



# African Approaches to Building Peace and Social Solidarity

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## **Abstract**

The African continent continues to be faced with the challenge of establishing peace and development. Numerous peace initiatives have been launched on the continent. Vast amounts of resources have been utilised to craft peace agreements which have often collapsed under the weight of competing interests. It is necessary to examine whether there are other peacebuilding strategies that can be adopted to complement existing efforts to promote peace on the continent. This paper examines African indigenous approaches to building peace and promoting social solidarity. It will begin by looking at the reasons why it is necessary to build peace. The paper will then look at the role that indigenous approaches are playing in promoting peace. It will also examine

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how these approaches emphasise the importance of promoting social solidarity. Finally, the issue of how to promote a Pan-African solidarity will be discussed.

To enable culture to begin to play a significant role in the reconstruction of Africa, it will be necessary to establish education and training programmes based on progressive African cultural values for officials, civil society actors and citizens – keeping in mind that not all traditions are empowering, particularly on issues with regard to gender equality. Progressive cultural principles which promote human dignity and the well-being of the individual and society can provide valuable insights into how Africa can be peacefully reconstructed by using its own indigenous value-systems which emphasise promoting social solidarity. Promoting social solidarity in practice means confronting corruption and trying to ensure democratic governance, power sharing, and the equitable distribution of resources among all members of society. The paper will conclude by examining the strategies that can be adopted for increasing the use of indigenous approaches to building peace and social solidarity in Africa.

### **The Need for Building Peace: Understanding the Sources of Conflict in Africa**

At the core of the crisis within Africa's war-affected countries and regions is the desire to acquire power and secure resources for one group of elites or one ethno-national group at the expense of others. In Côte d'Ivoire for example, the country has become virtually split in half with government and armed resistance movements on opposite sides. The issue of identity has mixed with culture, heritage and the control of economic resources to create a cauldron of political tension and violence. In the Darfur region of the Sudan, ethnic militia are now beginning to fight against each other, after having fought since early 2003 against Janjaweed militia, which is alleged to have ties to the government. In Uganda, the Lord's Resistance Army continues to abduct children and transform them into soldiers. This activity has undermined the social fabric of societies in the region of Northern Uganda. In Somalia, clan-based militia are now confronting each other. Somalia has effectively become a proxy battlefield for the so-called 'war on terror'.

## African Approaches to Building Peace and Social Solidarity

The effects of conflicts in terms of refugee flows into neighbouring countries and the emergence of internally displaced persons (IDPs) have demonstrated that no African country is an island unto itself. Refugee camps in the Mano River Union region of Guinea, Liberia and Sierra Leone have served as a source of instability for countries in the region. It is estimated that there are close to three million refugees in central Africa alone. The camps in the Democratic Republic of the Congo (DRC) that resulted from the Rwandan genocide of 1994 remain a source of concern for all the key actors involved in the Great Lakes region. Two hundred thousand refugees have spilled into Chad as a result of the violent conflict in Sudan's Darfur region, creating tension along the border.

In all of these cases, violence has led to the breakdown of societies. Human lives have been lost. Infrastructure has been destroyed, education and health services have suffered, and the environment has been damaged. The ties that link people together have been broken, social solidarity has collapsed and political tension has been generated. In addition, socio-economic development has also been severely retarded as a result of the carnage and destruction caused by conflicts.

If we are looking for reasons why these conflicts have plagued the African continent, we do not need to look any further than the leadership of these countries. Competing self-interested political and military elites have made use of the divisions and legacies of colonialism and the illegitimate nature of the post-colonial African state to exacerbate tension and fuel conflict. Historically, slavery and colonialism destroyed the base upon which Africans could define themselves. Colonialism destroyed or profoundly corrupted the cultural sense of self in Africa. It fostered a sense of separation from one's culture. It promoted the doctrine that the European culture and way of life were superior to the African. The effect of this was to begin the process of dismantling the cultural norms and values which informed African society and thus it began imploding the social solidarity which existed in most regions prior to colonialism.

The process of modernisation led to the emergence of nation states heavily centralised in the capital city. The populations in the rural areas became marginalised and excluded from benefiting from the wealth and resources of the countries that they live in. Over-centralised post-colonial nation states have not put in place social security systems. The African post-colonial nation states have

not had a good record of promoting social harmony and establishing networks to provide services that people need to survive. When people are deprived of access to resources and education, poverty is widespread. Poverty increases tension within society, generates mistrust, and fosters crime, which further weakens the social fabric of society.

All of the wars which have plagued and continue to affect the African continent are using up resources which could rather be utilised to build schools, clinics and infrastructure for development. It is therefore clear that the link between peace and development cannot be denied.

It is not all bad news from Africa, however. There is enough reason for hope. We have witnessed relative peace, development and economic growth in Mozambique after the peace agreement was signed in 1992. In Angola there is relative peace, but its citizens are becoming impatient with waiting for peace dividends to begin to transform their lives. Recently, the Comprehensive Peace Agreement was signed between the Government of Sudan and the interim government of the South Sudan. After this conflict, which has lasted more than twenty years, there is now an opportunity for ensuring that peace is built, based on a commitment to unity, power and wealth sharing. Sierra Leone is on the road to recovery after ten years of brutal conflict. Liberia has elected Ellen Sirleaf-Johnson as the first woman President in Africa, after a conflict that devastated the country. The arch-perpetrator of violence in the Mano River Union, former president of Liberia, Charles Taylor, is being tried for war crimes in The Hague, Netherlands.

### **Peacebuilding in Context**

In 1992 the United Nations published *An Agenda for Peace*, which argued for proactive peacemaking and humanitarian intervention (Boutros-Ghali 1992). It outlined suggestions for responding effectively to threats to international peace and security in the post-Cold War era. In particular, four major areas of activity were identified, namely: preventive diplomacy, peacemaking, peace-keeping and post-conflict peacebuilding.

Preventive diplomacy is 'action to prevent disputes from arising between

parties, to prevent existing disputes from escalating into conflict and to limit the spread of the latter when they occur' (Boutros-Ghali 1992: par 20). Peacemaking is 'action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations.' Peacekeeping is the deployment of a United Nations presence with the consent of the parties concerned, and with restraint on the use of force except in self-defence. Peacebuilding refers to efforts in the medium to long-term process of rebuilding war-affected communities. This includes the process of rebuilding the political, security, social and economic dimensions of a society emerging from a conflict. It also includes addressing the root causes of the conflict and promoting social and economic justice as well as putting in place political structures of governance and the rule of law which will consolidate peacebuilding, reconciliation and development.

It is evident therefore that there are numerous challenges to promoting peace in Africa. What do we mean when we refer to building peace? We need to consider that, broadly defined, there are two ways to understand the nature of peace. For most analysts there is a distinction between a condition of negative peace and a condition of positive peace (Lund 2001). Negative peace is the condition that most people refer to when they are discussing issues to do with peace and conflict: it is the condition in which peace is based on the absence of violence. We need to work more towards the notion of positive peace: which means a peace that promotes reconciliation and coexistence on the basis of human rights, social, economic and political justice. In this context, therefore, when we talk about peacebuilding we are referring to the process whereby the goal is to strengthen the capacity of societies to promote a positive peace. Within most of the peacebuilding and development actors and agencies there is increasingly a focus on the importance of promoting positive peace.

### **The Value of Social Solidarity**

An integral part of the process of achieving positive peace is the need to promote social solidarity. In an important sense, peace is not just the absence of violence, but the presence of social solidarity. Achieving social solidarity means

that members of the society once again begin to recognise each other as fellow human beings and begin to share a concern in the common welfare and well-being of each other. Social solidarity makes sense because only by ensuring the security, safety and well-being of other people can we hope to secure our own security, safety and well-being. To emphasise the need to foster social solidarity is to recognise the inter-connectedness of each human being. Later on this paper will argue that only through the promotion of Pan-African social solidarity can African countries achieve development.

### **Indigenous Approaches to Building Peace and Social Solidarity**

Colonialism did not only destroy the basis upon which Africans could define themselves, but where it could, it also co-opted the indigenous structures and mechanisms of governance and dispute resolution to serve the interests of the colonial administration. Indigenous traditions with regard to governing and resolving disputes in African societies were therefore corrupted by the centralising power of colonialism. Africa is not a monolithic continent, there is a multiplicity of ethnic, cultural and linguistic groups, so we cannot generalise the extent to which cultural traditions do or do not have progressive norms and principles which can inform our approaches to building peace and social solidarity.

We do have to be careful not to romanticise indigenous approaches to resolving disputes in particular. This is because as with the rest of humanity African indigenous structures were for the most part exclusionary on the basis of gender. The majority of indigenous women were not included in the primary structures of decision making. This is why we need to combine present notions of gender equality with progressive indigenous norms and principles to create something that is uniquely African. We have to create a framework that is a hybrid between indigenous African traditions and modern principles to ensure the human dignity and inclusion of all members of society – women, men, girls and boys.

### **The Role of Culture in Peacebuilding**

Having said this, we cannot ignore the role that culture can play in enabling people to resolve their disputes and to strengthen the ties that bind them together. People derive their sense of meaning from their culture. What does it mean to be human? What is – or ought to be – the nature of human relations? These notions feed into the attitudes and values that we choose to embrace, which in turn determine how we interact with each other. Cultural attitudes and values, therefore, provide the foundation for the social norms by which people live (See Malan 1997, Abu-Nimer 2000 and Avruch 1998). Through internalising and sharing these cultural attitudes and values with their fellow community members, and by handing them down to future generations, societies can – and do – re-construct themselves on the basis of a particular cultural image.

In order to re-establish social solidarity in war-affected communities, a key step would be to find a way for members of these communities to ‘re-inform’ themselves with a cultural logic that emphasises sharing and equitable resource distribution. This, in effect, means emphasising the importance of reviving progressive cultural attitudes and values that can foster a climate within which peace can flourish.

### **Illustrations of Indigenous Approaches to Building Peace**

Interestingly enough we find that in Africa there are indigenous traditions for peacebuilding that can teach us a lot about healing and reconciliation, which create the basis for re-establishing social solidarity (Zartman 2000). The challenge today is for us to find ways of learning lessons from the local cultural approaches to peacebuilding. In the post-conflict era in Mozambique, traditional healing and reconciliation practices were used to enable combatants, particularly child soldiers, to be re-integrated into their communities. In Chad, Niger and Ghana, traditional institutions have been used in the past in order to address the low intensity conflicts that affected these countries.

For example, in Northern Somalia, also known as Somaliland, traditional leadership institutions and methods for resolving disputes were used to bring

together the clans and create a legislature and government. By drawing upon Somali tradition and combining these traditional structures with modern institutions of governance like the parliament, Somaliland, with its capital in Hergesia, has succeeded in maintaining a degree of relative peace and stability. The self-declared Republic of Somaliland is celebrating its fifteenth year since it declared independence from Somalia. In December 2005, President Dahir Rayale Kahin of Somaliland has made representations to the African Union (AU) for recognition and observer status, and this matter is currently being considered (International Crisis Group 2006). Some have argued that Somaliland might be the first genuine African nation state because it was created using indigenous cultural norms of governance. In this sense, it emerged from the efforts and desire of Somali clans to unify into a state. This is the exact opposite of virtually all of Africa's post-colonial states which were created and established by former European colonial powers, arbitrarily dividing ethnic groups and causing the problems and pathologies that exist today.

Also currently in Rwanda, the government is making use of the traditional justice and reconciliation system known as *gacaca* to enable it to try and judge some of those who are accused of having been among the perpetrators of the genocide in 1994. The interesting lesson to learn from this *gacaca* system is that it is largely organised on the basis of local community involvement. The local community is involved in encouraging the perpetrators to acknowledge what they have done and the victims are involved in determining what reparations need to be made so that the perpetrator can be re-integrated into the community. There have been criticisms of the way that *gacaca* tribunals have been implemented. This is bound to happen because the use of indigenous traditional approaches to administer justice in a modern nation state is uncharted ground. But the fact that the Rwandese government has resorted to using the *gacaca* approach is the most clear illustration that there is a role for African indigenous approaches in efforts to consolidate peace and restore social solidarity.

### ***Ubuntu* and Peacebuilding**

Among the countries of East, Central and Southern Africa we find a cultural world-view known as *ubuntu*. In terms of its definition, *ubuntu* tries



to articulate what it means to be human. In the societies found in these regions of Africa a person who possesses *ubuntu* is a person who is considered to be generous, hospitable, friendly, caring and compassionate. The idea behind this world-view of *ubuntu* is that 'a person is a person through other people'. We are human because we live through others, we belong, we participate and we share. A person with *ubuntu* is open and available to others and does not feel threatened when others achieve because he or she recognises that they belong to a greater whole (Tutu 1999). The lesson for peacebuilding from this tradition is that by adopting and internalising the principles of *ubuntu*, we can contribute towards creating healthy relationships based on the recognition that within the web of humanity everyone is linked to everyone else. The principles of forgiveness and reconciliation, which this tradition advocates, provide us with strategies for peacebuilding. In his book *No Future Without Forgiveness*, Archbishop Desmond Tutu suggests that these principles helped to guide the thoughts and actions of some of the perpetrators and victims who came before the South African Truth and Reconciliation Commission (TRC) to confess and forgive (Mani 2002, Villa-Vicencio & Verwoerd 2000, Graybill 1998). There is indeed much that we should be learning from African indigenous approaches to peacebuilding. However, there are persistent challenges for mobilising resources for such an initiative.

While indigenous approaches and institutions provide us with many lessons which we can incorporate into ongoing peacebuilding processes, it is important for us to also recognise that some traditions have not always promoted gender equality. Therefore, what we need to do is to combine the best lessons that tradition has to offer with progressive modern norms and standards for the protection of human rights. In this way a combination of tradition and modernity can enable Africans to reconstruct their continent by drawing upon their cultural heritage (Wa Thiong'o 1993, Salih 2001).

As Chairman of the South African TRC, Tutu (1999) reflects that he drew upon both his Christian values and his cultural values. In particular, he highlights that he constantly referred to the notion of *ubuntu* when he was guiding and advising witnesses, victims and perpetrators during the Commission hearings.

*Ubuntu* is found in diverse forms in many societies throughout Africa. More specifically among the Bantu languages of East, Central and Southern

Africa, the concept of *ubuntu* is a cultural world-view that tries to capture the essence of what it means to be human. In Southern Africa we find its clearest articulation among the Nguni group of languages. In terms of its definition, Tutu (1999:34-35) observes that:

*Ubuntu* is very difficult to render into a Western language. It speaks of the very essence of being human. When you want to give high praise to someone we say, 'Yu, u nobuntu'; 'Hey, he or she has *ubuntu*'. This means they are generous, hospitable, friendly, caring and compassionate. They share what they have. It also means my humanity is caught up, is inextricably bound up, in theirs. We belong in a bundle of life. We say, 'a person is a person through other people'. It is not 'I think therefore I am'. It says rather: 'I am human because I belong'. I participate, I share. A person with *ubuntu* is open and available to others, affirming of others, does not feel threatened that others are able and good; for he or she has a proper self-assurance that comes with knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are.

As a 'human being through other human beings', it follows that what we do to others feeds through the interwoven fabric of social, economic and political relationships to eventually impact upon us as well. Even the supporters of apartheid were, in a sense, victims of the brutalising system from which they benefited economically and politically. It distorted their view of their relationship with other human beings, which then impacted upon their own sense of security and freedom from fear. As Tutu observes: 'in the process of dehumanising another, in inflicting untold harm and suffering, the perpetrator was inexorably being dehumanised as well'.

This notion of *ubuntu* sheds light on the importance of peacemaking through the principles of reciprocity, inclusivity and a sense of shared destiny between peoples. It provides a value system for giving and receiving forgiveness. It provides a rationale for sacrificing or letting go of the desire to take revenge for past wrongs. It provides an inspiration and suggests guidelines for societies and

their governments, on how to legislate and establish laws which will promote reconciliation and peacebuilding. In short, it can 'culturally re-inform' our practical efforts to build peace and heal our traumatised communities. It is to be noted that the principles found in *ubuntu* are not unique; as indicated earlier, they can be found in diverse forms in other cultures and traditions. Nevertheless, an ongoing reflection and re-appraisal of this notion of *ubuntu* can serve to re-emphasise the essential unity of humanity and gradually promote attitudes and values based on the sharing of resources and on cooperation and collaboration in the resolution of our common problems (Khoza 1994, Maphisa 1994).

How then were the principles of *ubuntu* traditionally articulated and translated into practical peacebuilding processes? *Ubuntu* societies maintained conflict resolution and peacebuilding mechanisms which also served as institutions for maintaining law and order within society. These mechanisms pre-dated colonialism and continue to exist and function today. *Ubuntu* societies place a high value on communal life, and maintaining positive relations within the society is a collective task in which everyone is involved. A dispute between fellow members of a society is perceived not merely as a matter of curiosity with regard to the affairs of one's neighbour; but in a very real sense an emerging conflict is seen to belong to the whole community. According to the notion of *ubuntu*, each member of the community is linked to each of the disputants, be they victims or perpetrators. If everybody is willing to acknowledge this (that is, to accept the principles of *ubuntu*), then people may either feel a sense of having been wronged, or a sense of responsibility for the wrong that has been committed. Due to this linkage, a law-breaking individual thus transforms his or her group into a law-breaking group. In the same way a disputing individual transforms his or her group into a disputing group. It therefore follows that if an individual is wronged, he or she may depend on the group to remedy the wrong, because in a sense, the group has also been wronged. We can witness these dynamics of group identity and their impact on conflict situations across the world.

*Ubuntu* societies developed mechanisms for resolving disputes and promoting reconciliation and peacebuilding with a view to healing past wrongs and maintaining social cohesion and harmony. Consensus building was

embraced as a cultural pillar with respect to the regulation and management of relationships between members of the community. Depending on the nature of the disagreement or dispute, the conflict resolution process could take place at the level of the family, at the village level, between members of an ethnic group, or even between different ethnic nations situated in the same region.

In the context of the *ubuntu* societies found in Southern Africa, disputes would be resolved through an institution known as the *inkundla/lekgotla* which served as a group mediation and reconciliation forum (Nomonde 2000). This *inkundla/lekgotla* forum was communal in character in the sense that the entire society was involved at various levels in trying to find a solution to a problem which was viewed as threatening the social cohesion of the community. In principle, the proceedings would be led by a Council of Elders and the Chief or, if the disputes were larger, by the King himself. The process of ascertaining wrong-doing and finding a resolution included family members related to the victims and perpetrators, including women and the young. The mechanism therefore allowed members of the public to share their views and to generally make their opinions known. The larger community could thus be involved in the process of conflict resolution. In particular, members of the society had the right to put questions to the victims, perpetrators and witnesses as well as to put suggestions to the Council of Elders on possible ways forward. The Council of Elders, in its capacity as an intermediary, had an investigative function and it also played an advisory role to the Chief. By listening to the views of the members of the society, the Council of Elders could advise on solutions which would promote reconciliation between the aggrieved parties and thus maintain the overall objective of sustaining the unity and cohesion of the community.

The actual process involved five key stages:

- Firstly, after a fact-finding process where the views of victims, perpetrators and witnesses were heard, the perpetrators – if considered to have done wrong – would be encouraged, both by the Council and other community members in the *inkundla/lekgotla* forum, to *acknowledge responsibility or guilt*.
- Secondly, perpetrators would be encouraged to *demonstrate genuine remorse or to repent*.

## African Approaches to Building Peace and Social Solidarity

- Thirdly, perpetrators would be encouraged to *ask for forgiveness* and victims in their turn would be encouraged to *show mercy*.
- Fourthly, where possible and at the suggestion of the Council of Elders, perpetrators would be required to *pay an appropriate compensation or reparation* for the wrong done. (This was often more symbolic than a re-payment in kind, with the primary function of reinforcing the remorse of the perpetrators). Amnesty could thus be granted, but not with impunity.
- The fifth stage would seek to consolidate the whole process by encouraging the parties to commit themselves to reconciliation. This process of reconciliation tended to include the victim and his or her family members and friends as well as the perpetrator and his or her family members and friends. Both groups would be encouraged to embrace coexistence and to work towards healing the relationship between them and thus contribute towards restoring harmony within the community, which was vital in ensuring the integrity and viability of the society. The act of reconciliation was vital in that it symbolised the willingness of the parties to move beyond the psychological bitterness that had prevailed in the minds of the parties during the conflict situation.

To be frank, this process was not always straightforward, and there would naturally be instances of resistance in following through the various stages of the peacemaking process. This was particularly so with respect to the perpetrators, who tended to prefer that past events were not re-lived and brought out into the open. In the same way, victims would not always find it easy to forgive. In some instances forgiveness could be withheld, in which case the process could be held up in an impasse, with consequences for the relations between members of the community. However, forgiveness, when granted, would generate such a degree of goodwill that the people involved, and the society as a whole, could then move forward even from the most difficult situations. The wisdom of this process lies in the recognition that it is not possible to build a healthy community at peace with itself unless past wrongs are acknowledged and brought out into the open so that the truth of what happened can be determined and social trust and solidarity renewed through a process of forgiveness and reconciliation. A community in which there is no trust is ultimately not viable and gradually

begins to tear itself apart. With reference to the notion of *I am because we are* and that of *a person being a person through other people*, the above process emphasises drawing upon these *ubuntu* values when faced with the difficult challenge of acknowledging responsibility and showing remorse, or of granting forgiveness.

As mentioned earlier, this indigenous peacemaking and peacebuilding process covered offences across the board – from family and marriage disputes, theft, and damage to property, to murder and wars. In the more difficult cases involving murder, *ubuntu* societies sought to avoid the death penalty because, based on the society's view of itself – as *people through other people* – the death penalty would only serve to cause injury to the society as a whole. Though it would be more difficult to move beyond such cases, the emphasis would still be on restoring the broken relationships caused by the death of a member of the community.

The guiding principle of *ubuntu* was based on the notion that parties need to be reconciled in order to re-build and maintain social trust and social cohesion, with a view to preventing a culture of vendetta or retribution from developing and escalating between individuals and families, or in the society as a whole. We continue to observe how individuals and sections of society in the Republic of South Africa, epitomised by Mandela and Tutu, have drawn upon some aspects of their cultural values and attitudes to enable the country to move beyond its violent past. The South African TRC, which has as many critics as it has supporters, also relied on the willingness of victims to recognise the humanity of the perpetrators, and there are documented cases of victims forgiving particular perpetrators. Tutu himself would always advise victims – if they felt themselves able to do so – to forgive. His guiding principle was that without forgiveness there could be no future for the new South African republic.

### ***Ubuntu* Lessons for Promoting Peacebuilding and Social Solidarity**

Four key lessons are:

1. the importance of public participation in the peacemaking process, since social solidarity is strengthened if members of the society take part in building the peace;

2. the utility of supporting victims and encouraging perpetrators as they go through the difficult process of making peace;
3. the value of acknowledging guilt and remorse and the granting of forgiveness as a way to achieve reconciliation; and
4. the importance of referring constantly to the essential unity and interdependence of humanity, as expressed through *ubuntu*, and living out the principles which this unity suggests, namely; empathy for others, the sharing of our common resources, and working with a spirit of cooperation in our efforts to resolve our common problems (Collin Marks 2000).

### **Restoring Social Solidarity in Northern Uganda**

In Northern Uganda the government is in conflict with a resistance movement calling itself the Lord's Resistance Army (LRA), which continues to make incursions from the neighbouring country of Sudan. In Uganda, the rebel movement has been known to carry out abductions of innocent civilians including children. The Sudanese government is itself embroiled in a conflict situation with a rebellion movement in the south of the Sudan, being conducted by the Sudanese People's Liberation Movement (SPLM) which has bases in Uganda. Both of these conflicts form part of the same conflict system (Conciliation Resources 2002). In both of these conflicts, the social provisions which normally would have been provided for by the state are also lacking. The majority of the peoples from this region are from the Acholi ethnic group. Many Acholi have found themselves divided by their different loyalties: many support the rebellion due to grievances that they hold against regimes which have ruled over them; others remain neutral; and others support the government due to the rebel incursions and its practice of abducting children to join the ranks of its soldiers. Social cohesion is fragmented and the persistence of violence and abductions has thoroughly undermined the levels of social trust and solidarity (Govier 1998). From this complex matrix of factors brought about by violent conflict, there has been an urgent need to identify mechanisms and institutions for conflict resolution which can achieve the medium to long-term goal of re-building social trust, solidarity and reconciliation.

Reconciliation remains essentially contested in terms of what it is and how it can be brought about. There is much debate as to whether institutions can play a significant role in fostering reconciliation. Part of the problem lies in the fact that most of the institutions that exist in the realm of international and domestic politics were not designed with a view to fostering reconciliation or re-building social solidarity. Many of these institutions, such as international and sub-regional organisations and courts play more of a conflict regulation and conflict management role. Whether we can re-structure international and domestic political and legal institutions to promote reconciliation raises the much larger issue – which is beyond the scope of this essay – of how it is possible to promote closer ties and even an inter-penetration between law, politics and morality.

To help us shed more light on this challenge, some of the features of the reconciliation mechanism found among the Acholi may be informative (Pain 1997). The Acholi have maintained their conflict resolution and reconciliation mechanism called the *Mato Oput* which also served as an institution for maintaining law and order within the society. This mechanism pre-dated the colonial period and is still functioning in some areas. The Acholi place a high value on communal life. Maintaining positive relations within the society is a collective task in which everyone is involved. A dispute between fellow members of the community is perceived to belong to the community itself. Each member of the Acholi community is in varying degrees related to each of the disputants. On this basis therefore the Acholi society developed the *Mato Oput* process or mechanism for resolving disputes and promoting reconciliation which is based on the principle of consensus building. Consensus building is embraced by the Acholi as a cultural pillar of their efforts to regulate relationships between members of a community.

The Acholi leadership structures are based on models designed to build consensus. There are Councils of Elders or community leadership councils made up of both men and women. All members of the society have a say in matters affecting the community. With the passage of time, however, colonialism and the onset of post-colonial regimes have undermined the adherence to this value-system among most of the population. Today, there are on-going efforts to revive this way of thinking as a means to promoting more sustainable peace by using



## African Approaches to Building Peace and Social Solidarity

consensus to determine wrong-doing as well as to suggest remedial action.

The peace process in the Acholi context, therefore, involves a high degree of public participation. As noted earlier, under the timeless Acholi world-view a conflict between two members of a community is regarded as a problem which afflicts the entire community. In order to restore harmony and re-build social solidarity, there must be a general satisfaction among the public, in particular the disputants, with both the procedure and the outcome of the dispute resolution effort. The *Mato Oput* process therefore allows members of the public to share their views and to generally make their opinions known. Through a public assembly known as the *Kacoke Madit* those supervising the reconciliation process, normally comprised of the Council of Elders (who have an advisory function with respect to the Chiefs), would listen to the views of the members of the society who have a right to put questions to the victims, perpetrators and witnesses as well as make suggestions to the Council (Kacoke Madit 2000).

Due to the emphasis placed on inclusion and participation in the peace process, it can at times be a lengthy affair. The victims, perpetrators or disputants have to undertake certain commitments. The process generally proceeds through the following five stages, which are essentially the same as the set of key stages listed above:

1. Perpetrators are encouraged to acknowledge responsibility or guilt for the wrongs done following the presentation of evidence by witnesses and the public and investigation by the Council of Elders.
2. Perpetrators are encouraged to repent and demonstrate genuine remorse.
3. Perpetrators are encouraged to ask for forgiveness from the victims and victims are encouraged to show mercy and grant forgiveness to the perpetrators.
4. If the previous stage is carried out satisfactorily, perpetrators, where possible and at the suggestion of the Council of Elders, pay a compensation to the victims (this in many instances is a symbolic gesture that seeks to reinforce the genuine remorse of the perpetrator).
5. The process concludes with an act of reconciliation between the representatives of the victims and the representatives of the perpetrators. This act of

reconciliation is conducted through the ceremony of *Mato Oput* which is the drinking of a bitter tasting herb derived from the *Oput* tree. The bitter *Oput* drink symbolises the psychological bitterness that prevailed in the minds of the parties during the conflict situation. The act of drinking it was an indication that an effort will be made to transcend this bitterness in order to restore harmony and re-build trust.

In Acholi society, the *Mato Oput* process covers offences across the board from minor injustices like theft, to more serious issues involving violence between members of a society, the taking of the life of a person, even accidentally, and conflict situations. The Acholis avoid resorting to retributive justice and, in particular, the death penalty, because of the way the society views itself and the value that it attaches to each of its members. Even though the sense and demand for vengeance may be great among some of the victims, the death penalty for murder would only serve to multiply the effects of suffering in other parts of the society and ultimately undermine any possibility of re-establishing harmonious coexistence at a future stage.

Depending on the level of the offence, the *Mato Oput* reconciliation act is followed by two other ceremonies. In all dispute situations the community leaders or Council of Elders of both genders – the male leaders are referred to *Rwodi Moo* and the female leaders are known as the *Rwodi Mon* – give a final verbal blessing to mark the end of the conflict. In the case of a murder, or warring situation, there is the ‘bending of the spears’ ceremony done by the two parties to symbolise the total end to the conflict and the disposal of the instruments of its execution.

It is evident then that the guiding principle and values are based on the notion that the parties must be reconciled in order to re-build social trust and maintain social cohesion and thus to prevent a culture of vendetta or feud from developing and escalating between individuals, families and other parts of the society. This is one reason why the *Mato Oput* act of reconciliation always includes the disputants, victims, perpetrators and their representatives. Public consensus also plays a significant role in the post-conflict situation, particularly when social pressure is utilised to monitor and encourage the various parties to implement peace agreements. Any breach of the act of

reconciliation by either side would represent a far worse offence than the original offence because it would set a precedent that could eventually lead to the fragmentation of communal life.

In sum, the Acholi method for resolving disputes provides us with some practical insights as to how we can refer to culture in our efforts to establish mechanisms for promoting reconciliation and re-building social trust, across Africa as well as in other parts of the world. Civil society groups, religious leaders, parliamentarians in the Acholi community of Northern Uganda together with Acholis in the diaspora have been advocating the revitalisation and integration of the *Mato Oput* into current peace initiatives. The process is being utilised in various local efforts within the region with significant results in terms of the termination of violent conflict and the healing of communities. Many believe that by drawing upon certain elements of the *Mato Oput* mechanism it can also contribute towards healing tensions between the LRA and the Government of Uganda. There are also efforts through a Government Amnesty Bill to bring aspects of the *Mato Oput* mechanism into the reconciliation and pardon initiatives to re-integrate perpetrators, some of whom are still children, into society. As with any political process, there are of course obstacles with regard to policy implementation which undermine the use of these mechanisms in current peace efforts. Continued leadership and vision on all sides will be required to see some of these initiatives through.

The recent inroads made by the Acholi system of reconciliation into government policy suggests that there is an opportunity based on this model for promoting the legal acceptance within national constitutions of alternative forms of restorative justice. The inter-penetration or cross-fertilisation between law and politics, and morality or social values is indeed possible, but beyond that it is also necessary and desirable in the interests of building sustainable peace and democratisation through reconciliation. One key inference that we can draw from the Acholi system of reconciliation and the cultural wisdom handed down to generations of these people, is that punitive action within the context of retributive justice may effectively decrease social trust and undermine reconciliation in the medium to long-term and therefore such action is ineffective as a strategy for promoting social cohesion.

## **Strategies for Developing Education, Training and Research on Indigenous Approaches to Building Peace**

To enable culture to begin to play a significant role in the reconstruction of Africa, it will be necessary to establish education and training programmes for officials and civil society actors, based on African cultural values, but keeping in mind that not all traditions are empowering – particularly on issues to do with gender equality. Progressive cultural principles which promote human dignity and the well-being of the individual and society can provide valuable insights into how Africa can be peacefully reconstructed by using its own indigenous value systems which emphasise promoting social solidarity. In practice, this means confronting corruption and promoting power sharing, inclusive governance and the equitable distribution of resources among all members of society.

The wisdom of Africa is in the process of dying out with the elders who were familiar with traditions (Murithi & Pain 1999). Future generations have to be given the opportunity to learn about these traditions. Several strategies are required to ensure that this indigenous wisdom does not disappear completely from the face of Africa.

- To conduct the necessary interviews and research to document these traditions.
- To prepare teaching and training material and develop curriculum on how indigenous approaches will be transmitted in educational programmes.
- To train, where necessary, qualified teachers and trainers who can facilitate learning on indigenous approaches.
- To establish partnerships between organisations (the AU, the University for Peace, the United Nations Educational, Scientific and Cultural Organisation), educational institutions, professional teachers associations and non-governmental organisations which are working in this field of peace education to disseminate and share the training material and curricula.
- To disseminate and operationalise educational and training programmes on indigenous approaches to building peace.

## **African Approaches to Building Peace and Social Solidarity**

Ideally, these strategies have to also target the young Africans across the continent, since it is they who will secure a more peaceful future for the continent. At present, there is an urgent need to disseminate this knowledge on indigenous approaches to building peace and social solidarity. Therefore, strategies need to reinforce work that has been done in the past as well as develop and introduce innovative ways of disseminating and transmitting this knowledge.

At the level of governments, efforts have to be made to include in the policy-making and policy implementation process the positive role that indigenous approaches can fill in resolving disputes and building peace. A media strategy that promotes the awareness and reflection on how indigenous traditions can inform efforts to build a more peaceful society is necessary. More Africans, including those in rural areas, are increasingly able to access newspapers and radios, so this should be considered as a means to buttress the dissemination of knowledge on indigenous approaches.

### **Towards a Pan-African Solidarity**

The AU came into existence as a result of the efforts of the leaders of Africa. The idea was first expressed at the AU Summit in Sirte, Libya, in 1999. Following a transitional phase, the AU was established in July 2002, in Durban, South Africa. Today, the AU is up and running and active in trying to promote peace in various parts of Africa, notably in the Darfur region – through the peace talks in Abuja and the presence of AU peacekeeping troops on the ground. There is a fundamental problem, however, with the establishment of this Pan-African project of continental integration. For the time being, it is only being implemented at the level of the political and business elites in the society. There is a need to establish a foundation for Pan-African solidarity at the level of grassroots communities across Africa.

Concretely, during the AU Summit of July 2005, the Assembly of Heads of State and Government of the African Union began exploring possibilities of facilitating travel between countries (Konare 2006). Our educational, training and research initiatives in peace and development would be greatly enhanced if Africans could travel across countries, without the tedious and absurd visa

processes that they have to go through. We cannot promote Pan-African solidarity if at a very basic level Africans are unable to travel, to meet, to strategise and to implement their ideas. We are citizens of Africa and the policies to institutionalise this have to catch up with this reality (Kornegay 2006:3-6).

The AU, its member states and societies need to work towards raising the awareness of the AU and its Pan-African objectives among all of Africa's peoples. African citizens need to be provided with the opportunity towards fostering greater social solidarity and greater Pan-African solidarity. Various structures such as the Pan-African Parliament might provide a forum through which the views of Africans can be expressed, but more needs to be done to interface directly with civil society and the grassroots communities who may not have access to the means of communication to establish a dialogue with the African Union.

### **Ensuring International Support for African Approaches to Peacebuilding**

The AU needs to identify ways to begin to partner and work more effectively with the recently established United Nations (UN) Peacebuilding Commission (United Nations General Assembly 2005). The UN Peacebuilding Commission has the mandate to work with countries emerging from violent conflict. If it is appropriately utilised, it can enhance the continent's efforts to promote peace. The AU and its partners need to make the case for the inclusion of the use of indigenous approaches to building peace in the work of the UN Peacebuilding Commission. The UN Peacebuilding Commission might gain some useful insights from the work that is being done at the grassroots level and can also contribute towards strategies to disseminate the knowledge about indigenous approaches to building peace.

### **Conclusion**

In an important sense, peace is not just the absence of violence but the presence of social solidarity. In Africa there are indigenous traditions for

peacebuilding which can teach us a lot about healing and reconciliation, and can create the basis for re-establishing social solidarity. While indigenous approaches and institutions provide us with many lessons we can incorporate into ongoing peacebuilding processes, it is important for us to also recognise that some traditions have not always promoted gender equality. Therefore, what is required is to find a way to combine the best lessons that tradition has to offer with progressive modern norms and standards for the protection of human rights. Progressive cultural principles which promote human dignity and the well-being of the individual and society can provide valuable insights into how Africa can be peacefully reconstructed by using its own indigenous value systems which emphasise promoting social solidarity. In practice, promoting social solidarity means confronting corruption and promoting power sharing, inclusive governance and the equitable distribution of resources among all members of society. To enable culture to begin to play a significant role in the reconstruction of Africa, it will be necessary to establish education and training programmes for government, officials, civil society actors and other citizens.

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# Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

*Mark Anstey\**

## **Abstract**

This article offers a brief review of repression and conflict in the Democratic Republic of the Congo (DRC) over the last century, before analysing the transition process and the country's prospects for consolidating a democracy in the future. The DRC peacekeeping process has been the United Nation's most expensive

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project to date with an annual budget of over USD 1 billion per annum. The July elections were largely peacefully conducted and reflected a high level of participation. Building a stable sustainable democracy, however, will be difficult. The DRC must survive its poverty, lack of structure, debt, low levels of investment, internal fragmentation, and a history of violence and predatory neighbours. It must rapidly develop a strong, just state able to effectively broadcast power; resolve boundary issues in the face of potential internal and external threats; develop a common sense of nationhood and identity amongst its citizens along with a culture of constitutionalism (rule of law); acquire and effectively use aid from the international community; deal with potentially predatory neighbours; achieve rapid economic development and install effective dispute resolution mechanisms across a broad front to minimise a drift back to violence. It's a daunting agenda with limited resources.

## **1. Introduction**

On 30 July 2006, 25 million newly registered voters in the DRC had the opportunity to go to the polls to elect a new government. In the context of forty years of repression and a very violent civil war a peaceful election was a victory in itself. Elections however are no guarantee of a sustainable democracy; they only open the door to its possibility. Previous democratic elections in the Congo in 1960 and 1965 provided but a brief brutal interlude between the Belgian and Mobutu regimes. This article offers a brief record of repression and conflict in the DRC over the last century, before analysing the transition process and the country's prospects for consolidating a democracy into the future.

The DRC encompasses over 2,3 million square km, an area two thirds the size of Western Europe. Despite a rich endowment of mineral deposits and huge potentials for hydro-electric power it is shockingly underdeveloped, boasting only about 500km of tarred roads. The vast majority of its population of 55 million people live in poverty with an estimated average per capita income of only USD 110 per annum (USD 770 ppp).<sup>1</sup> Its Human Development Index ranking of 36,5 reflects not only poverty, but poor life expectancy (44,7 years) and literacy levels (65%).

## 2. Conflict Transformation and Democratisation

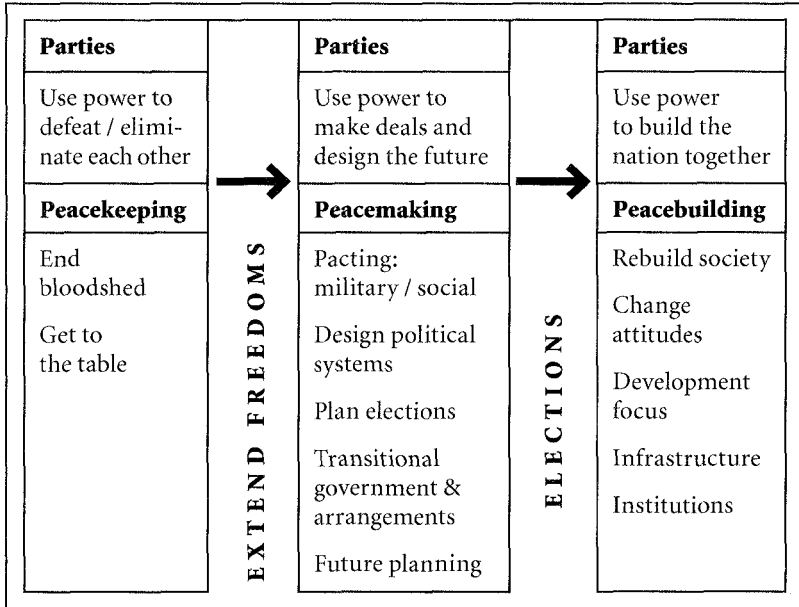
Transitions to democracy in contexts such as the DRC are a conflict transformation project. Typically the process of transforming a society of violent conflict in which parties use their power to eliminate or subjugate one another into one of tolerance in which they invest their joint energies into state-building moves through several distinct phases. In conflict transformation language, there is shift from peace-keeping to separate warring parties and bring them to the negotiation table, to peace-making in which leaders or representatives of parties negotiate a deal or a peace agreement, and then to peace-building in which conflict-generating environmental conditions are changed, and attitudes between the parties modified to allow an agenda of mutual interest to emerge and be developed. Such a process is synonymous with the now well-documented phases of a transition from authoritarian rule and violence to democracy (see Figure 1 page 38), through a process of liberalisation in which there are increased political and civil society freedoms, a period of pacting in which parties suspend their use of power against one another to stabilise the change process, elections and then democratic consolidation (Anstey 2006:281-321, De Villiers 1993, Ethier et al 1990, O'Donnell et al 1986). Progress depends on the design and implementation of effective conflict management systems in each phase of the process, but more especially the willingness of parties to respond to each other's fears, hopes and dilemmas. Conflict resolution structures and procedures are of limited value in the absence of a shift in mindset on the part of those who use them. They become effective because parties are intent not simply on defeating one another, but because they want solutions which are just and which are responsive to the needs, hopes and fears of others – in short of everyone involved! In Zartman's (2001:7-16) terms, conflict transformation requires shifts in perceptions of stakes amongst parties (from a zero to a positive sum

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1 In Purchasing Power Parity (ppp), per capita Gross Domestic Product (pcGDP) is adjusted for cost of living differences by replacing normal exchange rates with a rate designed to equalise the prices of a standard 'basket of goods and services'. The US rate is taken as the index at 100 (Economist 2006).

game), a change in attitudes (from conflictual to accommodative) and the use of tactics to promote non-violent forms of exchange.

**Figure 1: Democratisation: A Transformation of Conflict Project**



Democracy is a values system. While democratic societies are often measured by the shape of their constitutions, judicial systems, commissions, forums, laws, structures and civil societal freedoms, the social glue which holds them together in diverse societies is a mix of inclusion, tolerance, accommodation (Goodin 1995) and a shared preference for non-violent settlement of disputes. Cultural influences shape the mode of exchange, but however direct or deferent the character of their debates – they have debates! Democracies reflect non-violent competition for power, and universal rights to vote and run for office, to assemble, to move freely, to form political parties, trade unions and other civic organisations, to voice opinions, to a free press (alternative sources of information), to protection from the courts, and to freedoms from fear and

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

want (Anstey 2006:281-284, Diamond et al 1989, Dahl 1982). However deep the differences between groups, they are dealt with through debate, negotiation, the courts and other forms of non-violent dispute resolution. In Rousseau's terms, a viable social contract (democracy) requires all individuals to submit to conditions they would impose on others – all are (and feel) equal under laws founded in the general will and regulated through impartial judicial systems. Individuals and groups see greater benefit from accommodating one another's interests than in going to war over them.

As conflicts escalate, interest in accommodation diminishes. They escalate owing to poorly managed negotiations and/or as a consequence of strategies in which a party deliberately provokes open conflict because it sees greater utility in a fight (at least for a period) than in compromise or problem solving. Whatever the reason, the consequences are similar – parties polarise (in positions and perceptions); as they build in-group solidarity to fight effectively, they demonise each other; communications diminish; information is selectively (mis)understood; 'hawks' replace 'doves' as group leaders, and 'if you are not with us, you are against us' sentiments prevail. As parties use increasingly coercive tactics to achieve their ends, the process becomes self-sustaining. Anger, desires for revenge and for inflicting pain on the other overwhelm motives for peace. Original issues may be forgotten as each responds to the tactics of the other. Parties become afraid to suspend arms lest they are momentarily lulled and defeated by force. Advocacy for 'anticipatory defence' and rights to 'pre-emptive strikes' see offensive action argued away as self-preservation. Parties become increasingly entrapped in provocation-attack cycles. In addition, some groups find the conflict process itself gratifying – the adrenalin of the struggle, the camaraderie, the seduction of a 'grand cause' coupled with the demonisation of opposing groups facilitate a capacity to dismiss casualties on the other side as 'unfortunate collateral damage' (Anstey 2006:36-52, Pruitt & Rubin 1986, Coser 1956). The DRC has been through a brutal period of escalated conflict which some stakeholders realistically fear will contaminate a future democracy.<sup>2</sup>

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2 Debate amongst electoral officials, party leaders, electoral observers and mediators in the EISA/Carter Center workshop on 20 and 21 July 2006.

In scarce-resource societies, capacity for mutual accommodation is often stretched. Where there has been war anger, desires for revenge and redress must somehow find expression in a manner which does not lead parties back to armed conflict. People do not just suddenly become tolerant. The pull to democracy is often hampered by the baggage of recent conflicts, and in contexts where people have been brutalised into a desperate struggle for survival. There is not an absence of conflict in democratic societies. Rather they deal with conflict in a different way. They identify sources of conflict within their own reality. They design systems to manage such conflicts in ways that minimise the risks of violence between citizens, and protect them from abuses by the state. In all societies, but especially those with a high risk of conflict, it is important then to have accessible trusted systems of conflict management. These should extend to all potential flashpoints and areas in the country. They should operate under the ambit of a constitution and their activities should consciously serve the interests of national unity and strengthening democratic values.

### **3. A Century of Violent Conflict and Repression in the DRC**

Henry Morton Stanley acquired control over trade routes into Africa along the Congo River for King Leopold II of Belgium by enticing over 400 illiterate local chiefs to make their marks on treaties transferring land ownership to a trust. This 'personal colony' was formalised during the 1885 Berlin Conference where the continent was carved up amongst Europe's powers. Desirous of an empire but anxious not to provoke the giants of imperialism, an ambitious Leopold played a duplicitous game, securing the region for himself under a banner of humanitarian endeavour while permitting a ruthless repression of the indigenous people. Over two decades he amassed a fortune in ivory, and then rubber, through a system of terror and forced labour, with the loss of an estimated 10 million lives (Hochschild 2006:233). After the iniquities of his system were exposed, Leopold ceded his 'Congo Free State' to the Belgian state in 1908, a year before his death. It became the Belgian Congo (Electoral Institute of Southern Africa 2006a:2).

The Belgian government continued to conscript huge numbers of



## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

indigenous people into forced portorage, military, rubber and mining endeavours. Indeed, during the Second World War forced labour of 120 days a year was legally permitted (Hochschild 2006:279). Meredith (2005:96) reports that the colony 'was controlled by a small management group in Brussels representing an alliance between the government, the Catholic Church and the giant mining and business corporations, whose activities were virtually exempt from outside scrutiny'. Nevertheless, the country was run with increasing success through heavy investment in industrial development – the industrial production index rose from 118 to 350 between 1948 and 1958, with productivity almost tripling over the period. Immense mineral riches in Katanga boosted the local economy (and that of Belgium). There was also greater humanitarian investment. Missionaries established a dense network of schools and clinics across the country, and mining companies provided housing and welfare schemes (Meredith 2005:97). By 1960 the Congo boasted 560 beds per 100 000 inhabitants and the highest literacy rate in Africa (42%). However, there was little development of indigenous people beyond primary education. At the time of independence there were no Congolese doctors, school teachers or officers in the military (Meredith 2005:97, Johnson 1996:514), and only between six (Van de Walle 2001:129) and thirty (Meredith 2005) black college graduates in the country. The Belgians withdrew messily from the Congo in the colonial exodus of the continent in 1960 – and then continued to play a part in the chaos which followed.

The Congo's first democratic election in 1960 saw 120 ethnically based political parties engage in a (sometimes violent) contest for power. The National Congolese Movement achieved most votes (33 of 137) and against the wishes of the Belgians and its firebrand leader, Patrice Lumumba was elected Prime Minister. Joseph Kasavubu became the President in the nation's first national elections (Electoral Institute of Southern Africa 2006a:2). Following Lumumba's open criticism of colonialism, black soldiers in Leopoldville (now Kinshasa) mutinied, ejected their white commanders and embarked on a violent attack on Europeans and Africans from other persuasions. After five days, the Belgians sent in troops to restore order, an act denounced by United Nations (UN) Secretary-General Dag Hammarskjöld as a threat to peace and order in the region. Moise Tshombe, elected Premier of Katanga Province in the

mineral-rich south, declared independence on 11 July 1960. The UN assembled a force to oblige a re-unification (Johnson 1996:515). This ugly mix of violent exchanges between local politicians, the military and a half-extracted Belgian colonialism was compounded by Cold War politics. To protect their mineral investments, the Belgians intervened, backing Tshombe's secession. They were actively supported by the United States of America (US), interested in establishing a pro-western, anti-communist government in the Congo. Lumumba was seen as a risk and the US funded a programme launched to displace him (Nugent 2004:86-87, Blum 2003:156). On 14 July 1960, following international criticism, a UN force replaced the Belgian forces. The UN force entered but did nothing to reverse the secession of Katanga. Compounding the problem, Albert Kalonji declared independence for the South Kasai region (Nugent 2004:86). After the UN and the US refused him military assistance to put down the Katanga uprising, Lumumba asked for and received Soviet assistance but failed to achieve a military victory.

Encouraged by the US and the UN, President Kasavubu then dismissed Lumumba despite his support in the Congolese Parliament, and closed down the radio station he wished to use to broadcast his case to the nation. Lumumba responded by trying to dismiss Kasavubu but was left in a bad position, lacking military power, and lacking popular backing in Leopoldville (now Kinshasa) while the UN was backing his opponent. On 14 July Mobutu conducted a military coup and placed himself in charge of the country. He tracked down and detained Lumumba and then handed him to Tshombe on 17 January 1961 – he was assassinated the same day with direct Central Intelligence Agency (CIA) and Belgian involvement (Meredith 2005:112, Nugent 2004:87, Blum 2003:158-159).

The Congo became a cauldron of competing internal and external forces, with the US reportedly supporting both rebels and the government at one point. By 1963, the US and the UN had decided that a unified Congo was a better bet and exerted influence to bring Tshombe's secession to an end as well as end a resistance from Gizenga (Lumumba's deputy) backed by Soviet assistance (Blum 2003:159). In 1964, widespread rebellion broke out across the eastern Congo with Lumumba supporters setting up a 'Peoples' Republic of the Congo' in Stanleyville and executing an estimated 20 000 'counter-revolutionaries'. They were assisted by forces from Algeria, China, Egypt and Cuba. The US

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

along with mercenaries from South Africa and Rhodesia assisted Tshombe with a mission to bring order to the region. About 2 000 white expatriates found themselves trapped by the war in Stanleyville. The rebel leader Gbenye sought unsuccessfully to bargain a cessation of American bombing raids with the safe release of 300 Belgian and US hostages it had taken. On 24 November 1964, US and Belgian paratroopers staged a rescue mission. In the ensuing battle, about 2 000 white expatriates were safely evacuated from eastern Congo but 300 were killed by rebels. The war between Tshombe's forces and the rebels was short but brutal – about a million died in the carnage (Meredith 2005:115).

In April 1965, Tshombe's party won 122 of the 167 seats in the National Assembly. A tension arose between Kasavubu and Tshombe over the appointment of a prime minister, with the latter eventually assuming office. Things continued to fall apart and Tshombe did not last long. In November 1965, Che Guevara withdrew his small Cuban expeditionary force which had been assisting Laurent Kabila's rebels in the east of the country, disillusioned with their indiscipline, corruption, incompetence and dissolute character (Meredith 2005:149-150).

In the same month, Mobutu, with US support, launched the 'Second Republic' (November 1965 – April 1990), overthrowing Tshombe and Kasavubu to settle into thirty-five years of oppressive rule punctuated by periodic single-party elections. The country was renamed Zaire. Single-party rule (by Mobutu's party the MPR)<sup>3</sup> rapidly gave way to single-person rule (Nugent 2004). An oppressive stability was interrupted briefly in 1977 by raids into the Katanga Province by Angola-based rebels (FNLC)<sup>4</sup> who were defeated with the assistance of French and Moroccan troops with US logistical support. During the 1980's, the country was plundered by Mobutu who is estimated to have salted away up to USD 5 billion in European bank accounts – more than the national debt (Nugent 2004:236-237)! The national infra-structure collapsed, the administration and army disintegrated with disrupted supplies, fuel and pay. Independent opposition groups emerged.

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3 *Mouvement Populaire de la Révolution*

4 *Front National pour la Libération du Congo*

When the Cold War ended in 1989, Mobutu's support from the West, which had assisted to hold him in office, ended.

In the context of rising instability Mobutu initiated a process of 'popular consultation' around the future of the country and re-introduced a multi-party system of government in 1991. In the face of delays and subterfuge, opposition groups and civil society convened a Sovereign National Conference (CNS) doggedly holding to its work in the face of disruptive tactics by government. Mobutu was to be permitted to remain as Head of State but the CNS elected Etienne Tshisekedi (now leader of the UDPS<sup>5</sup> party which boycotted the 2006 elections) as Prime Minister under a transitional constitution. The plan was scuppered by Mobutu, however. Political negotiations finally saw a single institutional framework in September 1993 and the Constitutional Act of Transition passed in April 1994. Presidential and legislative elections were, however, never held. Genocide and civil war in Rwanda spilled over into eastern Congo (the Kivu provinces) with *interahamwe* (Hutu militia) using Hutu refugee camps as bases to conduct hostilities in Rwanda against the Tutsi. In October 1996, Rwandan forces invaded Zaire, supporting an internal armed coalition force led by Laurent Kabila (AFDL).<sup>6</sup> While Nugent (2004) notes that official accounts suggest that Rwandan forces limited their hostilities to militia, French (2004) and Guest (2004:119) argue it was an invasion of massive violence in which Rwandan forces decimated not just Hutu militia but also fleeing refugees. A South African peace initiative led by Mandela foundered, largely because Mobutu perceived a victory in hand (Laurence 2006:6).

On 17 May 1997, Kabila drove Mobutu from the country,<sup>7</sup> proclaimed himself President, annulled the Transition Act and banned political opposition to give himself sole control. His decision in July 1998 to order out Rwandan and Ugandan troops that helped him to office sparked a civil war. The withdrawing forces assisted in the creation of a rebel group (RCD)<sup>8</sup> which sought to

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5 *Union pour la Démocratie et le Progrès Social.*

6 *Alliance des Forces Démocratiques pour la Libération du Congo-Zaire.*

7 Mobutu died in Rabat, Morocco, on 7 September, 1997, from prostate cancer.

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

take over Kinshasa (Apuuli 2004). This mission was thwarted by troop support from Angola, Chad, Sudan, Zimbabwe and Namibia, which enabled Kabila to retain control over Kinshasa and much of the west of the country, despite loss of authority over the east and south. Kabila's belief that he could retain power sank South Africa's second mediation effort in 1998 (Laurence 2006:6). The RCD then split into two major factions – RCD-Goma and RCD-Kinshasa – after internal differences. In February 1999, Uganda assisted the formation of the rebel group MLC<sup>9</sup> built around ex-Mobutu soldiers, which took control of the northern part of the country. The spread of internal and external actors and level of violence made for a complex negotiation process.

### 4. Pacting: From Peacekeeping to Peacemaking

The first major victory for peace is often through peacekeeping efforts intended to keep warring parties apart and end the bloodshed. Wider returns are realised if an intervention creates space for negotiations, not simply in relation to substantive issues (designing elections, drafting constitutions) but also for relationship-building purposes. Leaders are given the opportunity to discover one another at a level beyond armed confrontation, with the potential for new levels of mutual understanding, insight and trust. Within the space of a ceasefire, parties are obliged to search for solutions in a manner which responds to each other's interests and fears, and start behaving as political parties rather than armies. Such interim phases then serve as a transition into 'normalised' political exchange.

Analysts of democratic transitions refer to this phase of the change process as one of **pacting**, in which key stakeholders suspend their capacity to do damage to one another and start redirecting their energies towards designing and implementing systems of mutual accommodation. Recognising that political change is inevitable, or that their interests might be best preserved through negotiation

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8 *Rassemblement Congolais pour la Démocratie.*

9 *Mouvement pour la Libération du Congo.*

rather than violent insurrection or repression, they enter pacts at political, military, social and economic levels in which they suspend their capacity for coercion in order to stabilise relations through the democratisation process.

At a political level, such pacts see the formation of transitional governments operating under interim constitutions with the task of designing and delivering a final democratic arrangement. In this way, a bridge is built from violence, oppression and fragmentation to an inclusive democratic society. Such pacts, of course, should occur not only on a political but also on social, economic and military levels. Many African democracy initiatives have foundered owing to their concentration simply on political exchange, and their neglect of civil society foundations (Bratton & Van de Walle 1997:9). One of the keys to the success of the South African transition to democracy was the role played by civil society – business, trade unions and the churches – in facilitating the change process (Anstey 2004:57-58).

The pacting phase gives all parties involved a **window into the future**. The shape of a constitution and the effectiveness of interim bodies of government and reconciliation signal to voters what they might expect after elections. It gives them something a little more than promises to vote for, and to hold their elected representatives to account to later on.

Participation in multi-party negotiations is closely bound up in processes of **conflict de-escalation**. However, they are delicately balanced. Parties arrive in a context of violent exchange with sharply defined in-group-out-group boundaries. During the process, if they wish to make progress on their own issues, they must look for ways to accommodate those of others. They must learn to deal with issues 'on their merits' if they are to avoid a reversion to violence. They must use the negotiation process as a means of protecting and furthering their interests. In this exercise they become aware not only of each other's fears, hopes and aspirations, but also of each other's goals, agendas, alliances and leverage. Parties may begin to look for new alliances, to see greater benefit in boycotting talks than participating in them, and to see returns in conditioning their participation – all of which may threaten the process. However, such shifts, trade-offs and manipulative endeavours should perhaps be seen as normative in a change process. The intention of negotiations is for parties to change, not to come out as they entered.

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

The signing of the **Lusaka Cease-fire Agreement** on 10 July 1999 by the governments of the DRC, the Republic of the Congo, Rwanda, Uganda, Namibia, and Zimbabwe and a little later by the MLC and factions of the now divided RCD was a breakthrough. It opened the door to the deployment of the UN Organisation Mission in the DRC (MONUC) to support the cease-fire in November 1999. MONUC's mandate had four phases: forcible implementation of the cease-fire agreement; monitoring and reporting violations; disarmament, demobilisation, repatriation, resettlement, reintegration; facilitating the transition to credible elections ([www.monuc.org](http://www.monuc.org) 24/7/06). With a budget of over USD 1 billion per annum, it is the UN's largest peacekeeping mission ever. Progress was, however, only really achieved after Laurent Kabila's assassination by a bodyguard in January 2001. His son, Joseph, assumed power and immediately opened the door to a democratic transition. The Lusaka Agreement committed parties to work out a power-sharing arrangement for the formation of a transitional government and to form an integrated national army drawn from all forces and factions. Former Botswana President, Ketumile Masire facilitated the first meeting of the **Inter-Congolese Dialogue** (ICD) (including the government, RCD-Goma, MLC, non-armed opposition and civil society) at South Africa's Sun City between 25 February and 19 April 2002.

While participation in multi-party talks enables new forums of exchange, and facilitates new understanding and ways of managing differences, not everyone comes to the table for the same reasons, or with the same visions of outcome. Parties change their positions, demands and tactics during the process in the context of new possibilities. Some may participate because they believe strongly in the democratic process – a principled participation. Others engage because they perceive the costs of sustained violence as too high with the risk of loss or stalemate and mutual destruction. Such groups may slow the process and seek deals beyond their actual backing on the ground. Then there are those who believe that they will win elections. For this group, talks and elections have a higher utility than continued violence. The intentions of likely winners, however, may not be democratic – negotiations and elections may simply offer a less costly and more socially acceptable route to eventual subjugation of political opponents. They will be interested in pressuring a rapid outcome. Some groups may participate simply to stop others achieving certain outcomes and make use

of spoiling tactics. There may be some who neither want to continue violent conflict nor achieve a final outcome. Those who doubt both their capacity to win a war or an election may prefer a 'permanent transition' in which they have secured seats and influence in an interim national assembly. Such groups may resort to tactics of delay, dispute and ongoing debate. Negotiations in peace-making processes then reflect and must survive multi-motive scenarios. It is the capacity to respond to the motives, fears and concerns of the spread of parties in negotiations which facilitates workable deals, and it can be expected within multi-party negotiations that relations will become strategic with new coalitions and threats of boycotts as parties jockey for power.

Not unexpectedly then, the pacting process in the DRC experienced problems. Mistrust dogged the 2002 Sun City talks. Parties squabbled over the legitimacy of representatives, with rebel leaders contesting each other's participation and accusing others of being stooges of the Kabila government. Some argued that Kabila should not remain in power while negotiations were in process (MLC, RCD-Goma, UDPS). This was dealt with through Mbeki's proposal that Kabila's retention of office be tempered by an arrangement of vice-presidencies amongst opposition groups. Talks were threatened when certain rebel groups (RCD-Goma) continued fighting, a tactic only ended after pressure from the UN Security Council and international community. The Uganda backed MLC then reneged on a pre-negotiation deal it had signed with the RCD-Goma to adopt a common strategy for the talks to announce that it had done a deal with the Kinshasa government (Kabila) to the effect that Kabila would become executive president and its own leader Bemba, prime minister for an interim period of 30 months. In the face of protest from other participants, and the ire of external player Rwanda, the Kabila-Bemba deal did not hold. Under international pressure another round of talks opened to seek an 'all-inclusive' agreement in Pretoria in October 2002. This round brought together representatives of the government, MLC, RCD-Goma, RCD-ML,<sup>10</sup> RCD-N,<sup>11</sup> political opposition, civil society and the Mai-Mai. According to

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10 *Rassemblement Congolais pour la Démocratie-Mouvement de Libération.*

11 *Rassemblement Congolais pour la Démocratie-National.*



## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

Apuuli (2004), the rebel groups became aware they could not win militarily and were under direct pressure from Uganda and Rwanda (their external backers) to resume talks.

A complicating factor in the cessation of hostilities was the interests and activities of external parties, not least Rwanda and Uganda which had not only sponsored internal rebel groups, but whose troops did direct battle in Kisangani at one point. Suppliers of arms, finance or other key resources have important influence over parties' capacity and motives to raise conflict levels or participate in peace dialogues (Huntington 1998:291-298). A critically important step in the peacekeeping process, then, was the international pressure brought to bear on external parties to withdraw troops from the DRC. Rwanda agreed to pull out in July 2002 following a commitment from the DRC to apprehend all *interahamwe* on its soil, and in September 2002 Uganda agreed to withdraw its troops and work with the DRC in a Pacification Committee in Ituri (on the DRC-Uganda border) where ethnic tensions bubbled between Hemas and Lendu (Apuuli 2004). The internal rebel groups they supported however remain, albeit in political party mode for purposes of the election. The choices of these groups post-election will be critical to the state-building project which lies ahead.

Although the major parties agreed to a formula for power sharing at the political, economic and military levels over a two-year transition period in the **Pretoria Agreement** on 17 December 2002, ethnic fighting in the Ituri region, and some late protests by RCD-Goma delayed final signature at Sun City to 1 April 2003. Kabila was to remain Head of State of an **interim government** and commander-in-chief of the army, assisted by four Vice-Presidents, one from each of RCD-Goma, MLC, the Kabila government and non-armed opposition. A formula for the distribution of Ministers' and Vice-Ministers' posts was agreed, as well as seats for parties within a 500-member Transitional National Assembly and a 120-member Senate (see Table 1 on page 50). In addition, the agreement included the integration of various RCD and Mai-Mai forces into a national army. An Independent Electoral Commission (CEI) was established, as were a National Human Rights Observation, a High Authority for the Media, a Truth and Reconciliation Commission and a Commission for the Fight against Corruption. By this time, an estimated 3,5 million people had lost

**Table 1: Quota of Seats Agreed for the Interim Government**

<b>President &amp; Commander-in Chief of Army: Joseph Kabila</b>					
<b>Party</b>	<b>Vice - Presidents</b>	<b>Ministers</b>	<b>Vice-Ministers</b>	<b>National Assembly</b>	<b>Senate</b>
Ex-government	1	7	4	94	22
Non-armed opposition	1	7	4	94	22
Civil society	–	2	3	94	22
RCD-Goma	1	7	4	94	22
MLC	1	7	4	94	22
RCD-N	–	2	2	5	2
RCD-ML	–	2	2	15	4
Mai-Mai	–	2	2	10	4

their lives in direct conflict or as a consequence of collapsed social and health systems in the DRC war, and another 5 million had been displaced.

The interim constitution increased the number of provinces in the Congo from 11 to 25, more accurately reflecting the DRC's ethnic diversity. Additionally, it was agreed that each province should be run on a semi-autonomous basis retaining 60% of wealth generated for local projects, serving perhaps to ease longstanding secessionist tendencies in the mineral-rich south. Provision was made for elections every five years. The final outcome of elections may well see strong shifts in the distribution of positions of influence and seats in the legislature. Here the choices of losers and winners of the 2006 election will be critical (discussed later in this paper).

The risks for power-holders in oppressive systems include not only a loss of political power, but also of controls over the military and police, and of systems of patronage and corruption. They may be subject to acts of retribution for past acts of oppression. Without offers of protection in a future dispensation, they

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

may see little reason to relinquish power peacefully. So it is here where the issues of **war crimes tribunals, truth and reconciliation processes, and amnesties** may come onto the table. In such moments of handover, previous victims of atrocities wield a new power and control over the process. Further casualties may only be avoided by assuring power-holders that they will receive protections they did not accord others during an oppressive regime. If these uncertainties are not dealt with, the risks of a military coup or scuppering of elections may be heightened. The past poisons the future because it is not dead – it lives in people in the form of residual anger, unresolved pain, expectations of redress, mourning and a sense of betrayal. Those who want most desperately to ‘move on’ are often those who suffered least under a previous regime or stand to gain most in a new one. For those who were victims, there is often unfinished business which the designers and players in a new dispensation must respond to if they hope to give long-term life to the infant democracy. Many may experience little change in their lives – they may remain locked in a survival crisis with few opportunities and little access to decision making. These groups need special access to systems of justice, conflict resolution and reconciliation. Parties at war do terrible damage to one another, and often to anyone in the vicinity of their hostilities. The DRC has experienced terrible loss of life over the last decade. Death, rape, violent assault, and fear have stalked its citizens. The prospect of a democracy offers hope for a future free of such atrocities and fears but it does not in itself deal with the pain of past experiences. It was, therefore, a worrisome signal that some parties argued on the eve of elections that little had been done to integrate armies or deal with issues of reconciliation.

### 5. Elections

The administration of the DRC election was a massive project involving 269 parties, 33 presidential candidates and about 9 700 parliamentary candidates across 25 provinces. The system which permitted votes for individuals within party lists made for complex ballot papers. In Kinshasa voters were faced with a six-page A3 ballot form reflecting hundreds of candidates. Electoral banners and posters reflected not only the names and in some cases pictures of

candidates, but also their numbers on lists and the pages on which their names could be found (for example, number 840 on page 5). The election was coordinated through 11 provincial centres, 64 liaison offices and over 50 000 voting stations. The DRC's election reflects the largest ever UN investment in such a project with annual expenditure estimated at about USD 1 billion. Over 15 500 peacekeeping troops were deployed in the country for several years, with 520 UN military observers, 324 civilian police and 2 493 civilian staff supporting the process. Poor road systems and weak communication infrastructure gave rise to a process of huge complexity. Over 200 000 electoral staff and 45 000 police were involved. Some early problems were experienced with payment systems and consequent strike action. Despite these headaches, the CEI registered an estimated 90% of the voting population – a quite extraordinary feat! About 65% voted in a referendum over the constitution in December 2005 with 80% approving it. Despite some equipment problems and a slow validation process, the exercise was regarded as a success (Electoral Institute of Southern Africa 2006b:36-37).

Elections can be situations of high conflict. On the eve of the election the International Crisis Group (ICG) (2006) identified a range of possible problems. Delays in the process had created a perception of a reluctance to cede power on the part of some interim parliamentarians. There were rising levels of unrest in Kinshasa, Mbuji-Mayi, Lubumbashi, Katanga, and Kivu areas. Concerns were being expressed over problems in election security, weak policing, potential interference by militia, politicised armed forces and accusations that the government in power was using its power to marginalise opposition elements, control key points, and manipulate the media. Further the ICG recorded fears of fraudulent electoral activities, disparities in wealth and access to funding amongst parties, corruption amongst officials and concerns over the boycott of the process by the UDPS. In addition, monitoring of the elections was seen as under-resourced with security risks making some areas potentially no-go zones (Katanga). There were fears that the judiciary, responsible for dispute resolution, was highly politicised (in favour of Kabila). MONUC proposed a 'committee of the wise' comprising five eminent Central African officials as a team to resolve disputes between candidates over misuse of government funds; misconduct by electoral or government officials; discrimination based on ethnicity or religion;

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

abuse of the parties' code of conduct; and other complaints. The fragility of the process was reflected in several breakdowns: RCD soldiers mutinied in Bukavu in May 2004, Kanyabayonga in November 2004 and Rutshuru in January 2006. Mai-Mai in the Kivu and Katanga areas clashed with the newly integrated National army (FADRC)<sup>12</sup> in 2005. In a problem-solving workshop for election stakeholders organised by EISA and the Carter Center a week before elections, delegates raised concerns about the complexity of the ballot paper for a society with a high degree of illiteracy; lack of voter readiness; the implications of non-participants (UDPS); the problem of 'losers'; tensions between the CEI and political parties and amongst parties themselves; and police bias in the process. A few expressed pessimism that the elections might be a disaster as not enough was in place to proceed.

Despite these fears the voting process on 30 July 2006 was largely peaceful. Only about 150 of the 50 000 voting stations were destroyed or attacked. Barring some violence in Kinshasa and Lubumbashi, voters conducted themselves well. Indeed, they were queuing to vote well before 06h00 in many stations across the country. A 70% turnout was recorded – 17,9 million people of the 25,4 million registered voted.

Parties in the DRC, however, have shown themselves more able to run elections than to live with their results. The first round of the Presidential election did not produce a clear majority winner. Groups loyal to Kabila (who won about 45% of the vote) and Bemba (about 20%) attacked each other in Kinshasa leaving thirty two dead before a cease-fire was achieved following international intervention. International efforts with President Mbeki in the forefront are seeking to ensure a peaceful run-off election between Kabila and Bemba on 29 October 2006.

It is hard to imagine a more fragmented legislature than that delivered once votes had been counted at the end of September 2006. In all, 68 parties and 63 independents won seats to the new legislature (Appendix A). Kabila's PPRD<sup>13</sup> as

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12 *Forces Armées de la République Démocratique du Congo.*

13 *Parti du Peuple pour la Reconstruction et la Démocratie.*

the winner of the largest number of votes took only 111 of the 500 seats (22,2%). Bemba's MLC came in second with 64 seats (12,8%). No other party achieved above a 10% representation in parliament. Indeed, 29 parties won only a single seat, 12 won two seats, 7 achieved 3 seats, and 6 got 4 seats – 54 parties with less than a 1% representation! Government, then, must be by coalitions and alliances amongst parties – democratic but difficult to pull together, even in cases of a few minority parties seeking alliances on issues, let alone the plethora of players which must now assume responsibility for taking the DRC into the future. Unless some extraordinary long-term coalitions now emerge, the legislature may well prove ineffectual, offering plenty of room for a future of Presidential domination and a return to 'big-man' politics, albeit off a democratic base.

## 6. Democratic Consolidation: State building in the DRC

Democratic transitions in Africa have largely been short-lived. If the DRC's fledgling democracy is to fly, it must survive its poverty, lack of infra-structure, debt, low levels of investment, internal fragmentation, a history of violence and intrusive neighbours. A sustainable peace will require *inter alia* rapid development of a strong and just state; a resolution of boundary issues along with a common sense of nationhood amongst citizens; a culture of constitutionalism (rule of law); focused ongoing assistance from the international community, including controls over predatory neighbours; and effectively designed systems of state including credible, accessible systems of dispute resolution wherever there is potential for conflict in the future (Anstey 2004; Fukuyama 2004; Herbst 2000).

A **strong state** is able to design and effectively implement policies and laws (broadcast power). This implies a competent legislature and law enforcement system, but also efficient revenue collection to cover the costs of such a system. European states were defined by the extent to which they were able to effectively extend power beyond a core to peripheral areas (Herbst 2000). 'Failed states' on the other hand are unable to protect their citizens from violence, guarantee rights at a domestic or international level, or maintain viable democratic institutions (Chomsky 2006:38,110). The art of democratic state building is the capacity to design and implement laws and policies in a manner regarded as legitimate by

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

its citizens. Fukuyama (2004:2) states that 'the task of modern politics has been to tame the power of the state, to direct its activities towards ends regarded as legitimate by the people it serves, and to regularise the exercise of power under a rule of law'. A capacity to coerce and extract revenues must then be supplemented by a capacity to protect and serve citizens. Impoverished African states are often unable to deliver these objectives to any beyond a small core area within their larger territory. This enables the formation of resistance groups in peripheral areas who mobilise on the platform of state incapacity. External support may boost their power to render areas ungovernable. Mobilising resistance in such scenarios is a great deal easier than the role of governance. Toppling a regime is no guarantee for a new group in power that it will be able to extend power any more effectively than its predecessor in scarce-resource economies. So a key challenge for the new government of the DRC is how to develop means of effectively broadcasting power across a massive geographical area despite an extraordinarily weak infra-structure, and in a context in which externally supported rebel groups have thrived.

This problem changes shape rather than diminishes in the context of a democratically elected state. Problems of broadcasting power and service delivery will in many senses be as large for a democratic state as an authoritarian one – whatever its character, it faces a large delivery / small capacity crisis. If rebel groups ignore the democratic credentials of a new government, a costly military may continue to absorb revenues. Expectations of development spending, social delivery, and state protection will however be higher for a democratic government than for a military one. Fukuyama (2004:7-57) suggests a distinction between the scope of a state's activities and its strength or capacity. While an economist may see the optimal state as that of the US, strong with a limited scope of functions (such as defence, law and order, protection of property rights, macroeconomic management, public health), Europeans have argued that strong states must also attend to issues of social justice through more expansive functions in areas such as education, environment, social insurance, financial regulation, industrial policy and wealth redistribution. African states for the most part face a crisis of capacity in a context of huge social need. The weakness of the private sector and civil society push for a more expansive scope of state functions. In previous decades, bloated, ineffectual civil services

contributed to problems in many African economies, but the structural adjustment programmes introduced to reduce state spending often created other problems. Power elites increased spending on the military and other departments enabling a consolidation of control while reducing social need expenditure. Analysts now argue that smaller states should not imply weaker states (Fukuyama 2004:7-57, 161-164, Van de Walle 2001:235-286, Bratton & Van de Walle 1999). There can be little contest with proposals for state capacity building, but there have to be questions about those aimed at reducing the scope of state functions to mirror those of some advanced economies where there are other sources of social and economic energy. Fukuyama (2004:12) implies that states with limited resources weaken themselves further when they are 'unable to provide basic public goods like law and order or public infrastructure' while trying to run parastatals and expansive wealth redistribution programmes. This is of course true, but the pressure for social delivery in poor nations cannot be ignored or postponed. Democracies are about votes, and votes may depend on service delivery. One may be tempted to shake out neo-patrimonial systems which served purposes of extended control and stability in favour of more efficient systems of social delivery, but not at the expense of social delivery. If the state is not to assume a direct role, it must rapidly develop policies which will enable other societal stakeholders to do so – a clear auxiliary role.

African nations have largely accepted the national **boundaries** imposed by European powers in 1885. As Herbst (2000) points out, however, the absence of territorial conflicts in Africa after 1960 served for a period to obscure the internal instability of its nations. The DRC faces several territorial problems. Firstly, secessionist movements in the mineral-rich south have a long history. Secondly, the DRC has over a long period of time been subjected to invasion and looting by other nations which have also supported internal rebel groups, aggravating problems of internal control and unity. In short, the integrity of the DRC may be under internal and external threat into the future.

States are defined not simply by their formal boundaries but by the **sense of identity** shared by their citizens. The design of a democratic DRC suggests an effort to respond to its ethnic diversity (through an increased number of provinces) and mute secessionism (through retention of provincial revenues). However, the question remains unresolved as to whether it is a unified state with



## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

an overriding sense of national identity amongst its people or simply an assemblage of geographically defined ethnic groupings each covetous of its identity and resistant to control by others. The absence of a strong national identity will inhibit a broad-based consensus for state-building purposes and, coupled with poor infra-structure, limits the capacity of a central government to acquire revenues, offer services, and broadcast control effectively. A semi-literate electorate with limited access to media and limited mobility is more likely to have voted for candidates on the basis of their local status and 'known-ness' (grassroots affiliation), than on the basis of policy formulations for the Congo as a whole (national policy preferences). So it is unlikely that the new National Assembly will take office with a clear development policy for the nation – it will have to be worked out. A national consensus in the DRC may prove difficult owing to its fragmented character, but also because of the challenges of delivering to massive need out of a scarce-resource economy.

Just as territory issues cannot be understood simply in terms of formal boundaries, so the exercise of formal authority cannot rely simply on the ballot box and a modern constitution. A nation requires a shared sense of identity, and a democracy requires a **culture of constitutionalism**. Modern Africa has had no shortage of constitutions, but what it has lacked is a capacity and shared will to implement these (Bratton & Van de Walle 1999; Johnson 1996:517). Many of the fears expressed by parties in the lead up to elections – the choices of losers, impartiality of the military, the police and the judiciary – reflect a lack of trust in the commitment of others to a rule of law. This is as much about the choices of winners as of losers of elections.

Those who failed to win levels of influence they aspired to, those fearing loss of wealth, opportunity or control over systems of patronage or embedded corruption and those who may be exposed to criminal charges under a new dispensation may see themselves as 'losers' in the election. In weak economies, election to political office is often the golden key to economic opportunity – loss of political status has very high stakes indeed. The risk of electoral losers taking the 'Savimbi' option of a return to arms, either immediately or once peacekeepers and the international media have withdrawn, may require maintenance of a 'peacekeeping readiness' by the international community for some time into the future. Zartman (1985:13) has pointed to the problems created by

'leftover liberation movements' which simply continue fighting if they do not win power.

The behavioural commitments and perceived integrity of likely 'winners' are of course just as important. Van Zyl Slabbert (1992) in the lead up to South Africa's democratic moment in 1994 pointed out two important criteria for a successful transition – contingent consent, in which potential losers continue to play the electoral game in the belief that future opportunities to compete will not be denied by the winners, and bounded uncertainty in that all groups believe that whoever wins the election will sustain human rights and civil liberties for all into the future. Those who believe they might lose an election continue to play the democracy game because they trust that the 'winners' will play according to certain rules; that they will not be prevented from running for election again into the future; that they will have the freedom to organise for such a purpose; that they will not be subject to arbitrary or repressive action by the winners; and that economic opportunities will be open to them in a new dispensation. Democracy requires of 'losers' that they accept the outcome of elections, and it requires of 'winners' that they do not abuse their authority – both must play within the constitutional framework. This is a much underestimated leap in mindset for scarce-resource societies with deeply entrenched systems of patronage. It requires that agendas of broad-based social and economic delivery, based on effective administrations with competent workforces, prevail over traditions of clan-based employment and tender practices.

Equally, those who decided to boycott the elections, such as the UDPS, must make choices of constitutionalism in the aftermath of elections. A party which decides not to participate may do so for many reasons, but it cannot hold the democracy train back – if it does not board, it will be left at the station. Having made the democratic decision not to participate is not a license to call the process unfair. Nor, however, is it a 'forever decision'. Viable democracies are about frequent and fair elections. So a party can participate in future elections, advise its supporters to vote for other parties with similar policy positions or even not to vote at all – but it cannot legitimately advise them to undermine the electoral process for those who have decided to play, or resort to violence.

One way to view a democracy is that it is in essence a series of temporary or transitional governments. In addition, parliaments should perhaps be seen

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

less as platforms for control than forums for national problem solving. Where elections are a regular feature of political life, parties can be voted in or out depending on their delivery to the voting population. Voters can choose to vote others into office if they are dissatisfied with delivery – in this sense loss may be but a temporary state of affairs. This is what keeps everyone honest in the system – loss of an election should not translate into loss of economic opportunity or access to justice or the right to organise for the next election.

Thinking about police services and armed forces must also be transformed. Within a unitary constitutional state, a judicial system seeks to protect people from infringing each other's rights as well as from abuses by the state. Police are not an instrument of control for any particular political party or grouping of parties, but a vehicle to protect the constitutional rights of all citizens in a nation. In emerging democracies this often demands a shift in mindset for politicians, the wider society and amongst members of the police and armed services themselves. This has been a difficult project in the South African transformation process. In the case of Zimbabwe, the ruling party has subverted its judiciary and its police services, turning them into instruments of ZANU-PF<sup>14</sup> policy and interests.

Effective, credible, accessible **conflict management systems** are key to effective transitions on many fronts. Party liaison forums, independent mediation and arbitration mechanisms, peace structures, independent forums for controls over and accreditation of police and army activities all have relevance during a transition period and into elections. After elections, those in government face the challenge of building and consolidating the new democracy. However successful the transition process to the point of elections, it is just the beginning. Infant democracies are fragile and vulnerable to attacks and to crises of expectation. The culture of violence which develops in war-torn nations makes it important for political and civil society stakeholders to assess the issues they will face in a new regime and design means of responding to these (Harris & Reilly 1998:135-342). Amongst others, conflict management systems must be designed to respond to tests of rights enshrined in a new constitution

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14 Zimbabwe African National Union - Patriotic Front.

(courts; human rights commissions); tensions over delivery of social services (local ombuds; land commissions; aid and refugee bodies); the arguments of secessionist movements (mediation and courts); tensions over war crimes and atrocities (amnesty / truth and reconciliation / war crimes choices); unification of police and armed forces (carefully managed transformation projects) and complaints over their conduct (independent complaints directorates; courts); and conflicts arising from corporate practices, sometimes in interaction with government (auditor-general; pension ombuds; public protector offices).

The DRC has never realised its own wealth. First the Belgians plundered its resources, then Mobutu and in more recent times its neighbours Uganda and Rwanda. Not surprisingly, there is suspicion of those indicating a desire to help! There is not sufficient space for this debate here, but a coherent plan for **sustainable economic development** will be a critical platform for a viable democracy. Key to this will be a quick resolution of Fukuyama's (2004) debate around state capacity and scope. The DRC must develop economic policies which will attract investors, promote economic growth, offer a fair deal to labour and satisfy voters. If the state is not to assume a less expansive role within the economy then it must develop policies for economic growth and redistribution with private sector interests. Although subject to criticism from all its social partners at various stages, South Africa's National Economic Development and Labour Council (NEDLAC) offers a good example of a forum for social dialogue through which government can continuously engage with business, labour and civil society interests for development purposes. The consolidation of a democracy depends on an awareness that democracy is not simply a set of political arrangements, but one whose survival is dependent on civil society. A failure to develop democracy beyond political systems has collapsed many of Africa's democratic initiatives experiments (Anstey 2004; Bratton & Van de Walle 1999). The strength of democracy, then, depends on **building and empowering civil society** rather than simply centralising controls. As Sandbrook (1993:121-150) points out, however, recognising the importance of a strong civil society for democracy is one thing; building one in the African context is another, fraught with obstacles.

### 7. Conclusion

After a bumpy start, the DRC's democracy project progressed through a successful political pacting process and, with massive external investment, a peaceful election process with a high level of participation. At best, however, the DRC has only a fledgling democracy – and a sickly one. If it is to become 'flight-worthy', an extraordinary array of problems must be overcome and some important tests passed. The new democratic government must make important decisions as to state building to find an optimum balance in the mix of capacity and delivery demands – a problem magnified in the context of the nation's poverty and weak infra-structure which weaken capacity to broadcast power effectively. A major test must be passed regarding internal and external threats to national integrity. Predatory neighbours must be kept in check and internal forces must see greater value in working within the democratic state than in breaking from it. The extent to which a 'culture of constitutionalism' exists amongst electoral 'losers' and 'winners', and the military and the police in the immediate aftermath of elections will be tested – and it is a test that must be passed if a meaningful democracy is to emerge from the ashes. The violent response of loyalists to Kabila and Bemba which greeted the announcement of a second round for presidential elections in October 2006 was symptomatic of how delicately poised the democratic experiment remains. Recognising the ongoing high potential for conflict in the DRC makes it imperative that popularly accredited, effective, accessible systems of conflict management be designed and resourced across society to prevent, minimise and regulate tensions into the future. Ways have to be found to support mechanisms which prevent a drift back to violence – peace must be seen by major stakeholders to have greater utility than a reversion to war. A democracy is not simply a matter of institutions, but a matter of societal will. Institutions will not prevail if the intent is not to use them or to corrupt them. For this reason, the final motivation perhaps needs to be for sustained external assistance to give this democratic project a chance – responsiveness to refugees, to those who are starving and traumatised by war, to the need for focused development programmes, to human rights education, to the development of infra-structure – these will be what holds

this democracy together. Even should systemic corruption be defeated, a huge investment of resources will be needed to make this happen.

In this context, despite the size of investment in the democratic project to date and its successful election process, development of a sustainable democracy in the DRC will remain an immensely difficult project into the future. This, however, does not mean it is a project which should be abandoned if there are problems in early attempts at flight. In Lincoln's words 'the probability that we may fail in the struggle ought not to deter us from the support of a cause we believe to be just'.

### **Postscript**

At the time of going to print the Independent Electoral Commission had announced that Kabila had won the second round of the Presidential election with 58% of votes against Bemba's 42%. After a period of tension in which there were fears of violence in Kinshasa, Bemba indicated that he would challenge the result through the Supreme Court. The choice of the legal route was a positive one. When the Court upheld the result, Bemba made a further positive choice in stating he would respect the decision and seek leadership of the opposition. There is much to do, but if Bemba delivers to these commitments and Kabila affords them a dignified response, it will go a long way towards stabilising the DRC's new democracy and laying the foundations for a culture of constitutionalism to develop.

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## Appendix A

### Provisional Results

Extracted from Electoral Institute of Southern Africa 2006b

<b>Registered</b>	25 420 199
<b>Voters</b>	17 931 238
<b>Counted votes</b>	16 937 534
<b>Spoilt ballots</b>	870 758
<b>Blank ballots</b>	122 946
<b>Turnout</b>	70,54%



## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

### Presidential Election

NO	NAMES OF CANDIDATES	NO OF VOTES	% OF VOTES
1	Kasonga Banyingela	82.045	0,48
2	Jean-Pierre Bemba Gombo	3.392.592	20,03
3	Alou Bonioma Kalokola	63.692	0,38
4	Eugene Diomi Ndongala	85.897	0,51
5	Antoine Gizenga	2.211.290	13,06
6	Emmanuel-Bernard Kabatu Suila	86.143	0,51
7	Joseph Kabila Kabange	7.590.485	44,81
8	Gerard Kamanda wa Kamanda	52.084	0,31
9	Oscar Kashala Lukumuenda	585.410	3,46
10	Norbert Likulia Bolongo	77.851	0,46
11	Roger Lumbala	75.644	0,45
12	Guy-Patrice Lumumba	71.699	0,42
13	Vincent de Paul Lunda Bululu	237.257	1,40
14	Pierre-Anatole Matusila	99.408	0,59
15	Christophe Mbose Nkodia Pwanga	78.983	0,47
16	Antipas Mbusa Nyamwisi	96.503	0,57
17	Raphael Mbuyi Kalala	44.030	0,26
18	Nzanga Joseph-Francois Mobutu	808.397	4,77
19	Florentin Mokonda Bonza	49.292	0,29
20	Timothee Moleka Nzuluma	17.753	0,10
21	Justine Mpoyo Kasavubu*	75.065	0,44
22	Jonas Mukamba Kadiata Nzemba	39.973	0,24
23	Paul-Joseph Mukungubila Mutombo	59.228	0,35
24	Osee Muyima Ndjoko	25.198	0,15
25	Arthur Zahidi Ngoma	57.277	0,34
26	Jacob Niemba Souga	40.188	0,24
27	Wivine Nlandu Kavidi*	54.482	0,32
28	Marie-Therese Nlandu Mpolo Nene*	35.587	0,21
29	Catherine Marthe Nzuzi wa Mbombo*	65.188	0,38
30	Joseph Olenghankoy Mukundji	102.186	0,60
31	Pierre Pay Pay wa Syakassighe	267.749	1,58
32	Azarias Ruberwa Manymwa	287.641	1,69
33	Hassan Thassinda Uba Thassinda	23.327	0,14

\* Female candidates

Source: Independent Electoral Commission (CEI), 20 August 2006.

## Legislative Election

## Number of Elected Members of DRC Parliament


No	PARTY/ORGANISATIONS/INDEPENDENTS	DENOMINATION	SEATS
1	Parti du Peuple pour la Reconstruction et la Démocratie	PPRD	111
2	Mouvement de Libération du Congo	MLC	64
3	Parti Lumumbiste Unifié	PALU	34
4	Mouvement Social pour le Renouveau	MSR	27
5	Forces du Renouveau	Forces du Renouveau	26
6	Rassemblement Congolais pour la Démocratie	RCD	15
7	Coalition des Démocrates Congolais	CODECO	10
8	Convention des Démocrates Chrétiens	CDC	10
9	Union des Démocrates Mobutistes	UDEMO	9
10	Camp de la Patrie	CAMP DE LA PATRIE	8
11	Démocratie Chrétienne Fédéraliste- Convention des Fédéralistes pour la Démocratie	DCF-COFEDEC	8
12	Parti Démocrate Chrétien	PDC	8
13	Union des Nationalistes Fédéralistes du Congo	UNAFEC	7
14	Alliance des Démocrates Congolais	ADECO	4
15	Patriotes Résistants Maï-Maï	PRM	4
16	Alliance Congolaise des Démocrates Chrétiens	ACDC	4
17	Union du Peuple pour la République et le Développement Intégral	UPRDI	4
18	Rassemblement des Congolais Démocrates et Nationalistes	RCDN	4
19	Convention des Congolais Unis	CCU	4
20	Parti de l'Alliance Nationale pour l'Unité	PANU	3
21	Parti des Nationalistes pour le Développement Intégral	PANADI	3
22	Convention Démocrate pour le Développement	CDD	3
23	Union Nationale des Démocrates Fédéralistes	UNADEF	3
24	Union des Patriotes Congolais	UPC	3
25	Convention pour la République et la Démocratie	CRD	3
26	Alliance des Bâtisseurs du Kongo	ABAKO	3
27	Union pour la Majorité Républicaine	UMR	2
28	Renaissance Plate-forme électorale	RENAISSANCE-PE	2
29	Forces Novatrices pour l'Union et la Solidarité	FONUS	2
30	Rassemblement des Forces Sociales et Fédéralistes	RSF	2
31	Solidarité pour le Développement National	SODENA	2
32	Alliance des Nationalistes Croyants Congolais	ANCC	2
33	Parti Démocrate et Social Chrétien	PDSC	2
34	Parti de la Révolution du Peuple	PRP	2
35	Union Nationale des Démocrates Chrétiens	UNADEC	2
36	Parti Congolais pour la Bonne Gouvernance	PCBG	2

## Can a Fledgling Democracy take Flight in the Democratic Republic of the Congo?

37	Mouvement pour la Démocratie et le Développement	MDD	2
38	Alliance pour le Renouveau du Congo	ARC	2
39	Démocratie Chrétienne1	DC	1
40	Convention Nationale pour la République et le Progrès	CNRP	1
41	Mouvement d'Action pour la Résurrection du Congo, Parti du Travail et de la Fraternité	MARC-PTF	1
42	Union des Libéraux Démocrates Chrétiens	ULDC	1
43	Front des Démocrates Congolais	FRODECO	1
44	Mouvement Solidarité pour la Démocratie et le Développement	MSDD	1
45	Union Congolaise pour le Changement	UCC	1
46	Parti National du Peuple	PANAP	1
47	Union des Patriotes Nationalistes Congolais	UPNAC	1
48	Génération Républicaines	GR	1
49	Parti Congolais pour le Bien-être du Peuple	PCB	1
50	Front pour l'Intégration Sociale	FIS	1
51	Front Social des Indépendants Républicains	FSIR	1
52	Union pour la Défense de la République	UDR	1
53	Convention Nationale d'Action Politique	CNAP	1
54	Mouvement Mai-Mai	MMM	1
55	Conscience et Volonté du Peuple	CVP	1
56	Front des Sociaux Démocrates pour le Développement	FSDD	1
57	Mouvement d'Autodéfense pour l'Intégrité et le Maintien de l'Autorité Indép	MAI-MAI MOUVE.	1
58	Organisation Politique des Kasavubistes et Alliés	OPEKA	1
59	Parti de l'Unité Nationale	PUNA	1
60	Mouvement Populaire de la Révolution	MPR	1
61	Rassemblement pour le Développement Economique et Social	RADESO	1
62	Action de Rassemblement pour la Reconstruction et l'Edification Nationales	ARREN	1
63	Rassemblement des Ecologistes Congolais, les Verts	REC-LES VERTS	1
64	Mouvement du Peuple Congolais pour la République	MPCR	1
65	Alliance des Nationalistes Congolais/Plate Forme	ANC/PF	1
66	Rassemblement des Chrétiens pour le Congo	RCPC	1
67	Convention Chrétienne pour la Démocratie	CCD	1
68	Independent Candidates	Independents	63
<b>TOTAL PARTIES' SEATS</b>			<b>437</b>
<b>TOTAL INDEPENDENTS' SEATS</b>			<b>63</b>
<b>TOTAL SEATS NUMBER</b>			<b>500</b>

Source: Independent Electoral Commission (CEI), 8 September 2006.





# The Ethiopia-Eritrea Border Conflict and the Role of the International Community

*Siphamandla Zondi and Emmanuel Réjouis \**

## **Abstract**

It may be a war no one wants, over land rich in dust, between people who until recently regarded each other brothers and sisters in arms (*The Washington Post* 1998).

Five years after signing a peace agreement which established the United Nations Mission in Ethiopia and Eritrea (UNMEE) and set in motion the implementation of the Algiers Comprehensive Peace Accord (ACPA), the peace process between Eritrea and Ethiopia is deadlocked. Ethiopia has refused to abide by

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the ruling of the Eritrea-Ethiopia Boundary Commission (EEBC) as agreed at Algiers, and Eritrea laments the disregard of agreements, especially by the international community that witnessed them. The Boundary Commission, charged with adjudicating a ruling on the border on the basis of colonial treaties, has left the local scene in despair. The war of words is fast turning into words about war. A war is looming in the region which is in the process of ending conflict in Sudan and Somalia. Just what constitutes the stand-off, what interventions have been made and what are prospects for peace or war are some of the questions that this article explores.

### **The Eritrea-Ethiopia Border in Historical Perspective**

The origins of the border conflict are controversial. But it is certainly part of continuities in the imperial and colonial histories of the two territories. A full history of the phenomenon of ethnic diversity, cohabitation and conflict in the area covering the two countries is well recorded and thus falls outside the ambit of this paper.<sup>1</sup> However, a few historical precepts can be laid out in brief. Both modern Ethiopia and Eritrea are products of a reconfiguration of ethnic entities in the region occasioned by the arrival of Asiatic and Semitic peoples. This led to the emergence of the Ethiopian empire through conquest and incorporation, where Eritrea was among the last to be assimilated. The ascendance of the Amhara king, Menelik, to the throne as emperor in 1889 shifted the centre of power away from its traditional base in Tigray to Amhara further south at the time when modernity was gaining ground in central Ethiopia. The Menelik state had a standing army, a codified law, a bureaucracy and boasted taxation and a nascent market system. But it was so administratively centralised, so dominated by feudal ethnic elites, and the periphery was so marginalised that diversity gave way to absolutism. The ruling elite imposed Amharic, their mother tongue, as the *lingua franca* and built an Amhara cultural supremacy.

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1 Some useful historical works on Ethiopia include Zewde 1991 and Travaskis 1960.

The centripetal forces had its advocates in the periphery – such as the unionists in Eritrea during the first half of the 20<sup>th</sup> century. But absolutist centralisation also sparked centrifugal impulses epitomised by the rise of what became a secessionist Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF). Through history, this hegemony was challenged by various peoples seeking regional autonomy within the empire and asserting their nationalist identity within the whole. During the Menelik Empire, Eritrea was ceded to the Italians, thus giving the region a territorial distinctiveness to buttress the nationalist sentiments further in the direction of self-determination. Under Emperor Haile Selassie and during the military rule of Mengistu Mariam, absolutism intensified and so did nationalist resistance (Abbay 2004:593-614). Armed resistance, co-driven by secessionist Eritrean nationalist and 'accommodationist' Tigrayan nationalists, intensified after 1975 and scored a number of victories culminating in the defeat and fall of the Mengistu regime in 1991.

It is significant to note that the EPLF marched to Asmara, the capital of Eritrea, three days before Addis Ababa actually fell to the TPLF. While the new government in Addis Ababa sought to build ethnic federalism in Ethiopia albeit under Tigrayan dominance, it accepted the independence of Eritrea proclaimed by the EPLF as de facto without questioning (Tegegn 2004:46). Therefore, the secession of Eritrea was not handled properly in that the two states did not work out a process and programme to ensure that separation was without hurdles and that there would be no hang-overs. For instance, no process was put in place to resolve potential and existing border disputes, administration of overlapping populations, the status of each other's nationals living on both sides, and the nature of state-to-state relations. While post-1991 relations between the two states led by erstwhile allies and relatives were warm, underlying tensions had long existed. TPLF accepted the principle of self-determination leading up to and including secession as part of Leninist tactics to broaden their front by including the Eritreans. The ascendance of Leninism and the acceptance willy-nilly of the principle of self-determination divided the TPLF and fuelled secessionist impulses elsewhere. The EPLF saw self-determination as a colonial question leading to independence rather than a national question resolvable with a democratic united and poly-ethnic Ethiopia (Zewde 2004:10-11).<sup>2</sup>

These and other differences between the TPLF and EPLF moved from a war of words to armed clashes in the 1980s.

With this background in mind, the tensions that developed between 1995 and the beginning of the war in 1998 are understandable. For instance, Eritrea unceremoniously expelled Ethiopians who happened to be of Tigrayan descent, to the chagrin of Ethiopians. Eritrea alleged that Ethiopian battalions had invaded Dada and Badme in July 1997. Both sides dramatically redrew administrative divisions including those lying on the undefined border, thus raising fears of expansionism and encroachment. The publication by Ethiopia of a redrawn map of Tigray annoyed Eritrea who saw this as part of a colonist dream of a Greater Tigray incorporating parts of Eritrea. Eritrea retaliated by introducing its new currency, the Nacfa, and in turn, Ethiopia required hard currency for trade transactions to undermine the new currency.<sup>3</sup> Diplomatic interventions initiated by the Ethiopian Prime Minister and driven by the Organisation of African Unity (OAU) as well as the forming of the Joint Eritrea/Ethiopia Commission and the taking of other measures sought to address the specific concerns of the parties and to investigate alleged incidents, but failed to deal with deep-seated historical continuities and tensions behind the observable symptoms. All these attempts, therefore, failed to prevent what would be a devastating two-year war between the two countries in 1998-2000. The war caused losses of millions of lives, decimated the infrastructure and economies of both countries, and left a wall of mistrust between two former allies.

Borders were distorted, in the first place, by colonial treaties that the Ethiopian emperors signed with the Italian and British empires. Territorial reconfigurations arose out of the Italian occupation of Eritrea in 1890 and of Ethiopia in 1935. After Italian occupation of Eritrea in 1890, the frontier was loosely based on the Mereb-Belesa-Muna Rivers. The treaties (1900, 1902 and

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2 See also Behre 2004:569-592.

3 A list of these incidents in their sequence were sourced from a British Government's Foreign and Commonwealth Office research paper put together from eyewitness accounts by the EEBC. See Africa Research Group 1999.



1908) fiddled with the borderline, seeking to solve geographic and demographic mix-ups. The border changed again when the Eritrea-based Italians occupied Ethiopia in 1935, incorporating the whole of Tigray in the north of Ethiopia into Eritrea, an attempt to bring Tigrayans together. When the British took over both territories in 1941, after the defeat of Italy in World War Two, they also redrew the frontiers. While the Allied powers handed Eritrea over to Imperial Ethiopia in 1952, prescribing a federation to allow some autonomy, the imperial government forcibly dissolved the federation and forced unification, causing Eritrea to lose her sovereignty. This sparked revolts in Eritrea, Bale and Ogaden. Ruthless suppression of discontent strengthened resistance, leading to the formation of the Eritrean Liberation Front (ELF) which declared an armed resistance calling for the right of self-determination for Eritreans. Oromos followed suit and Tigrayans entered the fray.

Over the next three decades, the armed resistance by, among others, the ELF, the EPLF of Isaias Afwerki and the TPLF now led by Meles Zenawi, made Ethiopia and border areas ungovernable. Ultimately, the military regime of Mengistu was defeated in 1991 and the TPLF-led coalition government that took over gave Eritrea a chance to hold a referendum about their independence, but on the basis of the same vague imperial demarcation of the border. The new governments on both sides adopted interventionist approaches to the political geography of their countries, and especially the border areas, in a manner that was bound to raise tempers given the historical distortions of the borderline.

The release of a map in October 1997 by Ethiopia redefining border lines was part of the 1997-1998 incidents that are important in this tapestry of history. A skirmish between Eritrean and Ethiopian soldiers over Badme (mainly) and other areas along the disputed border, led to a full-scale two-year war. Badme was a miniature copy of the larger complexities. It was administered by Ethiopia before the war. It was economically part of Ethiopia, using the Ethiopian currency rather than the Eritrean Nafca. Its residents had participated fully in Ethiopian politics, including voting in large numbers in that country's elections. But Eritrea argued that colonial treaties located the town within their borders.

### **The UN-led International Intervention**

After a flurry of diplomatic interventions by various players including the OAU, in June 2000 the two parties signed a ceasefire agreement in Algiers, Algeria, creating a security buffer on the contested border until proper adjudication. The agreement and the Comprehensive Peace Treaty which followed six months later also called for a UN peacekeeping mission to monitor its implementation, to redeploy forces to agreed upon positions and to man the 1000 km-long border and a 25 km-wide Temporary Security Zone (TSZ). Thus, the UNMEE was created. It mapped out a route to a final resolution of the border, primarily through arbitration by the Eritrea-Ethiopia Boundary Commission (EEBC).<sup>4</sup> At the very outset, a problem had been created in that while the agreements put the UN system firmly in charge of the conflict management environment, it also installed an independent legal entity in the EEBC to resolve the crux of the conflict. Even though UNMEE has worked in a manner that has been sensitive to the work of the commission and sought to engage the two parties beyond narrow security issues, the problem did not go away. Although the UN Security Council Resolution 1430 amended the UNMEE mission mandate to oblige the mission to assist the Boundary Commission in the implementation of its delimitation decision, the two institutions continued to work independently of one another. Their roles are complementary, but substantially and strategically different.

In the five years of its existence, UNMEE has been relatively successful in its peacekeeping mandate under difficult conditions. It effectively monitored the cessation of hostilities, co-ordinated security through the Military Coordination Commission (MCC) and has carefully managed the security zone. The MCC helped the two parties meet at a military leadership level to resolve security incidents on both sides of the border, thus preventing direct confrontation. However, from the very onset to date, the UNMEE operations were hampered

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4 The EEBC is one of three independent commissions established in the framework of the Algiers Comprehensive Peace Agreement by Eritrea and Ethiopia. The other two were set up to look into the causes of war as well as war damages.

by the lack of a political settlement. This manifested itself in the tensions over the boundaries of the buffer zone, a territorial mandate of UNMEE. The head of UNMEE, Legwaila Legwaila, consulted with both parties, but still sweated to get the boundaries proposed by UNMEE accepted by 2001-2002.<sup>5</sup> Even after their acceptance, UNMEE spent the next four years trying to dissuade the parties from heavy military deployments along the buffer zone's boundaries.

This – in particular restrictions that Eritrea placed on UN transport in 2005 – hampered UNMEE's freedom of movement, at times even in the temporary security zone itself. The UN Security Council has had to intervene several times to keep the air corridor between Asmara and Addis Ababa open. Time and again, the UN Secretary-General lamented the lack of co-operation with the UN system, particularly by Eritrea, as a major challenge to the work of UNMEE.<sup>6</sup>

### **The Conundrum of the Boundary Commission Ruling**

The Boundary Commission, as the legal sub-route of the peace process, had a tough task delimitating a border fraught with heated dispute, historical distortions and nationalist wrangling. Based in The Hague, and under the direction of the Permanent Court of Arbitration, the Boundary Commission was set up by the two parties precisely in order to arbitrate their respective land claims. In its mandate, the Commission was asked to interpret the controversial colonial treaties signed in 1900, 1902 and 1908 by the Italian and British colonial governments and the Ethiopian Emperor. In the Algiers Agreements, the two parties had agreed to accept the Boundary Commission's ruling as final and binding with no right of appeal. The five members of the Commission are jurists of international repute nominated by both parties. Each party has directly selected two lawyers each, who in turn have named a president to chair the Commission. The Commission is composed of:

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5 See UN statements on this, <<http://www.un.org/Docs/sc/presidency/ps0805.htm>>.

6 See UN Security Council reports in <<http://www.un.org/Docs/sc/presidency/ps2506.htm>>.

## **Siphamandla Zondi and Emmanuel Réjouis**

- Sir Elihu Lauterpacht, CBE QC (President – appointed by lawyers from both sides)
- Professor W. Michael Reisman (appointed by Eritrea)
- Judge Stephen M. Schwebel (appointed by Eritrea)
- His Excellency, Prince Bola Adesumbo Ajibola (appointed by Ethiopia)
- Sir Arthur Watts, KCMG QC (appointed by Ethiopia)

Over several months, both parties stated their respective cases and provided all necessary evidence as exhibits for their claims. But when the Commission made its final ruling on 13 April 2002, Ethiopia raised objections to certain aspects of the ruling. Eritrea accepted the ruling wholly. In her submission, Ethiopia raised questions regarding the interpretation of evidence leading to the ruling and pointed out challenges that would confront its actual implementation on the ground. The Algiers Agreement did not provide space for the Commission to hear appeals against the decision, thus the Commission reached a dead-end, as it were. There lay another problem: the parties hoped that the ruling would be such that it would not be contested. But the gamble was wrong.

Fearing a resumption of hostilities as arbitration failed, the UN Secretary-General turned to good offices by naming the former Foreign Minister of Canada, Lloyd Axworthy, as his Special Envoy to urge the two parties towards a negotiated settlement. Without a political settlement and therefore a demonstrable political will from the conflicting parties, this too proved a non-starter. Eritrea refused to co-operate with him. Eritrea argued that Axworthy's mission was not only illegal, but it also allowed Ethiopia to ignore a ruling she had promised to accept as final at Algiers three years earlier. Consequently, Axworthy seemed unlikely to make headway where UNMEE head, Legwaila Legwaila, had failed.

### **The Role of the African Union**

The African Union (AU), which had been actively involved from the very onset in preventing the war and securing the ceasefire, has also failed to rescue the situation. The AU's weakness is its high regard for one party – Ethiopia.

The high status of Ethiopia among AU member states as the host of the AU headquarters has imposed limits to AU intervention. Further weakened in the period by its internal transition from the OAU to AU, the AU has offered very few fresh initiatives besides the same diplomatic missions as the UN had offered and which Eritrea had rejected at the outset as showing their (AU and UN) lack of confidence in international law. Thus, Eritrea has virtually lost faith in the AU as a forum for furthering its strategic regional interest and recalled its ambassador to the AU in November 2003.

The stalemate draws from two sets of realities. First, the choice of an instrument of dealing with conflict by the parties with international assent. Second, the failure to bring on board in-country imperatives. Regarding the first, in opting for arbitration the parties actually picked conflict settlement above conflict management and resolution. Conflict resolution hinges on an analytical approach to get to the root of the problem and bring about a permanent solution that is acceptable to both parties. Thus, conflict resolution tends to seek a win-win ending. Conflict settlement or arbitration, on the other hand, relies on authoritative legal processes usually imposed by an entity granted such powers by the parties. Consequently, arbitration allows the vindication of a winner and the humiliation of a loser. This latter option has a zero-sum basis. It does not allow the use of alternative methods to reach an accommodation between parties' interests or a reconciliation of tensions. In this particular case, arbitration hinged on an expectation that the ruling might well be just, fair and, therefore, acceptable to the parties. Although simpler and more straightforward at face value, the winners-losers route was bound to prolong rather than end the conflict. Eritrea, already the winner in this case because of the decision on the contested Badme, has no incentive to search for a common ground by other means because her advantage is unlikely to be replicated.

### **'Put off democracy until the Weyane is off our backs': Understanding Eritrea's Position**

Eritrea sees the commission ruling as a step towards complete freedom from the domineering influence of the Ethiopian government, alias the Weyane.

Eritrea finds herself stuck in a war mode. Eritrea has an estimated 300 000 of its 3,6 million population serving in the military and a defence budget making up some 17% of the gross domestic product (GDP). Large numbers of people are still displaced, the infrastructure is devastated and landmines still remain in some of the most fertile land. The multi-million dollar exports trade with Ethiopia remains suspended, to the benefit of Djibouti.

The transition to democracy in Eritrea is incomplete. In 1993, celebrating the independence vote, a jubilant Eritrean businessman was quoted as saying, 'Everybody is very happy about the end of the war, about freedom and independence. But now we must see whether this government will really give us a multiparty system, as it has promised, and the other expressions of democracy. That will be the real test.'<sup>7</sup> Today the premonition of these words could not be clearer. The new state started brightly with a range of progressive political and economic reforms towards a fully democratic state. The Isaias Afwerki government unveiled ambitious infrastructural renewal programmes to improve the transport system and modernise the ports to boost regional trade. It streamlined the state architecture and provided new opportunities to women and ethnic minorities. Most importantly, it began a grassroots national consultation on the new constitution. After the war, the government abandoned democratic reforms. The postponed national elections have been abandoned, instead the government reacted ruthlessly to those demanding continuation of the pre-war reform agenda. It arrested critics, shut down independent media and imposed a repressive regime over the entire population. Eritrea has become hostile in her foreign relations too, considering her neighbours to be hostile to struggle. Eritrea reasons that Eritreans are not ready for electoral democracy while the Weyane is on their back. An old tyranny, latent during the liberation struggle and submerged in the euphoria of independence, has reared its fierce head. The war and stalemate have become convenient pretexts for postponing democratisation and for rampant repression.

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7 *The Washington Post*, 28 April 1993.

### Understanding Ethiopia's Intransigence

The culture of extremism inherited from the liberation struggle years persists in Ethiopia too, but in more subtle ways. After the war, Ethiopia did not abandon democracy, but simply manipulated it. The ethnic federalism, meant to promote plurality and devolution of power to different ethnic regions, is influenced by the ruling coalition with some regions controlled by its proxies. The hostility to opposition parties and public dissent, as seen in the handling of the Gambella ethnic tensions in 2003-2004 and the repression of discontent during and after the May 2005 elections, indicate the resilience of the culture of intolerance (similar to what prevails in Eritrea) within the ruling former liberation movement. However, as the border stand-off intensified, the Ethiopian government has made calculated concessions such as allowing international observers a greater space in the 2005 elections, reforming the electoral commission and engendering inter-party dialogue. The strong showing by opposition parties in the last two elections have augured well for a competitive political culture. But Ethiopia has used this positive outlook to bolster her position on the ruling.

Ethiopia cites internal political difficulties to explain her position – such as the fact that if implemented as it is, the ruling will split families and communities and separate them from their cultural heritage. She reasons that if communities are forced to fall under Eritrea, violence will break out. Indeed, leaders of the Tigray region, to be affected by the ruling, have vehemently opposed the ruling, warning the Ethiopian government that the ruling will lead to the demise of the ruling coalition, especially the Tigray element that constitutes the centre of power. Hardliners promise armed resistance, an eventuality the Ethiopian government would want to avoid as it contends with armed resistance in the Oromia and Ogaden regions. The ruling party, dominated by Tigray elite, fears losing a paramount political constituency and would not sacrifice the Greater Tigray nationalist cause. So, the commission ruling presented a nightmare for the ruling party and government's ability to hold things together internally.

Another major difficulty is the fact that conflict between the two states left Ethiopia landlocked. The hardliners within the power circles in Ethiopia still blame the Meles Zenawi government for refusing to allow the army to run over Eritrea up to the Red Sea port of Assab to secure access to the sea before the

ceasefire agreement. The Meles Zenawi regime was able to ignore this after the Eritrean referendum because friendly relations between the two governments facilitated thriving bilateral trade. However, the closure of the border forced Ethiopia to use the Djibouti port instead. Hence, implementation of the ruling as it would be seen by hardliners as yet another form of capitulation to Eritrea.

To resist implementation, the Meles Zenawi government has taken advantage of its perception as democratising and of its extensive diplomatic space in the war of minds over the border dispute. It has exploited its esteemed role at the AU, NEPAD<sup>8</sup> and recently at the UK's<sup>9</sup> Commission for Africa. In the war of words, Ethiopia has portrayed herself as a reasoning state, that is, she argues that she is not opposed to the commission ruling *per se*, but foreseeing practical difficulties in certain areas, she wants its implementation negotiated with Eritrea. In November 2004, to weaken Eritrea's legally-correct stance, Ethiopia formally announced that she accepted the border ruling 'in principle' and proposed modalities for dialogue on the implementation which Eritrea outrightly rejected. In the process, Ethiopia made Eritrea look like a tactless state, obstinately holding to a position in disregard of the interests of the other party. This diverts attention from its internal challenges. In this regard, Eritrea's lack of patience and openness, necessary to win diplomatic mileage during deadlock, has played into the hands of an Ethiopia that is playing shrewd. Increasingly outplayed in the diplomatic circles, feeling deserted by the international community and frustrated by her own weaknesses as a small young state, Eritrea's protests have grown grey.

Perhaps, the worst consequence of this frustration on the part of Eritrea is her withdrawal from both actual and metaphorical diplomatic spaces. The international community, faced with a choice to support a diplomatically strategic, economically stronger state or one that is hostile, young, small and turning away from democracy, is abandoning the latter. Ironically, while the erring party in terms of the Algiers Agreement, Ethiopia, grows in stature internationally, the aggrieved party is shrinking. In that context, the legalistic questions of abiding or

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8 New Partnership for Africa's Development

9 United Kingdom's



non-abiding by an independent commission's ruling pale into insignificance. This has reinforced authoritarian tendencies internally and a siege-state mentality in her external relations. This has created conditions for implosion internally or explosion in the form of another war with Ethiopia.

As media reports continue to surface about the movement of Ethiopian troops closer to the border, and about the discovery by the UN of newly planted landmines and intensifying local violence on the border, war looms on the horizon. As a war of words is transforming into words about war, a rethinking of the manner in which the border dispute has been dealt with by the international community and regional players is urgently needed. Ethiopia must be chastised for not abiding by the agreement she signed. But both sides need to accept that the stalemate is hurting them, especially their populations and economies, and opt for mediated dialogue.

The international community, including the AU, should seek to remedy the situation, by understanding that a whole new process, predicated on a search for accommodation and a common ground rather than final rulings, needs to be initiated. The Secretary-General must begin a concerted effort towards that end. Eritrea must be convinced that after two years its legally-correct position is unfortunately not bearing fruit – the complexity of the problem requires a negotiated political solution rather than a legalistic one. She must be persuaded to table conditions to safeguard her interest in negotiations, beginning with talks about talks. Noting Ethiopia's pursuit of access to the sea, the international community should use Ethiopia's guilt about not abiding by the ruling, to persuade her into a negotiation process with strong safeguards for the interests of the weaker, smaller and younger Eritrea built into it. The AU must entice Eritrea back into its fold and, together with the international community, provide incentives of economic assistance, security guarantees and an allocated position in the AU.

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# Oil, Arms Proliferation and Conflict in the Niger Delta of Nigeria

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## **Abstract**

One of the biggest security challenges facing African states in the 1990s is the proliferation of small arms and light weapons. This development calls for serious attention from states and regional organisations as it has increased tension, and escalated as well as prolonged intra-state conflicts that have characterised Africa in the post-Cold War era. In Nigeria, the trade in small arms and light weapons has fuelled ethnic clashes in the Niger Delta, especially between the Ijaws and their immediate neighbours, the Itsekiri and Urhobos, as events in Warri have shown in recent times. This relatively novel situation aggravates the security problem in the Niger Delta, as the state struggles to address the perennial conflict in the oil-rich region. Given this background, the paper explores the origin of the present oil violence in the Niger Delta and how it has

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been intensified through the use of weapons that are primarily smuggled from Guinea-Bissau, Gabon and Cameroon. The paper concludes by making some suggestions as policy options for the resolution of the armed conflict in the Niger Delta, with specific reference to the problems of arms proliferation.

## **Introduction**

The proliferation of small and light weapons in the West African sub-region in the 1990s and its destabilising effect in hotspots of the region have drawn the attention of West African state and non-governmental organisations to the need to invent measures or mechanisms to halt the trend. Nigeria, a mega-state in Africa, has been plagued by a series of domestic conflicts arising from the policies of the state and/or those of the foreign oil companies as has been the case in the Niger Delta region. This region has over the years produced the bulk of national wealth but has paradoxically been marked by increased violence due to the negative effects of oil extraction and access to revenue derived from the sale of oil. Countrywide, the increased number of internal crises or conflicts has been subsequent to the proliferation of arms in the state, and has engendered the further proliferation of arms. Conflicts have been marked by the indiscriminate use of lethal weapons by local militias, the cumulative effect of which is the escalation of these conflicts. Several examples of these violent conflicts can be cited. They include the Maitatsine religious riots in Kano and Bauchi; religious riots in Kaduna; conflicts in Jos, the Zango-Kataf, Yoruba-Hausa/Fulani, Ife-Modakeke, Aguleri-Umuleri, Tiv-Junkun, Ijaw-Ilaje, Ijaw-Itsekiri, Urhobo-Itsekiri and Ijaw-Urhobo; and conflicts and the (near) perennial environmental crisis in the Niger Delta (Ojatorotu 2000:77).

The Niger Delta crisis encapsulates the various violent clashes between the ethnic groups in the region on the one hand, and the Federal Government (or the state) with its business partners, the multinational oil corporations (MNOCs) on the other (Obi 1999:433). Minority ethnic groups of the region have consequently challenged the state and foreign oil multinational policies and attitudes since the early 1990s. The Ijaw ethnic group, in particular, has appeared the most violent, aggressive and warlike when one considers how it has engaged

other major ethnic groups and oil multinationals in the Niger Delta. The military prowess of the Ijaw militia has proved a hard nut to crack, as state forces are faced with the herculean task of curbing the excesses or hyper-nationalist tendencies of the Ijaw militant youths. This has given rise to the militarisation of the region by both sides to the conflict, the federal government/oil multinationals and the people. Of course, the militarisation of the conflict is both a recipe for and a result of arms proliferation. State security forces and (ethnic) militias alike have procured weapons in bids to neutralise each other. At times, multinational oil companies have been indicted for their role in the militarisation of the Niger Delta through their procurement of weapons for state security forces. However, as at October 2006, the situation in the region is far from being resolved as it is easier to get a hand-made pistol than a loaf of bread and the number of hostage taken have tripled.

### **Proliferation of Arms in Local Conflicts: A Conceptual Background**

The sudden upsurge in the number of small arms and light weapons in the international system is basically a by-product of the Cold War during which the major powers blindly supported different belligerents in developing countries in Africa and elsewhere. Similarly, the dysfunctionalities of state structures in countries that comprise the former Soviet blocs as well as the course of globalisation increased the supply of small arms and light weapons in conflict zones of Africa. It is worrisome that, in recent years, especially since 1990s, major conflicts all over the world have been fought with both small arms and light weapons.<sup>1</sup> Many of these conflicts are fought, not between countries, but within them. And in most cases, internal wars are not fought by trained soldiers but by civilians in cities, towns and villages (*Awake* 2001:4). In some instances, teenagers and children are recruited or conscripted to fight and kill. This explains the presence

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1 Small arms include rifles and handguns that can be held by one person. Light weapons include machine guns, mortars and grenade launchers, which sometimes require two people to handle them.

of many 'child' soldiers in local conflicts or wars nowadays. In addition, it also explains why these fighters, with no military training, violate the traditional rules of war. Consequently, a greater percentage of victims of such wars are civilians. Suffice it to say that small arms and light weapons play a major role in all these conflicts. Although one may argue that these weapons do not directly cause conflict, their stockpiles may encourage fighting rather than negotiation and tend to prolong wars and intensify killings.

In the Nigerian context, recent developments in the Niger Delta region have shown that the proliferation of arms is partly responsible for the continuation of the conflict. This informed the inauguration of the national committee on the proliferation and illicit trafficking in small arms and light weapons in the year 2000 amid escalation of violence in the region. But it is rather intriguing that these arms are imported from the developed nations that at different international fora have argued for peace in Africa. The table below vividly illustrates the enormous resources expended by states of West Africa on small arms with the attendant effect of state militarisation. Like a chain reaction, this action of the states underlines militants' proclivity to smuggle small arms from neighbouring states of West Africa in exchange for oil to prosecute their cause.

<b>Importing ECOWAS<sup>2</sup> Country</b>	<b>Main Exporting Countries</b> (value in USD, years )	<b>Comments on Types of Small Arms and Light Weapons Traded</b>
<b>Benin</b>	France: USD 10,900 in 1999-2001	Revolvers and pistols, sporting rifles, and shotguns from France.
<b>Burkina Faso</b>	Italy: USD 865,315 in 1999-2002 Czech Republic: USD 155,384 in 1999-2001 France: USD 75,982 in 1999-2002	Italy reported exports of mainly cartridges, but also revolvers and pistols and sporting rifles.

2 Economic Community of West African States.



## Oil, Arms Proliferation and Conflict in the Niger Delta of Nigeria

<b>Cape Verde</b>	Czech Republic: USD 27,595 in 2001 Portugal: USD 13,101 in 1999-2001	Reported imports of revolvers and pistols.
<b>Côte d'Ivoire</b>	Spain: USD 76,391 in 2001 Italy: USD 60,550 in 1999-2001 US: USD 48,889 in 1999-2001 Czech Republic: USD 38,051 in 2001-2002 France: USD 27,886 in 1999-2001	Spain and the Czech Republic reported exports of only cartridges. Revolvers / pistols and shotguns, reported from Italy. Military weapons and cartridges reported from the US. France reported exports of mainly shotguns.
<b>The Gambia</b>	UK: USD 449,145 in 1999 Czech Republic: USD 120,961 in 1999-2002 Russia: USD 31,134 in 1999 Poland: USD 28,107 in 2000	UK reported exports of parts and accessories of military weapons, cartridges. Reported imports of cartridges from the Czech Republic, Russia and Poland.
<b>Ghana</b>	UK: USD 2,156,203 in 1999-2001 Cyprus: USD 2,093,385 in 1999-2001 Germany: USD 131,099 in 1999-2001 France: USD 52,909 in 1999	Spain's and France's reported exports consist of cartridges and the UK's of mainly cartridges. US reported exports mainly of shotguns, cartridges and military weapons. Cyprus and Germany report exporting mainly shotguns.
<b>Guinea</b>	France: USD 3,342,698 in 1999-2001 Spain: USD 1,563,183 in 1999-2001 UK: USD 325,601 in 1999 Portugal: USD 231,845 in 1999-2001 Germany: USD 83,358 in 1999-2001 Czech Republic: USD 15,391 in 1999	France exported cartridges, sporting rifles, military weapons, shotguns, and parts and accessories. Only cartridges exported from Spain and the UK. Portugal reported exporting cartridges and shotguns. Only shotguns from Germany. Czech Republic reported exporting cartridges.

<b>Guinea - Bissau</b>	Portugal: USD 332,054 in 1999-2001 Spain: USD 168,912 in 2000-2001 France: USD 104,620 in 1999-2002	Portugal reported exports of cartridges, shotguns, revolvers / pistols, and sporting rifles. Spain and France reported exports of cartridges.
<b>Liberia</b>	Under UN embargo, no imports therefore authorised	
<b>Mali</b>	France: USD 72,327 in 1999-2002	France reported exports of mainly parts and accessories.
<b>Niger</b>	France: USD 92,134 in 1999-2002 Italy: USD 60,643 in 1999-2001	Reported imports of revolvers, shotguns, parts and accessories, and cartridges from France; France reported exporting sporting rifles, cartridges, and shotguns. Reported imports of shotguns from Italy; Italy reported exporting revolvers
<b>Nigeria</b>	US: USD 246,007 in 1999-2002 UK: USD 90,953 in 1999-2002 Italy: USD 49,074 in 2001 Germany: USD 13,062 in 1999	US reported exporting mainly cartridges. Germany reported exporting revolvers / pistols. UK reported exporting shotguns, cartridges and parts. Italy reported exporting revolvers and shotguns.
<b>Senegal</b>	France: USD 2,246,810 in 1999-2002 US: USD 959,420 in 1999-2002 Spain: USD 426,508 in 2000-2002 Italy: USD 232,992 in 1999-2002 Germany: USD 116,770 in 1999-2002 Czech Republic: USD 81,996 in 2001-2002	Only cartridges from Spain. Mainly revolvers and cartridges from Germany. Diversified imports from France, US and Italy. Cartridges, revolvers / pistols and shotguns from the Czech Republic.

## Oil, Arms Proliferation and Conflict in the Niger Delta of Nigeria

<b>Sierra Leone</b> (Only rebels are under UN embargo)	US: USD 29,542 in 2001 Spain: USD 13,398 in 2001 UK: USD 10,139 in 2000	US reported exports of parts and accessories. Spain and the UK reported exports of cartridges.
<b>Togo</b>	Spain: USD 41,212 in 2000	Spain reported exporting cartridges.

Adapted from Cross et al 2004.

If the weapons employed in modern wars are small and light, the fact remains that they have brought heavy consequences. They have crippled war-torn or conflict-prone societies politically, socially, economically and environmentally (*Awake* 2001:4). And the cost to the international community has been huge in terms of the provision of emergency relief, assistance to refugees, peacekeeping and military intervention. Therefore, it will be worthwhile to find out why small and light weapons have become the main instruments of domestic warfare in recent years and how they are acquired. One of the reasons has to do with the relationship between conflict and poverty. It is surprising that most of the wars fought since the 1990s have taken place in countries that are poor, too poor to acquire sophisticated weapons. Yet, small arms and light weapons have increasingly found their way into these countries simply because they are cheaper. Moreover, these weapons are simply given away by militaries that are downsizing. In addition, national governments often sponsor rebel groups and guerrilla fighters in other countries with these weapons, sometimes in exchange for access to mining sites. A case in point is Charles Taylor's support for rebels in Sierra Leone in order to gain access to the country's diamond fields under rebels' control during the civil war in that country in recent years.

The destructive potential of small arms proliferation has never been in doubt. Small weapons are lethal, but easy to use. A single rapid-fire assault rifle can fire hundreds of rounds a minute. They are rugged and remain operational for years. In addition, they are easily transported and concealed. Having said that, the complex global traffic in arms is of much concern, as they pass across borders legally and illegally. Legally, these weapons pass from nation to nation.

Immediately after the Cold War, armies in both the Eastern and Western blocs reduced their size, and governments gave or sold excess equipment to friends and allies. For instance, since 1995, the United States alone has given away more than 3 million rifles, pistols, machine guns, and grenade launchers (*Awake* 2001:6).

The illegal trade in small weapons is carried out in black markets where they are purchased by rebel groups, paramilitary groups and local militias, sometimes not with money, but with gold, diamonds and other strategic minerals seized from their mines. There appears to be little difficulty in making a distinction between legal and illegal sales of weapons. One fact is that weapons that are now regarded as illegal were once sold legally. In other words, weapons that were legally sold to national armed forces and the police are stolen and/or sold illegally, only to re-appear in the black market. Therefore, crime and violence are usually the end results of wars. After wars, guns find their way into the hands of criminals. In this way, there is a shift from politically motivated violence to criminal violence. Nowadays, military-type assault rifles and pistols are commonly used in robberies and assassinations. Therefore, the knowledge that criminals are armed with guns is the beginning of fear and insecurity. Since the use of sophisticated arms in the current Niger Delta crisis cannot be discussed in isolation, this paper has conceptualised arms proliferation in local wars and hopes to analyse the nature of the crisis, as well as to present a picture of the armed resistance in the Niger Delta.

### **Understanding the Niger Delta Conflict**

The present geo-politics of Nigeria's Delta region concerns nine states, namely Akwa-Ibom, Bayelsa, Delta, Rivers, Ondo, Edo, Cross Rivers, Imo and Abia, all of which account for over eighty per cent of Nigeria's oil reserves or deposits. In terms of demographics, ethnic minority groups such as the Ijaw, Urhobo, Itskiri, Isoko, Kalabari, Nokws, Ndom, Ogoni, Efik, Annang and many others inhabit the area (Obi 1999:436). Since the successful discovery of oil in Oloibiri in 1956 by Shell D'Archy (making history as Nigeria's first commercial oil well), the Nigerian Delta has produced the bulk of Nigeria's oil. By 1958, Nigeria became an oil exporter with a production level of about 6 000 barrels

## Oil, Arms Proliferation and Conflict in the Niger Delta of Nigeria

per day, with other MNOCs like Mobil, Elf Aquitaine, Chevron and Agip joining Shell in mining activities in the region (Ibeanu 2000:21). In the 1970s, production reached a peak of two million barrels per day. This is in sharp contrast to the present day (Ibeanu 2000:21). Presently, Nigeria is the fifth largest producer of crude oil in the Organisation of Petroleum Exporting Countries (OPEC).

Today, the Nigerian economy is a monocultural one, as it has remained oil-based since the 1970s. This is a remarkable departure from the situation in the 1960s when oil accounted for an insignificant proportion of government revenue (Amu 1998:3). But today, oil production has become central to the survival of the Nigeria state (Ibeanu 2000:21). By legislation, the Nigerian state owns and controls the production of all mineral deposits in the country, including crude oil. Similarly, the central government controls all revenues derived from crude oil and designs a distribution formula in sharing these among the tiers of government. The irony of oil and gas production in Nigeria, however, lies in the fact that while it is beneficial to both the Nigerian state and its business partners (the MNOCs), it has brought a lot of woes and sufferings to the oil-bearing communities in the Niger Delta. This situation can be explained from a number of perspectives.

First, mining activities in the Niger Delta have adversely affected the ecosystem of the region, resulting in serious environmental degradation. Indeed, the degradation that oil production has caused in the Niger Delta environment is a yardstick for understanding the dynamics of the conflict in the region. The destruction of the Niger Delta environment can be attributed to a number of factors relating to the production of crude oil in the region. High-pressure pipelines carrying crude oil, diesel and gas have been constructed all over the oil-bearing communities. These, however are rarely maintained by the government or the oil companies. Such neglect of these pipelines and other oil installations often results in spills and leakages which destroy wildlife, farmlands, forests, aquatic and human lives. Apart from the foregoing, these spills sometimes result in fire incidents whereby many lives are lost. Examples are the fire incidents in Egorode (Ola & Eighemheberio 1998),<sup>3</sup> and Jesse (*The Guardian* 2000a:15)

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3 For further reports on this issue, see Urhobo Historical Society Website:  
<<http://www.waado.com>>.

in Delta state, in 1998 and 2000 respectively, and the Onicha-Amiyi Uhu fire incident in Abia State in 2003 (*Daily Champion* 2003).

Oil companies and the government *usually* abdicate their responsibility by claiming that the spills are caused by the vandalisation of the pipelines by the local communities, their sole aim being to steal petroleum products. In addition, discharge from refining activities into fresh water sources and farmlands devastate the environment and threaten human lives because they contain excessive amounts of toxic materials. Similarly, constant gas flaring affects wildlife and human life negatively. Moreover, badly constructed canals and causeways for the purpose of mining activities have adversely affected the hydrology of the region, causing floods in some areas and inadequate water in others. In some cases, these artificial waterways allow saline water into sources of fresh water, resulting in scarcity of drinking water and the killing of many plants and water animals.

Aside from the environmental degradation of the Niger Delta, there are other sources of conflict in the region. At the heart of the conflict is the perception of the oil minorities that they have been cheated, neglected, marginalised and alienated in the distribution of the wealth of the oil produced from lands and waters (Obi 1999). The oil minorities have complained of lack of health care facilities, poor infrastructure, unemployment and endangered livelihood. In addition, they have argued that the wealth from their lands and waters is being used in developing big cities and areas in other parts of the country where oil is not produced. These perceptions and the resulting frustration caused the people of the Niger Delta to take up arms against the oil companies and the government.

Another source of conflict in the Niger Delta has to do with politics and nationalism. This point is partly illustrated by the process of creating local government areas and/or the locating of headquarters for such council areas. In 1997, when General Sani Abacha created additional local government areas, crisis erupted in Warri and its environs. The relocation of the headquarters of the newly created Warri South Local Government from Ogbе-Ijoh to Ogidighben stirred a protracted war between the Ijaws and the Itsekiris. The repercussions of this administrative fiat persist till today. Not to be overlooked is the hypernationalist tendency of the Ijaw ethnic group. The Ijaws have waged a number of wars on their neighbouring ethnic groups over land ownership and other related issues. Thus, they have clashed with the Ilajes, the Itsekiris and the Urhobos to

mention but a few, (in recent years). Even during the present democratic dispensation, violent conflicts continue to occur across the Niger Delta, both between governments and communities, and among communities themselves. Since the advent of the incumbent government, conflicts have erupted in Bonny (which delayed the huge liquefied gas project there), Eleme, Okrika, Oleh, Choba and Odi. Therefore, Niger Delta conflict, in recent years, is a result not only of issues of environmental importance but also of some political and nationalist motives.

### **Armed Violence in the Niger Delta: The Case of the Ogoni and Ijaw**

Since the early 1990s, there has been a remarkable presence of many resistance movements in the Niger Delta region. Notably among these are the Movement for the Survival of the Ogoni People (MOSOP), the Ijaw Youth Council (IYC), the Ijaw National Congress (INC), the Egbesu Boys of Africa (EBA), the Niger Delta Volunteer Force (NDVF), the Ijaw Nationality Rights Protection Organisation (INRPO) and the Ogoni Patriotic Union (OPU), to mention but a few. These movements have been at the vanguard of local protests and demonstrations against the Nigerian state and the multinational corporations in recent years. The vibrancy and militant tendencies of these groups are fundamentally due to the hardships engendered by economic and environmental crises, and state repression (Obi 2001:6). These groups, with militant leaders, have been able to place their demands on the national agenda as well as before the international community, attracting massive support at both the local and international levels (Obi 1999:433). An analysis of the relationship between the Nigerian state and the Ogonis and Ijaws, two prominent ethnic minorities in the Niger Delta, will provide a useful illustration of state violence and armed local resistance by ethnic militia.

### **The Ogoni Struggle**

The Ogoni struggle typically exemplifies the nature and dynamics of the crisis as well as local resistance in the Niger Delta region. It is an ethnic struggle

championed by MOSOP to protect the interests of the Ogoni ethnic group (Ojajorotu 2000:81). The Ogoni struggle assumed phenomenal dimensions in 1990 with the declaration of the Ogoni Bill of Rights (OBR), which the Ogoni leaders presented to the then military junta of General Ibrahim Babangida. As contained in the OBR, the Ogoni people demanded:

- Political control of Ogoni affairs
- The right to control and use a fair proportion of Ogoni economic resources for Ogoni development
- The right to protect the Ogoni environment and ecology from further degradation
- Adequate and direct representation in all Nigerian national institutions (Sha'aba 1998:79, MOSOP 1992).

In August 1991, another section was added to the OBR. This authorised MOSOP to internationalise the struggle by the Ogonis, and it affirmed MOSOP's methods and commitment to non-violence. In December 1992, the Ogoni people presented an ultimatum to the oil companies operating in Ogoni land (including Shell and Chevron) and the Nigerian National Petroleum Corporation (NNPC) to pay back royalties and compensation within 30 days or quit Ogoniland (MOSOP 1992). After the expiration of the ultimatum, on 4 January 1993, about 300 000 people staged a peaceful demonstration to give vent to their demands. This unprecedented demonstration was a milestone in the Ogoni struggle in two important ways. First, it transformed the Ogoni question into a national issue. Second, it attracted the sympathy and attention of the international community to the plight of the Ogoni people. However, what followed this historic demonstration was a spate of arrests and detention of MOSOP leaders by the state security forces.

Between January and December 1993, Ken Saro-Wiwa and other prominent Ogoni leaders were arrested and detained several times, with criminal charges brought against them (Human Rights Watch 1995). Meanwhile, the government had devised a method of 'divide and rule' in order to weaken the Ogoni struggle. This tactic had a number of dimensions. First, it 'encouraged' violent conflicts between the Ogoni and their neighbours, which resulted in ethnic and



communal clashes. There was an attempt to dub the clashes as purely ethnic, thereby indicting the MOSOP leadership in the process. The use of sophisticated weapons and standard military tactics in all these ethnic clashes was evidently enough to prove the involvement of military (Sha'aba 1998:82). For instance, it was reported by Human Rights Watch/Africa (HRA) that soldiers were recruited from Liberia to fight and kill Ogoni people under the pretext that they were going to fight in the Cameroon (*The Punch* 1997). Second, the Giokoo Accord of March 1994, which called for the Gokiana people to pull out of MOSOP, is another case in point. Government had allegedly induced some conservative Gokiana chiefs to sign this Accord. However, Gokiana people demonstrated spontaneously against this Accord in many Gokiana villages on 19 May 1994.

Following the shooting and killing of about eleven Ogoni people by security agents at Brass, old Rivers State, in April 1993, the military junta of Babangida passed a decree, which stipulated the death penalty for all acts of treason. The Ogoni responded with increased mobilisation and a media campaign, with a possible option of violent resistance. However, this strategy later became a divisive factor in the rank and file of MOSOP and its leadership. After the controversial MOSOP boycott of the 12 June 1993 presidential election, it became clear that there had been a division of its leadership into two – the moderates led by Dr Leton, and the militants led by Ken Saro-Wiwa. Apart from accusing Saro-Wiwa of being too confrontational, militant and authoritarian, the moderates also alleged that he was planning to kill thirteen Ogoni leaders, of whom four were indeed killed in May 1994. It is instructive to note that Saro-Wiwa had campaigned from village to village on the need for redress from the government, based on the marginalisation of the Ogoni ethnic group in the national scheme of affairs. This campaign took him to Giokoo village on 21 May 1994, where some conservative chiefs (allegedly being sponsored by government) were meeting. Violence erupted during his visit and during the ensuing mayhem the four chiefs were killed.

Subsequently, Ken Saro-Wiwa and several other Ogoni activists were arrested and detained in connection with the murder of the four prominent Ogoni chiefs. They were later arraigned before a special military tribunal, which sentenced Saro-Wiwa and eight others to death by hanging. Eventually, the execution was carried out on 10 November 1995 despite all entreaties both from

within and outside the country. This development sounded the death knell of the Ogoni struggle. However, this is not to say that the struggle atrophied, but it certainly lost the vibrancy and militancy associated with it in its early stage. This was not only due to state repression but also to leadership bickering.

### **The Ijaw Wars and the Use of Deadly Arms**

Having lost the steam in their leadership of the struggle of the people of the Niger Delta, the Ogoni people have given way to the Ijaw, who have increasingly taken the centre stage. Since 1997, when Ijaw youths called for an end to Shell activities in the Niger Delta, Ijaw people have resolved to fight to the last man until the Niger Delta is liberated from the pangs of exploitation, neglect and marginalisation (*The Guardian on Sunday* 2000:38-39). Bayelsa State, which is inhabited by the Ijaw people, was a hot bed of Ijaw militancy between 1998 and 1999. The militant and invincible Egbesu Boys came into limelight in 1998 when they set free their detained leader from Government House in Yenegoa, having disarmed the guards. The emergence of the Egbesu warriors since then has demonstrated the militarisation of local conflict in which sophisticated arms have been freely deployed by militant youths.

After the death of General Abacha in 1998, the new political climate made it possible for Ijaw youths to be more vigorous in their demands. To drive home their grouses, they added a new twist to the struggle, namely, the hijacking of oil installations. On 11 December 1998, Ijaw youths at Kaiama town made a landmark declaration, now known as the Kaiama Declaration. In the document, they requested greater local control of oil revenues and better environmental policies. More importantly, the statement gave a December 30 ultimatum to both the government and the oil companies to respond positively to their demands. It added that if the deadline was not met, all multilateral oil corporations operating in Ijaw land (and territorial waters), and indeed in the larger Niger Delta, should close their operations and vacate the region (Niboro 1998). To actualise their threat, Ijaw youths and other people who joined them marched in peaceful demonstration to the Government House in Yenagoa. Their main purpose was to convey their grievances through the state governor, Lt Col Paul Obi to the

Federal Government. However, state security forces opened fire on the protesters, leaving some of them dead and many others injured in the pandemonium. This marked the beginning of armed hostilities between Ijaw youths and the security forces which have continued till today. The unfettered access to small arms which are readily available has contributed to escalating the conflict.

Following this ugly incident, the Egbesu Boys regrouped, apparently ready for war, having been in possession of sophisticated weapons of war. They engaged both the navy and the army in fierce battles, with heavy casualties on both sides. In some cases, the militant youths ransacked military formations, terrorised fleeing soldiers and policemen and became warlords in strategic locations. Indeed, the towns of Kaiama, Odi, Ekeki and others had become battlefields where the Egbesu Boys and military forces engaged in heavy cross-fire. Apart from this, the militant youths were able to close down a number of oil installations in the Niger Delta, thereby grounding oil production. In response to the events in the Niger Delta, General Abdulalami Abubakar read the riot act on 1 January 1999 in which he reiterated government's intolerance of the scenario developing in the Niger Delta. This was followed by further reinforcement of the navy and the army with heavy artillery and armoured tanks. Rather than halting the spectre of war in the Niger Delta, increased deployment of armed forces to the Niger Delta has continued to aggravate the situation. And, in apparent continuation of government's militarisation process, President Olusegun Obasanjo in November 1999 ordered an army invasion of Odi, a town in Bayelsa State in response to the killing of about eleven policemen who had earlier been sent to the area to quell riots. The police convoy was ambushed and the policemen were killed. The reprisal and destruction of Odi was so enormous that former Bayelsa State Governor, Diepriye Alamiyeseigha, once stated that it would require about twenty-five billion Naira to reconstruct the town (*The Guardian* 2000c:6).

Despite the increasing deployment of government forces to the Niger Delta, Ijaw militant youths have not relented in their armed struggle against the government and oil companies operating in the oil region. For instance, they have continued to attack and shut down oil installations, and hold oil workers hostage. In June 1999, Ijaw youths hijacked a helicopter belonging to Shell at Dokolaba, Delta State, and kidnapped its pilots (*The Guardian* 1999b:3).

In September 2000, about twelve Shell workers were kidnapped at Ogoda, Delta State, by aggrieved youths (*The Guardian* 2000b:64). As indicated earlier, the Ijaw wars have not been limited to oil-related issues alone. The wars being fought by the Ijaws against some of their neighbours have much to do with politics, land ownership and ethnic nationalism. In all of these wars, access to self-determination was crucial to their demands.

In 1997, when General Sani Abacha's military junta created more local government areas in the country, the Ijaws placed a paid advertisement in daily newspapers, in which they complained severely about the injustice they had suffered from the Olu of Warri (the traditional ruler of one of the cities in the Niger Delta) and the Itsekiris in general (*The Guardian* 1997:40-41). They narrated the various ways in which the Itsekiris had prevented them from having their own local government that would incorporate all Ijaws. Their grouses were born out of the spirited attempts by the Olu of Warri and the Itsekiris to relocate the headquarters of the newly-created Warri South Local Government from Ogbe-ijo (an Ijaw town) to an Itsekiri locality. Corroborating their suspicion, the headquarters were eventually relocated to Ogidigben, an Itshekiri town. This unstatesmanlike act (as the Ijaw saw it) by the then military governor of Delta state, Colonel John Dungs, was the last straw that broke the camel's back. Armed confrontation ensued between the Ijaws, (who were on the offensive), and the Itsekiris.

Many lives were lost and property worth several millions of Naira destroyed during the conflict. The feud between the two ethnic groups persists till today. At present, the Ijaws are still embroiled in armed confrontation with the Itsekiris over land ownership. Just recently, it was reported that some militant Ijaw youths struck at Ogbe-ijoh, the headquarters of the newly-created Warri South-West, and abducted the chairman, that is the executive head, of the local government (*The Punch* 2003:5). They carried out their mission by shooting sporadically to scare people away. As the war between the Ijaws and their neighbour still rages on, government is unrelenting in its efforts to bring sanity into the oil-rich region. Government troops have been deployed to the areas with sophisticated combat weapons. Since most of the fighting takes place on water, the navy has brought in sub-marine artilleries. However, all these have not achieved the desired result, namely, peace in the Delta region. The

armed confrontations between government forces and Ijaw militant youths have rendered the Niger Delta a battle ground. Casualties are being recorded on both sides, and it seems as if government forces are not yet capable of overcoming the Ijaw military prowess. For instance, the dexterity with which the Ijaw fighters confront the navy and mount blockades on water against naval forces shows that they are die-hard warriors who have adequate and sophisticated arms at their disposal.

### **Conclusion: The Way Forward**

The increasing spate of armed violence in the Niger Delta crisis is a function of related fundamental issues that generated the crisis in the first place. Therefore, it follows that any attempt aimed at addressing this dangerous trend is a call for finding solutions to the fundamental issues that form the bedrock of the crisis in the oil-bearing region. In other words, the problem of indiscriminate use of arms by ethnic militia in the Niger Delta will continue to defy solutions for a long time to come if the causes of the crisis are left unaddressed. Guns in the hands of militant youth will continue to exacerbate the problem until more basic solutions are found. In view of this development, some solutions can be suggested as policy options for policy makers and other stakeholders.

The recent national conference is a giant stride towards addressing the incessant violence in the region because all stakeholders in the polity came together and discussed the future of the Nigerian state. But it was limited in scope as it was masterminded by the state executive. Although both the majority and the minority put heads together to fashion out a workable machinery for restructuring the country in such a way that each section of the country would have its own fair share of available opportunities, it fell short of addressing the fundamental problems of Nigerian federalism. The fundamental questions of Nigerian federalism still stand unresolved, and can only be addressed in a sovereign national conference. At present, Nigerian federalism is skewed, and it does not adequately cater for the interests of the minority. This question of federalism must be an integral part of the project to create a true democracy, good governance, an enhanced position of ethnic minorities and transparent fiscal control.

Government should devise a workable environmental policy that would regulate oil operations in the Niger Delta. The destruction of the ecosystem of the region by the activities of oil companies has for years remained an important issue in the Niger Delta question. Setting up environmental agencies is not enough. Government should enact laws that would protect the environment from being degraded, polluted and damaged by activities of all sorts. In addition, effective machinery should be put in place to ensure the strict enforcement of such laws. In the case of the MNOCs, they should be made to be responsible to the local people in their operations. Government should not compromise the welfare and survival of its citizens because of its profit-motivated partnership with the oil companies. A situation whereby government protects the oil companies against its own citizens, and oil companies cast themselves as neutral in the conflict between government and the people, does not help matters. Local people continue to associate oil companies with government, either in a good or a bad light. This is why it is necessary for the oil companies to review their relationship with government and be closer and accountable to the local oil-bearing communities.

Besides, adequate compensation should be paid to the (affected) local communities as a continuous exercise. However, compensation in this sense does not mean putting money into the pockets of the people. Recent events in the Niger Delta have shown that persons in leadership positions in many oil communities have compromised their struggle for selfish motives or monetary gains. Some elites and leaders in these communities have become compensation entrepreneurs, who devise different methods in claiming compensation or grants from government, oil companies and international relief agencies. At times, government and oil company officials collaborate with these greedy leaders in this 'compensation game'. The tragedy of this development is that monetary compensation collected in such a way only ends in certain private pockets excluding the majority of ordinary local citizens. Monetary compensation to individuals and middle men should be de-emphasised. Instead, government and the oil companies should embark on community development projects, which are agreed on by the local residents. Schools, scholarship schemes, hospitals, a good transportation system, electricity, gainful employment, good telecommunications, and a drinkable water supply should be adequately provided in

the communities. This is the only way by which the ordinary people in the Niger Delta could benefit from compensation.

Furthermore, there should be a master development plan for the Niger Delta. Interestingly, government has taken a giant stride in this direction. When General Abdulsalam Abubakar took over the reins of power in 1998, he set up a 22-member committee headed by Major-General Oladayo Popoola. This committee was to appraise various recommendations made to the government on how to tackle the festering crisis in the Niger Delta and produce practical plans for their implementation (*The Guardian* 1999a:20). In its report, a total financial outlay of about fifteen billion Naira was to be devoted to the building of basic infrastructure such as marine transportation, telecommunications and electricity supply (*The Guardian* 1999a:20). Apart from this, the present democratic regime of President Olusegun Obasanjo has gone further in addressing the Niger Delta question. In 2000, the Niger Delta Development Commission (NDDC) was set up to replace the Oil Minerals Producing Areas Development Commission (OMPADEC). In addition, the revenue derivation formula of the Niger Delta and other oil-producing areas outside the region has been increased to 13%.

However, these measures have not gone far enough in dealing with the more fundamental demands for the control of oil resources by the oil minorities. At present, there is raging agitation in the Niger Delta for control of local resources. The agitators have posited that Nigeria is the only country in the world, which has so cruelly plundered its oil-producing districts without any policy of compensation and repatriation of profits (*The Guardian* 1999a:20). In view of these recent developments in the Niger Delta, government needs to appraise its policy in tackling the problems in the region. Dialogue should be embarked upon by both government and the oil communities in the Niger Delta. The present crisis in the region is partly being fuelled by the lingering militarist disposition on both sides. The Nigerian political life has been militarised for several years since independence, mostly by military rule. This military phenomenon has inculcated a culture of violence in the society. The frequent deployment of military forces to the Niger Delta to quell local riots in recent years has equally militarised local ethnic militia. Even, the present democratic government has continued in that destructive militarist path, as the recent

invasion of the Niger Delta by military forces has shown. Therefore, in order to stem this tide of violence and armed confrontation in the region, government should systematically de-emphasise the use of maximum force, and engage the aggrieved communities in meaningful dialogue. However, this could only be achieved by tolerance from both sides.

There is also the serious question about the leadership in the Niger Delta struggle. As noted earlier, some leaders in the oil-bearing communities have compromised the interests of their own people in order to achieve selfish ends. The opportunism and greed of such leaders tend to destabilise resistance movements or weaken collective agitations. This factor was responsible for the destabilisation of the Ogoni struggle. Ogoni leaders were essentially interested in personal power and money. As a matter of fact, some Niger Delta leaders, like some leaders at other levels of national life, are greedy and compromised. They find it easier to line their pockets with compensations from the oil companies than to fight a principled and courageous battle for repatriations that would make a real difference in the lives of their people. It is not surprising then that youths in several communities have come out publicly to denounce their leaders, saying that they represent themselves, not the people. Therefore, in order to appear realistic, determined and resolute in their struggle, the people of the Niger Delta should lay their trust in the hands of leaders of proven integrity and good records.

Another part of the conflict in the Niger Delta has to do with the creation of viable local political entities. Three main ethnic groups in the region – the Ijaw, the Urhobo and the Itsekiri – are engaged in nearly constant armed confrontations with one another over land ownership and the creation of local government. Therefore, government should ensure that separate local governments are created to reflect the composition and origins of these warring ethnic groups in order to stem the tide of politically motivated conflicts in these areas.

Finally, the rate at which small arms flow into the country is alarming. This increasing spate of illegal trafficking in arms not only suggests that the borders are porous, but also portends a great danger to the corporate existence of the nation in future. Government should take up this issue as a matter of national concern. It should ensure that the borders, both on land and sea, are effectively monitored and well policed. All loopholes that may favour illegal trafficking in arms should be plugged.



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# Operation Murambatsvina: The Dynamics and Escalation of Zimbabwean Intra-state Conflict

*Victor Shale\**

## **Abstract**

In April 2005, Zimbabwe held general elections which saw the ruling Zimbabwe African National Union – Patriotic Front (ZANU-PF) emerge as victors for the umpteenth time. Despite this win, the ruling party seems to suffer paranoia, as manifested by the recent Operation Murambatsvina. A look at the Zimbabwean political history points to the fact that Zimbabwean elections have

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been characterised by violence which has landed the country in an economic morass. This paper looks at the dynamics of Zimbabwean political conflict using Operation Murambatsvina as a case study. The paper expresses the view that like many others of its nature, this operation was a purge against the people who are suspected to support the opposition parties, particularly the Movement for Democratic Change (MDC).

## **Introduction**

The recent political and socio-economic situation in Zimbabwe has been the subject of discussion by commentators within the Southern African Development Community (SADC) region and beyond. At the centre of this topical issue is the intractable conflict between the ruling Zimbabwe African National Union – Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC). Despite the fact that regular elections are almost guaranteed, civil freedoms remain a distant mirage in Zimbabwe. The country still finds itself trapped in a quagmire of political contestation and conflict. This is a setback that obliterates hopes for the consolidation of democracy in the region and in Africa as a whole. This state of affairs is attributed to the manipulation of the elections by the ruling party and the atmosphere of intimidation that exists during election periods. Besides this, some of the factors underlying the conflict are lack of good governance, high levels of poverty and inequitable distribution of resources.

This paper looks at the recent Operation Murambatsvina in relation to the dynamics and the escalation process of the Zimbabwean political conflict. In an attempt to understand this multifaceted conflict, the point of departure is to provide definitions of conflict and conflict escalation. Secondly, the dynamics of this conflict are also discussed with reference to the conflict escalation theoretical framework so as to provide a basis for the analysis of its escalation. Thirdly, Operation Murambatsvina is discussed so as to assess whether or not it is indicative of more political conflict to come in Zimbabwe.

### **Conflict**

There are many ways in which conflict is defined. In this paper, conflict refers to a situation where two or more people or groups believe that their objectives are incompatible. People's values may actually be different and as a result motivate them to engage in conflict in an effort to protect those values (Kriesberg 1998:2). Conflict can also be a consequence of failure by the parties in conflict to communicate. The management of conflict depends on the ability of the people to communicate. Looking at conflict, Shutte (1993:57) advances the view that people are imperfect individuals who make up imperfect communities. These imperfect communities depend on each other daily and, being imperfect beings, they communicate imperfectly. One thing that does not change about conflict though, is that it can never cease to exist. Shutte believes that the forging of relationships and attempts to continuously perfect them will always precipitate conflict. Put differently, the degree and the frequency of interaction determines how the conflict escalates. It is on the basis of this understanding that the discussion on escalation that follows is approached. It is important to underscore nonetheless that whilst conflict results from human interactions, it is also capable of changing the economic, social, cultural and political being of the people who give it life in the first place. As will be seen with the Zimbabwe case, conflict can in this way be both the result of relationships and the cause of relationships.

### **Conflict Escalation**

Conflict escalation may be defined as an increase in the magnitude of disagreements or violence. For instance, in a family a father may forbid his son to go to a nightclub and instruct him to concentrate on his studies. If the son does not obey, the father may employ more strict measures in dealing with the boy, such as stopping to give him pocket money and taking away some of the privileges that the boy has in the family, in order to force him to study. The disobedience by the son and the use of a stronger approach by the father in reaction to the boy's disobedience constitutes conflict escalation. The conflict

may escalate further if the son reacts to his father's actions in a contemptuous manner. Carlson (1996:3) reminds us that the centrality of escalation as a focus of theoretical and empirical inquiries varies a lot. It could be a stepping stone towards finding a solution to a conflict. She defines escalation as the imposition of costs on both the sender and the recipient of an action over time. This definition is consistent with the understanding of many people that escalation is the increase in the magnitude of hostility or the application of sanctions over time. The behaviour of one party is a response to both its internal needs and a reaction to the behaviour of the other party. Reacting to a particular behaviour of the other person is natural and innate to us. Thus, quite obviously, what becomes a problem is the way we react to the behaviour of others. Our reaction determines whether we can manage the conflict or escalate it.

### **Dynamics of Escalation**

I have mentioned above that conflict will not cease to exist, so the best thing for us to do is to devise a means of managing it. Whereas there is almost a complete consensus with regard to the inevitability and the expensive nature of conflict, various authors provide explanations on this nature of conflict. For instance, a renowned conflict management author, John Burton (1990:50), points out that there is a progressive escalation of conflict which emerges alongside highly sophisticated strategies that are meant to manage conflict situations. Pruitt and Rubin (1986:64) prefer to call this 'escalation transformations'. They add that these transformations happen separately to each of the disputant parties. The two parties are both affected by these changes because each one of them mirrors the transformation and acts in response to it. They describe this behaviour as a conflict spiral. This spiral increases as the parties in conflict persist with the hostility and aggression.

Pruitt and Rubin (1986:89-95) classify theories of conflict escalation into three models: the Aggressor-Defender Model, the Conflict Spiral model and the Structural Change Model. These three models are briefly looked at below as they help in analysing the dynamics and escalation processes of the Zimbabwean conflict.

### **The Aggressor- Defender Model**

In this model, one party is the aggressor while the other is the defender. The aggressor uses mild to heavier tactics against the defender until the aggressor gets what he wants or gives up. The aggressor is the party who realises an opportunity to change things to meet his interests and therefore initiates the offensive. The defender on the other hand is the party who resists this change. It should be indicated from the onset that being the defender does not imply that one is automatically the weaker of the two parties. The defender could be the stronger of the two parties and can be weaker as well under certain circumstances. In other words, the two parties in a conflict can shift positions from being the defender to being the aggressor depending on the situation at hand. The defender's interest is to maintain the status quo. During the National Party governance of South Africa for instance, many would argue that the National Party government was the aggressor. While this is undoubtedly true, evidence also exists that point to the fact that in the early sixties, the African National Congress (ANC) became the aggressor particularly when it started its underground operations. The ANC wanted freedom for the indigenous and majority people of South Africa. Negotiations between the ANC and the government were fruitless as the government only made platitudinous statements regarding freedom that never translated into action. The ANC then opted for the last resort, which was the use of violence. The National Party government, as the defender in this case, strengthened its police and the defence forces in order to withstand the challenge of the ANC and clampdown its activities.

### **The Conflict Spiral Model**

This is the model that demonstrates escalation as a result of the response and retaliation by the defender against the aggressor. This retaliation invites further action by the aggressor so that the whole circle is completed – and it may repeat itself again. As it repeats itself, the conflict does not continue at the same level. In the example of the conflict between the ANC and the apartheid government above, what happened is that as the conflict intensified, the government

also went out to hunt ANC activists outside South Africa and killed many of them together with local people as well as destroying properties in Lesotho, Botswana and other neighbouring countries. In order to survive the ferocious reaction by the government, the ANC also intensified its activities using more attacks as its form of defence. The conflict, therefore, moved to an even higher level.

### **The Structural Change Model**

The continuity of the spirals produces changes in the political and socio-economic spheres of the parties involved in conflict. This makes it difficult for conflict to be managed because both sides become even more determined to continue with the conflict, particularly when they have incurred loss of lives and property. The structural change model explains the effects of the protracted conflict emanating from the conflict spirals and escalations as explained in the previous models above. Under this model, people and groups' perceptions change, and hostile and competitive goals develop within these communities. The aim becomes to punish, discredit, defeat and destroy the other party. The negative perceptions discourage conflict settlement and promote its escalation. Once escalation happens, the process repeats itself as has been said earlier and the structural changes also persist. This then has a direct effect on the human relationships.

### **Zimbabwean Political Conflict Flashback – 2000 to 2005**

It is important to begin by indicating that the Zimbabwean conflict follows the trend that is characteristic of the current conflicts facing the world today. Unlike during the First and Second World Wars and the Cold War where nation-states were clear enemies, recent and emerging conflicts are highly destructive both within and across state boundaries. While these conflicts are political in nature, the underlying causes for these conflicts may be a dearth or absence of good governance, a scramble for natural resources, high levels of poverty, and an inequitable distribution of resources (Shale 2005:2; Matlosa 2005b:89).



## The Dynamics and Escalation of Zimbabwean Intra-state Conflict

A cause for concern with Zimbabwe is that despite the efforts that have been made (and continue to be made) by the SADC region to shift from authoritarian rule to multiparty rule (Matlosa 2005a:15), the Zimbabwean political conflict keeps escalating and there seem to be no mechanisms yet in place to deal with it. This conflict is looked at in respect to three phases which are the period 2000, the period 2002 and the period 2005 when parliamentary and presidential elections were held.

### Parliamentary Elections 2000

Prior to the 2000 parliamentary elections, a new opposition party which promised to give ZANU-PF stiff competition was established. The Movement for Democratic Change (MDC) came out of the labour movement which derived support from a number of civic groups (Olaleye 2004:74). It is to be expected therefore that having monopolised the political arena since coming to power, ZANU-PF would naturally respond to the establishment of MDC by discouraging people from joining and subsequently voting for the MDC. It should not be forgotten that most nationalist parties in post-colonial Africa argued that any attempt to have an alternative political party was unpatriotic. Congruent with this perception, ZANU-PF did not throw confetti over the newly formed MDC. It has instead made allegations that the MDC party did not have the interests of the nation at heart but was serving the interests of the former colonialists, particularly the British. In terms of the three models above, the formation of a strong political party caused ZANU-PF to assume the defender status while MDC became the aggressor, particularly in the eyes of the ruling party.

The conflict during the 2000 parliamentary elections was mainly caused by dissatisfaction of the opposition parties with regard to the pre-election phase electoral processes. The parties protested that the voter registration had disenfranchised many eligible potential voters. The ruling party was also suspected of gerrymandering since the delimitation commission was established shortly before the elections, therefore making it difficult for parties to scrutinise its work. This conflict escalated when the supporters of the ruling party barred the opposition parties, particularly MDC, from campaigning. Sachikonye (2003:130)

states that violence against opposition party members and candidates was reported in places which were declared as 'no-go areas'. About 30 people were killed before the elections and this made the cycle of conflict continue. The use of violence by the ruling party was therefore its response to the new wave of political pressure that was unleashed by the MDC.

### **Presidential Elections 2002**

Similar to the parliamentary elections, the presidential elections were marred by conflict. The key issues of contention with these elections, as with all the rest, were around the voters roll which was not availed to the wider spectrum of society. The apogee of this conflict was the government's orchestration of violence on farmers and their workers using war veterans. The controversial land redistribution policy saw many farmers evicted from their farms and severely beaten while their workers were chased away. According to Sachikonye (2002:446), 14 people died within two months before the elections. Despite these constraints, MDC performance in the polls was expected to improve and probably even cause an upset. There is no gainsaying that it is precisely this likelihood that caused concern to the ZANU-PF thus compelling it to protect its interests.

Given that when conflict tension mounts parties tend to shift positions depending on their goals, the occupation of farms by war veterans prior to the 2002 elections led to MDC and ZANU-PF taking new positions. In other words, ZANU-PF shifted to the aggressor mode by unleashing the war veterans on the farms under the pretext of empowering the people. MDC got into the defender mode, condemning what it saw as 'illegal' occupation of farms. The MDC assumed the role of the voice of the 'oppressed', calling for international intervention against the human rights violations in Zimbabwe. The role that each party played in terms of this dichotomy invited a counter role by the other, thereby increasing the conflict not only between the two political parties but also between ZANU-PF and the farmers.

Again, prior to the elections, the armed forces commanders<sup>1</sup>, realising the possibility of MDC victory in the elections, threw its weight behind Mugabe

## The Dynamics and Escalation of Zimbabwean Intra-state Conflict

saying that they would not support any one who had no revolution credentials. The position of the army widened the political cleavage between the two parties. The involvement of the military brings an interesting dimension to the Zimbabwean political conflict – where the army sees its interests being threatened by a growing political competition between MDC and ZANU-PF. Chitiyo and Rupiya (2005:359) appropriately capture the political developments from June 2000 as follows:

...in essence, ZANU-PF's struggle for survival became a military operation, and Zimbabwe was turned into an 'operational zone'... and military coercion became the currency of politics....

Chitiyo and Rupiya further suggest that there was a move to identify MDC supporters who would be punished while loyal ZANU-PF supporters would be rewarded. The active role of the military in Zimbabwean politics, culminating in its public pledge to only support candidates with revolution credentials, vindicated MDC's claims (which ZANU-PF used to deny) that the government was using the armed forces to quell political challenge.

### **Parliamentary Elections 2005**

Despite significant electoral reforms prior to the 2005 general elections, incidents of conflict were still reported countrywide where the opposition supporters were mainly the victims. As Kagwanja (2005:1) puts it, the 2005 elections were an opportunity to end Zimbabwe's political turmoil. On the contrary, the win by ZANU-PF which was predicted by observers even before the polls further propelled the protests by the opposition against the regime – they accused the regime of manipulating the election results. This allegation against the government is substantiated by Maroleng (2005:1) who asserts that in the run up to elections, opposition parties' campaigning was stifled by legislation

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1 The commanders of ground forces, the air force, prisons and intelligence.

which placed severe restrictions on their activities. This legislation, particularly the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA), favoured the ruling ZANU-PF. In evoking the provisions of POSA, the ruling party ensured that it campaigned without hindrance, while the opposition parties were denied the opportunity to use public venues for their rallies (Masterson & Moloji 2005).

A worrying factor is that despite such laws being enacted in Zimbabwe, the African Union (AU) and SADC have remained silent and have not been actively involved in trying to de-escalate the Zimbabwean conflict. Their unchanging position on Zimbabwe and continued endorsement of the election results perpetuates the intractability of the conflict as the two parties remain deadlocked. This also makes the instruments that the two organisations use to measure the freeness and fairness of elections questionable. There is no denying that with no pressure coming from the neighbouring South Africa nor the SADC region, President Mugabe will remain adamant that he will not hold talks aimed at resolving the Zimbabwean conflict, particularly if the Western countries are the ones who want this to happen. It is fitting, therefore, that the next section looks at the escalation of the Zimbabwean conflict which manifests itself in the recent countrywide Operation Murambatsvina.

### **Operation Murambatsvina**

Following the 2005 elections which saw ZANU-PF victorious yet again, an unthinkable development took place. The government embarked on a country-wide 'Operation Murambatsvina'. This name is translated differently by different people. In some articles it is said to mean 'throw out the trash' or 'restore order' (Olaleye & Tungwarara 2005) while in others it is called 'clean out the rubbish' (Movement for Democratic Change 2005, Slaughter 2005). Whatever the name means, it is clear that there are two distinct interpretations regarding Murambatsvina. On the one hand is the interpretation of the government, while on the other hand there is the interpretation of the affected people supported by MDC and government critics. It follows therefore that such interpretations depend on which side of the divide one is on.

## The Dynamics and Escalation of Zimbabwean Intra-state Conflict

Targeted at the illegal street vendors and illegal structures such as shacks, markets and houses, Operation Murambatsvina has been carried out with military precision and involved the security organs of state, including the Police. Maximum force was used to ensure that the operation was executed with minimum or no resistance at all. The use of violence against the people of Zimbabwe by the ruling ZANU-PF has intensified in recent years. Sachikonye (2004:189) indicates that the orchestration of intimidation and political violence has gained momentum, particularly from 2000 when the authoritarian legislation such as POSA and AIPPA referred to earlier were passed.

The immediate conclusion that one may come up with is that the use of the military and or the police in a conflict such as the one in Zimbabwe is an admission of failure in regard to the peaceful handling of the problem at hand. In fact, a look at the history of post-colonial Zimbabwe points to the fact that the use of violence and intimidation against opposition and ordinary citizens has been the preferred way by the ruling ZANU-PF (see Sachikonye 2002, Sachikonye 2004, Chitiyo & Rupiya 2005). Table 1 (see page 118) illustrates the belligerents' opposite paradigms from which they understand the issues.

Table 1 shows that the government's rationale for Operation Murambatsvina is that all the buildings and shacks are illegal dwellings and a breeding ground for crime. The government therefore does not only regard this as a transgression of the urban area rules and regulations, but a transgression of the country's laws and social norms – hence the need to clean them up. In other words, the government sees the shack settlements as the flotsam and jetsam of the urban areas.

The table further shows that the government deems the use of force, bulldozers and arrests as the appropriate dosage to deal with the situation. The victims (and those who sympathise with them) on the other hand, view the whole issue from a human needs theory perspective. They see shelter as a fundamental basic need. According to this perspective, the use of force to demolish houses and belongings of the urban dwellers is indicative of the violation and non-protection of the people's basic need. Critics of Operation Murambatsvina have also quoted a number of international treaties that the ZANU-PF government has violated even though it is signatory to them.

Following an international outcry about the operation, the United Nations (UN) had to see first-hand the extent of the problem, so the logical move was

**Table 1: Competing Paradigms of Thinking**

	<b>The Government/ZANU-PF</b>	<b>MDC and the affected communities</b>
<b>Issues</b>	Illegal squatting and development of the urban cities	Legitimate need for shelter
<b>Structures to deal with issues</b>	None	Community organisations and political parties such as MDC
<b>Source of power</b>	State machinery (police, army, municipality police)	None
<b>Actions and processes</b>	Forced removals, arrests, demolition of shacks and houses without prior communication to the concerned residents	Resistance and determination to stay in urban areas even when arrested
<b>Assumptions about the nature of the conflict</b>	Transgression of laws governing urban areas, tarnishing of the urban areas image and engaging in criminal acts	Satisfying basic needs based on individual values and norms

The competing paradigms of thinking analysis tool has been adapted from Douwes-Dekker et al 1995.

to have a fact-finding mission in the form of a UN Secretary-General Special Envoy. When reporting on the magnitude of the operation, the United Nations' Special Envoy on Human Settlements Issues in Zimbabwe, Anna Tibaijuka, (2005) says that the operation which by July 2005 had taken away the livelihoods of and displaced about 700 000 people across the country,

...was carried out in an indiscriminate and unjustified manner, with indifference to human suffering, and, in repeated cases, with disregard to several provisions of national and international legal frameworks....

While the above criticism of the operation by the UN Special Envoy is valid, it does not help the situation which looks more likely to continue. Due to the difficult nature of this conflict, even the UN does not have a readily available

## The Dynamics and Escalation of Zimbabwean Intra-state Conflict

solution to deal with it. It has become apparent that the first track diplomacy is not suitable in the Zimbabwean situation. Not even the crisis diplomacy, which Matthews (1993:94) says is the ideal diplomacy that can be used to establish control over situations such as the one in Zimbabwe, can work smoothly.

The likelihood is that whatever the UN tries to do will be eyed with suspicion by Harare which might be even more determined to achieve victory over the MDC – the effect of which will be more escalation of the conflict and subsequent suffering of the ordinary people. The UN is therefore caught in a ‘catch-22’ situation and is losing face in the eyes of other nations. It cannot force Harare to effect any political changes and to conform to principles of democratic governance. On the other hand, if the UN lets the situation stay as it is, Mugabe will get away with atrocities – a reality which has already come to pass. This state of affairs sets a bad precedent for other conflict-prone countries to follow. The UN’s failure to get support from member states, and particularly from the AU and SADC, who think that Zimbabwe’s problems should be solved internally by Zimbabweans themselves, aggravates its woes.

### **What Triggered Murambatsvina?**

There are many ways in which analysts explain the reasons behind the Zimbabwean government’s sudden clean-up campaign in all the urban areas. As indicated earlier, the ruling party has often resorted to violence in sending out a sharp message to anyone who dares challenge it. According to Solidarity Peace Trust (2005:5) the government has already used the cleansing terminology when carrying out a purge against the Zimbabweans. In the 1980s about 10 000 civilians died from ‘Operation Gukurahundi’ which means ‘the spring rain that gets rid of the chaff from the last season’. The victims of this operation were supporters of the Zimbabwean African Peoples’ Union (ZAPU). In 1985, following parliamentary elections, about 20 people supporting ZAPU were killed and no action was taken by the police. The incident followed Mugabe’s speech in which he told the people to go out to ‘weed’ their gardens. During the land evictions between 2001 and 2002, television and newspapers reported incidents of the farmers and their workers being assaulted by the war veterans

while the police did not intervene.

These repeated cases of purging of opposition parties and opposing views strongly suggest a strategy aimed at neutralising the bastion of MDC, which is mainly in urban centres. But the government claims that the growth of the informal sector activities and the construction of shack-dwellings and unapproved structures such as tuck-shops, dwelling rooms and business sites, some of which were in illegal areas, justified such interventions.

There has been an ongoing debate amongst academics and politicians around the agrarian question in Southern Africa, particularly in Zimbabwe. Even the UN Secretary-General affirmed the importance of land redistribution to economic growth and peace and stability (Mdlongwa 1998). While many agree that inequality of land ownership has to be addressed, there is a general disagreement when it comes to the government of Zimbabwe's timing in dealing with the land question. The government's cleansing action was suspected by others to be the ZANU-PF's strategy for controlling elections. Irrespective of varying opinions on this issue, it is axiomatic that while it may not have been a mere strategy to win elections, the land issue contributed meaningfully to the victory of ZANU-PF in the 2002 presidential elections.

Based on the foregoing, it is not far fetched to suggest that even the recent Operation Murambatsvina was politically motivated. As the Solidarity Peace Trust (2005) puts it, the MDC had won most of its seats in the urban areas in the three consecutive elections and had so weakened the ruling party. Operation Murambatsvina is therefore widely seen in Zimbabwe and afar as a direct act of retribution against the urban electorate who are known or suspected for having voted against ZANU-PF. If this assumption were to be true, then the ruling party may have succeeded not only in causing panic and uncertainty in the electorate but also in weakening future support for MDC. As a result of the demolition of their shacks, the victims may develop a feeling of powerlessness at the hands of ZANU-PF and therefore become reluctant to vote in the next elections.

In terms of the structural change model, the more competition for power between ZANU-PF and MDC, the more the conflict escalation. According to this model the aims of the two parties become: to punish, discredit, defeat and destroy the other party. The operation is also a continuation of the historical trend towards violent conflicts inflicted by the ruling party on opposition



## The Dynamics and Escalation of Zimbabwean Intra-state Conflict

parties and dating back to the 1980s. For instance, Operation Gukurahundi in the 1980s weakened the support of PF-ZAPU<sup>2</sup> as some victims become refugees (some eventually settled) in neighbouring countries including Botswana and South Africa while other victims settled in urban centres and/or other areas where ZANU-PF had strong influence in the body politic. PF-ZAPU eventually signed the Unity Accord in 1987 before disappearing from the country's body politic. Thus the government's Operation Murambatsvina is a classic example of conflict which is explained by this model. Like in the case of Operation Gukurahundi, this operation reversed the rural-urban migration as many victims returned either to their rural homes or new farming communities. This generates three scenarios. First, it fuels the demand for land thereby boosting the ongoing land reform programme. Second, it creates potential reserves of cheap labour for the 'new farmers', in a situation of limited economic opportunities facing returnees in an environment of hunger, limited basic social services and economic activities. Third, it justifies reducing constituencies in urban areas where the MDC has an upper hand. Though the operation affected supporters of the ruling party, there is a strong perception that post-Murambatsvina programmes initiated by government such as 'new sites for informal traders' and 'new housing schemes under Operation Garikayi'<sup>3</sup> were meant to benefit them.

### Implications for the Future

The escalation of conflict leads to the conflict process repeating itself and the structural changes also persist. The Zimbabwean conflict has transcended the political boundaries and has evidently caused fissures in the human relationships. This direct effect on the human relationships has already created another form of conflict which is community conflict. The structural changes do not only occur in terms of mounting hostilities and aggression but affect

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- 2 Zimbabwean African Peoples' Union -- Patriotic Front (PF placed first in the acronym).
  - 3 Operation Live Well, a government programme meant to provide houses close to basic social services for those who were victims of Operation Murambatsvina.

the material dimension as well. The pain and suffering inflicted on the people of Zimbabwe (the majority of whom are poor) by fellow Zimbabweans, has left them traumatised. The result of this volatile situation is polarisation, mistrust and hostility within the community. This kind of polarisation remains the potential cause of future conflicts between and among the peoples of Zimbabwe, as those whom were once oppressed may seek revenge later.

In view of the fact that Operation Murambatsvina has not entirely stopped, there is reason to believe that the Zimbabwe conflict has the potential to become more intense in the future. Since the historiography of elections in Zimbabwe points to the fact that Zimbabwean elections are always accompanied by violent conflict, the possibility of having similar kinds of conflict in future elections can not be ruled out. It can only be hoped that some form of settlement between the two parties is reached before the next presidential elections in 2008. The scenario, however, seems to be one of limited faith in internal political dialogue involving all political parties and other stakeholders in the country, and in political mediation efforts. Moreover, the aftermath of Operation Murambatsvina has also shaken the MDC leadership, which is now split into two factions led by Morgan Tsvangirai and Professor Arthur Mutambara.

Failure to reach settlement between ZANU-PF and the MDC will mean that Zimbabwe's political and socio-economic morass will continue for years to come. It is sad that there can be no prognosis of the length of time it will take before the conflict de-escalates.

## **Conclusion**

Operation Murambatsvina is an operation which is typical in its effects on ordinary people. As observed by the UN Special Envoy on Human Settlements Issues in Zimbabwe, operations carried out by the police and/or the military involve the use of force and have little or no consideration for the property and general well-being of the people. These kinds of operations are usually carried out in a hasty manner, hence their effects are even more severe on the ground. This paper has shown that Operation Murambatsvina has perpetuated hatred within communities and has actually furthered economic collapse.

## The Dynamics and Escalation of Zimbabwean Intra-state Conflict

The paper has also demonstrated that ZANU-PF and MDC, which are the principal parties in the Zimbabwean conflict, have fixed positions which have prolonged the conflict. The paper has further illustrated that as far as Operation Murambatsvina is concerned, the involved parties' understanding of issues is dichotomised. This dichotomy contains dynamics that cause conflict escalation. It is fitting, therefore, to conclude that the polarisation that exists both with regard to the issues and the positions in the Zimbabwean political conflict creates an intractable conflict. The challenge remains for the UN, the AU and SADC, and particularly South Africa, to persuade the government in Zimbabwe to open doors for inclusive democracy and refrain from its proclivity to use violence to address political problems. Are the Zimbabwean authorities insistent on bringing about political and socio-economic recovery without giving much attention to processes of nation-healing and the promotion of tolerance in the communities? This remains a big question.

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## Book Reviews

### *Phases of Conflict in Africa*

Kadende-Kaiser, Rose & Kaiser, Paul J. (eds) 2005.  
Toronto: De Sitter Publications. 184 pp., hardcover.

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Africa has been judged to be more afflicted by serious armed conflicts than any other region on the planet. It is however important to put the causes of these conflicts into proper perspective, rather than simply concluding that they are tribal or ethnic. In most cases, the underlying causes are closely interwoven in both national and international arenas. The international factors include the consequences of the Cold War and its aftermath, as well as the globalisation and liberalisation of the world economy – which have generated a sense of political and economic insecurity in Africa. National factors that have contributed to armed conflicts in Africa include discriminatory political processes and skewed resource distribution (in some cases going back to the colonial period), centralised and highly personalised forms of governance, corruption and mismanagement. While debates often conceive the causes of conflict in Africa in both national and international dimensions, in practice, attention to dealing with these conflicts is in most cases paid at the level of and in the context of the countries concerned. The consequence is that conflict resolution strategies fail to appreciate the complex

nature of disputes in Africa. The book *Phases of Conflict in Africa* aims to provide an analytical framework for conceptualising and dealing with some of these conflicts, particularly in West and Central Africa.

After some introductory remarks, the book considers the critical issue of terrorism and the way it has affected Africa. The emphasis in the discussion is on the salience of factors that serve to mobilise actors toward the use of violence. The book points out that the underlying causes of terrorism should be sought in social and political injustices and in patterns of unfairness. The war on terrorism, therefore, requires more than armed invasions. It calls for cooperation in attacking despair and indignities that spawn radical political measures and the use of violence. The book maintains that the United States' priority has been to reduce the threat of terrorism against American interests at home and abroad, but that there are costs involved and opportunities that African governments can exploit. The bottom line is that Africa should seek to strike more advantageous bargains with the United States by negotiating for the strengthening of governmental institutions to fight terrorism. The book also warns that the war against terrorism may divert American attention from economic development and democratisation to terrorism-related activities.

*Phases of Conflict in Africa* underscores the historical and cultural factors in the exacerbation of conflicts in Africa. It cites the case of northern Ghana that witnessed conflicts between 1981 and 1994. These conflicts, the text argues, were an extension of the failure of the post-colonial government to reconstruct citizenship in a way that balanced ethnic interests. The post-colonial government, instead, marginalised some groups, which in turn aggravated conflict between ethnic groups. Most conflicts in Africa are in part informed by traditional legacies of skewed socio-economic and political relationships.

The refugee problem in Africa is another crucial factor linked to conflicts. The text argues that conflicts do not simply spill across boundaries because of movement of refugees. Instead, conflicts arise when refugees enter a polarised situation or one that already contains the seeds of discord. In such cases, refugees create tensions by entering into new alignments or changing old ones. The cases of Tanzania and the Democratic Republic of the Congo (DRC) are used in the book to illustrate this debate. The historical polarity and movement of refugees in eastern DRC is employed to explain the tension and conflicts that have been



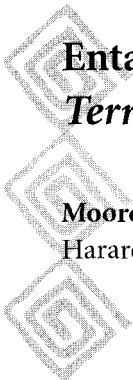
witnessed in that country in the recent past. In Tanzania, similar historical circumstances do not obtain and that partly explains why Tanzania has not witnessed violent conflicts involving refugees. The book also deals with the historical scope of the conflicts in the DRC since its independence, illustrating the role of both the regional and trans-national forces.

In the case of West Africa, the book discusses the Peace Agreement in Liberia and maintains that while a peace agreement can lay a foundation under which overt war may cease, it is the efforts to consolidate the peace agreement that determine whether that agreement will last or not. It is important to build on peace agreements by paying close attention to the vulnerabilities that each party brings to the negotiating table. The book also considers the question of transitional justice in Sierra Leone. Sierra Leone adopted two transitional justice policy options; a Truth Commission and a Special Court. In the recent past, countries that have come out of conflict or gross human rights abuses have increasingly shown interest in adopting a variety of policy options to deal with their past. The book cautions against embracing a 'one size fits it all' approach. It maintains the need for more policy options to make them relevant to specific contexts.

The book does well in highlighting the complex nature of most of the conflicts on the African continent. It takes in diverse methodological approaches and ideological assumptions and certainly adds to our critical thinking by providing fascinating and factual case studies. Each chapter challenges the reader to rethink the conventional, simplistic way of branding conflicts in Africa in tribal/ethnic terms. What perhaps does not come out strongly in the essays on terrorism is the debate on the role of religion in conflicts, particularly where individuals seek to legitimise barbarism in the name of belief. Religion has also worked in tandem with socio-economic factors to intensify conflicts in some parts of Africa, including northern Uganda and southern Sudan. The book too, defines conflict in broad terms of perceived incompatibility of interests or goals and/or competitions for control of scarce resources. But in the cases covered, there is little effort to distinguish between overt conflict and insidious forms of structural violence that have been witnessed in countries such as Zimbabwe, Kenya and Nigeria. Nonetheless, the book is richly relevant to contemporary readers in its ability to highlight complex debates and borrow from diverse

## **Emmanuel Kisiangani**

sources of data. The various contributors can each stand on their own, but they also build on each other. It is a well-packaged book on some key cases of destructive conflict in Africa. It should interest both academicians and practitioners interested in the intellectual challenges, dialogues and practices around conflict in Africa and more generally.



## **Entanglements: A Review of *Suffering for Territory: Race, place and power in Zimbabwe***

**Moore, Donald S. 2005.**

Harare: Weaver Press. 399 pp.

***Reviewed by Annie Derges***

*Senior Documentalist, SAPES Books*

We must continue to struggle and not rest until the land is our own, the property of the people, of our grandfathers, taken from us by those who crush the land with their stone step... with the strength of our heart and our hand held high, we raise, to be seen by all, that beautiful banner of the dignity and freedom of we who work the land (Subcommandante Marcos, 2000).

Zimbabwe's history seethes with struggles about land, struggles that, although the country has been independent for over twenty-five years, remain unresolved. The Land Apportionment Act of 1930, and its successor, the Land Tenure Act of 1969, allocated fixed 'Reserves' for Africans dispossessed of their fertile lands by the settlers. These were located in areas of poor soils, characterised by difficulty of access and overcrowding. Their former lands became 'European Areas'. 'Purchase Areas' were available to a few (richer) African commercial farmers to buy.

Drive out of Harare in any direction and you might think that time has stood still. The soil fertility patterns are immediately visible and clearly demarcated, red soil giving way to sand, adjacent, like the squares on a chess-board. In the sandy areas, where the trees are stunted and goats roam, there still live the majority of the people of Zimbabwe.

In the 1950s and 1960s, the African National Congress (ANC), precursor to the Zimbabwe African National Union – Patriotic Front (ZANU-PF), was formed mainly as a pressure group for land rights, against enforced cattle destocking and other restrictive measures. It was only after the formation of ZANU in 1963 that the demands incorporated total emancipation from settler rule.

In 1979, the Lancaster House Conference began, and almost ran aground time and time again, on the issue of land. Eventually, ZANU-PF was persuaded that land would be restored to its rightful owners on a ‘willing seller, willing buyer’ basis, and an unwritten promise was made that Britain, with the help of the United States, would pay for this. But, although some land was transferred after independence, most remained in the hands of the former Rhodesian settlers, their descendants and new ‘settlers’ who bought farms in the mid 1980s.

*Suffering for Territory* describes the ‘landscapes of dispossession’ still haunting Zimbabwe. It focuses on a single locality, Kairezi, in Zimbabwe’s eastern Highlands. It emphasises, in the author’s words, ‘the geographies of violence historically *sedimented* in landscapes of racialised dispossession’.

Kairezi has a special place in Zimbabwe’s history. It had a special chief, Rekayi Tangwena, who, in the 1960s and 1970s, defied Rhodesian rule by refusing to leave ancestral lands usurped by white conquest. He took his struggle to the courts, but was evicted. His people were forced to disperse, and many settled in Mozambique, just across the common border. In 1975 it was chief Tangwena who led Robert Mugabe and Edgar Tekere across the border into Mozambique, in order to prosecute the war of independence.

The story opens with an idyllic picture of the rural life of the Gumbo family. Squatters – because this family, though living within Kairezi settlement scheme, lives *outside* planned settlement sites. Already, from page one, the complexity of the issues of land and dispossession emerge.

To address the ‘entanglement’ of Kairezi’s land politics, the author uses

three concepts: governmentality, racialised rule and spatiality. His approach to the problem is anthropological rather than political, and this adds a new dimension to the plethora of literature on Zimbabwe's land question, as he observes the situation from another perspective. He sees 'government' from a Foucaultian perspective, as opposed to the value-laden 'governance' of political economy. Racialised rule incorporates both space and culture, as does spatiality and power. Foucault insists that space is fundamental in any exercise of power, but power does not reside in a unitary state (as a geographical entity), as the Kairezi study reveals. There are multiple 'entanglements', and power does not act in a vertical line from King to subaltern.

The author also uses the term 'landscape' to describe Kairezi's entangled social and cultural relations. Landscape describes how a particular location is seen – is Kairezi a white farm, a chiefdom, a rainmaking territory, a resettlement scheme? All these are sites of contestation.

The book is divided into three parts: Governing Space, Colonial Cartographies and Entangled Landscapes, with an epilogue written in 2004, twelve years after the author's 26 months of fieldwork among the Kairezians was completed. Part One is situated in the early 1990s (the period of the author's fieldwork), with chapters on the effects of the various Rhodesian Acts, and the livelihood practices of the Kairezians. Part Two discusses the pre-independence landscapes – the Tangwena chiefdom and Gairesi Ranch – and the power relations embodied therein. Part Three returns to post-colonial Kairezi, and the traditional practices of rainmaking, chiefly, and headmen's rule, and the interaction with the State.

Kairezi was one of the first resettlement schemes to be established after Zimbabwe's independence. This was partly due to the respect accorded Chief Rekayi Tangwena for his role in the liberation struggle. The scheme 'entangled' two chiefdoms, two former white farms, and surrounded the Nyafaru co-operative, established in the late 1950s by Guy Clutton Brock, one of several progressive socialist cooperatives that nurtured many who were later to become prominent in the liberation struggle.

The author describes in detail the debates within the community on the resettlement pattern imposed by government on the people of Kairezi. He is able to provide the background to various individuals and their points of view.

Moore took the trouble to learn the particular dialect of Shona that is spoken in the Eastern Districts, and thus, unlike many an anthropologist, he is able to interact with people without having to have an interpreter constantly present.

But in Zimbabwe, resettlement's rhetoric always exceeded its implementation. In chapter two, Moore describes some of the bureaucratic hindrances to the resettlement schemes of the early to mid-1980s. He also shows how closely the post-independence government followed colonial land-use prescriptions, even so far as endorsing the prescriptions of the notorious Land Husbandry Act. Tangwena settlement patterns were too 'disorderly'.

And the disagreements over space and the organisation of livelihoods were compounded by the Renamo incursions from Mozambique in the late 1980s and early 1990s. Chapter three opens with a description of a hazardous journey undertaken by the author's 'family', with whom he lived, to a dip tank near the border with the family's cattle. The narratives and lives intertwined in the book lend interest to the argument and immediacy to the problems encountered by its subjects. The dip tank provides a fine example of the struggles between villagers and bureaucrats over the use of resources in Kairezi. The dip tank the farmers were made to use was far away, and another nearby tank lay idle because the government and a group of white anglers feared pollution if that one were to be used.

Villagisation separated homes and fields, in direct opposition to traditional livelihood practices. Again, entanglement is the term used to describe the ways homesteads and agrarian methods were closely interrelated, and the understanding the villagers had of good soil management practices. Moore describes the various livelihood practices of the Kairezians, and why home and field should be enmeshed. Perhaps this is too idyllic a picture of traditional rural life and farming practices, but the author is making a point.

And the settlement is also entangled with Nyanga National Park. The Kairezians considered the resources of the Park, the wood, animals and fish to be theirs by right. This was a way of seeing the world, as the author explains, not merely an appropriation of resources. Park officials, of course, saw things differently. He also describes the concept of *kuchengetedza* (to take care of). One takes care of the soil, the water sources, just as one takes care of a fragile pot, or a child. So traditional practices are holistic and non-divisive, and if one 'poaches', one also cares for resources.

Part Two of the book returns to the history of racialised dispossession of the land, and chapter four describes the colonisation of the Kairezi.

Theoretically too, the book breaks new ground. Although the author takes a mostly Foucaultian perspective, he draws also on Marx. He suggests a convergence between Marx and Foucault that few have noted – their shared insistence on forms of subjection that work in freedom's name. Both stress the cultural politics of territory and subjection in their analyses of Europe's historical transformation. In both accounts, Empire echoed rather than shaped Eurocentric history. Marx states that serfs evicted from their ancestral lands were thus also freed from their feudal bonds, and were free to sell their labour to competing capitalists, and Foucault also finds examples of freedom within domination. The author's conceptualisation of 'entanglements' supports the views of these two theorists.

Throughout the book the author uses geography – space and landscape – to describe the ways in which the authorities – colonial and post-independence – attempted to impose their ways on the Kairezians. The situation of the Tangwena people was complicated by the fact that they were located on both sides of the arbitrarily drawn Rhodesia/Mozambique border. Thus the term 'colonial cartographies' signifies more than mere map-making, and 'violent geographies' are sources of various conflicts between and within the communities.

In chapter six, Moore maps the attempts to evict the Kairezians from their land, attempts which coincided with the start of the liberation struggle. Rekayi Tangwena was a member of ZANU. He took his fight for his land to the courts in Salisbury. Their houses were razed by bulldozers in 1969, and within a week, Chief Tangwena and his people were back, rebuilding them. His people lived in hiding rather than settling on the land allocated to them by the government. They were chased by police, bitten by dogs, but remained defiant. Some of those evicted alongside Rekayi Tangwena in 1969 found themselves once more named 'squatters' by the rulers of independent Zimbabwe.

Nyafaru cooperative, located in the midst of the Tangwena, was a source of great assistance to the villagers in hiding, and provided a school for the children. The conflict entangled the Rhodesian authorities with 'liberal' whites, who supported the Kairezians in their struggle to retain their land. Guy Clutton

Brock is the only white person buried at Zimbabwe's Heroes Acre. He actively supported the Tangwena people in their struggle against eviction and helped to publicise their plight to the wider world.

The author is scrupulous with regard to gender. He documents the active role played by women in the struggles of the Kairezians against eviction from Gaireza ranch. Women's subordination in patriarchal households, notes Moore, did not eclipse widespread recognition of their crucial role in suffering for territory during the era of evictions.

Part Three of the book is entitled 'entangled landscapes', describing the overlapping reigns of chiefs and rainmakers, emphasising the fact that there was no single sovereign ruling over any piece of territory – relations between people and place were important, rather than power.

The resettlement scheme treated the Kairezians like the colonial authorities had. It arbitrarily allocated sites and pegged them out, ignoring sacred sites, places where ancestral spirits lived. The way the people farmed mingled homes with farming activities, enabling practices such as manuring, and watering, and minimising the time wasted in travelling to and from distant fields, but the resettlement scheme insisted that fields be located away from homesteads. Traditionally, people selected where they wished to live and farm, and land was never allocated.

The author uses the term 'traction' to describe the Kairezians' assertions of land rights. The issue of rights to land was further complicated by the personality of Rekayi Tangwena's successor, acting chief Magwendere, who was generally disliked. Magwendere ignored women, and was generally dictatorial, unlike Rekayi. He was also seen as corrupt, and he relied on a clique of men around him, for his support, and he was not respected. During the war he had lived securely in the Honde Valley.

Then the ethnographer turns agent – he proposes establishing apple orchards in Nyamutsapa, as a way of strengthening the people's rights to live there. Apples take years to grow and produce fruit, thus planting an orchard is not the activity of a 'squatter'.

And, it turns out, the extent of Chief Tangwena's land has never been conclusively mapped. More entanglements.

Some twelve years after Moore ended his fieldwork among the Kairezians,



the Epilogue to this book describes how the issue of land dispossession was turned on its head, as *Mbuya* Tangwena protests against Didymus Mutasa, one of the co-founders of Nyafaru farm, and who was now trying to dispossess the Tangwena people from their land. A document written by *Mbuya* and the six Tangwena headmen sent a petition to a local newspaper (which did not publish it) and to the Minister of Lands, John Nkomo. In July 2004, police arrested several Tangwena headmen and elders, jailing the author's host, SaGumbo, and others on trumped-up charges. The Kairezians are still suffering for their territory.

