

# **Politics of Identity and Exclusion in Africa: From Violent Confrontation to Peaceful Cooperation**

---

**25–26 July 2001  
Senate Hall  
University of Pretoria**

---

# Table of Contents

---

<b>Introduction</b>	5
Prof. Hussein Solomon, <i>Head: Unit for African Studies, Centre for International Political Studies, University of Pretoria</i>	
<b>Welcoming Remarks</b>	7
Dr Michael Lange, <i>Resident Representative, Konrad Adenauer Foundation</i>	
<b>Opening Address</b>	11
Mr Welile Nhlapo, <i>Deputy Director-General, Department of Foreign Affairs, South Africa</i>	
<b>Exploring the Concept of Identity in World Politics</b>	13
Prof. Anton du Plessis, <i>Department of Political Sciences, University of Pretoria</i>	
<b>Reflections on the Roots of War</b>	27
Dr John G. Hund, <i>Senior Researcher, Institute of Foreign and Comparative Law, University of South Africa (Unisa)</i>	
<b>A Nigerian Case Study</b>	43
Dr Charles Quaker-Dokubo, <i>Research Fellow, Nigerian Institute of International Affairs</i>	
<b>Theocracy and State Reconstruction in the Civil War–Ravaged Sudan: In Pursuit of an Illusive National Consensus</b>	57
Prof. Korwa G. Adar, <i>International Studies Unit, Rhodes University</i>	
<b>Towards Finding a Solution for the Problems Created by the Politics of Identity in the Democratic Republic of the Congo (DRC): Designing a Constitutional Framework for Peaceful Cooperation</b>	67
Prof. Jeremy Sarkin, <i>Deputy Dean, Law Faculty, University of the Western Cape</i>	
<b>Exclusion, Identity and Armed Conflict: A Historical Survey of the Politics of Confrontation in Uganda with Specific Reference to the Independence Era</b>	81
Mr Paul Nantulya, <i>Head, Constitutionalism Project, ACCORD</i>	

---

**Table of Contents**

---

<b>Angola: A Case Study</b>	<b>93</b>
Prof. Gerald J. Bender, <i>School of International Relations, University of Southern California, United States</i>	
<b>Mozambique: A Case Study</b>	<b>97</b>
Prof. André Thomashausen, <i>Director, Institute of Foreign and Comparative Law, Unisa</i>	
<b>The Importance of Economic Development in Fostering Human Rights Practice in Africa</b>	<b>113</b>
Mr Zingisile N. Jobodwana, <i>Senior Researcher, Institute of Foreign and Comparative Law, Unisa; Director, Socio-Economic and Human Rights Research Centre</i>	
<b>The Element of Tolerance in African Custom</b>	<b>127</b>
Prof. Moyisi S. Majeke, PhD (Iowa), <i>Department of Comparative Law, History of Law and Jurisprudence, University of Venda</i>	
<b>Transforming Ethnic Conflicts</b>	<b>137</b>
Prof. Hussein Solomon, <i>Head, Unit for African Studies, Centre for International Political Studies, University of Pretoria</i> and Sally Matthews, <i>University of Pretoria</i>	
<b>Summary of Proceedings and Closure</b>	<b>155</b>
Prof. André Thomashausen, <i>Director, Institute of Foreign and Comparative Law, Unisa</i>	
<b>Programme</b>	<b>159</b>
<b>Participants' List</b>	<b>161</b>
<b>Seminar Reports</b>	<b>167</b>
<b>Occasional Paper Series</b>	<b>169</b>

# Introduction

---

“Africa has no need for the criminals who would acquire political power by slaughtering the innocents as do the butchers of the people of Richmond in KwaZulu-Natal. Nor has she need for such as those who, because they did not accept that power is legitimate only because it serves the interests of the people, laid Somalia to waste and deprived its people of a country which gave its citizens a sense of being as well as the being to build themselves into a people. Neither has Africa need for petty gangsters who would be our governors by theft of elective positions, as a result of holding fraudulent elections, or by purchasing positions of authority through bribery and corruption. The thieves and their accomplices, the givers of the bribes and the recipients are as Africa as you and I. We are the corruptor and the harlot who act together to demean our continent and ourselves. The time has come that we say enough and no more, and by acting to banish the shame, remake ourselves as the midwives of the African Renaissance.”

*(South African President Thabo Mbeki, Gallagher Estate, 13 August 1998)*

From Angola in the south-west through the Congos to Sudan in the north-west, a conflict zone exists which passes through the heart of Africa. Over the past four decades this has accounted for the death of millions, while contributing to the displacement of millions more. More depressing is the fact that contagion has occurred and now affects areas in Southern Africa, North and East Africa and West Africa. Many of these conflicts are intrastate and their roots often lie in contested perceptions of ethno-religious identity.

For this reason, the Unit of African Studies at the University of Pretoria and the Institute of Foreign and Comparative Law at the University of South Africa, with the financial support of the Konrad Adenauer Foundation, decided to hold a conference entitled *Politics of Identity and Exclusion in Africa: From Violent Confrontation to Peaceful Cooperation* at the University of Pretoria on 25–26 July 2001.

The aim of the conference was to understand the root causes of the politics of identity and exclusion, which has so scarred this beloved continent of Africa. The conference was further based on two caveats. First, following on President Mbeki’s statement (quoted above), Africans need to take responsibility for conflict prevention and reduction in their respective societies. The fact that many of these conflicts owe much of their origins to poor and ineffective governance, corruption, the ineffective use of the financial resources of the state and the abuse of human rights, underline this point. This was emphasised by the Secretary-General of the Organisation of African Unity when he noted, “[W]e can no longer fold our hands and wait for foreigners to come and resolve our problems.”\* Second, and a concomitant of the first point is that there can be no African Renaissance, no New Africa Initiative, no African Union if violence, conflict and war continue to be the bane of the ordinary African.

---

\*S.A. Salim. 1994. *The Frontline States: a new alliance for peace and development in Southern Africa*. Paper presented to the Meeting of the Ministers of Defence and Security in the Frontline States.

---

## Introduction

---

The papers presented at the conference are contained in this publication. By deepening our understanding of the origins and management of identity-based conflicts, it is hoped that they will impact positively on processes of conflict reduction and prevention on the continent.

The conference programme was dedicated to a number of case studies (Sudan, Nigeria, Uganda, the Democratic Republic of the Congo – DRC, Angola and Mozambique), as well as analytical and theoretical papers. The keynote for the theoretical papers was set by South African Deputy Director-General of Foreign Affairs, Ambassador Welile Nhlapo, when he revisited the end of history debate put forward by Francis Fukuyama. Ambassador Nhlapo challenged the idea that the triumph of liberal capitalism represents a historical end-state – arguing that it has many competitors, albeit fragmented ones. In this he includes various forms of religious fundamentalism as well as ethnic nationalism. The resurgence of these forms of identity – especially in their virulent form – is clearly a cause for concern. It is precisely for this reason, he argues, that such a conference is important in seeking to deepen our understanding of conflict processes.

Hussein Solomon and Sally Matthews stated in the final paper read at the conference that while ethnic identities can serve a useful function in providing people with a sense of security and ethnic identification, it can also lead to violent conflict and terrible destruction. They examined how ethnic identities can be pushed on to a more peaceful trajectory by a combination of internal conflict management strategies aimed at addressing the question of nationhood and power-sharing, as well as external conflict management strategies such as early warning and peacekeeping.

As pointed out by Prof. André Thomashausen in his Conference Summary, the papers presented demonstrate that:

- identity and ethnicity are not static and are capable of evolving
- understanding our genetic propensity for aggressiveness and xenophobia can result in developing our ability to manage our social lives peacefully
- in the six great crisis zones on the African continent, first in Nigeria, the quest is for balancing cultural and religious and resources diversity; second, in the Sudan, the challenge is to redesign the rules of that nation so as to bring them in line with the actual sense of identity of the majority, with adequate inclusion of minorities; third, in the DRC, the absence of any constitutional model and legitimate procedures is the actual root of the conflict which has been provoked by artificial politics of exclusion (“divide and rule”); fourth, that in Uganda the multiplicity of conflict layers requires the definition of a model that encompasses a culture of integration and accommodation; fifth, in Angola, two worlds exist and fight to eliminate the other, in the absence of effective mechanisms that could restore territorial and national unity; and finally, that in Mozambique lasting peace was achieved through shifts in perceived political and ideological identities, encouraged by effective levers.

*Professor Hussein Solomon*

*Head: Unit for African Studies, Centre for International Political Studies  
University of Pretoria*

# Welcoming Remarks

---

*Michael Lange*

---

## **INTRODUCTION**

On behalf of the Konrad Adenauer Foundation (KAF), I would like to extend a very warm welcome to you all.

This is the first time KAF has participated in the preparation of an international conference with the University of Pretoria's Unit of African Studies at the Centre for International Political Studies and the Institute of Foreign and Comparative Law of the same university.

We believe that by continuing our efforts to contribute in a meaningful way towards the resolution of conflict in Africa, we shall succeed in promoting an even greater understanding of the challenges of peace building and peace keeping in Africa. We believe that issues of peace building and peace keeping are as much a concern to civil society and organisations such as KAF, as outside observers, as they should be to governments and practically each and every citizen of this continent.

By assisting in bringing about this conference entitled *Politics of Identity and Exclusion in Africa: From Violent Confrontation to Peaceful Cooperation*, we are continuing our efforts, which started a few years ago with the organisation of a series of similar conferences on the issue of "Managing Ethnic Conflict", in cooperation with the Centre for Conflict Resolution in Cape Town, which was also attended by participants from all over Africa.

## **1. BACKGROUND TO KAF**

For those of you wondering what KAF is, and why we have decided to sponsor this event, allow me to sketch a brief background to the German political foundations and to outline

some of the reasoning behind the involvement of KAF in Africa.

The German political foundations are a unique feature of today's democratic culture in Germany. The move behind their creation, which dates back to the 1960s, was the expectation that political and adult education would help develop and consolidate democracy in post-war Germany. Both in Germany and abroad these foundations seek to further develop and encourage people to engage in political debate, thereby strengthening democracy and promoting a pluralistic society.

KAF has been cooperating with partners throughout the world since the 1970s, when the German government decided to allow, or rather enable, those political foundations to extend their reach to foreign countries and to engage in civic education activities abroad. With the help of 85 offices and a corresponding number of representatives throughout the world, KAF today assists in strengthening the concept of multiparty democracy and helps to implement human rights, social justice and the rule of law. With approximately half of its budget being invested towards these objectives, we believe we are playing a significant role in political education and dialogue, as well as in shaping international relations. As a result of the work undertaken by the KAF in Africa, we have been intensifying our efforts in the area of conflict prevention, remaining convinced that the creation and consolidation of a democratic political framework is one of the essential conditions on which any development process depends.

Our main reason for getting involved in sem-

inars, workshops and other educational activities in African countries is to strengthen institutions and structures that guide the development of a constitutional and legal order, that favour the consolidation of the rule of law and that contribute to a culture of open dialogue on all political and societal issues of relevance. KAF has therefore been happy to cooperate in this respect not only with political parties and their respective think tanks, but also with non-governmental organisations (NGOs) and reputable academic institution, as can be seen from today's event.

Some of our main projects in South Africa have concentrated on constitutional development at national, provincial and local levels, as well as on good governance and economic development, with an emphasis on the social upliftment of disadvantaged peoples. This is done not only in the country's capital and metropolitan areas, but also in provinces such as KwaZulu Natal and the Northern Province, where we are particularly engaged in civic education programmes, promoting democratic and socio-economic development while providing support specifically for the rural areas.

## **2. DEMOCRACY IN AFRICA**

Crucial for our expanding activities in Africa in general, were the many changes in Africa which began in the early 1990s, after the end of the Cold War. The wave of democratisation has spread to almost the entire continent and the readiness of African states to assume responsibility for solving their own problems has grown. Despite considerable socio-economic hardship, many African governments have shown an admirable willingness to carry out reforms and to let democracy-orientated institutions and structures flourish.

Opportunities to assist in the democratisation efforts of African societies have consequently widened, not least for organisations like KAF. However, we all are aware that a democratic transition cannot unfold without allowing for a multiparty electoral contest and we had to acknowledge sadly that the notion of democratisation is not necessarily a peaceful process. Although democracy is the only means by which the appointment of a government can be regulated peacefully, the call to political competition (for example, in election campaigns) often leads to an escalation of underlying ten-

sions, leading to clashes between militant supporters of competing forces, as witnessed not so long ago in Zimbabwe, to give only one example. But this cannot entirely explain why many observers today feel that 40 years after the end of colonial rule in most of Africa, the continent still seems incapable of resolving conflicts peacefully, despite efforts invested not least by the President of this country to push for an "African Renaissance", where democracy, good governance and the rule of law ought to characterise the inner workings of all these liberated African states.

## **3. POLITICAL CRISIS**

Sadly, today's diagnosis of the state of African politics is a different one. Racked by war and sapped by disease, burdened by a traumatic past and failing to get to grips with the economic and technological revolutions that are reshaping the world as a result of globalisation, the continent seems to be slipping out of the control of political leaders who claim to govern it, and beyond the reach of international institutions that seek to rescue it.

The fact is that today we face a multidimensional political crisis:

- a United Nations (UN)-monitored settlement collapsed in Sierra Leone
- conflict in the Democratic Republic of the Congo sucks in the whole region
- decades-old civil wars continue in Angola and Sudan
- Eritrea and Ethiopia went to war
- Uganda and Rwanda threaten to do so
- democracy is flouted in Zimbabwe.

As the UN Secretary General stated:

"Africa is still suffering from multiple crises: economic, ecological, social and political. Billions of dollars in public funds continue to be stashed away by some leaders, even while roads are crumbling, health systems have failed, schoolchildren have neither books nor desks nor teachers, and telephones do not work. The background of all this is poverty. It makes Africans more vulnerable to war and disease. And war and disease constantly thwart Africa's efforts to make peace and to lift itself out of poverty."

Having said all this, it is reassuring to hear what Germany's Foreign Minister had to say on this issue during his recent visit to South Africa:

“Africa’s problems ... remain enormous and therefore it requires international solidarity and partnership. One priority is promoting stability and security in Africa ... We are pleased that African countries are now insisting that they assume the main responsibility for settling African conflicts.

There are many regional approaches in Africa that we would like to support and promote. These include the development of regional conflict prevention and management capabilities, confidence-building measures and others ...

Germany will therefore work towards developing the existing UN system in such a way that it is in future able to intervene in good time in cases of grave human rights violations, no matter where they occur, but not until all means of peaceful conflict settlement have been exhausted and within a strictly limited legal and controlled framework ...”

And this is exactly the aim of this conference in tackling the question of how best to move from violent confrontation to peaceful cooperation in Africa.

#### **4. ETHNICITY AND ETHNIC CONFLICT**

In the post-Cold War era, ethnicity and nationalism turned out to be the most important parameters of intra-state conflict – as was the case in Western Europe in the first half of the 20th century and in Asia and Africa during the 1960s. Such conflicts seem to be characterised by their protracted nature and a potential for bringing about extreme violence and atrocities against civilians.

The growing political significance of ethnicity is sometimes attributed to the “defrosting effect”. With the “ice” of authoritarian rule melting away, past dissensions among ethnic groups are being revived and fuelled by incompatible claims to self-determination and political sovereignty. Others attribute the salience of ethnicity and ethnic conflict to the manipulations of politicians who take advantage of the new political opportunity of mass mobilisation that have arisen in the wake of the democratisation process in Africa.

Governments and international organisations have come to regard the wave of ethnic conflict that has swept the world in general, and Africa in particular, over the past 10 years as a securi-

ty problem of global proportions. Several policy approaches to prevent, mitigate, or peacefully settle such conflicts have been formulated. These include:

- a variety of preventive measures, including fostering good governance, the rule of law or power sharing mechanisms
- peace negotiation techniques possibly combined with military interventions
- options for political reconstruction and peace preservation such as designing constitutions and especially electoral systems, or different approaches to mediation and reconciliation.

#### **5. ELECTORAL SYSTEMS**

I trust there is consensus that a simplistic imposition of Western-style multiparty systems or even electoral systems on African societies is not as automatically beneficial as has been imagined.

Decisions on adequate electoral systems and ways to assure an orderly electoral process must come from within the African states. External support, while possible and real, can only contribute to a limited extent and it is with great caution that we engage in such support, for it is always a country’s people who must want democracy or a particular electoral system. On the other hand, it seems obvious that in certain instances, it has been the electoral system itself which has produced results unacceptable to the people, since they failed to give enough expression to a minority vote in terms of representation in Parliament. Lesotho seems to be a case in point.

As much as a proper electoral system can give expression to a country’s (ethnic) minority, so do decentralised, federal structures allow for expressions of that nature at the sub-national level, as can constitutionally entrenched institutions such as the South African Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

#### **CONCLUSION**

The purpose of this conference is to allow the experts to produce a common understanding of the issues involved and to attempt a thorough discussion of the ways to cope with the challenges posed by the current situation. It can also be an example of the much needed cooperation between African countries and their



---

**Lange**

---

respective NGOs, in assessing possible future political conflicts and their impact on peace and sustainable democracy in the region.

Let this conference be our humble contribution to the quest for peace and stability in Africa.

---

# Opening Address

---

*Welile Nhlapo*

---

## INTRODUCTION

It is my pleasure to deliver the welcoming address to this esteemed gathering, where we have come together to deliberate on the topic of *Politics of Identity and Exclusion in Africa: From Violent Confrontation to Peaceful Cooperation*.

While paging through the conference material, I read with great interest the remark that with the demise of the Cold War, the politics of ideology came largely to an end to be replaced by the politics of identity. I want to use this theme as my point of departure.

We are all familiar with the “End of History” thesis, but based on the above and on my experiences on the continent, the post-Cold War period increasingly seems to represent not the end, but the return of history. The return of history means that circumstances prevail where a single ideological cleavage no longer drives the larger conflicts in international relations.

Liberal capitalism – which according to Fukuyama represents a historical end-state – now actually has many competitors, albeit fragmented ones. These include various forms of religious fundamentalism as well as ethnic nationalism. It is on the rise of these worrying phenomena that this conference will focus.

## 1. FROM IDEOLOGY TO IDENTITY

As part of this transition for the politics of ideology to the politics of identity, the role and functions of the nation-state are also being critically reexamined. Civil society is becoming better organised and more vocal. There is an insistence that the notion of nation-state be replaced with that of the “capable state” – a

state agile in its responses to the forces of change and equipped with the institutions which enable it to respond to its citizens’ needs.

Where the perception exists that states cannot fulfil these functions, we have witnessed the rediscovery or reinvention of past greatness and past injustices as a source of conflict. Intra-state conflicts, often linked to religious and ethnic differences, have increased dramatically and the Cold War period has made way for an era of “hot peace”.

In some of the so-called “failed states” these trends have been accompanied by unspeakable bloodshed and suffering. Another worrying dimension is the fact that it is increasingly civilians who are dying in these clashes on the African continent. At the beginning of this century, the ratio of military to civilian casualties in wars were 8:1, now the ratio is 1:8.

## 2. AFRICAN RENAISSANCE

Importantly, however, the conference will also focus on ways in which these situations could be ameliorated. The aim is to arrive at concrete policy recommendations whereby the politics of confrontation and conflict might be transformed into politics of cooperation and clean competition. This transition period is fraught with danger. But it can be cast in a more positive mould, recognising that it represents a rare window of opportunity. It is within this context that the vision of an African Renaissance was formulated, which found expression in the millennium Africa Recovery Programme (MAP) and ultimately in the New Africa Initiative (NAI).

The NAI is a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries – both individually and collectively – on a path of peace and sustainable growth and development. At the same time, there is a recognition that Africa has to participate actively in the world economy and body politic. The programme is anchored in the determination of Africans to extricate themselves and the continent from the malaise of violent conflict, underdevelopment and exclusion in a globalising world.

The NAI has grown out of the reality that social, economic and political distances have become much shorter, the movement of ideas, pictures, currencies and information have become much faster, and thus the interdependence of people and events have become much greater. The rise of a truly global economy has also contributed to this.

The nation-state today is more permeable and vulnerable to transnational and international developments – not only more “interdependent” but also more “interpenetrated”. Common enemies such as HIV/AIDS, environmental degradation, global criminal networks and international terrorism know no borders.

### **3. COOPERATION**

It therefore makes sense for African countries to work together on the continent, with their brothers and sisters in the South, and also with the developed countries of the North, to steer a new course for the African continent. Globalisation has irreversibly linked our destinies together.

This drive to eradicate violent confrontation on the continent and to foster greater cooperation takes many forms. Our presence in the Democratic Republic of the Congo bears testimony to the fact that South Africa is wholly committed to peacekeeping operations as an important instrument, which could be used effectively in this regard. South Africa has been playing a pivotal role in efforts to bring about peace in such countries as Burundi and the Comores.

Cooperation also takes the form of greater integration in both regional and continental contexts. At the upcoming summit of the Southern African Development Community (SADC), the restructuring of SADC institutions will again be on the agenda – a process which will ultimately tie the members of SADC into a much more integrated regional family. The historic Organisation of African Unity (OAU) Summit earlier this month witnessed the transformation of the OAU into the African Union (AU). Good progress has also been made towards the establishment of a Pan African Parliament.

### **CONCLUSION**

The contemporary world represents a period offering immense opportunity, but also holding great challenges; a period in which humanity’s fate will be shaped, for better or for worse. The South African government, and the Department of Foreign Affairs in particular, are committed to making a worthwhile contribution towards the realisation of a vision of a peaceful and prosperous continent.

# Exploring the Concept of Identity in World Politics

---

*Anton du Plessis*

---

## **ABSTRACT**

*The post-Cold War era saw the return of identity as a topic of academic research and an issue of world politics. The author argues that the return of identity does not mean that it was absent during the Cold War era. It was simply suppressed by other concerns. In exploring the concept of intervention in world politics three aspects of identity are addressed: (1) the definition of identity, (2) the position and salience of identity in contemporary international relations theory, and (3) identity and the practice of world politics. It is argued that identity is best seen as a social construction rather than as an objective feature of reality. The author submits that in the African context, in particular, emphasis has been on negative identity as against positive identity, and he argues that the latter can serve as a basis for cooperation and transformation. In conclusion, the author argues that positive identities can be mobilised which enhance rather than undermine peace.*

## **INTRODUCTION**

The ending of the Cold War precipitated the return of identity as an academic concern and an issue of world politics with wide-ranging implications for global, regional, national and sub-national conflict and cooperation. The re-emergence of identity and its reconsideration in both practical and theoretical terms have been the result of two transitions. In the realm of world politics there has been a global eruption of virulent post-Cold War separatist nationalism, more often than not based on ethnic identity. In the realm of International Relations as an academic discipline, scholars and research-

ers have responded to the birth of a profoundly new globalised post-Cold War era, as well as to the diverse challenges brought on by the transition to, and very nature of, this new era. In this respect, two observations can be made: first, the return to identity did not mean that it was absent or dormant during the Cold War era. It was simply suppressed, masked or incorporated by more topical concerns (e.g. ideology, power politics, nuclear deterrence, etc.) or by more salient forms of social, political or ideological identification (e.g. communism, nationalism, liberalism, etc.). The ending of the Cold War produced a climate that precipitated the re-emergence of identity as a multifaceted phenomenon. Second, during the mid-1990s a “post” orientation (e.g. post-modernism, post-positivism, post-Cold War, etc.) and a “back to the future” syndrome (e.g. entering the future backwards through the past) characterised political thinking. This led to a reactivation and reassessment of several latent issues, amongst others, identity. The cumulative effect of these transformations and trends is one of return or reemergence, and not one of emergence or invention. In respect of identity it is the case of a reinvention of the past put to service as a present project and, in the African context, a return to the politics of identity and exclusion to facilitate the move from violent confrontation to peaceful cooperation.

In considering the topic, “Exploring the concept of identity in world politics”, this paper neither seeks to be contentious by entering the multifaceted and highly problematic academic discourse on identity, nor does it attempt to be over-ambitious by exhaustively covering the

topic as a practical concern. Rather, it is an exploratory exercise to familiarise readers with the broad contours of a not so unfamiliar terrain. In exploring the concept of identity in world politics, four aspects are addressed. First, the problem of definition. It is contended that because identity is more about substance than form, the notion that it is essential, fundamental, unitary and unchanging should be rejected in favour of the idea that changing identities are constructed and reconstructed through socio-historical action. Second, the position and salience of identity in contemporary international relations theory. It is argued that in contrast to being under-emphasised by mainstream theories, its reemergence has been more successfully dealt with by reflectivist and critical theories of International Relations. Third, identity and the practice of world politics. It is contended that since identity, and more specifically ethnic identity in the African context, is primarily linked to the state and to the conflict-generating effect of negative identity, note must be taken of positive identity as a basis for cooperation and transformation.

In conclusion, a research and political agenda is proposed that investigates the avenues through which a plurality of identities can be mobilised to prevent exclusion and to support peace initiatives.

### **1. THE NATURE AND SCOPE OF IDENTITY**

Identity, human identity in particular, is a universal phenomenon that is often treated as self-evident and non-problematic. As a concept it is linked to state identity, national identity, transnational identity, ethnic identity, tribal identity, social identity, individual or personal identity, etc. Many attempts at defining the concept have been made, with the result that analysts are often overwhelmed by a surfeit of rewarding definitions. These numerous definitions notwithstanding, identity suffers from ambiguity and a lack of clarity. What has emerged over the past years are parallel redefinitions of identity that merely add multiplicity and social construction to existing definitions (Lapid 1996:6-7). Suffice it to say that identity consists of the answer to the question: *Who am I (are we) and with what do I (we) identify?* It refers to the “I/we” feeling of individuals/collectivities emanating from the mutual recognition of the interaction of like and unlike units.

In international relations the answer usually refers to identification with a nation that may or may not be associated with an existing state. Identity can, however, also have a transnational or subnational focus, such as ethnic, religious or gender identification (Viotti & Kauppi 1997:276, 352).

From the point of view of definition, the following as summarised by Lapid (1996:8) is important: firstly, most contemporary definitions denote a move from bounded or fixed objects in the natural world – namely that identity (singular) is essential, fundamental, unitary and unchanging – to the idea that identities (plural) are constructed and reconstructed through socio-historical action. Hence identities are emergent and constructed – not fixed and natural; contested and polymorphic – not unitary and single; and interactive and process-like – not static and essence-like. The intuitive notion that identity is “natural”, is thus misleading and even dangerous. Secondly, substance rather than form is important. The identity of collectivities essentially involves a labelling or re-labelling as “selves” and not as units such as states, ethnicities, nations, civilisations, etc. – although these units or forms of identity remain important from an analytical point of view. Hence identity is an open-ended departure and not necessarily an arrival at a predetermined end-state. Thirdly, the analyst or observer should be aware/beware of reification or redefinition that is not accompanied by a paradigmatic departure (e.g. Huntington’s thesis concerning the clash of civilisations is still positioned in the domain of realism to the extent that conflict in ideological and power political terms is merely replaced by conflict between civilisations). Finally, used as it is in history and social practices, identity is an action unit of culture and nationalism. In this respect identity is not isomorphic in relation to culture and nationalism, since the latter may change while the former still persists.

Since the aforesaid may create the impression that identity is a featureless or indeterminable phenomenon, which quite obviously it is not, the following should be borne in mind. In international relations, similar to other social sciences where these notions originated, the concept of identity builds upon the nature of the Self (against the Other) as constituted by society. As such it is based on what is known as

social identity theory and symbolic interactionist sociology (Cronin 1999:19-22). Social identity theory has its roots in social psychology and focuses on identification with a social group. Accordingly, individuals are socially constructed in a group (collectivity) to which they belong and develop conceptual ties through the creation of social identities supported by group solidarity and collective action. This produces a distinction between different or unlike units (the “in-group and the out-group”), where the collective Selves identify themselves with and in comparison are viewed by the others as being in different categories. Symbolic interactionist sociology focuses on interaction processes and the symbolic meaning individuals assign to particular situations. In these situations the Self is socially constructed and is always “being” (reproducing) and “becoming” (changing).

Without linking it to a particular unit of analysis or instilling it with a particular form – and based on the assumption that the actor as agency (individual or collectivity) is not entirely constituted by systemic context, but that some of its properties are “self-organising” or presupposed and thus exogenous to other agencies and that some of its properties are dependent on and constituted by the structure of the system within which it finds itself – a basic distinction can thus be made between corporate identity and social identities (Wendt 1996:50-51). Corporate identity refers to the intrinsic qualities that constitute actor (an individual or a collectivity) individuality. People (individuals) comprise a “body” and a personal experience of consciousness (the “I”), whereas organisations (collectivities) are constituent individuals with shared beliefs, experiences and institutions (the “we”). These shared beliefs (or social values) and experiences of course satisfy the need for security, welfare, recognition by others, growth and development, etc. Actors, be they individuals or collectivities, usually have one corporate identity, namely the Self (the “I/ we”). Social identities, or roles, are sets of meaning an actor attributes to the Self *vis-à-vis* or relative to the perspectives of Others as a social object. Apart from the fact that actors have many social identities that vary in salience, these identities have both unit and structural properties (i.e. they determine “who I am/we are” in a given situation and determine “my/our” position in a

social role structure – e.g. relative to the isolationist other, “we” are integrationists).

From the above it is evident that identity is a social construction. (See Kobalkova, Onuf & Kowert 1998; Wendt 1987 & 1992). In this respect the approach of Wendt is of particular relevance. His basic view is that human beings are purposeful actors whose actions reproduce and transform society, and that society is made up of social relationships which structure the interaction between human beings (Wendt 1987:337-338). Since the world is pre-organised – and pre-structured – it shapes and moulds actors, but actors are also international agents who act in this world and who re-create or transform the structures it contains (Ringmar 1997:271). Hence Wendt introduces a number of radical reformulations. He focuses not on structures or on agents, but on the interrelationship between them; he theorises not about material facts and eternal imperatives, but about practices and processes and about the social creation of meaning (Ringmar 1997:285). Although Wendt sees states as given in world politics, his key claim is that international anarchy is not fixed, and does not automatically involve self-interested state behaviour. Anarchy could take on several different forms because the selfish interests and identities are in fact the product of the interaction and are not prior to it (Smith 1997:186-187). Thus, constructivist theories do not take identities and interests as given. They focus on how inter-subjective practices between actors result in identities and interests being formed in the processes of interaction rather than being formed prior to the interaction (Smith 1997:185). In this respect, according to Wendt (1992:393-394): “We are what we are by how we interact rather than being what we are regardless of how we interact.”

From the aforesaid it should be evident that, to quote Cronin (1999:15): “(s)ocial identity is an inter-subjective concept that is manifested in group consciousness, rather than a material entity that can be measured by quantitative standards.” Due to the lack of causal material-based variables, since the inter-subjective ones are essentially constitutive, it is very difficult to confirm or refute a particular identity and to measure its ability to produce a change in attitude or behaviour. Against the background of the aforesaid and at a more practical level, it is

nevertheless useful to bear in mind that identification, which lies at the basis of identity, usually draws on three psychological sources. These are a feeling of loss (exclusion, deprivation) or belonging; a feeling of fear (insecurity) or safety (security); and a perception of instrumentalisation, that is, being instrumental to material and concrete interests rather than to abstract and symbolic ones (Laïdi 1998:53-60). Identity, to develop or emerge, also requires certain material conditions that include the characteristics that form the concrete basis for a group or entity (common ethnicity, region, form of state, level of development, etc.); relationships with other groups/entities; and interdependence or dependence brought on by sustained interaction.

Ethnic identity in particular, is usually based on a combination of several ascriptive factors of a tangible and non-tangible nature. These include, amongst others, a common culture (including common values and norms), a common language, a common religion, assumed blood ties ("kinship"), genetic ancestry (race), a consciousness of group solidarity and historical destiny, and an emotional commitment regarding shared territory, history, etc. Much ethnic conflict, of course, revolves around these factors. A categorical approach to ethnicity should, however, be avoided since it is more of a process than an absolute delineation of a particular subsection of a population.

Hence, in grappling with the concept of identity in world politics, its diversity, dynamism, plurality, intrinsic qualities and dependence on social and cultural structures should be recognised. Although this approach fails to provide identity with a stipulative meaning or to isolate its essential nature, it creates a sensitivity for the complexities of the concept. Thus a self-evident and non-problematic view of identity as well as an over-simplified and deterministic explanation of its impact and significance are avoided.

## **2. THEORY: IDENTITY IN INTERNATIONAL RELATIONS**

The accommodation of identity by, and its position in, international relations theory are not self-evident or non-problematic. Because international relations scholars speak in many voices, the discipline is both divided and dividing. The result is a profusion of international rela-

tions theories that deal with identity in different ways. The conceptualisation of identity and the explanation of its impact on world politics are to a large extent dependent on the theoretical context in which it is dealt with. In this respect, a basic distinction can be made between two contending categories, namely mainstream theories and non-mainstream theories (see, *inter alia*, Burchill 1996:1-3; Smith 1995:6-7, 30-31; Smith 1997:166-88; Viotti & Kauppi 1993:5-13; Wæver 1996:150-165; Wæver 1997:19-26).

Mainstream or so-called rationalist theories are "scientific" or positivist formulations that offer causal explanations of world politics. As explanatory theories, they see the world as existing objectively and assume that theorists can distance themselves from the world in order to "see" and rationally analyse and explain it. As problem-solving theories, they view the task of theory to report on and solve the problems of this world. Mainstream theories include a wide range of diverse theories, traditionally grouped together in the three theoretical perspectives of realism, liberalism (or liberal-pluralism) and globalism (or structuralism) respectively. Realism deals with the politics of independence and security by focusing on the state as a unitary, rational actor in an anarchical or governless state system. Liberalism deals with the politics of interdependence and cooperation by focusing on the plurality of state and non-state actors in a multicentric or mixed actor international system. Globalism deals with the politics of dependence, domination and exploitation and focuses on the structure of the international system with reference to class and centre-periphery relations.

Non-mainstream theories comprise what is known as reflectivist theories of international relations and include normative theory, feminist theory, critical theory, post-modernism, historical sociology and social constructivism. As critical conceptions they reflect on the origins and conditions of human existence and view theory as irreducibly related to social and political life. This critical disposition is based on the assumption that "(t)heory is always *for* someone and *for* some purpose" and that there is "no such thing as theory in itself, divorced from a standpoint in time and space" (Cox 1996:87). In effect, it is argued, theory rationalises, reifies and legitimises the existing order. Hence reflectivist theories question the presumed apolitical

nature of positivist theorising and are concerned with the concealed perspectives, the social and political purposes of knowledge, the cognitive interests and assumptions of the observer, and the way in which key actors construct their images of the world.

As a distinct object of research, identity has been neglected in international relations theory. In mainstream theories, identity is primarily linked to the units of analysis involved, more specifically as dealt with in the context of international political realism. Hence it has traditionally been associated with the state as the dominant actor in world politics, and with the correlates of the state such as state sovereignty, state territory, the nation, nationalism, the national interest and challenges to the aforesaid in the form of ethnic nationalism, sectoral identities, etc. In its contemporary context, identity has, however, become a focal concern of non-mainstream theories, critical of the fact that mainstream theories “silence the voice”, marginalise the discourse or suppress and subordinate the phenomenon of identity. Also, whereas mainstream theories view identity as fixed, natural, unitary, single, static and essence-like, non-mainstream theories deal with it as historically and socially constructed and reconstructed. Since mainstream is not designed to explain the latter and the reproduction and/or transformation of identity which is a key determinant of structural change, identity studies have become an integral part of non-mainstream reflectivist theories as exemplified by the practical concerns which emerge in this mode of theorising.

### 3. PRACTICE: IDENTITY IN WORLD POLITICS

#### 3.1 Manifestations

The extent to and the manner in which identity manifests as an issue or concern in the practice of world politics, particularly from a mainstream realist perspective, it relates to the following (see Needler 1996):

- *The state:* States are obviously more complex than individuals, but they too have definable personalities and identities that distinguishes them from other states. State identities, although based on ascriptive factors, are largely constituted through their inter-relationships with one another. In this respect the notion of the Self develops through categorisation and comparison.

- *The nation:* In terms of national identity, inasmuch as it is linked to the state, the domestic Self is contrasted with the foreign Other. These identities are reinforced by the institution of sovereignty, which legitimises political distinctions based on geographical territory and nationality.
- *Territory:* Humankind has always had a special relationship to the land on which it lives. Hence territory is often a significant material factor in the development of identity. To the extent that territory is populated, governed and its integrity maintained, it is inextricably linked to state and national identity.
- *Interests:* Egotistic or self-interested behaviour is an underlying assumption of state-centric realism. Human beings create for themselves an identity that extends beyond single individuals, to encompass the family, tribe, ethnic group, company, government agency, nation, state and potentially all humankind. The nature of the Self, irrespective of the unit-level involved, will determine the character of self-interested behaviour. Thus, since different individuals and collectivities conceptualise their identities differently and because the shape of each individual identity profile is different, the values and interests each seeks will accordingly also differ. Identity-generated interests, although they may exhibit commonalities, tend to be viewed as conflict-generating from a state-centric perspective.

In the practice of world politics, primarily in the context of critical, reflectivist theories, identity is related to the following (see Lapid & Kratochwil 1996):

- *The return to identity* (by reflectivist, constructivist, post-modernist, post-positivist, post-structuralists and feminist challengers that derive much energy from it): This upsurge in identity is the product of practical and theoretical developments. Concerning practical developments, this trend is in part linked to international developments such as the growing number of transnational movements (e.g. religious, green politics and gender/feminist movements) and also to the proliferation and/or post-Cold War reemergence of subnational groups (e.g. ethnic minorities, separatist groups, etc.). Theoretical moves towards issues of identity, although prominent in gender studies, are mostly concentrat-



ed in constructivism that, amongst other things, focuses on how identities are socially and historically constructed. The underlying assumption is that the constitution of meaning gives or creates actors' identities as well as the meaning that is given to reality and action. Constructivists thus single out identity as a critique of rationalist approaches and argue that interest itself is determined by identity .

- *New dimensions of identity:* Within the realm of the reflectivist theoretical tradition, identity is extended beyond the realm of the state and the nation, territory and interests as its logical correlates, to new dimensions of identity. These include, amongst others, ground identity (earth nationalism) which pertains to an earth-centred identity viewed from the ecocentric (non-anthropocentric) perspective of green politics; gendered (feminist) identity based on explanations of conflict and insecurity that regard gender as a variable, constitutive and transformative of society and political relations, and that necessitate a rethink of identity from the perspective of breaking down gender and other hierarchical (patrimonial and chauvinistic) social and political relationships so that they are not based on the universal male subject (in particular the state and nation as male constructs); the post-modern deconstructability of identity that refigures and re-imagines the state and state identity as a subject; and citizenship, based on an awareness of the fact that it serves a gatekeeper function that creates "an inside and an outside", thereby determining inclusion and exclusion.

### **3.2 Topical issues**

Since the scope of this paper does not allow for an exhaustive overview of the practical manifestations and significance of identity in world politics, I will concentrate on the following more salient or topical issues that involve identity.

#### *3.2.1 National identity*

In an era of globalisation and the purported erosion of state sovereignty, the importance of national identity and its ideological correlate of nationalism, should not be underestimated or ignored. The world still consists of nations; nations are the natural units of political society;

every individual must (in principle at least) belong to a nation; a nation is a people with a common identity; and a person's primary loyalty (according to realists) is supposedly to a nation. Nationalism still manifests in various forms, for example proto-nationalism (South Africa?), unification nationalism (Germany), separation or ethnic nationalism (Palestine), liberation nationalism (colonial Africa) and renewal nationalism (Japan). In sharp contrast to the ideal of the nation-state (one nation, one state), the problem of nationalism and national identity continues to find expression in bi-national or multinational states, where two or more nations may exist within the borders of a single state; in divided nations where a nation is spread over two or more states; and in multinational, multitribal and multi-ethnic states, where this plurality leads to sub-national fragmentation and contributes to civil strife and warfare, often of the most violent kind. Nationalism and national identity remain politically necessary to anchor the multistate system upon the principle of popular sovereignty; national myths provide social cohesion; and the nation is historically embedded by being the heir to pre-modern ethnicity. The demise of the state is perhaps more salient than the demise of nationalism. But having said this, nationalism is perhaps the single biggest reason why the state will continue into the indefinite future. But, through the creation of the nation-state, the challenge to state sovereignty from "above or below" has automatically resulted in a question of national identity. These identities, in the form of ethnic and transnational identities, are far more complex than either a new reactive national identity or a naïve embrace of a cosmopolitan culture. Identity patterns are also becoming more complex as people assert loyalties to new or different units, but want to share in global values and lifestyles (Taylor & Flint 2000:192-205, 232-234).

#### *3.2.2 Ethnic identity*

The major sub-national challenge to the state and national identity remains one of ethnic identity from "below", which has reasserted itself in a post-Cold War world and has occasionally exploded in many areas of the world. Ethnic identity and related ethnic movements are not only limited to the so-called developing world, but have emerged in environments that

seemed unlikely to generate grounds for violent conflict and secession. In this respect the future of ethnic conflict is intimately linked to the multi-ethnic state and its future in world politics. The sense of ethnic diversity that adds to the world's potential for decentralising subgroupism, is evidenced by a compilation of identifiable ethnic "nation-groups" (ethnic nations) in the world that dates back to 1988 (Rosenau 1990:406). This survey yielded 575 categories and 1300 groups, distributed throughout the state-centric world. Of the 547 groups on which data were available, 404 (73.9%) were confined to a single state, whereas 143 (26.1%) were found in two or more states. Of the 547 groups, 51% was classified as self-conscious and active political collectivities or mobilised nations, 21% as mobilising ethnic communities in the process of becoming self-conscious and active as political actors, and 28% as unmobilised ethnic categories with common objective attributes but that do not share political consciousness. In a more recent survey (Said, Lerche & Lerche 1995:245-246) a sample of 132 states showed that only 12 (9.1%) are ethnically homogeneous. In 25 states (18.9%) an ethnic nation represents more than 90% of the population and in another 25 states (18.9%) 75-89%. In 31 states (23.5%) the significant ethnic group constitutes only 50-74% of the population and in 39 states (29.5%) less than 50%. In 53 states (40.2%), it is estimated that the population includes five or more significant ethnic nations. Today, as a minimum, there are perhaps as many as 862 ethnic groups living within the nation-states of the world of which 239 are to be found in sub-Saharan Africa.

Linked to an emerging global authority crisis and the erosion of international authorities, as well as to the narrowing competence of governments and even failed states (Rosenau 1990: 388-415), this proliferation of subgroups in the form of ethnic nations and the revived sense of identity constitutes a self-evident problem of world politics (see Said, Lerche & Lerche 1995:244-253). It is even more problematic when the internal contradiction between ethnicity and the state becomes visible to the extent that loyalty to the state and loyalty to an ethnic identity are in conflict. What is often experienced is a redirection of authority, legitimacy and loyalty away from the state to the ethnic

subgroup. In addition, the proliferation of new states since 1989, particularly based on an ethnic nation and identity, also obscures the absurdity of describing both major powers (e.g. the People's Republic of China) and a micro-state (e.g. Lesotho) as nation-states. Also to be considered is the fact that the modern experience of national integration, state-building and the assimilation of diverse people into a civil society has not been an unqualified success. Of more concern is the fact that although not all conflict is reducible to ethnicity and although ethnic conflict is not inevitable, ethnicity and ethnic identity pose an irreducible dilemma to the state and international organisations. Their impact as divisive forces come to the fore as root sources of intra- and extra-state conflict and of dissatisfaction in developing and modernising societies. Also, not to be ignored is the emergence of neo-ethnic groups. Ethnicity is not just an anachronism of feudal or pre-industrialised societies, but it also persists in modern, post-industrial countries of North America and Western Europe. As Said et al. (1995:252) contend, neo-ethnicism is "a transition from the national consciousness of the nation-state to more communal forms of identity and organisation" characterised by cultural patriotism and ethnic nationalism. The result is a redefinition of national consciousness, which some have described in its extreme form as a process of retribalisation." It can be concluded that insofar as ethnic identity poses the most significant challenge to state and national identity, the ethnic dilemma is extremely wide-ranging and diverse in nature. Consequently, it is neither to be over-simplified, nor ignored.

### 3.2.3 *Transnational identity*

At the opposite end of the scale to ethnic identity, the major supra-national challenge to the state and national identity is that of transnational identity from "above". Transnational identity explains how a collectivity of political actors (political elites in particular) construct a transnational community by developing a common social identity that transcends the legal borders of the state. As such, transnational identities are fundamental building blocks of community formation and integration (and even the ideal of a cosmopolitan society) beyond the nation-state, based upon a set of political actors sharing a common social characteristic, a com-

mon relationship, a common experience, a common good, a positive interdependence and a political consciousness that define them as a unique group. This is facilitated by the creation of a conceptual distinction between a notion of Self and Others. Transnational identity is thus not a communitarian concept which views the community as something organic, but a constructivist notion requiring a political consciousness (Cronin 1999:2-5).

Furthermore, Cronin (1999:30-38) argues that transnational identities can transform the environment since they provide members with a set of norms, boundaries, goals and social contexts for interaction; facilitate cooperation among members of a transnational social group; legitimise a particular form of state or governance structure; and support institutionalisation within international organisations. This transformed environment constitutes the basis of transnational communities that act with some degree of internal consensus in relations with outside states. If utilised by states in the context of purposive integration, particularly at a regional level, the transnational identities diminish the conceptual and political boundaries that separate them. Transnational identities thus transform egoistic conceptions of the Self to perceptions of communality by creating a community of attitudes or generalised Other. As such, transnational identities produce the common identity required for the eventual development of regional or international communities and the ideal of a cosmopolitan society.

#### *3.2.4 Globalisation and de-territorial identity*

In respect of identity, the most significant effect of globalisation has been the de-territorialisation of identity as ethnic and national groups, amongst others, display interactions that transcend territorial boundaries and also engage other non-state identities. These changes are not limited to the post-industrialised societies of North America and Western Europe, but are rapidly manifesting at a global level, also in Africa. Four dimensions of change in national and ethnic identity can specifically be related to the globalisation of economic relations (Taylor & Flint 2000:227, 232). These are the global Diaspora's created by massive international migration, especially from the periphery to the core; the growing global-urban context of racial

and ethnic inter-group relations, especially within urban centres due to the importance of cities in the international economy; the growth of bi-national communities as rapid communication and transportation allow for reproductions of households in two or more different countries; and a new rescaling of identities, for example in Europe or, as a contemporary invention, in a bridging transnational region without borders that has become known as "Cascadia".

### **3.3 Identity and the politics of conflict and cooperation**

Although identity in world politics manifests in various concrete and abstract forms, its true significance lies in the fact that it impacts on world events and international relations on a spectrum ranging from conflict to cooperation. Due to its dysfunctional or destabilising influence, there is a natural tendency to over-emphasise the conflict-generating effects of negative identity. This approach suffices in highlighting what superficially appears to be the more salient aspects of identity, but it tends to neglect the cooperation-inducing potential of positive identity. What has to be borne in mind is that identity, apart from being a constitutive of world politics, also has a transformative power. Depending on their utilisation, different forms of identity can in a dichotomous sense produce both "beyond the state" (integration) and "sub-state" (fragmentation) outcomes, as well as cooperative or conflict outcomes. This duality of positive and negative identity can best be illustrated by a measurement of identity on a spectrum ranging between hostility (the Other as the enemy of the Self) and symbiosis (the Other as an extension of the Self), depending on the "distance" between conceptualisations of the "Self" and the "Other" (*see Figure 1*). From this it is evident that transnational identity in particular – but also state, national and ethnic identity if properly channelled or accommodated – can transform conflict into cooperation.

At a more practical level, the challenge is to accommodate or counter the dysfunctional and destabilising effect of negative identity and channel it in a positive sense at both a domestic and international level. Since the scope of this paper is limited, the intention is not to discuss the complex manifestations of and political

**Figure 1: Measurement of identity**

<i>Hostility</i>	<i>Rivalry</i>	<i>Discord</i>	<i>Indifference</i>	<i>Cohesion</i>	<i>Altruism</i>	<i>Symbiosis</i>
Other is an enemy (anti-self) Mutual antagonism	Other is a competitor and object of fulfilment of self-interest	Other is an opponent due to goal and interest incompatibility	Other and self of no significance to each other	Self is part of a conceptual group Common good recognised	Self identifies closely with the Other	Other is extension of the Self

**NEGATIVE IDENTITY**

(loss, exclusion, deprivation, fear, insecurity, abstract and symbolic use)

- Conflict
- Disintegration
- Exclusion

**POSITIVE IDENTITY**

(belonging, inclusion, sharing, safety, security, instrumental to material interests)

- Cooperation
- Integration
- Inclusion

*(Adapted from Cronin 1999:13)*

alternatives accommodating identity in detail, but merely to provide an indication and overview of the extent to which identity has a direct impact on particular types of intra- and inter-state conflict and their most probable outcomes. What has, however, to be borne in mind, is that identity is not necessarily a primary determinant of the situations as indicated, since it is one of several causal variables, also considering the fact that its immediate impact and salience in the given situation can vary. At a domestic level the threat of negative identity, ethnic identity in particular, is mostly directed at the state and state sovereignty. What comes into play at this level is the focus of identity and its destabilising effect. This can vary from situation to situation, which can produce a wide-ranging variety of combinations concerning the particular political order as either an outcome or an approach to accommodating the manifestations of identity (see Table 1). The problem with this conceptualisation, which provides an overview of the most common manifestations of identity in the nation-state context, is that it is embedded in state-centric realism, thereby marginalising emerging post-modernist identity discourses. The particular domestic political order and constitutional dispensation that exist within the state, therefore becomes a crucial factor in recognising and accommodating identity in the context of gender, citizenship, ecopolitics, etc. However, in situations

where ethnic identity induces conflict, these alternative identities are usually amongst the first core values that are not only threatened, but violated in the extreme. The ideal option is, nevertheless, one that is not based on zero sum politics of ethnic exclusion, but a non-zero sum, more inclusive approach. This, however, requires democratisation, in lieu of which partition and secession appear to be most viable on the opposite extreme of the scale.

It is often forgotten that identity is not only an intra-state phenomenon, but also one whose impact transcends the juridical boundaries of states. At an international level, identity and world politics often make grand gestures to universality, but they also draw attention to the highly specific, localised, chauvinistic and deeply fragmented nature of human nature. When identity becomes identities, the creative capacities of human beings turn into either the celebration of, but more often than not into a concern about, the sheer diversity of human communities and what appears to be an inevitable tendency for cooperation to collapse in the face of intra- and inter-state competition and rivalry. Far from celebrating the virtues of diverse identities, the analysis of domestic and international conflict points to the possibility that contemporary patterns of political fragmentation will bring about our collective demise (Walker 1990:4). Therefore, the imperative to utilise positive transnational identities

as a basis for international cooperation and, where required, security arrangements, becomes more urgent and pertinent. This not only involves the need to resolve the regional and broader impact of identity-related conflict, but also to recognise the importance of various identities at the international level as a necessary, albeit not sufficient, basis for international cooperation and integration (*see Table 2*).

From this it is evident that identity, along with constitutive rules and norms and in con-

junction with behavioural patterns, is a key variable to contend with in the pursuit of integration goals and the more immediate objectives to establish regional security arrangements. It is fairly obvious that a collective identity of some sorts is required. In the absence of the required identity focus, attempts at regional cooperation may well fail, particularly in the African context where the additional prerequisites are more often than not absent or found to be lacking.

**Table 1: Identity and internal political arrangements**

<i>Common identity</i>	<i>Political order</i>	<i>Constitutive rules &amp; norms</i>	<i>Patterns of behaviour</i>
None	Anarchical system (“state of nature”)	None (self-interest)	War of all against all
Separatist ethnicity, tribalism, racism	Ethnic state (e.g. Cyprus, former USSR & Yugoslavia)	Segmental self-determination through partition & secession	Sub-national fragmentation (voluntary or by force)
Virulent ethnicity, tribalism, racism	Hegemonic ethnic state (e.g. Rwanda, Bosnia)	Segmental superiority, domination and subordination	Ethnic cleansing and genocide
Dominant ethnicity, tribalism, racism	Authoritarian ethnic state (“homelands”) (e.g. apartheid South Africa)	Segmental segregation and domination	Statutory discrimination and exclusion
Plural society (deep segmental cleavages)	Consociational democracy (e.g. Belgium)	Coalitions, mutual veto, segmental autonomy, proportionality	Consociation
Plural state (Multi-ethnicity, multitribalism, multiracialism)	Plural democracy (centrifugal) (e.g. USA)	Political pluralism Liberal-democratic values	“Melting pot” with highly differentiated role structure
Homogeneous nation-state (one nation, one state)	Centripetal order (e.g. Portugal, Japan)	Homogeneous political culture and nationalism Democratic or non-democratic values	Coalescent or adversarial elite behaviour
Multi-nation state (two or more nations, one state)	Centrifugal order (e.g. UK, former Czechoslovakia and Austria-Hungary)	Bi- or multi-nationalism Democratic or non-democratic values	Co-habitation
Divided nation-state (one nation, two or more states)	Separate orders (e.g. North & South Korea, former West & East Germany)	Political division	Supra-national fragmentation Adversarial politics Reunification

**CONCLUSION: TOWARDS AN IDENTITY AGENDA**

Over the past decades world politics has experienced the return or reemergence of identity, often in conjunction or overlapping with related phenomena such as culture. It poses a dual challenge at both an academic (or research) and a practical (or political) level.

At a research level, the research agenda requires:

- reconceptualisation (building a new vocabulary) to acquire a better language without necessarily discarding some in order to use others (states, nations, classes, etc.)
- placing more emphasis on new or alternative forms and types of identity
- linking identity to an explanatory apparatus by determining their location and building

analytical bridges that link identity-related phenomena to the explanatory apparatus (sovereignty, anarchy, rationality, self-help) through either reconstruction or revision

- the creation of a dynamic mode of analysis, that is a change-orientated framework which is dynamic and not static and that reflects continuity and change
- introducing multi-level and multi-variable analyses
- the promotion of multidisciplinary and interdisciplinary research projects.

The main challenge, however, remains at the level of domestic and world politics where the practical manifestations and impact of identity have to be dealt with. In this respect the practical agenda requires:

**Table 2: Identity and external security arrangements**

<i>Common identity</i>	<i>Security system</i>	<i>Constitutive rules and norms</i>	<i>Patterns of behaviour</i>	<i>Political order</i>
None	Anarchical system ("state of nature")	None (self-interest)	War of all against all	None (pre-state system)
World leader (suprasectionalism)	Unipolar system (hierarchical)	Centralisation & supranational leadership	Hegemony (conquest or integration)	World government
Nation-state (statism)	Bipolar balance of power	Sovereignty & independence (collective defence)	Balancing & bandwagoning	Security alliances (NATO vs. War Pact) (Cold War)
Major powers	Multipolar (classical) balance of power	Multilateral security management & laws of war	Consultation & joint action	Congresses & summit conferences (Europe 1815-1914)
Cognitive regionalism	Pluralistic security community	Peaceful settlement of disputes	Demilitarisation and functional cooperation	Regional organisations and regimes (WE/EU/OSCE)
Institutional & ideological	Common security system	Common security and solidarity	Cooperation and mutual support	Transnational association (NAM/CW)
Pan-nationalism	Amalgamated security community	Collectivity as a singularity	Political integration	Federal government (USA)
Cosmopolitanism	Collective security system	Indivisible peace	Collective action	International law and organisations (UN Ch VII)

*Adapted from Cronin 1999:13*

- the accommodation of identity at both the domestic and the international level (since emphasis is traditionally placed on identity in the internal context)
- the use of identity as a transformative process by not only responding to the dysfunctional outcomes of negative identity (as is mostly the case), but to investigate the possibilities of determining using positive identity of a transnational and international nature as a vehicle for regional and global cooperation and integration
- developing a greater sensitivity for and accommodating non-sovereignty (or non-state) bound identity, thus deepening and broadening the notion of identity in world politics.

In conclusion, in order for identity not to be at sea, its return should neither be neglected nor over-emphasised in a reductionist and deterministic context.

As a universal phenomenon and an integral part of human nature, in an individual and a collective sense, it remains salient and significant.

World politics has to a major extent always been the politics of identity. Hence the imperative of identity and exclusion as its correlate should be recognised, be it in the sense of developing a new post-Cold War (re)vision of identity and/or be it in dealing with its reemergence as a perennial issue of world politics in more concrete terms.

---

## REFERENCES

- BLOOM, W. 1990. *Personal Identity, National Identity and International Relations*. Cambridge: Cambridge University Press.
- BURCHILL, S. 1996. Introduction. In Burchill, S. & Linklater, A. (eds.), *Theories of International Relations*. New York: St Martin's Press.
- COX, R.W. (WITH T. SINCLAIR). 1996. *Approaches to World Politics*. Cambridge: Cambridge University Press.
- CRONIN, B. 1999. *Community Under Anarchy: Transnational Identity and the Evolution of Cooperation*. New York: Columbia University Press.
- KUBALKOVA, V, ONUF, N & P KOWERT (EDS.). 1998. *International Relations in a Constructed World*. Armonk: ME Sharpe.
- LAÏDI, Z. 1998. *A World Without Meaning: The Crisis of Meaning in International Politics*. Translated by Burnham J. & Coulon, J. London: Routledge.
- LAPID, Y. 1996. Culture's Ship: Returns and Departures in International Relations Theory. In *The Return of Culture and Identity in IR Theory*, edited by Lapid, Y. & Kratochwil, F. Boulder: Lynne Rienner.
- LAPID, Y. & KRATOCHWIL, F (EDS.). *The Return of Culture and Identity in IR Theory*. Boulder: Lynne Rienner.
- NEEDLER, M.C. 1996. *Identity, Interest, and*

- Ideology: An Introduction to Politics*. Westport: Praeger.
- RINGMAR, E. 1997. Alexander Wendt: A Social Scientist Struggling with History. In Neumann, I.B. & Wæver, O. (eds.), *The Future of International Relations: Masters in the Making?* London: Routledge.
- ROSENAU, J. 1990. *Turbulence in World Politics: A Theory of Change and Continuity*. Princeton: Princeton University Press.
- SAID, A.A., LERCHE, C.O. (JR.) & LERCHE, C.O. (III). 1995. *Concepts of International Politics in Global Perspective*. 4th edition. Englewood Cliffs: Prentice Hall.
- SMITH, S. 1995. The Self-images of a Discipline: A Genealogy of International Relations Theory. In Booth, K. & Smith, S. (eds.), *International Relations Theory Today*. Cambridge: Polity Press.
- SMITH, S. 1997. New Approaches to International Theory. In Baylis, J. & Smith, S. (eds.), *The Globalisation of World Politics: An Introduction to International Relations*. Oxford: Oxford University Press.
- TAYLOR, P.J. & FLINT, C. 2000. *Political Geography: World-economy, Nation-state and Locality*. 4th edition. Upper Saddle River: Prentice Hall (Pearson imprint).
- VIOTTI, PR. & KAUPPI, MV. 1993. *International Relations Theory: Realism, Pluralism, Globalism*. 2nd edition. New York: Macmillan.
- VIOTTI, PR. & KAUPPI, MV. 1997. *International Relations and World Politics: Security, Economy, Identity*. Upper Saddle River: Prentice Hall.
- WALKER, R.B.J. 1990. The Concept of Culture in the Theory of International Relations. In Chay, J. (ed.), *Culture and International Relations*. New York: Praeger.
- WENDT, A. 1987. The Agent-Structure Problem in International Relations Theory. *International Organisation*. 46(2):335-370.
- WENDT, A. 1992. Anarchy Is What States Make of It. *International Organisation*. 46(2):321-347.
- WENDT, A. 1996. Identity and Structural Change in International Politics. In Lapid, Y. & Kratochwil, F. (eds.), *The Return of Culture and Identity in IR Theory*. Boulder: Lynne Rienner.
- WÆVER, O. 1997. Figures of international thought: Introducing persons instead of paradigms. In Neumann, I.B. and Wæver, O. (eds.), *The Future of International Relations: Masters in the Making?* London: Routledge.
- WÆVER, O. 1996. The rise and fall of the inter-paradigm debate. In Smith, S., Booth, K. & Zalewski, M. (eds.), *International Theory: Positivism and Beyond*. Cambridge: Cambridge University Press.



# Reflections on the Roots of War

---

*John G. Hund*

---

## **ABSTRACT**

*In this paper the author presents evidence which seems to refute the widely accepted view that man is an essentially peaceful animal, which society corrupts and makes warlike. He argues that evolutionary history shows that men have genetically transmitted propensities for aggression (rage) and xenophobia (leading to ethnicity and tribalism). He submits that these propensities can best be channelled and ameliorated when certain "conditions of peace" are satisfied, and argues that when these conditions are unmet our innate biological propensities will break out into warlike tribal behaviour. Also examined are arguments that seem to show that (a) war is not a problem of rational control, (b) war has served basic functions that have contributed to the survival of the species, and (c) have contributed to the development of civilisation. The author distinguishes these arguments from arguments which have in the past been used to glorify war, and argues that the glorification of war is an absurdity. He submits that if we are ever to understand what is at the bottom of mankind's obsession with war we will have to consider our natural history as a species, in addition to our political history as a literate people.*

## **INTRODUCTION**

"The most persistent sound which reverberates through humanity's history is the beating of war drums."<sup>1</sup>

Today almost everyone would agree that war is a bad thing. Our shared repugnance to war is so powerful that it comes as a shock to realise that our antipathy is of relatively recent origins. In

previous centuries there was no shortage of philosophers, poets and statesmen willing to extol the virtues of war, arguing that war brings out the best in people, prevents economic and social stagnation, promotes innovation and mobilises mankind's deepest resources of cunning, courage and love.

Nietzsche was an extreme representative of the romantic cult of war. In his fully mature writings he glorified war and the dangerous life. He regarded man as, essentially, a wild beast, and argued that with society these wild instincts were necessarily curbed and turned inward against the soul, causing intense feelings of guilt and shame. His "supermen" were meant to live free of such feelings in a state of nature as the ultimate warriors. Nietzsche's prescriptions were enthusiastically accepted by German militarists who used them to foster the militantly tribalist mood in which Germany entered World War I. These demagogues argued that the first duty of the state is to enforce law and order within its own borders; its second duty is to wage war. War is the way that nations express their strength and vitality; life is an unending struggle for survival. The hope of permanent peace is vain, nations victorious in war can only keep by the sword what they have won by the sword. War brings out man's finest qualities. War is a good thing.<sup>2</sup>

We should not be misled into thinking that the glorification of war is a fixture of German militarism only. In his *Autobiography* Bertrand Russell recounts how he discovered to his amazement that the outbreak of war in Europe in 1914 was greeted with rapturous enthusiasm in England. Military academies around the

world have always glorified the role of the warrior, just as military academies in Sparta once did. All over the world, war is glorified. But today things have changed. The advent of nuclear weapons and other human inventions of mass destruction have made the glorification of war an absurdity.

Psychiatrist Anthony Storr believes that comradeship has been one reason for the continued popularity of war. He thinks that people who are dissatisfied with their ordinary existence often find an almost religious satisfaction in devoting themselves to one main objective – the goal of complete and total victory over the enemy.<sup>3</sup> In his thought-provoking book *The Warriors*,<sup>4</sup> American Glenn Gray wrote about the appeals of battle based on his experiences of World War II. While he was unsparing in his description of the horrors of warfare, he wrote eloquently about the “powerful fascination” of battle. Gray argued that for many young Americans World War II fulfilled a desire to escape the monotony of civilian life. Union with their fellows in a military company liberated them from a sense of personal impotence and filled them with feelings of power and vitality. They came to regard their previous civilian identity as anaemic and isolated. They experienced an awareness of kinship they had never known before.

If there is any doubt that some men love war then the following passage describing Adolf Hitler’s first encounter with battle in 1914 will surely lay it to rest:

“We marched in silence, and when the day began to emerge from the mists, suddenly an iron greeting came whizzing at us over our heads, and with a sharp report sent the little pellets flying between our ranks, ripping up the wet ground; but even before the little cloud had passed, from two hundred throats the first hurrah rose to meet the first messenger of death. Then a crackling and a roaring, a singing and a howling began, and with feverish eyes each one of us was drawn forward, faster and faster, until suddenly past turnip fields and hedges the fight began, the fight of man against man. And from the distance the strains of a song reached our ears, coming closer and closer, leaping from company to company, and just as Death plunged a busy hand into our ranks, the song reached us too and we

passed it along: *Deutschland. Deutschland über Alles, über Alles in der Welt!*”<sup>5</sup>

There can be little doubt that warfare is a constantly recurrent and universal theme of human existence. The mythologies of practically all peoples abound in themes of war and the super-human deeds of warriors. Since our species became literate, probably a mere 6000 years ago, written history has mostly been the history of wars. The earliest records known to archaeology are records of hunting and warfare. Armed conflict seems, like sex, to be an obsession of mankind. Why do we have this obsession? Arguments which I will develop below will show that “historical” treatments of war cannot even begin to give an answer to this question. In order to answer it I argue that we must confront our natural history as a species, in addition to our political history as a literate people.

## **1. FAILURE TO KEEP THE PEACE**

A distinguished war historian, Donald Kagan, writes that “war has been a persistent part of human experience since before the birth of civilisation”.<sup>6</sup> He is one of those people who believes that history has shown that the basic cause of war is “failure to keep the peace”. Kagan means this to be understood as historical fact, but it has the look of a conservative Republican doctrine.<sup>7</sup> Drawing on Thucydides’ account of the Peloponnesian War (413–401 BC) as evidence in support of it, he submits that war broke out between Athens and Sparta because Athens, the dominant city-state in Greece, failed to preserve the peace established by its preeminence. As the dominant state, he believes Athens was “obliged to keep the peace”. Its failure to do so “made war inevitable”. The cause of the war between Athens and Sparta was not Sparta’s aggressive militarism at all; it was Athen’s failure to mobilise for war in order to keep the peace.

He carries this thesis over to what he sees as the cause of World War II. Germany was encouraged in its aggressiveness, he insists, because of Britain’s conciliatory foreign policy and military weakness.

“The Second World War emerged from flaws in a previous peace and the failure of the victors to ... vigilantly and vigorously defend the settlement they imposed.”<sup>8</sup>

Kagan claims that pacifism is a contributory

cause of war. He deplores the belief, which he sees as being widespread amongst liberals and pacifists, that “greater understanding, more generosity and patience [are] better ways to avoid war than by military deterrence”.<sup>9</sup>

Pacifism brings on war, according to Kagan, because it mounts pressure for demilitarisation. Demilitarisation leads to weakness, weakness brings instability, and instability triggers war.

In discussing the Cuban Missile Crisis, Kagan pursues his thesis by arguing that Khrushchev was convinced of the weakness and inexperience of America’s youngest ever President, John F. Kennedy, so he took chances. Khrushchev had boasted in 1960 that the Soviet Union was prepared to fight a nuclear war and win it, thereby burying capitalism. Having watched Kennedy carefully from the start of his new administration, Khrushchev was convinced of his inexperience and weakness. Kagan recounts that in April 1961, Kennedy had failed to order military backup for the Bay of Pigs fiasco; in June he did not match the aggressive rhetoric of his adversary at the Vienna Summit; in August he did not stop the construction of the Berlin Wall. Khrushchev was ready to take advantage of his opponent’s weakness, and in August/September 1962, Soviet medium-range nuclear missiles were secretly installed in Cuba. When in October the secret became public knowledge Kennedy was forced to take decisive action. American military forces were put on red alert and Cuba was blockaded, forcing Khrushchev to back down and retreat.

The crisis came, according to Kagan, “because the more powerful state had a leader who failed to convince his opponent of his will to use power”.<sup>10</sup> The Cuban Missile Crisis was not a war but it could have become one. Kagan thinks that “peace does not keep itself”, it requires an active effort, “just as war does”.<sup>11</sup> States which want to preserve peace to their advantage must “maintain a strong military power and the willingness to use it when necessary”.<sup>12</sup> Failure to keep the peace is the main cause of war.

Historical analyses like these can illuminate some conditions of war but they give us no clue when it comes to explaining man’s obsession with war. In addition they suffer from two major limitations. One is the restricted timescale; the other is neglect of unconscious biological aspects of human behaviour. Our

capacity for war as a species is much older than written history. *Homo sapiens* has been in existence for more than 500 000 years. History derives its data from a wafer-thin layer of the recent past. If we are to understand what lies at the bottom of human warfare we really have no choice but to adopt a stance which includes our natural history as a species as well as our political history as literate people. When we examine something as universal and biologically ancient as war we must leave the fixed limits of history and enter the immensity of biological time. When we do that, it begins to appear that causes attributed to past wars by historians and analysts are often not causes but triggers that have set them off or conditions which have made them possible. If we really want to fathom mankind’s obsession with war we will need to delve more deeply into the human psyche than history has been able to do.<sup>13</sup> War has *phylogenetic* (evolutionary) as well as *ontogenetic* (cultural) origins. It is a matter of some urgency that we try to understand both aspects of war’s origins.

## 2. THE ORIGINS OF WAR

All human events are a progression on two levels of reality – conscious and unconscious. To regard war and threats of war as rational behaviour meticulously planned by chess-playing strategists misses the mark. Mutually Assured Destruction (MAD) scenarios, for example, cannot seriously be entertained by reasonable people as a rational strategy for surviving in the Nuclear Age. This is for at least two reasons: one is the danger of political miscalculation; the other of technological error. These are dangers that should not be underrated. There is always the possibility that a crisis will arise, such as the Cuban Missile Crisis, where one side will call the other side’s bluff at a moment when the other side believes it cannot allow that to happen.<sup>14</sup> The danger of technological error is just as great. In addition to the unfortunate occasion when the United States (US) dropped four (inactivated) hydrogen bombs on Spain in January 1966, in 1979 there were at least three nuclear false alerts during the last years of President Carter’s failed administration. Two of these were caused by faulty computer chips at the US Strategic Air Command and another by a “grunt” who ran a test tape depicting a massive Soviet missile strike

against America which everyone on duty thought was the real thing.<sup>15</sup>

Recent world events have convinced many that, at the national level, and still more at the transnational or global level, we are no longer in control of our fate. Our world seems poised at the brink of an abyss. To be frank, it is something we would rather not think about. When we do think about it we get the queasy feeling of being at the mercy of something primitive and menacing. This feeling is often enough to induce panic in the most stable of people. The 20th century has been a record of human beings becoming less and less civilised in the classical sense and more and more of an intellectual barbarian and technological savage. Could it be that primitive parts of the human brain have collectively overtaken rational consciousness as the covert basis of human behaviour? The question is not as far-fetched as it may at first seem.

The human brain is a developmental modification of older mammalian and reptilian brains which are still largely intact and operational within us. Together the relatively recent neocortex and the more ancient mammalian and reptilian parts of the human brain make up what MacLean calls the “triune brain”.<sup>16</sup> Subcortical structures, dating from our reptilian and mammalian past, unconsciously influence our behaviour. McLean’s thesis is a scientific extension of an idea first advanced in the 19th century that natural selection has resulted in progressive additions of ever more sophisticated cerebral mechanisms to the primitive brain. The ancient parts of the brain organise such archetypal activities as maternal bonding, dominance striving and aggression. Historical treatments of war have focused on the “upper stories” of the human psychic edifice while its foundations have been ignored. Today it seems urgent to reconsider the unconscious foundations of human behaviour because it is here that the roots of war are found.

Those who persist in seeing war as a problem of rational control do not seem to realise that human reason is a cortical function of the brain and that unconscious subcortical functions are not normally under “rational” control. Cold war deterrence theorists, to take one egregious example, recoil from the idea that there are “unconscious” biological factors that affect human decisions because it undermines their game theoretic “rational” analyses of nuclear

deterrence.<sup>17</sup> There is also a tendency of those working in the field of conflict resolution to denigrate, if not actually deny, the influence of our genetic legacy and to overemphasise the importance of cultural and sociological factors leading to war,<sup>18</sup> but the weight of the evidence shows this to be a short-sighted outlook.

### **3. WAR A CONDITION OF GROUP COHESION**

Fighting is universal among animal species.<sup>19</sup> It cannot be regarded as abnormal or pathological. Species that have fought have survived. Those which did not fight, because they lacked the trait of aggression, have perished. One fairly obvious way of learning about the response patterns encoded in the reptilian and mammalian parts of our brains is to study the behaviour of reptiles and mammals in their natural habitats. Ethologists have been doing this for years, and have concluded that aggression, no less than sexuality, is indispensable to the survival of every species. Aggression fuels the energy consuming competition for dominance from which leadership emerges. Leaders enforce group solidarity, take strategic decisions and maintain discipline. Aggressiveness is a condition of leadership, and leadership a condition of society. Species that are not aggressive tend to get eliminated. Non-aggressive species, groups or individuals tend not to last for long in the struggle for survival. The problem that confronts us today is how to channel our aggression without destroying the planet.

Between the ages during which man was threatened by wild animals and those relatively few ages (biologically speaking) from which the threat was from other men, did there exist an intermediate Eden-like phase, with mankind possessing enough technology to fight predatory beasts, without yet being swept into the race for conquest and servitude. Aron has conjectured that this kind of golden age may have existed at the dawn of the Neolithic Age.<sup>20</sup> He suggests that some simple societies which today are dying out, like the San of the Kalahari, still transmit to us, despite their material poverty, a final echo of it, through their *joie de vivre*.

Stevens<sup>21</sup> argues that war has served basic functions which have contributed to the survival of the species. He claims that war has in the past kept groups in balance with one another.

er and with nature. War has also promoted peace and social organisation *within* groups. Manifestly, a group arrives at a profounder awareness of its own unity when it opposes other groups. This is achieved, according to Stevens, by satisfying archetypal needs which could otherwise destroy group cohesion. Fighting within a group is dampened through fear of an external enemy, aggression being directed outwards against the common foe.

The claim is that war is a condition of group cohesion. But it is clearly not a necessary condition. Peace and solidarity can prevail in the absence of enemies but usually only when the group faces an external threat which comes, not from a human enemy, but from nature. The San of the Kalahari desert again provide the example. Faced with a harsh environment these people were extremely cooperative with one another and regarded hospitality to others as an absolute duty. But when peace-loving communities have refused to fight when they have been attacked, they have disappeared. In all parts of the world in which human populations have taken hold, armed readiness has been a condition of survival.

When Stevens claims that war has contributed to the development of civilisation he is not glorifying war. His arguments support the conclusion that some bad things (war) can have good consequences (civilisation). This forces us to confront a painful question: *if war is a condition of civilisation, is civilisation worth the price we have to pay for it?* This is a profound question about which little has been written. In light of the destruction wreaked upon our planet by human warfare (not to mention our shameless exploitation of the Earth and its non-human inhabitants) we could even go further and ask whether our little planet might not be better off (in terms of its survival potential) without the human species. From the “human point of view” most people would probably agree that it would be better off with far fewer humans (the idea being that a planet sparsely populated with people would probably result in less human warfare). But the human point of view is not the only point of view from which this question can be asked.

One of the most remarkable events in nature has been the rapid development of the human brain in the relatively short time of two to three million years. The impressive genetic changes

necessary to achieve this could only have occurred in response to powerful and unremitting selective pressures which penalised animals with less developed brains and favoured those with more developed ones. The faculties selected by nature were those which large cerebral hemispheres impart – calculation, speech, the capacity for social organisation and, more subtly, a better differentiated consciousness, all of which are invaluable in collaborative hunting and in warfare.

In addition to selecting larger brains, the struggle for existence fostered social integration and leadership. In the course of a long treatment of the evolution of war, Davie<sup>22</sup> describes how war converts unordered populations into disciplined armies under a leader. When peace comes the successful war chief often retains his preeminence, and in this way dictatorships, monarchies and dynasties are founded. As human communities became larger and more complex, so the threat of war and organisation for war became increasingly important as an instrument for social integration. Communities which failed to respond in this way perished. Only if they developed and maintained the military virtues could emerging societies hope to protect themselves from war-like neighbours. Civilisation depends for its very existence on the institutionalisation of war, according to Davie. It may be that war is contrary to mankind’s destiny, but it has been inseparable from the history of mankind.

#### 4. INSTINCT VERSUS RATIONALITY

As a species we have not changed much in the last 35 000 years. Our culture has evolved, but there is no evidence that our genes or brains have. Fox maintains that contemporary man is basically the same animal with the same brain as the Paleolithic hunter.<sup>23</sup> The brain that made stone weapons is the same brain that invented the hydrogen bomb and developed the internet. There is nothing to suggest that we are evolving in more humane directions, either. Our most urgent problems of survival have arisen precisely because our social instincts have evolved in very different circumstances from those which now prevail. Our biological endowment is intended for intimate personal exchanges in communes of 40 to 50 neighbours with whom we have friendly relations.

In the primordial circumstances of our distant

past the capacity for war posed no threat to our species. On the contrary, ethologists argue that it contributed to its success.<sup>24</sup> What poses the threat today is not our ancient capacity for war so much as the modern weapons that technology has put at our disposal. The problem we face today is that although we possess immense technological sophistication, we are still impelled by biological imperatives to wage war. We have opened a Pandora's box of technological madness. While in the past war contributed to the evolution of our brains and the development of society, it has now become our greatest liability. What human ingenuity has unleashed it does not know how to control. Will collective insanity finally push us to the brink of annihilation?

Humans fight and kill because it is their instinctive nature to do so. This is a bitter pill to swallow. It seems we have no choice, however, but to take it and confront a set of biological propensities which are of great phylogenetic antiquity. How else are we to deal with them? Since they are as deeply ingrained in us as the propensity to form bonds of attachment and love, they are not components of our collective psyche that can be easily wished away. For species other than ours, reaching the point where success in competition became self-defeating has resulted in extinction. Our species could well suffer the same result.

In comparison with most other predators man's physical structures are puny. As a consequence he has had to compensate for a comparatively weak body by developing language and society. In order to protect himself from wild beasts and compete with them for prey he had to make himself as deadly as they were. Human survival and eventual domination of the planet has depended on cooperation in the use of weapons. As offensive weapons have increased in range and destructive power, defensive weapons have evolved to counteract them. The arms race started early in the history of this planet. In the middle Stone Age (12 000–8000 B.C.) the range at which an enemy could be killed was increased by the introduction of the bow and sling. As society evolved war became better organised and more bloody. Recently, an extraordinary transformation has overtaken us. We have developed the ability to destroy the entire planet with the push of a button. What we have failed to develop is the wisdom we

need to balance and moderate our impulses. This has made us the most dangerous species on the planet. To make things worse those compassionate traits which we do possess, such as sympathy, mercy and pity, have been blunted by the use of long range weapons and the use of euphemisms like "collateral damage" to describe bloody killing.

In spite of arguments like the ones we have been considering there are still many who deny man's innate predisposition to warlike behaviour. Far from having anything to do with the phylogenetic origins of humanity, they argue, war is essentially a political or sociological problem to which our evolutionary history makes little contribution. They would like us to believe that man is essentially peaceful, and that society makes him aggressive and warlike. There is no shortage of authorities who argue, in addition to the above, that modern warfare has nothing to do with aggression. They will take the example of US Senator John McCain who flew bombing missions in the Vietnam war and insist that such contemporary warriors are not behaving aggressively at all. They are behaving technologically. Some sociologists have argued that people who kill with modern technology are exhibiting obedience, they are not exhibiting aggression at all.<sup>25</sup> One historian of war argues that war arises, not from any irrational or instinctive impulses, but from a superabundance of analytic rationality.<sup>26</sup> This is an argument of stunning naïveté because it ignores the biological roots from which this superabundance of analytical rationality grows.

Rational planning does play a role in modern warfare. It does, but the successful prosecution of war depends on mobilising the corporate aggression of warriors. Soldiers do not themselves doubt this. An essential part of military training is to encourage aggression. The male human is an organism that is neurophysiologically equipped for aggression.<sup>27</sup> Military training is meant to release aggressive id impulses from the control of the superego, and bring them under the collective control of the military hierarchy. The universal aim of all military training is to bring to fruition a human biological propensity which has been put there by millions of years of evolution. Just as a young African boy is deprived of his identity as his mother's son through an act of tribal initiation and acquires a new identity as a man, so the

military recruit is stripped of his previous identity as a civilian and is made to earn his new identity as a soldier. Military trainers activate and channel biological imperatives that were selected by nature to ensure the survival of the species. Natural selection operating through countless generations has made age-old human aptitudes readily available for war.

## 5. HUMAN AGGRESSION AND TRIBALISM

*Genetic Seeds of Warfare*<sup>28</sup> sums up and elaborates many of the arguments I have sketched thus far, and gives them a foundation. This seminal work can be reduced to three core propositions which I will comment on briefly.

### 5.1 Humans have a propensity for war

The authors, R. Paul Shaw and Yuwa Wong, estimate that peace comprises only eight per cent of the entire recorded history of mankind.<sup>29</sup> Over the last 5600 years, there have been 14 500 wars. Only 10 of 185 generations have known uninterrupted peace. Mankind has managed to achieve only 268 years without war in the past 34 centuries. This is not a very good track record. These approximations leave little doubt that we are a warlike species. This is a sobering thought. It is the same conclusion Plato drew from the Peloponnesian War. He came to believe, in his mature thought, that man is warlike and that states must be organised for war to survive. Shaw and Wong go further and claim that war-proneness is a condition of civilisation.

### 5.2 Our propensity for war has biological roots

The authors marshal impressive socio-biological, ethological and anthropological evidence in support of their claim that species ancestral to *Homo sapiens* were prone to violence and that “peaceful primitive” societies have been exceedingly rare. The claim that aggression and warfare are part of our genetic heritage was first popularised by Konrad Lorenz. The contribution of Shaw and Wong is in the way they have meticulously adduced recent findings in the socio-biological sciences to support this claim.<sup>30</sup>

### 5.3 Our warlike propensities are the result of evolution. These propensities cannot be explained “away” exclusively as the product of socialisation

The authors claim that xenophobia – defined as

fear, hostility and aversion toward strangers – is a primitive, biologically transmitted survival mechanism<sup>31</sup> and single it out as one of the most potent forces leading to out-group enmity, tribalism and ethnic-nationalist sentiments leading to war. This genetic bias has “contributed directly to intolerance and hostility toward members of out-groups during humanity’s past”. In today’s national and multi-ethnic states, it does so “indirectly and covertly”.<sup>32</sup> The authors emphasise that they are not claiming that aggression and xenophobia are “hard-wired psychological processes that are genetically programmed and leave no role for accumulated social knowledge in human action”.<sup>33</sup> They claim that we are biologically predisposed to aggression and xenophobia. In short, the seeds of warfare are in our genes – but not hopelessly so. This is not a case of “biological determinism”. We can channel and ameliorate our propensities for warfare, as I argue below, but first we have to face up to them. Denial is not the answer.

Why are there so many wars? Shaw and Wong have a ready explanation: human aggression and tribalism. Tribalism is not restricted to Africa. Shaw and Wong think that we are all tribalists. Human beings are an aggressive, tribal species. “Tribalism” is seen as a strong form of ethnicity. The expression itself has a pejorative connotation and is frequently used as a term of abuse. Shaw and Wong see tribal rivalries as a manifestation of xenophobia, a genetically transmitted trait which, along with aggression, is a genetic seed of human warfare. This flies in the face of what political scientists sometimes presumptuously call “modernisation theory”.

Modernisation theory is preoccupied with ethnic mobilisation as the be-all and end-all of ethnicity. Ethnic groups are seen as simply and merely one manifestation among many of political mobilisation. It has been assumed that democracy, constitutionalism and scientific education would weaken tribalism and ethnicity as political forces and eventually eradicate them. This has not happened. If anything, on the cusp of the 21st century, tribalism and ethnicity are growing stronger. Shaw and Wong argue that tribalism and ethnicity are not about to disappear in a few generations. We should accept our fate, they say, and use it to rethink the concept of the nation-state. This is impor-

tant, because Shaw and Wong see the nation-state as a condition of war.

Until recently the study of modernisation has been marked by a belief that changes inaugurated by the colonial experience had their own momentum and were almost irreversible. Western political scientists' obsession with change blinded them to continuities between pre- and post-colonialism. Few works underscore the importance of these continuities in African history more than Ali Mazrui's *The Warrior Tradition in Modern Africa*.<sup>34</sup>

Mazrui tracks the origins of the African state and the ways in which political and military (state) functions emerged out of roles originally tied to the extended African family. It was survival, according to Mazrui, that ultimately led to allegiances beyond families to tribes and beyond. Mazrui submits that the warrior tradition and the "politicisation" of biological descent heralds the beginnings of tribalism and the tribal mode of social organisation. Initiation rituals always included an introduction to martial arts and warfare. Men became politically preeminent because they were preeminent warriors. They were so "because of an old factor in primordial kinship culture which gave the club or the spear to the spouse with greater muscular throwing power".<sup>35</sup>

Mazrui's claim is that tribalism is often, but not always, linked to a "home" base. It is in one's tribal group that the most Africans find their "terminal community",<sup>36</sup> that warm, continuous relationship which evolutionary psychologists believe is indispensable to normal human development. A terminal community is a primordial source of identity, it is the optimal social grouping in which the highest degree of convergence of ethnic markers is obtained and traditional emotive bonds are anchored.

By arguing thusly Mazrui sets the stage for his understanding of war in Africa. The importation of European statehood was arbitrary and uncorrelated with existing terminal communities. It is as simple as that. Europe's imposition of its state apparatus on Africa was for all the wrong reasons. Any prior calculation to make statehood coincident with tribal sensibilities was absent. Colonialism levied the fixtures of European statehood on tribes that had long controlled themselves and resolved resource disputes through customary law (for in-groups members) and war (for out-groups). By assum-

ing that Africa was a *tabula rasa* on which any foreign system might be imposed, colonising forces confabulated and traduced African sensibilities by imposing Westernised state structures on them which were fated to collapse with the advent of independence, thereby unleashing the fury of tribal animosities.

Mazrui links biological descent to tribalism, and tribalism to the African state, and argues that together the former are the most profound continuities between pre- and post-colonial Africa. He concedes that tribalism is not tantamount to biological descent<sup>37</sup> but he thinks there will necessarily be links between the two. Shaw and Wong believe that this holds true not only for rural Africans, but indeed for *all* human beings. Tribalism is diminished by modernity, but it never entirely goes away. It always lurks just below the surface of consciousness. When conditions of war are present (to be discussed below) war breaks out and there is almost always a tribal (or ethnic) dimension to it. All of this reinforces the claim of Shaw and Wong in *Genetic Seeds of Warfare* that human beings are war-prone *tribal* animals. Had it been otherwise, they argue, mankind would not have survived in the struggle for existence.<sup>38</sup>

## **6. ETHNICITY AND TRIBALISM**

It is one thing to argue that human beings have a biological propensity for war. It is something else to argue that xenophobia (leading to tribalism) is part of the human genome. Aside from going against the grain of received wisdom this "primordialism" seems to imply that tribal conflict cannot be remedied by piecemeal or any other kind of social engineering. This tradition of theorising begins with Shils and Geertz.<sup>39</sup> It claims that certain kinds of human attachments are felt towards biological descendants. Primordialists have been caricatured as defending "unscientific", "unsociological" and "essentialist" ideas. They have been parodied as maintaining absurd claims such as that ethnic groups are "eternally permanent"<sup>40</sup> and have forever "fixed" and impermeable boundaries. None of these slanted critiques have had much of a lasting effect. "Anti-primordialists" have not themselves tried to explain ethnicity. They have tried to explain it "away". They would like us to believe that ethnicity is a sociological construction with no counterpart in reality. But



they have never managed to convincingly explain where the appeal of ethnicity (and tribalism) comes from in the first place, if not from, among other things, consanguinity, as Mazrui and Shaw and Wong have argued.

Some critics have juggled statistics in order to show that ethnicity (or tribalism) is a nil-factor as a putative cause of war. I will briefly consider one such attempt below, not because I think it is successful, but because, through its failure, it shows just how difficult it is to explain ethnicity (and tribalism) “away” as a root of war. In addition it introduces important variables which are linked to warfare which I want to sketch and discuss below.

Errol A. Henderson has submitted that ethnic or tribal conflict increases the likelihood of civil war in Africa, but only when it is fused with economic and political elements.<sup>41</sup> He submits that when these elements are factored out ethnicity is shown to be neither a necessary nor sufficient condition of civil wars in Africa. He pursues his strategy by advancing a set of “correlates” of African civil war, some of which I will sketch below.

### **6.1 Nascent democracy increases the likelihood of civil war**

Mature democracies are less prone to large-scale domestic conflict because of the availability of legitimate channels of dispute resolution. Especially important is an independent judiciary which is held in high esteem by most citizens. On the other hand, weak or nascent democracies are prone to civil war because they have neither the range of dispute resolution institutions nor the expansive repressive machinery of autocracies with which to forestall insurgencies.

### **6.2 Colonial legacy increases the likelihood of civil war**

Decolonisation led to the creation of more independent states in Africa than any other continent in the postwar era. With independence, leaders of African states were faced with the daunting task of constructing overarching national identities among different tribal groups. Colonialism was not aimed at creating viable autonomous states. It imposed artificial divisions and unities on peoples which exacerbated already existing rivalries. Colonialism imposed alien constitutional models on arti-

cially put together units which traduced already existing indigenous African systems of law and governance.

### **6.3 Economic development can decrease or increase the likelihood of civil war**

Economic development reduces ethnic rivalries in the long run because it substitutes class conflict for tribal conflict. Class conflict is more tractable than tribalism because it can be ameliorated by policies which redistribute wealth and opportunities. But in the short run economic development can exacerbate existing rivalries because uneven growth may intensify existing tribal cleavages. In addition, rivalry over economic spoils, or in other words greed – which is another common human propensity – tends to be a primary basis for tribal mobilisation.<sup>42</sup>

### **6.4 Polarisation increases the likelihood of civil war**

In societies which are diversified people will always hold plural membership in groups. A member is never entirely identified with any particular group, class, status or role. There is an overlapping of shared purposes and conflicts of interests between them. Peace is fostered by the multiplication of relationships within and between groups. In this way the frequency of conflicts are increased, but they are also weakened, and their duration shortened, because of the divided commitments of group members. Diversified societies tend to reduce ethnic polarisation. Diversification tends to diminish tribal rivalry.

Contrary to Henderson’s intentions the most that his statistical manipulation shows is that ethnicity is neither necessary nor sufficient for war. What his analysis unintentionally discloses is that ethnicity is almost always linked with the correlates of war that he identifies. That is, if any one or more of the correlates of war he identifies are present, it is likely that conflict will be along ethnic (or tribal) lines. His analysis has the unintended consequence of confirming the persistence and strength of ethnicity and of the strong pull, in the presence of conditions of war, toward ethnically based conflict.<sup>43</sup> For the most part political scientists (like Henderson) have tried to explain ethnicity (and tribalism) away. It has not worked. Increasingly, scholars are attributing the primordialism of ethnicity to its roots in biological descent.<sup>44</sup>

The flip side to Henderson's "correlates of war" are "correlates of peace", though it is better to think of them as conditions of peace. This conceptualisation opens up the possibility that historical "triggers" of war can be defused by conditions of peace. Conditions of peace trump conditions of war and thereby preempt or defuse triggers that might otherwise set wars off. For example, if a serious collective dispute arises, and there are no accepted-by-all dispute resolution institutions in place (a condition of peace) it is likely that war will break out. In other words, if conditions of peace are present, the chances of war will be reduced. If one or more of these conditions are absent, war is likely to break out, and it will frequently be along tribal or ethnic lines. The reason is that trouble, strain, anomie, alienation, relative deprivation, and so on (conditions of war) cause people to look to their terminal communities for refuge and support. If conditions of peace are present it is less likely that triggers will set off war. Thus war will be less likely, and *a fortiori* war that is fought along ethnic or tribal lines will be less likely. In this way the presence of conditions of peace can diminish ethnic or tribal conflict. This abstract point can be concretely, if briefly, illustrated by considering the cases of South Africa and Angola.

South Africa's fledgling democracy inherited a strong state with an impressive legal system poised for transformation, a basically sound economy poised for growth, a well-developed civil society, and a negotiated settlement which has worked to ameliorate tribal and racial divisions. South Africa shows that a unitary state with federalist elements can work. Tribal rivalries have taken a back seat to economic and class factors, while gender and democratic sensitivities have played a role in fragmenting tribal politics. Warlike and xenophobic tendencies have for the most part expended themselves in domestic, political quarrels within the limits of an accepted constitutional structure with an independent judiciary. Mandela was a hero who quickly became an icon of unity. South Africa succeeded because basic conditions of peace were satisfied.

Now consider the tragic case of Angola. After 25 years of civil war the Angolan state is a hollow shell. It exists in name only. Angola is really nothing but a foreign construct, or a quasi-state.<sup>45</sup> It has been held together succes-

sively by colonial interests and thereafter by Cold War patronage. Even in the face of a common enemy, Portuguese colonialism, the three main nationalist groups, the Mbundu-speakers of Luanda, the Ovimbundu people of central Angola, and the Kikongo-speakers of Northern Angola, were never able to transcend their differences and form a united front (for another interpretation see Bender's paper in this volume). Instead they reflected mainly geographical and tribal loyalties, overlaid by a superficial veneer of ideology. The first group won control of Luanda in 1975 and was granted international recognition as the government of Angola. But even with the best of intentions the new government has never seriously been able to transform the previous colonial dependency into a state with public institutions. Instead it is a *de facto* private means of resource extraction (mainly oil) which is in the hands of mainly one geographical ethnic group. There is no diversified economy in the country as a whole, few institutions of civil society, no leader with whom most people can identify, and a defunct legal-bureaucratic system of governance. Angola failed to achieve peace because conditions of peace were absent.<sup>46</sup>

## 7. CONDITIONS OF PEACE

To get back to my main topic, what I have been urging is that we should dismiss the essentially mythological theory that man is basically a peaceful, noble savage which society corrupts and makes warlike. I have sketched reasons for thinking that man has innate biological propensities for aggression and tribalism. I have argued that we should face up to these propensities without giving into mass denial or depression, because then we will be able to think more clearly about conditions that can dampen and ameliorate them. I have submitted that tribalism and aggression can be dampened and ameliorated best when the conditions of peace are met. I have not tried to exhaustively enumerate these conditions of peace. I have sketched only a few of them in order to give a pointer in the direction I think we should take, if we want to dampen and ameliorate our human, warlike propensities. In this I have followed Kant's strategy in his very brief *Perpetual Peace*<sup>47</sup> – instead of thinking only about the conditions of war, we should also reflect on the conditions of peace. In conclusion

I want to discuss briefly Kant's basic conditions of peace, with special reference to law as a condition of peace. Kant identified three basic conditions of peace:

- a federation of "republican governments", by which he meant more or less what we might call a consociation of "rule of law" democracies
- interdependence (both interpersonal and international)
- the existence of international organisations.

In concluding I want to consider briefly these three conditions. There are encouraging signs that some of them are coming to pass. Our age has been called "an age of constitutionalism".<sup>48</sup> Legal scholars talk enthusiastically about the "rise of world constitutionalism".<sup>49</sup> It has been argued that this new movement towards "global constitutionalism" paved the way for South Africa's peaceful transition to democracy. Klug recounts that, prior to 1989, approximately ten countries had effective systems of constitutional review. At the turn of the third millennium at least 70 countries, or approximately 38% of all members of the UN, have adopted some form of judicial review.<sup>50</sup> A much larger percentage have legislative guarantees of individual rights, bills of rights or chapters of fundamental rights in their constitutions. At the same time globalism as a movement is increasing the number of international conventions in the world, and law itself is rapidly becoming supra-national.

These signs show that law is increasing in today's world. Law is a condition of peace. Anarchy, or the absence of law, is a condition of war. But where does law come from? Is law something that humans have developed in the struggle for survival? Do we have a biological propensity for law? The answer is yes; some writers have suggested that we do have such a biological propensity.<sup>51</sup> Just as sheepdogs have a propensity for herding and birds have a propensity for flight, human beings have propensities for language<sup>52</sup> and law.<sup>53</sup>

It seems that there are two opposing sides to the human spirit, one selfish and violent, the other cooperative and caring. Somehow law seems to have evolved as a human survival mechanism for balancing these two sides of human nature in the quest for fairness, which is another condition of peace. If conditions of fairness (a sub-category of conditions of peace) are present, then innate human tendencies of

aggression (rage) and xenophobia (leading to tribalism) can be dampened and ameliorated. If these conditions are absent, it is likely that war will break out, and, if we accept the arguments of Shaw and Wong, it is likely that war will have an ethnic or tribal dimension.

For untold millennia humans lived in small groups. In order to survive they had to develop rules for order, sharing and essential fairness. Groups which developed these rules and institutions for applying them survived. Those which did not fought amongst themselves and perished. With the evolution of the written word these rules gradually became explicit and eventually became formalised, first as customs, and then as laws. Customary law began as an evolving system that changed in response to interactions between felt necessities of the times and the deepest instincts of mankind

From where did judges get their wisdom? Some would argue that they must have listened to an inner voice which spoke to them from the past, and in speaking gestured to a wisdom beyond itself. Jung claims that there is such a repository of ancient wisdom in each of us. At the heart of his evolutionary psychology is the idea that beneath our conscious intelligence there is a deeper intuitive intelligence at work. He personified the evolved intelligence of mankind as an archaic being and used the metaphor of the "two million-year-old man" to characterise it.<sup>54</sup> Societies which have paid heed to the collective wisdom of this ancient metaphorical being have survived, according to this distinguished psychiatrist. Those which have disregarded it have perished.

As far as Kant's condition of interdependence goes, it seems obvious that the more interdependent we are, globally, locally and on a face-to-face basis, the less inclined we are to become polarised along tribal lines. Tribalism and nationalism foster peace *within*. The irony is that they foster peace on a parochial scale but breed war on a global scale. Therefore, more people are needed from more tribes who can work together on problems to which tribal consciousness is irrelevant. Then there will be a focus on the consciousness of the whole human tribe and not just the parochial, local consciousness of this or that "special" tribe. In dealing with these problems members of different tribes will be forced to cooperate, even if against their primordial instincts. Working together, they

can gradually acquire the habits of peace. The most useful service that can be performed in the interest of peace is to encourage and strengthen natural affiliations that all people have, irrespective of their tribal instincts. Is this really such an impossible task?

Regarding Kant's third condition of peace, international institutions, I can discuss this only briefly. I would argue that the significant bodies of the UN are *not* the General Assembly or the Security Council. In many ways they are impediments to peace because they enshrine and glorify tribalism. The real usefulness of the

UN is in its various subsidiary organisations which are devoted to practical and transnational problems such as the environment, human welfare and international justice. In doing their work these bodies will create more and stronger affiliations. In this way they will further the crisscrossing of conceptual wholes and parts that can cut across tribal consciousness, thus inhibiting the polarisation of people. This process has served as midwife to most Western constitutional democracies. Let's hope that it can render the same service for the one tribe to which we all belong.

---

#### ENDNOTES

- 1) A. Koestler, *Janus*, (New York: Vintage Books, 1978).
- 2) See for example Friedrich von Bernhardi, *Germany and the Next War*, trans Allen H. Powles, (London: Stevens, 1914) and Heinrich von Treitschke, *Politics* trans. Blanche Dugdale and Torbende Bille, 2 vols. (London: Stevens, 1916).
- 3) Anthony Storr, Possible Substitutes for War, in *The Natural History of Aggression*, eds. J.D. Carthy and F.J. Ebling (London: Academic Press, 1964).
- 4) J.G. Gray, *The Warriors: Reflections on Men in Battle*, (New York: Harper Colophon Books, 1970).
- 5) Adolf Hitler, *Mein Kampf* trans. D.C. Watt (London: Hutchison, 1936) p. 51, emphasis in the original.
- 6) Donald Kagan, *On the Origins of War and the Preservation of Peace*, (New York: Anchor Books, 1995).
- 7) Kagan's claim has an ideological slant. See note 46 infra.
- 8) Kagan, *On the Origins of War and the Preservation of Peace*, above note 6 at 281.
- 9) *Ibid.*
- 10) *Ibid.*, 548.
- 11) *Ibid.*, 567.
- 12) *Ibid.*, 573.

- 13) When I say mankind's obsession with war I am speaking literally. The overwhelming weight of evidence shows that war is a male preoccupation. See for example the long discussion in Anthony Stevens *The Roots of War*, (New York: Paragon House, 1989) 79-122.
- 14) According to Arthur Schlesinger, Jr., Kennedy's sense of urgency toward the end of the crisis was "based on fear, not of Khrushchev's intention, but human error, of something going terribly wrong, down the line", *Robert F. Kennedy and His Times*, (Boston: Houghton Mifflin, 1978) 529. Also see Robert Jervis, War and Misperception, *Journal of Interdisciplinary History*, 18 (1988), 685-89.
- 15) The story became public about a year after the event in *The Washington Post* and *Time*, (February 13 1980).
- 16) P.D. MacLean, *A Triune Concept of the Brain and Behaviour*, (Toronto: University of Toronto Press, 1973).
- 17) See for example Robert Jervis, Arms Control, Stability, and Causes of War, *Daedalus*, 120 (1991) 167-81, and Thomas Schelling, Reciprocal Measures for Arms Stabilisation, *Daedalus*, 89 (1960), 892-904. Also Thomas Schelling and Morton Halperin, *Strategy and Arms Control*, (New York: 20th Century Fund, 1961) and Kenneth Boulding, *Conflict and Defence*, (New York: Harper Torchbooks, 1962).
- 18) See for example D. Adams, *The Seville Statement on Violence: Preparing the Ground for the Constructing of Peace*, (Paris: UNESCO, 1991).
- 19) See I. Eibl-Eibesfeldt, *The Biology of War and Peace*, (New York: Viking Press, 1979).
- 20) Raymond Aron, *Peace and War*, trans. Richard Howard and Annette Baker Fox (London: Weidenfeld and Nicolson, 1966) 351.
- 21) Anthony Stevens, *The Roots of War*, (New York: Paragon House, 1989).
- 22) M.R. Davie, *The Evolution of War* (New Haven: Yale University Press, 1929).
- 23) Robin Fox, *Biosocial Anthropology*, (London: Malaby Press, 1975).
- 24) See for example I.S. Bernstein and T. Gondov, The Function of Aggression in Primate Societies, *American Scientist* 62 (1970) 304-311, and R. Brian Ferguson, The Causes and Origins of Primitive Warfare: On Evolved Motivations for War, *Anthropological Quarterly* 73 (2000) 159-168.
- 25) See for example Trevor Denton, War: Long Range Time Series by Conditioning, *International Journal of Comparative Sociology* 36 (1995) 36-60.
- 26) M. Howard, *The Causes of War* (London: Temple Smith, 1983).
- 27) Stevens, *The Roots of War*.
- 28) R Paul Shaw and Yuwa Wong, *Genetic Seeds of Warfare* (Boston: Unwin Hyman, 1989).
- 29) *Ibid.*, 3.
- 30) Sociobiology has had some influential critics. See for example M.P. Sahlins, *The Use and Abuse of Biology: An Anthropological Critique of Sociobiology*, (Ann Arbor: University of Michigan Press, 1976). Counter-critiques of Sahlins have usually focused on his over-socialised and over-rationalised conception of man. The introduction of biology, and especially genetics, into the social sciences has met with hostility. The received wisdom of sociology and sociologically-oriented disciplines is that almost all human behaviour is the product of social conditioning. Shaw and Wong have argued that human psychology, like animal psychology, depends on genetic as well as environmental factors. This is the view that I endorse.
- 31) The authors cite John Bowlby and other influential evolutionary psychologists who believe they have scientifically demonstrated that xenophobia is an innate, evolutionary propensity or mechanism that protects helpless infants from danger; see Bowlby's influential *Attachment and Loss*, Vol 2: *Separation, Anxiety and Anger* (London: Hogarth Press, 1973).
- 32) See note 23, Fox, *Biosocial Anthropology*, 85.
- 33) *Ibid.*, 111.
- 34) A.A. Mazrui, *The Warrior Tradition in Modern Africa* (Leiden: Brill, 1977); also see his *Soldiers and Kinsmen in Uganda* (London: Sage, 1975).
- 35) *Ibid.*, 11.
- 36) *Ibid.*, 12.

- 37) This point is often stressed by social anthropologists and sociologists; see for example Pierre van den Berghe's *The Ethnic Phenomenon* (London: Praeger, 1981).
- 38) For a popular treatment see Desmond Morris and Peter Marsh, *Tribes* (Exeter: Pyramid Books, 1988).
- 39) E. Shils, Primordial, Personal, Sacred and Civil Ties, *British Journal of Sociology* 8 (1957) 130-45; Clifford Geertz, The Integrative Revolution: Primordial Sentiments and Civil Politics in New States, in *Old Societies and New States*, ed. C. Geertz (New York: Free Press, 1963).
- 40) Gil-White argues that ethnic assimilation takes several generations as a rule. He claims that the "birth principle" in the conception of ethnicity is unequivocal. Why else, he asks, would the Jewish people be controversial as an ethnic group? They are controversial precisely, he says, "because religious conversion is sufficient to gain entry into the group", Francisco J. Gil-White, "How thick is blood?", *Ethnic and Racial Studies* 22 (1999) 789-820, at p. 814. Gil-White goes on to argue that "if one cannot complete an ethnic switch [through inter-marriage] for oneself, one may ensure it for one's children by providing them with actual blood ties through inter-marriage" (p. 812).
- 41) Errol A. Henderson, When States Implode: the Correlates of Africa's Civil Wars, *Studies in Comparative International Development* 35 (2000) 1-28.
- 42) Michael Hecter, Group Formation and the Cultural Division of Labor, *American Journal of Sociology* 84 (1978) 293-318.
- 43) This is not the place for a methodological critique of Henderson's statistical protocols. Reader's are referred to Henderson's article and are invited to draw their own conclusions.
- 44) In addition to the studies already cited we can add W. Connor, Eco- or Ethno-Nationalism, *Ethnic and Racial Studies* 17 (1984) 342-359; D.L. Horwitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985). The most impressive primordialist study to date is Shaw and Wong's *Genetic Seeds of Warfare*.
- 45) See Jakkie Cilliers, Resource Wars – a New Type of Insurgency, in *Angola's War Economy*, eds Jakkie Cilliers and Christian Dietrich (Pretoria: Institute for Security Studies, 2000).
- 46) "Pseudo-statehood" is a condition of war. Nation-statehood can be a condition of peace within, but unfortunately it is a condition of war between states. So why do pseudo-states (like Angola) appear on maps published by the US Geographical Society? This is a fundamental question. If they are not really states, why are they recognised as such? The answer begins with an influential theory of what causes war. Armed conflicts begin because no ultimate power can prevent them. The cause of war is "failure to keep the peace" (the reader will be reminded of Kagan's thesis discussed above). This theory, or perhaps it should be called an ideology, has dominated American foreign policy since World War II (Richard Falk has baptised it *The Kissinger Doctrine*, in his What's Wrong with Henry Kissinger's Foreign Policy?, *Alternatives* 1 [1975] 79-100).
- A basic assumption of the doctrine is that the post-World War II international order is more important in determining war or peace than any domestic features of the states that collectively comprise it. As against this conservative Republican doctrine are a host of liberal theories which in spite of their differences all see the conditions of war as subsisting mainly within certain kinds of states. Far from downgrading domestic features and treating all states as identical units these liberal theories assert that certain states cause war because of internal problems which make them prone to melt-down. This doctrine is linked to the claim that war is correlated with domestic repression. The best way to forestall war according to this theory is to liberalise and democratise nation-states. This is another way of saying that conditions of peace must be present if peace is to prevail.
- 47) Immanuel Kant, Perpetual Peace, in *Kant's Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1970).

- 
- 48) David Beatty, Human Rights and the Rules of Law, in *Human Rights and Judicial Review: a Comparative Perspective*, ed. David Beatty (Boston: Nijhoff, 1994).
- 49) See for example Bruce Ackerman, The Rise of World Constitutionalism, *Virginia Law Review* 83 (1997) 771-804.
- 50) Heinz Klug, *Constituting Democracy: Law, Globalism and South Africa's Political Reconstruction* (Cambridge: Cambridge University Press, 2000) 13.
- 51) Margaret Gruter, *Law and the Mind: Biological Origins of Human Behaviour* (Newbury Park, California: Sage Library of Social Research, 1991).
- 52) For an excellent but somewhat dated review see P. Lieberman, *The Biology and Evolution of Language* (Cambridge: Cambridge University Press, 1984).
- 53) Gruter, *Law and the Mind* esp. Chapter One, The Evolution of Law in Ethological Perspective and Chapter Four, Legal Behaviour, Group Order, and the Sense of Justice.
- 54) For an excellent discussion of this aspect of Jung's psychology see Anthony Stevens, *The Two Million-Year-Old Self* (College Station, Texas: Texas A&M University Press, 1993). For a nice selection of Jung's work which treats this aspect of his psychology see C.G. Jung, *Psychological Reflections: a New Anthology of His Writings*, ed. Jolande Jacobi (London: Routledge & Kegan Paul, 1971).

# A Nigerian Case Study

---

Charles Quaker-Dokubu

---

## ABSTRACT

*Many scholars describe various manifestations of the relationship between ethnicity, religion and democracy. Others prescribe institutional remedies to prevent or restrain the violence that sometimes results. None, however, explores the representational practices that bind ethnic, religious and democratic identities to each other across their domestic environment. Nor do they assess how these practices affect the likelihood and magnitude of the communal conflict that sometimes accompanies democratisation. To better expose the power-based nature of identity, the author analyses the nature of the Nigerian state, its skewed federal structure, democratisation and its effect on communal relationships. Nigeria offers a mosaic of sub-national identity groups varying in type (religious and ethnic), size and political-emotional intensity.*

## INTRODUCTION

“Perhaps one of the major causes of the failure of the post-colonial state in Africa has been its gross neglect of its cultural basis. In the urge to create political unity the tendency has been to negate ethnic, regional and cultural diversities rather than recognise them as building blocks in the construction of a civil society. The result has been often a facade of seeming unity at the cost of many unsettled wounds and denied identities. Fatally in the long run, the state project had no meaningful or alternative sources of cultural inspiration to draw on, leaving it in the end without a vision and empty-handed in the face of

impending crisis and disintegration.

‘Official nationalism’... extremely narrowly conceived from the start ... simply ran out of steam” (Dommbos 1991:64).

The worldwide surge in the number and violence of open conflicts revolving around ethnic or religious identities towards the end of the 20th century is a powerful reminder that communal identities are not a remnant of the past, but a potent force in contemporary politics. The all-consuming purpose for “nation building” in post-colonial Africa was always a totalising state-centered project which left a mark on all facets of society. But most African countries remain reluctant to recognise the inevitability of ethnic identities that divide the populations of the overwhelming majority of states. Even a critical study of the divisive forces of ethnicity was often viewed as undermining the process of state formation (Vail 1989:27). The dominant intellectual paradigms did not make things easier. For instance, modernisation theories saw ethnicity as an anachronism that was bound to disappear when faced with the “modernity” of the new nation-states; dependency scholars tended to concentrate on external constraints on the new nation-states; and neo-Marxist theories concentrated on the class structure and often relegated ethnicity to the realm of “false consciousness” (TWQ 1989:6). Even when identity was seriously studied, it was continuously viewed as the unfortunate remnants of a pre-modern Africa or as the accrued legacy of the divide and rule mechanisation of colonial powers. In either case, the underlying assumption is that ethnic identities can and should be made to fade away.



This is not a realistic view point. There is no empirical evidence to suggest that ethnic divisions are losing their importance in any part of the world; on the contrary, ethnic identities and ethnic nationalism have gained strength and even a degree of legitimacy in recent years. Western institutions are promoting the recognition and protection of ethnic differences and the crafting of legislation and government institutions that give expression to such differences without leading to conflict. In the United States (US), recognition of cultural diversity has replaced the ideal of the melting pot, although there is little support at this point for the notion that such recognition might require a reform of political institutions.

African governments remain unwilling to confront the implications of this worldwide surge in manifestations of ethnic nationalism. Such an attitude is particularly dangerous at present because democratisation is under way almost everywhere in Africa. This has made ethnic tensions more acute in many countries by destroying traditional mechanisms that have regulated ethnic relations and kept conflict in check in the past.

As illustrated by Usman (1986:33) and Afigbo (1986:27), this state-centeredness leads to a lack of historicity which can limit our understanding of significant aspects of inter-group relations. Often ignored by the state-centered approach are processes of identity formation that existed in the pre-colonial period which are of continuing relevance to "nation building". The emphasis is instead on universalistic concepts of state and citizenship, with little regard being given to pre-colonial cultures of exclusion which impede the access of castes, women and some linguistic and social groups to full citizenship in the nation-state.

The point, of course, is not to deny the crucial importance of the colonial and post-colonial states in the evolution of ethnic consciousness and ethnicity in Africa, but to draw attention to the practical limitations of the state-centered approach.

While the "nation building" project was going on, along with the rhetoric of "national unity", old patterns of exclusion and domination continued, and new ones were invented. Consequently, the reality of "nation building" was often that some ethnic groups consolidated their grip on state institutions, to the exclusion

of others. The promise of common citizenship remained elusive. The nation building project is partly responsible for the ethnic confrontations and rampant civil wars which have characterised much of the politics of post-colonial Africa.

After three decades of independence, ethnicity is more central than ever to the political process of many African countries, as political openings and multiparty elections have led to the formation of innumerable overtly or covertly ethnic political parties. But this is not a sign that a primitive and tribal Africa continues to reassert itself through the thin veneer of modern institutions. In Africa, as elsewhere, the causes of ethnic conflict have to be sought more in the present than in the past, no matter what imagery or myths are used by the participants to defend their stand and explain their enmities (Golan 1994:127). Because ethnic conflict is rooted in the present, its dynamics and possible solutions are not what they once were. Ethnic politics in the 1990s is not the same as ethnic politics in the 1960s. In this sense there is a new ethnicity in Africa. There is therefore an urgent need to reevaluate attitudes and policies towards cooperation and peaceful coexistence. More emphasis needs to be placed on the possibilities and constraints deriving from the history of African intergroup relations. I hope that such an approach will create a firmer foundation for political communities that will result from the process of democratisation on the African continent, with special reference to Nigeria.

## **1. CONCEPTUAL DISCOURSE**

Minority group conflict constitutes the core of ethnic turbulence and violence worldwide. But in certain cases, defining minorities or even ethnicity is virtually an impossible task. To some, ethnicity refers to a subjective perception of common origins, historical memories, ties and aspirations; ethnic group pertains to organised activities by persons, linked by a consciousness of a special identity, who jointly seek to maximise their corporate political, economic and social interest. Ethnicity, or a sense of peoplehood, has its foundations in the collective or shared memories of past experiences and in common inspiration, values, norms and expectations. The validity of these beliefs and remembrances is of less significance to an

overarching sense of affinity than is their ability to symbolise a people's closeness to one another. Ethnicity as a subjective basis for collective consciousness gains relevance to the political process when it spurs group formation and underpins political organisation. In its capacity to stimulate awareness and a sense of belonging among members of a group, the psychological dimension of ethnicity complements and buttresses the political dimension of interest-oriented social action. A sense of peoplehood may be instrumental to group formation and participation in the political process, but initiatives on the part of leaders remain indispensable to the promotion and defence of group interests.

In a definition that adequately encapsulates the critical, numerical and relational properties of the concept, Thornberry describes minorities as groups that:

“... are numerically inferior to the rest of the population of a state, in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics differing from the rest of the population, and who have, if only implicitly, a sense of solidarity directed towards preserving their culture (resources), tradition, religion or language” (Thornberry 1980:257).

Thus, in this paper, minorities are considered to be culturally distinctive and relatively cohesive groups which occupy positions of numerical inferiority and actual or potential socio-political subordination *vis-à-vis* other cultural sections in a political community.

Depending on their objectives, socio-economic conditions, and/or political aspirations minorities may be classified or cross-classified into five groups, namely ethno-nationalists, indigenous peoples, ethno-classes, militant or politicised sects and communal contenders (Gurr 1993:17).

- *Ethno-nationalists* are historically autonomous, and often large and regionally concentrated groups that are committed to achieving or regaining independent statehood. Examples include the Quebecois (Canada), the Kurds (Iraq and Iran) and the Basques (Spain and France).
- *Indigenous peoples* are politically conquered, culturally isolated, ecologically endangered and/or economically vulnerable descendants of the original inhabitants of a region. Native

Americans, Australian Aborigines and the ethno-nationalistic Kurds are examples of indigenous peoples.

- *Ethno-classes* are usually descendants of slaves or immigrants who play distinct, and socially inferior or politically vulnerable, economic roles. Examples of ethno-classes include blacks in America and Britain, Koreans in Japan, the Chinese in Malaysia and the residual European and Asian minorities in Eastern and Southern Africa.
- *Militant or politicised sects* are minority communities that are engaged primarily in the defence of their religious beliefs. Such communities include Bosnian Muslims of the former Yugoslavia, Arabs in Israel, the Catholic nationalists in Northern Ireland and the Kashmiris and Sikhs in India.
- *Communal contenders* are culturally distinct groups in heterogeneous societies in which no single group constitutes a demographic majority of the populations or in which all groups are, strictly speaking, minorities.

In societies dominated by communal contenders, there is a general acceptance of the moral equivalence of all groups. All communities seek or hold a significant share in state power, and political power at the centre is based on fluid or unstable inter-ethnic coalitions. Most African countries, including Nigeria, are dominated by communal contenders. What are the sources of the recent ethnic minority upheavals in Nigeria and other deeply divided societies?

In the first place, recent trends in global politics have contributed directly to the primacy, escalation, proliferation, diffusion or contagion of communal and ethnic nationality conflicts. In the words of one observer:

“The collapse of communism, the ensuing upsurge of nationalist conflict in Eastern Europe, and the increasing visibility of recession in the West, have given a new and urgent focus to problems of race, nation and identity” (Szetfel 1994:185).

Second, the centralising project of state consolidation or nation building in many plural societies has almost inevitably involved the cultural devolution, political repression and/or economic expropriation of the more vulnerable geo-ethnic segments of the political communities. For instance, since 1983, Nigeria has had a succession of northern military leaders –

Mohammadu Buhari (1983–1985); Ibrahim Babangida (1985–1993); Sani Abacha (1993–1998); and Abdulsalami Abubakar (1998–1999). Because the Nigerian state controls access to the nation's disposable wealth in the form of revenue from petroleum production, the fusion of military and northern hegemony has provoked resentment in southern Nigeria towards a system of governance widely viewed as biased, exploitative and repressive. In April 1990, during an attempted military coup, junior officers put forward the radical proposal that five northern states dominated by Islamists and traditional forces, should simply be excised from the federation. Since 1993, the sentiment that Nigeria should not continue to exist as one entity is no longer regarded as an extremist position, but one that has increasing appeal to southerners.

Rotimi Suberu refers to growing southern paranoia regarding northern political domination reflected in continuing public debate on the revamping of the federation in which regret is openly expressed about the 1914 amalgamation (Suberu 1997:119). In Nigeria, for instance, the entire project of national politico-economic development has, since the 1970s, been based on the massive transfer of revenue derived from a few oil-rich, but ecologically endangered, communities to the federal government. In a global, moral and intellectual milieu that has become very sensitive to abuses of group and individual rights and other excesses of centralised states, such centrist state building strategies and processes have invariably provoked both domestic communal rebellion and international strictures (Wunsch & Olowu 1990:219).

Third, in culturally fragmented communities, group identity exerts a powerful and autonomous emotional, psychological or consummatory role. In the words of Donald Horowitz (1993:23): "Ethnic affiliations provide a sense of trust, certainty, reciprocal help and protection." In all deeply divided societies, such ethnic affiliations have naturally acquired greater salience and attraction as groups have increasingly found it necessary to mobilise against historic and contemporary inequities and injustices.

Fourth, in most developing countries of the Third World, ethnic grievances have been ignited by competition for and by real or perceived

discrimination in the allocation of scarce resources. As Robert Bates has stated, resource competition in Africa animates or exacerbates ethnic conflict because ethno-territorial constituencies or areas are the key prospective beneficiaries of state allocation decisions. This is because sectionally based local or regional administration constitutes an important agency for the distribution of economic benefits, and because rival elites find it expedient to mobilise ethnic solidarities in their competition for power and privilege (Bates 1983:219).

## **2. HISTORICAL OVERVIEW**

The colonial state project in Nigeria has been aptly described as the making of a disaster. By all indications, the British did not have a state building project beyond the necessity of establishing dominion over a territory which would necessarily be a political entity. There was no strategy for political integration or political development. They understood the social cleavages of Nigeria and exploited it to rule. They were not interested in making Nigeria an economy, and they were ambivalent about making it a country. Eventually they drifted into wanting it to be a country, but without paying heed to the requirements for its survival and viability (Arnold 1973:306).

British colonial policies were not only deepening and institutionalising social cleavages but also politicising them in a manner that induced antagonism. By 1914, the North–South cleavage was so deep that the decision by Lord Lugard to amalgamate the two protectorates into a single political entity was generally regarded as a serious mistake even among British officials. Some of them insisted that on the very day when Nigeria came into being, it was clearly a lost cause:

"The fundamental Nigerian crisis can best be dated from 1914. With greater forethought or imagination, the crisis might have been averted in 1885 or 1900, but after the decision of 1914 it became inevitable. Once the colonial office approved the philosophy of Lugard rather than that of his critics – Bell, Temple, and Moret who proposed small units – British administrative policies inevitably resulted in an ossification of regional separation. Growth of a common political consciousness could only have been achieved through lowering the

barriers between ethnic groups” (Green 1970:112).

A programme of social engineering to break down barriers, build bridges across regions and nationalities and reduce tension might have averted the looming catastrophe. But this did not happen. On the contrary, the separate treatment of North and South continued with minor modifications, such as the removal of frontier controls. For instance, there was no Northern representation in the legislative council which had four elected and seven to 10 appointed Africans until 1946 when the Richards Constitution was promulgated.

It was not until 1949 that Britain formally consulted Nigerians on rulership in the preparation for review of the unpopular Richards Constitution. Unfortunately, this could not avert Nigeria’s demise.

The march to independence continued but in increasing tension and obsessive fear among elites about the implication of losing out in the contest for power. The politics of the decades before independence, 1950–1960, is best described as the politics of anxiety – anxiety about not being in control and about being subjected to arbitrary power. Henceforth, every issue, every event that had anything to do with the distribution of power, be it taxation, the allocation of resources, census figures, or the separation of power, was bitterly contested in an unrelenting Hobbesian struggle. Violent conflict did not always break out in each instance, but it did so frequently enough and with varying ferocity and it was always endemic.

In October 1960, however, Nigeria became independent with a federal system, designed by the colonial rulers, which from the beginning was at variance with the needs and aspirations of many of the minorities in the country. The federal constitution that was drafted suffered from two fundamental and destabilising flaws. The first was the division of the country into three unequal regions, with the population and size of the northern region alone exceeding that of the two southern regions put together. The second flaw involved the political and demographic domination of northern, western and eastern regions by the Hausa-Fulani, Yoruba and Igbo majority nationalities respectively, and the attendant marginalisation of the over 200 ethnic minorities that comprise approxi-

mately one-third of the population of each region (Okpu 1977:128).

In essence, the flawed tripartite federal structure transformed the country’s multi-polar ethnic configuration – in which no single group constitutes a majority of the total national population – into a regional and ethnically skewed system, in which the regions were polarised into majority and minority ethnic blocs, while one region was big enough to dominate the federation. Although a commission was set up by the colonial administration to look into the fears of the minorities, and to proffer means of allaying such fears, its outcome was disappointing because many had hoped that it would recommend breaking up Nigeria into smaller states. Far from allaying the fears, the commission increased them. Although the minority populated mid-western region was carved out from the Yoruba West in 1963, the political aspirations of Nigeria’s minorities for the security of their own regions or states were not given any real attention until the collapse of the First Republic in January 1966.

The first 13 years of military rule that followed the demise of the First Republic featured several historic and dramatic changes in the nature of majority-minority relations. First, the suspension of civil democratic rule led to the ascendancy of a military-bureaucratic alliance in which ethnic minority elements were disproportionately represented. With the counter coup of 29 July 1966, the reins of power fell directly into the hands of Yakubu Gowon, an officer from the Angas tribe, an ethnic minority in the Middle Belt region of Nigeria, who relied heavily for political direction and policy advice on a group of versatile southern ethnic minority bureaucrats in the federal civil service, among whom were Allison Ayida, P.C. Asiodu and Eme Ebong. Furthermore, Gowon’s decision to divide the country into 12 states in May 1967 dramatically altered the configuration of the federal structure and the nature of minority-majority relations. By giving relative satisfaction to the long-standing ethnic minority demands for new states, Gowon’s 12-state structure not only overturned the structural hegemony of the North, but also liberated many minority communities from the regional stranglehold of the majority groups and undermined local ethnic minority for the secessionist bid of the eastern region (Suberu 1991:499-522).

In addition, the phenomenal expansion during the early 1970s in the volume and prices of Nigeria's crude oil led to a fundamental geopolitical shift in the economic foundations of the Nigerian state. Henceforth, the pivot of the Nigerian political economy would cease to revolve around the agricultural exports of the ethnic-majority sections. Rather, petroleum export revenue derived disproportionately from the southern minority states of Rivers, Bayelsa, Delta, Edo, Cross River and Akwa Ibom had become the linchpin of Nigeria's economy. This ethno-regional shift in the political economy of the Nigerian federation appeared to present the prospect of a more visible role for the ethnic minorities in the politics of the country.

However, post-civil war reforms in revenue allocation, and in the federal-state structure, operated largely to undermine ethnic minority interests, thereby reflecting the unitarist and centralising project of military rule. Both the Gowon Administration (1966–1975) and the Murtala Muhammed-Obasanjo Government (1975–1979) progressively de-emphasised the long standing principle of allocation by regional derivation in the distribution of centrally collected revenues. Instead, these revenues were distributed on the basis of population and inter-state equality of states. Consequently, whereas the old regions were the primary beneficiaries of commodity export revenues in the 1950s and 1960s, the new oil rich states were denied the export revenues derived from their territories by the centre. For instance, while in March 1969 50% of both off-shore and on-shore mining rents and royalties were allocated to the states from which they had been derived, by March 1979 only 20% of on-shore mining rents and royalties were allocated on a derivation basis. Indeed, in the first final six months of the first Obasanjo Government, the derivation principle was expunged from Nigeria's revenue sharing system in line with the recommendation of the Professor Ojetunji Abayode Technical Committee on Revenue Allocation.

The state reorganisation exercise implemented by the Muhammed-Obasanjo Administration in April 1976 further underscored the growing subordination of ethnic minority to majority interest in the post-civil war period. While Gowon's 12-state structure had included at least six ethnic minority states, the new 19-state structure consisted of a total of 12 ethnic major-

ity-dominated states and only seven minority-controlled states. Indeed, key ethnic minority-dominated statehood requests for New Cross River State, Port Harcourt and New Kaduna (Zaria) were overlooked in the 1976 exercise, while some of the homogeneous ethnic majority states were fragmented into two or more states. This bias in the state creation process underscored the growing official perception of state administrations primarily as avenues for administrative devolution and resource distribution to broad population groups, rather than simply an instrument of ethnic minority autonomy and security.

The return to civil rule in 1979 did little to enhance the fortunes of ethnic minority communities. To be sure ethnic minorities did in a sense marginally benefit from:

- the establishment of an American-style presidential system, which required the president to obtain appreciable electoral support in at least two-thirds of the states in the federation
- the introduction of the "federal character" principles, which required broad ethnic or inter-state representation in the composition of key national bodies
- the strategic role that was played by ethnic minority constituencies in the electoral victories of the then ruling National Party of Nigeria (NPN)
- the commitment of the Shehu Shagari Federal Administration to the partial restoration of the derivation principle in national revenue sharing (Suberu 1992:29-56).

During the Second Republic, however, several countervailing factors worked to abort the effective advancement of ethnic minority interests. These included the NPN's ethno-regionalist zoning policy (which largely reinforced the traditional predominance of the three major ethnic groups), the centrist revenue-sharing policy which prescribed revenue-sharing conflicts between the Federal Government and the oil-rich opposition-controlled then Bendel State, the political fragmentation of the minorities, and the abrupt termination of the life of the Second Republic at the end of 1983.

Developments since the reintroduction of military rule in 1983 and the emergence of a democratic administration in 1998 had only aggravated the stress of Nigeria's minorities. Contributing to this distress are such factors as numerous arbitrary acts of ethnic provocation

and religious partiality by all the administrations; the deepening economic crisis and declining political legitimacy of the Nigerian state; the repeated manipulation and eventual abortion of the programme of transition to the Third Democratic Nigerian Republic; the accumulated impacts of previous decades of ethnic minority marginalisation; and the resurgence of ethnic nationalism in many parts of the world. In very few states of the Nigerian federation have these latest upsurges of ethnic minority and religious discontent been more visible and volatile than in the Niger Delta and among the Christians of Southern Zaria.

### 3. NIGERIA'S FOURTH REPUBLIC AND THE RESURGENCE OF ETHNIC AND RELIGIOUS CONFLICTS

“The global triumph of democracy was to be the glorious climax of the American century. But democracy may not be the system that will best serve the world – or even the one that will prevail in places that now consider themselves as bastions of freedom” (Kaplan:1997:1).

Pent-up anger and frustration clamped down by years of repressive military rule once again found outlets as Nigeria's Fourth Republic got on track.

There is nothing new about communal conflicts in Nigeria. The country's diverse groups have always lived somewhat uneasily together, and there have been terrible outbreaks of violence in the past. Although the current tension does not remotely compare, for instance, with the situation in 1966, when ethnic programs sparked off the Nigerian civil war. The recent upsurge in violence, coming so early in President Olusegun Obasanjo's tenure, has provided a gruelling test of his government's ability to assert its authority, whilst not being seen to be favouring one group over another.

Thus, in this section an attempt will be made to critically analyse some of the communal conflicts that have erupted in the first year of the Obasanjo Administration.

#### 3.1 The Niger Delta problem

In November 1999, almost four years to the day the late General Abacha stunned the world by hanging nine Ogoni activists of the oil-rich Niger Delta, President Obasanjo dispatched two battalions of the army to pacify an increasingly

restive part of the region. For long, the communities of the Niger Delta have had serious grievances which have not been well addressed. Foremost is that although the bulk of crude oil, the country's main source of revenue, is derived from their lands, they belong to the ranks of the most backward, under-developed and politically marginalised groups in the country. They accuse the major ethnic groups of using oil wealth to develop their areas at the expense of the area from which oil is derived. Furthermore, oil exploration and the hazards of spillage and gas flaring which accompany it has degraded their environment, and left their communities desolate. Not only have farming and fishing – the main occupation of the mostly riverine minorities – been decimated, their territories have continuously lacked basic infrastructure and amenities – electricity, roads, schools, hospitals, potable water and so on. These grievances have been directed against both the state and the oil companies which have been accused of contributing too little in return for the huge profit they make from oil exploration.

Put precisely, the grievances and demands of the Niger Delta have involved four closely interrelated, but analytically distinct, issues. First, these communities contend that mineral land rents, and perhaps oil royalties, should rightly and naturally belong to the community or state of derivation. Second, the Niger Delta communities are of the opinion that a significant proportion of federally collected mineral revenues, including the lucrative petroleum profit tax, should be returned to the communities of the Niger Delta in consonance with the principles of derivation. Third, the Niger Delta communities contend that appropriate institutional and financial agreement should be put in place by the Nigerian state and oil multinationals to compensate their communities for the developmental and ecological problems associated with mineral exploration and exploitation.

President Obasanjo took office proclaiming his understanding of the plight of the excluded minorities and his commitments to redress what he called the “criminal neglect” of the Niger Delta. He went forward and secured the National Assembly's approval for the creation of the Niger Delta Development Commission through which billions of Naira would be channelled to the region.

But having heard promises of sorts before, without any concrete change in the plight of the communities and the Nigerian state, gangs of militias seemingly emboldened by the President's soft approach, stepped up the level of violence instead. Ransom demands for kidnapped expatriate oil workers, seizure of exploration platforms and the disruption of drilling activities have become common place.

To worsen matters, security reports claimed that some of the violence was instigated by entire communities, who provided supplies to the gangs and gave sanctuary to offenders on the run from the law.

But what brought matters to a head was the murder of 12 policemen by elements officially described as "Ijaw Youths". When Obasanjo sent two battalions of the army to pacify the area in the market town of Odi, in Bayelsa State, an encounter took place that would remain indelible in the annals of Nigerian history.

By the time the troops had accomplished their pacifying assignment, Odi was laid to waste. For days, the bloated remains of men, women and children floated grimly in the swamps and the pathetic sightings of the severely wounded abounded everywhere in the marshes. Many people were arrested as far away as Port Harcourt, the River State capital, but the arrest has not stopped the unrest, as the people of the Niger Delta still demand economic restitution and ecological rehabilitation.

These concerns were observed during General Abacha's rule when opposition to his administration focused on his person and growing ethnic tensions in the Niger Delta. The arrival of civil rule was thought to be a panacea, especially when President Obasanjo said all the right things.

Until recently the law took the brunt of the blame for the slide towards anarchic ethnic assertiveness. They have found more enemies and more battleground, for instance, with the Ilaje Yoruba in Ondo State. In more recent times also, they have taken on the armed gangs of the O'odua People's Congress (OPC), an organisation dedicated to the defence of the Yoruba homeland in the south-western areas of Nigeria.

### **3.2 The O'odua People's Congress (OPC)**

The origin of OPC can be traced to the phe-

nomenon known as "area boys." These free-lance thugs had operated mostly around the commercial areas of Lagos Island. They were born and bred in the "pressure cooker" slums and overcrowded accommodation of central Lagos, the ancestral home of the indigenous Yoruba population.

Although proud of their ties to the city, they resent their existence as they are forced to eke out a living in the shadow of the high-rise modern commercial buildings that dominate the skyline. Down the road is the salubrious Ikoyi Island neighbourhood with its pristine colonial architecture and large gardens from which they are excluded. Also adjacent are the posh homes on Victoria Island crowded with foreigners and non-Yoruba Nigerians. Although their resentments can be traced to inner-city deprivations, "area boys" have served as "foot soldiers" for the wider cause of ethnic assertiveness.

OPC was formed in 1995 as an underground movement trained in preparation for armed resistance against the Abacha regime. It made its first public outing on 14 December 1995 at the All Politicians Meeting (APM) in Lagos, where its banner and handbills exhorted the Yorubas to take their destiny into their own hands.

Its high profile is derived from the fact that its power base is in Lagos, the Nigerian business capital and by far the country's most ethnically integrated cosmopolitan city. The organisation's main objective is ethnic jingoism, if not outright "ethnic cleansing." This has been the mood of the growing number of disaffected youths flocking to join it. Its terrorist gangs brazenly decided to create "no-go" areas in the suburbs of greater Lagos, beyond the reach of the underpaid and undermanned police. The targets of their bullying are frequently non-Yorubas, confirming their ethnic assertiveness.

In December, an armed gang, later identified as members of the OPC by police, engaged the security convoy protecting the Lagos State Governor, Chief Bola Tinubu, in a fierce gun battle in the small hours of the morning. A number of people, including a policeman, were shot dead.

OPC militants continue to raise the stakes at will. A faction, the O'odua Liberation Movement, felt sufficiently emboldened to issue an ultimatum to an independent radio station based in Lagos but heard widely in Nigeria and neighbouring countries, Ray Power

100.5FM The station was instructed to cease relaying the BBC Hausa language programme.

The OPC phenomenon has become one of the most urgent ethnicity questions to challenge Nigeria's nascent democracy. There is today a widespread, though unsubstantiated, accusation that the President is tacitly condoning the activities of his Yoruba kinsmen. One reason for this is the activities of certain prominent Yoruba leaders in publicly mediating between the warring OPC factions. This has aroused suspicion that there is more to the organisation than mere rabble.

The President's critics point to what they allege is a reluctance to deal with the OPC menace with the same ruthlessness he authorised in Odi, Rivers State.

Supporters of the President can point to his National Day Broadcast of 1 October 1999, when he condemned ethnic militias in strong language and threatened government action to eradicate them. But that was before Odi.

Then again, Obasanjo's accusers may also be reminded of his "shoot-on-sight" order to quell violent clashes between OPC cadres and Hausa traders that led to several deaths at the sprawling Mile 12 Market in a suburb of Lagos.

Yet, as valid as these examples of Obasanjo's toughness may be, many Nigerians were outraged when it was reported that one of Obasanjo's most favoured ministers, Bola Ige – the unabashedly ardent Yoruba nationalist and former governor of Oyo State – had attended a meeting seeking to reconcile the two factions of OPC militia, although the government in which he is serving as Minister of Justice has categorically described the OPC as an illegal ethnic army. These developments surrounding the OPC's ascendancy as an overt ethnic militia and the behind-the-scenes manoeuvrings by the Yoruba elites have consequently changed the equations in the widening resort to ethnic militancy in Nigeria.

The Hausas and Igbos have taken steps to counter the OPC in the face of what they believe is official tolerance of the Yoruba militia. The formation of the Arewa People's Congress (APC) by certain influential elements from Northern Nigeria is a direct consequence of that suspicion.

### **3.3 The Arewa People's Congress**

The APC preceded the formation of the

Northern People's Congress, the brainchild of Sir Ahmadu Bello, the Sarduna of Sokoto, arguably the most powerful politician in the First Republic who preached a "policy of North for Northerners".

At a press conference in Kano, the group's Director of Publicity, Research and Documentation, Asap Zadok, listed the double standard by the federal government which he alleged was encouraging OPC violence against other Nigerians, especially those from the north. The APC was formed in response to the unacceptable and violent activities of the OPC against northerners.

He warned that, henceforth, the APC will respond promptly and appropriately to any attack on a Northerner by the OPC in the country. The spokesman's views were amplified in a mission statement emphasising that the APC would respond "punitively" against any OPC action within 24 hours.

Amongst those supporting the APC are such people as its pro-tem chairman, Sagir Mohammed, a former military intelligence officer. He is said to be closely associated with retired Brigadier-General Halilu Akilu, the urbane and influential intelligence chief in the regime of former President Ibrahim Babangida.

Mutual suspicion is rife. Only last October Zadok claimed publicly that Lt. General Aliyu Mohammed Gusau, President Obasanjo's National Security Adviser, is his mentor and godfather.

### **3.4 Movement for the actualisation of the sovereign state of Biafra**

For years the strategy preferred by most Igbos was to feign innocence and go about their commercial activities. The once militant and very parochial Igbos have long grumbled that they are "marginalised" but they have borne this with fortitude.

The OPC's attacks in Lagos, where they have a highly visible profile as traders, as well as the fall-out from the religious zeal rearing itself in parts of the north, from which the mostly Christian Igbos fear they will be losers, have changed all that. A subtle indication of the fragile regard in which Igbos hold Nigerian unity has surfaced in the pattern of their voting in the Presidential elections. They voted for Olusegun Obasanjo overwhelmingly in the presidential election. It is now clear that they did so to



hedge their bet, having accurately judged that they were merely putting their money on a winning horse. Otherwise, this is not a romance in which all had been forgotten and forgiven. Memories of the civil war still rankle but many Igbos have always believed that their fellow Nigerians continue to want them to be seen and not heard. In particular, the Igbos have never really warmed up to the Yorubas. Today, the swagger of the OPC, which has put the Igbos in Lagos in fear for their lives, goes beyond ethnic jingoism, it is to the Igbos almost like claims of ethnic superiority.

A group calling itself the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), led by one Chief Ralph Uwazurike, has come forward to compete for attention.

Most Igbo leaders have refused to publicly associate with the sentiments and agenda of the group. But they have not come out openly to condemn them either.

Former Biafran rebel leader, Chief Chukwuemeka Odumegwu Ojukwu, in a recent interview said: "I don't see any reason today for Igbos not remaining in Nigeria, but I don't know about tomorrow." At a recent convention organised by the youths in Enugu, Ojukwu told a cheering crowd of fired-up Igbos that there was nothing wrong with sitting down to renegotiate Nigeria at a Sovereign National Conference, which has become a recurrent talking point among those proposing a "restructuring of Nigeria."

In the run-up to Christmas in 1999, "Ohaneze Ndi Igbo" – a pan Igbo cultural group – published a 100-page document it had submitted to the federal government through the Justice Oputa Panel on Human Rights.

Ohaneze demanded \$8.7 billion reparation for the Igbo people for the violations of human and civil rights of the Igbo people in the Federation of Nigeria between 1966 and 1999.

The document detailed cases of abuses allegedly meted out to the Igbo people individually and as a group in the course of the 33 years and warned against further marginalisation of Igbo people. Continued injustice against them, it said, will resolve itself automatically in the fullness of time but not without untold bloodshed and social disruption. Ominously, it drew attention to "such lessons of history" as Yugoslavia, Somalia, Sudan and Burundi which "are today paying dearly with the blood

of their citizens". No person would dismiss the document out of hand. It was signed by some of the best and brightest among the Igbo leadership, including former Vice President, Alex Ekwueme, Prof. B.O. Nwabueze and industrialist and newspaper owner, Chief Emmanuel Iwuanyanwu.

However, since the structure of cleavages in Nigeria is not just ethnic, but also religious and economic, an explanatory analysis of the vigorous clamour for restructuring of the federal system appropriately and relevantly directs attention to the issue of imbalance in the resource endowment of the various parts of the country. What recently has profoundly escalated the potency of religion as a politically divisive factor in Nigerian politics is the adoption of *Sharia* as a state religion in a number of states concentrated in the northern parts of the country.

### **3.5 *Sharia* law and violence**

On Monday 21 February 2000, the northern city of Kaduna in Nigeria was overtaken by violence and killing that has not been experienced within the country since the prelude to the civil war in 1967.

The event that culminated in large-scale carnage started late in 1998 with the decision of the Kaduna State House of Assembly to inaugurate a committee that would examine the possibility of adopting the *Sharia* Islamic law in the state to synchronise with its adoption by some northern states. The decision to adopt was taken in spite of the fact that Kaduna State, with a population of about four million people, is almost equally divided between Christians and Moslems and also bearing in mind that Kaduna State constitutes a "geo-political fault-line" between the two major religions in Nigeria with a history of serious sectarian violence.

The decision of the Kaduna State House of Assembly expectedly received the support of the Muslims in the state which was expressed through the staging of pro-*Sharia* rallies within the city. When the Christian Association of Nigeria (CAN) decided to hold a peaceful counter protest to the planned introduction of the *Sharia* on 21 February, Moslem groups intervened in an attempt to disrupt it. The clash between the two groups rapidly escalated into violence that eventually led to the loss of over a thousand lives and the wanton destruction of property.

The severity of the Kaduna violence triggered off a chain reaction of counter-violence in other parts of the country by members of ethnic groups that had experienced severe loss of lives in Kaduna. One of the first places to experience such reprisals against its Muslim community was the town of Kachia, some 50 km to the south of Kaduna.

Possessing a population of predominantly Christian ethnic minorities who have been consigned to the margins of political activities in Kaduna State, the reprisals in Kachia were overwhelmingly vehement. On 21 February, the day after the upheavals in Kaduna, 90 people (mostly Muslims) were killed and virtually all the property of Muslims living in the town was destroyed.

Violence also rapidly spread to the Igbo townships of Aba and Owerri in eastern Nigeria. In angry response to the Igbos who had been killed in Kaduna, youths in Aba and Owerri on 29 February went on a rampage. Mosques were razed to the ground and property of Muslims destroyed. Estimates put the death toll at 60 in Aba. Indeed, the extent and severity of violence that erupted as a consequence of the Kaduna crisis has introduced a severe rift between the Christians and the predominantly northern Muslim communities in Nigeria (Dokubo 2000:93).

In March, the pendulum of sectarian violence swung back to northern Nigeria once again. In the northern city of Sokoto, students of the Usman Dan Fodio University, in evident defiance of the spread of anti-*Sharia* sentiments across the country, organised demonstrations on 7 March which eventually became violent and resulted in the loss of at least one life. Even greater violence occurred in the north-eastern town of Domboa when, on 30 March, some Muslim youths who were incensed by the construction of a church in the town attacked and destroyed the building. The resistance that was put up by some Christians in their attempt to prevent the destruction snowballed into fighting between Christians and Muslims that eventually consumed 20 lives and compelled thousands to flee the town in search of safety.

#### 4. CONTROVERSY

The origin of the violence surrounding the issues of *Sharia* can be traced to a campaign promise made by the Zamfara State Governor,

Ahmed Sani, that when elected, his government would “give the people the opportunity to practice their religion” which would be facilitated by the introduction of *Sharia* law. He argued that he was simply following the will of the vast majority of Muslims in Zamfara State who according to him were disillusioned with the rampant corruption of military misrule and frightened by the rising crime rate. The government also promised that in the course of implementing *Sharia* law the rights of Christian minorities and non-Muslims would be fully protected.

The build-up to the eventual announcement by the Zamfara State Governor led to heated debates across the country over the legality or otherwise of the act within the framework of the Nigerian Constitution. The proponents of the introduction of *Sharia* hinged their position around four main arguments. The first is that the introduction of *Sharia* was the outcome of a campaign promise made by the Governor of Zamfara State, which he was beholden to fulfil. The second was that most states in northern Nigeria possess a majority of Muslims who deserved to live according to the dictates of their religion. Third, they argued that the provision of the 1999 Constitution upholds the freedom of religious worship. Lastly, the extremist proponents of the Koran argue that *Sharia* is fundamentally God’s Law and, as such, is superior and takes precedence over any type of law that has been codified by man, and therefore should not even be the subject of debate.

The opponents of *Sharia*, on the other hand, argue that the Nigerian Constitution already recognises *Sharia* law because it makes up a substantial body of the country’s customary law. It would therefore be illegal and unconstitutional to elevate the *Sharia* to the status of state law.

Second, they argue that tenets of the *Sharia*, to the extent that it is recognised by the Constitution, should be voluntarily submitted to, even by Muslims, and not be imposed. Third, the imposition of *Sharia* law, with its prescriptions of “cruel and unusual punishments” such as the amputation of limbs and public flogging, is seen as a violation of fundamental human rights of both Muslims and non-Muslims who are subjected to it, and also required to alter their ways of life in order to accommodate *Sharia*. Lastly, opponents of the

*Sharia* argue that Nigeria is a secular state thereby precluding the adoption of a state religion by any of the component states of the Nigerian federation.

## **5. THE GOVERNMENT RESPONSE**

The decision by the Zamfara Government to fully implement *Sharia* law has aggravated the already existing mistrust and suspicion between the two major religions and has placed the survival of the nations on a knives-edge. The Obasanjo Administration's stance on the issue of *Sharia* has also not helped matters. When the Governor of Zamfara State first announced his intention to introduce *Sharia*, President Obasanjo failed to treat the matter seriously believing that it would "fizzle out". After subsequent events, the Attorney-General of the Federation said that although *Sharia* had been unconstitutionally introduced in Zamfara State, the federal government lacked the *locus standi* to initiate court action against the state government. Only individuals whose rights had been violated by *Sharia* law, he contended, could exercise that legal option.

On 29 February, however, President Obasanjo took the initiative of convening a meeting of the National Council of States where he and the governors of Nigeria's 36 states discussed the crisis. The meeting reportedly resulted in a "consensus" by the northern governors to suspend the full implementation of *Sharia* until legislative debates could determine whether *Sharia* law was consistent with the Nigerian Constitution or not. While Christians in the north and south welcomed this "new consensus", prominent Islamic leaders such as former military ruler, Muhammadu Buhari and former President Shehu Shagari, immediately expressed their reservations about the outcome of the Council of States meeting. This was followed by the renunciation of the decision to suspend the *Sharia* by most of the northern governors who attended the meeting and were a party to the agreement.

Despite opposition to the implementation of *Sharia* law by Nigeria's Christians, and the tension and conflicts that have arisen as a consequence of its attempted implementation in some states, the northern governors have expressed their uncompromising resolve to implement *Sharia* to the letter. In the words of Governor Ahmed Sani: "There is no going back. The

process has been laid. The process is not my personal opinion, it is a resolve of the people."

Regardless of the resolve with which it is implemented by the northern governors or the intensity of opposition that is mounted against it, the fact is that it poses a very serious danger not only to Nigeria's federalism, but also to her fledgling democracy. The very issue and demands that have been thrown up by the crisis attests to this. Vocal individuals and groups have accused Obasanjo of not having displayed sufficient political will and decisiveness in handling the crisis. The call for a redefinition of the power relations between the centre and the states are increasing. Within Kaduna State itself, the predominantly Christian indigenes of the southern part of the state have intensified their agitation for a redemarcation of the boundaries of the state in order to separate them from the Muslims in the northern part. The mainly Christian inhabitants of Nigeria's middle belt states have, through public pronouncements, renounced further political and symbolic identification with the North. Governors from the eastern and southern states coalesced into blocs demanding the adoption of confederalism. Civil society and the political party, Alliance for Democracy, which controls all of the south-western states, continued with their call for a national conference to discuss Nigeria's major political, economic and social problems.

All these demands have come up against a government which, although democratic in name, seems to be deaf to demands from its population. Given Nigeria's ethnic pluralism, combined with a deep and seemingly unbridgeable Christian-Muslim divide, the *Sharia* and other issues have the potential to destabilise Nigeria's emergent democracy.

The systemic but divisive and destructive impact of the *Sharia* controversy on the trust now invested in the country's existing federal unity is, to say the least, enormous; nevertheless, it is merely tactical. More fundamental and strategic in its consequence is the belief held arguably by political elites from the southern states that there is neither justice nor equity in the benefits and rewards to them in the federal experiment to which they have committed themselves since 1954. Succinctly summarised, their argument or complaint is that since the collapse of the agricultural economy as the

basis of development and the engine of growth and its replacement by crude oil exports, the wealth of the nation has been coming from their states which are responsible for about 95% of the country's foreign exchange earnings.

Regrettably, the Niger Delta region from where the bulk of the crude oil is located and sourced is paradoxically the least developed part of the country. To add insult to injury, this region has suffered marginalisation in the making of decisions on how revenue from their backyard that keeps the nation going is to be spent. Disillusioned by this emerging picture of their cost-benefit analysis of participation in the present form of Nigerian federalism, they cry out loud and clear along with other states in the south-east zone in calling for confederalism as a basis for Nigerian unity.

Equity and justice have become important values and principles that must underpin, and be seen to be underpinning, the operation and management of the Nigerian federal experiment.

## CONCLUSION

The ethnic and religious problems that Nigeria and other African countries experience today must be understood as a modern phenomenon, a product of colonialism and of contemporary political struggles, not a residue from a primitive past. Although usually supported by the mythology of the past, these ethnic and religious conflicts are routed in the present, and they play a major role in modern politics.

Economic development, formal education, and all of the other elements of what used to be called "modernisation" are not going to make ethnicity disappear. But the importance of ethnicity as a political factor waxes and wanes. African countries come to independence at a time when ethnic nationalism was abhorred around the world and when the proclaimed ideal was to overcome such provincial differences. But the power of ethnicity has risen again, beginning with the Soviet successor states and Eastern Europe, and spreading elsewhere. The result is a world in which it is becoming possible both to challenge existing power relations among ethnic groups and to rethink territorial arrangements that put specific populations within current state boundaries.

As they have in the past, the democratic political openings of the post-socialist period

have helped to give ethnicity and nationalism a new importance. Government by the people requires a definition of "the people" and thus raises issues of identity. From a democratic point of view, the answer that "the people" is the haphazard assemblage of human beings corralled into existing international boundaries by non-democratic colonial powers is not satisfactory. Furthermore, democratic elections tend to destroy old arrangements based on raw power or an agreement among elites. They thus have the potential for subverting existing power relations among ethnic groups, causing heightened tension or open conflict.

In this sense there is a new ethnicity in Africa, as there is elsewhere. The challenge for Nigerians, as for the rest of the world, is to accept the inevitability, and indeed the legitimacy, of different ethnic identities and to find ways to manage the conflict that arises, particularly when political movements manipulate these identities for political purposes. Accepting that ethnic identities will not melt away does not, however, mean automatically accepting the inevitable dissolution of existing states. Nevertheless, it is possible that some conflicts cannot be managed within existing state boundaries. Nigerians may eventually have to face the reality that the colonial project that was once condoned by the political elites is no longer acceptable to their populations.

Any increase in the level of popular participation is bound to push the issue of ethnic relations to the fore. Authoritarian systems could more easily repress ethnic tensions, as well as other expressions of discomfort, but open regimes cannot do the same. The problem is complicated in the present transitional stage in many countries, in which governments have lost the power, and often the will, to repress expressions of discomfort, but the institutions that allow these tensions to be expressed through democratic processes are not yet consolidated.

The military rules that contained ethnic conflict in Nigeria for three decades no longer apply in a world of rampant ethnicity, reassertion of cultural pluralism and democratic pressures. Solutions need to be based on the recognition that ethnic identities are not going to disappear and that they are not bad in themselves, as long as they do not become the basis for violent conflict and discrimination.

Finally, Nigeria's democratic government faces a daunting set of challenges and its success or failure will have lasting consequences for the region and the international community. However, finding solutions to Nigeria's grip-

ping problems will require Obasanjo to make hard choices.

Taking positions on volatile issues may not only threaten the fragile coalition of his party, but the existence of the state.

---

## REFERENCES

- AFIGBO, A.E. 1986. Colonial Rule and the Nationalities Question on Eastern Nigeria. Paper presented at the National Seminar on the National Question, Abuja.  
*THE AFRICAN GUARDIAN* 16 September, 1991.
- ARNOLD, G. 1977. *Modern Nigeria*. London: Longman's, p. 306.
- DOKUBO, C. 2000. Democracy and the Emergence of Ethnic Conflict. *The Nigerian Forum*. March-April, p.93.
- DONALD, H. 1993. Democracy in Divided Societies. *Journal of Democracy* 4(4).
- DOOMBOS, M. 1991. Linking the Future to the Past: Ethnicity and Pluralism. *ROAPE* 52.
- GOLAN. 1994. *Inventing Shaka: Using History in the Construction of Zulu Nationalism*. Boulder; Co. Lynne Rienne Publishers.
- GURR, T.R. 1983. *Ministries at Risk: A Global View of Ethno-Political Conflict*. Washington D.C.: Institute of Peace Press.
- KAPLAN, R. 1997. The Democratic Moment. *Atlantic Monthly*, December.
- KRIK GREEN, 1970. *Crisis and Conflict in Nigeria, A Documentary Sourcebook*. Oxford University Press, p.112.
- OGABA, O. 2000. The *Sharia* Controversy. *Nigerian Forum*.
- OKPU, U. 1977. *Ethnic Minority Problems in Nigerian Politics. 1960-1965*, Uppsala, Acta Universitatis Uppsalienses.
- ROBERT, B. *Modernisation, Ethnic Competition and the Rationality of Politics*.
- SUBERU, R. 1991. The struggle for New States in Nigeria. *African Affairs*, 20 (361).
- SUBERU, R. 1992. Problems of Federalism in the Second Nigerian Republic and Prospects for the Future. *Africa (Roma)* 47 (1).
- SZETFEL, M. 1994. Ethnicity and Democratization in South Africa. *Review of African Political Economy*, 60.  
*TELL MAGAZINE*, March 2000.  
*THIS DAY*, February 2000.  
*THE GUARDIAN*, 28 December, 1992.  
*THE GUARDIAN*, 19 February, 2000.  
*THE GUARDIAN*, 20 January, 1994.  
*THE THIRD WORLD QUARTERLY*, 1989. Ethnic Renewal: Perspectives on State and Security.
- THORNBERRY, P. 1980. Minority Rights, Human Rights and International Law. *Ethnic and Racial Studies* 3 (3).
- VIAL, L. (ED.) 1989. *The Creation of Tribalism in Southern Africa*. Berkeley University of California Press.
- USMAN, Y.B. Political Economy and Political Community: The Significance of the Nineteenth Century. Paper presented at the National Seminar on the National Question in Nigeria, Abuja.
- WANSCH, J.S. & OLOWU, D. (EDS.). 1990. *The Failure of the Centralised State: Institution for Self-Government in Africa*. Boulder Co. Westview Press.

# Theocracy and State Reconstruction in the Civil War–Ravaged Sudan: In Pursuit of an Illusive National Consensus

---

*Korwa G. Adar*

---

## **ABSTRACT**

*The author discusses the reconstruction of Sudan into a theocratic state and the impact of this policy on progress towards the achievement of national consensus. The civilian and military administrations in Sudan have consistently pursued policies that embrace Islamic, Sharia laws as the basis for their political survival. The incorporation of Sharia into the Constitution of the Republic reaffirms the government's commitment to restructure Sudan into an Islamic state. The civil war which has plagued Sudan since independence is a reaction against the policies by the marginalised people of Sudan. Even though other Muslims from the north have joined the ranks of the Southern liberation movements against what they consider to be an authoritarian and totalitarian military administration, the Southerners constitute the core of the rebel movement.*

## **INTRODUCTION**

The perpetual conflict which has raged in Sudan since 1955 is a product of interlocking internal centrifugal and centripetal forces. The enduring conflict has pitted Sudanese regimes and liberation movements, all advocating incompatible and uncompromising stances on what should constitute an acceptable and workable resolution to the civil war.

For the marginalised peoples of Sudan, the state has lost its traditional role as the guarantor of security for the citizenry. The centralisation of Islamisation and Arabisation policies within the ambit of the state by the civilian (1956–58; 1964–69; and 1986–89) and the military (1958–64; 1969–85; and 1989–present) admin-

istrations has reinforced mistrust among the belligerents. For their political survival, the Muslim ruling elites have used the state as a source of strength and as the tool for their political survival.

This paper focuses on the reconstruction of Sudan into an Islamic theocratic state by the civilian and military Arabic-speaking Muslim administrations. The two competing conceptions of national consensus – namely, Islamisation-Arabisation and territorial models – are examined in relation to the Muslim ruling elites and the rebel movements. The Northern Muslim ruling elite has persistently emphasised that it is their duty and responsibility to promote a coherent and stable society based on Islamic *Sharia* laws and tradition. The Southern Sudanese, on the other hand, associate national consensus with policies which de-emphasise ethnic dominance and recognise the separation of church and state. Specifically, they advocate the establishment of a constitutional order in which, *inter alia*, liberty, equality and democracy are guaranteed. It needs to be clarified that the term “Northern” is used here to mean the Arabised peoples of the northern part of Sudan who have ruled the country since independence and dominate its economic-political milieu. On the other hand, the term “Southern” is associated with the southern peoples as well as the non-Arabised peoples of Northern Sudan who are marginalised by the Muslim ruling elites in Sudan.

## **1. ISLAMISATION-ARABISATION MODEL VERSUS TERRITORIAL NATIONALISM**

One of the central impediments to peace and

national consensus in Sudan is the Sudan Muslim ruling elite's pursuit of a society modelled on an ethno-religious paradigm. Specifically, for the Sudanese leaders, ethnicity and religion constitute the central determinants for control of the institutions for governance and the economic-political and socio-cultural ways of life. The Arabic-speaking peoples (the Ja'aliyin, Juhayna; Gezirab, Zibaidiya, and the Hawawir Arabs, among others) account for about 40% of 32 million Sudanese. They have used Islam as the centre of control of the state and as a mechanism for the mobilisation of the people of Sudan. Religion and ethnicity have therefore been politicised at variance by the ruling elite (Lesch 1998: 86-87). The adoption of Islamisation and Arabisation policies by the Sudanese leaders is best understood in this context (Adar, 2000/01 and Adar 2000b: 49-50).

The advocates of Islamisation in Sudan focus our attention on the premise that religion, Islam, is coterminous and intertwined with Arabic culture and language (Adar 2000a, Esposito 1991 and Esposito and Voll 1996). The incorporation of Islamic laws, *Sharia*, in the institutional structures for governance in Sudan is legitimate and in conformity with this belief. For example, Article 65 of the 1998 Constitution of Sudan stipulates that the Islamic *Sharia* and the national consent through voting, the Constitution and custom are the sources of law and no law shall be enacted contrary to these sources ... (Sudan 1998: at 65). Thus, the implementation of *Sharia* fulfills the will of God who remains the legislator *writ large*. To put it differently, both the state and *Sharia* are inseparable. It is in this context that the Sudanese administrations have incorporated Islamisation and Arabisation programmes. Any leadership that deviates from this norm is bound to failure. President Gaafar al Numeiri's *volte face* from his 1969 Socialist Revolution to Islamic Revolution in 1983 can be understood in this context (Adar 2000a: 215-216).

Sudanese leaders draw attention to what they consider to be a clear linkage and correlation between Islamic laws, *Sharia*, and Arabic culture and language. Specifically, *Sharia* becomes the nerve centre that controls and regulates the socio-economic and political policies promoted by the Muslim ruling elite. It becomes imperative, in their view, for non-Moslems to be assimilated in the Arabic cul-

ture. Thus, Arabisation – that is, the policy of assimilation and integration of non-Moslems and non-Arabs into the Arabic culture – becomes a *sine qua non* condition of leadership in Sudan. Arabisation and Islamisation doctrines are viewed by non-Moslems and non-Arabic-speaking Sudanese as discriminatory and exclusive. Article 3 of the Constitution provides that “Arabic is the official language in the Republic of Sudan. The State permits the development of local languages and other international languages” (Sudan 1998: at 3). In other words, the other languages in Sudan are subordinate to Arabic language. Over the years, the attempt by the Sudanese leaders to impose Arabic culture and language on the non-Muslims and non-Arabs has been met with persistent resistance. Instead, marginalised peoples have advocated the establishment of a secular state.

In contrast to the theocratic state pursued by the leaders in Sudan, the marginalised peoples of Southern Sudan and the non-Arabised peoples of Northern Sudan who account for a total of 34% and 26% of the Sudanese population respectively, advocate a territorial model of a nation-state – one that is centred on the legal equality of all peoples irrespective of their ethnicity. The marginalised peoples are advocating the establishment of, *inter alia*, socio-economic and political systems that cut across the complex and diverse ethno-religious spectrum in Sudan. The territorial model encourages a pluralist view of the political system in which zero-sum political gains by the majority ethnic group are discouraged (Smith 1991 and Hannum 1996). Instead, the marginalised peoples stress the need for the establishment of, among other things, a pluralist system in which equality within the law and common interest as opposed to self-interest would constitute the central *modus operandi*. The promotion of a theocratic state by the Arabic-speaking ruling elite is viewed as a hindrance towards the actualisation of a secular state. These differences have led to a perpetual civil war in Sudan and have continued to undermine national consensus.

## **2. THE ZERO-SUM MILITARY OPTION TO NATIONAL CONSENSUS IN SUDAN: THE CIVILIAN AND MILITARY ADMINISTRATIONS**

The successive civilian and military administra-

tions in Sudan have used the armed forces to achieve their domestic objective of establishing a national consensus by military means. The massive military procurements from \$260 million to \$442 million in 1981 and 1983 respectively by President Numeiri were based on the premise that the defeat of the rebel movements, particularly the Sudan People's Liberation Movement (SPLM) and the Sudan People's Liberation Army (SPLA), were the only option towards the achievement of national consensus. Indeed, the Numeiri Administration was also at the brink of collapse due to internal discontent with his policies. The introduction of the September laws under the general rubric of Islamic Revolution and the expanded military campaigns against the SPLA concurrently served as mobilisation tools for this administration. The restructuring of the Sudanese Defence Forces (SDF) into the Sudanese People's Armed Forces (SPAF) as well as the introduction of the Popular Defence Force (PDF) promulgated under the Popular Defence Act of 1989, demonstrated the preparedness of the Bashir Administration to pursue a military option in Southern Sudan. These changes within the structures of the armed forces have been incorporated in the 1998 Constitution. Whereas Article 122 provides for the functions of the SPAF, Article 125 stipulates that "the Republic of Sudan may establish a volunteer Popular Defence Force from among the Sudanese people for national defence, to maintain national security, or to assist any regular forces" (Sudan 1998: at 125). The PDF is frequently used by the administration for its war efforts against the rebel movements.

The SPLM and its military wing the SPLA led by John Garang, have been the central players *vis-à-vis* the Arab ruling elites in Sudan. As in many such organisations, the SPLM/SPLA has been rocked with internal differences, with far-reaching consequences. For example, the differences which occurred between Garang (Dinka) and Riek Machar (Nuer) in 1991, led to the split within the ranks of the SPLM/SPLA. The split led to the formation of the SPLA-United (Nasir-Group-under-Machar) and SPLA-Mainstream (Torit-Group-under-Garang). The intra-SPLM/SPLA conflict led to the killing of thousands of people and the displacement of more than 300 000 between 1991 and 1993. Under the leadership of Machar, the

Nasir Group reorganised itself from the SPLA-United to the Southern Sudan Independence Movement (SSIM) which in 1997 amalgamated six other factions into the United Salvation Democratic Front (USDF) and formed the South Sudan Defence Force (SSDF) as its military wing (Adar 2000b: 51).

Kerubino Kuonyin Bol (Dinka), former deputy Commander-in-Chief of the SPLA and deputy chairman of the SPLM, also formed his SPLA-Bahr al-Ghazal group and joined the ranks of Machar in Khartoum. The appointment of Machar as the head of the Coordinating Council for the Southern States (CCSS) and Kerubino Kuonyin Bol as his Deputy by President Bashir solidified the alliance and strengthened the troika (Bashir-Machar-Bol), at least temporarily *vis-à-vis* the SPLA and its allies.

Personality differences among the leaders of the rebel movements continued to plague efforts to establish southern consensus and a united front against Khartoum. Personality differences also led to a split between Machar of the USDF and Lawrence Lual, leader of the SPLA-Bahr al-Ghazal group. Lual had taken over the command of the SPLA-Bahr al-Ghazal in 1998 after Kerubino Kuonyin Bol endorsed the Khartoum-Machar rapprochement and accepted an administrative position (*Horn of Africa Bulletin* 1998, p. 28). The intra-factional differences and personal ambitions within the ranks of the SSDF led to strained relations between Machar and other SSDF commanders, particularly Gordon Kong (Upper Nile forces), Gatwick Gatkout (Nasir – on the Ethiopian border) and Gatwick Dhel (Jonglei state forces) in 1999 (*Horn of Africa Bulletin* 1999, p. 24 and Adar, forthcoming: 4).

Machar's resignation in February 2000 as the Vice-President, head of the CCSS, and as the Commander-in-Chief of the USDF is a clear testimony to the unwillingness of the Bashir regime to adhere to the establishment of a secular state. Specifically, it demonstrates that the Bashir regime's desire for the maintenance of a theocratic state based on *Sharia* laws. Instead of accepting responsibility for undermining Southern consensus on the question self-determination and a secular state because of his personal ambitions, Machar accused the National Islamic Front (NIF) Government of Bashir of reluctance to implement the USDF-NIF peace



agreement (*Horn of Africa Bulletin* 2000, p. 28). The 1997 Bashir-Machar-Bol agreement provided for, *inter alia*, resolution of conflict through peaceful means, the maintenance of unity in Sudan, a referendum in the South, the establishment of a federal system and incorporation of *Sharia* and custom as the sources of legislation (Sudan 1997). With *Sharia* clearly stipulated in the agreement and the value attached to Islamisation and Arabisation programmes by the successive administrations, it is fair to argue that Machar's SSIM/SSIA, among other parties to the agreement, betrayed the cause for the liberation of the marginalised peoples.

The emergence of the National Democratic Alliance (NDA) and its willingness to incorporate the SPLM/SPLA, the Umma Party (UP), the Democratic Unionist Party (DUP), the Sudanese Communist Party (SCP), and the Legitimate Command (LC) of General Faithi Ahmed Ali, have provided a new challenge to the leadership in Khartoum. The other contenders in the Sudanese quagmire include, among others, the Patriotic Resistance Movement of Southern Sudan (PRMSS); Nuba Mountains Solidarity (NMS); SPLM/SPLA Nub Mountains; Equatoria Defence Force (EDF); Anya Nya II; the Union of Sudanese African Parties (USAP); and the *murahalin* militia (Baggara Arabs, mainly the Rizeigat, Rufaa al Huj and Misiriya). The establishment of the NDA has brought a new equation into the Sudanese civil war, particularly because it is an alliance of Muslims and non-Muslims fighting side by side against the ruling Muslim elites in Khartoum. In order to solidify its political survival the ruling elites in Khartoum have continued to provide the *murahelin* militia, the Nuer, the Murle, Toposa, Mandari militias and the SPLM/Nuba Mountains splinter groups (led by Muhammad Harun Kafi) with logistical and military support. These pro-Khartoum rebel movements directly or indirectly continue to support the Sudanese regimes' theocratic state and by extension legitimise the marginalisation of the Southern Sudanese.

The pro-Khartoum militias, particularly the *murahelin* militias, have on many occasions not only engaged the SPLA in military skirmishes but also raided villages, taking women and children as slaves. Some of the villages destroyed by the *murahelin* in 1997 were in Gadier,

Ajibani, Andiring, Mirianta, Timbili, Haraza, Buyuut, Umm Kharaba, Ashaba, Sabirna, Kasay, Shoshta, Kalkuti and Kasia.

### 3. MILITARY PROCUREMENTS: SUDAN ADMINISTRATIONS AND THE REBEL MOVEMENTS

The military procurement by the Sudanese administrations over the years indicates the desire of the leaders to pursue military as opposed to peaceful resolution to the conflict.

As Table One indicates, military procurement in Sudan has increased steadily since the 1980s at the time the Numeiri regime introduced the Islamic September Laws and the emergence of

**Table 1: Sudan: Armed forces and military expenditure 1985–1998**

<i>Year</i>	<i>Armed forces (thousands)</i>	<i>Military expenditures (US\$ millions)</i>
1975	50	131
1976	50	133
1977	50	188
1978	71	227
1979	71	227
1980	68	260
1981	87	317
1982	86	442
1983	86	230
1984	65	236
1985	65	146
1986	59	128
1987	59	197
1988	65	245
1989	65	280
1990	65	204
1991	65	531
1992	82	766
1993	82	304
1994	89	426
1995	90	389
1996	90	405
1997	93	413
1998	94	550
1999	110	610

*Sources: US, World Military Expenditures and Arms Transfers, 1971–1980 (Washington, D.C.: Arms Control and Disarmament Agency, 1981); US, World Military Expenditures and Arms Transfers, 1990 (Washington, D.C.: Arms Control and Disarmament Agency, 1991); US, World Military Expenditures and Arms Transfers, 1990–1994 (Washington, D.C.: Arms Control and Disarmament Agency, 1995) and US, World Military Expenditures and Arms Transfers, 1996–1999, (Washington, D.C.: Arms Control and Disarmament Agency, 2000).*

the SPLM/SPLA. The Revolutionary Command Council (RCC) which took over the leadership in 1989, with Bashir at its helm, reaffirmed its objective of establishing an Islamic state based on *Sharia* laws. In order to achieve this internal policy objective, the Bashir administration has steadily increased its military spending for its war efforts against the rebel movements. In 1991, 1992 and 1993, for example, Sudan's military expenditures amounted to \$531 million, \$766 million, and \$304 million respectively. It was increased to \$550 million and \$610 million in 1998 and 1999 respectively.

The introduction of the Islamic militia, the PDF, by the leadership of Bashir, was to augment the Sudan People's Armed Forces (SPAF) military campaigns against the combined forces of the SPLA and the Beja Congress Armed Forces (BCAF), among others. The formation of the NDA led by Mahdi – the former Sudanese Prime Minister (1986–89), and a staunch advocate of Islamisation and Arabisation during his tenure – among others, has divided the Northern ranks because of its incorporation of the Northern parties. The BCAF and the Sudan Alliance Forces (SAF) operate along the Sudo-Eritrean and Sudo-Ethiopian borders respectively. However, the SPLA remains the main contender against the ruling Muslim elites in Sudan. The Northern opposition movements have joined forces with the SPLA to remove the NIF-led government of Bashir. The politico-military cooperation between the Northern and Southern rebel movements remains a volatile marriage of convenience. For example, the Umma Party and DUP have expressed their unwillingness to renounce the idea of incorporating Islamic laws in the Constitution. Thus, the objective by the liberation movements of achieving a national consensus in a society in which ethno-religious praxis cuts across the society remains an illusive concept.

China has become an important exporter of arms to Sudan, particularly since Khartoum provided oil concessions to Beijing from the 1990s. Between 1991 and 1997, China supplied to Sudan, among other military equipment, two transport aircraft (Y-8); six fighter aircraft (F-7M Airguard); 60 battle tanks; 12 fighter ground-attack of different categories; 120 mortars; and 50 helicopters, most of which are

financed by Iran. Apart from China, Russia has also increased its military deliveries to Sudan, with the 1993 Sudo-Russian agreement solidifying Moscow's involvement in the Sudanese military industry supplying, among others, Sukhoi bombers, Mi-24 helicopter gun-ships, MiG-19 and MiG-21 fighter aircraft and T-55 tanks (UN Doc. A/52/312, 1997, pp. 10B14). What is interesting to note is that even after the democratic dispensation in South Africa in 1994, the African National Congress-led government continued to supply Khartoum with some weapons, with some of the military equipment received during the apartheid era frequently serviced by experts from Pretoria (Edmunds 1998).

Within the Southern liberation movements, the SPLM/SPLA continues to be the dominant military broker since its inception in 1983, with most of its combatants drawn from the Nilotes (Nuer, Dinka, Shilluk, Anouak, Acholi, Lwo, Belanda, Jur, Bor and Pari), the Nilo-Hamites (Bari, Kuku, Pojulu, Kakwa, Nyangwara, Nyepo, Lango, Lokoyo, and Latuko) and the Sudanic peoples (Azande, Muru, Ndogo, Sere, Mundo, Biri, Madi, Bongo and Baka as well as the non-Arabised Northerners such as the Beja, Dar Fur, and the Nuba). Over the years, the Chairman and Commander-in-Chief, John Garang, has remained the central figure and personality behind the conduct of the war and the administration of the movement. Like any other rebel movement, the actual numbers of militias under the command of John Garang are not known, with some insiders insisting only that the SPLA has one of the largest armies in Africa (Atem 1999). It is estimated that the SPLA and the BCAF have more than 60 000 and 10 000 soldiers respectively (Atem 1999). As the head of the Joint Military Committee (JMC) of the NDA, Garang plays an important role in the execution of politico-military policies against the Khartoum regime.

Apart from the military and logistical support it receives from Uganda and Eritrea, the SPLA is also reported to be one of the beneficiaries of Kenya's secret arms industry located in Eldoret, Rift Valley Province (Lata 1998). The Beja-led BCAF operates around Eritrean borders frequently targeting Port Sudan and Suakin oil refineries located in the areas considered by the Beja people as their homeland. The SPLA's other known sources of financial support

include the Norwegian Peoples Aid (NPA), established by the Norwegian Confederation of Trade Unions in 1939 and the Church Emergency Aid (Krikens Noedhjelp). The NPA, funded mainly by the Christian Solidarity International (CSI) of Britain, has been operating in Southern Sudan since 1986 (O'Brien 1998). It is likely that the SPLA-NPA cooperation was made possible because of the SPLA's spokesman, Monsour Khalid, who served as the Vice-Chairman of Brundtland Commission, founded by Gro Harlem Brundtland, former Norwegian Prime Minister and now a high-ranking official in the United Nations (UN) (*Executive Intelligence Review*, 20 November 1998).

The other contenders to the lucrative arms trade for the rebel movements include the Florida (United States [US]) based security company, Airscan, which supplies military equipment to the SPLA through Uganda. The British Sandline International – an affiliate of the South African security company, Executive Outcomes (EO) – and the US firm, Military Professional Resources Incorporated (MPRI) are other known participants in the trade (O'Brien 1998).

Apart from the 1977 Geneva Protocol I, the Organisation of African Unity (OAU) through its Charter and specifically its Convention on the Elimination of Mercenaries in Africa as well as the UN's 1989 International Convention Against the Recruitment, Use, Financing and Training of Mercenaries (though not in force), prohibit the use of mercenaries.

#### **4. EXTERNAL ACTORS AND THE CIVIL WAR IN SUDAN**

As in the other internal wars, the Sudanese administrations and the rebel movements have received military and logistical support from other regional, continental and global actors. The involvement of external actors has compounded the complexity of the situation and exacerbated the civil war, undermining efforts towards the achievement of national consensus. For example, Uganda provides logistical and military support to the SPLA. As a *quid pro quo*, over the years Sudan has provided military aid to the little known West Line Bank Front (WNBF) and the Lord's Resistance Army (LRA – led by J. Kony). These rebel movements operate from the areas in Southern Sudan

controlled by Khartoum (Adar, *UNHCR/Writenet*, forthcoming).

It is because of these differences within the IGAD region that Uganda openly supported the decision by the US to bomb the pharmaceutical plant in Khartoum in 1998. With the acquiescence of Khartoum, the LRA, with its 6000 militias operates around Jebelin Nimule, Kit II and Musito in southern Sudan. Apart from Ethiopia and Eritrea, Uganda severed diplomatic relations with Sudan in 1995 because of what it considered to be Khartoum's interference in its internal affairs. Even though Museveni and Bashir signed a peace agreement in Nairobi, Kenya in December 1999, which paved the way for the release of 72 Sudanese and 20 Ugandan prisoners of war, the relationship between the two countries is still clouded with uncertainty and mistrust. The Uganda People's Defence Force (UPDF) continues to be involved in military actions in two fronts namely, against the LRA and WNBF in the north and also in western Uganda against the Allied Democratic Forces (ADF) based in the Democratic Republic of the Congo (DRC) and operating along the DRC–Uganda border.

Within the Horn of Africa, Sudan played useful roles for the Eritreans by providing bases as well as material and logistical support for the rebel movements, the Eritrean People's Liberation Front (EPLF) and the Ethiopian People's Revolutionary Democratic Front (EPRDF) during the civil war in Ethiopia (Adar 2000b: 40 and Vestal 2000). As in the case of other civil war-torn areas in Africa, conflict in Sudan has involved other regional actors, with Khartoum supporting the EPLF and the EPRDF, while Ethiopia provided the SPLA with logistical and military support (Adar 1998 and Bradbury 1998). However, the 1998–2000 Ethio–Eritrean war changed the *realpolitik* dimensions in the Sudanese civil war. For example, Ethiopia not only re-established rapprochement with Sudan but also closed the SPLA's base in Gambela in its western border with Sudan.

Eritrea also severed diplomatic relations with Sudan in 1994 because of the Sudanese logistical and military support for the Eritrean Liberation Front (ELF) and the Eritrean Islamic Jihad (EIJ). Eritrea also closed the Sudanese embassy in the capital, Asmara, and transformed it into an administrative base for the

NDA in June 1995. The Ethio–Eritrean war not only led to the rapprochement between Ethiopia and Sudan but it paved the way for the Sudo-Ethiopian mediation of ten Eritrean opposition movements, transforming into the Eritrean National Forces Alliance (ENFA) in 1999. The 1998–2000 Ethio–Eritrean war weakened the Afewerke-Zenawi-Museveni triumvirate against the Baship Presidency. Apart from the SPLA’s New Sudan Brigade in western Eritrea, the other Sudanese liberation movements based in Eritrea include, among others, the Beja Congress, the Umma Party (of the former Prime Minister Sadiq al-Mahali, new leader of the NDA), Sudan National Party (Nuba Mountains people), and the Sudan Federal Democratic Alliance (SFDA) (Adar, *UNHCR/Writenet*, forthcoming).

Irrespective of the Sudanese leaders’ consistent promotion of a theocratic state, its differences with Sudan over the Halaib territory near the Red Sea and its concern for the spread of Islamic fundamentalism in Sudan, Egypt continues to support the policy of a unified Sudan, in the process undermining the policy objectives of the Southern Sudanese. The Egyptian leadership takes cognisance of the country’s dependence on the Nile River which flows through Sudan. Egypto-Sudanese relations is based on the assumption that a disintegrated Sudan would not be consistent with its long-term national interests. It is this *realpolitik* perspectives which necessitated the re-opening of its embassy in Khartoum in early 2000, closed in 1995 following the alleged assassination attempt on Mubarak (*Horn of Africa Bulletin* 2000, p. 34).

## 5. OIL-PRODUCING COMPANIES AND THE QUESTION OF SUDANESE NATIONAL CONSENSUS

Oil production in Sudan has both internal and external implications, particularly with respect to Sudan’s relations with other countries. Oil has not only provided the urgently needed revenues for its war efforts against the rebel movements, but Sudan continues to forcefully remove civilians from the oil prospecting areas, displacing and killing thousands of people in the process. For example, in 1999, Sudan had over four million internally displaced refugees (IDPs), the highest in the world. With its total external debt of over \$16 billion in 1997, the production of minerals and oil by foreign pri-

vate- and state-owned companies has provided consumption needs and revenue earnings for the country’s war efforts against the rebel movements (World Bank 2000: 176). In 1999 Sudan’s oil consumption increased from about 12 000 to 200 000 barrels per day in early 2000 (*Horn of Africa Bulletin* 1999). As Table Two (*over page*) indicates, there are a number of national and international companies involved in oil production in Sudan. The participation by the oil producing companies in Sudan continues to undermine the possibilities for reaching an amicable solution to the conflict, with far-reaching human rights consequences (Amnesty International 2000 and SSFI 25 June, 2000). It was because of these human rights concerns that the Canadian government sent a team of experts, led by John Harker, to investigate the activities of Talisman Energy in 1999 (*Horn of Africa Bulletin* 2001, p. 31). The Harker Report implicated the Canadian oil company Talisman Energy for its complicity in human rights violations against the marginalised peoples of Sudan (Regehr 2000). Canada’s “constructive engagement” with the Sudanese administration, either directly or through its privately owned companies, is a hindrance towards the achievement of a national consensus in Sudan and by extension promotes the policies of the reconstruction of Sudan into a theocratic state with its inherent discriminatory implications. The Swedish government is also investigating the activities of Lundin Oil, a private Swedish oil company, for its acquiescence in human rights violations in Sudan (*Horn of Africa Bulletin* 2001 pp. 30–31).

There are many companies from the industrialised countries that are involved in the construction and maintenance of pipelines. The notable companies include, among others, the Denim Pipeline Construction (Canada), Roll ’n Oil Field Industries (Canada), Mannesmann (Germany), the Europe Consortium, Weir Pumps (United Kingdom), Techint (Argentina), Allen Power Engineering (United Kingdom), and the Chinese government ([www.geocities.com/ssfi/issues/oil000614.htm](http://www.geocities.com/ssfi/issues/oil000614.htm)). These pipelines are laid from the main oil fields in Heglig, Adar (Western Upper Nile) and Unity (in Bentiu area in Unity State) to the port cities for export.

It is estimated that Sudan has over 12.5 billion barrels of untapped oil, thus attracting

many oil prospectors ready to exploit the resources and exposing themselves to the risk of possible rebel attacks. President Omar al-Bashir is already hardening his government's position *vis-à-vis* the Southern question, refusing to discuss the issue with John Garang in a meeting arranged by President Moi of Kenya in July 2001. The prospects for the establishment of a national consensus on conflict resolution will continue to be an illusory concept. However, with the 11 September terrorist bombing of the World Trade Centre in New York and the Pentagon (the US military headquarters), it is likely that Sudan will re-evaluate its policy of indiscriminate bombings of civilians in Southern Sudan and its relations with

the Islamic fundamentalists, some of whom are trained in the country.

**SUMMARY AND CONCLUSION**

This paper set out to examine the impact of Islamisation-Arabisation and territorial nationalism on the question of national consensus and the transformation of Sudan into a theocratic state. A number of issues have been articulated. First, the civilian and military administrations in Sudan have consistently pursued the policies of Islamisation and Arabisation since the independence of Sudan in 1956. Islamisation-Arabisation policies are used as the religious-political tools to promote national consensus and the transformation of Sudan into a theocrat-

**Table 2: Oil prospectors in Sudan**

<i>Country</i>	<i>State/private-owned companies</i>	<i>Concession</i>
Austria	OMV-GmbH	Heglig
Canada	Arakis Energy	Heglig
Canada	State Petroleum Corporation	Heglig
Canada	Talisman	Heglig
China	China National Petroleum Company	Heglig
China	Petrochina	Heglig
China	China Petroleum & Chemical Corp.	Heglig
France	ELF-Aquitane	Heglig
France	TotalFina	Unity
Iran	National Iranian Gas Company	Unity
Italy	AGIP	Heglig
Italy	ENI	Heglig
Malaysia	Petroleum Nasional Berhad	Heglig
Mauritius	GAPCO	Heglig
Netherlands	Royal Dutch Shell	Port Sudan
Nigeria	Amni International Petroleum	Suakin
Qatar	Gulf Petroleum Corporation	Adar
Qatar	Gulf International	Adar
Russia	YUKOS	Adar
Russia	Zarubezh-Neftegasstroj	Adar
Saudi Arabia	Arab Group International	Heglig
Sudan	Al-Ghanawa	Melut
Sudan	CONCORP	Adar
Sudan	Sudan's National Oil Company	Heglig
Sudan	SUDAPET	Heglig
Sweden	International Petroleum Corporation	Heglig
Sweden	Lundin Oil	Muglad
United States	Chevron	Unity
United States	Occidental Petroleum Corporation	Unity
United States	Texas Eastern	Unity
United States	Union Eastern	Unity

*Compiled from numerous internet sources including, Shannon Field, The Civil War in Sudan: The Role of the Oil Industry (Johannesburg: IGD Occasional Paper No. 23, February 2000), p. 33. Some of the state- and privately-owned companies are engaged in the production of oil in more than one concession, that is, in the Adar, Heglig, and Unity oil fields.*

ic state as perceived by the ruling Muslim elite. Indeed, the Muslim ruling elite in Sudan have also used these policies for the mobilisation of people to support their programmes. Secondly, the policies of Islamisation and Arabisation hinder progress towards the realisation of national consensus. Third, the rebel movements have rejected policies which are discriminatory and inherently exclusive. Instead, they have persistently advocated for the establishment of a secular state which is consonant with the interests of all the people of Sudan irrespective of their economic-political, socio-cultural and ethno-religious backgrounds.

The persistent centripetal and centrifugal forces in the North and South have prevented the tangible and meaningful establishment of a national consensus. Whereas the North and South accept the politically-based entity called "Sudan", they still differ on the process and modalities which can lead to its achievement.

Thus, the South has persistently rejected the policies of Islamisation and Arabisation. Pursuit of the policy of Islamisation, whether formally institutionalised or otherwise, therefore defeats the purpose of a Sudanese national consensus. The policy is a fallacy in that it renders the process of unity of the North and the South nugatory. What is important to stress is that Sudan has failed to achieve the objective of national consensus, not because of group identification *per se*, but through how the national consensus framework is defined and the impact it has on the different groups in the country. The centre of the problem is the incorporation of *Sharia*, with the South resisting religio-cultural assimilation and its corollary, racial discrimination. The South does not simply reject a unified Sudan as such, but rather the political and religious domination inherent in the transformation of Sudan into an Islamic theocratic state.

## REFERENCES

- ADAR K.G. 1998. A State Under Siege: The Internationalisation of the Sudanese Civil War, *Africa Security Review* 7(1): 44-53.  
ADAR K.G. Sudan: The Internal and External Contexts of Conflict and Conflict

- Resolution, *The United Nations High Commissioner for Refugees, Writenet*, forthcoming.  
ADAR K.G. 2000a, Islamisation in Sudan: The Fallacy of the Sudanese Administrations'

- Policy of National Identity, in Pietro Toggia, Patrick Lauderdale, and Abebe Zegeye (eds.), *Terror and Crisis in the Horn of Africa: Autopsy of Democracy, Human Rights and Freedom* (Aldershot: Ashgate): 209-228.
- ADAR K.G. 2000b, New Regionalism and Conflict Resolution: The Case of the Intergovernmental Authority on Development in Sudan, *African Journal on Conflict Resolution* 1(2):39-66.
- ADAR K.G. 2000c. Secularism and Islamism in Sudan: Contesting the National Consensus, in *South African Yearbook of International Affairs, 2000/01* Johannesburg: The South African Institute of International Affairs: 301-315.
- AFRICA TODAY, 2000. Sudan Mining Sector, [www.newafrica.com/mining/sudan/htm](http://www.newafrica.com/mining/sudan/htm).
- AMNESTY INTERNATIONAL, 2000. Sudan: The Human Price of Oil, May. [www.amnesty.org/ailib/aipub/2000/AFR/15400100.htm](http://www.amnesty.org/ailib/aipub/2000/AFR/15400100.htm).
- ATEM, A. 1999. The Current Status of the Civil-Military Relations: The Case of the SPLA. Paper Presented at the Conference on Civil-Military Relations, Nairobi, April.
- BRADBURY, M. 1998. Sudan: International Responses to War in the Nuba Mountains, *Review of African Political Economy* 77(25)(September): 463-474.
- THE ECONOMIST, 2000. Sudan's Oil-Fuelling a Fire, 2 September.
- EDMUNDS, M. 1998. SA in the Sudan Conflict, *Mail & Guardian* (Johannesburg), (4 Sept.).
- ESPOSITO JOHN L. AND JOHN O. VOLL, 1996. *Islam and Democracy*. Oxford: Oxford University Press.
- ESPOSITO, JOHN L. 1991. *Islam and Politics*. 3rd ed. New York: Syracuse University Press.
- FIELD, S. 2000. *The Civil War in Sudan: The Role of the Oil Industry*. Johannesburg: Institute for Global Dialogue.
- HANNUM, H. 1996. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press.
- HORN OF AFRICA BULLETIN, 1995. Egypt Sends First Envoy Since 1995, 12(2) (March-April), p. 34.
- HORN OF AFRICA BULLETIN, 1998. Uganda Supports US Attack, 10(4) (July-August), 25.
- HORN OF AFRICA BULLETIN, 1999. Sudan Starts Pumping Oil, 11(3) (May-June), p. 34.
- HORN OF AFRICA BULLETIN, 1999. Machar Faces Ouster Attempt, 11(3) (May-June), p. 34.
- HORN OF AFRICA BULLETIN, 2001. UN Envoy Under Scrutiny Over Oil Firm, 13(2) (March-April): 30-31.
- HORN OF AFRICA BULLETIN, 2000. Oil Exports Rise 12(2) (March-April), p. 35.
- HORN OF AFRICA BULLETIN, 2000. Machar Quits All Government Posts, 12(1) (January-February), p. 28.
- LATA, L. 1998. Armed Rebellion in the Horn of Africa, *Ploughshares*, September. [www.ploughshares.ca/content/BUILD%20PEACE/Lata98.htm](http://www.ploughshares.ca/content/BUILD%20PEACE/Lata98.htm).
- LESCH, A. M. 1998. *The Sudan-Contested National Identities*. Oxford: James Currey.
- O'BRIEN, K. A. 1998. Military-Advisory Groups and African Security: Privatised Peacekeeping?, *International Peacekeeping* 5(3)(Autumn): 78-105.
- PLOUGHSHARES, 1996. Military Profiles: Horn of Africa Countries. [www.ploughshares.ca/content/BUILD%20PEACE/militaryProfiles.htm](http://www.ploughshares.ca/content/BUILD%20PEACE/militaryProfiles.htm) 1999.
- REGEHR, E. 2000. Drilling for a Corporate Conscience: Talks Have Broken Off Between Talisman Energy and Four NGOs, 20 March. <http://members.tripod.com/SudanInfonet/regehr.txt>.
- SMITH, A. D. 1991. *National Identity* London: Penguin.
- SOUTH SUDAN FRIENDS INTERNATIONAL, 2000. Oil in Sudan 14 June. [www.geocities.com/ssfi/issues/oil000614](http://www.geocities.com/ssfi/issues/oil000614).
- SOUTH SUDAN FRIENDS INTERNATIONAL, 2000. Oil in Sudan, 25 June. [www.southsudan-friends.org/issues/oil000614.html](http://www.southsudan-friends.org/issues/oil000614.html).
- SUDAN, 1998. Constitution of the Republic of Sudan. Khartoum: Government Printing Office.
- SUDAN, 1997. The Sudan Peace Agreement Khartoum: Government Printing Office.
- UNITED NATIONS, 1997. United Nations Register of Conventional Arms: Report of the Secretary-General, A/52/312 (28 August): 10-14.
- VESTAL, T. M. 2000. Promises to Keep: Human Rights in Post-Derg Ethiopia, in Pietro Toggia, Pat Lauderdale and Abebe Zegeye (eds.), *Crisis and Terror in the Horn of Africa: Autopsy of Democracy, Human Rights and Freedom*. Aldershot: Ashgate.
- WORLD BANK, 2000. *African Development Indicators 2000*. Washington, D. C.: The World Bank.

# Towards Finding a Solution for the Problems Created by the Politics of Identity in the Democratic Republic of the Congo (DRC): Designing a Constitutional Framework for Peaceful Cooperation

---

*Jeremy Sarkin*

---

## **ABSTRACT**

*The author argues that the root causes as well as the solution to the conflict in the Democratic Republic of the Congo (DRC) must be sought in the broad context. He examines issues in the region as well as the country, and tries to find accommodations that deal with boundary demarcations and ethnic manipulations that were imposed by the colonial powers. After examining the causes of the conflict in the DRC the author looks at various issues that need to be resolved to ensure the future stability of the country. He examines and critiques certain draft constitutional provisions that have recently been proposed which affect ethnic identities and makes recommendations for a new constitutional dispensation. He concludes by suggesting that reconciliation ought to be a key goal in the process of finding peace in the DRC.*

## **INTRODUCTION**

In 1884/85, the colonial powers of Europe met in Berlin to carve up Africa among themselves as colonies and dependencies.<sup>1</sup> They imposed artificial borders that took no cognisance of the people living on the land, sowing the seeds of conflicts that still plague the continent. It is not surprising that, against the backdrop of these inexcusable and arbitrary colonial border placements and policies of rigid ethnic identity in a pervasive environment of underdevelop-

ment, 20 of the 48 genocides and “politicides” that occurred worldwide between 1945 and 1995 took place in Africa.<sup>2</sup> This is not to say ethnic conflict is only an African phenomenon – it threatens the stability of many continents.

The DRC is a highly polarised, divided and conflict-ridden society. This has been the result of divide and rule tactics, combined with a continued policy of relying on and entrenching ethnic identity, together with a policy of excluding some groups from power and any fruits of development. It is the second largest country in sub-Saharan Africa, and shares borders with nine countries: Burundi, Uganda, Angola, Sudan, Congo-Brazzaville, Central African Republic, Zambia and Tanzania. Its artificial colonially defined borders<sup>3</sup> include more than 200 separate ethnic groups.<sup>4</sup>

The origins of the conflict in the DRC must be seen as having both internal as well as regional dimensions.

Internally, identity issues have simmered for many years. These same issues have resulted in violent conflicts in Rwanda and Burundi, which have spilled over on to DRC soil. Soldiers from Zimbabwe, Namibia and Angola are fighting in support of the present DRC government, while other groups participating in the conflict are supported by Rwanda, Uganda and Burundi.<sup>5</sup> Any understanding of the complexity of the conflict in the DRC must take into account these wider factors.



It is necessary to examine the notion of “ethnic conflict” and whether this is a useful label for characterising what is going on in the DRC. The term may obscure discussion and analysis of the relevant issues,<sup>6</sup> partly because the term “ethnic” is controversial. However, it is widely recognised that there is a direct link between conflict and the violation of identity rights and values. Alfredsson notes that:

“Discriminatory patterns and other violations of minority rights are a major reason for ethnic conflict all over the world ... respect for equal enjoyment of all human rights, backed up by non-discrimination and preferential treatment, based on objectivity and impartiality offer the best chances of bringing relief and justice to the groups concerned.”<sup>7</sup>

Despite the difficulty of finding an acceptable definition and the problems associated with finding acceptable terms, ethnic or identity violence and conflict is a reality caused by:

“an increase in repressive measures by states against distinct ethnic minorities or against ethnic dissidents; the failure of democratic mechanisms for negotiation or power-sharing between ethnic political actors; the emergence of essentialist ethnic ideologies and tightly-knit ethnic political ‘vanguards’; the rise in racist and xenophobic postures among the population; increasing economic and political disparities between ethnic groups; and legal arrangements designed to favour one ethnic group and exclude others.”<sup>8</sup>

The role of perception is crucial. Stavenhagen in this regard comments that “it is precisely when a democratic system is perceived by one ethnic group to work to its disadvantage that ethnic conflict can emerge”.<sup>9</sup>

This paper finds that the root causes as well as the solution to the conflict in the DRC must be sought in its broad context. Thus issues in the region, as well as in the country, must be examined: it is important to find accommodations that deal with the boundary demarcations imposed by the colonial powers, the ongoing effects of the policies of using ethnic identity by colonialists to rule, and the Zairian Citizenship Act of 1981. After examining the causes, the paper looks at some issues that need to be resolved to ensure some measure of stability in the country. It also examines and cri-

tiques certain draft constitutional provisions that have been proposed recently that affect ethnic identity. Finally, the paper makes recommendations around what future constitutional provisions might look like and suggests that reconciliation ought to be a key goal in the process of finding peace in the DRC.

## **1. THE ROLE OF THE COLONIALISTS IN MAKING ETHNICITY THE FOCAL POINT OF IDENTITY IN THE REGION<sup>10</sup>**

The colonial powers<sup>11</sup> carved up the area into three colonies, dividing up the two main ethnic groups living in the area. Colonial racial ideologues manipulated ethnicity for strategic purposes – a major cause of the ongoing tension in the region. These policies eroded the pre-colonial flexibility of ethnic identity, establishing rigid boundaries based on ethnicity.<sup>12</sup> When the King of Belgium became interested in the area in the 1870s, he established a Survey Committee for the Upper Congo, later replaced by the International Congo Association in 1879.<sup>13</sup> At the Berlin Conference of 1884/85 the borders of the Congo were fixed without regard for settlement patterns or what was best for those living in the region. The Belgian Parliament endorsed Belgian King Leopold’s right to the territory.<sup>14</sup> As a result of the ransacking of the country that occurred, international indignation forced the government of Belgium to assume control in 1908.<sup>15</sup> During this time, cultural organisations based on ethnic identity were permitted, but all political movements were banned. This resulted in ethnic membership becoming the form of identification,<sup>16</sup> a situation that was further exacerbated by the paternalistic style of rule over the Belgian Congo.<sup>17</sup>

Mamdani and Jordan note that the Belgians also developed a system of indirect rule whose legacy is also important to understand the origins of the problems in the DRC.<sup>18</sup> This system saw the colony being divided into two separate legal systems, one civic and the other ethnic. Civil law was administered by the central state while local authorities that oversaw customary law enforced ethnic power.<sup>19</sup> This led to a kind of “dual citizenship” in terms of which certain rights were explicitly tied to membership of particular indigenous ethnic groups.<sup>20</sup> Thus:

“While everyone has been a citizen of the Congo since 1960, not everyone has ethnic

citizenship or land rights. Only those who are considered to be indigenous have a native authority and consequently ethnic citizenship. Since immigrants (e.g. Banyamulenge, or rather Tutsis living in Kivu for 300 years) do not have a native authority of their own, they are considered non-indigenous and are exempted from ethnic citizenship. In the 1990s, many Tutsi and Hutu refugees again settled in this area, also without obtaining land rights.

Consequently, these aliens were denied customary access to land because they had no native authority in colonial days.<sup>21</sup>

This has had a major effect in the DRC. The issue of citizenship, how it is defined and who is considered a citizen continues to be a major issue. This will be dealt with below.

The DRC has always been affected by conflict in neighbouring states as the slaughter of the Hutu and Tutsi in one country stokes fears and hatred in another.<sup>22</sup> Thus, any evaluation of conflict in the DRC has to consider the events in these states as well.

Burundi and Rwanda were colonised by German East Africa in 1894, but had been organised in kingdoms for centuries. The Germans used the existing structures and operated through a system of “indirect” rule, which preserved the concentration of political power in the hands of the Tutsis, who were given easier access to education, economic resources and employment. When the Belgians took over in 1916, administering the region as part of the League of Nations Mandate Territory and the United Nations (UN) Trust Territory of Ruanda-Urundi, they continued to use the “indirect rule” system introduced by the Germans.<sup>23</sup>

In these countries, the notion of “ethnic” differences between the two major groups in the region must be seen as a construction of the Germans who colonised Rwanda. The largest demographic majority are the Hutu (about 85%) while Tutsis constitute about 15% of the population. Although the groups, for the most part, share the same language, religion and kinship system, they have been considered as separate groups since the earliest known time.

The Tutsi came to the region later than the Hutu (about 400 years ago), but became the landowners and have managed to extend their hegemony over the Hutu. Originally, the domi-

nation of the Tutsi was social rather than tribal. Due to the existence of the *ganwa*, an intermediate princely class between the *mwami* (king) and the population (who today are regarded as a Tutsi subgroup), the relations between ordinary Tutsi and Hutu were more or less on an equal footing and intermarriage was common.<sup>24</sup> The social hierarchy was determined by occupation as well as heritage. A rich Hutu could come to be regarded as a Tutsi and an impoverished individual could be ethnically Tutsi but socially Hutu. From the second half of the 20th century onwards, ethnic division has been used – mainly by Hutu and Tutsi elites – to gain government control. Before then, mobility between Hutus and Tutsis occurred not only in the sense of intermingling between the two groups in communities, but also in the sense that a Hutu could become a Tutsi and vice versa.<sup>25</sup> For example, an individual Rwandan could shift from being Hutu to being Tutsi and back to Hutu, depending on changes in his or her economic status. Indeed, before Belgium instituted official identity cards and emphasised a social hierarchy based on ethnicity, “economics [were] a larger consideration than ethnicity in determining whether a Rwandan [was] Hutu or Tutsi”.<sup>26</sup> This distinction was entrenched by the Belgians. While under German rule, Rwanda maintained internal peace. Harmony between Rwanda and Germany, and within Rwanda itself, was largely a result of the Germans’ *laissez-faire* approach to governance. German colonisers implemented a system of indirect rule in terms of which the already-existing Rwandan system of government remained largely intact with German influence channelled through the system. In contrast, Belgium’s reign of power instituted a “divide and rule” approach to governance. Under this policy, the emphasis was not only on ethnic distinctions, but also on social hierarchies resulting from these differences.<sup>27</sup> It was Belgian colonisers who, in the 1930s, conducted a census, formally classifying Rwandans as Tutsi, Hutu or Twa,<sup>28</sup> and issued ethnic identity cards to all Rwandans noting their “racial identity”.<sup>29</sup> The “racial” distinction was based on height and skin-colour differences and may have been an attempt to identify and give preference to those Rwandans perceived as having a “more European” look. The shorter, darker Hutu were classified as “Bantu”, analogous to

the “serfs” of medieval European feudalism. The lighter-skinned Tutsis were earmarked for leadership positions because the Belgians ascribed to them a greater intelligence and ability for leadership. Under Belgian rule, the Tutsis were awarded educational, social and economic advantages while the Hutus were denied privileges and relegated to peasant status.<sup>30</sup> The Belgians abandoned their support of the Tutsis when Tutsis began to demand independence, transferring their favour to a Hutu political party, Parmehutu, which subsequently overthrew the Tutsi monarchy in 1959. Thus, although Belgium initially favoured Tutsis, the colonial power gradually shifted its support to Hutus as Tutsis began demanding independence in the early 1950s.

This revolution liberated the Hutu and initiated a process whereby Hutus excluded Tutsis from areas of political, social, and educational life, limiting their life possibilities. The experience of ethnic oppression, 60 years of colonial rule, Tutsi rule, and previous massacres perpetrated against them in Rwanda and in neighbouring Burundi have embittered the Hutu group. Du Preez describes the genocide against the Tutsi in Rwanda during 1963 and 1964 as a vengeful response to the political, social and cultural domination by Tutsis that preceded the 1959 Hutu revolution,<sup>31</sup> while Newbury understands Hutu identity as created out of Hutu peasants’ common experience of oppression during the colonial era.<sup>32</sup> Additionally, some see the genocide of 1994 as part of a struggle to recreate Hutu identity, giving Hutu peasants, who were previously excluded from power and privilege, a common experience of being powerful. In other words, a history of repression may help to explain why many Hutu still refuse to see the mass killings of Tutsis in 1994 as a genocide, perceiving the events either as part of an ongoing civil war or as self-defence. Recognising the pivotal influence of the colonial period on contemporary Rwanda, one scholar has characterised the genocide and ongoing violence in the following way:

“Large scale violence in Rwanda was brought on by a blend of enforced ethnic intolerance, constructed hierarchies, social inequalities, and material scarcity. For many generations common language, culture and religion kept categorisations of Hutu, Tutsi, and Twa mutable. Political

construction of divisive ethnic identities helped create the environment which allowed for the surge of human atrocity.”<sup>33</sup>

## **2. THE DRC AFTER INDEPENDENCE**

It was only because other countries in the region began moving towards independence that the Belgians began to take steps towards greater autonomy for the DRC in the late 1950s. General elections took place in May 1960, and the first national government was formed with Patrice Lumumba of the Mouvement National Congolais (MNC) as Prime Minister. The first cabinet comprised leaders from many different parties with ethnicity at the core of their political support. Immediately after independence the mineral-rich province of Katanga declared itself independent.<sup>34</sup> Lumumba called on the UN to intercede, shortly before he was killed at the beginning of 1961. Between 1960 and 1963 the Congo was a UN protectorate. After several years of conflict in various parts of the country, Mobutu Sese Seko came to power in a coup d’état in 1965 and changed the name of the country to Zaire.

Mobutu remained in power for 32 years, plundering the country without implementing any reforms beneficial to the population as a whole. As Mobutu’s political power decreased, he increasingly ruled through his army.<sup>35</sup> Mobutu continued to focus on ethnic identity as a method of “divide and rule”. In 1981 he enacted a law granting citizenship to those with an ancestor born before 1885 within the area of the Congo. This decree deprived the Banyamulenge (ethnic Tutsis), who had resided in South Kivu region for generations, and the Banyarwanda, a Rwandan-speaking population of North Kivu composed of 25% Tutsis and 75% Hutus, of their citizenship.<sup>36</sup> The Banyamulenge were prohibited from owning land and could be dispossessed of land they had lived on for many years. This policy towards the Banyamulenge saw other groups beginning to pursue land claims against the Tutsis. Other pressures included food shortages which were the result of a population growth of over three per cent per annum, together with only three per cent of land being arable. Not surprisingly, by 1993 tribal clashes occurred in the Kivu province.<sup>37</sup> In response to the Interahamwe and the militarisation of ordinary life, many of the

Native Authorities of the Kivu provinces created their own military out of Hunde, Nande and Nyanga militias and known as the Mai-Mai.<sup>38</sup> Encouraged and supported by the Zairian military, the Mai-Mai attacked communities, killing thousands and displacing about 300 000 civilians.<sup>39</sup>

Mobutu collaborated with the Forces Armées Rwandaises (the former Rwandan Armed Forces known as the ex-FAR), and helped them to rearm. The alliance between Mobutu and the Hutu regime in Rwanda and the events following the Tutsi genocide in Rwanda put even more pressure on the Banyamulenge. Between 1993 and 1996 they drew closer to the Tutsis of Rwanda. In December 1995 a new law was passed stating that the Banyamulenge were no longer allowed to acquire homes or land. Furthermore the Zairian Army Chief General Aundu announced that the local Hunde, Nyanga and Tembo people had the right to expel "foreigners"<sup>40</sup> from the land.<sup>41</sup> The Banyamulenge found themselves having to contend not only with people that had lived around them for many years, but also with the Interahamwe from Rwanda and the fact that the law was enforced by the Zairian Army.

About 100 Tutsis were killed in May 1996 at Mokoto church, and in September Zairian soldiers killed about 35 Banyamulenge. Between September and October 1996, about 2000 Banyamulenge were killed by the Interahamwe and the Zairian army. The situation deteriorated further when in October 1996 the Deputy Director of South Kivu province stated that 300 000 Banyamulenge had to leave Zaire for Rwanda within a week or they would be seen to be rebels and hunted down. Three days later the Banyamulenge retaliated by attacking the Lemera Hospital in Bukavu.

The uprising by the Banyamulenge was joined by Laurent Kabila and his rebel troops, Alliance de Forces Démocratiques pour la Libération du Congo-Zaire (ADFL). Kabila was supported by Rwanda, Angola, Uganda and Burundi.<sup>42</sup> The Mai-Mai also joined the rebellion against Mobutu to target other groups such as the Interahamwe of Rwanda.<sup>43</sup> In addition, the Katanga Tigers or Katanga Gendarmes joined the alliance, a group mainly made up of Katangese soldiers who had fled to Angola after the secession of Katanga failed in 1962.

The effect of the Rwandan genocide is also

critical for the DRC as the shift from a Hutu government to a Tutsi one in 1994 precipitated a mass exodus of Hutus from the north-west region of Rwanda into the DRC to escape Tutsi vengeance for the Hutu-led genocide. Thus, the Congo became an unwilling host to an estimated one million refugees. Along with these refugees came defeated soldiers, administrators and political leaders as well as the Interahamwe,<sup>44</sup> remnants of the Rwandan militia, who were directly responsible for the genocide in Rwanda.<sup>45</sup> In the refugee camps established by the UN High Commissioner for Refugees close to the Rwandan border, the political and military structures re-established themselves resulting in attacks on the Tutsi population in the Kivus. In northern Kivu hundreds of Tutsis were killed and about 18 000 were driven into exile into Uganda or Rwanda.<sup>46</sup>

In September 1996 the Banyamulenge of South Kivu, faced with the danger of ethnic cleansing after an estimated 2000 Banyamulenge were massacred and an unknown number of women were raped,<sup>47</sup> together with militias, the ex-FAR and Zairian troops attacked the Les Forces Armées Zaïroises, Zairian Armed Forces (FAZ) as well as the Interahamwe. As soon as these attacks began, Rwandan troops entered the Congo and the first Congo war began.<sup>48</sup>

Rwanda supported Kabila because in the refugee camps on Congolese soil groups such as the Interahamwe had re-established themselves and Rwanda feared that these groups would return to fight in their country. Uganda supported Kabila because the DRC had been used as a springboard for attacks on Uganda by anti-Museveni forces. Burundi supported Kabila because The Forces for the Defence of Democracy (FDD), a military wing of the Conseil National pour la Défense de la Démocratie (CNDD), a Hutu militia, also used the DRC to mount attacks on Burundi. Angola joined in as the warring political party Uniao Nacional para a Independencia Total de Angola (Unita) used the DRC for supplies and Mobutu had supported Unita despite the 1994 Lusaka Peace Accord.<sup>49</sup>

It was in this context that Laurent Kabila came to power on 17 May 1997. While Kabila was initially seen as supportive of views and aspirations of various ethnic groups, he soon started to exclude the Banyamulenge and other

Tutsis from power. Kabila actively sought to gain the support of the Congolese by fomenting hatred of the Banyamulenge.<sup>50</sup> Ethnic persecution especially directed at the Tutsi population took place. Even after Laurent Kabila was assassinated and his son Joseph Kabila took over, gross human rights violations have been reported in the Kivus, and inter-ethnic tension remains high in South Kivu.<sup>51</sup>

### **3. RWANDA AFTER INDEPENDENCE**

Rwanda gained full independence in 1962 and, even though a new constitution was enacted in which considerable weight was accorded to civil and human rights and the notion of equality, the tension between the Hutus and Tutsis escalated.

In 1973, Juvenal Habyarimana, a Hutu and the army Chief of Staff, staged a successful coup, usurping the democratically elected President Kayibanda, also a Hutu. Once in power, Habyarimana's party, the National Revolutionary Movement for Development (MRND), crystallised Hutu domination and anti-Tutsi sentiment. Finally, Hutu extremists set up their own radio and television station, Radio Television Libre des Mille Collines, to broadcast their messages of hatred. Habyarimana attempted to entrench his political power, not only by achieving Hutu support in a common hatred for Tutsis, but also by reversing Rwanda's trend towards democracy and steering the government towards a one-party dictatorship instead. To these ends, Habyarimana dissolved the National Assembly, endowed the presidency with its former powers, and abolished all political parties except for the MRND. He revised the Rwandan Constitution so that all political activity was organised by the MRND, including nominations for presidential candidates such that the president of the MRND was the only eligible candidate for the Rwandan presidency. Habyarimana's manipulation of political power and ethnic stereotypes played out successfully (at least for Habyarimana's purposes) against a backdrop of underlying anxiety among the Hutus which stemmed from the national economic crisis, diminishing access to land (especially troublesome in a predominantly agricultural society like Rwanda), and an ever-increasing overpopulation problem.<sup>52</sup>

In reaction to the anti-Tutsi sentiment gener-

ated by Habyarimana's regime, many Tutsis fled and sought refuge in neighbouring countries. In 1990, 4000 Tutsis who had previously fled to Uganda collectively formed the Rwandese Patriotic Front (RPF) and returned to Rwanda in attack mode. The invasion fuelled the ethnic conflict between the Tutsi and the Hutus and a civil war erupted. Hutus suspected Tutsis who had remained in Rwanda of sympathising with the RPF invaders and these civilian Tutsis became the primary targets of Hutu attacks. Between October 1990 and January 1994, over 2000 Tutsis as well as Hutus who were in opposition to the government had been killed. In addition, militias were formed, allegedly independent of the government, to continue violence against Tutsi and any opposition to the government.

Before the 1994 Rwandan genocide the Hutu government capitalised on Hutu peasant fears by scapegoating the Tutsi minority through propaganda designed to incite hatred against them. This involved spreading fear by means of rumours, threats, and lies, including the claim that the RPF was planning an invasion from Burundi and was plotting to murder the Hutu president. Competition for scarce resources also played a part in creating a situation ripe for strife. Prior to April 1994, Rwanda was experiencing desperate land pressure.<sup>53</sup> The landlocked, overpopulated country could not fairly allocate its land resources to its inhabitants<sup>54</sup> and population density placed chronic pressure on arable land.<sup>55</sup> Moreover, a collapse in the international coffee price crippled many small landholders and cooperatives involved in producing coffee, one of the principle exports<sup>56</sup> of the once-booming industry. On the political level, life in Rwanda was endlessly tense. The situation of low-level civil war existing prior to the genocide placed the RPF at the heart of the extremist Hutu fear of the Tutsi. The RPF view was that the ethnic labels of Hutu and Tutsi were colonial constructions that should be discarded: Tutsi and Hutu were in reality one people, speaking the same language and sharing the same physical appearance, political institutions, and territory.

The RPF gained increasing international support during the 1990s and President Juvenal Habyarimana, bowing to international pressure, began negotiations aimed at including the Tutsi in the government and other institutions. Thus,

the prospect of multiparty elections and power-sharing was on the political agenda, creating anxiety for extremist Hutus within the army and the government who supported the Hamitic-Bantu idea of ethnic separation.<sup>57</sup> It was this clique of extremist Hutus who sought to derail the negotiation process in order to retain their commanding positions and financial privileges. They began by assassinating the president and followed up with a massacre.

Together with the political and socio-economic situational problems prevailing in Rwanda, psychological factors also played a role in creating the potential for brutality. Simmering hatred and anger were ripe for activation, requiring only the trigger of political manipulation within the context of perceived threats to the psychological self-conception of individuals and groups.<sup>58</sup> In other words, situational stresses such as poverty, political conflict, decline in power and threats to prestige, combined with an explosive emotional brew deliberately stirred by political manipulation, resulted in a tendency in individuals with particular dispositions to scapegoat and persecute those perceived as “other”.<sup>59</sup>

Thus the Hutu massacre of the Tutsi may be understood as an extreme form of scapegoating, whereby the dominant group (or individual) shores up its threatened self-concept by devaluing the outsider or subgroup. The situation of the Tutsi minority had all the characteristics of potential for this blame-placing. Not only was there a history of extreme ethnic conflict, but the very existence of the RPF was a threat to the Hutu ideology. Moreover, Tutsis historically had enjoyed wealth and positions that leaders of the dominant Hutu group would have liked to redistribute among the Hutu or enjoy personally.

As a result of all these factors, the genocide took place in Rwanda. The Tutsi were systematically killed in order to destroy the group to which they belonged. The genocide lasted for less than three months during which time the RPF was able to overthrow the country and install a new Tutsi-led government.

#### 4. BURUNDI AFTER INDEPENDENCE

Ethnic divisions, noted in the period before Burundi gained independence, continued and in fact gained momentum after independence. During this period Burundi had two main polit-

ical parties. The Union pour le Progrès National (UPRONA) was led by Prince Rwagasore, the eldest son of the *mwami* (king). It was a nationalist movement, aiming to unite all groups and interests. The Parti Démocrate Chrétien (PDC), however, was more conservative.<sup>60</sup> Rwagasore, being a *ganwa* (and therefore a Tutsi), and in appearance a Hutu, was somewhat above ethnicity and played a unifying role.<sup>61</sup> His political party was triumphant, receiving about 80% of the vote in the first elections that were held in 1961. His assassination two weeks later in a PDC plot<sup>62</sup> marks a crucial point in Burundian history as open conflict between Hutu and Tutsi erupted. Without Rwagasore, ethnic tensions could not be contained.<sup>63</sup> UPRONA, the governing party, experienced a leadership crisis. A bitter struggle for control took place between Hutu and Tutsi factions.

After independence in 1962, the *mwami* attempted to maintain a balance of power by making certain that equal numbers of Hutu and Tutsi were in government. However, the continuing ethnic violence in Rwanda and the fact that thousands of Rwandan Tutsi refugees had entered Burundi destabilised the political situation. This was exacerbated by the assassination of the Hutu Prime Minister Pierre Ngendandwe by a Rwandan refugee in 1965.<sup>64</sup> While elections a few months later saw Hutu politicians gain the majority in Parliament, the *mwami* refused to appoint a Hutu prime minister, and appointed a Tutsi instead. This led to a failed coup by the Hutu-dominated *gendarmérie* in October 1965, in which about 500 Tutsi were killed. Resulting violence perpetrated by Tutsis led to the deaths of between 2500 and 5000 Hutus, including several prominent politicians.<sup>65</sup>

In 1966, the monarchy was overthrown in a coup led by Tutsis in the army. The new President, Colonel Michel Micombero, declared Burundi a republic and political power shifted to the army and the Tutsis from the south of the country.<sup>66</sup> Without the monarchy as the most important stabilising component in the power equation, the polarisation of ethnic groups increased.<sup>67</sup> Over time, the Parliament and the civil service became places of major ethnic rivalries<sup>68</sup> and many Hutus were removed from the army. Various Hutu officers were later charged with plotting to overthrow the government of President Micombero.

In 1972 Hutu militants slaughtered Tutsis in southern Burundi. While the Tutsi-dominated military resisted the uprising, the perception amongst the Tutsi elite was that this could be the start of a Hutu revolution. The Tutsi army and Tutsi mobs therefore began massacring Hutu civilians killing possibly 150 000 of them, including many Hutu intellectuals. Large numbers from both groups have since then operated from a kill-or-be-killed mentality.<sup>69</sup>

While little inter-ethnic violence took place between 1972 and 1986, leadership battles were fought between Tutsi factions. Colonel Jean Baptiste Bagaza seized power in a bloodless coup in 1976 but was overthrown in 1987 while abroad by Major Pierre Buyoya.<sup>70</sup>

Inter-ethnic violence was sparked in 1988 when Hutus living in northern Burundi, believing that they were to be attacked, killed several thousand neighbouring Tutsis. The army killed as many as 20 000 Hutus in revenge, many of whom had not been involved in the fighting.<sup>71</sup> Realising that there was a need to include all groups in the government, President Buyoya dismissed various Tutsi hardliners from the cabinet, doubled the number of Hutu ministers and appointed a Hutu prime minister. In 1992 a new constitution was adopted that permitted a pluralist party system.<sup>72</sup> In spite of these reforms, ethnic tensions continued as the military and the judiciary remained almost entirely Tutsi.

In July 1993 Melchior Ndadaye became President of Burundi after receiving nearly two-thirds of the votes. The election result had the effect, however, of filling Tutsis with apprehension as they believed Hutus had voted *en bloc* for one political party.<sup>73</sup> Attempts to reassure the Tutsi population seem to have been unsuccessful. Ndadaye was assassinated on 21 October 1993 in a coup led by a sector of the army.

Hutus, believing that they had been deprived of the right to govern Burundi, resorted to violence and killed Tutsis. Even though a Hutu president was appointed, Tutsi political parties negotiated greater power. This led to another coup in which Hutu President Ntibantunganya was ousted and replaced by former president Buyoya.<sup>74</sup>

Finding a solution to Burundi's difficulties has been a focus of attention of various processes over the last few years.

## **5. RESOLVING THE ETHNIC ISSUES AND ISSUES OF IDENTITY IN THE FUTURE**

In his inaugural address in May 1997,<sup>75</sup> Laurent Kabila promised a new constitution as well as elections in 1999. If conflict is to be reduced and a chance for peace is to be created in the DRC, ways of resolving ethnic tension have to be found<sup>76</sup> and the rights of all groups need to be entrenched through a new constitution.

However, a constitution that:

“is based exclusively on ethnic group rights is likely to freeze relations between groups, promote chauvinism, entrench group privileges, punish individuals who seek to straddle or transcend group policies and frustrate social inter-actions based on individual interests.”<sup>77</sup>

Full and complete participation by all willing sectors of the society is important to the DRC's transition to democracy. Negotiated compromises will fail unless there has been full participation and input from all sides into the future of the DRC.

A power-sharing structure may need to be established to deal with the problems caused by the ethnic population percentage difference. Provisions must be put in place to ensure that leaders of such a transition stay responsive to the concerns of the population. Free and fair elections are essential to establish trust in the government. Ethnic violence must be minimised or eliminated if the transition is to have any hope of succeeding. Establishing the rule of law will act as a deterrent to future outbreaks of violence. If a constitution can be considered the beginning of a new era, then the country will be able to move forward and strive to ensure a more equitable and appreciative environment that takes account of the multicultural nature of the society.

A legitimate and inclusive constitution-drafting process is a crucial force for promoting national unity and reconciliation and for arriving at an acceptable constitution backed up by a bill of fundamental rights. As far as possible constitution building should be done by consensus and it should not be rushed. All parties, all sections of the community, all language groups, all ethnic group and men and women need to feel that their concerns have been taken into account so that the outcome of the process is theirs.<sup>78</sup> It goes without saying that the constitution must have the effect of enhancing

democracy and building respect for human rights. Without this, there will be no respect for the law and the legal system and the outcome of a peaceful, democratic, human rights-based society will not be attained.

One of the major issues must be the need to provide protection for minorities. Without the protection afforded by a bill of rights, unrestrained majoritarianism could harm minorities or members of minority groups and therefore a check on the power of the majority is essential. A bill of rights needs to become a part of society through wide support and enforcement of its provisions. Judge Jackson in the United States (US) has stated that the purpose of a bill of rights is to:

“withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One’s right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”<sup>79</sup>

A draft constitution composed by a Constitutional Drafting Committee, comprising individuals aligned to Kabila’s government, was released in March 1998.<sup>80</sup> Without sufficiently taking into account the issues of ethnicity and inclusion, in May 1998 Kabila decreed a plan to put into place a “Constituent and Legislative Assembly” of 300 representatives to deliberate and approve the draft constitution. Any individual who held a “high position” in the Mobutu government was excluded. On the same day, a list of over 250 names of people prohibited from serving on this body was released, including a number of Mobutu opponents.

While the gathering was meant to begin its work in August 1998, Kabila did not go ahead with its formation when the war began in eastern Congo.<sup>81</sup> In September 1998 Kabila established the Committee on the Reform of the Draft Constitution, “10 of whose 12 members are officials or government advisers and two are close to government circles”.<sup>82</sup> The committee issued its document in November 1998. Kabila permitted only the governors of regions and some private sector individuals in Kinshasa 15 days for comment.

The draft constitution repeats mistakes of the

past as far as the ethnic issues are concerned. In regard to the vexed historical problem of citizenship, Article 9 states that:

“Congolese nationality is single and exclusive. It cannot be held concurrently with another nationality. Congolese nationality may be original, or it may be acquired through naturalisation.”

Article 10 states:

“An original Congolese is any person who, on June 30, 1960, was descended from or was a member of one of the tribes established in the territory of the Democratic Republic of the Congo, within its limits of August 1, 1885, as modified by subsequent conventions.”

Article 11 states:

“No individual may acquire Congolese nationality without expressly making his will known. The law will determine the conditions of recognition, acquisition, loss, and recovery of Congolese nationality.”

These constitutional provisions have not drawn any lessons from the legacy of ethnic violence caused in part by issues around who is entitled to citizenship and how citizenship is defined. While all citizens ought to be equally entitled to the rights, privileges and benefits of citizenship, and equally subject to the duties and responsibilities of citizenship, the draft defines citizenship in a way that excludes many from this right. It ought rather to be stated in a way which permits those previously denied citizenship, and thus a source of tension and violence, to reclaim their birthright, to receive recognition of their status as citizens, and to benefit from all the protections to which they should have been entitled from time immemorial.

It is problematic that the constitution uses the term “original” in reference to Congolese nationality. It requires those not qualifying in terms of the definition of “original” Congolese to make application for naturalisation.<sup>83</sup> The effect of this is to exclude those Congolese, Hutu and Tutsi, and many other groups, including the Banyamulenge who are not considered by the Congolese to be an “established” ethnic group residing in the DRC at independence on 30 June 1960 even though they had been living in the DRC for decades.<sup>84</sup>

The issue of citizenship is crucial within the constitutional structure as the issue of citizenship is made the baseline for various rights.



Thus, article 14 provides:

“No Congolese can, in matters of education or of access to public functions or in any other matter, be made the subject in the Democratic Republic of the Congo, of a discriminatory measure, as a result of a law or act of executive power, by reason of their religion, tribal or ethnic group, sex, ancestry, place of birth, residence, or opinions.”

The effect of this is to allow this anti-discriminatory provision only to be applied to those able to fall within the narrow strictures of Congolese citizenship. Thus, those not defined as citizens residing in the country are not protected by this provision and can be discriminated against. Another provision which seemingly has a non-discrimination intent is article 22 which provides that “[t]he identification of a party or a political group with one race, one ethnic group, one sex, one religion, one sect, one language or one province, is prohibited”.

As Edgar and Nicoleau note:

“this provision also has the potential to undermine the establishment of a multi-party system. Significantly, the document does not forbid parties who intentionally limit themselves to one of the enumerated groups; rather, it prohibits the “identification” of political parties with one of the enumerated groups. In other words, a party may be prohibited on the ground that it has become identified in the public mind with a particular group, something that is natural for a political party in a democratic society and appears to be a logical result of coalition-building.”<sup>85</sup>

The right to equality should rather be the key provision, given the previous lack of equality in the country. Language as well must be closely looked at as it is closely related to citizenship in that the recognition and respect of a multilingual society provides legitimisation of the diverse culture. The draft constitution sees English introduced as a national language, although it is unknown to non-Tutsi ethnic groups.<sup>86</sup> This is problematic.

Another issue that ought to be looked at is the extent to which the governing structures in the country should be decentralised. Perhaps some type of federal state with devolved powers to various parts of the country might ensure greater acceptance of the national state by the various groups within the country.

## **CONCLUSION**

To resolve the issues in the DRC in the long term, the tensions in the region need to be resolved. Even if the DRC resolves its internal problems, continuing tension and conflict in Rwanda and Burundi will continue to spill over and affect the DRC. Internally, accommodation for all who live in the country must be made. Issues relating to citizenship, access to land and land dispossession, language and culture, and human rights violations must be dealt with. Many of those who reside in the DRC have been denied access to an enormous variety of amenities, institutions and opportunities, including many places and types of employment, particularly in state institutions. Methods must be found to redress such issues. A good constitution can be part of the solution.

A constitution, and a bill of rights can be a road map for a society.<sup>87</sup> It is usually a blueprint containing the principles and values for the state, and sometimes the wider society, to operate. This is vital in the DRC where the principles and values, until now, have ensured that conflict would be ongoing. Thus, a new constitution must contain provisions relating to human rights to respond to a history that has been characterised by the absence of regard for human rights. It must establish many new and important rights for all citizens, defined in an inclusive and open manner.

Public democratic and human rights institutions must be rooted in the constitution to ensure that the violations of the past can never reoccur. Thus, structures to promote and protect rights for all such as an independent and robust Human Rights Commission are crucial. The major function of such a commission should be to promote human rights through a variety of methods: education and raising community awareness; making recommendations to Parliament; reviewing legislation; and, importantly, investigating alleged violations of fundamental rights and assisting those affected to secure redress. These objectives and the powers of such a commission ought to be contained in the constitution as the commission would play an oversight role over Parliament to guarantee that Parliament does not undermine its power.

With an electoral system that promotes access by all to political power and permits even minority groups a voice, the road to peace can be embarked upon. Further provisions that

can ensure greater stability must be ones that promote multiculturalism as far as language and other factors are concerned.

With regard to the decades of turmoil and fear, hatred and mistrust which have been built up between ethnic groups, solutions must include dialogue and other mechanisms to promote reconciliation. Dealing with past injustices will be a crucial test for the democratic order.<sup>88</sup> Reconciliation amongst all groups is crucial. In his foreword to the South African Truth and Reconciliation Commission report, Archbishop Desmond Tutu stated:

“reconciliation is not about being cosy; it is not about pretending that things were other than they were. Reconciliation based on falsehood, on not facing up to reality, is not true reconciliation and will not last.”<sup>89</sup>

Reconciliation must be understood as the estab-

lishing or recovery of the dignity and humanity of every person, rooted in human rights, and the acceptance of this by the individual and society. It has to do with a new or a reinstated relationship. This restored relationship is not a return to how things were before, but is essentially a new or renewed reality. The communal dimension is crucial.

The dignity and well-being of the community or society, along with its good functioning and survival, must receive special attention.

Reconciliation must be based on restoring or establishing basic social relationships of trust.<sup>90</sup>

This process can be started by a truth and reconciliation commission, which hears testimony and analyses various versions of events.

However, reconciliation is a long-term goal that requires deliberate, measured programmes and processes.

## ENDNOTES

- 1) Jordan, P. Free, but still in Chains *Sunday Times* (Johannesburg) 26 August 2001.
- 2) See Solomon H. Analysing Conflicts, in The European Platform for Conflict Prevention and Transformation *Searching for Peace in Africa: An overview of Conflict Prevention and Management Activities* Amsterdam, 1999 34. See further Brogan, P. *World Conflicts – Why and Where They are Happening*. London: Bloomsburg Publishing Ltd, 1992.
- 3) Mamdani, M. Preliminary Thoughts on the Congo Crisis, *Conference of experts, officials and interested parties from Eastern and Southern Africa on the crisis in the DRC*. Harare, 23 September 1998 1.
- 4) Reyntjens, F. Briefing, The Second Congo War: More than a Remake, *African Affairs* (1999) 241-250 247; Weiss, H. War and Peace in the Democratic Republic of the Congo, Nordiska Afrikainstitut, 2000, *Current African Issues* No. 22 13.
- 5) Kabemba, C. *Whither the DRC?, Causes of the Conflict in the Democratic Republic of Congo, and the Way Forward*. Johannesburg: Centre for Policy Studies, March 1999 16.
- 6) Stavenhagen, R. *Ethnic Conflicts and the Nation-State*. Basingstoke: Macmillan, 1996.
- 7) Alfredsson, G. *Minority Rights, Foreign Policy and Development Assistance*. Paper prepared for Sida (Stockholm) as background to the new Swedish White Paper on Foreign Policy, 1998.
- 8) Stavenhagen, R. *Ethnic Conflicts and the Nation-State*, 12.
- 9) Stavenhagen, R. *Ethnic Conflicts and the Nation-State*, 278.
- 10) See further Lwanga-Lunyiigo, S. The

- Colonial Roots of Internal Conflict, in Rupesinghe, K. *Conflict Resolution in Uganda*. Oslo: International Peace Research Institute, 1989.
- 11) Eze, O.C. *Human Rights in Africa: Some Selected Problems*. Lagos: Nigerian Institute of International Affairs, 1984.
  - 12) Lemarchand, R. *Burundi, Ethnocide as Discourse and Practice*. Cambridge: Cambridge University Press, 1994 6-16.
  - 13) Stengers, J. The Congo Free State and the Belgian Congo, in Gann L.H. & Duignan P. (eds.), *Colonialism in Africa 1870–1960*, Volume I, Cambridge: Cambridge University Press, 1969.
  - 14) Merriam, AP. *Congo, Background of Conflict*. Evanston, Ill: Northwestern University Press, 1961 4; Nkrumah, K. *Challenge of the Congo: A Case Study of the Foreign Pressure in an Independent State*. London: Panaf, 1974 3.
  - 15) Kabemba, *Whither the DRC?*, 6.
  - 16) Kabemba, *Whither the DRC?*, 6.
  - 17) Slade, R. *The Belgian Congo*. London: Oxford University Press, 1961 4.
  - 18) Mamdani, M & Jordan, A. *Preliminary Thoughts on the Congo Crisis*. Centre for African Studies, University of Cape Town, 1998. See further Mamdani, M. The Social Basis of Constitutionalism in Africa, 28 *Journal of Modern African Studies* (1990) 359-374.
  - 19) Breytenbach, W., Chilemba, D., Brown, T.A., & Plaintive, C. Conflicts in the Congo: From Kivu to Kabila 8(5) *African Security Review* (1999) 34.
  - 20) Breytenbach, et al. Conflicts in the Congo: From Kivu to Kabila, 34.
  - 21) Breytenbach, et al. Conflicts in the Congo: From Kivu to Kabila, 35.
  - 22) Human Rights Watch. *Proxy Targets: Civilians in the War in Burundi*. 1998.
  - 23) Reyntjens, F. *Burundi. Breaking the Cycle of Violence*. Minority Rights Group International, 1995 7.
  - 24) Reyntjens, *Breaking the Cycle of Violence*, 7.
  - 25) Minority Rights Group International. *World Directory on Minorities*, 1997 505.
  - 26) Mbanda, L. *Committed to Conflict: The Destruction of the Church in Rwanda*. London: SPCK 1997 4
  - 27) See Mbanda. *Committed to Conflict*, 5.
  - 28) See generally Destexhe, A. *Rwanda and Genocide in the Twentieth Century*. London: Pluto, 1995 2-3.
  - 29) See De Waal, A & Amber, R. *Rwanda: Death, Despair and Defiance*. African Rights 1994.
  - 30) See Africa Watch Committee (Now Human Rights Watch/Africa). *Rwanda Talking Peace and Waging War: Human Rights since the October 1990 Invasion*. Vol. IV, Issue No. 3, (27 Jan. 1992). Rwanda, a German colony from 1890 to 1916, was mandated (along with Burundi) to Belgium by the League of Nations after World War I. See African Rights (1994, 5-14). Under Belgian rule, the Tutsi held all of the nation's 43 chiefdoms, 549 out of 559 subchiefdoms, and over 80% of government positions in fields such as the judiciary, agriculture, and veterinary sciences.
  - 31) In 1963 the minority Tutsi were attacked by the majority Hutu. See du Preez, P. *Genocide: The Psychology of Mass Murder*. African Rights, 1994.
  - 32) See Newbury, C. *The Cohesion of Oppression Clientship and Ethnicity in Rwanda, 1860–1960*. 1988.
  - 33) Ferstman, CJ. Rwanda's Domestic Trials for Genocide and Crimes Against Humanity, 5 *Human Rights Brief*, Fall 1997, 1.
  - 34) Weiss, *War and Peace in the Democratic Republic of the Congo*. 21; Kabemba, *Whither the DRC?* 7.
  - 35) Kabemba, *Whither the DRC?*, 9.
  - 36) Solomon, H. *Some Reflections on the Crisis in Zaire*. ISS Papers, 15 February 1997 1.
  - 37) Solomon, *Some Reflections on the Crisis in Zaire*, 1.
  - 38) Mamdani, Preliminary Thoughts on the Congo Crisis, 6-7.
  - 39) Human Rights Watch, *Summary of the 1997 Report*, 7.
  - 40) After the victory of Kabila resentments against the Tutsis, now being seen as foreigners by all the Congolese, grew even further. Weiss, *War and Peace in the Democratic Republic of the Congo*, 8.
  - 41) Solomon, *Some Reflections on the Crisis in Zaire*, 2.
  - 42) Reyntjens, Briefing: The Second Congo War: More than a Remake, 241.

- 43) Mamdani, Preliminary Thoughts on the Congo Crisis, 7.
- 44) Interahamwe means “those who work together”, Havermans, J. Rwandan Crisis Lingers On, in *Searching for Peace in Africa: An Overview of Conflict Prevention and Management Activities*. Utrecht, 2000, pp. 247-257 249.
- 45) Human Rights Watch, *Democratic Republic of the Congo, Report 1997*, 8.
- 46) Human Rights Watch, *Summary of the 1997 Report*, 7.
- 47) Human Rights Watch, *Summary of the 1997 Report*, 7.
- 48) Weiss, *War and Peace in the Democratic Republic of the Congo*, 2.
- 49) Reyntjens, Briefing: The Second Congo War: More than a Remake, 245.
- 50) Breytenbach, et al. Conflicts in the Congo: From Kivu to Kabila, 34.
- 51) UN Security Council, *Sixth Report of the Secretary-General on the United Nations Organisations Mission in the Democratic Republic of the Congo*. [2001] 8.
- 52) See Monshipouri, M. *Democratisation, Liberalisation and Human Rights in the Third World* 25-26 (1995). Here the author identifies types of constraints to the full realisation of human rights conditions and democratisation and notes environmental, ecological, and geographical limitations as a barrier, particularly when combined with internal sources of poverty such as population pressure, low agricultural production, under-utilisation of labour, land, and capital.
- 53) According to Prunier: “at least part of the reason why it was carried out so thoroughly by the ordinary rank-and-file peasants ... was the feeling that there were too many people on too little land, and that with a few less there would be more for the survivors.” See Prunier, G. *The Rwandan Crisis: History of a Genocide* (1995).
- 54) See generally Destexhe, A. *Rwanda and Genocide in the Twentieth Century*.
- 55) Rwanda has a total area of 26 340 km<sup>2</sup> with 24 950 km<sup>2</sup> of land and 1390 km<sup>2</sup> of water. Its land boundaries are 893 km and it borders on Burundi, Democratic Republic of the Congo, Tanzania, and Uganda. Some 35% of the land is arable. Its population was estimated in July 1997 to be 7 737 537 with a population growth rate of 8.24%. Agriculture dominates with coffee and tea being 80–90% of exports. See *World Factbook*, 1997.
- 56) Coffee accounted for 79% of exports in 1988. *World Factbook*.
- 57) See De Waal, A & Amber, R. *Rwanda: Death, Despair and Defiance*. African Rights 1994.
- 58) See generally Atkinson, R.L. et al., *Introduction to Psychology* (10th ed. 1990).
- 59) See Staub, E. Genocide and Mass Killings: Cultural, Societal and Psychological Origins, in Himmelweit, H.T. & Gaskel G., (eds). *Societal Psychology* (1990) 230.
- 60) Reyntjens, F. *Breaking the Cycle of Violence*, 7; Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 52.
- 61) Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 52-53.
- 62) Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 52-53.
- 63) Reyntjens, *Breaking the Cycle of Violence*, 7; Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 59.
- 64) Reyntjens, *Breaking the Cycle of Violence*, 7.
- 65) Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 59-60 and 71-74.
- 66) Reyntjens, *Breaking the Cycle of Violence*, 4.
- 67) Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 59-60.
- 68) Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 66.
- 69) Reyntjens, *Breaking the Cycle of Violence*, 7.
- 70) Reyntjens, *Breaking the Cycle of Violence*, 8-9.
- 71) See Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 118-130.
- 72) See Art. 53 of the 1992 Constitution; Lemarchand, *Burundi, Ethnocide as Discourse and Practice*, 131-159.
- 73) Reyntjens, *Breaking the Cycle of Violence*, 10-11.
- 74) Reyntjens, *Breaking the Cycle of Violence*, 16-19.
- 75) U.S. Department of State, *Congo, Democratic Republic of, Country Report*

- on *Human Rights Practices – 2000*, 27.
- 76) See further Abdullahi, A.N.M. Human Rights Protection in Africa: Towards Effective Mechanisms. *East African Journal of Peace and Human Rights* 5, no. 3 (1997) 1-31.
- 77) Bangura, Y. *The Search for Identity: Ethnicity, Religion and Political Violence*. Geneva: UNRISD, 1994 39.
- 78) On issues around gender see Mukwayanzo, Anne-Marie, The impact of the War on women and Children in the Democratic Republic of Congo, *Whither Regional Peace and Security? The Democratic Republic of Congo after the War*. Africa Institute of South Africa, 2000.
- 79) Judge Jackson in *West Virginia Board of Education v Barnette* 319 U.S. 624, 638 (1943).
- 80) Report on the Situation of Human Rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Roberto Garreton, U.N. Commission on Human Rights, U.N. Doc. E/CN.4/1999/31 (1999)
- 81) Report on the Situation of Human Rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Roberto Garreton, U.N. Commission on Human Rights, U.N. Doc. E/CN.4/1999/31 (1999).
- 82) Report on the Situation of Human Rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Roberto Garreton, U.N. Commission on Human Rights, U.N. Doc. E/CN.4/1999/31 (1999).
- 83) Edgar, T.H. and Nicoleau, M.D. Constitutional Governance in the Democratic Republic of the Congo: An Analysis of the Constitution Proposed By the Government of Laurent Kabila *Texas International Law Journal* (Spring 2000) 208 214.
- 84) Edgar, T.H. and Nicoleau, M.D. Constitutional Governance in the Democratic Republic of the Congo, 215.
- 85) Edgar, T.H. & Nicoleau, M.D. Constitutional Governance in the Democratic Republic of the Congo, 219.
- 86) Report on the Situation of Human Rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Roberto Garreton, U.N. Commission on Human Rights, U.N. Doc. E/CN.4/1999/31 (1999).
- 87) See further Viljoen, F. The Role of the Law in Post-Traumatized Societies: Addressing Gross Human Rights Violations in Rwanda (1997) 30 *De Jure* 18.
- 88) See further Sarkin, J., The Trials and Tribulations of South Africa's Truth and Reconciliation Commission (1996) 12 *South African Journal on Human Rights* 617; Sarkin, J., The Truth and Reconciliation Commission in South Africa (1997) *Commonwealth Law Bulletin* 528; Sarkin, J., The Development of a Human Rights Culture in South Africa (1998) 20(3) *Human Rights Quarterly* 628; Sarkin, J., The Necessity and Challenges of Establishing a Truth and Reconciliation Commission in Rwanda (1999) 21(3) *Human Rights Quarterly* 767; Sarkin, J., Preconditions and Processes for Establishing a Truth and Reconciliation Commission in Rwanda: The Possible Interim Role of Gacaca Community Courts (1999) *Law Democracy and Development* 223; Sarkin, J., Transitional Justice and the Prosecution Model: The Experience of Ethiopia (1999) *Law Democracy and Development* 253; Sarkin, J., Promoting Justice, Truth and Reconciliation in Transitional Societies: Evaluating Rwanda's Approach in the New Millennium of Using Community-Based Gacaca Tribunals to Deal with the Past (2000) 2(2) *International Law Forum* 112; Sarkin, J., Dealing With Past Human Rights Abuses and Promoting Reconciliation in a Future Democratic Burma (December 2000) *Legal Issues on Burma* 1; Sarkin, J., The Tension between Justice and Reconciliation in Rwanda: Politics, Human Rights, Due Process and the Role of the Gacaca Courts in Dealing With the Genocide vol. 45, no. 2 *Journal of African Law*, (2001).
- 89) *Truth and Reconciliation Commission Report*, Vol., 1, Ch. 1, p.17, para. 69.
- 90) M. Hay, *Ukubuyisana: Reconciliation in South Africa* (Pietermaritzburg 1998).

# Exclusion, Identity and Armed Conflict: A Historical Survey of the Politics of Confrontation in Uganda with Specific Reference to the Independence Era

---

*Paul Nantulya*

---

## **ABSTRACT**

*At one level of analysis, Uganda's quest to find an acceptable political and constitutional formula with which to address three decades of political mismanagement continues to be characterised by armed conflict.*

*At another level, the tendencies, which underlie the major armed groups in the country, touch on largely unresolved dichotomies, which have been used as powerful mobilising tools at different stages of the country's historical development.*

*At a third level of analysis, Uganda's experimentation with different modes of political organisation does not appear to have found a satisfactory solution to the outbreak of armed rebellions in the country both at the level of theory and also in practice.*

*This paper discusses the politics of exclusion and identity within the overall context of armed conflicts in northern and southern Uganda. It isolates the northern-based Lords Resistance Army (LRA), and its southern counterpart, the Allied Democratic Forces (ADF), and attempts to examine the identities around which both groups continue to mobilise on the one hand, and the perceived identities around which their rebellions seem to be challenging on the other. It also identifies the patterns of exclusion and factionalism that have influenced the rise of these groups and tries to find some answers as to why the dichotomies and identities around which they mobilise are so enduring.*

## **INTRODUCTION**

Most specialists on Ugandan politics argue that in 1962, the year in which the country gained its political independence from Britain, the prospects of economic success and constitutional democracy looked quite positive.<sup>1</sup>

Mention is made of the fact that the country adopted a Westminster system of government, complete with an official opposition party, a fairly disciplined and impartial civil service and an independent judiciary.<sup>2</sup>

Kabaka Fredrick Muteesa II, King of Buganda, was elected by Parliament as non-executive Chief of State while Dr Apollo Milton Obote served as Prime Minister and Head of Government Business. The Independence Constitution provided for fundamental rights and freedoms, guaranteed separation of powers and made innovative provisions for the functioning of federal-type relationships between the central government and the well established kingdoms of Ankole, Buganda, Bunyoro and Tooro. A correct balance appears to have been realised.

Then known as the pearl of Africa, Uganda, at least on the surface, seemed to have all the ingredients that would enable her to play a successful post-independence role not only on the continent, but also in the then East African community.

Beneath the surface, however, the seeds of conflict and war were being sown. When one examines the nature of political scheming and

manoeuvring which characterised the political climate at this formative stage, it becomes clear that the country was heading for civil war. We argue here that independence politics in Uganda has shaped many, but not all, of the schisms which continue to afflict Uganda today. To qualify this argument, a short analysis of the competing tendencies and motivations of the dominant political forces at this particular phase becomes necessary.

### **I. SOWING THE SEEDS OF CONFLICT AND DIVISION: INDEPENDENCE POLITICS AT A GLANCE**

By the late 1960s, when all pretences to multi-party democracy had been eventually discarded, the politics of exclusion had come to characterise Ugandan society. Firstly, the military became the primary guarantor of state power, and a tool through which opponents were either intimidated from participating in government, or summarily executed. Second, the practice of splitting the support of opposing parties in order to consolidate power and exclude them from processes of governance became a normal course of politics. Third, each party advanced a particular set of identities (religious, regional and ethnic), around which it mobilised support from sections of the population. The regional schisms promoted by the factional politics of this period eventually played themselves out in the military, to such an extent that from 1966 to 1986, the military was seen as a symbol of regional (read ethnic) interests. When one group occupied the state, it used the military to displace the others, and vice versa. This cycle repeated itself no less than six times between 1966 and 1986. The independence period in Ugandan politics is therefore critical in explaining why the country has failed to develop a genuine democratic culture and why the politics of confrontation, rebellion and unprincipled scheming is so ingrained in the body politic.

The dominant parties at independence were the Uganda National Congress (UNC), the Democratic Party (DP), the Uganda People's Congress (UPC) and the Kabaka Yekka (Kings Only) Party. The themes and identities around which these parties mobilised in fact militated against rather than facilitated accommodative politics. The UNC was more concerned with winning immediate independence, with or without multipartyism. The UPC resulted from a

merger between the UNC and Obote's faction of the Uganda People's Union (UPU). It started out on an anti-Buganda platform, but also attempted to mould itself as a socialist-oriented party. It was anti-traditionalist and sought to check the influence of the Buganda royalists. In so doing, it carved for itself an ethnic identity, as did all the other parties.<sup>3</sup>

The UPC leadership was sub-divided into four competing tendencies. Milton Obote's power base lay in Langi (Northern region), while George Magezi fronted for the local interests of the Banyoro (South West region). Grace Ibingira, another prominent UPC politician drew his strength from Ankole (Western region) while Felix Onama, who later served as Minister of Defence, based his constituency in the West Nile district (also in Northern Uganda). UPC was not bound by a uniting ideology. Its contending viewpoints were based on the idiosyncrasies of the leaders who composed it.

Its tactic of mobilising support by appealing to regional sentiment was to play an important role in fuelling the conflicts in Northern Uganda, a region which has remained troubled due to factors that will be examined in the following sections.

The Kings Only Party (KY), on the other hand, remained opposed to any political challenge mounted against it. It sought to maintain the dominance of the Buganda Kingdom in the country's politics and to safeguard the Protestant faith. At some point, it actively campaigned for self rule, in the context of a homeland for the King's subjects. It was on the basis of this stance that KY opposed the idea of establishing an East African Federation in the late 1960s. Its political outlook revolved around federalism, and quasi self-determination.<sup>4</sup>

The DP coalesced around a Roman Catholic identity. Its chief aim was to contain what it perceived to be Protestant hegemony in the country's politics and economy. The Protestant (Church of England) hegemony was in their view symbolised by the KY, and by extension the Buganda monarchy.

Each party sought to exclude the other from influencing the country's politics, and this meant that every political party which has either occupied or influenced the government between 1962 and 1986 has done so with the aim of marginalising not only its political oppo-

nents but also the regional constituencies which they represented. Thus the Kabaka Yekka establishment throughout the 1950s and early 1960s marginalised and in several cases criminalised the non-Uganda constituency. The UPC government on the other hand, marginalised and criminalised the non-Buganda constituency, along with the West Nile (particularly the Lugbara and Kakwa) region. The Lugbara and Kakwa were identified with Amin, who overthrew Obote in 1971.

Idi Amin's military government in turn marginalised and criminalised the Acholi and Langi communities and even initiated mass executions and migrations of Acholi and Langi soldiers and civilians. The Langi and Acholi were identified with Obote. The return of Obote as Head of State following a series of unprincipled schemes and manoeuvres (including a sham election in 1980) reversed the trend and the Kakwa and Lugbara communities once more found themselves on the receiving end.<sup>5</sup>

Factional and exclusionary politics found expression not only at the level of government and the military, but also at the level of official opposition strategy. Opposition formations also perceived their struggles in the context of advancing the interests of the regional communities and constituencies from which they commanded support. By 1966, therefore, each party was clearly identified with a particular regional community. The KY and DP were predominantly Buganda (identified with the Southern constituency), while the UPC was predominantly Langi and Acholi (identified with the Northern constituency). Within the north there existed two sub-constituencies, namely the Acholi-Langi as identified with Obote and the Lugbara-Kakwa-Anyanya as identified with Idi Amin. When the military increased its prominence in the country's politics, the regional composition of its rank and file was determined by who was in power. Thus between 1966 and 1986, the army was dominated by ethnic groups from the north. This balance of power was overthrown when the NRA, a southern-based armed movement, came to power. By this time, a cycle of armed rebellion had been developed, meaning that as soon as the NRA came to power, the displaced Uganda National Liberation Army (UNLA), retreated to its Northern Uganda stronghold and began preparing to wage war against the NRA. The cycle

shows that the military in Uganda had by this time been used as a tool to foster exclusion as a means to protect incumbent governments.

This divisive mode of politics also influenced the outlooks of the numerous armed rebellions which have emerged at different points in the country's history. The Force Obote Back Army (FOBA) was therefore a Langi/Acholi outfit. The West Nile Bank Front (WNBF) was a Lugbara/Kakwa outfit. The Uganda People's Army (UPA) was a Teso outfit and so on. It was only the National Resistance Movement and Army (NRM/NRA) which made a conscious effort to rise above sectarian politics and usher in a qualitatively fresh political start for the country, but it too was not immune from the divisive politics at the time, since its composition was drawn from the very same society which it sought to change.<sup>6</sup>

All elections held during this phase – 1961 to 1962 – and the Parliamentary by-elections between 1962 and 1964, were driven by exclusionary practices, and were manifestly undemocratic. The dominant political parties, with the exception of the DP, have all manipulated elections at different points in time. Thus in the 1962 elections, KY applied the tactics of intimidation, vote rigging, and cheating to ensure that the DP did not form the incoming independence government. KY and the UPC had by this time formed a very unusual alliance. For its part, the UPC applied the very same tactics in all by-elections between 1962 and 1964 to stifle the DP.<sup>7</sup> It suspended the Independence Constitution in 1966, and passed the famous "pigeon hole" Constitution in 1967. Record has it that Obote forced this document through by simply informing Parliamentarians to collect the new Constitution from their pigeon holes. He manipulated and won the sham elections of 1980, which eventually prompted the launch of a liberation war by the National Resistance Army (NRA). These elections are widely perceived to have been won by the DP. The party, however, took up its position as the official opposition but by 1983, there was no longer any meaningful parliamentary discourse to talk about. The electoral and political process was all about exclusion rather than accommodation.

## 2. THE BUGANDA FACTOR IN UGANDAN POLITICS

No examination of the roots of instability in



Uganda would be complete without an overview of the Buganda factor in the country's politics.

Buganda was the most sophisticated and economically powerful kingdom in Uganda. It had well established traditions, a history of conquest, diplomacy and trade, and an impressive array of public institutions, including a defence force, parliament, palaces, anthem, symbols and a coat of arms. It also had extremely close connections with the British monarchy, whose interests it protected, and through which many Buganda nobles received instruction and education. It was through the Buganda Kingdom's machinery that the colonialists established their system of indirect rule in Uganda.

The DP remained opposed to the Buganda (Mengo) establishment and mounted a sustained challenge against it during the independence phase. It saw it as part of its mission to challenge the Kingdom and by extension, the Church of England. The DP was composed of a section of Buganda Roman Catholic elite who felt ostracised by the Protestant-dominated Buganda Kingdom establishment. This schism has its roots in a tradition established in 1892, which had it that the King of Buganda had to be Protestant. He was investitured in a coronation ceremony modelled along the lines of the British monarchy which took place at the main Protestant church. Insofar as the Buganda Kingdom establishment was concerned (as were other kingdoms in Uganda), there was a fine line between religion and politics.

The DP-KY split can further be explained by the nature of power politics in Buganda during the advent of independence. The conservative elements within the monarchy were concerned about the prospect of being displaced from the political scene by the other dominant political parties. The monarchs of other kingdoms in the country also shared this fear.

The Governor of the then protectorate, Andrew Cohen, started working towards the possibility of federating the three East African territories (Kenya, Uganda and Tanganyika, now Tanzania), along the lines of the then Central African Federation of Rhodesia and Nyasaland (now Zimbabwe and Zambia respectively). This federation, which was dominated by white settler interests, sparked a fear within conservative Buganda that a similar federation in East Africa would be dominated by the white

settler community in Kenya. Besides this, they feared that their significance in Ugandan politics would fade.

Matters were made worse when Cohen urged the Buganda Kingdom to recognise that its long held special status would have to be subordinated in the interests of a unitary nation-state. The King of Buganda publicly opposed Cohen's scheme and demanded that Buganda be separated from the rest of the then protectorate and transferred to the jurisdiction of the British Foreign Office. The King was exiled to London by the protectorate, but this shored up anti-colonial sentiment and strengthened the separatist campaign launched by his close associates.

With time, Cohen relented under mounting pressure and returned the King to the country. After securing an agreement that the King would not obstruct the process of integrating Buganda into the rest of the country at independence, the protectorate gave the King powers to appoint and dismiss chiefs (who not only served his administration, but also that of the protectorate). The King's new powers were explained as being consistent with residual powers of a constitutional monarch, but in reality, he played a key role in shaping the politics of the country.

A new group, fiercely loyal to the King, campaigned to have the King's powers broadened even further. They were now willing to participate and integrate into an independent Uganda, but on the condition that the King headed the new state. By this time, however, there existed a polarisation between those who supported and those who opposed Buganda dominance. In 1959, Buganda's population was two million, out of Uganda's total of six million.<sup>8</sup> Of these, at least one million people owed allegiance to the King. This number was too large to ignore, but at the same time too small to dominate the entire county. Seeing no compromise in sight, the British, during the 1960 London Conference, called for elections in March 1961. The purpose of this election was to prepare the winners for independence.

The King's associates, calling themselves "Friends of the Kabaka", organised a boycott of the entire election. They also intimidated Buganda sections of the population who attempted to vote. Consequently, in the Buganda region, only the Roman Catholic supporters of the DP

withstood immense pressure and went ahead to vote. They won 20 out of the 21 seats allotted to the Buganda region. The DP therefore won the majority of seats despite the fact that they had a minority of 416 000 votes versus 495 000 for the UPC. It was against this background that Benedicto Kiwanuka became Uganda's new Chief Minister.

The results shocked the Buganda separatists, who consequently formed the Kings Only Party (KY). They welcomed the recommendations of a British proposal for a future federal form of government wherein the Kingdom would enjoy a degree of internal autonomy, provided it agreed to participate fully in government.

Against this backdrop, the UPC – which was seeking a role for itself in a future independence government – struck an “alliance” with KY. The aim of this unprincipled scheme was to dislodge the DP from government. We describe this scheme as unprincipled because as we have mentioned elsewhere, UPC was formed as a coalition of Roman Catholics outside the DP who stood opposed to the King's hegemonic role. But this very stance against Buganda was not based on a political programme, or a set of political principles. It was based on power. As for the KY, its alliance with UPC was astonishing, given that it had long viewed the UPC as posing more of a threat to it than the DP, which after all, in their view, was comprised of disloyal Buganda subjects who had rebelled against the nobility and the Church of England. Such was the manipulative politics of the day.

Obote therefore reached an understanding with the King of Buganda, in which he accepted Buganda's special autonomy and a provision that the King could appoint his representatives to the National Assembly. In return, Obote secured an alliance to defeat the DP. The arrangement also provided for the King to become the Head of State, which was of immense symbolic importance to the Buganda subjects and supporters of the Buganda Kingdom. The DP was inevitably defeated. Uganda's Parliament after the 1962 election therefore consisted of 43 UPC delegates, 24 from KY and 24 from the DP.<sup>9</sup> The UPC-KY “coalition” therefore formed a new government with Obote as Prime Minister and the King of Buganda as non-executive Head of State.

The year 1964 marked the entry of the army

into politics. Elements of the army mutinied on the grounds of meagre pay and Obote called in British troops to restore order. As it turned out, Obote acceded to most of the demands made by the mutineers. In order to maintain control and avert a similar incident, he identified and selected Idi Amin, then a junior officer, and rapidly promoted him as a personal aide. He was later to lead an attack on the King's Palace, something which marked the end of the UPC-KY alliance.

The collapse of the alliance began with the question of the so-called “lost counties”. These counties straddled the Kingdoms of Buganda and Bunyoro, which have a long history of antagonism and war. They originally belonged to Bunyoro but were annexed to Buganda in 1900. Obote used this highly emotive issue to secure support for his UPC, and free himself from his unprincipled alliance with KY. Knowing how sensitive the matter was to the Buganda Kingdom, Obote used a combination of patronage and promises of future rewards to lure opposition members of Parliament (MPs) to cross the floor to join government benches in Parliament. For a change, even the DP chose to participate in this undemocratic scheme. Several of its parliamentarians from the Bunyoro region agreed to join the UPC, if Obote would undertake a referendum and restore the lost counties to Bunyoro. The King of Buganda opposed this scheme and dispatched 300 armed veterans to intimidate Banyoro residents from voting. In response, 2000 Banyoro veterans lined the frontier as a show of force. The referendum was held and the counties returned to Bunyoro.

This weakened the KY, whose staunch supporters began to cross the floor *en masse* to join the UPC. By 1966, the Parliament comprised 74 UPC, nine DP and eight KY members. As Buganda weakened further, factionalism within the UPC crept in. In 1965, a faction of UPC supporters, with backing from politicians hostile to Obote, attempted to pass a vote of no confidence in his leadership. Rather than resign, Obote turned to Idi Amin and the army for support. He interestingly conducted a coup against his own government, suspended the Constitution, arrested the rebel UPC MPs and assumed total control of the state. It was then that he forced through his pigeon hole constitution, which abolished the federal powers of the

Buganda Kingdom and concentrated power in the Prime Minister's office. As the Kingdom prepared to mount a legal challenge, Obote sent the army to attack the palace. The King was effectively ejected from Ugandan politics, and ended up an exile in Britain where he later died.

The UPC-KY antagonism had far-reaching consequences for the country. Among the Baganda community, it created a deep sense of resentment and suspicion towards not just the UPC, but the constituency which it was identified, namely the Acholi and Langi. The North–South schism, one of the most enduring legacies of Uganda's political history was thus widened. It is to the root of this schism that we now turn.

### **3. ARMED REBELLION: A CASE STUDY OF THE LRA AND ADF**

Any discussion on armed conflicts in Uganda must begin with an overview of the North–South dichotomy in the country's politics. At independence, the political, educational and economic elite were concentrated in the south of the country, while the military was drawn from the north. This resulted from a colonial policy which treated the south as a special territory, and used the machinery of the Buganda Kingdom to enforce the colonial political economy. On the military side, the pre-World War units of the then Kings African Rifles (KAR), were drawn mainly from the south. As was the case elsewhere in Africa, ex-African servicemen who fought alongside their colonial masters during the world wars became the chief proponents of the anti-colonial struggles.

The colonial administration feared that at this point, any military concentration in the south of the country would threaten its own interests. It was for this reason that in 1945, after the Second World War, recruitment policy was changed to concentrate the military in the north. This meant that the Acholi and West Nile communities dominated the military structures. The independence politicians used this cleavage to achieve their own political ends. The North–South dichotomy is also shaped by a number of additional factors.

The first is a linguistic divide between the Nilotic-speaking people of the north and the Bantu-speaking peoples of the south. There is very little commonality between these languages. The northern languages are in fact clos-

er to those spoken in southern Sudan, than those in southern Uganda. The same applies to their cultural mores.

Second, there was, and still is, an economic divide between the pastoralists, who occupied the drier rangelands of the west and north, and the agriculturists, who cultivated the better-watered highland or lakeside regions. Given this physical characteristic, coupled with the fact that Uganda's economy is based on agriculture, the south finds itself in a more advantageous economic position.

Another divisive factor was the uneven development in the colonial period, whereby the south secured railroad transport, cash crops, mission education, and the seat of government, seemingly at the expense of other regions which were still trying to “catch up” after independence.<sup>10</sup>

The question of servitude also added to the dichotomy. Nubians had been brought in from Sudan to serve as a colonial coercive force to suppress local tax revolts. This community shared little sense of identification with Uganda. The presence of an alien militia sowed the seeds of future conflict. In fact the Nubians, commonly referred to as Anyanya, were later to play an increasingly significant role not only in the military, but also in influencing armed conflicts in the country. The Anyanya factor is also important in understanding the dynamics of the Uganda–Sudan conflict.

Therefore, the North and South continue to remain psychologically apart. This factor, among others, lends the armed groups an extremely powerful mobilising tool which they have used to their advantage. It has also served the current government well, in the sense that the southern population remains far removed and largely disinterested in the conflict in Northern Uganda.

In Parliament, it is the Northern Parliamentary caucus which continues to force the Northern question into the collective memory of the National Assembly. For ordinary Ugandans, especially those from the south, the Northern dynamic does not resonate. The region is commonly referred to as a war zone and statements to the effect that the people from the North are backward and only interested in fighting are commonplace.<sup>11</sup> This does not auger well for reconciliation and accommodative politics.

Another dangerous dynamic is the perception among the Northerners that the Uganda Peoples Defence Force (UPDF) (renamed from the NRA) is a Southern-based army of occupation, which is decimating the children of the North to avenge the atrocities committed by the Northern dominated armies which held sway from 1962 to 1986.

#### 4. A VICIOUS CIRCLE OF REBELLION

When the National Resistance Movement and Army (NRM/A) captured state power in 1986, a fundamental feature of Ugandan politics, namely the domination of the military by Northerners, was overthrown. The Southern-dominated liberation movement became the new national army. Almost immediately, the defeated forces of the Uganda National Liberation Army (UNLA) fled into northern Uganda and entered southern Sudan, where they regrouped and formed the Uganda Peoples Democratic Army (UPDA). This action was motivated by fear of reprisals, and the need to recapture state power.

Accordingly, the North–South schism, which we witnessed during the independence era, came to the fore. The escaping Northern generals could not envision an army dominated by the South. Given that it had now become common practice to use the army to settle political differences, they could not imagine how the NRA would spare their lives if it caught them. On their escape route to Sudan, they took advantage of the distrust towards the NRA in the region and told the population about the horrors which the NRA would visit upon them in revenge for the murders which the Northerners committed during the previous regime. The government’s perceived failure to bring a decisive halt to the conflict initially contributed to some extent to popular support for the insurgency in the North and their acceptance of UPDA propaganda.

Popular support for the insurgency was also linked to a series of failures by the NRA to protect the local communities in Acholi, Lango, Teso, Pallisa, Mbale and Sebei from Karimojong cattle raiders. For its part, the UPC quickly exploited the weaknesses of the NRA and used these to mobilise ethnic sentiment in the North and turn the population against the NRA. This partly explains the reason why there was, and still is, a perception in the North that the gov-

ernment simply does not care about the welfare of this region, and that through its military campaign, it is exacting a genocide on the Northern population.

For its part, the NRA/M found itself in a vulnerable situation. On the one hand, it had the responsibility to win the population on its side, and, on the other, it had to return fire if attacked. This created a dilemma, particularly when the forceful recruitment of grossly under-age children into the rebel ranks to fight against the NRA became commonplace. The children became military targets against their own will, further complicating the situation.

During the period that the UPDA sustained its operations in the North, it drew its support from Gulu and Kitgum. Because Acholi officers loyal to Tito Okello removed Obote in an internal coup in 1985, the UPDA could not extend its operations into Lango (Obote’s area). Coupled with the fact that it also committed countless atrocities against the West Nile population (Idi Amin’s community) it could also not extend into the West Nile area. Again, the independence schisms (Acholi–Langi versus Lugbara–Kakwa) can be seen.

Disillusioned by its failure to recapture power quickly, the UPDA entered into a peace treaty with the NRM government. Analysts have correctly pointed out that like its mother organisations before it, the UPDA did not base its opposition around a set of political programmes and principles. It did not perceive its insurgency beyond purely military means. Guided by an identity which was moulded during the repressive years of Obote’s rule, the UPDA saw itself fighting against a Southern-dominated army, and ultimately displacing it from the state. For the UPDA, the NRA represented a Southern identity which needed to be resisted. When time for negotiations with the NRM therefore came, the settlement reached was not based on political issues, but rather on issuance of jobs to some UPDA leaders, and the integration of the rest into the NRA. The structural, historical, psychological and economic factors which have given character to the North–South schism were not satisfactorily addressed.

With the exit of the UPDA came the Holy Spirit Movement (HSM) of Alice Lakwena, a spiritist cum military commander who believed that she possessed the spirit of an Italian doctor

who lived in the area in the 1900s. The HSM, unlike UPDA, managed to attract support outside of Acholiland. It used a combination of myth, superstition and voodoo to enchant the population to rally to its cause. It told its fighters that the stones they threw at the NRA would turn into grenades and that if they smeared shear (simsim) oil on their bodies before going into combat, they would deflect or melt NRA bullets. Lakwena told her followers that the reason why the Acholi were suffering was because they had to pay the price for the many sins they had committed in the past. The only way they could absolve themselves was to collectively fight together, under divine guidance, to defeat the Southerners in Kampala. The HSM proved to be difficult and highly unpredictable.

Using a combination of unscientific methods of waging war and seemingly disjointed tactics, wholly unfamiliar to a disciplined and well-trained force, the HSM at some point reached within 100 km of Kampala. Its fighters would typically attack in droves, while chanting hymns and invoking spiritual powers. As an advancing line fell, following a hail of gunfire, another would surge forward replacing it. This cycle was repeated several times, in order to confuse the NRA units.

Despite the fact that the HSM base expanded beyond Acholiland, it was confined to the northern region. Lakwena found it easier to operate in areas occupied by Nilotic communities (Acholi, Langi and Teso). When she tried to spread into Bantu-speaking areas, the Movement quickly collapsed. Yet again, the North–South dichotomy is apparent.

With the exit of the HSM, we were introduced to the Lord's Resistance Army (LRA).

The LRA is in many respects an offshoot of the HSM. Following the defeat of Alice Lakwena, Joseph Kony, also a spiritist, began to recruit former UPDA elements and HSM fighters who had remained in the north while Lakwena was advancing southwards towards Kampala. His group was originally known as Holy Spirit II.

The LRA, like the HSM before it, mixed religion with myth, superstition and magic. It also coalesced around an anti-Southerner identity. Like Lakwena, Kony believed that he was a spirit medium who received instructions from spirits and in turn communicated these to a council of scribes, who recorded them. It is said

that Kony has a choir of girls who dress as nuns and chant praises to him. Before battle, he performs certain rituals which include praying at an altar, and asking the girls to remove their blouses at a painted circle divided into 30 sections. Testimonies made by some of the few children who have been rescued from Kony show that the children are forced to participate in mass killings, usually under gun point. They are used as porters, workers and sex slaves, and also participate in combat. Taking cover during battle is considered cowardly and is punishable by death.

The LRA envisions ruling Uganda according to the Ten Commandments. It views the current government as being dominated by foreigners and hopes to replace it with a purified Acholi organisation. One interesting characteristic about the LRA is its endless attacks on the population within which it lives. Any Acholi who did not support it was considered a legitimate military target.

Coupled with its strategy of abducting underage children and forcing them into its ranks, the LRA has not endeared itself to the population. But this has not automatically translated into support for the NRA. This is a clear indication that the North–South schism is much more profound than it usually appears.

The mass abduction of children began in early 1995. In 1996, presidential elections were held in Uganda for the first time since the NRM came to power. Before the elections, the LRA said they would lay down their weapons and quit the rebellion if Paul Semogerere were to win. They announced a cease-fire to allow elections to go forward. Though Museveni won these elections with a 75% overall majority vote in the country, in Acholi he received less than 20% of the vote. A similar voting pattern is reflected in the recent referendum as well as Presidential elections.<sup>12</sup>

## **5. THE ALLIED DEMOCRATIC FORCES (ADF)**

Based in the Ruwenzori mountains of western Uganda, the ADF is a combination of fundamentalist Tabliq Muslim rebels and remnants of the National Army for the Liberation of Uganda (NALU). It has claimed responsibility for a string of bomb blasts that have rocked the country, particularly Kampala, in recent times. It also frequently links up with the ex-Rwandan armed forces and Interahamwe militias operat-

ing in the region. The Interahamwe are responsible for the 1994 genocide in Rwanda.

Like the LRA, the ADF rebels, based in the Rwenzori Mountains, reportedly committed atrocities against the local civilian population, driving them from their homes and farms in the mountains into lowland towns.

In the west and south-west, the ADF significantly heightened their activities in 1998, which included repeated attacks on civilian targets, trading centres, and private homes. The ADF continued to plant land mines extensively and increased its attacks on both rural and urban civilian targets.

The ADF's deadliest attack to date occurred on 8 June 1998, when rebels killed 80 students of the Kichwamba Technical College in Kabarole district by setting locked dormitories on fire. An additional 80 students were abducted in the raid.

## **6. WHAT WERE THE MOTIVATING FACTORS BEHIND THE FORMATION OF THIS MOVEMENT?**

The series of manoeuvrings at independence overshadowed Muslim concerns about having been marginalised by the colonial and post-colonial establishments. Idi Amin's coming to power was seen as a first step to seeking redress for these perceived imbalances. Amin's later overthrow, however, stalled these nascent hopes.

Fuelled by the gradual rise of militant Islam in other parts of the world, the Tabliq Youth Movement was formed in Uganda in the early 1980s. Initially, it was interested in welfare and reform issues, but when the Supreme Court ruled in favour of one of the rival Islamic factions in Uganda, the Tabliqs blamed this on what they perceived to be government interference in Islam. Given the radical nature of the Tabliqs, the movement henceforth became political and professed their aim of constituting an Islamic state in Uganda.

In 1989, The Tabliq Movement attempted to block the government-backed Uganda Muslim Supreme Council (UMSC) leader from occupying his office. A violent confrontation between them and the police ensued, leading to the arrest and imprisonment of several youth leaders. The Movement split into a radical faction headed by Jamil Mukulu and a moderate one headed by Sulaiman Kaketo. After their release from prison, Mukulu's group went into hiding

and was next seen at Busekura in Bunyoro, in 1995.

Following their defeat at Busekura, the group went underground once again, and this time reappeared as the Allied Democratic Force (ADF). With alleged support from the late President of the former Zaire, Mobutu Sese Seko, the ADF in 1996 attacked and occupied Mpondwe border post (Uganda–Zaire) for a number of hours. As is the case with the LRA, the ADF has proved difficult to defeat.

The emergence of the ADF in many ways brings with it a new dimension to the pattern of armed rebellions in the country. First, is that it is the only southern-based armed group challenging the NRM government.

Second, it coalesces around a Christian–Muslim schism, as opposed to a North–South one. Third, it does not have a clearly identifiable leadership as compared to the other groups in the North. Fourth, it operates out of areas in which the NRM has traditionally enjoyed popularity. The ADF has also added a new phenomenon to armed conflict, namely urban terrorism.

Another important characteristic is that the ADF, unlike its Northern counterparts, is a conglomeration of various armed elements, and does not have a unifying ideology. It is networked with the Interahamwe, ex-Zairean Forces and ex-Rwandan armed forces. Its links with these groups appear to have temporarily neutralised its Islamic identity.

## **7. LOOKING AT THE DICHOTOMIES IN CONTEXT: WHY ARE THEY SO ENDURING?**

What is clear from the overview presented here is that in both regions (North and South), armed movements have emerged under conditions of relative deprivation, and have mobilised for support along ethnic and religious identities.

While the ADF emerged from conditions of perceived Muslim marginalisation and exclusion, the UPDA, LRA, WBNF, FOBA and HSM emerged from conditions of perceived fear of reprisals, uncertainty concerning the displacement of Northerners from the army after a 30-year hegemony and feelings of exclusion from the emerging movement politics.

It also becomes clear that both sets of rebellions fit into two enduring dichotomies in Ugandan politics, namely the Muslim–Christian dichotomy and the North–South dichotomy.

The Muslim–Christian dichotomy is rooted

in the perceived marginalisation of Muslims under the colonial period, and also under succeeding governments, with the exception of the Amin period. Against the rising tide of militant Islam, Uganda's opposition to Islamic fundamentalism in Sudan and perceived closeness to United States foreign policy, the radical Islamic tendency in Uganda has been on the increase.

After a brief lull in late 1989 the ADF emerged as an armed force in 1996. It remains the only armed element today which has attempted to take the war to the heart of the South. It has tried to achieve this through urban terror, but beyond this, it concentrates on hitting at soft targets, much like its counterparts in the North. Its alliance with other groupings from very disparate backgrounds might dilute its Islamic leanings.

The Roman Catholic-Protestant dichotomy on the other hand continues to exist, but it has not yet expressed itself into armed conflict and is not likely to do so. This may partly be explained by the fact that the proponents of this schism are to be found in the economically powerful and relatively well to do class. It should be remembered that the DP and KY traditionally drew their rank and file from the educated and economically powerful elite. They clearly have a stake in the country's stability.

The North-South dichotomy, however, presents a particular problem. Whereas the armed groups in the North claim to have found an armed solution against Southern political and economic dominance, their victims remain concentrated in the North, rather than the South. Militarily the UPDF is perceived to be an army protecting Southern interests but even then, in recent years the focus of the armed groups has been soft civilian targets rather than the military itself.

Within the meaning of the North-South dichotomy genuine differences exist, the leading one being that there appears to be a psychological gap between the North and South. Southern interaction with the North tends to be confined to the military, or in the media. The Northern collective experience does not seem to elicit a strong resonance with Southerners. They appear detached from it. This may partly be explained by the fact that the worst human rights abuses in Uganda were committed during the years when the control of the military and government was in the hands of the

Northerners. Most civilian deaths occurred in the south and Southerners constituted the highest number of exiles.<sup>13</sup>

There also exists a level of hostility against the Anyanya phenomenon. The Anyanya were the first Southern Sudanese separatist elements who attempted to secede from the rest of Sudan. They are closely related to the Kakwa of Uganda, who are found in the West Nile (where Amin comes from).

Idi Amin recruited several Anyanya elements into his own army. These foreign elements were later to play an extremely prominent role in the purges of the Amin era. Given the fact that the colonialists also recruited the Anyanya to assist them in suppressing tax revolts in Uganda, the local population, particularly the Southerners, developed a deep resentment towards them. This phenomenon remains intact within the collective memory of the Southerners (intellectuals and peasants alike). The problem here is that Southerners do not seem to be making a distinction between the Northerners and the Anyanya. The preferred tendency is to stock them into one group, in much the same way as the different groups in the North refer to the "Southerners" as one bloc.

Finally, the armed groups in the North are not democratic, and do not have the will or experience to present a qualitative alternative to the Movement. None of them is fighting for the restoration of multiparty democracy and their acts against civilians are scarcely representative of any form of democracy, but underlying the tension, is an unresolved Northern-Southern question which must be addressed if this conflict is to be resolved.

## **CONCLUSION**

From the brief historical survey presented here, it is clear that like other countries on the continent of Africa, Uganda's quest to create institutions, processes and competencies to build a culture of tolerance and accommodation remains elusive. The country's 30-year history of political mismanagement has put in place a cycle of confrontational politics, which has in turn prepared the ground for the outbreak, as well as the recurrence, of armed conflict. Politics is traditionally viewed as a contest for state power, and in the pursuit of power in Uganda, politicians have not hesitated to break the rules of democracy to suit their own inter-

ests. Such is the collective experience that the Ugandan electorate has had to contend with.

The various armed conflicts facing the country are a manifestation of unresolved regional and religious cleavages, which have been used as mobilising tools by politicians at different phases in the country's political development. On the surface, these cleavages at times play themselves out as simply "ethnic conflicts" but in reality, they are fuelled by social and economic tensions, resource inequalities, etc.

Central to these cleavages, is the North–South question. The paper has shown that this dichotomy remains one of the most enduring legacies of Uganda's recent history. While it may be true that a number of historical factors have shaped it, a comprehensive and holistic approach towards addressing the North–South question may lead us to a resolution of the conflicts in Northern Uganda.

It is clear that none of the armed groups has articulated a coherent political programme around which to base their opposition, but the

strategy of seeking to settle their claims by offering material rewards does not auger well for the long-term resolution of the conflict. A series of innovative interventions may point us in the right direction. There are psychological, cultural, spiritual, economic and political questions that underlie these cleavages, and this paper suggests the application of a combination of strategies to address the issues as holistically as possible.

The struggle to find more accommodative models continues. Civil society and government in Uganda must strive to build institutional capacity to deliver strategic interventions to address the catalysts of armed conflict, and must in the same vein develop complementary partnerships to build a viable democracy based on conflict resolution, tolerance and accommodative, as opposed to exclusionary, politics.

Only when the spectre of armed conflict is addressed, can Uganda hope to realise its goals of socio-economic development, industrialisation and poverty eradication.



**ENDNOTES**

- 1) For a discussion on pre-independence politics in Uganda, consult Bade, A, 1996, *Benedicto Kiwanuka: The man and his politics*, Kampala, Fountain Publishers.
- 2) See for instance, Avirgan, T and Honey M, 1982, *War in Uganda : The Legacy of Idi Amin*, London: Zed Press.
- 3) Bwen gye, A.W.F, 1985, *The Agony of Uganda: From Idi Amin to Obote*, London: Regency Press p 25.
- 4) Ibid.
- 5) See for instance, Kyemba, H 1997, *A State of Blood: The inside story of Idi Amin*, Kampala: Fountain Publishers.
- 6) Mutibwa P 1992, *Uganda Since Independence: A Study of Unfulfilled Hopes*, Kampala: Fountain Publishers.
- 7) Consult Okoth P.G. et al (eds), 1995, *Uganda: A Century of Existence*, Kampala: Fountain Publishers.
- 8) Dinwiddy, H, 1981, The Search for Unity in Uganda: Early Days to 1966, *African Affairs*, vol. 80, No. 321.
- 9) See for instance, Ondoga ori Amaza, 1998, *Museveni's Long March: From Guerrilla to Statesman*, Kampala: Fountain Publishers.
- 10) Langseth, P. et al (eds), 1995, *Uganda: Landmarks in Rebuilding a Nation*, Kampala: Fountain Publishers.
- 11) See for instance Kasozi, A.B.K, 1999, *The Social Origins of Violence in Uganda 1964-1985*, Kampala: Fountain Publishers.
- 12) Karugire, SR, 1980, *A Political History of Uganda*, London and Nairobi: Heinemann.
- 13) Mayombo, N 1997, *Constitution-Making and the Struggle for Democracy in Uganda 1988-1995*, LLM Dissertation, Makerere University.

# Angola: A Case Study

---

*Gerald J. Bender*

---

## **ABSTRACT**

*Most of the dozens of civil wars raging around the globe are examples of ethno-religious struggles. One notable exception is a country that has been at war for most of the past four decades, namely Angola. The author argues that the Angolan civil war, in which initially a single ethnic group overwhelmingly dominated each side, never took on the dimensions of an ethnic struggle.*

## **INTRODUCTION**

Contrary to most civil wars, the Angolan war seems to have instilled both sides with a stronger sense of being Angolan.<sup>1</sup>

Naturally, stereotypes exist among Angolan peoples, as is true for all multicultural societies in the world. The Kimbundu often think of the Ovimbundu as malleable, hard working and industrious, excellent soldiers, and lacking (European) culture. The Ovimbundu, on the other hand, frequently think of the Kimbundu as “city slickers,” who would rather party than work, are lazy and too Europeanised. Yet, and this is fundamental to the absence of an ethnic war in Angola, none of these stereotypes includes the notion that the “other” is so bad that they represent a threat to all of “my people” and they must be eliminated. Never, during the two-and-a-half decades of civil war, has either side publicly denounced the other with reference to ethnicity.

The only leader who has made private appeals on the basis of ethnicity is Jonas Savimbi, who found a receptive audience among a few African leaders.<sup>2</sup> In fact, Savimbi’s ethnic appeals gained attention in

some quarters because Unita has always been made up of about 95% Ovimbundu.

The MPLA, which traditionally drew its leadership from Kimbundu, mestisos and whites, quickly opened its ranks in the years immediately following independence to include those from the north of the country. By 1979 the 11-member Political Bureau of the party included three Kikongos and two Cabindans. The advantage of this inclusion could be seen in the 1992 election where the MPLA won far more votes in the provinces of the Kikongo heartland (Uige and Zaire) than the traditional Kikongo party of the FNLA or other parties that were essentially Kikongo based. At the same time, there was almost no effort to incorporate members from the Ovimbundu, the largest ethnic group in the country, who constitute approximately a third of the entire population of the country. In 1979 there were no Ovimbundu in the Political Bureau and they made up less than four per cent of the Central Committee. This pattern persisted into the mid-1980s when one of the most prominent Ovimbundu in government, a former minister and provincial governor, did not receive enough votes to make the Central Committee.

## **1. THE SAVIMBI FACTOR**

Jonas Savimbi cleverly exploited this exclusion of Ovimbundu to fuel his war against the MPLA government. He argued that the only hope for the Ovimbundu to participate in the governing of the country was to overthrow the government by force. His appeal was reinforced by the fact that there was only a token representation of Ovimbundu in the Cabinet

and among officers in the armed forces. This situation changed dramatically in 1992, however, following Savimbi's loss in a free and fair election. Many Ovimbundu, who had been integrated into the armed forces, chose to stay and President dos Santos appointed a number of Ovimbundu to ministerial and deputy ministerial positions. Today, Ovimbundu constitute over half of the armed forces and nearly a third of the Cabinet members. In fact, a recent Secretary-General of the MPLA and Prime Minister, Marcolino Moco, is Ovimbundu. Moreover, many Ovimbundu are playing important roles in the national Parliament. The result is that Savimbi's old appeals to ethnic solidarity ring hollow and do not have the same effect they had a decade ago. This has left Savimbi in the untenable position of fighting a war without a cause.

In the past, Unita fought for many causes that attracted considerable domestic and international support – the anti-colonial struggle, an anti-Soviet Cuban campaign, insistence on multiparty democratic elections, and a better place for the Ovimbundu under the Angolan sun. But these causes are all in the past and in recent years he has not advanced a new cause to justify his military struggle. Increasingly, it appears that the civil war in Angola is about the ambitions and the fate of one man – Jonas Savimbi. More importantly, this makes a negotiated resolution of the war extremely difficult, if not impossible. What is there to negotiate?

When people in many quarters, including Washington and London, insist that any future negotiations between the government and Savimbi must start with the Lusaka Accord, it is not because this Accord is held to be sacrosanct or so perfect that it could not be improved. (Ironically, the government came close to trashing the Accord in the late 1990s.) Clearly the Accord – like all peace agreements – could be improved. The insistence on adhering to Lusaka is another way of saying that Unita must implement the final two chapters of the Accord with respect to demobilisation of its armed forces and return to the government of all territory held. No government in the world could expect or accept anything less. Imagine the reaction of the South African government if things had gone differently in 1993–94 and a military leader emerged in KwaZulu with an army and arms that rivalled Pretoria and occu-

pled large parts of the country where no civilians could circulate safely. It is difficult to conceive of any South African counselling his/her government to negotiate an agreement that would not call for disarmament and return of all territory.

The crux of the problem, however, is that Jonas Savimbi – as he has stated privately many times – does not feel secure unless he holds some territory and maintains an armed force. Clearly, this is a recipe for continual warfare barring a dramatic metamorphosis on the part of the Unita leader. In fact, Savimbi is unique among the leadership of Unita in harbouring legitimate security concerns because all of the good will of the international community and the Angolan government cannot assure his safety, while others need to have few, if any, concerns for their personal safety in a post-war Angola.

Many in Angolan civil society, top South African leaders, the Secretary-General of the United Nations (UN), and others call for an immediate cease-fire and negotiations. But it is important to know what will constitute the basis of such negotiations. For most of the past four decades, Savimbi's singular goal has been to seize power and to rule Angola. Addressing his troops in 1998 he left little doubt that this remained his goal when he admonished, "peace is not power, we are not interested in peace, only in power".<sup>3</sup> How is it possible to negotiate the division or surrender of power in any country? Even if it is true – as some of Savimbi's former top lieutenants maintain after meeting with him in Brazzaville in 1997 – that the Unita leader knows that he missed his chance and will never rule Angola, we are still left with the major dilemma of how to negotiate his personal security, especially given the fact that he refuses to accept any option that would involve his exile from Angola. These are serious and responsible concerns that all interested parties who desire peace in Angola must contemplate.

## **2. CIVIL SOCIETY**

Since 1999 there have been numerous cries from different groups constituting Angolan civil society for "peace," an "end to the war", and "an immediate cease fire and negotiations". These appeals are understandable because all Angolans are tired of the war and the sacrifices that the fighting imposes on them. Many groups

see themselves as a continuation of anti-war movements from the recent past. Yet, there are fundamental differences between the Angolan anti-war movement and those, for example, in the United States (US) or South Africa. The US had little to lose by withdrawing from Vietnam other than pride and face. Demands in some circles in South Africa to withdraw from Angola in the late 1980s cost Pretoria almost nothing. But the Luanda Government cannot “withdraw” and has everything to lose. Moreover, few in Angolan civil society have advanced concrete or realistic proposals as substitute for the Lusaka Accord.<sup>4</sup> Increasing attention in the international community has been given to Angolan civil society and, therefore, it is important to understand exactly who they are and whom they represent.

The politically active components of Angola’s civic (or civil) society include religious groups, the non-official press, and diverse non-governmental organisations (NGOs). On fundamental questions of the day – e.g. whether or not the government should negotiate with Savimbi – there are great differences of opinion among these varied groups. Consider the non-official press. For some time there has appeared to be a common front among non-official publications on an “authenticity” campaign.

In effect, there has been a concerted effort to “expose” prominent Angolans as having “foreign blood” (i.e. Cape Verdian or Sao Tomean) which, regardless of the truth of the allegation, can be damaging. When it was revealed that a publisher, William Tome, had a European grandparent, his newspaper (*Folia 8*) dropped out of the authenticity campaign, which continues to be waged without abatement by a rival newspaper, *Angolense*. On the basis of my own analysis of the quality and role of the non-official press, I feel that the following observations are fair:

Non-official papers still work under threat of punishment if they go too far:

- yet they enjoy more freedom to criticise governmental officials than do their counterparts in most other countries in Africa
- it is not possible to follow Angolan politics objectively without reading the major alternative newspapers
- the level of journalism evinced by these publications is quite low – they are particularly

remiss with regard to the verification of allegations and putative facts

- while they expose poor governance and corruption, the non-official newspapers also inject dangerously discriminatory themes relating to race and authenticity that could provoke civil strife.

When we assess the relationship of this component of civil society to democracy in Angola, we should not forget the misguided attempts by diplomats and publicists in the US to attribute democratic virtues to Jonas Savimbi. Although few of them went as far as former US Ambassador to the UN Jeanne Kirkpatrick (“Linguist, philosopher, poet, politician, warrior. Savimbi has admirers the world over, and I have long been one of them. He is one of the few authentic heroes of our time”), some Americans wrongly persuaded themselves that he represented the best democratic hope for Angola. This same tendency can be seen today in commentaries on the opposition press. While there is no question that the government made Rafael Marques into a martyr when they stupidly imprisoned him for “defaming the President,” others, mostly foreigners, catapulted him to the status of a hero and icon of Angolan journalism, which could do Marques and Angolan journalism more harm than good.

In an illuminating paper on Angola’s civil society presented to an international conference on “Law, Democracy, Peace, and Development” in Angola earlier this year, Fernando Pacheco distinguished these four categories of groups: (1) the Catholic Church by itself; (2) groups connected with governmental power; (3) pacifist organisations; (4) others. He argued that groups connected to the government lack credibility, autonomy and transparency (of their funding).

Pacifist organisations, he argued, had little influence and poor connections with the masses. With respect to his residual category of “others” he dismissed them as having no influence and practically no transparency of funding.

While I disagree with his limiting the influence of churches to the Catholic Church, given the immense importance of Protestant churches in Angola, I believe that he is correct when he says that the churches are the most influential and important component of civil society in Angola today.

The churches themselves are, however, divided over the fundamental questions of the day. All favour peace and an end to the war, but that would be true of over 99% of the Angolan people. With respect to the issue of how to end the war and achieve peace, there are great divisions.

For example, on the question of whether there should be immediate negotiations with Savimbi, the Catholic Church is deeply divided. There is an understandable tendency to equate the positions of the Catholic Church with those taken by the Catholic radio station, *Radio Ecclesia*, but this is a serious mistake. Several top Catholic officials have expressed to me strong disagreements with *Radio Ecclesia*,

especially its advocacy of negotiations with Savimbi.

### **CONCLUSION**

The bottom line is that it is important to keep the multifaceted groups and individuals in Angolan civic society in perspective. They represent important alternative political positions to the government but there is by no means a general will, or even the semblance of a clear voice, as to what is to be done to achieve peace and reconciliation. The great enigma that these groups and all Angolans face, is the question of whether or not it is possible to negotiate an enduring peace with Jonas Savimbi, whose past conduct scarcely inspires an iota of optimism.

---

### **ENDNOTES**

- 1) On this point see the book by President Clinton's special envoy to Angola, Paul J. Hare, *Angola's Last Best Chance for Peace* (Washington: United States Institute for Peace Press, 1998) where he argues that: "Yet after all is said about the cleavages in Angolan society, an Angolan identity and a sense of belonging to the Angolan nation do exist among its people, forged during the years of struggle against Portuguese rule. Ethnic, cultural, economic, racial, and geographic differences exist and are important, but they should not obscure the existence of this underlying, unifying thread, which can bind the Angolan nation into something better than it has experienced to date."
- 2) Savimbi, for example, advanced this position in his briefing to Nelson Mandela, Thabo Mbeki, and other South African government officials at a meeting in Umtata, January 6-8, 1997.
- 3) The government found videotapes of some of Savimbi's speeches when it captured Andulo in October 1999. Excerpts of these tapes were broadcast on Angolan television in late April 2000 and this phrase was among them.
- 4) See, for example, the eloquent plea to declare the Lusaka Accord dead by the famous and martyred journalist Rafael Marques, "Angola: the Monumental International Lies" (20 June 2001). It is important to observe that while he asserts that the Lusaka process is dead, he offers nothing to replace it other than to include groups from civil society into the mix.

# Mozambique: A Case Study

---

*André Thomashausen*

---

## **ABSTRACT**

*The author analyses the civil war in Mozambique as a manifestation of perceptions of political identities that were exclusionary and at the same time interdependent. He traces the origins of the General Peace Accord of 1992 from the perspective of his own participation in the peace process that led to it. On the basis of his own first-hand experience in the peace process he identifies eight “alternative principles of conflict resolution”, which he argues are generated by his analysis of the resolution of the civil war in Mozambique. He calls these principles of conflict resolution “alternative” because they contradict some of the most widely accepted principles of conflict resolution accepted by contemporary practitioners today.*

## **EXCLUSION**

Mozambique is an interesting case study for the general theme of political identity and exclusion, for two reasons. First, because exclusionary politics have characterised and divided Mozambique for most of its recorded history. And second, because Mozambique is one of only three examples of successful conflict resolution in contemporary Africa, together with Namibia and South Africa. The success in all three cases can be attributed chiefly to the re-orientation of political identity perceptions of the main conflict parties. In Mozambique this has permitted the transition to an era of peace and development that we know, since 1994.

During colonial days, the politics of exclusion were the foundation of government and

administration. The purpose and justification of colonisation was to impose the conquerors’ European cultures and civilisation. In the Portuguese colonies, only the *assimilado*,<sup>1</sup> meaning the “assimilated native”, had rights and social status. The majority who had no access to Portuguese school education were disqualified and excluded.

After independence in 1975, Mozambique embarked on a new kind of politics of exclusion. Ideological zeal turned Mozambique into what I can best describe as “the Albania of Africa”. A mere three years after independence, Frelimo proclaimed itself in a new constitution, the “vanguard party that is the principal agent of transformation of our society, in the process of building the material and ideological foundations for entering socialism”.<sup>2</sup> Africa specialists in the socialist mother country, the Soviet Union, reasoned that the accelerated collectivisation, abolition of traditional village life and criminalisation of traditional leadership structures, coupled with an aggressive anti-religion campaign, would provoke dissent and resistance.

Frelimo’s rule soon became more repressive than that of the colonial masters. Even the smallest contravention, such as selling fish on the black market, was punished by public execution<sup>3</sup>. Already in 1978, some 30 000 “enemies of the people” were deported into the dreaded re-education camps. Many never returned.<sup>4</sup> Some managed to escape, and a handful decided to fight their exclusion from politics and social life, by taking up arms against the new oppressors.<sup>5</sup> A mere three years after independence, from 1978 onwards,

civil war again ravaged one of the poorest and least developed countries in the world, for another 14 years, until a General Peace Accord was finally signed in Rome on 4 October 1992 by the government and the rebel movement Renamo.

The causes and the true dimensions of the conflict in Mozambique were for a long time denied by the government. It was in the logic of their political beliefs that opposition against what they claimed to be “scientific socialism” had no right to exist, and could only be explained by reference to foreign intervention. Conspiracy theories abounded and Frelimo tried to lend credibility to them by demonising the newly formed rebel movement Renamo, or any kind of opposition to the concept of the one-party state.

### **1. ESCALATING THE WAR IN THE NAME OF PEACE**

Renamo’s ambiguous and close relationship with the Rhodesian (UDI) government of Ian Smith, and since 1980 with South Africa’s apartheid regime, cast doubts on its legitimacy as a political movement, and invited political rejection by liberation movements in Southern Africa, including Angola’s Unita. This was aptly exploited by the Frelimo government in its anti-Renamo propaganda campaigns, and put Renamo on the defensive.

As the civil war continued throughout the 1980s, the usage of indiscriminate violence escalated. The government re-invented the Portuguese colonial strategy of conducting large-scale aerial bombardments wherever a presence of rebel forces was suspected. The bombardments triggered forever growing refugee streams into the neighbouring countries of Malawi and Zimbabwe, a humanitarian disaster for which the rebels were blamed.

Renamo, in turn, indiscriminately used forms of so-called traditional punishment, i.e. mutilations, to impose discipline and spread fear amongst its enemies.<sup>6</sup> Massacres against villagers were regularly reported, but today there are reasons to doubt the government’s *bone fides*, at least in this regard. Repeated attempts after the 1994 elections to institute any kind of Truth Commission to investigate crimes against humanity in Mozambique, were blocked by the government with its narrow Frelimo majority in Parliament. Renamo maintained that it had no interest in antagonising the people on whose

sympathetic support it depended for food and shelter, and that mass-abuses and massacres were committed by special government units posing as Renamo soldiers and known as the *Pseudos*, often with the help of European and in particular British mercenaries.<sup>7</sup>

The atrocities and massacres helped Frelimo to enlist the help of foreign writers in its campaign to demonise Renamo internationally, and secure substantial increases in foreign assistance.

An example was a United States (US) State Department Report, entitled *Summary of Mozambican Refugee Accounts of Principally Conflict-Related Experiences in Mozambique*, which was released to the media in Washington D.C., in April 1987.<sup>8</sup> The Gersoni Report, as it commonly became known, asserted that at least 100 000 civilians had been killed by Renamo, and that these killings were to blame for the largest refugee catastrophe in Southern Africa ever. It also labelled Renamo the “Khmer Rouge of Africa”.<sup>9</sup> According to US Deputy Undersecretary of State Roy Stacey, the Report revealed “one of the most brutal holocausts against ordinary human beings since World War II”.<sup>10</sup>

Gersoni had arrived at the figure of 100 000 civilians killed by Renamo by methodological manipulation. During a brief visit to Southern Africa, he admittedly interviewed as few as about 80 refugees, asking them through a government-supplied interpreter to tell him how many people they had witnessed being killed by “bandits”. He then extrapolated the numbers so obtained on the basis of an estimated total number of two million refugees, thus arriving at the figure of a total 100 000 killed.

To add some “colour”, the Report also narrated particularly explicit accounts of sexual abuses.<sup>11</sup> Four years later, former BBC journalist Joseph Hanlon published an entire book dedicated to what he maintained were not 100 000 but by now actually one million civilians killed by Renamo. He made this assumption simply by extrapolating Gersoni’s figures on a timeline, assuming a steep statistical escalation factor.<sup>12</sup>

A more realistic guess would be that some 50 000 victims lost their lives directly as a result of rebel military action throughout the entire war. The truth is that it will be impossible to ever arrive at precise figures. This is

borne out by the still scarce number of honest academic writings on the tragedy of the conflict in Mozambique. The book by Geffray, *La Cause des Armes au Mozambique*, published in 1990,<sup>13</sup> was the first serious social science contribution to the appreciation that the civil war in that country, was a war of conflicting political identities that required each other to justify their own existence.<sup>14</sup> A decade later, a few more titles became available that shed light on this war of identities that tore Mozambique apart. First and foremost João Cabrita's *Mozambique – the Tortuous Road to Democracy*,<sup>15</sup> as well as Pires and Capstick's *Winds of Havoc*,<sup>16</sup> and most recently Naidu's short piece entitled "Mozambique: A Lasting Peace?"<sup>17</sup> and last but not least the article by Schafer in *African Affairs* titled "Guerrillas and Violence in the War in Mozambique".<sup>18</sup>

In hindsight, the unscholarly bias of the Gersoni Report and similar publications<sup>19</sup> is confirmed by the election results both in 1994 and then again in 1999. In both elections, the same people that had been branded the "Khmer Rouge of Africa" secured near victory, despite United Nations (UN) evidence that in 1994 numerous irregularities had disadvantaged Renamo, whilst in respect of the 1999 elections, even the Mozambique government admitted that the results from close on 1000 polling stations, representing approximately 10% of the votes, were never counted. The risk that intimidation in former Renamo strongholds could have contributed to the near victories of their candidates can be discarded. No accusations of intimidation by Renamo were ever made, not even by the government.<sup>20</sup>

## 2. NEGOTIATING TOWARDS AND NOT AROUND THE CAUSES OF THE CONFLICT

How peace was eventually attained in Mozambique, and more importantly, made sustainable, remains unanswered by most scholars. One unsatisfactory explanation offered is that Mozambique was a "unique case" or simply that good fortunes guided the peace process.<sup>21</sup> In one case, even a revival of the old conspiracy theories can be found, where it is suggested that "hidden hands" had paid off the rebels and "bought" peace in Mozambique.<sup>22</sup>

Although there were obvious systemic changes at the onset of the 1990s, such as the demise of the Soviet Union and the disappear-

ance of a bi-polar structure in international relations, more research needs to be dedicated to what brought about the actual events during the two years of negotiations, from 1990 to 1992.<sup>23</sup> Hopefully, the materials of the negotiations will be made accessible to researchers in the near future.<sup>24</sup> The questions that could lead to a more rational understanding of the process, beyond its characterisation as having been "unique" are: Where did the draft documents originate, for no less than 11 protocols making up the 1992 Peace Accord? Were negotiations based on proposals tabled either by the government or by Renamo or by the hosts of the meetings, or by some or all of them? What were the internal reporting and decision-making procedures of the parties? How were communications organised, and was the privacy of such communications safeguarded? Did parallel channels and levels of negotiations exist? How did they operate? Most probably, the answers to these questions would also help clarify what circumstances brought about the fundamental shift in attitudes of the conflicting parties towards the conflict itself. The commonly made assumption that the collapse of the apartheid regime in Pretoria brought about the change in attitudes of Renamo is not conclusive, because the South African government actually "switched sides" to very actively support the Frelimo government as early as 1986.

By way of a first contribution to this anticipated research, and from my own first hand experience, I can point out, for instance, that the Mozambique Peace Accord to a very large extent originated in the drafts and proposals submitted by Renamo. If anyone doubts this, I would invite them to compare the original Renamo draft proposals with the signed Mozambique Peace Accord. The original Renamo proposals consist of approximately 75% of the text of the signed Accord. The signed Peace Accord often follows the text of the Renamo proposals word-by-word. This curiously overlooked factor is, in my opinion, a key to the deeper understanding of the Mozambican peace process.

In order to trace some of the turning points in this process, it is necessary to first consider the issues covered by the final agreement of 4 October 1992 between the Government of Mozambique and Renamo – Resistência Nacional Moçambicana. The Agreement actu-



ally consists of a solemn re-affirmation of 11 prior agreements, each recorded in a separate protocol, namely, (in chronological order):<sup>25</sup>

- (1) the Joint Communiqué (to initiate negotiations) of 10 July 1990
- (2) the Agreement (on partial withdrawal of Zimbabwean troops setting up the International Verification Commission – COMIVE) of 1 December 1990
- (3) Protocol No. I (on Basic Principles) of 18 October 1991
- (4) Protocol No. II (on Establishment and Recognition of Political Parties) of 13 November 1991
- (5) Protocol No. III (on Principles of the Electoral Act) of 12 March 1992;
- (6) the Declaration (on humanitarian assistance) of 16 July 1992
- (7) the Joint Declaration (on the Conclusion of the Peace Process) of 7 August 1992
- (8) Protocol No. IV (on Military Matters) of 4 October 1992
- (9) Protocol No. V (Guarantees) of 4 October 1992
- (10) Protocol No. VI (Cease Fire) of 4 October 1992
- (11) Protocol No. VII (on Donor’s Conference) of 4 October 1992.

A most important aspect of the process that eventually culminated in the General Peace Agreement of 4 October 1992 was that each of the 11 documents was entered into and signed as a separate agreement, before proceeding with discussions of the next protocol. This approach made it virtually impossible to “come back” to issues that had already been “signed off”, thus building the entire accord, step by step. Finally, all 11 single agreements were re-confirmed and re-signed as a comprehensive “accord”, totalling more than 50 pages in print.

The essential and particular features were:

- The Accord consisted of and concluded a total of 11 separate protocol-agreements concluded between the parties over a period of 27 months of negotiations.
- The Accord addressed the causes and issues of the conflict first, and as a basis for the implementation of a general cease fire, rather than as a consequence of a cease fire agreement.
- The Accord was the result of negotiations which always took place in a foreign and neutral country, without cessation of hostili-

ties between the parties to the conflict, and until the very last stage, in the absence of any direct, top-level contacts between them.

- The hosts for the negotiations and official mediators were a non-governmental organisation, the association of Saint Egidio, which operated under the auspices of the Italian government.
- The mediators and the negotiating teams successfully discouraged any substantial media coverage of the negotiations process.
- South Africa, believed to be intimately involved in the Mozambique conflict, originally as a supporter of Renamo, and later as the closest ally of the Frelimo government, was excluded from the negotiations and the resulting Peace Accord.
- The Accord adhered to the style and tradition of international agreements and assigned to the UN and the participating foreign countries not only an observer or verification mission, but also provided for their active involvement as guarantors of the implementation of the agreements. Power to “control and supervise” the peace process was thus transferred to the UN on the consent of the parties.
- The protocol on elections guaranteed in considerable detail all basic political human rights, i.e. freedom of the press and access to the media, freedom of association, expression and political activity, freedom of movement and of residence, the right of free return of refugees, and the right to vote. With respect to the actual elections, the agreement provided for national elections for a directly elected national assembly, in accordance with the principle of proportional representation, and a directly elected president, under the supervision of a National Elections Commission. The percentage of votes for a party to obtain seats was set at “a minimum of 5%, and a maximum of 20%”, whilst the number of signatures required for a candidature to the office of the president was set at 10 000.
- The protocol on military matters provided for complete demobilisation of all existing forces and simultaneously (i.e. on the basis of reciprocity) for the joint recruitment and establishment of a much smaller and entirely new Mozambique Defence Force, consisting of professional (non-conscript) soldiers only, with a maximum troop strength of 30 000.

The Command of the new force would, during the transitional period, vest in a joint High Command consisting of one Frelimo and one Renamo general, who would operate under a special Commission for the Formation of the Mozambican Defence Force. The withdrawal of all foreign troops was to commence with the entry into force of the Peace Accord, and all private and irregular forces were to be immediately disbanded. The Intelligence Services and Police Forces would continue to operate under the direct supervision and control of specific mixed commissions.

- The protocol on guarantees provided a timetable for the elections; the establishment of the Supervision and Monitoring Commission and its sub-commissions; specific and precise guarantees in respect of the implementation of all undertakings in the various protocols; a guarantee of non-interference with those authorities and administrative structures set up by Renamo in areas and zones controlled by it, and the undertaking by the government to promulgate the entire Peace Accord as binding law in Mozambique, which was to prevail over any other laws contrary to its provisions.
- The protocol on the actual cease fire provided timetables and stipulated details of the implementation of the cease fire, demilitarisation, mine-clearing operations, separation and concentration of forces, and liberation of war prisoners.
- Finally, a protocol on a future donor conference contained the undertakings of the parties and the mediators to cooperate for the holding of a donor conference, which was designed to substantially benefit the political parties and ensure the financing of fair and free elections.

The main commission set up by the Accord was the Supervisory and Monitoring Commission (CSC).<sup>26</sup> Under the CSC, the following additional commissions were set up: the Joint Commission for the Formation of the Mozambique Defence Force (CCFADM),<sup>27</sup> the Cease Fire Commission (CCF),<sup>28</sup> the Commission for the Reintegration of Demobilised Defence Force Staff – Reintegration Commission (CORE);<sup>29</sup> the National Information Commission (COMINFO); the National Police Affairs Commission (COMPOL); and the

National Elections Commission (CNE). South Africa was accepted to act as an observer in only one of the sub-commissions, namely CORE.

The overall picture of the Peace Accord is that of a carefully elaborated blueprint for the complete democratisation of what used to be a socialist and one-party state, to be implemented not just under the watchful eyes of the UN or some otherwise composed group of international “observers”, but rather to be “supervised and controlled” by the UN.

Two other documents which were signed by the parties but that did not become part of the General Peace Accord were the Protocol on the Agenda for the Peace Talks of 28 May 1991, and the Agreed Minutes to Amend the 1991 Protocol on the Agenda, of 19 June 1992. Both documents are crucial to the understanding of how Renamo became accepted as an equal negotiating partner, and how the perceived identities of both conflict parties began to change.

The Protocol on the Agreed Agenda for the negotiations of 28 May 1991 serves as a reminder that nearly a whole year of preliminary contacts were needed to agree on the agenda for the negotiations. The agreement on an agenda was very difficult to conclude because the government was clinging to its perception that the civil war was the cause and the root of all problems. Meanwhile, Renamo refused to give up its view that the civil war was the consequence of several much more complex issues, such as the absence of legitimate and democratic leadership and economic freedom in Mozambique.

Renamo won the first round on the issue of the agenda. Reversing common scholarly wisdom, the agenda agreed upon in May 1991 put the signing of a cease fire agreement last, to allow for the conclusion first of a series of protocol agreements on the implementation of minimum standards of human rights and freedoms: the freedom of political parties and democratic fundamental rights; multiparty elections; etc. Putting the issue of a cease fire last had its own compelling logic. Why should the parties to a conflict cease fighting? Only two rational motives can be put forward. Either because the fortunes of war have turned and it may be more advantageous to suspend fighting, rather than to carry on losing on the battlefield

until one is forced to do so. Or, because a more realistic (peaceful) alternative way of attaining one's goals is perceived to exist. Thus, Renamo was interested only in discussing substantive issues, and let the outcome of those proceedings determine whether it would be worth their while to eventually agree to a cessation of hostilities or not. Reversibly, Frelimo was less concerned with attaining any particular aims or goals, but simply with engaging the "enemy" on a non-military front, in a diplomatic and purely political forum, where they believed they had a distinct advantage.

The run-up to the eventual Agreement on the Agenda had been a so-called 12-Point Plan from President Chissano. Essentially, the plan consisted of an offer of a general amnesty in return for an otherwise unconditional cease fire. To everyone's surprise, Renamo did not reject the proposal outright but replied by suggesting that, as a first condition for the initiation of negotiations through the good offices of the clergy, foreign, but mainly Zimbabwean troops, should be withdrawn from Mozambique.<sup>30</sup>

By introducing the new element of foreign troops being deployed in an internal conflict, Renamo managed to redefine the parameters of their communication with the international community and the government to their advantage. By subsequently showing diplomatic flexibility on the issue of the 40 000 odd foreign troops in Mozambique, who were mostly Zimbabwean operating with British support, Renamo actually managed to apply indirect leverage on Frelimo. The core issue had shifted from allegations of the most serious crimes against humanity to that of a foreign army being unfairly deployed, with the support of a major Western nation, in an internal conflict. To extend this leverage over Frelimo, Renamo readily reduced its demand for an outright withdrawal of foreign troops to a confinement of a limited number of units in three strategic Beira and Limpopo transport corridors which would not be attacked by Renamo. That is, on condition that the troops thus confined would be permanently verified and monitored by an International Verification Commission. An agreement to that effect, and the establishment of the international commission to supervise the confinement, were achieved on 1 December 1990. The Commission, COMIVE, was composed of the representatives of no less than

eight countries, including the US and the then still existing USSR, with Italy holding the chair. It drastically redefined and internationalised the conflict.

Renamo's immediate gain was its advancement to a status of an equal party in an international agreement. The agreement curtailed the status of Mozambique as a sovereign nation, and documented a new dimension to the conflict in Mozambique. The mere conclusion and implementation of the Agreement on the confinement of the Zimbabwean troops alerted the international community to the fact that the civil war in Mozambique could not possibly be just a "security" problem.

At the outset of the peace talks, Frelimo did not believe that a peace agreement would be concluded. For the negotiating team of the government, the meetings in Rome signified a new opportunity to win yet another battle in the never-ending spiral of political *avant-garde* and liberation strategies, as they would proudly announce in the government controlled media. Within their analytical framework, the negotiating process was the weapon that would finally unmask the "enemy" as a "bunch of uneducated boys and opportunists from the interior". Renamo, as well as the mediators, readily reinforced this perception of the government's team, as it gave the process a chance to gain momentum, engage observers and win international support.<sup>31</sup> Besides the new hopes to gain an advantage over Renamo at the negotiating table, Frelimo was compelled to engage in the negotiating process because it had become impossible to continue to deny that its military efforts had failed overall. In 1989, not even the larger cities could still be reached by road or rail, and even transport and travel by air had become dangerous, as aircraft were frequently hit by rifle fire during take off and landing. The war effort had become economically unsustainable as well as increasingly unpopular, both internally and amongst its allies.<sup>32</sup>

The motivation of the Renamo leadership, on the other hand, to engage in a negotiated approach to the conflict resulted from a perceived need by their leadership to gain moral and international recognition. To prove the Gersoni Report wrong, was a favourite theme for discussion with guests and visitors in the largest of President Dhlakama's huts in central Mozambique, proudly referred to as the "con-

ference hall". The desire to break through the wall of international condemnation was reinforced by the terrible effects of one of Mozambique's longest and most severe drought periods, from 1988 until 1994, during which humanitarian relief was prevented by the government from reaching rebel-held territory. Vast areas and several million people had been cut off from the reach of the government and international relief efforts, and their local chiefs were turning to the leaders of Renamo for help. Empty-handed, Renamo was losing its hold and feared being rejected by the people who could no longer sustain themselves, let alone the comparatively large number of up to 30 000 rebel soldiers. Moreover, Renamo President Afonso Dhlakama and his generals had come to conclude that with Frelimo's continuing capability to carry out air strikes, they would never be able to take any large cities by force, because the population thus "liberated" would very quickly turn against the "liberators", if their arrival was seen to bring upon them air raids and large numbers of victims of the inevitable bombing campaigns. This painful experience had been made again and again in the small district towns inland, since the war had escalated after the assassination of the first Frelimo President Samora Machel, in 1986.<sup>33</sup> By 1988, a situation often referred to as the "mutually hurting stalemate" had been reached in Mozambique.

The fact that military strategies had become secondary in relation to the process of negotiations by the time the first three protocols had been agreed upon in mid-1992 did not mean that the hatred of the parties for each other and their determination to attain their goals and achieve victory had become in any way diluted. Until Protocol IV on military matters was circulated to diplomats by Renamo on the last days of May in 1992, the government's delegation never actually took the negotiations too seriously. They were convinced that eventually their military would manage to overrun the hide-out of the rebels, possibly when their returning delegation would lead them to it.<sup>34</sup> When the government's team eventually discovered that they had become entangled in a web of principles and aims, signed away and accepted in the first three protocols as well as an equal number of declarations, and that a military victory was definitely not forthcoming, it

was too late to reverse the peace process. Each declaration and each protocol contained the hidden blueprint for the next. The anticipation of a future that hit Frelimo like a sudden vision from a capitalist hell was: comprehensive human rights guarantees, including political and economic freedoms, multiparty democracy, free and fair elections, and parliamentary and public accountability of the future government.

The only option left for Frelimo at that stage was to stall negotiations on the last main protocol, on military matters, and to blame Renamo for a lack of progress. However, Renamo's original option for a small and purely professional army had been pre-discussed with the United Kingdom (UK) and US governments and had won their support beforehand. The world powers failed to see any sense in the Frelimo government's insistence on maintaining an underfunded and unsustainable defence force with just under 100 000 badly trained and equipped men. Moreover, Renamo's proposed command structure, which originally would have given the generals of the new defence force vast powers during the transition period, appealed to the government's own generals.

At this stage, the government seems to have panicked, convinced that it would not survive the signing of the final accord and subsequent free and supervised elections. President Chissano suddenly insisted to meet Dhlakama in Rome, and talked him into signing a joint declaration on 7 August 1992, committing each other to ensure that all agenda matters would be concluded and agreed upon by 1 October 1992, so as to allow for a cease fire to become effective on that date. The government successfully created the impression in the media and amongst the diplomats that the meeting had, in fact, produced a firm agreement on a cease fire that would enter into force on 1 October 1992. At the same time, the government's team in Rome was instructed to forestall progress, and not to agree on any one of the outstanding matters, so that on 1 October it would become possible to accuse Renamo of breaching their undertaking and break off the negotiations.

Negotiations in Rome entered their most difficult phase as the government delegation became destructive and simply blocked every issue, often submitting ridiculous proposals, such as the proposition that the future defence force should consist of 250 000 conscripts, on the

basis that the government at that time had 125 000 men under arms and that Renamo should try and match that figure, if they wished to be treated as an equal party. In the first days of September, the mediators threatened to give up, and informed Chissano and Dhlakama accordingly. This coincided with South Africa suddenly emerging on the scene, by insisting on a visit by Dhlakama to Pretoria. In Pretoria a number of National Party consultants and advisors were tasked to convince Dhlakama to agree to a new and parallel South African mediation effort, aimed at overcoming the “Rome deadlock” and at establishing in Mozambique a “government of national unity” without the “need for elections”. This would have sidelined and aborted the Rome process, and with it the process of democratisation in Mozambique. An unscheduled and secret meeting between Dhlakama and the African National Congress Deputy Secretary of International Relations, Stan Mabizela, at Shell House in Johannesburg – that I had taken upon myself to organise – and a subsequent telephone call between Dhlakama and Nelson Mandela, encouraged Dhlakama not to compromise on the attainment of democracy as a basis for peace in Mozambique.

Dhlakama left Pretoria determined not to be drawn into the conspiracy between the last of the old power brokers in South Africa and their newly won Frelimo allies in Mozambique. An aftertaste of the deterioration of relations with Renamo’s old allies in Pretoria could be felt when Dhlakama, immediately after the eventual signing of the Peace Accord in Rome on 4 October 1992, stated to a Portuguese newspaper that the South African Minister of Foreign Affairs, Mr. R. Botha, who had claimed that he had saved the peace accord, “was a notorious liar”.<sup>35</sup> Subsequently, it was chiefly due to Renamo’s resistance that South Africa was not accepted as one of the observer nations at the main Supervisory and Monitoring Commission (CSC) for the implementation of the Peace Accord.

Following the short lived and ill-fated attempt of apartheid South Africa to come to the rescue of their business cronies in Frelimo, the conclusion of the peace negotiations in Rome became inevitable. Chissano was virtually forced by the major powers to agree to a further meeting with Dhlakama, this time in Gabarone, on 18 September 1992. During sev-

eral hours under four eyes, Chissano finally conceded agreement on all remaining issues, except for the precise formulation of the agreement on non-interference by the government, during the transition period, with the administrative authorities and structures in Renamo controlled areas.

The negotiating and supporting teams were given the virtually impossible task of finalising all documents for signature by 1 October 1992. An added difficulty was that a satellite telephone system, designed to work on a 110 Volt power supply, was put in place at the last hour in Gorongozo, where the only available generators produced 220 Volt current. Communications became a potentially fatal obstacle. The final drafting had to be completed in Rome, which delayed the signing by four days, until 4 October 1992. The media generally speculated that Dhlakama was reluctant to attend. Nothing could have been further from the truth.

### **3. THE EIGHT MOZAMBIKAN CONFLICT RESOLUTION PRINCIPLES**

From my understanding of the peace process in Mozambique, eight main principles or generalisations can be made. I often refer to these eight principles as alternative principles for the resolution of collective conflicts because they contradict some of the more widely believed and accepted peacemaking rules. They are the following:

- Conflict ripeness
- Deadlock
- The need to analyse the conflict causes
- Conflict acceptance
- Pursuit of moral and international approval
- Decontamination of the political discourse
- Conflict management
- Deferring cease fire arrangements

#### **3.1 Conflict ripeness**

Just like any other type of social interaction, conflicts too evolve in cycles and have their natural progression. They evolve from their initial starting phases to what is normally an escalation phase that will result either in the defeat of one of the conflict parties, or in case of continuing escalation without victory, first in a stalemate phase, and then in a phase of exhaustion equilibrium, when both the material and emotive resources of the parties are at a spent stage. It is normally at this point that we can

detect the signs of ripeness of the conflict.<sup>36</sup> The ripeness factors are manifest similarly or equally in the case of each party to the conflict, for instance by some or all of the following:

- a crisis of identity and conscience amongst the ruling class
- the estrangement and withdrawal of intellectuals from the government
- a disintegration of society on the level of neighbouring and competing classes and social strata
- an opposition of economically privileged groups and social strata, becoming hostile to the system of government as such, and articulating and assuming the leadership of contesting politics
- the administration of government is too inept to innovate and is engaged in merely defensive and reactive adaptation, frequently making use of repressive and propagandistic strategies.

One of the better known recent examples of the ripeness principle is the decline of the Portuguese fascist state, also known at the time as the “New State”, where in the early 1970s one could observe a complete voiding of all political institutions, to the point that a relatively small group of army officers was able to seize power, without encountering any resistance whatsoever, on the basis that Portugal’s conflict theatres in various parts of Africa be terminated unconditionally, simply because the continued pursuit of those conflicts had lost all and any meaning or political credibility.<sup>37</sup>

Neither a military deadlock alone, nor a simple military victory, are necessarily proof that a conflict has ripened and that the conflict energies are spent. Quite the contrary, it is often the case that a simple military victory will only increase sentiments of hatred and aggression of those who have been conquered. The ripening process requires a change of the circumstances and conditions that were present originally. Depending on such changes of the originally prevailing circumstances and conditions, one will observe whether a generalised subsequent sentiment has emerged that the conflict has become meaningless.

### 3.2 Military deadlock

The exhaustion of conflict energies is normally a clear sign that the ripeness of conflict has been attained. The indicators are, for instance,

an increase in desertions from the armed units on each side, the difficulties experienced by each side in finding new recruits, the manipulation and embellishment of military reports, the existence of irregular direct contacts between soldiers and officers from both sides for the purposes of shady business dealings, and the frequent resorting by the political elites to obvious political propaganda, as a substitute for coherent and credible programmes for political action.

In Mozambique, signs of the exhaustion of conflict potential could be observed already during the period following the death of the country’s first president, Samora Machel. In the second half of the 1980s, it was a common practice that government soldiers and officers would trade ammunition and even weapons for food tendered by the Renamo guerrillas.

Evidently, in many conflicts on the African continent, no real possibility of anyone ever achieving a true military victory exists. Under such circumstances, armed conflicts primarily serve the purpose of wearing down the opponent in material and moral terms, so as to hopefully gain some advantage in a subsequent bargaining for peace. But even in these cases one can detect the operation of the principle of military deadlock for purposes of an eventual attainment of a peaceful resolution of the conflict. In Mozambique as from 1988, awareness grew amongst the Renamo rebels that the destructive consequences of any further continuation of the war would be such that they would render any subsequent victory meaningless. The conflict effort had become prohibitive and reached the limits of escalation. The visions of the future were either the complete disintegration of the entire country, similar to what was already then beginning to happen in Somalia, or, as the only alternative, an end to the conflict by means of a peaceful settlement. The external factor of the severe drought that ravaged the interior of the country from 1989 until 1992 reinforced this awareness.

### 3.3 The need to analyse the conflict causes

Once conflict ripeness is attained, it becomes possible, and this will happen in many cases quite naturally, to enter into a process of analysing the possible conflict causes. In many instances the parties to the conflict will simply become aware that they no longer have a clear

and common understanding of the causes that have originally led to the conflict. The resulting debates on the causes of the conflict will encourage its rationalisation, thereby overcoming justifications based on emotions and subjectivity.

It is quite normal that this debate will be replicated at many different levels, within the media, in academic circles, and during private and church gatherings. What is important, however, is that the debate on whatever conflict causes may still exist must eventually engage the political and military leadership. Normally, this will not easily happen under the full and merciless scrutiny of public opinion. An important element to facilitate the involvement of the leadership in this crucial process of analysis is to provide for a discrete process that installs sufficient confidence for important exchanges of points of view between the respective leadership groups, by employing what I call perception or opinion messengers.

### **3.4 Conflict acceptance**

With the evolving of the questioning and analysing phase, the parties will eventually realise that it would be counterproductive to uphold the frequent negation of the true extent and severity of the conflict, including own weaknesses and limitations. Frequently at least one of the parties has a tendency to minimise the severity of the conflict, or to even deny the actual existence of a conflict. Reversibly, the opposing party will often have an exaggerated view of its capabilities to sustain or even win the conflict.

Dealing with the conflict rationally and analysing its causes as well as exploring the areas and issues that may be amenable to conflict management attempts require from the leadership of each conflict party an open admission that a conflict actually exists and that it poses problems that go beyond normal policing and public law enforcement duties.

Frequently it is the party that exercises formal and governmental power that refuses to admit the existence of conflict circumstances that could cast doubts on that government's ability to effectively control its territory and inhabitants thereof, which are considered to be sensitive indicators of sovereignty. There is also the subjective element that people generally find it difficult to admit that they are

involved in a conflict, because this indicates that not all is well in one's own back yard. Virtually without exception, governments that find themselves challenged by organised political violence will resort to labelling it as incidents of "banditry" or "terrorism", thus implying that in the absence of any political dimension, there would be no real conflict challenge.

I found it to be generally true that factors which are frequently mentioned as conflict causes in Africa, such as artificial or unnatural borders and great ethnic, cultural and linguistic diversity, or the alleged predatory nature of African governments, are hardly ever the actual conflict causes. Where they exist, they are rather found to be factors that get exploited and used by competing elites for their own reasons. These are, however, very often influenced by external factors, especially where they attract large economic interests of multinational companies that often enjoy the support and endorsement of governments in the so-called First World.

### **3.5 Pursuit of moral and international approval**

This principle is of great relevance to the positive motivation of the parties to continue to make efforts in the pursuit of peaceful solutions to their conflict. In order to justify their conduct, they will naturally seek international applause, and they will thus react with particular sensitivity to international criticism. For Renamo in Mozambique, once its leadership had been conditionally admitted to the level of international negotiations and respectability, the daily affirmation of its newly regained respectability, after many years of international moral censure, was a most important motivating factor. An important change in their political identity had been introduced. Their role model was no longer the tragically misunderstood Cold War freedom fighter, but rather the successful international traveller, negotiator and politician. In turn, the identities of the Frelimo leadership also became transformed in the process, from that of a revolutionary avant-garde to that of constitutional office bearers and members of the country's new bourgeoisie.

For the natural pursuit of international acclaim to bring about a shifting of political identities, and thus make it possible for new leverages to work, the circumstances in the rel-

evant international relations set up must allow for a neutral distance from the conflict, normally requiring that minimal transparency and media access exist. The free media will ideally assume the role of a “transmission belt” for international standards of acceptability of political conduct. For as long as this condition prevails, each party will endeavour to overtake the other with proposals and positions capable of winning the moral high ground. The competition of the parties for international acclaim will re-direct their originally antagonistic energies away from a fixation on perceived past injustices towards future orientated strategies.

The quest to find emotional conflict allies is a particular aspect that can best be illustrated by the imagined situation of several people who have fallen into a large swimming pool and find themselves barely able to stay above water, and beginning to get tired. They will ignore the direction of the shallow end, given to them by bystanders around the edges of the pool. Instead they will attempt very hard to grasp a hand or an arm, not to be lifted out of the water, but instead to pull one of the bystanders into the water, where they will be expected to also drown.

The Rome process in regard to Mozambique can illustrate this. Each of the many rounds for the reaching of separate agreements on a total of 12 protocols, as well as several annexures, showed a growing endeavour of the negotiating teams to overtake each other against standards of democratic and human rights. For instance, in the case of Protocol III, the original proposal of the government, keeping in line with the Constitution, only provided for direct elections for members of Parliament. As such this was quite a drastic step for Frelimo, whose original system of government in the Independence Constitution of 1975 had provided for a Soviet model of indirect elections of all members of Parliament, based on People’s Assemblies on municipal, district and provincial levels.

For the Renamo delegation, the main challenge was to avoid a defensive response to the government’s proposal. The answer was simply to counter with a proposal providing for “more democracy”, meaning to demand that the President, too, should be elected in direct and general elections. The driving force behind this proposal was to a lesser degree the conviction that the resulting presidential system of govern-

ment would be necessarily better or more desirable. Rather, what the Renamo delegation hoped to achieve was to once more capture the attention and sympathy of international observers at the negotiation table, and through them the endearment of the international media and even the benevolence of the great powers.

### **3.6 Decontamination of the political discourse**

A further necessary condition for any peaceful conflict resolution to succeed is the need to provide for progressive disengagement of the combatants on all levels, thus allowing for what I call the decontamination of their relationship.

Factual inquiries and neutral studies of the various conflict aspects help reduce the intensity of emotions. In order to attain a peaceful conflict resolution, the decontamination of the relationship must be turned into a national endeavour that needs to be cherished and fostered by public opinion makers. The secretive-ness of negotiations traditionally preferred by diplomats and professional mediators is counterproductive in this regard.

It is essential for the parties to make positive and decisive efforts to explain this process to their members and officials, as well as to the inhabitants under their influence. In the case of Renamo in Mozambique this was accomplished by an innovative use of traditional praise singers and theatre groups which were bringing the news of the peace negotiations and of the contents and meaning of the peace protocols to the villagers in even the most remote parts of the country, even as early as in 1991, starting with the signing of Protocol I in October of that year.

The disturbance that can arise from continued war propaganda during a period of détente and reflection calls for procedures for the interim management of these and other conflict aspects.

### **3.7 Conflict management**

Just like any other form of social behaviour, conflicts can and should be managed, as a necessary pre-condition for their eventual control and resolution. A simple example would be the normal judicial practice in divorce actions, where the courts will routinely make interim orders, for instance on access to the children, maintenance, or possibly prohibiting a party from entering certain dwellings, in order to prevent any violent confrontations, etc.



The management of certain aspects or matters of common interest even whilst a conflict is in progress offers the very beneficial opportunity to create small areas of clearly defined matters for which a regime of normality will be agreed upon, for example, in order to grant humanitarian access to civilian populations affected by military operations, or to prisoners of war, or even simply to provide a procedure to guard against excesses of war propaganda. It also creates opportunities to invoke at least some principles pertaining to the regulation of warfare and the prohibition of certain types of conduct in a war situation, commonly known as humanitarian law. Unfortunately they have as a rule been ignored and forgotten in Africa.

In the Mozambique example, a case in point was the signing well ahead of time of the General Peace Accord of the Partial Cease Fire Agreement on 1 December 1990. This agreement was negotiated and signed whilst military operations were still in full progress. It provided for a very limited cease fire, in respect of two narrow strips of land, the so-called Limpopo and Beira corridors, each only three kilometres wide.

The cease fire within those two corridors was considered of such strategic importance to Mozambique's neighbours that the Mozambique government had been forced to agree to a concentration of all foreign military troops within those corridors, thus prohibiting any military operations by foreign troops outside them. In fact, the partial cease fire agreement was actually an agreement on the withdrawal of some 40 000 Zimbabwean forces that had been called to Mozambique to assist the government in the civil war. Outside the corridors, and for the duration of the entire peace negotiations until the signing of the General Peace Accord of 4 October 1992, the war efforts continued unabated.

The most important aspect of the Agreement of 1 December 1990 was that it established a Joint Verification Commission consisting of equal numbers of representatives of the rebel movement Renamo, the Mozambique government and also the Zimbabwean government, plus representatives of a number of other countries, including the great powers which had agreed to be represented in the Commission in the role of umpires.

The Joint Verification Commission made it

possible for the Renamo representatives to take up residence in the capital city Maputo, in the middle of the war. A direct point of contact with the enemy had thus been established, thereby eliminating the need for foreign intermediaries and facilitating greatly communications on specific incidents or aspects of the war. It also contributed over time to improve the awareness of propagandistic aggression in the state-controlled media, simply because the Renamo representatives were able to take up such issues in specific cases within the Commission, even when such matters were actually not covered by the Commission's terms of reference.

### **3.8 Deferring cease fire arrangements**

This is the most controversial of the principles that I am proposing. It means that the success of a conflict resolution process does not depend on, and most probably will not even benefit from, a prior cease fire agreement. The reasoning to support this proposition is actually a very simple one.

Why should parties to a conflict cease fighting, even before any substantive agreements have been reached on the management and the terms of an eventual resolution of the conflict? Only two rational motives can be put forward. Either because the fortunes of war have turned and it may be more advantageous to suspend fighting, rather than to carry on losing on the battlefield until one is forced to do so. Or, because a more realistic (peaceful) alternative way of attaining one's goals is perceived to exist. However, that assessment can only be made and trusted once the outcome of the conflict resolution process is known and can be evaluated, which is not the case in the event of a prior cease fire agreement.

What this means is that a party who enters into a prior cease fire agreement without being forced to do so by an otherwise immanent military defeat probably does so only with a mental reservation and some degree of cunning, calculating that the agreement will bring it some public relations or timing advantage, before the resumption of violent confrontation, under some kind of subsequent and false pretext of justification.

In the case of Mozambique, the Protocol on the Detailed Agenda (for negotiations) of 28 May 1991, left the signing of a general cease

fire agreement last, on the insistence of Renamo. The reason was simply that Renamo stated that it would only be able to commit to giving up arms once it had been able to see what was offered in return, in terms of political reforms, freedoms and guaranties. For Frelimo this was acceptable because they were convinced, at that stage, that they would gain by engaging Renamo's leadership on an international and diplomatic negotiations level, where they would be easily defeated due to their apparent lack of preparation, education and negotiating experience.

The most important aspect of this approach in terms of what I termed the Principle of Deferred Cease Fire Agreements is that it allows one side to overcome the problem of suspicions of a lack of sincerity of the other side. The party that does not have to surrender its arms and commit to an end to the armed intervention does not risk being deceived, has not compromised its ability to chose freely, and can negotiate in the knowledge that it can take future decisions with relative freedom of autonomy.

The principle of deferred cease fire agreements also helps avoid the constant interruptions and distractions of negotiations otherwise provoked by inevitable allegations of cease fire violations. The case of South Africa is an illus-

tration of the grave risk posed by having to negotiate under the constant threat of new cease fire disputes and the resulting and time-consuming controversies and investigations.

There will naturally be critics to point out that this approach is immoral, as it would seem to belittle the dangers of violent confrontation, and actually lower the threshold against the use of violence by making it appear to be part of normal conduct. However, I do not think that anything can be gained by simply denying and repressing the conflict reality. Whilst we deny this reality, we deprive ourselves of the ability to manage and eventually resolve conflicts.

It is this last proposition that is probably the most important and potentially controversial. It challenges current thinking and the unfortunate practice, especially in Africa, of repeatedly twisting participants' arms to sign cease fire agreements that are seldom respected for more than a few days, or sometimes even only hours. The fact remains that the Mozambique Peace Accord has held firm for seven years already. As proof of its transformation success the Accord has established the only parliamentary democracy in Africa that is sustained by a well-balanced system of political parties, where the opposition actually has a realistic chance of becoming "the majority of tomorrow".<sup>38</sup>

---

## ENDNOTES

- 1) An interesting recent contribution on the social and political exclusion strategies in colonial times is José Capela, *Donas, Senhores e Escravos*, Afrontamento, Porto 1995.
- 2) Amendment of the 1975 Constitution by Act No. 11/78 of 15 August 1978, Diário

da República No. 97, 351. A & B Isaacman, *Mozambique from Colonialism to Revolution*, Colorado 1983, 121-123; interview by the author with Dr. Oscar Monteiro.

- 3) *Le Monde – Edition Internationale* of 1-06-1983, p 1; Hanlon, *Mozambique: The*

- Revolution under Fire*, London 1984, p 244; A. Thomashausen, *The Mozambique National Resistance*, in: C J Maritz, ed, *Weerstandsbewegings in Suider- Afrika*, Potchefstroom 1987, pp 29-65.
- 4) W Finnegan, *A Complicated War: The Harrowing of Mozambique*, Berkeley 1992, 121-123; D Hoile, *Mozambique: a nation in crisis*, London 1989, 36-40. An interesting historic essay is the brave attempt by a faithful East German Marxist-Leninist to explain and praise Frelimo's legal instruments of repression: D. Joseph, *Zur Rechtsentwicklung in der Volksrepublik Moçambique*, in: *5/81 Staat und Recht*, 441-449.
  - 5) A. Thomashausen, *The National Resistance of Mozambique*, in: 13 (1983) *Africa Insight* No. 2, pp 125-129.
  - 6) Grotesque propaganda was often printed in the government-controlled media, see for instance: BA's comem bebés e violam sepulturas (Armed Bandits eat babies and recently buried corpses), in: *Notícias* 13 October 1987, 8. A particularly virulent supporter of this kind of propaganda was K B Wilson, *Cults of Violence and Counter-Violence in Mozambique*, in: 18 (3) *Journal of Southern African Studies* (1992), 531-582.
  - 7) Interestingly, one of these mercenaries has recently published some of his nightmarish recollections from his assignments in Mozambique on the Internet, see: Dan Hallock, *Bloody Hell*, <http://www.warishell.com/warishell/stories/andy.htm>.
  - 8) It appears that it was the primary purpose of the Gersoni Report to buy the US State Department some favours with Frelimo, in the context of the Angolan peace talks. The linkage between conceding propaganda favours to Frelimo in return for support for US proposals in respect of Angola is somewhat bashfully admitted to in Chester Croker, *High Noon*, New York and London, 1992, pp 238-239, 249 and 458 and was confirmed to me in a conversation with Professor Crocker at Georgetown University on 5 July 1994. See also Andersson, op cit, 194.
  - 9) See for instance S Barber, *Renamo accused of genocide in Mozambique*, in: *Business Day* 26 April 1988, page 10.
  - 10) Quoted from AWEPA, *Mozambique's Unnatural Disaster Persists*, Amsterdam 1989, 14.
  - 11) M. Hall & T. Young, *Confronting Leviathan- Mozambique since Independence*, London 1997; A. Vines, *Renamo – From Terrorism to Democracy in Mozambique?*, 2nd & revised ed. London 1996; M Simpson, *Political Decompression and Historical Revisionism in Mozambique*, in: Number 4 *Southern African Issues* 1992, 19; H Andersson, *Mozambique – A War against the People*, London 1992; A Nilsson, *Unmasking the Bandits – The True Face of the M.N.R.*, London 1990, 45; K Middlemas, *Independent Mozambique and Its Regional Policy*, in: J Seiler, ed, *Southern Africa since the Portuguese Coup*, Colorado 1980, 213-233; J. Hanlon, *Beggar Your Neighbours*, London 1986, 131-135; J Hanlon, *Mozambique – Who calls the shots?* London 1991, 11-25; W. Minter, *The Mozambique National Resistance (Renamo) as Described by Ex-participants*, Research Report. Ford Foundation 1989.
  - 12) J Hanlon, *Mozambique – Who calls the shots?*, supra, chapter 3 (“One Million Dead”).
  - 13) Christian Geffray, *La Cause des Armes au Mozambique*, Paris 1990.
  - 14) F. Weissmann, *Mozambique: La Guerre du Ventre*, in: F Jean & J-G Rufin, *Economie des Guerres Civiles*, Paris 1996, pp 168-190 (179). See also: D. Hoile, *Mozambique resistance and freedom – A case for reassessment*. London 1994, and by the same author the most helpful political chronology of Mozambique: *Mozambique 1962-1993: A Political Chronology*, London 1994.
  - 15) J Cabrita, *Mozambique – Tortuous Road to Democracy*, Palgrave, Basingstoke and New York 2000.
  - 16) A Serras Pires & Fiona C Capstick, *The Winds of Havoc*, St. Martin, New York, 2001.
  - 17) S. Naidu, *Mozambique: A Lasting Peace?*, SAIIA Country Profile No 4, Johannesburg 2001.
  - 18) *Guerrillas and Violence in the War in Mozambique: De-Socialisation or Re-*

- Socialisation?, in: *African Affairs*, 2001 vol 100, Issue 399, pp. 215-237. See also: Linda M. Heywood, Towards an understanding of modern political ideology in Africa: the case of the Ovimbundu of Angola, in: 36 (1) 1998, *The Journal of Modern African Studies*, pp 139-167.
- 19) For instance the so-called Minter Report: W. Minter, *The Mozambique National Resistance (Renamo) as Described by Ex-participants*, Research Report. Ford Foundation 1989.
- 20) In 1994, Renamo obtained 112 out of a total of 250 seats in Parliament and a simple majority in the 5 most populated provinces, out of a total of 10. In 1999, they scored 117 seats and the majority of votes in 6 of the 10 provinces. In both elections, exceptionally high percentages of votes (when compared with the national average) were declared invalid in the provinces where Renamo won, resulting in an overall bias in favour of the government candidates. In terms of percentages of the total of all voters registered in the voters' lists, in both elections, the government candidates failed to secure a majority. For the election results see <http://www.mozambique.mz/governo/eleicoes/finais.htm>. See also final report for the 1999 elections of the Carter Centre at <http://www.cartercenter.org/REPORTS/mozamfinal.pdf>; and the factually very detailed and interesting election special in AWEPA – European Parliamentarians for Africa, *Mozambique Peace Process Bulletin* Issue 24 (28 December 1999), available online at <http://www.mozambique.mz/awepa/eawep24/eawepa24.htm>.
- 21) See for instance: Pamela L. Reed, The Politics of Reconciliation: The United Nations Operation in Mozambique, in: William J Durch, ed., *UN Peacekeeping, American policy, and the civil wars of the 1990s*, New York, 1996, 275-310; Richard Synge, *UN Peacekeeping in Action, 1992-94*. Washington D.C. 1997; Cameron Hume, *Ending Mozambique's War: The Role of Mediation and Good Offices*, Washington D.C. 1994. Even the inevitable "Blue Book" of the United Nations about Mozambique (after all, one of only very few successful peacekeeping missions in Africa) fails to capture the decisive events, attempting instead to attribute each and every success during the two-year long mission to Mr Boutros Boutros-Ghali personally (*The United Nations and Mozambique*, Blue Book Series Vol. V).
- 22) This particularly ingenious theory has been recently advanced by Alex Vines, The Business of Peace: "Tiny" Rowland, Financial Incentives, in: 1998 *Accord*, 1-11 [http://www.c-r.org/cr/acc\\_moz/vines.htm](http://www.c-r.org/cr/acc_moz/vines.htm).
- 23) Notable exceptions are: Dirk Salmons, Probing the successful application of leverage in support of Mozambique's quest for peace, Paper prepared for the Roundtable Meeting on "Applying Leverage: Lessons from the United Nations Operations in Mozambique and Eastern Slavonia", Centre for the Study of International Organisation, NYU School of Law and Woodrow Wilson School of Princeton University, Oct 8, 1999; J M Turner, A Comunidade Internacional e o Processo Eleitoral em Moçambique, in: B Mazula, ed, *Mozambique Eleições Democracia e Desenvolvimento*, Maputo 1995, pp 643-671; Thania Paffenholz, *Konflikttransformation durch Vermittlung*, M. Grünwald, Mainz 1998; Andrea E Ostheimer, *Demokratisierungsprozesse in den lusophonen Staaten Afrikas*, Hamburg 1999; M Cahen, Dhlakama é maningue nice, An Atypical Former Guerrilla in the Mozambican Electoral Campaign, in: 1998 (38) *Transformation*, 1- 48.
- 24) The Association of Saint Egidio (also sometimes referred to as a "catholic lay community") which hosted the meetings of the negotiating teams in Rome and which probably holds the most comprehensive collection of materials has so far failed to transfer these archives to Mozambique. Instead they published their own and somewhat selective account of the mediation process in R. Morozzo della Rocca, *Mozambico – Dalla guerra alla pace*, Milano 1994.
- 25) For the official English text of the "Rome Accord" see: United Nations Security Council, Document S/24635, 8 October 1992. The Portuguese text is gazetted in

- Mozambique as Act 13/92 of 14 October 1992 (BR No 42, 1. Suplemento) and is available at <http://www.lexmoc.com>.
- 26) The CSC, was composed as follows:  
*Chairman:* UN Special Representative Mr Aldo Ajelli (Italian)  
*Observers:* Representatives from the OAU, Italy, France, UK, US and Portugal  
*Government ministers:* A Guebuza, T Hunguana, J Kachamila, A Salomão, Gen S Mutmike, Majs S de Lima and J Marepo  
*Renamo secretaries:* R Domingos, J de Castro, A Vietor, L Maome, Brig J Malagueta.
- 27) Chair as for CSC. *Observers:* Portugal, France and UK. *Government:* Gen T Dai. *Renamo:* Gen M Negunhamo.
- 28) *Composition:* Chairman and observers as for CSC, but additionally representatives from Botswana, Nigeria and Egypt. *Government:* Brig A Malunga. *Renamo:* Gen H Morais.
- 29) Chair and Observers as CSC, but in addition representatives of Norway, Spain, Netherlands, Germany, Sweden, Switzerland, South Africa, Denmark and the EC.
- 30) The government proposal, known as the “12 Points” and Renamo’s reply in “16 Points” make fascinating reading, 10 years on. See for the English translations Vines, *Renamo Terrorism in Mozambique*, supra, pp 157-159.
- 31) Dirk Salomons has aptly described this process in the context of his analysis of changing leverage relations. See note 22 above.
- 32) An interesting recent contribution to show how a carefully staged process of negotiations for financial and monetary aid packages to accompany and assist the political negotiations in Rome, can be found in José Francisco Pavia, *Economia e Política: Moçambique e as Instituições de Bretton Woods*, Vega Editora, Lisbon 2000.
- 33) Some grim first hand accounts and images of life behind the battle lines can be found in: E. Hein, *Mozambique, Beyond the Shadow*, Christ for the Nations, Dallas – Texas (US) 2000.
- 34) This was indeed noticed (but hardly understood) by Hall, supra, 216.
- 35) *Expresso* 8-10-92.
- 36) By inspiration from I W Zartman, *Ripe for Resolution – Conflict and Intervention in Africa*, New York and Oxford 1985, pp 232 et seq. See also the approach in M Tamarkin, *The making of Zimbabwe: decolonisation in regional and international politics*. London, England Savage, MD : F. Cass, 1990.
- 37) See for a similar approach in connection with transformations generally: A Thomashausen, Experiences and Parallels of Political Change in Pre-Revolutionary Portugal and in South Africa, in: vol 13 (4) 1983 *South Africa International*, pp 253-271; C Brinton, *The Anatomy of Revolution*, New York 1965 pp 237 et seq.
- 38) In the words of my late academic promoter Werner Kaltefleiter: “Die institutionalisierte Hoffnung der Unzufriedenen”, see: W Kaltefleiter, *Vorspiel zum Wechsel – Eine Analyse der Bundestagswahl 1976*, Berlin 1977, 246 et seq.

# The Importance of Economic Development in Fostering Human Rights Practice in Africa

---

*Zingisile N. Jobodwana*

---

## **ABSTRACT**

*After decades of political independence most sub-Saharan Africa (SSA) countries still fall under the category of “weak states” with particular characteristics such as: overpopulation; poor quality labour resources; agricultural dependence; lack of capital; economic dualism; narrow export base; and other cultural factors. Owing to this low level of economic development, the capacity of these states to sustain the promotion, protection and enforcement of human rights has been greatly impaired. Certain strategies and interventions for the continent’s economic upliftment have been suggested and implemented, sometimes to no avail. New economic initiatives and programmes are, however, coming up and look better suited for Africa. They include those recently introduced by the African leadership establishing new structures for economic development and for the promotion, protection and enforcement of human rights. Examples are the adoption of a protocol founding the African Human Rights Court and the establishment of the African Union. It is envisaged that the new millennium will usher in a new economic order that will bring peace and stability to the region.*

## **INTRODUCTION**

Over the past two decades world focus has been on the problems facing the African continent, especially sub-Saharan Africa (SSA).<sup>1</sup>

Analysts have commented on a number of issues, be they political economic or otherwise. These issues included the rate and level of development; multiparty competition under

conditions of ethnic fragmentation; corrupt practices by the political elite; and the resultant weakening and ultimate dissolution of states founded after the colonial era.<sup>2</sup> These adverse socio-economic and political conditions have, among other things, contributed to worsening political instability and abuse of human rights which in turn undermined regional security. Several interventions by various external stakeholders were made. The most visible being those of the International Monetary Fund (IMF), the World Bank, the United States (US) and other European aid donor countries, which contributed material and financial support to African countries. All these efforts were aimed, among other things, at boosting the economies of the region and installing democracy and a culture of human rights. It has been argued that without these ingredients development strategies would inevitably fail, impacting on programmes for the promotion, protection and enforcement of human rights practices in Africa.

Today, the concepts of human rights and development are expanding and converging and it has become a tenet of faith among politicians, financiers and academics that economic development enhances human rights conditions. However, there is still a great deal of debate regarding the precise relationship between development and human rights. There is further a lack of agreement about which particular rights are affected by economic development and even whether human rights are to be considered the cause or effect of the relationship. Certain experiences in SSA have shown, however, that violence by the state and

its agencies, any type of armed conflict, or violence of any kind – be it intrastate, interstate or general armed campaigns – affect and compromise the protection, promotion and enforcement of human rights, peace and stability, development and security. The overall thesis is that the capacity of the state to protect, promote and enforce human rights depends on that state's level of economic development and thus the availability of resources at its disposal.

### **1. HUMAN RIGHTS AND DEVELOPMENT**

Literally, human rights are the rights that one has, simply as a human being. Human rights refer to “the basic rights and freedoms to which all human beings are entitled”.<sup>3</sup> These rights are equal because we are all equally human beings. Article 1 of the Universal Declaration of Human Rights<sup>4</sup> states at the beginning that “[a]ll human beings are born free and equal in dignity and rights”. Both the International Covenant on Civil and Political Rights (ICCPR)<sup>5</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>6</sup> assert that “these rights derive from the inherent dignity of the human person”. The Vienna Declaration and Programme of Action<sup>7</sup> uses the same language when it states that “all human rights derive from the dignity and worth inherent in the human person”. The concept “human rights” comprises both a variety of individual freedoms or “liberty rights” and a variety of social entitlements or “claim rights”. However, what both types of human rights have in common is that they are fundamental, in that they take precedence over other rights universal, in that they apply to all human beings regardless of race, nationality, gender, age, religion, and the like.

The Western view of human rights has been restricted to civil and political issues and are individualistic in nature, in that individuals were seen as having a claim to autonomy and freedom in the face of governmental authority. Though this concept is still dominant in the West, it is now giving way to a broader view that is promoted by the United Nations (UN) Covenant (ICESCR) which added economic, social and cultural rights to the list. This added dimension has brought about a conceptual linkage between human rights and development; so that a right is defined as a claim to something that is needed for the development of an indi-

vidual human. By many definitions, human rights encompass the right to a decent standard of living and the elements to achieve that end, for example, access to education and jobs.

According to O'Manique, the moral foundation of the claim referred to above is the virtually universal belief that, since development is good, one ought to develop and have or do what is required to develop.<sup>8</sup> The claim should be recognised by the community, and its exercise be permitted and enhanced by an evolving moral system founded on the acknowledgement of interdependency and mutual needs in the community.<sup>9</sup> The bases for the claims and their recognition are found in fundamental propensities for development at the individual and social level, and have evolved with the human species and are therefore universal and inalienable.<sup>10</sup> Most obviously, for the symbiosis between development and human rights to flourish, a democratic government is required.

Currently, the main sources of human rights are:

- the Universal Declaration of Human Rights of 1948
- the International Covenant on Civil and Political Rights (ICCPR) of 1966
- the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966.

These three documents together are generally referred to as the International Bill of Rights. They are supplemented by the following regional instruments:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950
- the American Convention on Human Rights of 1969
- the African Charter on Human and People's Rights of 1981.

The other most important documents that are seriously being implemented are the:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>11</sup>
- Convention on the Political Rights of Women
- Convention on the Rights of the Child<sup>12</sup>
- Convention relating to the Status of Refugees<sup>13</sup>
- other conventions protecting vulnerable sections of our society.

Over the years, the international community has had the tendency to overemphasise the

importance of civil and political rights. This, in the first place, had something to do with the very genesis of human rights. Human rights consciousness arose out of brutality by the state. The rise of dictators in the period culminating in the Second World War brought humanity back to its senses. It is therefore not surprising that the message behind the UN Charter of 1945 was peace and its maintenance. The Covenants of 1966 providing for civil and political rights, and economic, social and cultural rights, reflect participation of Third World countries (former colonies of founder members of the UN) in UN proceedings as members. There is also a system in the human rights discourse of arranging human rights, not in accordance with their importance to the human person, but by the times they arose and gained importance. This is arrangement by generations. These generations cover civil and political rights; economic, social and cultural rights; and peoples' or solidarity rights.<sup>14</sup>

In this human rights debate, John O'Manique has expressed interesting views. First on the idea of categorising human rights and second, on economic development as a support base for the promotion, protection, and enforcement of the whole human rights regime. He argues that the categorisation of rights in terms of generations and the UN covenants has evolved out of vague and ambiguous concepts of rights and are often mixtures of claims that are "general (life, liberty) and specific (food, vote); fundamental (association); derived (join trade unions); absolute (conscience); and relative (manifest religious belief)".<sup>15</sup> To him, the importance of rights must be the extent of their integration with development and should relate to all the fundamental requirements for good human development.<sup>16</sup> He states that fundamental requirements are universal and that one cannot deny the necessity of any of them for the full human development of any human being.<sup>17</sup> He then proposes the following as candidates for a list of fundamental requirements for human development: food, shelter, non-threatening physical environment, security, health, knowledge, work, freedom of conscience, freedom of expression, freedom of association, and self determination.<sup>18</sup>

The other point O'Manique makes is that although these rights are interrelated to some extent, none of them can be reduced to another,

and each is a foundation for a whole range of requirements.<sup>19</sup> Each right can empirically be shown to be necessary for human development, whereas specific requirements derived from these foundations usually cannot be. An interesting example is made that it cannot be denied that one needs food and free association if one is to develop, "but it does not follow that one needs steak or meetings in Paris".<sup>20</sup> Finally O'Manique distinguishes fundamental rights in terms of physiological needs for both self-actualisation and physiological development. He suggests by way of an example that freedom of conscience, freedom of expression, and self-determination are purely human needs while others are in varying degrees both human and physiological needs.<sup>21</sup> In this debate, the term development itself is not unproblematic, even if it is not pitted against human rights.

Development implies change leading to improvement or progress. Consequently, what constitutes "real" development is a normative or "value laden" issue, hence the term is actually very ideologically charged.<sup>22</sup> It has been taken to assume a particular outcome of social action by policy makers, activists, economists, social scientists and the like who assume that the process of modernisation which the capitalist societies of the West went through should be replicated globally.<sup>23</sup> People and groups equated the idea of modernisation and industrialisation with the idea of development models in order to understand the modernisation/industrialisation process. So societies and regions which had not embarked on this process were not yet "developed" and still needed to be modernised. All this was made possible by the global social, political and economic dominance of the modernisation model. Now the term development is often used interchangeably with modernisation and has therefore taken a Western character. According to modernisation theory, therefore, in the Third World, societal development can only take place through the application of the capitalist economic mechanisms. This contrasts with the arguments of the proponents of the dependency theory who state that the very structure of the capitalist world economy prevents more equitable development.<sup>24</sup> It is a contradiction which takes us nowhere.

Economic development itself is also similarly value laden. It is therefore not surprising that



what constitutes economic development is also in dispute, though what is clear is that economic development involves change or transformation. One would add, however, that an economy that raises its per capita level of real income over time but does so without making any transformation in its social and economic structure, is unlikely to be said to be “developing”. According to Pearce, Markyanda and Barbier<sup>25</sup> it would be fair to say a society experiencing economic development is likely to be experiencing a combination of three sets of changes:

- An advance in the “utility” which the individuals in society experience. Utility here meaning “satisfaction” or “well being”. The well-being of the most disadvantaged of the society must also be given greater weight in a developing society. If the average well-being advances at the cost of a worsening of the position of the most disadvantaged, it seems reasonable to say that such society is not developing.
- Preservation of the existing freedoms and advances in freedoms where existing ones are inadequate. The freedoms in question relate to freedom from ignorance, from poverty and from squalor. Put positively, economic development involves advances in skills, knowledge, capability and choice.
- Self-esteem and self-respect. These concepts mean that a developing society is one in which a sense of independence is growing. It may be independence from domination by others or independence from the state.

From the above, it is clear that economic development is a much wider concept than economic growth. Economic growth is fairly uncontroversial and is defined as an increase over time in the level of real gross national product (GNP) per capita. A society which does not maintain or improve its real income per capita is unlikely to be “developing”. But if it achieves growth at the expense of the other components of development, it cannot be said to be developing either.<sup>26</sup> The UN Declaration on the right to development (1986) refers to the idea of development as a process (of individual or community) of actualising what is believed (by her, him, them) to be good, and states that:

“[d]evelopment is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and

of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom ...”

The Declaration and several recent works have set a trend toward connecting rights and development.<sup>27</sup> In their argument, human rights are seen as claims of an individual to what is required for development, supported by the universal belief that development is good. The exercise of human rights therefore is doing or having what is required for development and, as such, can be identified with the development process itself. Does this imply that economic development enhances human rights?

Some politicians, financiers, and academics support as a tenet of faith the argument that economic development enhances human rights conditions. Political scientists have also argued that political and civil rights are a prerequisite for economic development. That belief was based on the assumption that political and social conditions play a decisive role in assisting or impeding advances in per capita income. Of course there is the other argument that economic development should be viewed as both a means of obtaining, and an excuse for repressing, civil and political rights. In any event, widely accepted today is the belief that economic and political systems are interdependent and that human rights conditions are often the result of this interaction. Consequently the argument that is gaining ground today is that which asserts that economic development is a process designed to create conditions in which people can enjoy, exercise and utilise all their human rights, whether economic, social, cultural, civil or political. The argument is buttressed by a growing acknowledgement of the correctness of international instruments which declare all rights indivisible and interdependent. A further extension of this argument is that rights presuppose duties and that these obligations require the availability of resources to provide for rights.

The precise nature of the connection between economic development and human rights conditions is difficult to specify but some limited empirical studies have been conducted. The approach so far adopted is to employ the GNP as an indicator of economic development and the physical Quality of Life Index to measure socio-economic rights conditions. These studies

have confirmed the general suspicion that higher levels of economic development are related to better socio-economic rights. About 133 independent nations were targeted for these studies and the time period under consideration was generalised to the early 1970. This was due in part to the availability of data. The assessment of political and civil rights was conducted by Raymond Gastil.<sup>28</sup> The source of measure of socio-economic rights comes from Morris' Physical Quality of Life Index which is based on literacy, infant mortality and life expectancy. These studies and assessments were developed for the Overseas Development Council and were considered to be a relatively straight forward way to quantify the extent to which the most basic human needs are being met.<sup>29</sup> This paper will now discuss why it is argued that most African countries are weak states and also identify their common characteristics.

## 2. AFRICA: A CONTINENT OF WEAK STATES

The problems facing the continent are multi-dimensional and there are no easy solutions. African states are said to be "weak" for a number of reasons including their low level of penetration and low capacity to regulate social relationships or to attract and allocate resources. According to these views, policies are not adequately designed or implemented, taxes are collected haphazardly, medical and educational services are reduced to a minimum, roads deteriorate, civil servants are paid irregularly and large portions of the population ignore legislation or even set up parallel authorities and service provisions.

On a more specific level, the following socio-economic variables can be identified:<sup>30</sup> First, labour resources are of poor quality. Not only is there widespread illiteracy, but nutritional levels are inadequate. Debilitating diseases also take their toll, and are difficult to eradicate while sanitation standards are poor. Second is the problem of agricultural dependence which results from a large population being involved in the rural sector. People are generally engaged in subsistence production using traditional methods with very little specialisation. Third is lack of capital which results from the fact that domestic savings are almost non-existent from people who are already living at subsistence level. One of the most outstanding characteristics of underdevelopment is inequali-

ty of income distribution. Most African countries are characterised by a small percentage of very rich people and a large percentage of the population living at subsistence level. Quite significant also are trade and capital movements, where the main export of the countries is usually a primary product, often a raw material. Generally, developing economies have a narrow export base in products whose prices fluctuate widely, and those products face inelastic demand curves, which means that increased supplies may force prices down. Although SSA countries' comparative advantage lies in their primary sector, even if they produce manufactured goods for export, they face trade barriers as developed countries protect their own industries from cheap imports. Certain interventions and strategies to turn the economies around have been suggested by individuals and other organisations.

## 3. SUGGESTED STRATEGIES FOR ECONOMIC DEVELOPMENT REFORMS

Strategies to overcome specific problems have been identified in a number of writings and commissioned reports. These strategies include:

- *Population control*: Some countries have instituted programmes for education regarding birth control, provision of contraceptives and abortions, and incentives for sterilisation.
- *Foreign investment*: Some countries restrict foreign investment or the areas in which it may occur as it reduces the power of the government to manage the economy. Others actively encourage foreign investment through such policies as tax holidays, etc.
- *Intermediate technology*: Many developing countries encourage the use of better crop strains, fertilisers, insecticides, selective breeding of animals and irrigation, storage facilities, and effective transportation lines. (Unfortunately, none of these can be afforded by African food producing farmers nor have their governments been willing and able to provide capital needed for them.)
- *Resource development*: This often requires land reform because in many of the countries the majority of the population do not own the land they work. Where they do, it is often fragmented into a number of scattered plots. In addition it is impossible to develop land when rural workers and owners are in a very bad debt situation. Non-land resources usually

need injections of investment funds for development to take place. This can be done either by the government or overseas investors.

- *Education:* Programmes tend to concentrate on basic literacy and numeracy as well as teaching about sanitation, health, nutrition and improved agricultural methods.
- *Export diversification:* Many countries have, during the colonial era, concentrated on the production of one or two raw materials, so some governments are trying to diversify the range of exports. Some specific interventions have been from the IMF, the World Bank and other related agencies. The Africanist approach of Professor Vilakazi in this regard has been noted.

### **3.1 The intervention of the IMF, the World Bank and other related agencies**

As a result of the weak economies of most African countries, circumstances have forced them to resort to borrowing from the IMF and the World Bank. The IMF proposed to debtor countries certain adjustment programmes for the stabilisation of their balance of payments and rescheduling of debt payments. These programmes are usually referred to as structural adjustment programmes (SAPS).<sup>31</sup> “Adjustment” is defined as a timely implementation of appropriate policies over a broad range of financial and economic programmes that ensure that the current account deficit is manageable. The IMF envisages that the measures proposed would create sound demand management coupled with policies that will improve supply conditions and strengthen the productive base of the economy. The major macroeconomic measures prescribed by the IMF include a combination of reduction of fiscal deficits, curbs on the expansion of domestic credit (reduction of inflation), a substantial devaluation of currency to ensure a higher exchange rate and other measures that will increase export promotion. These stabilisation programmes include the abolition or liberalisation of exchange and import controls. They are further supplemented by a stringent, domestic anti-inflationary measure comprising:

- control of bank credit to increase interest rates and reserve requirements
- control of wage increases, in specific assuring that such increases are at rates less than the inflation rate

- control of the government deficit through reductions on spending, particularly in the area of social services for the poor
- dismantling of major forms of price control
- the liberalisation of international trade and investment policies.

However, the implementation of these programmes have impacted negatively on the ability of countries to implement human rights practices.

Osinbajo and Ajayi,<sup>32</sup> have argued that in general, the use of SAPs as development vehicles has led to a severe deterioration in the abilities of the debtor countries to uphold the economic and social rights of their peoples. That the fundamental objectives of providing education, health care, housing, and domestic control of their economies have been abandoned. They further argue that privatisation and de-indigenisation as components of SAPs and especially when carried out in conjunction with debt swaps, have created the potential for loss of indigenous control of critical areas of the economy.<sup>33</sup> Experience in Africa also shows that citizens, when faced with standards of living well below poverty level, have usually responded with strikes, rioting, and other forms of dissent. These popular activities and demonstrations are always met with suppression by force or draconian legislation which prevent assemblies, processions, and strikes.<sup>34</sup> As a result personal liberty, freedom of movement, freedom of speech, and other first generation rights are infringed. There are other adverse economic consequences which are as a result of the implementation of these SAPs documented in other writings.<sup>35</sup>

On the positive side, one need refer to a recent study<sup>36</sup> jointly commissioned and compiled by the African Development Bank (AfDB), the African Economic Research Consortium (AERC), the Global Coalition on Africa (GCA), the UN Economic Commission on Africa (ECA) and the World Bank. In its introduction, the report states that despite progress since 1995, Africa enters the 21st century with some of the world’s poorest countries. The average income per capita is lower than at the end of the 1960s. Incomes, assets, and access to essential services are unequally distributed. The region’s total income is not much more than Belgium’s, and is divided among 48 countries with a median gross domestic product

(GDP) of just over US\$2 billion, about the output of a town of 60 000 in a rich country. Excluding South Africa, the continent has fewer roads than Poland, and HIV/AIDS is fast reversing some of the social gains of the past 40 years. For example, two African countries now have HIV infection rates in excess of 25% of the adult population (Botswana 25.1%, Zimbabwe 25.8%). Given these challenges, it is asked how Africa can prosper in the 21st century. Major changes will be needed.

According to the study, fundamental policy changes will be required to improve Africa's prospects. With its rapidly growing population, the region (GDP) needs to grow by five per cent a year, just to keep the number of poor from rising. If the percentage living in dire poverty is to be halved by 2015, the annual growth will have to exceed seven per cent and income must be distributed more equitably. This will require decisive action in four main areas:

- resolving conflicts and improving governance to guide political and economic development
- greater equity and more investment in Africa's people
- increasing competitiveness and diversifying economies
- better support from the international development community.

Alan Gelb, the Chief Economist for the World Bank's Africa Region, speaking on behalf of the steering committee of the new report says that "although the challenges facing Africa may seem insurmountable, the continent has enormous untapped potential and hidden growth reserves", and adds that the development process is cumulative, with success in one area opening up opportunities in others. That, like other developing regions, Africa can benefit from virtuous circles, involving different aspects of development, "improving governance, managing conflict and rebuilding states governance". The report notes that, after years of authoritarian rule, Africans are demanding democratic elections and accountability in public resource management. Since the early 1990s, 42 of 48 SSA states have held multiparty presidential or parliamentary elections. But one in five Africans still lives in a country severely disrupted by conflict. Excluding the region's former wars of independence, nearly

20 African countries have experienced at least one period of serious civil strife since 1960. This has imposed massive costs and increased poverty which in turn has led to increased violence. In many countries elections have been conducted on a winner-takes-all basis, excluding some groups from political power in the process. This has been costly in terms of development. The main challenge for Africans is to develop democratic systems that are genuinely pluralistic and to ensure that their parliaments represent the needs of diverse ethnic groups. Political changes such as these would do much to empower people and communities and help energise the development process. But conflict in Africa is also caused by underdeveloped economies.

Measures to restore production and jobs, strengthen essential infrastructure and help economies diversify can assist countries to shift on to a more secure footing. Investing in people to claim the 21st century, Africa must overcome its human development crisis, and tangibly improve the quality of life for its people, particularly its women,<sup>37</sup> children and the poor. Africa's future economic growth will depend less on its natural resources, which are being depleted, and more on its labour skills and its ability to lower birth rates. Investing in people promotes their individual skills and prospects and gives them the ability to lift themselves out of poverty. Growth in today's information-based global economy depends on a healthy, educated and flexible workforce to take advantage of economic opportunities. African women are a hidden growth reserve. For example, the report shows that African women work far longer hours than African men, especially in agriculture, and also in the home collecting water and firewood, and yet due to local customs and legal restrictions, women have less access than men to resources such as land, and other assets like credit, fertiliser and education. Between 1960 and 1990, average schooling for African women increased by only 1.2 years, the lowest gain of any region. Studies suggest that if African women were given equal access to education and other productive resources, national growth rates could be as much as 0.8 percentage points higher. The report says, therefore, that boosting gender equality in Africa could have considerable potential to accelerate growth.

While more money is needed for investing in people, so is imaginative reform. For example, in Uganda, maternal mortality was halved in three years when traditional midwives joined forces with public health centres to use modern communications in their local work. Access to basic services needs to be improved throughout the region and the many successful examples of decentralised delivery should be expanded more broadly. Extra financial resources, community participation and stronger international cooperation can support these efforts, but these investments will be futile if African leaders do not fight HIV/AIDS more effectively, increasing competitiveness and diversifying economies.

Africa accounts for barely one per cent of global GDP and only about two per cent of world trade. Its share of global manufactured exports is almost zero. Over the past 30 years it has lost market shares in global trade, even in traditional primary goods, and has failed to diversify on any scale. This has had serious consequences for wages and jobs. If Africa had maintained its share of world trade from the late 1960s, its exports and income would be some \$70 billion higher today. Some African economies have already begun to diversify and make themselves more attractive for private sector investments.

The challenge is to sustain the momentum of diversification in some cases and to jumpstart it in others. Africa's trade reforms need to evolve into a development strategy that is export-oriented, anchored on competitive and stable real exchange rates, and allows exporters to import raw materials and other goods at competitive world prices.

A regional approach is vital, not only to encourage trade flows between African countries themselves, but also, and perhaps more importantly, to provide a wider platform to encourage investment.

Infrastructure, information and communications technology, and financial services play an important role in this process. Without access to these services, most people will be excluded from development and growth will be slowed. Catching up on Africa's shortage of infrastructure is also vital to making the region more competitive.

The report says over the 15 years, the gap between Africa and the rest of the world has

widened. Africa has about 10 million telephones – at least half that number are located in South Africa, with the other five million being so dispersed that most Africans live two hours away from the nearest telephone. In other areas of infrastructure, only 16% of the region's roads are paved; less than one in five Africans has access to electricity; about two-thirds of rural Africans lack adequate water supplies; and three-quarters live without proper sanitation. According to the report, inadequate infrastructure in Africa is a major barrier to growth and reducing poverty. While geography can impose constraints on what can be done to solve this problem, new technology creates new opportunities for Africa, even the potential for leap-frogging stages of development. To move forward, Africa must boost investment, develop public-private partnerships, and increase cross-border and regional cooperation, reducing aid dependence and debt.

Africa is the world's most aid-dependent and indebted region. Concessional assistance is essential if Africa is to grow rapidly while also increasing consumption to reduce poverty. Excluding private inflows, the savings gap for a typical country is about 17% of GDP, and other regions show that private flows cannot be sustained at more than five per cent of GDP without risk of crisis. Aid is a double-edged sword for Africa. On the one hand, foreign savings are essential for higher investment to increase growth and reduce poverty. But when a government's institutional capacity and accountability are weak, donors tend to rely on their own institutional controls, further undermining the government's accountability to its population and weakening its capacity. Resolving the dilemma posed by continued aid dependence (partly sustained because of high levels of indebtedness) requires a radical rethinking of the relationships among Africa's civil society, governments, and donors, to create effective partnerships for development. This is under way but much needs to be done.

In conclusion, the dawning of a new century offers Africa unique opportunities to address its challenges. Increased political participation and enforcement of human rights are empowering civil society to hold governments accountable and to demand better services and policies.

Globalisation and new technology offer great opportunities for a continent with a population

largely excluded from information flows, to achieve economic and social growth.

Though these factors also pose risks, they are far outweighed by the potential benefits.

### **3.2 An Afrocentric approach: the observations of Professor Vilakazi**

In his paper titled “The Roots and Nature of the Crisis in Africa ...”, Professor Vilakazi<sup>38</sup> notes that in Europe, industrialisation absorbed English peasantry, and the peasantry thereby shrunk to a negligible workforce. When capitalism came to Africa with European colonialism, it was not capitalism which came to transform the African society with the purpose of laying the foundation for subsequent capitalist development in society as a whole. Instead, the capitalism which European colonialism brought to Africa “was too identified with the bodies of Whites, and therefore was confined to the specific areas of White Settlement”.<sup>39</sup> Hence the dual economies. Vilakazi observes that in Africa there has not been a socio-economic revolution in the countryside, which could have transformed rural African society into capitalist farming areas. Communal land tenure in general still prevails, except in white-dominated rural Africa. The rural African economy has therefore not been transformed into a commodity-producing economy. In short, there has been no transformation of a rural African land tenure system to facilitate the emergence of a fully-fledged capitalist economy. As a result, there is no development of an indigenous capitalist class, and no indigenously controlled capital. He lambasts the African slave trade, racism, colonialism and colonial capitalism as having disfigured the African economy and laid no foundation for a forward development process on the basis of the Western capitalist developmental model. Vilakazi argues that the fundamental reason for the inappropriateness of the Western capitalist development paradigm for contemporary African development is the failure of that paradigm to assign rural people or the peasantry to obtain significant space and a major role in the decision-making processes for the construction of a new Africa.

According to Vilakazi the first priority for Africa is to initiate an Agricultural Revolution because in the West also, the Industrial Revolution was preceded by an Agricultural Revolution. Western capitalist development

which began in England had as a starting point the transformation of the rural economy, and rural social relations and that led ultimately to the elimination of the natural economy and the traditional rural peasantry. Market relations emerged as a dominant factor in the countryside, linked to industry and manufacture in urban areas. The process involves first the uprooting of traditional rural economic relations, particularly the destruction of communal land ownership relationships within which European peasants had lived their lives. Second that economic, social-cultural revolution in the countryside laid the foundation for the subsequent economic, social-cultural revolution in society as a whole. The second point which is directly linked to the Agricultural Revolution is that development planning in Africa should be from the countryside to the cities and that does not mean that urban areas should be neglected. It is proposed that at least 50% of investment should be earmarked for rural development. It is further argued that the major source of the crisis in African cities is failure of development in the countryside. What the author identifies as the greatest anomaly in Africa is the total discontinuity between the African village – the basic cell of African society, on one hand – and the African city – the new Western education, the modern African state and modern African politics, on the other side.<sup>40</sup> African cities and towns are in general collapsing, and virtually all public institutions are under severe economic strain because the African countryside has brought its crisis to the African city. The breakdown of African moral codes, the collapsing public health and education institutions, and law and order, are all terrible crises which issue out of our incorrect developmental policy.

The other major, unattended problem identified in this work, is the problem of the state; i.e. the problem of the pattern or form of leadership of African governments in general. We are warned that in the modern state, we have a particular invention of a particular culture.

The modern state is an invention of the modern West. The components of this invention are then identified. First, it is urban; the core of its existence is in the city, and it ends up being run by urban people; and that it arose in Western society which was increasingly and dominantly becoming urban. The model, it is surmised, is ill suited for a society which is still predomi-

nantly rural. Second, the model, in general, has contempt for rural people, especially for rural culture and for peasant traditions. It is a model which had undergone a holocaust against peasants and peasant cultures. Therefore, the ruling elite should plan and develop with the majority of the people – the rural population whose wisdom surpasses modernity.

### **3.3 The African leadership initiative**

The recent intervention of the African leadership has been first at the human rights level by the adoption of a protocol establishing a human rights court, and second, the founding of the African Union.

The Assembly of Heads of State and Government adopted a protocol establishing an African Court of Human and People's Rights in 1998. The Protocol provides for an 11-member court of independent judges with advisory and contentious jurisdiction. According to Articles 5 and 34(6), the Commission, the state party which lodged the complaint, the state against which the complaint was lodged, and the state whose citizen was a victim and African inter-governmental organisation are entitled to submit cases to the Court. Article 5 (3) states that "the Court may entitle relevant Non-Governmental Organisations with observer status before the Commission, and individuals to institute cases directly before it, in accordance with article 46 (6) of the Protocol".

According to article 34 (6), states which have ratified the Protocol are required to make a declaration stating that they accept the jurisdiction of the Court in those circumstances. However, there is nothing more we can say about the Court since fewer states than the required number (15), have ratified the Protocol so as to bring it into force. Without getting deeper into the structure and functions of the Commission, of great concern and interest is the general procedure of the Commission in terms of what the African Charter calls communications.

At the last Organisation of African Unity (OAU) summit in Lusaka (9-11 July), the Organisation was dismantled and replaced by the African Union. (AU). The envisaged structures of the AU are: a Pan African Parliament, an Executive Commission, a Central Bank and a Court of Justice, etc.

President Thabo Mbeki and a team of 12 African heads of state tabled at that summit a

draft of the economic and social recovery programme for the continent. The document was initially introduced to the world as the Millennium African Recovery Programme (MAP), and was drafted by South Africans with Nigeria and Algeria. It, however, had to be merged with Senegal's rival Omega Plan to avert a damaging delay.

The document observes that African democratic regimes that are committed to the protection of human rights and people-centred development are increasing, but that these developments are uneven and inadequate and need to be further expedited. The trust of this initiative is for the consolidation and acceleration of these gains. It calls for a new relationship of partnership between Africa and the international community, especially the highly industrialised countries, to overcome the development chasm that has widened over centuries of unequal relations.

In terms of this initiative, Africans will neither appeal for the further entrenchment of their dependency through aid, nor for marginal concessions. These efforts are about the new struggle for resources, including capital, technology and human skills that are required to launch global war on poverty and underdevelopment, which exist in abundance in Africa. The factors favourable to the development future plan for Africa are noted, and ways of exploring them are suggested. These are:

- The rich complex of minerals, oil and gas deposits, its flora and fauna, and Africa's wide unspoiled natural habitat, which provide the basis for mining, agriculture, tourism and industrial development.
- The ecological aspect which is provided by the continent's rain forests, and the minimal presence of emissions and effluents that are harmful to the environment – a global public good that benefits all humankind.
- The palaeontological and archaeological sites containing evidence of the evolution of the earth, life and human species. The natural habitats containing a wide variety of flora and fauna, unique animal species and the open uninhabited spaces that are a feature of the continent.
- The riches of Africa's culture and its contribution to the variety of cultures of the global community. This represents the creativity of African people, which remains in many

important ways under-exploited and underdeveloped.

- Also top on the agenda is the need to protect the environment.

This is an ambitious project which will demand tremendous financial resources and other funding. It would seem that although the African initiative centres on African ownership and management, most will depend on the UN Millennium Declaration adopted in September 2000, which confirmed the global community's readiness to support Africa's efforts to address underdevelopment and marginalisation. That includes commitment to enhancing resource flows to Africa by improving aid, trade and debt relationships between Africa and the rest of the world. Again to increase private capital flows to the continent.

In turn, African leaders have undertaken to build the capacity of the states to set and enforce legal frameworks and to maintain law and order. They have also pledged to promote the development of infrastructure, agriculture and its diversification into agro-industries and manufacturing, to serve both domestic and export markets. Member countries will be obliged to restore and maintain macroeconomic stability, especially by developing standards and targets for fiscal and monetary policies. They are expected, most importantly, to promote the role of women in social and economic development by reinforcing their capacity in the domains of education and training, as well as to facilitate access to credit.

Finally, members commit themselves to introducing appropriate institutional frameworks to achieve these standards, and to institute transparent legal and regulatory frameworks for financial markets and for the auditing of private companies and the public sector. There is also a plan to revitalise and extend the provision of education, technical training and health services, with high priority given to tack-

ling HIV/AIDS, malaria and other communicable diseases. Needless to say, regional economic groupings such as the Economic Community of West African States (Ecowas) and the South African Development Community (SADC) will have to be re-configured in terms of this new continental dispensation.

## CONCLUSION

It has been argued in this paper that economic development enhances human rights conditions. If that is the case, Africa with its weak states is unlikely to comply with international standards in the promotion, protection and enforcement of human rights. A weak state has been characterised as one with the following weaknesses: overpopulation; poor quality labour resources; agricultural dependence; lack of capital; economic dualism; narrow export base; and other negative cultural factors. Most African countries are signatory to a number of international instruments on human rights and have constitutions entrenching bills of rights. It is therefore imperative that they comply with all those documents.

But when their economies are so weak, would it be fair for the international community to penalise those who cannot comply when, invariably, it is not through their own fault? This calls for comprehensive and drastic economic reforms. It is for this reason that the African leadership has taken an initiative aimed at inducing the continent to act in concert through the implementation of MAP and the cross-subsidisation and sharing of natural resources and technology, education and training of human capital, especially women; a process, hopefully, that will be facilitated and coordinated by the AU through its structures and by a future African Court of Human and People's Rights in the fields protecting, promoting and enforcing human rights and good governance.



**ENDNOTES**

- 1) See generally Anunobi O Fredoline, (1994) *International Dimensions of African Political Economy: Trends, Challenges, and Realities*; Boahen, A A, (1987) *African Perspectives on Colonialism*; Chabal, P The Deconstruction of Post-Colonial Order in Black Africa 35(6) 1995 *Al Bulletin*; Migdal, J (1988) *Strong Societies and Weak States: State Society Relations and State Capabilities in the Third World*; Olowu, D and Wunsch, J S, Conclusion: Self-governance and African Development in Wunsch, J S and Olowu, D (eds) *The Failure of the Centralised State: Institutions and Self-Governance in Africa* (1990); *Human Rights Watch: World Report, 1998*; Vilakazi W. Herbert, The Roots and Nature of the Crisis in Africa, and What Should be Done. Paper presented in Durban, 30 March 2000.
- 2) See Baker, Bruce, African Anarchy: Is it the States, Regimes, or Societies that are Collapsing? (1999) 19(3) *Politics*, 131. Bratton, Michael, Deciphering Africa's Divergent Transitions (1997) 112(1) *Political Science Quarterly*, 67.
- 3) See *American Dictionary of the English Language* (1992) 3rd ed.
- 4) Adopted on 10 December 1948, GA Res. 217 A(III), UN GAOR, 3rd Sess., (Resolutions, part 1), at 71, UN Doc. A/810 (1948), reprinted in 43 *AM.J. Int'l Law* 127 (Supp.1949).
- 5) Adopted on 16 December 1966, G A Res. 2200 (XXI), UN GAOR 21st Sess Supp. No.16 UN Doc. A/6316 (1066)999 UNTS 171 (entered into force 23 March 1976).
- 6) Also adopted on 16 December 1966, GA Res. 2200 (XXI), UN GAOR, 21st Sess., Supp. No.16, UN Doc. A/6316 (1966), 993 UNTS (entered into force 3 January 1976).
- 7) Vienna Declaration and Programme of Action, UN GAOR, World Conference on Human Rights, 48 Sess., 22nd plenary meeting, part, para. 8, UN Doc.A/CONF. 157/24 (1993. reprinted in 32 *ILM* 1661(1993).
- 8) See generally O'Manique, John, Human Rights and Development (1992) Vol 14 *Human Rights Quarterly*, 78.
- 9) Ibid.
- 10) Ibid.
- 11) Adopted and opened for signature, ratification and accession by General Assembly Resolution 34/180 of 18 December 1979. Entry into force, 3 September 1981.
- 12) Adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989. Entry into force, 2 September 1990. The OAU demonstrated its seriousness in regard to the protection of the rights of children when it adopted the African Charter on the Rights and Welfare of the Child. Adopted by the Assembly of the Heads of State and Government of the Organisation in Addis Ababa, Ethiopia in July 1990.
- 13) Adopted by the United Nations Conferences of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly 429(V) of 14 December 1950. Entry into force, 22 April 1954.
- 14) See Jobodwana, Z. Ntozintle, Customary Courts and Human Rights: Comparative African Perspectives Vol 15 No1 (2000) *SA Public Law Review*, pp 43-45, for examples of first, second and third generation rights.
- 15) O'Manique, note 8 above, pp. 79-80.
- 16) Ibid.
- 17) Ibid.
- 18) Ibid.
- 19) Ibid.
- 20) Ibid.
- 21) Ibid.
- 22) See Jobodwana, Zingisile N, A Critical Review of the United Nations Rio Declaration on Environment and Development 11(2) 1998 *Lesotho Law Journal*, 202-205.
- 23) See Furze Brian et al., *Culture, Conservation and Biodiversity: The Social Dimension of Linking Local Level Development and Conservation Through Protected Areas*, John Wiley & Sons New York (1996) pp. 4-5. In their argument the authors state that there are certain assumptions which accompany this model, not least being that the "West is best", and that

- all societies could and should take the same path of “development”.
- 24) See generally Spybey, Tony, (1992) *Social Change Development and Dependency*.
- 25) See Pearce, Markyanda and Barbier, *Blueprint for a Green Economy* (1989) pp. 29-30.
- 26) Ibid.
- 27) See, for example, United Nations General Assembly Resolution 2626 (XXV), 24 October 1970:  
 “The ultimate objective of development must be to bring about a sustained improvement in the well-being of the individual and bestow benefits on all. If undue privileges, extremes of wealth and social injustices persist, then development fails in the essential purpose.”
- 28) Gastil, Raymond, (1978) *Freedom in the World: Political Rights and Civil Liberties*. Data here are for 1974, and note that this data are not without criticism; however, even critics view it as providing useful information regarding civil and political rights conditions over a relatively large sample.
- 29) See Morris M.D., (1979) *Measuring the Conditions of the World's Poor: The Physical Quality of Life Index*.
- 30) See generally Anunobi, note 1 above, Chapters 3 and 4.
- 31) See Onimode, Bade, The Bretton Woods Institutions and Africa Development. Development 1992:1, *Journal of SID*, 62; Jozana, Xoliswa, The Global Campaign for Debt Relief for the Heavily Indebted Poor Countries (HIPCs) in Africa Vol 1 Nos 8 and 9 *Journal of Development Economics for Southern Africa*, 104-107.
- 32) Osinbanjo and Ajayi, note pp. 731-733.
- 33) Ibid.
- 34) See generally 1991-1992 Amnesty International reports.
- 35) See Anonubi note 1 above, 350 - 375; Dohnal, Jerry, Structural Adjustment Programs: A Violation of Rights (1994) 1(1) *Australian Journal of Human Rights*, 57.
- 36) See also [www.worldbank.org/html/extpb/annrep/afr.htm](http://www.worldbank.org/html/extpb/annrep/afr.htm)
- 37) See also generally, Mohapi, Tsepiso, Gender Relations: A Missing Link in Third World Development Planning Vol 30 No 2 (2000) *Africanus*, 50.
- 38) Vilakazi op. cit. note 1.
- 39) Ibid
- 40) Ibid.

# The Element of Tolerance in African Custom

---

*Moyisi S. Majeke*

---

## ABSTRACT

*The author discusses ubuntu. He argues that ubuntu is deeply rooted in the African psyche, and shows how it reveals itself in the day-to-day activities of indigenous African communities. The author submits that ubuntu is located in every African person's sense of identity and belonging, and is part of the spiritual and religious being of every African. Ubuntu forms part of what is known to Western anthropologists as "African law and custom". African law and custom is characterised by the practice of "tolerance", a term that suggests acceptance of others as they are, rather than as one might like them to be. The author seeks to generate an approach to social development and the development of dispute resolution mechanisms that are truly "African" in character.*

## INTRODUCTION

"African custom" is a quaint little English term referring to the way in which African indigenous communities seem to be able to do business even in areas where they have no facilities. The reason is found in another quaint little term called *ubuntu* that embodies standards for egalitarian and horizontal relationships among members of society in indigenous African communities.

This is referred to by Wiredu as a humanism which is *founded exclusively on considerations of human well-being*.

"... But anyone who reflects on our traditional ways of speaking about morality is bound to be struck by our preoccupation with human welfare: what is morally good is what befits a human being; it is what is

decent for man – what brings dignity, respect, contentment, prosperity, joy ..."<sup>1</sup> It is these standards, values and norms that militated against, and still reject today, the use of force to obtain obedience. This philosophy sets up rituals and ceremonies that could not really be, and were rarely ever controlled by, the political power of the day. Consequently things were done by consensus rather than by sanction and *vis major*. We must distinguish between *vis major* – that being naked physical power – and the persuasive power of authority. The power of authority comes from acceptance of a rule as a matter of consensus, never ever from compulsion. This means the foundation of a rule of conduct is based on what is understood by the community as a whole as capable of producing norms and standards that enhance social solidarity.

In this paper we shall make proposals for the way in which things can be done to expose the dynamics of this philosophy in every area of human activity. Before doing so, however, we shall paint a brief picture of the depth and ramifications of the factors that disrupted the operation of law and order in African communities.

First, despite all information to the contrary in the Western media, indigenous African governance was never, and could never have been, based on pure naked power. The reason was, and still is, the nature of social consciousness in all indigenous societies, and particularly African communities. In this paper, "indigenous" is being used to mean two distinct things. On the one hand, it is the communities that were found in places they had always occupied since time immemorial. On the other

hand, it refers to communities that are called “traditional communities” by Western societies.

In Africa, power was never a motivating element for action, in spite of the fact that it exists in all societies. Western democracy, so-called,<sup>2</sup> introduced military control as a social dynamic into indigenous African areas and their communities.<sup>3</sup> This was then followed by government-sanctioned deprivation of land, land resources and survival tools such as rivers and rotational grazing lands for stock from the natives. Ajayi claims that:

“Europeans exploited their technological superiority to establish political dominance throughout the continent. They often crushed, suppressed and amalgamated states at will ... Their ultimate ability to suppress rebellion was undoubted. They were able to exercise largely complete, even if haphazard, arbitrary and irresponsible control.”<sup>4</sup>

By the 1950s the apathy of powerlessness had already penetrated even the strongest of the optimists in indigenous societies. The difference between internal civil strife and conflict generated from outside is that the supremacy of the foreign agency reduces the whole population to total submission to foreign control. It requires another foreign power playing for its own geo-political interests to help. One has to remember that were it not for the presence of the United Nations (UN), the Organisation of African Unity (OAU) and the Group of 77, African nations would not even have obtained political independence.

Eze explains how colonialism began as mutually beneficial trade between Africa and Europe.

“The wealth and capital ... accumulated by European merchants and institutions ... financed technological innovations in arms and other sailing equipment. These in turn made possible large-scale military expeditions that eventually ‘pacified’ African Kingdoms.”<sup>5</sup>

Aijaz Ahmad claims that:

“Although the British government initially kept a safe distance from these adventurers and their questionable aims and practices, it later adopted many of their earlier dreams and ambitions to justify colonial expansion ... And the English government provided the companies with protection to ensure free

trading rights. Eventually it took the natural step of establishing administrative, colonial control over those areas in which British companies were involved.”<sup>6</sup>

The French actually started this pattern of infiltration and control. The British adopted it and the Germans subsequently followed the British.<sup>7</sup> In all these cases, including the Belgian, the Dutch, the Italians, the Portuguese and the Spanish, this colonisation was accompanied by the vicious and wanton destruction of indigenous economic support systems.

“One of the harshest forms of exploitation was called *Raubwirtschaft* entailing the direct appropriation of goods and the destruction of irreplaceable wealth. The British South Africa Company’s regime in early Southern Rhodesia and in the North Eastern Rhodesia confiscated herds from the defeated Matabele and Ngoni.”<sup>8</sup>

Consequently, during those dark ages colonial regimes created economies and commercial units that were based on the governmental power of denying native peoples access to nature-given resources. Settler communities were encouraged to grab and hold property from a powerless community while government facilitated this with the use of the police and the military.

Imagine the shock of these African communities when they found out after a difficult struggle for liberation that their new home-rule governments were still controlled economically and financially by the same powers they fought against. The African National Congress and the Zanu-controlled governments of South Africa and Zimbabwe respectively, have just discovered that resistance to demands made by the former colonial powers for the protection of private property would open their economies to sabotage through sanctions and restraints on trade in the international markets. They therefore all signed internationally enforced political agreements to protect private property, with the United States (US) and the former colonial powers standing over their shoulders to ensure obedience.

The paradox is that these former colonies are required to protect private property their indigenous peoples simply do not have. The general population may not know, and often knows nothing about, these agreements, but the effect is almost always that there is no change in

property relations, and the same state of poverty and powerlessness continues even after independence.

Indigenous elites assimilated, and are still assimilating, themselves by mortgaging their peoples' resources to foreign interests on the basis of a game plan drawn by the former powers and the US through the World Trade Organisation, the World Bank and the International Monetary Fund.

"Under the spell of European heroes that have been kicked out, the African made himself a carbon copy of various aspects of European culture, either as a carry-over from colonialism or as a component of development. This admiration of European culture caused complexes for both Europeans and Africans. It contributed to European reassurance, European pride and racial arrogance."<sup>9</sup>

For Africans, it was even more disastrous.

"... They have been importing artificial oases of wealth into their dismal deserts of poverty: displaying their national airlines, navies, chancelleries, presidential palaces, Rolls-Royces, etc. Professional and personal attires, insignia and medallions and other paraphernalia complete the picture of a schizophrenic African living in his little world of make-believe ... What of the slums a few yards away?"<sup>10</sup>

This contradiction means the property relations that were the foundation of colonial seizures and military expeditions remain in place. The secondary spin-off thereof is the assimilation of a small clientele of the natives or indigenous peoples into property-owning and government structures.

"Many African leaders lost their greatest opportunities for effecting a real social revolution when, on assuming office, they allowed themselves to be persuaded that a way of showing the dignity of power is to exhibit the gaudy aspects of European civilisation: motorcades consisting of the most expensive European cars ... The state finances are drained for the sake of the importation of these 'bourgeois' commodities that are used to display the power of the new governments."<sup>11</sup>

...

"In private circles the display of power manifests itself in ostentatious living.

Armah gives an example of how some African leaders spend time surrounding themselves with expensive Western gadgets just for the sake of attracting the beholding eye and to make it accept the power of the owner."<sup>12</sup>

This has virtually locked African and other developing countries into the same social, economic and political relations of oppressor and oppressed. This has created a yawning gap between the indigenous minority in government and business on one side and the masses of landless and dispossessed on the other.

Neither these ruling indigenous elites nor the former colonial powers seem to understand the resentment this is generating. It may be that Western powers know and intend these consequences since they have seen the inevitable collapse of governments in every country in Africa and other developing countries because of economy-based conflicts. However, it is not clear why indigenous ruling elites are buying into this scheme of things since they have seen that the peculiar economic relationships that colonial powers put in place have created massive social dislocation.

"Even though Westernised elites in the new African states have adopted European development models, it is not foreseeable how entire populations will force themselves to collectively negate cultural identity in the name of new 'rationality', welfare and 'progress'. "<sup>13</sup>

Social relations inside indigenous communities have become so bad that I foresee severe social instability leading to civil wars and other tragic results here in Southern Africa as well.

Irrational behaviour, as was and still is the case in Burundi, Sudan and Rwanda, to mention a few, will be the order of the day. This includes fratricide, the killing of siblings, massacres, matricide, rapes, wanton destruction of property, and suicides. Every grassroots Kenyan, for example, knows that Kenya is a very sick country. It is difficult for me to understand why governments in places like the US have people who do not seem to understand the sources and origins of banana republics where human life has become very cheap.

Given this background it seems to me not far-fetched to initiate research and policy development on the dynamics that bind African indigenous societies. This would expose more

dynamically the elements that give custom elasticity and equilibrium. Such research and policy development have to be done across national or state boundaries for four different reasons.

### **1. IRRELEVANT GEOGRAPHICAL AND POLITICAL BOUNDARIES**

Besides the fact that the colonising powers focused on the geographic location of the wealth they wanted, they never did an even cursory assessment of the ethnic configuration of the residents. For example, the diamonds, gold and other valuable minerals they found in northern South Africa were scattered through Tswana, Sotho, Pedi and Venda areas. They never bothered to find out who “owned” what. The result is that we have now isolated clan and kinship structures that are artificially separated by large expanses of white-“owned” farms and white-created urban expanses called cities and towns.

Everyone who studies history knows that the BaSotho in Lesotho are the same families as those in the South African state, in Botswana and Zimbabwe. The BaTswana are in South Africa and Botswana. The Venda in South Africa and the Shona in Zimbabwe belong to the same configuration, etc. The worst example of a cynical dismantling of social systems for monopoly expansion is the Democratic Republic of the Congo (DRC), which the Belgian King carved out for himself in central Africa.<sup>14</sup> He simply decided to create a personal farm for himself and called it a state. It was for him a purely economic transaction of creating wealth. Imagine the severe economic and psychological trauma these communities experienced at the time they were torn asunder by map-drawing and gun-toting invaders.

### **2. DISRUPTED ECONOMIC ACTIVITY**

Commercial enterprise in Africa consisted always of family-based activities. This was always the case, irrespective of the incredibly complicated water irrigation and hydraulic engineering activities that were found around the big rivers like the Nile and the Congo. The kingdoms of Ghana, Kush and Carthage were standard setters in what is now called Western Civilisation. Remember the Universities of Timbuktu and Memphis. It was this enterprise that bound the extended kinship structure together, irrespective of distance and the extent

of the enterprise. It was always based on survival and subsistence. As a result, life became so much more meaningful when people were doing things together as a unit. They put value on each other’s presence. For example, “Africans believe that food has to be shared, for a good harvest is a gift from the earth goddess and the ancestral spirits”.<sup>15</sup> Colonial activities fractured this existence without ever putting anything back in return that would enhance native social solidarity.

Bengu refers to one Agunwa whose research revealed that Africans worked in teams to render service to the community. The critical element was always the creation of foundations for social solidarity, coherence and moral consensus on issues pertaining to governance and development. Moral obligations were more important than individual monetary or material gain.<sup>16</sup>

It was absurd to assume that hierarchical structures imported from Europe would necessarily replace an existence of thousands of years that emphasised comity and the hearth rather than might and repression.

### **3. CONFUSED BLOOD KINSHIP RELATIONSHIPS**

There had always been defined social and political borders in indigenous African societies and these were not related to geography or terrain. One can still see the confusion of similar family structures with similar family names such as the Traore Family in Mali, Burkina Faso and adjacent African countries. The same confused blood kinship structures now exist among the Xhosa and the Zulu, and within the BaSotho who have similar clan names in spite of significant language differences. The writer, for example, holds both Zulu and Xhosa blood with a blue blood MoSotho mother whose family has lived with the Xhosa for over 200 years. Would I be expected to pledge allegiance to the Xhosas where my family has been residing for all those hundreds of years? That would be silly because I am all of the above and more. It is not my surname that identifies me with my family. The surname is just the name of one of my forefathers. It is my clan name that counts. Western society has never come to grips with this characteristic of African societies.

“A traditional African name is a religious mark of personal and human identification. It is a symbol of honour and respect for the

environment ... The community uses names as an instrument to build and mould the character of the younger, to fortify the adult, and reward the elder. Through the name the individual is linked with the ancestors and the spirit world. In this way an African name is a human form of identification that puts one uninterrupted continuity of the past and his gods.”<sup>17</sup>

The absence of volition in choosing one's family and blood means the necessary acceptance of one's identity without question. This in turn leads one to accept the creation of other human beings as an act outside the control of the individual. That psyche created more problems for us than any amount of direct physical disruptions of our bodies, our lives and the destruction of our physical possessions, like houses and stock. This was because it led to the acceptance of other races as part of the family of the human race while some of them saw us as exploitable capital for their own use. As the reader will realise, each of the five elements of consciousness dealt with below are represented in this quotation.

#### 4. CONSCIOUSNESS

This is probably one of the least understood elements of the human psyche by Western scholars and Western grassroots societies alike. It therefore affects the governments they elect in a very dramatic way because every president or prime minister they elect, every king or queen continuing the bloodline of social re-creation and reproduction, falls into the easy trap of assuming that their consciousness is the standard. The all-consuming self-delusion of a higher civilisation and, therefore, the ability to set the standard for every other community in the world becomes a repeated statement of the need to lead the more unfortunate former colonies to what these powers deem to be civilisation. For African communities in particular, and I know that Native Americans hold the same view, this is annoying. These communities have experienced barbarities and savagery inflicted on them by people who came from these so-called civilisations during the worst days of colonialism and slavery.

The pain of colonial strictures has not yet disappeared and most youth and young adults of the latest generations grew up in very difficult circumstances. All these were blamed on the

white man and his so-called civilisation. All my children know that the only way they can get tertiary education is through scholarships from white societies and Western countries. It creates a feeling of helplessness among them. All my adult children hold tertiary level qualifications but their awareness of the source of their difficulty has not been eradicated by European curricula and syllabi in tertiary institutions.

Indeed, since all of them had to take history as a subject, its incessant repetitions of the cultural superiority of Europe has not helped to alleviate the pain.

You may want to argue that modern technology and lifestyles that emphasise leisure and pleasure were introduced by Western societies as a new form of culture. Suffice to say that for most indigenous communities there is a very strong belief that had the invaders not disrupted our lives, and if they had not taken away our possessions and resources and used them for themselves, the situation would be totally different.

Therefore, let me initiate a different type of discussion on the question of consciousness where the need for tolerance is grounded in African societies. The idea is to see whether we can find different ways of researching *African* sources of social solidarity and coherence among people.

##### 4.1 African identity

The label I give myself in respect of my awareness as a member of a particular gender, my strengths, weaknesses, talents, physical or mental capacities, bases itself and its significance on the people around me. This gives me a peculiar sense of belonging that is reinforced by repeated statements around me that I am the son of so-and-so and I have taken the characteristics of this and that member of my nuclear and extended family.

“The individual, through socialisation and the love and concern that the household and community have extended to him or her cannot now see himself or herself as anything apart from his or her community. Interest in his or her success is shown by members of the extended family who regard him or her as their ‘blood’ and the community are [sic] also able to trace their origin to a common or even some mythical ancestor. There is therefore a feeling of solidarity

among its members and this is neither forced nor solicited.”<sup>18</sup>

This transcends professional, vocational and technological training and education. It is a composite thing of psychological emblems, signals and peculiar forms of interacting with my human and geographical environment. This is indeed the foundation of what is called culture, as the writers show below. This is the foundation of belonging. It is at this level that I begin to learn about social obligation as part of my identity; literally “Who do I owe and what?”. This knowledge shapes my own perception of what and who I am and what role I play in the body politic of the people among whom I was born, grew up. Every individual finds himself or herself under compulsion to present his or her identity and sense of belonging in a way that will reinforce his or her own right to be among a particular group of people. This is the case even if that individual may be working overseas.

“Cultural identity is an important element not only in the search for an appropriate development strategy. It has also much to do with the struggle against foreign political control and economic domination.”

Bengu describes culture as follows:

“The concept of culture will be used in this book as a generic term for the values the people uphold at the present time. Today we define culture as a totality of values, institutions and forms of behaviour transmitted within one society, as well as the material goods produced by man.”<sup>19</sup>

The view expressed by Goldschmidt, is that:

“If we are to understand the future of a people, we must appreciate its past. For the way of life of a people in any time and place is built upon out of past customs adapted to present circumstances. ... for culture is their customary way of doing things. It includes the way they make things, the way in which they organise their society, and the way they look at the world around them, even attitudes and sentiments and feelings they share.”<sup>20</sup>

And Amilcar Cabral added that:

“Culture has proved to be the foundation of the liberation movement. Only societies which preserve their culture are able to mobilise and organise themselves and fight against foreign domination.”<sup>21</sup>

For this purpose specific rituals and ceremonies have worked throughout the ages to cement this relationship between the individual and the dynamics that make him or her the person he or she is. At this level the individual cannot be an authority on him/herself or the community since there are things that have to be done for him/her that are outside his/her capacity to do by him/herself.

#### **4.2 African family consciousness**

This is similar to the first except that it includes histories of exploits and events that tend to portray one’s family in a certain light. Standards of behaviour accepted as good become yardsticks of measuring the proximity or otherwise of the individual to his/her family, community, and country. Another African writer puts it as follows:

“The process of socialisation begins right from birth. The mother constantly communicates with the baby by tracing the family tree from the beginning, reminding him or her of the nobility of his or her birth and the uniqueness of the family. Co-wives (step-mothers) are on hand to tease the growing child, chanting the family praise-names and demanding gratification in return. All these raise the consciousness of the child as a member of a family and he or she begins to internalise the norms.”<sup>22</sup>

The family becomes, in a very poignant fashion, the locator of one’s national consciousness. As Okot p’Bitek said:

“Men live in organisations called institutions; the family, the clan, a chiefdom or age-set systems. He has a religion, an army, legal and other institutions. And all these institutions are formed by or built around the central issue of a people, what they believe, what life is about, their social philosophy, and their worldview.”<sup>23</sup>

Inside this particular element of human sensitivity is the locating of that family within a particular clan, that clan within a particular ethnic group, and the collection of ethnic and language groups within a particular national entity. It is at this level that society informs the individual what duties he or she has towards which group of interests in society. Since you never paid for the nurturing the community provided, you are today expected to know who the other people and animals are that expect you to pro-



vide *for them* as part of your *duty*. It is at this level that selfishness and greed are discouraged and given safer outlets. It is at this level that the thing called law begins to find observable physical expression as distinct from power.

Specific rules govern the way things are done and these are reflected in rituals and ceremonies. Similarly, a person is psychologically barred from claiming personal excellence over and above the unit that brought him into this world. One has to endure irritations among the individuals who constitute the family. Consequently, tolerance becomes a basic norm of consciousness. It also generates a sense of obligation to the collective.

### 4.3 National or political consciousness

Without a firm foundation based on the previous two principles, this principle becomes very difficult to develop. For indigenous people the norms that cover individual identity and belonging push the boundaries through the family, the clan, and ethnic boundaries to geo-political consciousness. It is apparently very difficult for Western or European writers to understand this dynamic. Elizabeth Colson writing in the book edited by Gann and Duignan refers to clans as “segmentary lineage systems” that are, to her, “amorphous polities”. These entities “... stressed extreme forms of egalitarianism, a disregard for authority, and an acceptance of only highly specific leadership”.<sup>24</sup> These institutions led to maintenance of continuity of certain basic institutions even when the political order itself had collapsed. She calls this the “non-political order”.

“Kingdoms might rise and fall, but lineages or other kin groups continued to care for their members in illness or distress. They provided protection against enemies and a measure of internal discipline. Where overall political organisation was weak, lineages might assume important political functions. Where central government waxed strong, lineages might continue as corporations controlling property rights in land, stock, or political and religious office.”<sup>25</sup>

It is important to remember that these elements are deeply imbedded in indigenous thinking and folklore and that this type of consciousness transcends political, state and geographical boundaries. If this belief system is destroyed or shaken there follows a life of misery and pain

for everyone involved. If one bases one’s thinking on the lines of one’s social obligations then one’s legal obligations to the “state” become easier to understand.

It has to be borne in mind at all times that the first priority for an individual in African societies is the family. For as long as the child bears part of my blood, it is family. This consciousness transcends state, religious or financial boundaries.

There have always been taboos about the exploiting of natural resources among indigenous populations. Remember that for them these things belong to God and cannot be subjected to individual ownership. Consequently, whatever God put on earth as a human being has an inalienable right of access to these without interference by a silly thing called a title deed.

It is that element of human consideration that made us victims of invasions from Europe. We allowed them in.

This means political or state boundaries do not make much sense to us. The family does. African traditional morality holds the family as the supreme good by itself. Wiredu says that:

“The family, the neighbours, were those of the blood, the group held together by a community of origin and obligation to a common ancestor ...”<sup>26</sup>

Wiredu goes on to show that the concept of family comes to embrace not only a specific clan but also the entire race of humanity. Hence it was common to establish political and non-belligerence treaties by marriage. The children born of my daughter whether she is married to a Sikh or a Sioux are my children. Indeed, for most African indigenous communities the key to family is where the mother blood is found because the maternal uncle has special ceremonial and ritual relationships that reinforce responsibilities to his nephews and nieces. I know, because I have experienced it in real life. I know that I am the son of my mother’s sisters, whether they are Caucasian or Mongolian. The same goes for my son’s children, again irrespective of the ethnicity of the mother, they remain the bloodline of my clan. It is a form of consciousness that does not allow physical borders. More than that, it forces the individual to tolerate forms of behaviour that would not normally be acceptable. That does not mean we do not have limits but those limits are deliberately

made to be elastic. This accommodation of difference makes it difficult to be too judgmental about other people's weaknesses. Similarly one cannot be too dogmatic about other people's belief systems. The key always is whether they are part of the family. In that sense *vive la difference*.

#### **4.4 African status consciousness**

One has to remember that for indigenous societies the configuration of the people you grew up with is an important psychological tool for locating where you are and why you are on that particular level of social stratification. This is accompanied by the knowledge of what type of family you were born into. The best examples are children born of chieftaincy families, traditional healers and spiritual mediums' families and families of people with recognised technical and professional status levels, like doctors, engineers and lawyers. All these children are expected to behave in a particular manner depending on the importance of that family in that society or community. It is their social and, even more fundamentally, legal obligation to do so.

More critically, however, one's bloodline as I explained above determines the location of that status. Do not forget the first question is always: "Where were you born and of whom?". There is a Xhosa expression that has long fascinated me: *Andikwazi wena mntwana wam, ndaz' uyihlo*, literally, "I do not know you my child, I know your father". Even if you tell me your name and surname it is only when I know the history of your family that I will be able to place you in the nature of things. Consequently, indigenous communities never accept you merely because you have a profession, a degree, some talent or another if they do not know where you come from. It is here that Africans from outside almost always complain because some degree of apartheid tends to manifest itself in this regard. However, the key is what you have done for me to warrant inclusion. Many South Africans home from exile will testify that they obtained a lot of name recognition and assimilation into indigenous African families by being given status labels as freedom fighters because it was believed they would help in the fight against colonial and neo-colonial oppression in the future. After all they did not know us, they knew our fathers.

I can only be the "wise one" in law when I prove to my community that the doctoral qualifications I have in education and law have a particular impact on the community where I was born and grew up. It is here that indigenous communities get into difficulties because Western society revolves around wealth and physical possessions. Status in Western society is useful for as long as it translates into social power. Indigenous communities use public witness as a foundation of proof of status rather than written documents. That is why marriages are family matters involving the whole location and worship is prosecuted by way of public singing and dancing. This has not changed even in these so-called post-modern times.

#### **4.5 African religious consciousness**

This is so obvious that one gets somewhat embarrassed trying to explain to a Westerner why the line of access to God goes through your family, the ancestors (the so-called angels in white society), and through Jesus Christ to God, or through the Prophet to Allah or Jehovah depending on whether one is Christian, Islamic or Jewish. Obviously the methods of worship and giving recognition to God as a power in one's life will differ accordingly. Yet we are expected to create communication structures like government, theology, divinity, law, philosophy, rituals and ceremonies that bind us. It is religion that cements social and legal obligation. Without an understanding of these dynamics one cannot create a viable governmental structure.

If one accepts that the foundation of all life is God's power, it means the extended family was created by the same power. In the same way that human beings cannot uncreate the existing world, they cannot remove or wish away extended family systems. Practically, therefore, any process of communicating with God has to go through and be symbolised by the things around us that God created. Human beings and the structures they created are the living proof of this fact. In that sense the practical and implementable system of recognising God's own messengers in human form creates an acceptance of the "living dead" as the medium of communication. Your ancestors put the blood you have in your veins. You can neither change that nor wish it away. That becomes a God-given characteristic. Consequently other

people were created in exactly the same way. If you respect God, you simply have to respect His creations.

This creates a compulsion to respect human life. It also makes it easier to respect and avoid destroying things one cannot replace. It is this

element in the structure of things that emphasises tolerance of everything including difference. It is also this element that separates Western systems of belief from those found among indigenous communities all over the world.

#### ENDNOTES

- 1) Wiredu Kwasi, *Philosophy and African Culture*, 5.
- 2) Gann L. H. and Duignan P. *Colonialism in Africa* Vol.1, p. 2.
- 3) *Ibid.*, 2.
- 4) Ajayi J. F. A. The Continuity of African Institutions under Colonialism, an article published in *Emerging Themes in African History: Proceedings of the International Historical Conference*, held in Dar Es Salaam, Tanzania in 1965.
- 5) Eze Chukwudi Emanuel, *African Philosophy: An Anthology*, 213.
- 6) Ahmad Aijaz, in an article titled The Politics of Literary Post Coloniality, in *Race and Class*, Vol. 36, p. 7.
- 7) Gann and Duignan, *supra*, 113.
- 8) *Ibid.*, 18
- 9) Bengu Sibusiso M. E., *Chasing Gods Not of Our Own*, 33.
- 10) Armah Ayi Kwei, *The Beautiful Ones Are Not Yet Born*, 101.
- 11) Bengu, *supra* 89.
- 12) *Ibid.*, 90.
- 13) Presiswerk A. Roy, The Place of Intercultural Relations in the Study of International Relations, a paper presented at the Convention of The International Studies Association at St Louis, Missouri, 1974, pages 22-3.
- 14) Gann and Duignan, *supra*, 261 et seq. in an article by Jean Steangers, The Congo Free State and the Belgian Congo.
- 15) Bengu, *supra*, 56.
- 16) *Ibid.*, 72.
- 17) Bengu, *supra*, 52.
- 18) Eze Chukwudi Emanuel, African Philosophy: An Anthology, in a chapter by Segun Gbadegesin on Yoruba Philosophy: Individuality, the Community and the Moral Order, 131.
- 19) Bengu, *supra*. words used in the Preface of the book by Roy Preiswerk, viii.
- 20) Cited in Angela Christian, *Facets of Ghanaian Culture*, 85.
- 21) Cabral Amilcar, writing in the journal *Objective: Justice*, 1974, Vol. 6, No. 1, at page 9, the article titled The Role of Culture in the Struggle for Independence.
- 22) Eze, *supra*, 131.
- 23) Okot p'Bitek, *The Artist as a Ruler*, 74.
- 24) Gann and Duignan, *supra*, 52.
- 25) *Ibid.*, 53.
- 26) *Ibid.* 23-4.

**REFERENCES**

- AHMAD ALJAZ. The Politics of Literary Post Coloniality, in *Race and Class*, Vol. 36.
- AJAYI J. F. A. 1965. The Continuity of African Institutions under Colonialism. Paper published in *Emerging Themes in African History: Proceedings of the International Historical Conference*, Dar es slaam, Tanzania, 1965.
- ARMAH AYI KWEI. 1969. *The Beautiful Ones Are Not Yet Born*. Heinemann: London.
- BENGU SIBUSISO M. E. 1975. *Chasing Gods Not of Our Own*. Shuter and Shooter, Johannesburg: South Africa.
- CABRAL AMILCAR. 1974 The Role of Culture in the Struggle for Independence, in *Objective: Justice*, 1974, Vol. 6, No. 1.
- CHRISTIAN ANGELA. 1971. *Facets of Ghanaian Culture*. Advance Press: Accra, Ghana.
- BENTSI-ENCHILL KWAMENA. 1971. *Institutional Challenges in Our Times*. Legon University Press: Accra.
- EZE CHUKWUDI EMANUEL. 1998. *African Philosophy: An Anthology*. Blackwell: Oxford.
- GYEKYE KWAME. 1987. *An Essay on African Philosophical Thought: the Akan Conceptual Scheme*. Cambridge University Press: Cambridge.
- GANN L. H. AND DUIGNAN P. 1981. *Colonialism in Africa*, Volume 1. Cambridge University Press.
- OKOT P'BITEK. 1985. *The Artist as a Ruler*, Heinemann: London.
- OPUKU KOFI ASARE. 1970. Independence of the Mind. Unpublished article, University of Ghana.
- PREISWERK A. ROY. 1974. The Place of Intercultural Relations in the Study of International Relations. Paper presented at the Convention of The International Studies Association at St Louis, Missouri, 1974.
- ROSENAU JAMES. 1969. *International Politics and Foreign Policy*. The Free Press: New York.
- SOVIK ARNE. 1973. *Salvation Today*. Augsburg Publishing House: Minnesota.
- WIREDU KWASI. 1980. *Philosophy and African Culture*. Cambridge University Press.

# Transforming Ethnic Conflicts

---

*Hussein Solomon and Sally Matthews*

---

## ABSTRACT

*The authors argue that across the world a return to the “cult of origins” is being witnessed, where difference often means destruction, destitution, despair and death. While ethnic identity can provide people with a sense of security and belonging, ethnic identification has also led to violent conflict and terrible destruction. The authors assess ways in which ethnic conflict can be transformed so that ethnicity becomes a positive rather than a destructive force in society. Internal conflict management strategies are examined, with attention being given to questions of nationhood and power-sharing. Issues related to conflict such as the role of democracy, religion, tradition, resources and arms are briefly discussed. Attention is also given to external conflict management strategies such as early warning systems, the role of international law, peacekeeping techniques and the potential role of economic development assistance in managing ethnic conflicts. Emphasis is placed on the importance of regarding ethnicity as a form of identification which need not lead to conflict if properly managed, and the authors stress that ethnic conflict can only be transformed through a long-term process which coordinates both internal and external conflict management strategies.*

## INTRODUCTION

“Almost every country across the broad middle belt of Africa – from Somalia in the east to Nigeria in the west, and from Sudan in the north to Angola in the south – has a volatile mix of armed conflict, unstable

political institutions, limited resources, and inevitably a ‘bad neighbourhood’ of similar crisis-ridden states” (Gurr, Marshall and Khosla 2001).

“The dynamics of fear and loathing between people of different backgrounds – ethnic or religious or economic – are not as unique or complex as we might like to believe. Violent breakdowns can occur in virtually any country during times of economic hardship, political transition or moral infirmity” (Peter Maas 1996).

From Chiapas to Chechnya, from India to Indonesia and from Algeria and Angola to Afghanistan, the world is witnessing a return to the “cult of origins” where difference often means destruction, destitution, despair and death (Krause and Renwick 1996: xiii). This was most graphically illustrated in the killing fields of Rwanda in 1994 where almost one million Tutsis and moderate Hutus were killed. Ironically, the Rwandan genocide took place at a time when South Africans were freeing themselves from the last vestiges of apartheid and where differences were exalted in the notion of a “rainbow nation”. This irony, however, underscores an underlying truism – that the politics of identity can be both benign and malign. Thus, according to Richard Davies (1996: 87):

“As with other forms of identity, ethnicity provides a sense of belonging and a way of knowing ‘who we are’. This enables identification with other individuals of a similar background, something which it can be

**Table 1: Armed conflicts for self-determination and their outcomes, 1956-2000**

<i>Period</i>	<i>New Armed Conflicts</i>	<i>Ongoing at End</i>	<i>Conflicts Contained of Period</i>	<i>Conflicts Settled or Won</i>
before 1956		4		
1956–1960	4	8		
1961–65	5	12		1
1966–70	5	15	2	
1971–75	11	23		3
1976–1980	10	30	2	1
1981–85	5	34		1
1986–90	10	40	2	2
1991–95	16	38	7	11
1996–2000	2	26	7	6
<b>Totals</b>	<b>68</b>	<b>230</b>	<b>20</b>	<b>25</b>

Source: Gurr, Marshall and Khosla, 2001

argued is essential to the security of the individuals. This sense of community may be of increasing importance in an age of bureaucratisation and impersonal mass societies, and a world of political alienation and isolation.”

At the same time, the consequences of narrow ethnocentric nationalisms and sub-nationalisms are clearly evident from the killing fields of Kosovo to the highlands of Kenya. This is further underlined by the number of armed conflicts for self-determination which has so plagued the 20th century (see Table 1).

The potential for further armed secessionist groups is also seen by the fact that the world is divided into 5000 distinct ethnic groups and that only 9.1% of independent states are ethnically homogeneous (Davies 1996: 88; Poku 1996: 181). In Africa, this situation is worse than in most other parts of the world where the legacy of arbitrarily drawn boundaries gives rise to situations such as the Democratic Republic of the Congo where over 250 ethnic groups exist (Poku 1996: 184).

The challenge then for both policy-makers and academics is how to transform the politics of identity along more benign routes from violence and exclusion to peaceful cooperation and accommodation.

This paper aims to give some insights into this transformation process by firstly examining what could be done within states and second, how the international community can assist in constructively intervening in the search for sustainable peace. Before we proceed, however, a few caveats.

### 1. THREE CAVEATS

In any discussion such as this it is imperative to clearly define one's concepts. A lack of conceptual clarity can only lend ambiguity, and hence obfuscation, to one's analysis. According to Davies (1996: 80-81):

“Ethnicity is the condition of belonging to an ethnic group, the sense of ethnic identity felt by members of an ethnic community. ... The term derives from the Greek *ethnos* meaning a group of people characterised by common descent and therefore a basic human category in itself as opposed to a sub-group of a larger unit.”

This definition is supported by other authors such as Morris-Hale (1997: xv) who argues that ethnicity encompasses some combination of race, religion, culture and group identity; and Schrire (1980: 6) who proposes that the essential component of ethnicity is assumed common descent. This definition of ethnicity largely coincides with the concept of an ethnic group. Thus Thomson (2000: 58) describes an ethnic group as “a community of people who have the conviction that they have a common identity and common fate based on the issues of origin, kinship ties, traditions, cultural uniqueness, a shared history and possibly a shared language”. Importantly, Poku (1996: 180) further notes that ethnic group “pertains to organised activity by persons linked by a consciousness of a special identity, who jointly seek to maximise their corporate, political, economic and social interests”. Importantly, both Rothschild (1997: 4) and Poku (1996: 180) note that ethnicity is subjective rather than objective – it is a *perceived*

sense of common origins and interests. This is an important point for those attempting to defuse virulent ethnic conflicts, since perceptions can change.

Second, and a concomitant of the previous point, is that identities are never static, rather they are dynamic and therefore malleable. According to Krause and Renwick (1996: xii) "... identities are constructed and can therefore be deconstructed and reconstructed anew". Ethnicity, like other identities, is similarly malleable. In fact ethnicity is "... transformed over time by processes of immigration, social reproduction and change, nation-building and national integration" (Davies 1996: 81). The Scottish nation, for instance, provides a useful example of a nation rooted in diverse ethnic origins, combining Pictish, Celtic, Norse, and Anglo-Saxon peoples, yet possessing a strong national identity. Similarly, the Zulu nation in South Africa consists of over 250 distinct tribes. Meanwhile the Basotho nation was forged by Moshoeshoe I in the 19th century from disparate peoples fleeing the *mfecane* wars in Southern Africa. This, too, holds important lessons for the conflict resolution practitioner since the transformation of ethnic identities could open up new avenues of peace in so-called "intractable" conflicts. At the same time, however, it could complicate delicate peace negotiations as the demands and/or needs of belligerents change.

Third, another issue complicating the search for solutions is the fact that the causes of ethnic conflagrations are diverse and multiple, ranging from cultural differences to minority politics to religion to territorial disputes. Often conflicts arise where ethnic identities coalesce with class or other identities; where, for instance, an ethnic group feels that it is not receiving the benefit of economic production.

A good example of this is the Ogoni people in the oil-rich Delta state of Nigeria. Supporting this view, Davies (1996: 89) argues that where inequalities "... result from ethnic discrimination and also affect material interest, ethnicity provides a cohesive basis for mobilisation because of the power of its subjective attachments".

Further lending credence to such a view, Rupesinghe and Anderlini (1998: 14) clearly illustrate the varied and multiplicity of variables fuelling the 1994 genocide:

"... in Rwanda, one of the world's poorest nations, a rapidly increasing population coupled with decreasing agricultural productivity, few opportunities and uneven government support for rural areas exacerbated social tensions. This, combined with a drop in tea and coffee prices in the late 1980s and structural adjustment policies implemented in 1990, led to even harsher living conditions and eroded the government's legitimacy in the eyes of the people. These factors in themselves did not create sufficient conditions for the outbreak of civil war or the genocide of 1994. Within the wider context, however, they were instrumental in the build-up of tension and grievance in a country with a history of social and ethnic divisions and recurrent communal violence."

Poku also notes the uniqueness of some variables exacerbating ethnic conflicts on the African continent:

"... throughout the continent states preside over divided societies containing widely divergent ethnic groups. This has made it particularly difficult for post-colonial states to generate a moral basis for government which endows rulers with legitimacy or authority, rather than with the mere control of the state machinery. ... The weakness of the African state institutions and the fragile nature of its public acceptance provides a unique socio-political environment which encourages informal networks of personal relationships between powerful and well-placed individuals (patrons) and the rest of their ethnic communities (clients)" (Poku 1996: 184,186).

The scope and intensity of the variables driving ethnic conflicts often lends greater complexity to the issues of identity at hand – thereby contributing to some conflicts being labelled as "intractable". For the conflict resolution practitioner, this implies that such conflicts need to be approached holistically in order to understand the interplay between the factors resulting in virulent ethnic nationalism.

In a paper such as this, it is impossible to cover each and every aspect of this complex phenomenon. What we aim to do is to focus on what we regard as the most salient ways in which to manage ethnic conflicts both internally and externally.

## **2. THE INTERNAL MANAGEMENT OF ETHNIC CONFLICT IN AFRICA**

External intervention is valuable and necessary in many circumstances of ethnic conflict and can prevent disastrous consequences commonly associated with ethnic conflict, but external intervention alone is insufficient and can do more harm than good. External intervention can be paternalistic and undemocratic (McGarry & O'Leary 1994:109) and may fail because of a lack of understanding of the internal situation which has led to the conflict. Ethnic conflict is largely an intra-state phenomenon and thus needs to be internally managed. Some methods of internal conflict management are discussed below.

### **2.1 Secession**

Secession is an extreme method of conflict management and for this reason is often either not considered as an option for conflict management, or is considered a last resort. However, some ethnic conflicts have been managed (with varying degrees of success) by allowing one of the ethnic groups involved to secede. Examples include the independence won by Lithuanians, Eritreans and Ukrainians (Gurr 1995:6).

Secession may be considered a solution when the costs of secessionist civil war outweigh the benefits of maintaining the current state boundaries. Secession may also be considered viable when the separation of the multi-ethnic state will result in the creation of two homogeneous regions, which are likely to be more governable than the original region (Gurr 1995:6). Secession also appears as an attractive option when it allows a group to escape oppression through receiving self-government (McGarry & O'Leary 1994:98).

While secession can be considered a viable option in the management of some ethnic conflicts, there are also distinct disadvantages related to it. Firstly, it is not always easy to determine exactly which group(s) and which territory should form the new state (McGarry & O'Leary 1994:99). The seceding region is likely to contain its own minorities which means that secession could lead to new ethnic conflicts if these minorities do not support the secession of the region (An-Na'im 1991:109). Secondly, secession often produces violence, and may even exacerbate the original situation

(McGarry & O'Leary 1994:100). Secession may do nothing more than change an intra-state conflict into a conflict between two independent neighbouring states. A third problem is that secession may lead to the establishment of a state which is not economically viable, or may diminish or eliminate the economic viability of the existing state (An-Na'im 1991:109). Another problem regarding secession is that there are international principles that can be appealed to by both the secessionists, and those wishing for the state to remain united. The international system includes principles of statehood, and the sovereignty of states; but also includes principles regarding self-determination (Richmond 1999:188-193). In the context of Africa, the Organisation for African Unity's (OAU's) decision to support the maintenance of the boundaries of states as they were at the end of colonialism, makes it difficult for ethnic groups to secede.

The only African state to have come about through secession from another African state is Eritrea which seceded from Ethiopia in 1993 (Mayall 1999:491). Eritrea argued that its demand for independence was not in contradiction with the OAU's decision to interpret decolonisation as being self-determination, and thus not to allow states which did not exist in the colonial era, to come into existence (Mayall 1999:490-491). Eritrea had been administered separately from Ethiopia and had been colonised by Italy whereas the rest of Ethiopia had been colonised by Britain. The two colonies were only formally united in 1952 (Woodward 1993:7). Thus Eritrea could argue that it was an ex-colony and should be awarded independence (Mayall 1999:491). While secession did bring some abatement of ethnic conflict in the region, Ethiopia and Eritrea are currently engaged in conflict with each other, which suggests that the secession of Eritrea did not provide a permanent solution to the ethnic conflict in the region.

Secession has been suggested as a solution to inter-clan conflict in Somalia. While almost all Somalis come from the same ethnic background, the conflicts between the different clans mirror similar conflicts between ethnic groups in other states. In 1991 the northern region of Somalia declared itself the independent state of Somaliland (Woodward 1993:10). Thus far the Republic of Somaliland has not



been recognised internationally, but it could present a similar argument for secession as Eritrea because it was administered separately from the rest of Somalia during the colonial era (Mayall 1999:491). The British colony in Somaliland and the Italian colony in Somalia were only united at independence in 1960 (Ofcansky 2000:1024). Since independence the region has experienced ongoing inter-tribe conflict, culminating in the collapse of the state in 1991 (Woodward 1993:9-10). Somaliland has been relatively peaceful in comparison to the rest of Somalia. Recently, a Transitional National Government has been set up in Somalia, but no mutually acceptable decision has been made between Somalia and Somaliland regarding the future of Somaliland (IRIN 2001).

Secession has been proposed as a solution in other African states including Sudan, Nigeria and Morocco. Although secession is undeniably an extreme response to ethnic conflict, it cannot be ignored just because it is extreme. Extreme conflicts may at times require extreme solutions and the OAU would do well to reconsider its stance on secession.

## 2.2 Nation building

Very few of the world's states are true "nation-states" – only about 20 modern states are ethnically homogeneous (Welsh 1993:65) This is especially true of Africa (An-Na'im 1991:101). Yet many multi-ethnic states are strongly nationalist with the population feeling united despite differences in language or ethnicity. The existence of such states has encouraged some theorists to suggest nation building as a solution to ethnic conflict. Nation building involves reducing disparities between groups and promoting the idea of a common shared nationhood (Horowitz 1985:599). National identity can be defined as a collective sense of belonging and can result from a number of factors (Hazleton 1998:104-105). If nation building can promote an identity based on a common territory, or common history rather than one based on ethnicity, it can be considered an effective ethnic conflict management strategy.

Tanzania can be regarded as an African state where nation building was successful for many years. Unlike other ethnically heterogeneous states in Africa, it has experienced little ethnic conflict (Glickman 1995b:289). After indepen-

dence, the ruling Tanganyika African National Union (TANU) opposed tribalism and aimed to create a united national culture (Glickman 1995b:293). Much credit for the relative success of this venture has to be given to Julius Nyerere who dominated the Tanzanian political scene for three decades and who stressed nation building rather than narrow tribal loyalties. However, while the nation-building efforts of Nyerere and TANU can be greatly admired, Tanzania has not been able to completely avoid ethnic conflict, with tensions regarding the Zanzibar separatist movement and ethno-religious divisions between Tanzanian Christians and Muslims (Glickman 1995b:290-291).

Nation building has had some success in Africa, but its strategy for ending ethnic conflict has been considered rather naive and not particularly successful (Horowitz 1985:899). Welsh (1993:64-65) concludes that nation-building exercises in the developing world have failed except in the few states which are ethnically homogeneous. African states recovering from periods of ethnic conflict often have to deal simultaneously with post-war reconstruction and the pressures of structural adjustment, which leaves little room for nation-building initiatives (Adekanye 1998:31). Ethnicity seems to be a very durable form of identification and nation building does not seem to be effective in managing the conflict which ethnic identification frequently involves.

## 2.3 Power Sharing

Power sharing acknowledges ethnic identities and sees them as legitimate. Different identities are viewed as basic elements of society and it is believed that state power should be exercised jointly by the different groups (Gurr 1995:21). According to Arend Lijphart (cited in Adekanye 1998:26), power sharing has four characteristics: it involves the participation of all significant groups in executive power sharing; it allows for considerable internal autonomy where groups desire it; it involves proportional representation and proportional allocation of public funds and positions in the public service; and it includes the possibility of minority veto on certain vital questions.

Power sharing is sometimes referred to as consociation or consociationalism (McGarry & O'Leary 1994:112-114; Rabie 1994:45). The consociational model is a particular model of

democracy which promotes power sharing to manage conflict. Consociational democracies are characterised by the practical implementation of the four characteristics of power sharing described above (McGarry & O'Leary 1994: 113).

Power sharing allows for each group to have influence and authority and prevents minorities from being oppressed by dominant groups. However, there are certain prerequisites for the success of power-sharing measures. There must be legitimate leaders of each group and these leaders must be willing to compromise (Rabie 1994:61). Power sharing has to be a continuous process and the way power is distributed needs to be continually renegotiated. This means that successive generations of leaders must be motivated to maintain the power-sharing system or the success of the system will be short-lived (McGarry & O'Leary 1994:113).

Somalia is an example of a state that has been considered well-suited to power sharing. It is currently experimenting with some form of consociation in the hopes that this will end years of inter-clan conflict. In Somalia, there is no dominant clan, the clans have recognised leaders who have cooperated in the past, Somali traditions endorse the principle of proportionality and the use of mutual veto, and the clans are territorially concentrated making the application of proportional power-sharing easier (Adam 1995:220-221).

Given these characteristics of Somalia it seems that the introduction of a consociational democracy may be an appropriate conflict management strategy. After years of civil war and clan conflict, an internationally accepted Transitional National Government was set up last year (IRIN 2001).

This transitional national assembly of this government consists of 245 members and membership is divided up fairly proportionally among the different clans, with no clan having more than 44 seats (Ofcansky 2001:1032). It is hoped that this consociational system will bring an end to years of conflict in Somalia, but it is too soon to assess its success.

Power sharing has the potential to be an effective conflict management strategy in Africa, as it prevents domination and assures all group some access to power, but at the same time is not as extreme as secession, or as difficult to achieve as nation building.

## **2.4 Federalism and other measures providing for regional autonomy**

Federalism can be considered a method of power sharing because it allows for power to be distributed among different groups. Federalism involves the devolution of power by the centre to regional units and a formal distinction between the powers of the central government and the powers of the federal units (Coakley 1993:15). A federal arrangement can increase the confidence of the conflicting ethnic groups and allow them to feel less threatened by other ethnic groups (Lake & Rothschild 1996:61-63). It can also appease demands for secession.

There are, however, several problems with federalism. First, federalism usually refers to the devolution of powers to a specific geographical region and is thus only a solution where the conflicting ethnic groups are territorially based (Welsh 1993:77). There are some forms of non-territorial partitions, such as the cultural councils of Belgium (Cohen 1997:610), but generally federalism is taken to involve devolution to a particular geographical area. Another problem with federalism is that there are definite costs to federalism and these costs may be seen as outweighing the benefits of federalism. Costs include the duplication of functions, the expense of having state capitals and other expenses related to the running of separate federal administrations (Horowitz 1985:621-622).

Nigeria serves as an example of an African state that has experimented extensively with federalism. At independence in 1960, Nigeria adopted a federal constitution. The three regions established under British rule were maintained (Synge 2000:819). Over the years a number of other regions were established, many of them in response to the demands of ethnic groups. By 1996, Nigeria had 36 different federal regions (Osaghae 1998a:294). Some thinkers express strong support for the use of federalism in the resolution of ethnic conflict in Nigeria. Diamond (1988:324-325) describes the federal system as a "crucial resource" for Nigeria and argues that decentralised power and local autonomy are essential in Nigeria. Akinrinade (2000) agrees, stating that the Nigerian experience illustrates the need for "the development and practice of true federalism". He sees the devolution of real power and responsibilities to federal units as vital and crit-

icises the Nigerian federal system for having a central government with too much power. Rothschild (1997:56) sees federalism as a possible way to make politics in Nigeria less threatening and to encourage cooperation between groups, but notes that federalism as a solution to ethnic conflict is undermined if ethnically exclusivist regional governments refuse to allocate resources equitably and act repressively. He notes that when carefully crafted, federalism and other systems of decentralising authority can place necessary limitations on central authority and promote confidence among regional leaders. However, federalism can increase conflict and worsen inter-ethnic relations if it is not introduced carefully (Lake & Rothschild 1996:61-63). Osaghae (1998b:19) does not believe that federalism, as implemented in Nigeria, was an adequate response as it favoured majorities and powerful minorities at the expense of smaller ethnic groups. While ethnic groups ought to be given increased autonomy, Osaghae does not believe that awarding particular regions increased autonomy sufficiently addressed the needs of ethnic minorities. Thus, federalism has been both praised and criticised as a solution to ethnic conflict in Nigeria.

According to McGarry and O'Leary (1994:111-112), federalism has a poor track record with federations breaking down throughout Asia and Africa. For federalism to be successful, the division of powers needs to be continually renegotiated and supplementary consociational measures are often needed at sub-central levels of government to maintain the stability of the federation. Despite these difficulties, federalism is an attractive measure for the management of ethnic conflicts, and under certain conditions can be very effective.

### **3. OTHER ISSUES REGARDING INTERNAL CONFLICT MANAGEMENT**

When conflict management is attempted, it is possible to adopt one of the approaches discussed above without taking into account several issues which must be examined if the conflict management strategy is to have lasting success. A few of these issues are discussed below.

#### **3.1 Democracy and ethnic conflict**

Democratisation and ethnic conflict management are two processes identified as being of

vital importance to Africa at present. Given that ethnic conflict management and democratisation are often cited as two of the most important goals towards which African states should be striving, it is useful to examine the relationship between the two.

The coincidence of democratisation and violent ethnic conflict in Eastern Europe and other parts of the world has led some to wonder whether ethnic conflict is not the inevitable result of the end of authoritarian rule, meaning that it can be expected that democratisation will in some way exacerbate ethnic tensions (De Nevers 1993:31). Welsh (1993:64-67) argues that democracy widens the scope for ethnic politics – democratisation provides incentives for ethnic mobilisation which can threaten the cohesiveness of the state.

These arguments suggest that democratisation is likely to spark ethnic conflicts where ethnic tensions had previously been latent. Other writers acknowledge that this has sometimes been the case, but argue that democratisation and ethnic conflict need not go hand in hand. Glickman (1995a) says that certain types of democratisation allow for the constructive expression and demonstration of ethnic differences, while Smith (2000:34) concludes after a long empirical study that democratisation does not raise or lower ethnic conflict scores.

Following this line of thought, it can be argued that democratisation and effective ethnic conflict management are not incompatible, but that attention has to be given to the form of democratisation if the eruption of violent ethnic conflict is to be prevented. Cohen (1997:628) posits that democratisation should include proportionalism if ethnic conflict is to be prevented, and Glickman (1995c:407) proposes that democratisation in Africa should include some form of federalism if ethnic conflict is to be managed effectively.

If ethnic conflict management and democratisation are two of the most important challenges facing Africa at the moment, it makes sense that their impact on each other should be carefully considered.

When democratisation is encouraged in Africa, there should be an awareness of the impact democratisation can have on ethnicity, and when ethnic conflict is managed in Africa, the impact of ethnic conflict on the democratic process should be given attention.

### **3.2 Resources and ethnic conflict**

Ethnic conflicts often centre on competition for scarce resources (Rothschild 1997:75). The existence of ethnic differences cannot be understood to be the only variable which explains the outbreak of incidences of ethnic conflict (Ihonvbere 1994:52). When states experience periods of economic crisis and cannot provide their citizens with resources, the people may mobilise according to ethnicity in order to compete for the scarce resources which are available. Where certain ethnic groups are advantaged in the state's allocation of resources, tensions between ethnic groups are inevitable.

The centrality of oil in many ethnic conflicts in Africa is an example of how competition for a resource can spark conflict between two ethnic groups. In Nigeria there have been several ethnic conflicts which are clearly related to competition over oil reserves. The Niger Delta region has been especially volatile in this respect. Although most of the crude oil in Nigeria comes from this area, the people of the Niger Delta are impoverished and politically marginalised (Dokobu 2000:20). The process of oil extraction in their region has not brought them financial or political benefits and has led to the environmental degradation of the land upon which they live. The ethnic groups in the area feel that the major Nigerian ethnic groups have exploited them. This has resulted in a situation where some interest groups in the Niger Delta which were fighting for their interests with regard to the oil production have degenerated into violent ethnic militias which sabotage oil pipelines and abduct officials (Agbu 2000:24-25).

Oil is also a variable in the ethnic conflict in Sudan. While the south of Sudan has been comparatively disadvantaged in terms of political and economic development, it is in the south that Sudan's oil reserves are found (Woodward 1993:13). The only lasting peace accord in Sudan (the Addis Ababa Agreement signed in 1972) allowed the south considerable autonomy which brought peace to Sudan for several years, but limited central government's access to and control over the south's oil reserves (Ali & Matthews 1999:208). When Sudan began to experience worsening economic crises during the late 1970s, Nimeiri, the leader at the time, breached the Addis Ababa Agreement in order to try to gain control of the oil fields in the

south (Ali & Matthews 1999:208-209). These actions contributed to the end of the period of peace and the reemergence of the violent ethnic conflict which still plagues Sudan.

In order to address ethnic conflict in Africa, the question of the distribution of resources needs to be examined. Ethnic conflict is inevitable where resources are scarce and unfairly distributed between ethnic groups.

### **3.3 The question of religion**

Ethnic and religious conflicts frequently intersect. Many African countries are not only ethnically, but also religiously heterogeneous. When religious differences coincide with ethnic differences, religion can serve to exacerbate ethnic differences. In Africa the tension between Christianity and Islam is evident, with the populations of several states being divided between the two faiths.

The role of religion in ethnic conflict is evident when examining the ongoing ethnic conflict in Sudan. Sudan is situated geographically across the cultural and religious divide of northern and sub-Saharan Africa, with its population divided between Islam, Christianity and traditional beliefs (Glickman 2000:269). The north of Sudan is predominantly Muslim while the people of the south practice Christianity and traditional religions. These religious differences coincide with ethnic and regional differences with the Islamic people living mainly in the north being predominantly Arabic; and the people practising Christianity and traditional religions in south Sudan (Glickman 2000:270).

Religion has played a significant role in the conflict in Sudan. Non-Islamic religions have come under attack by the northern-dominated state ever since independence (Stavenhagen 1996:107). The various Islamist military governments which have been in power in Sudan have seen Islam as integral to the state of Sudan and threats to the state as being threats to Islam (Ali & Matthews 1999:196). This belief in the centrality of Islam and the importance of building an Islamic state leaves little room for compromise. The application of Muslim *Sharia* law has created much conflict in Sudan and has led to non-Muslims being treated as second-class citizens (Glickman 2000:277). Observers have warned that a lasting solution in Sudan is unlikely without some kind of compromise on behalf of the northern Arabic Muslims; at this

stage compromise seems unlikely (Glickman 2000:279).

In situations where conflict is ethno-religious rather than simply ethnic, management of the conflict is more complicated. Groups with strong religious loyalties may be unwilling to compromise, making the management of ethnic conflict more difficult. Attention must be given to the coincidence of ethnic and religious differences so that ethnic conflict management takes into account the role that religion may be playing in the conflict.

### 3.4 Arms and ethnic conflict

A distinct difference between ethnic conflict of earlier times and ethnic conflict today is the use of sophisticated weapons in contemporary ethnic conflict (Adam 1999:170). Management of ethnic conflicts has to take into account demilitarisation and also needs to pay attention to the physical and psychological wounds caused by the use of destructive modern weapons in ethnic conflicts. During periods of ethnic conflicts mafia-like gangs come into existence and after the conflict there are many who have learnt that it is easier and more profitable to live by the gun than by work (Luling 1997:298). While weapons still form part of every day life, violent conflict can more easily erupt once again.

### 3.5 Traditional ethnic conflict management and strategies

Throughout the history of Africa, there have been conflicts between competing groups which necessitated the development of various techniques of conflict management. Pre-colonial methods of conflict management have often been disregarded in attempts to resolve contemporary ethnic conflicts in Africa. Yet the history of Africa tells us of many circumstances where people of different ethnic groups have lived together in relative peace (Ihonvbere 1994:53), meaning that there were successful ethnic conflict management processes in existence years ago. In managing ethnic conflicts today, it may be useful to reconsider these traditional techniques of conflict management which may prove far more useful in the current situations than Western models of conflict management.

An example of the possibility of applying traditional mechanisms to manage contemporary conflict can be seen in the management of con-

flict in Somalia. The lack of understanding regarding Somali traditions has been suggested as a reason for the poor progress of external mediators of Somali ethnic conflict, and an examination of traditional politics in Somalia has been put forward as being necessary for the permanent resolution of conflict in Somalia (Simons in Laitin 1999:167-168; and Mayall and Lewis in Laitin 1999:168). In Somali history, clans competed and occasionally engaged in violent inter-clan conflicts, but there was no permanent domination of one clan over others (Adam 1995:206).

Traditional processes of mediation between clans involved councils of elders (*guurti*) who arbitrated between clans (Woodward 1998:154). These traditional councils have been involved to some extent in the resolution of conflict in Somalia, especially in Somaliland (Adam 1995b:82-83).

Although traditional leaders have been instrumental in effective conflict management, it has also been argued that the use of traditional methods of conflict management is no longer appropriate in many African states because of the erosion of culture in Africa, and the manipulation of traditional systems by self-seeking dictators (Laitin 1999:168-169). While this may be true to some extent, the erosion of culture and tradition in African states cannot be seen to completely invalidate the usefulness of traditional systems of ethnic conflict management. Traditional leaders using traditional methods of conflict management may prove to be successful where other ethnic conflict management techniques have failed and the cooperation of traditional leaders in all ethnic conflict management strategies should be encouraged in order to give legitimacy to these strategies.

## 4. THE ROLE OF EXTERNAL INTERVENTION IN TRANSFORMING ETHNIC CONFLICTS

Jenone Walker (1993:165) has noted that successful outside intervention in ethnic conflicts is scarce. Why is this so? This section will aim to provide some answers to this question and to provide some concrete recommendations. As with the previous section, before proceeding with our examination of outside intervention, a few caveats need to be borne in mind. Following this four areas in urgent need of attention on the part of the international community will be discussed. These four areas are: international

law, early warning, economic development and peacekeeping.

**4.1 Five caveats**

The first thing that needs mentioning is the fact that outside intervention is not simply based on altruism but also a large measure of self interest as well. According to Cooper and Berdal (1993: 197) motivations on the part of the intervener range from hegemonic ambitions; concerns about regional stability; ethnic sympathy for oppressed groups; a sense of international responsibility allied to some notion of world order or regional order; to humanitarian considerations. This is an important point since if belligerents perceive that the purpose of external intervention has more to do with the intervening state’s own national interest, then external intervention loses legitimacy and the intervention is doomed to fail. The Southern African Development Community’s (SADC’s) intervention in the Democratic Republic of the Congo (DRC) illustrates this point rather well.

Second, there are a wide variety of tools available to the intervening power ranging from arms control regimes to election monitoring (See Appendix 1, Lund, 1996: 203-206). However, it is imperative to understand which tools to use at which stage of the conflict. Choosing the wrong tool at the wrong time is surely a recipe for failure. One’s choice of tools also depends on what one’s immediate and long-term goals are. A useful guide to policy makers here would be an adapted model of

Carment and James (1998a: 8) seen in Table 2 below, that lists various phases, actions and goals.

None of these tools, however, will be effective if belligerents perceive that the intervening states are unwilling to use them for political reasons. Foreign intervention then suffers from a lack of credibility, which stems from the gap between promise and performance. This, in turn, could fuel conflict as belligerents choose to ignore the dictates of the international community.

Third, it is imperative that the international community recognise that there are no quick-fix solutions to ethnic conflicts and that their contributions be seen over the long-term (Carment and James, 1998b: 307). Too often the international community’s commitment ends when a particular dispute is resolved or an election has been monitored. However, as Walker (1993: 168) notes, remaining behind to facilitate dialogue and prevent small incidents from becoming bigger ones is essential in the process of sustainable peace.

Fourth, as the term “complex emergencies” increasingly typify Africa’s civil wars, there is a desperate need for greater coordination within the international community. This will result in preventing duplication and a concomitant waste of financial and human resources. It will also assist in enhancing effective and coherent preventive strategies (Ryan 1998: 88). Emphasising this point, Sutterlin (1991: 4) notes the following:

**Table 2: Conflict prevention: phases, actions, and goals**

<i>Phases</i>	<i>Condition</i>	<i>Actions</i>	<i>Goals</i>
Conflict formations	Latent conflict/ unstable conditions	Early warning, preventive diplomacy, preventive deployment	Mitigate/stabilise
Conflict escalation	Sporadic violence/ High tensions	Crisis management, crisis intervention	De-escalate/ reduce violence
Conflict endurance	Intense armed violence	Negotiation, peacekeeping, peace enforcement	Control/ contain violence
Conflict termination	Cease fire	Negotiation/peacekeeping	Prevent recurrence
Conflict transformation	Conflict resolution	New institutions and projects/peace building	Address underlying sources of conflict

“Partnership and cooperation will be crucial to address successfully the international security challenges of the future; partnership between the United Nations (UN) and regional organisations; partnership between the UN and non-governmental organisations; partnership between formal and informal practices for the peaceful settlement of disputes; and for the avoidance and resolution of conflicts.”

The fifth and final caveat is that the notion of sovereignty is problematic. According to Zartman (2000: 16), “Sovereignty is one of the most difficult challenges to finding solutions for ethnic conflict ...”. Reflecting on the dilemma posed by sovereignty, Sutterlin (1991: vii) notes:

“The present reality is that many of the causes of potential conflict in the world involve domestic aspects of national life. As one seeks to know these to understand them and to take them into account in preventive action ... one must come to terms with the long sacred tenet inscribed in the UN Charter, and in the Covenant of the League of Nations before it, of non-interference in matters which are essentially within the domestic jurisdiction of any state.”

Gurr and Harff (1994: 149), however, note that arguments against intervention, essentially arguments of the rights of states, fail to consider the rights to life and security of persons that are explicitly protected in the Genocide Convention and the Universal Declaration of Human Rights. This is an important point within the African context where the security of states has often been purchased at the expense of human security. Further supporting this notion of the rights of human beings taking precedence over the rights of states, Ramcharan (1991: 2) argues that:

“The international law of the future, will therefore be increasingly influenced by the concepts of international protection of human welfare and preventive action to avoid, or arrest threats to humanity as a whole. The evolving challenges of international security make this imperative ...”

The recent handing over of Slobodan Milosevic to The Hague for war crimes is instructive of this new trend.

It is not only in the legal arena, but also in terms of territorial demarcation that sovereignty

is being revisited – resulting in more creative solutions to ethnic conflict situations. The idea of a “divisible sovereignty” first appeared in the 1995 Dayton Peace Accords. This allowed for a Serb Republic to be established alongside a Croat-Bosniac Federation within the united state of Bosnia-Herzegovina, thereby bringing together the absolutes of separateness and unity on which the three sides variously insisted.

Four year later, in the 1999 Good Friday Accords in Northern Ireland, there is provision for three overlapping jurisdictions – Northern Irish, British and Anglo-Irish. The underlying point here is clear: sovereignty – both in legal and territorial senses – is no longer the sacred cow that it once was.

#### 4.2 International law

If the international community is serious about preventive action rather than corrective action, it is clear that a strong preventive regime needs to be put in place. One aspect of this is to strengthen the international legal regime. At face value, there appears to be a strong legal regime in place. On 9 December 1948 the Convention on the Prevention and Punishment of the Crime of Genocide, was passed unanimously by the UN General Assembly – Resolution 260A III. This Genocide Convention forbade governments to take steps to destroy any ethnic, religious or national group (Gurr and Harff 1994: 149; Ryan 1995: 210). Moreover, on 18 December 1992 the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities was adopted by the UN General Assembly – Resolution 47/135 (Ryan 1995: 219). Article 1 of the Declaration calls on states to protect the existence and identities of minorities and to adopt appropriate legislation to achieve these ends. Laudable as this Declaration is, it suffers from one major drawback: it is not legally binding (Ryan 1998: 85).

But there are other problems with international law. According to Ryan (1998: 85) international law could become more open to group rights and autonomy and should reassess its hostility to the right of self-determination outside of the colonial context. According to Gurr and Harff (1994: 149) international law is lacking in three key areas:

- Clear parameters identifying situations that warrant humanitarian intervention.

- New laws that attach sanctions (punishment) to crimes committed.
- Standards that identify what strategies should be applied to what kinds of violations.

Clearly the deficiencies identified here need to be remedied.

### 4.3 Early warning

Walker (1993: 168) notes that, "... the earlier the efforts to mediate ethnic quarrels begin, the better are their chances for success. Indeed, they are most likely to be effective if they begin well before there is a concrete 'dispute' to mediate". Walker's sentiments are echoed by Ryan (1995: 77) who states, "The more violence that occurs the more bitter and protracted the conflict becomes. This seems to be the case because the experience of violence triggers certain destructive processes which then feed back into the conflict situation". Walker's and Ryan's basic hypothesis is also supported by the work of Carment and James (1998a: 11) who argue that prospects for successful intervention get worse with time. Further lending credence to these conclusions is the work of Richardson and Wang (1993: 191) who argue that, "Potential third party interveners as well as protagonists should recognise that the most propitious and cost effective time for managing ethnic differences is before violent conflict breaks out".

It is essential that the international community take preemptive action, then it is self-evident that the threat of war is known in advance and the underlying causes are clearly understood (Sutterlin 1991: vii). This suggests the need for an early warning system. Early warning is concerned with forecasting the potential for violent conflict and framing an appropriate response that seeks not only to resolve the current conflict but also to create conditions that would result in sustainable peace (Solomon 1999: 36). However, there are two important points regarding early warning systems. First, these should inspire confidence rather than give rise to suspicions. According to Ramcharan (1991: 32),

"The sources and methods of information-gathering should be a matter of public knowledge and great care should be taken to avoid giving the impression of cloak and dagger operations, of complicity with one or other government, or of doubtful meth-

ods of operations. The processes of early warning should therefore be transparent and ethical even if the operations and results are kept from the public view when necessary."

Second, early warning without early action is useless, as was clearly illustrated in Rwanda. In the spring of 1996, 19 UN member countries released a report entitled *The International Response to Conflict and Genocide*. The report assessed the failure of the UN Assistance Mission in Rwanda (UNAMIR) to prevent the massacre of almost one million Tutsis and moderate Hutus between April and July 1994. According to the report, errors in interpreting the crisis and the reluctance of Security Council members to commit money or troops to the conflict in a small country of no strategic importance explains the UN's failure to prevent genocide in Rwanda (Carment and James 1998a: 6).

The challenge then for us is how do we institutionalise an early response system, which is to complement an effective early warning system? Here an important regional innovation was the creation in January 1993 of a High Commissioner on National Minorities for the Conference on Security and Cooperation in Europe (now the Organisation on Security and Cooperation in Europe – OSCE). The purpose of the High Commissioner and his small secretariat is to give an objective evaluation of incipient conflict, as well as concrete recommendations for its resolution (Gurr and Harff 1994: 148). In this way, Carment and James (1998b: 308) note that the "... OSCE acts as a conduit for ethnic grievances". With Africa's myriad ethnic conflicts, the OAU might do well following the example of the OSCE.

### 4.4 Economic development

Any external intervention needs to be multi-pronged – not only focusing on structural approaches with its emphasis on the political framework but also distributive approaches to ethnic conflict resolution that emphasise addressing economic inequalities. Ryan (1995: 236-237) notes that the economic dimensions in ethnic conflict is important because "... a multi-ethnic state that is characterised by an uneven distribution of wealth is a state where ethnic antagonisms are likely to grow. Economic well being also contributes to a sense of security, and gives ethnic minorities a stake in the sys-



tem". To this end Stavenhagen (in Ryan 1998: 86) developed the notion of ethno-development which he defined as, "... redefining the nature of nation building and enriching the complex, multicultural fabric of many modern states, by recognising the legitimate aspirations of the culturally distinct ethnics that make up the national whole".

Article 4(5) of the 1992 Declaration mentioned above also declares that states "... should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country". Moreover, Article 5 of this 1992 Declaration also states that national policies and programmes of cooperation among states should be planned and implemented "with due regard for the legitimate interests of persons belonging to minorities".

On the more positive side, certain states have already linked the aid they give to such considerations. The Australian government abandoned a road-building project in the Chittagong Hill Tracts of Bangladesh because it could be used by troops deployed in a military offensive against the indigenous people. Similarly, the Swedish government stopped its Forest Hill Development Project in the same area because the government was not employing enough local people (Ryan 1998: 86). African governments may be compelled to become more sensitive to ethnic diversity by this simple expedient of linking aid to such conditionalities. Ryan (1995: 237), quoting Horowitz, however does note that this is a high risk strategy since it can alienate those groups who are doing well out of the status quo and who do not want to see a redistribution of wealth and opportunity.

Building on this theme, Walker (1993: 177) argues that some economic assistance could be earmarked for projects designed by two or more neighbours who often share the same ethnic group. Using economic inducements, economic cooperation between the DRC, Uganda, Rwanda, and Burundi could become a useful complement to the Lusaka Peace Process in order to break the current conflict cycle in the Great Lakes region.

#### 4.5 Peacekeeping

Peacekeeping has been defined as the "... non-violent use of third-party armed forces to maintain peace among belligerents" (Carment and

James 1998b: 301). In theory, a peacekeeping mission can assist in guaranteeing agreements between ethnic disputants. The peacekeepers' task is, however, made easier where belligerents have reached a self-imposed "hurting stalemate" and understand that a military option is not viable. In such circumstances, the purpose of the intervention is to separate forces and to keep the peace. At this stage a viable peacekeeping mission "... may require a territorial demarcation as well as some minimal agreement between enemies, which represents an intrastate equivalent to the territorial interstate peacekeeping efforts of the UN" (Carment and James 1998b: 302).

In practice, peacekeeping missions often fail to achieve their objectives and can often exacerbate violence and hostility (Kaufman 1998: 194). How does this come about? The first point which needs to be raised here is the question of legitimacy. According to Cooper and Berdal (1993: 199) the most successful UN interventions have been conducted under UN authority. According to the authors this is likely a function of the UN's ability to confer legitimacy and guarantee neutrality. Whilst several scholars and policy-makers have argued for peacekeeping missions to be conducted under the auspices of regional organisations, John Chipman (1993: 254) argues that regional organisations often carry with them many regional rivalries and that when they enter into conflict resolution they can be held hostage to these internal tensions. Chipman goes on to discuss how the "peacekeeping force" of the Economic Community of West African States (Ecowas) in Liberia was perceived by many as an extension of Nigerian foreign policy.

Supporting Chipman, Cooper and Berdal (1993: 199) argue that most unsuccessful peacekeeping missions occurred without a UN Security Council resolution. Outside of such a resolution the only way a peacekeeping force can be legitimised is by a request by a government or from a regional organisation. Such a government request saw the Indian Peacekeeping Force (IPKF) being dispatched to Sri Lanka. Such justifications mean, however, that such peacekeeping forces are often viewed as biased as the government is usually one party to the conflict. Thus the IPKF became identified with the Sri Lankan government and consequently, was considered a legitimate target by

the rebel Liberation Tigers of Tamil Eelam (LTTE). Subsequently 1000 Indian lives were lost in Sri Lanka and the conflict rages on (Cooper and Berdal 1993: 200). Angola, Namibia and Zimbabwe find themselves in a similar situation – responding to a request by a government who is a party to the conflict. The lesson is clear: for a mission to be considered legitimate it needs the support of the UN. However, Schneider and Weitsman (1997: 104) note that after setbacks in Somalia, Bosnia and Rwanda the international community is reluctant to engage in intervention in intrastate conflicts. This the authors argue is extremely dangerous as regional “... opportunism is bound to increase and multilateral retreat will open the door for greater involvement by self-appointed peacekeepers and regional hegemony”.

Secondly, peacekeeping fails when it is divorced from conflict resolution strategies. As Ramesh Thakur (quoted in Ryan 1998: 83) has noted, “... the goal of peacekeeping units is not the creation of peace, but rather the containment of war so that others can search for peace in stable conditions”. Thus Ryan (1998: 84) argues that if peacekeeping is not matched by positive developments in the area of peacemaking and peace building it could be used as a form of conflict control which shores up an unjust situation. It is this holistic view of conflict resolution which needs to be reflected in preventive diplomacy, peacekeeping, peace building and post-conflict reconstruction.

Third, there is the issue of the timing of the peacekeeping intervention. Commenting on the introduction of peacekeepers in the Lebanese and Bosnian conflicts, Kaufman (1998: 194) notes that these have had little success. He then argues whether peacekeeping might have a better chance of success if begun before violence has become serious. Ryan (1998) refers to this peacekeeping as preventive peacekeeping – action that is taken to stop destructive conflict developing, not action that is taken after the destructive conflict is under way (traditional peacekeeping).

## **CONCLUSION**

Ethnic identity has become a key factor in African conflicts. While ethnic identity can provide security and a sense of belonging, in many African states it has resulted in insecurity and violent conflict. These conflicts do not

mean that ethnic identity itself needs to be eliminated, but rather that ethnic conflicts need to be managed and transformed so that ethnic identification can serve a constructive rather than a destructive role in African societies.

This paper has presented an overview of some of the suggested mechanisms for managing and transforming ethnic conflict in Africa. In summary, two important conclusions can be drawn. First, ethnic identities are not rigid and inflexible, but are rather open both to manipulation and transformation. The recent history of Africa illustrates the potential conflict which can result from the manipulation of ethnic identities and underlines the importance of the development of effective mechanisms for managing and transforming ethnic conflicts. An awareness of the fluidity of ethnic identification can be encouraging because it demonstrates that transformation of ethnic conflict is possible.

Second, ethnic conflicts call for both internal and external intervention and for coordination between these two forms of intervention. Internal intervention needs to address issues of statehood, such as demands for secession or for the devolution of power to sub-central units of government, and attempts at nation building. Power-sharing methods are also important when managing ethnic conflict internally. Internal intervention also needs to look at issues which are related to ethnic conflict or which may in some way affect the way in which ethnic identity results in ethnic conflict. This necessitates an examination of the effect of democratisation on ethnic identity, the distribution of resources and how this can result in ethnic conflict, the complicated role of religion in ethnic conflict, and the effect that the proliferation of arms has on ethnic conflict. Attention should also be given to traditional mechanisms for the resolution of ethnic conflict and their contemporary relevance.

With regards to external intervention, it is necessary to examine the role of international law and how this affects the efficacy of external interventions in ethnic conflict. It is also vital to pay attention to various early warning and peacekeeping strategies in order to assess which strategies are most effective and under what circumstances. The importance of early warning as part of a preventive regime must not be underestimated as long as this is linked to a

strong early response system. In addition, attention must be given to economic development and how development aid can be used to manage conflict.

Internal and external intervention should not be considered to be two independent sets of strategies for ethnic conflict management. Ideally, internal and external conflict management interventions should be carefully coordinated. For example, external arbitrators need to take into account the traditions of the communities involved and the need to try to involve traditional leaders and traditional conflict management mechanisms in their attempts to establish or keep peace. Another example of possible coordination between internal and external conflict management involves the relationship between distribution of resources in an area experiencing ethnic conflict, and the granting of development assistance in accordance with

considerations of the effect this aid will have on ethnic conflict in the region. The internal management of the distribution of resources and the external management of development assistance need to be carefully coordinated in order to promote the optimal management of ethnic conflict. Development assistance, when carefully planned, can stimulate development so as to promote a more favourable distribution of resources, and thus eliminate competition for scarce resources as an exacerbating factor in ethnic conflict.

Clearly, the transformation of ethnic conflict is difficult, but vital if Africa's future is to be a peaceful and prosperous one. Conflict management strategies, both internal and external, need to be carefully considered and imaginatively implemented in order to transform conflict into cooperation and violent destruction into peaceful coexistence.

## APPENDIX

Michael Lund's (1996) *Preventive Diplomacy Toolbox: Policies and Instruments for Preventing Violent Conflict*

### I. Military approaches

#### A. Restraints on the use of armed forces

- Arms control regimes (including their monitoring)
- Confidence-building measures
- Non-aggression agreements
- Preemptive peacekeeping forces (for deterrence and containment)
- Demilitarised zones, "safe havens", peace zones
- Arms embargoes, blockades
- Non-offensive defence force postures
- Military-to-military programmes

#### B. Threat or use of armed forces

- Deterrence policies
- Security guarantees

- Maintaining or restoring local or regional "balances of power"
- Use or threat of limited shows of force

### II. Non-military approaches

#### A. Coercive diplomatic measures (without the use of armed force)

- Diplomatic sanctions (withholding of diplomatic relations, recognition as state, or membership in multilateral organisations)
- Economic sanctions (condemnations of violations of international law)
- War crimes tribunals, trials

#### B. Non-coercive diplomatic measures (without armed force or coercion)

##### NON-JUDICIAL

- International appeals (moral suasion to conflicting parties to urge accommodation)
- Propaganda (directed at violators of international principles)

- Fact-finding missions, observation teams, on-site monitoring (of human rights abuse, instances of violence)
- Bilateral negotiations (between opposed parties)
- Third-party informal diplomatic consultations (by official entities)
- Track-two diplomacy (by official, non-governmental parties)
- Conciliation
- Third-party mediation
- Commission of inquiry or other international inquiries
- Conciliatory gestures, concessions (unilateral or reciprocal, “tit-for-tat” gestures by the opposed parties)
- Economic assistance or political incentives (to induce parties’ to cooperate)

#### JUDICIAL OR QUASI-JUDICIAL

- Mechanisms for peaceful settlement of disputes
- Arbitration (binding decision by permanent tribunal)
- Adjudication

### III. Development and governance approaches

#### A. Policies to promote national economic and social development

- Preventive economic development aid (in conflict-prone states or areas)
- Preventive private investment (in conflict-prone states or areas)

- Economic trade (with conflict-prone states or areas)
- Economic integration (to achieve interdependency)
- Economic reforms and standards
- Society-to-society, bilateral cooperative programmes (in social, cultural, educational, scientific, technological, or humanitarian affairs)

#### B. Promulgation and enforcement of human rights, democratic and other standards

- Political conditionality (attached to economic aid)
- International human rights standard setting
- Human rights suits
- Election monitoring
- Military-to-military consultations (regarding military professionalism and the role of the military in society)

#### C. National governing structures to promote peaceful conflict resolution

- Power-sharing
- Consociation
- Federalism
- Federation
- Confederation
- Autonomy
- Partition
- Secession
- Trusteeships, protectorates (internationally sponsored)

## REFERENCES

- ADAM, H. 1995a. Clan Conflicts and Democratisation in Somalia in *Ethnic Conflict and Democratisation in Africa*, edited by H. Glickman. Atlanta: The African Studies Association Press.
- ADAM, H. 1995b. Somalia: A Terrible Beauty Being Born? in *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, edited by I.W. Zartman. Boulder, London: Lynne Rienner Publishers.
- ADAM, H. 1999. Somali Civil Wars. In *Civil Wars in Africa: Roots and Resolutions*, edited by T.M. Ali and R.O. Matthews. Montreal & Kingston: McGill-Queens University Press.
- ADEKANYE, J.B. 1998. Power-Sharing in Multi-Ethnic Political Systems. *Security Dialogue*, 29(1):25-36.
- AGBU, O. 2000. Post-Transition Conflicts In Nigeria. *Conflict Trends*, 3/2000:24-26.
- AKINRINADE, S. 2000. Ethnic and Religious Conflict in Nigeria: What lessons for South Africa? Lecture given at the University of Pretoria on 12 May 2000, organised by The South African Institute of International Affairs, Pretoria Branch.

- ALI, T.M. & MATTHEWS, R.O. 1999. Civil War and Failed Peace Efforts in Sudan in *Civil Wars in Africa: Roots and Resolutions*, edited by T.M. Ali and R.O. Matthews. Montreal & Kingston: McGill-Queens University Press.
- AN-NA'IM, A.A. 1991. The National Question, Secession and Constitutionalism: The Mediation of Competing Claims to Self-determination. In *State and Constitutionalism: An African Debate on Democracy*, edited by I.G. Shivji. Harare: South African Political Economy Series Trust.
- CARMENT, D AND P. JAMES. 1998a. Ethnic Conflict and the International Level: Causation, Prevention and Peacekeeping in David Carment and Patrick James (eds.) *Peace in the Midst of Wars: Preventing and Managing International Ethnic Conflicts*. Columbia, South Carolina: University of South Carolina Press.
- CARMENT, D. AND P. JAMES. 1998b. Ethnic Conflict at the International Level: An Appraisal of Conflict Prevention and Peacekeeping in Carment and James (eds) *Peace in the Midst of Wars: Preventing and Monitoring International Ethnic Conflicts*. Columbia: University of South Carolina Press.
- CHIPMAN, J. 1993. Managing the Politics of Parochialism in Michael Brown (ed.) *Ethnic Conflict and International Security*. Princeton, New Jersey: Princeton University Press.
- COAKLEY, J. 1993. Introduction: The Territorial Management of Ethnic Conflict in *The Territorial Management of Ethnic Conflict*, edited by Coakley, J. Great Britain: Frank Cass.
- COHEN, F.S. 1997. Proportional Versus Majoritarian Ethnic Conflict Management in Democracies. *Comparative Political Studies*, 30(5):607-630.
- COOPER, R. AND MATS BERDAL. 1993. Outside Intervention in Ethnic Conflicts in Brown, op. cit.
- DAVIES, R. Ethnicity: Inside Out or Outside In? in Krause and Renwick op cit.
- DE NEVERS, R. 1993. Democratisation and Ethnic Conflict. *Survival*, 35(2):31-48.
- DIAMOND, L. 1988. *Class, Ethnicity and Democracy in Nigeria*. London: MacMillan Press.
- DOKOBU. 2000. The Niger Delta Oil and the Problem of the Nigerian State. *Conflict Trends*, 3/2000:20-23.
- GLICKMAN, H. (assisted by P. Furia). 1995a. Issues in the Analysis of Ethnic Conflict and Democratisation Processes in Africa Today in Glickman, H (ed.) *Ethnic Conflict and Democratisation in Africa*. Atlanta: The African Studies Association Press.
- GLICKMAN, H. 1995b. The Management of Ethnic Politics and Democratisation in Tanzania, in Glickman, H. (ed.) *Ethnic Conflict and Democratisation in Africa*. Atlanta: The African Studies Association Press.
- GLICKMAN, H. 1995c. Conclusion: Managing Democratic Ethnic Competition in Glickman, H. (ed.) *Ethnic Conflict and Democratisation in Africa*. Atlanta: The African Studies Association Press.
- GLICKMAN, H. 2000. Islamism in Sudan's Civil War. *Orbis*, 44(2):267-281.
- GURR, T. R. 1995. Transforming Ethno-political Conflicts: Exit, Autonomy, or Access in Rupesinghe, K. (ed.) *Conflict Transformation*. New York: St Martin's Press.
- GURR, T. R. AND BARBARA HARFF. 1994. *Ethnic Conflict in World Politics*. Boulder, Colorado: Westview Press.
- GURR, T.R., MARSHALL, MONTY G. AND KHOSLA, DEEPAL. 2001. Peace and Conflict 2001: A Global Survey of Armed Conflicts, Self-Determination Movements and Democracy. Centre for International Development and Conflict Management, University of Maryland, Maryland, United States.
- HAZLETON, W.A. 1998. Ending Violent Ethnic Conflicts: Separating or Sharing as Options for Negotiation. *Nationalism and Ethnic Politics*, 4(3):102B119.
- HOROWITZ, D.L. 1985. *Ethnic Groups in Conflict*. Berkeley: University of California Press.
- IHONVBERE, J.O. 1994. The "Irrelevant" state, ethnicity, and the quest for nationhood in Africa. *Ethnic and Racial Studies*, 17(1):44-60.
- IRIN. 2001. *IRIN Guide to the Somali National Peace Conference*. Forwarded by e-mail.
- KAUFMAN, S. 1998. Preventing Ethnic Violence – Conditions for the Success of Peacekeeping in Carment and James, op. cit.

- KRAUSE, JILL AND RENWICK, NEIL (EDS.) 1996. Introduction in *Identities in International Relations*. Oxford: Macmillan Pressing association with St. Anthony's College.
- LAITIN, D.D. 1999. Somalia: Civil War and International Intervention in Walter, B.F., and Snyder, J. (eds.) *Civil Wars, Insecurity and Intervention*. New York: Columbia University Press.
- LAKE, D.A. & ROTHSCHILD, D. 1996. Containing Fear: The Origins and Management of Ethnic Conflict. *International Security*, 21(2):41-75.
- LULING, V. 1997. Come Back Somalia? Questioning a Collapsed State. *Third World Quarterly*, 18(2):287B302.
- LUND, M. 1996. *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy*. Washington, D.C.: United States Institute of Peace Press.
- MAAS, P. 1996. *Love Thy Neighbour – A Story of War*. London: Papermac.
- MAYALL, J. 1999. Sovereignty, Nationalism, and Self-determination. *Political Studies*, 47:474-502.
- MCGARRY, J. & O'LEARY, B. 1994. The Political Regulation of National and Ethnic Conflict. *Parliamentary Affairs*, 47(3):94-115.
- MORRIS-HALE, W. 1997. *Conflict and Harmony in Multi-Ethnic Societies: An International Perspective*. New York: Peter Lang.
- OFCANSKY, T. 2000. Somalia: Recent History in *Africa South of the Sahara 2000*. London: Europa Publications.
- OSAGHAE, E.E. 1998a. *Nigeria since Independence: Crippled Giant*. Bloomington and Indianapolis: Indiana University Press.
- OSAGHAE, E.E. 1998b. Multiple Minority Problems in Nigeria. *Journal of Modern African Studies*, 36 (1):1-24.
- POKU, NANA. 1996. Colonialism and Sub-Saharan Identities in Krause and Renwick op cit.
- RABIE, M. 1994. *Conflict Resolution and Ethnicity*. Westport: Praeger.
- RAMCHARAN, B.G.1991. *The International Law and Practice of Early Warning and Preventive Diplomacy: The Emerging Global Watch*. Dordrecht, The Netherlands: Martinus Nijhoff Publishers.
- RICHMOND, O.P. 1999. Mediating Ethnic Conflict: A Task for Sisyphus?. *Global Society*, 13(2):181-205.
- ROTHSCHILD, D. 1997. *Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation*. Washington: Brookings Institution Press.
- RUPESINGHE, K. AND ANDERLINI, S.N. 1998. *Civil Wars, Civil Peace: An Introduction to Conflict Resolution*. London: Pluto Press.
- RYAN, S. 1995. *Ethnic Conflict and International Relations*. Aldershot: Dartmouth Publishing Company Ltd. 1995.
- RYAN, S. 1998. Preventive Diplomacy, Conflict Prevention and Ethnic Conflict, in Carment and James, op. cit.
- SCHNEIDER, G. AND WEITZMAN, PATRICIA. 1997. *Enforcing Cooperation: Risky States and Intergovernmental Management of Conflict*. New York: St Martin's Press.
- SCHRIRE, R. 1980. The Nature of Ethnic Identities, in Van der Merwe and Schrire (eds) *Race and Ethnicity: South African and International Perspectives*. Cape Town: David Philip.
- SMITH, Z.K. 2000. The Impact of Political Liberalisation and Democratisation on Ethnic Conflict in Africa: an empirical test of common assumptions. *The Journal of Modern African Studies*, 38(1):21-39.
- SUTTERLIN, J.S. 1991. Preface in Ramcharan, op.cit.
- STAVENHAGEN, R. in association with the United Nations Research Institute for Social Development. 1996. *Ethnic Conflicts and the Nation-State*. Great Britain: MacMillan Press Ltd.
- SYNGE, R. 2000. Nigeria: Recent History in *Africa South of the Sahara 2000*. London: Europa Publications.
- WALKER, J. 1993. International Mediation in Ethnic Conflicts in Brown, op.cit.
- WELSH, D. 1993. Domestic Politics and Ethnic Conflict. *Survival*, 35(1):63-80.
- WOODWARD, P. 1993. A New Map of Africa? Reflection on the Horn. *Africa Insight*, 23(1):6-16.
- WOODWARD, P. 1998. Somalia in Furley, O. and May. R. (eds.) *Peacekeeping in Africa*, Aldershot: Ashgate.
- ZARTMAN, I.W. 2000. Mediation in Ethnic Conflicts. Paper presented to the conference Facing Ethnic Conflicts, 14-16 December 2000. Bonn, Germany: Hosted by the Centre for Development Research.

# Summary of Proceedings and Closure

---

*André Thomashausen*

---

## INTRODUCTION

To remember whatever we found useful, interesting or of value to our own research and understanding, compiling a framework that sorts the information and opinions presented at this conference may be helpful. This is what I shall endeavour to improvise at the closure of our proceedings.

The conference had three thematic subdivisions. We started with two theoretical papers, to give us a theoretical framework for our discourse. These were followed by six case studies. And finally, the proceedings were concluded with another set of general or analytical contributions.

I shall revisit the contributions, leaving aside, however, the introductory remarks by Prof. Solomon and Dr Lange.

## 1. REVISITING THE CONTRIBUTIONS

*Welile Nhlapo*, who delivered the opening address, alerted us to fundamental changes in our world. Nation-states are no longer a given or undisputed foundation of development. Instead, “capable states” are. The demise of the Soviet Union and the end of the Cold War has paved the way for an era of “hot peace”, i.e. an era of relative instability.

In order to secure a future for Africa in an increasingly globalised world, the New Africa Initiative (NAI) has been proposed by South Africa, together with some of its allies. The NAI aims to:

- eradicate poverty
- combat the marginalisation of the continent by those who are excluding it from world affairs

- combat the marginalisation of the people by undemocratic governments
- maintain peace.

These goals echo what the conference organisers set out to achieve, i.e. to analyse the politics of identity and exclusion and its devastating effects on the African continent, as well as to arrive at concrete policy recommendations whereby the politics of confrontation and conflict is transformed into the politics of cooperation.

I shall summarise to what extent this has been achieved.

In the first of our two introductory and theoretical papers, *Prof. Anton du Plessis* alerted us to the fluidity of the very concept of “identity”, and the lack of quantifiability of this concept. He introduced a most useful grid or sliding scale where the varying definitions of identity determine crucial aspects of political systems and conflict trends. The scale reaches from an absence of common identity, resulting in a state of war of all against all, to a cosmopolitan common identity, resulting in a sophisticated system of international legal regulations and organisations.

Prof. Du Plessis favoured global common identities and sketched some ethnic or cultural allegiances that have increased proportionally as globalisation has advanced.

*Dr John Hund*'s contribution on the roots of war focused in part on the question of rules. Just as xenophobia would appear to be designed to secure the continued existence of one's own kind, and just as humans can only survive in a group, so can groups only survive if they are capable of agreeing on rules for the

conduct of each individual member, and for the group as a whole. Dr Hund reminded us of some striking statistics, for instance that only eight per cent of the entire recorded history of mankind can be considered to have known uninterrupted peace. Thus the conclusion that war-proneness is a condition of civilisation, and that the triggers of war can be trumped by conditions of peace.

*Prof. Charles Quaker-Dokubo* took the participants on a journey through the evolution of the post-colonial Federal State of Nigeria, passing through the periods of first three, then 12 and finally 19 states making up the Federation, but always lacking in dispensations for a generally acceptable formula for revenue sharing and development. Thus the crucial goal of empowering the oil-rich region in the Niger Delta remains unattained, whilst the principle of ethnicity continues to be the subjective basis for collective consciousness, manifesting itself in ideological and religious choices. The determining challenge for the future of Nigeria would thus appear to be the balancing of that country's cultural, religious and resource diversity.

*Prof. Korwa Adar's* contribution highlighted different dichotomies in the case of Sudan. The evolution, or rather regression, of an originally socialist usurpation of power into a theocracy is considered by Adar to be at the root of the conflict in that country. As a result, Sudan is experiencing a generalised crisis of identities. The challenge in the Sudan is thus not just to find a better balance of its diverse and competing forces, but to re-define a new national identity that can retain the African nature of the Sudan.

*Prof. Jeremy Sarkin* highlighted in the case of the Democratic Republic of the Congo (DRC) the "lethal combination" that results from entrenching ethnic identity for the purposes of "divide and rule" politics. This unfortunate tradition in the DRC, in Sarkin's opinion, is the root cause of the prolonged conflict in that country that has come to infect and affect the entire region, and is misdirecting, even nowadays, at least in part, current constitutional reform proposals. To overcome the misfortunate divide and rule tradition in the DRC, this country should avail itself of the vast canon of tried and tested constitutional procedures that can address ethnic divisions and countries with competing ethnic identities.

*Paul Nantulya*, presenting the case study on Uganda, illustrated an even more complex setting of conflicting identities and social cleavages, which he grouped into five categories, namely the North-South, Christian-Muslim, Protestant-Catholic, Ethnic and Westerner-non-Westerner conflicts. In Uganda, these conflicts have caused all civilian governments to fail, resulting in three decades of military rule that, in turn, provoked negative identity mobilisation. According to Nantulya, even if today's government could be successfully removed, this would not resolve the conflicts in Uganda. Only the development of a model to encompass a culture of integration and accommodation of all identities would be able to overcome the divisions of society in Uganda.

*Prof. Gerald Bender's* case study differed fundamentally from the other papers by negating the existence of any conflicting ethnic identities in the particular case of Angola. Bender illustrated with great persuasiveness how the Angolan conflict is actually a terribly prolonged "after-shock" from the Cold War era, unmasking the leader of the armed opposition, Dr Jonas Savimbi, as "a rebel without a cause" who would turn 67 years of age within days from the ending of the conference proceedings, but who continues to be the single greatest obstacle to peace in Angola for as long as he would live. The difficulty inherent in this analysis is to determine when a sufficiently strong new sense of national identity might emerge, to empower civil society to resist terror, irrational legitimacy models and foreign manipulation of national elites.

The case study on Mozambique by *Prof. André Thomashausen* examined the Mozambique peace process from a new perspective, demonstrating that normal procedures of parliamentary democracy and constitutional governance can overcome very deep and passionate conflicts, even where such procedures still leave much to be desired. The experience of Mozambique, however, underlines the importance of the fair conduct of negotiations and careful management of transitional periods, so as to allow a realistic balance of political forces to become established.

Following the case studies, a further three theoretical papers were presented.

*Zingisile Jobodwana*, in his contribution highlighted the connection between security



and human rights. He alerted the participants to the distortion in our analysis resulting from an unreflective application of European concepts to African realities, such as the concepts of “states”, “nation-states”, “sovereignty”, “culture”, “ideology”, “nationalism”, or even “ethnicity”. Instead of trying to forcefully apply European concepts to realities where they are mostly irrelevant, the debates should focus on the fact that most peoples in Africa were torn apart by unnatural and irresponsibly drawn borders. As these borders are the legacy of colonialism, and as they are being enforced by post-colonial, foreign interference, the daunting task that lies ahead is that of completing the true decolonisation process.

*Prof. Moyisi Majeke* dedicated his paper to the submission that the revival of African traditions of tolerance could have an important impact on conflicts on the continent, especially where conflict lines are drawn rather within the same ethnic groups than between different ethnic groups. To illustrate this proposition, Majeke examined the concept of “confused identities”, in particular in relationships of blood kinship, in respect of consciousness, family values, nationality, social status and religious allegiance. Only the redefinition of principles and values that can remove identity confusion to re-establish natural common links can transcend conflicts. The African notion of tolerance has at its core a culture of listening and letting people speak for themselves.

The last speaker, *Prof. Hussein Solomon*, sketched important points of reference for the entire debate. First, the distinction between benign and malign politics of identity, the former capable of building peace, and the latter often resulting in war. Like Jobodwana and also Majeke before him, Solomon blamed irresponsibly drawn borders for many of our contemporary conflicts, especially where such border issues are exasperated by the politics of ruthless pursuit of economic interests. Solomon distinguished four main alternative tools for conflict mitigation and management: secession, nation building, power sharing and federalism, giving some preference to power-sharing procedures, and finding strong support for this in the transformation experience of South Africa. Drawing further from this experience, Solomon warned against:

- foreign offers of assistance in conflict situa-

tions, as experience shows that they are often guided by self-interest

- using conflict management tools indiscriminately
- setting conflict resolution expectations too high
- attempting to deal with a conflict in isolation and without effective coordination of all available resources
- clinging to absolutist, 19th century and essentially European notions of state sovereignty.

The correct approach could be summarised by stating that the object of peacekeeping is not peace, but merely the containment of war.

In conclusion, Solomon agreed with Majeke and Jobodwana, but also with Bender, Sarkin and Thomashausen that the ethnic factor in Africa is far more variable and flexible, and possibly much less relevant than has been commonly believed.

## 2. BALANCE

When trying to draw a balance from all the contributions, it is clearly a positive one. The papers presented have credibly demonstrated that:

- identity and ethnicity are not static and are capable of evolving
- understanding our genetic propensity for aggressiveness and xenophobia can result in developing our ability to manage our social lives peacefully
- in the six great crisis zones on the African continent, first in Nigeria, the quest is for balancing cultural and religious and resource diversity; second, in the Sudan, the challenge is to redesign the rules of that nation so as to bring them into line with the actual sense of identity of the majority, with adequate inclusion of minorities; third, in the DRC, the absence of any constitutional model and legitimate procedures is the actual root of the conflict which has been provoked by artificial politics of exclusion (“divide and rule”); fourth, that in Uganda the multiplicity of conflict layers requires the definition of a model that encompasses a culture of integration and accommodation; fifth, in Angola, two worlds exist and fight to eliminate the other, in the absence of effective mechanisms that could restore territorial and national unity; and finally, that in Mozambique lasting peace was achieved through shifts in perceived

political and ideological identities, encouraged by effective leverages.

**CONCLUSION**

By way of a summary of this summary of summaries, one could conclude that a vast field of activities lies ahead for all of us, but especially

for the constitutionalists amongst the speakers and participants. Where constitutions are not produced simply as yet another tool of exclusionary politics, they will go a long way to stabilise societies, and allow groups and individuals in conflict-torn countries to relinquish the use of private force.

---