectives of the radically new AU, formed after member states endorsed updated norms, rules, and institutions to enforce and govern their interactions on matters of peace, security, and development. In chapter two, Fredrik Söderbaum and Björn Hettne examine the theory and practice of regionalism, conceptualizing and distinguishing its various dimensions and providing tools for critical review to situate Africa's security regionalism within a global context.

Klass van Walraven provides the historical context necessary to gauge the AU as a whole and the APSA in particular. His chapter illustrates how the accumulated experiences and political record of the OAU—the rationale for it and the complex internal

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functioning and budgeting dilemmas, its conflict management position, the counter-productive principle of 'non-interference' in intra-state matters, and lack of leader-ship—affected the foundation and institutional character of the AU. In the next chapter, Kathryn Sturman and Aïssatou Hayatou review the developments that led to the launch of the peace and security architecture and outline its achievements thus far. They also detail the composition, membership dynamics, and functionality of the ar-chitecture's first pillar, the Peace and Security Council (PSC), over a five-year period.

Tim Murithi and Charles Mwaura take a look at the Panel of the Wise, an innova-tive and distinctive pillar of the APSA. Espousing on the cultural basis for the estab-lishment of the panel, they discuss its composition, mandate, and modus operandi, concluding with recommendations on how it can be further supported in its singularly laudable task of preventive diplomacy. Another pillar, the Continental Early Warning System, established to monitor, analyze, and provide policy options to facilitate timely responses to threats and conflict situations, is the focus of the next chapter. The au-thors elaborate on its establishment and operation, which depends on an array of col-laborative partners, including the United Nations and its agencies, the AU's Regional Economic Commissions, and AU field stations. Regional early warning mechanisms collaborate with the PSC-supervised Observation and Monitoring Center, which by using clearly defined indicators provides recommendations to the AU commission chairperson, who then advices the council on the best course of action.

Jakkie Cilliers and Johan Potgieter's examine the Africa Standby Force, discussing its origins, structure, mandate and progress and also providing critical analysis. In their opinion, the force is 'an ambitious scheme to enable Africa to play a greater role in, and assume more responsibility for, continental conflict management' (p. 112). Engels and Gomes Porto conclude the volume with reflections on the findings of the contributors. Citing such issues as the linguistic choice of the word *architecture* to qualify the peace and security vision of the AU, the disparity between underlying prin-ciples and standards of behavior, the continued lack of a strong executive commission, and questions of sustainability and ownership, the editors proffer the concept of 'regime' as reflecting 'an architecture that depends on a variety of actors for its imple-mentation, effectiveness and resilience' (p. 153).

It is often quite satisfying when a book delivers what it promises, in this case 'to provide students, academics and practitioners with an informed and critical analysis of the operationalization and institutionalization of the APSA' (p. 143). *Africa's New Peace and Security Architecture* is a well-written, well-researched contribution to the understanding of the institutions that constitute the AU's new peace and security organ, providing detailed assessments of the potentials and challenges each one faces. The direct involvement of contributors and editors in the conceptualization and real-ization of the architecture makes for much-needed insightful analyses and commen-tary for researchers and scholars studying aspects of regionalism, African security, globalization, and other related topics.

Most refreshing is the frank, sometimes scathing candor of the authors in their portrayal of some of the challenges facing the AU, ranging from the petty and outra-geous (egos and rampant disregard for procedures) to the grave (commitment from member states, dwindling finances, lack of capacity, and so on). The editors' hopeful, yet guarded language in the introductory paragraphs of their opening and closing chapters tampers unrestrained biases of the reader and sets the tone for a healthy ap-

preciation of the APSA in light of its advances and challenges, qualified by Sturman and Hayatou as the 'modest reality of an institution in its early stages of consolidation, with many challenges to be weighed against its achievements to date' (p. 57). All contributors, while acknowledging the principles underlying the design of the APSA, express a hedged optimism in the frequent use of the word *potential* in discussing the realization and progress of the architecture.

Engels and Gomes Porto have fashioned the volume in an easy-to-use, textbook style, with the authors of each chapter first summarizing the previous chapter's thesis, presenting their own arguments, and then introducing the reader to the following chapter. The introductory chapter provides a comprehensive overview of the topics to be covered while each successive, thematic chapter contributes to an overall understanding of the APSA. The text successfully provides an in-depth, critical view of the rationale and process of establishment, functionality, and challenges facing the architecture. Whether a reader chooses to read chronologically proves no disadvantage, as each chapter stands on its own and in the case where one prefers a hurried summary of the text, a good read of the final chapter will more than fulfill this purpose.

The extensive bibliography and footnotes in *Africa's New Peace and Security Architecture* provide a beneficial 'further reading' guide for a better understanding of the AU; the editors do not pretend to analyze the entire structure of the union, only its peace and security architecture. Points for reflection and research questions provided by the authors are particularly useful. Despite the book's many positive elements, one dubious aspect is the argument of the inherent practice of 'structural' conflict prevention imbedded within the practice of conflict management or resolution. Although resolving the root causes or structural conditions that precede violence, and transforming such structures after a conflict is settled, might be beyond the means or capacities of the APSA, asserting that such practice is assumed in conflict management processes is debatable.

One peculiarity of note involves the fifth APSA pillar, the Peace Fund, which receives only passing reference. The fund was established to support peace operations through appropriations from the AU budget, donations, and fundraising. To properly understand and appreciate the potential of the architecture, an evaluation of the progress of the fund would seem relevant given the tremendous financial challenges facing the APSA and the AU, as acknowledged by the contributors. Why there is a 'no comment' on such a fundamental aspect of the architecture's survival begs an answer; perhaps a response or justification will be provided in a revised edition or subsequent, related volume.

This is an excellent contribution to the field and a 'must read' for any scholar contemplating the question of African security. Engel and Gomes Porto are correct in their assessment that 'in creating the APSA, the African Union is treading new and uncharted waters for which there are no templates, no proven recipes, no off-the-shelf road maps. The risks are therefore many, and the implementation and the successful actualization of this complex architecture not assured' (p. 143).

UNIVERSITY FOR PEACE AFRICA PROGRAMME

The Africa Programme of the United Nations–mandated University for Peace (UPEACE) was established in 2002 to strengthen the capacity of African institutions in peace and conflict studies. Through collaborative efforts with African institutional partners, the Africa Programme oversees an array of activities in the fields of education, training, and research for peace throughout the sub-Sahara. It organises short courses and training workshops and produces a variety of publications and teaching toolkits in print and electronic formats. It also develops and facilitates distance education courses for participants from universities, government, civil society, and the security sector.

Forthcoming Publications

Compendium of Key Documents of the African Union on Peace, Conflict and Development

Regional Integration and Human Security in Africa: A Reader

Regional Integration and Human Security in Africa: A Compendium

Current Publications

'Bite Not One Another': Selected Accounts of Nonviolent Struggle in Africa (2006)

A Case Study: Transition from War to Peace in Sudan (2004)

A Case Study: The Sixth Clan—Women Organize for Peace in Somalia: A Review of Published Literature (2004)

Compendium of Key Documents on Human Rights and the African Union (2006)

Compendium of Key Documents Relating to Peace and Security in Africa (2006)

Compendium of Key Documents Relating to Peace and Security in Africa (Arabic) (2007)

Directory of Peace Studies in Africa (2004)

Distance-Education Training Course on the Role of the Media in the Rwanda Genocide (2005)

Environment and Conflict in Africa: Reflections on Darfur (2009)

Environmental Degradation as a Cause of Conflict in Darfur: Conference Proceedings, Khartoum, December 2004 (2006)

Gender and Peace Building in Africa: A Reader (2006)

A Glossary of Terms and Concepts in Peace and Conflict Studies (2005)

Human Rights, Peace and Justice in Africa: A Reader (2006)

Introduction to Peace and Conflict Studies in West Africa: A Reader (2006)

Nonviolent Strategic Struggle: A Training Manual (2006)

Only Young Once: An Introduction to Nonviolent Struggle for Youths (2006)

Peace, Conflict, and Development in Africa: A Reader

Peace Research for Africa: Critical Essays on Methodology (2007)

Sélection de Documents-Clé de l'Union Africaine Relatifs aux Droits de l'Homme (2007)

Teaching Model: Nonviolent Transformation of Conflict (2006)

University for Peace

The *Africa Peace and Conflict Journal* (APCJ) is a publication of the University for Peace Africa Programme. It provides a vehicle for African scholars and others to express views from multidisciplinary and distinctly African perspectives on issues of peace and conflict affecting Africa. The journal also serves as an outlet for African viewpoints on global concerns.

In addition to making Africa's voice heard on pivotal issues of peace and conflict, APCJ facilitates scholarly communities on the continent, encouraging engagement among them on questions of peace and security. It helps scholars, researchers, and practitioners tap into international knowledge networks, promoting debate, discussion, and dissemination of research findings. By publishing original research, examining current literature, and revisiting influential writings in the field of peace and conflict studies, APCJ strives to make critical contributions to the development and strengthening of institutions of good governance, equity, and democracy; the inculcation of cultures of peace; and the institutionalisation of peace and conflict studies in Africa.

The University for Peace Africa Programme works to strengthen Africa's capacity for education, training, and research on issues of peace and security. Toward this end, it focuses on a variety of areas, including the following:

- conflict prevention, management, and resolution
- peace, conflict, and development
- human rights, justice, and peace
- nonviolent transformation of conflict
- regional integration and peace

- gender and peacebuilding
- media and peace
- endogenous knowledge systems
- refugees and internally displaced persons
- leadership and governance

'Bi Nka Bi'—Bite Not One Another

African symbols known as *adinkra*, named after a legendary king and widespread in Ghana, are used on fabrics, walls, ceramics, and logos. 'Bi Nka Bi', the adinkra symbol for harmony, means 'bite not one another'. Based on two fish biting each other's tail, it is representative of peace, visually cautioning against backbiting, provocation, and strife, and instead urging a community spirit of sharing, group cooperation, justice, equity, fair play, and forgiveness.