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The reintegrating role that can be played by a traditional conflict-resolving mechanism in the eastern Hararghe zone of Oromiya regional state, Ethiopia

Exploring *Gumaa* as an indispensable psycho-social method of conflict resolution and justice administration

Complex conflict in the Democratic Republic of the Congo: Good governance a prerequisite of CSR (Corporate Social Responsibility) peacebuilding

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Lay-out by Keegan Thumberan.

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Foreword

Jannie Malan

As I was reading and editing the articles and book review in this issue, I remembered a sentence by which I was greatly struck, and with which I could immediately identify when I saw it for the first time. The sentence comes from an advertisement of a commercial bank – the one where I happen to have my own account – but I should of course not reveal its name here. Another aspect I cannot share with our readers is the impact of the huge (four storeys high) outdoor advertisement. I am, however, emphasising it by putting it in block text format, although it is only eight words:

> They call it Africa; we call it home.

As a propagator of contextual interpretation, I had to think myself into the motivation that an institution providing financial services could have had to use these words in an advertisement. My obvious thought was that the bank wanted to communicate the message that while others invest in Africa with an exploitative agenda, this bank feels at home in Africa and is committed to rendering its services (and making its profit!) in a home-friendly way.

After a second or two, however, I moved from the meaning the bank might have wanted to convey to the meaning I could appropriate for myself in my daily life and research work. I realised how prevalent the call-it-Africa attitude seems to be. One does not only find it among Afro-pessimists (with their particular intonation and body language), but also among Afro-optimists and among the middle group who combine their sympathy with Africa's challenges with their

acknowledgement of Africa's opportunities and their trust in Africa's future. I also realised how understandable such an attitude is. It is after all possible, and even tempting, to be concerned about a place and its people, but in a detached way. With regard to myself, however, my overriding feeling was the satisfaction of calling Africa 'home' and of being at home in Africa.

I am often thrilled by the feeling of being accepted by ubuntu-inspired fellow-Africans – in spite of the fact that I happen to be an eighth-generation 'settler' whose previous seven generations regarded themselves as superior and inflicted appalling discrimination and injustice on the inhabitants of Africa. During the dehumanising history of colonialism, the people of Africa had every reason to drive away or at least wish away the colonists, and in post-colonial Africa there are still remnants of colonialism – individuals and structures – that may indeed be wished away. In the Africa of today, we therefore have serious problems, but we also have far-reaching possibilities. Much is being done about addressing the problems and pursuing the possibilities. An important question is, however, whether we are doing what we do as if we are in a political laboratory or in our socio-economic *home*. The articles in this issue are about problems and possibilities in four countries, but the findings and recommendations of these localised case studies can surely also be meaningful on a wider scale, a continental scale and even a global scale. But – and that is the thought I would like to contribute on this introductory page – the effectiveness of good recommendations can become so much greater if the place where they are applied is called *home*, and if the people who are applying them feel themselves to be a *family* busy repairing and improving their common *home*.

My foreword suggestion is therefore that as we read and contemplate these articles, we should be asking ourselves what difference it could make if conflict-resolving and peacebuilding work is done in the spirit of making one's locality, country, continent or planet a better *home* to live in. With regard to these articles, we may for instance think about possibilities as the following:

> Applying an established method of conflict resolution not just with traditional correctness, but also with the commitment to restore harmony in one's 'home'.

Convincing political rivals in the same area or country (or even in the same ethnic group!) not only that they can tolerate each other, but also that, in spite of their differing policies, they can become willing to coexist in the same 'home'.

Promoting good governance not merely as a prescribed duty of politicians, but also as a way in which responsible leaders can fulfil the task of managing the macro-'home' entrusted to them.

Working towards reconciliation not simply because it is a post-conflict agenda, but also and especially because of a spontaneous inner urge to coexist and cooperate with fellow-humans in the 'home' concerned.

I do hope that while we read and after we have read we will be inspired and empowered by some home-oriented feelings and commitments – and that we will implement them where possible.

Returning to the financial context of my key quote, however, I feel obliged to venture mentioning another possibility – about something which may be read between the lines at many places in this issue: poverty. When dealing with a conflict, where poverty is an underlying or an unconcealed cause, we should indeed be guided by statistics and development goals, but we may also be inspired by a concern about human conditions and relations. We *can* become committed to reducing poverty *within our* (micro-, meso- or macro-) *home*. And shouldn't we then also become committed to reducing *wealth* within our *home*?

The reintegrating role that can be played by a traditional conflict-resolving mechanism in the eastern Hararghe zone of Oromiya regional state, Ethiopia

Nigusie Angessa[*]

Abstract

This article presents qualitative data on the reintegrating role that can be played by a traditional conflict-resolving mechanism in the eastern Hararghe zone of Oromiya regional state. The study was conducted in one of the districts of the eastern Hararghe zone where resource-based inter- and intragroup conflicts are widely observed. The data used in the study were generated from one-on-one interviews, focus group discussions, and document analysis during field work in the selected district. The study revealed that conflicts in the research site emanate from stiff competition among parties over scarce resources. Individuals' avaricious behaviour, dilemmas, and uncertainty over their subjective and objective interests create competing goals, polarised groups and tensions, which in turn lead the parties to the conflicts. The conflicts become complex and cyclical due to unaddressed animosity, fear, frustration, and anger developed

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among parties in conflict. The study indicated that in spite of its declining power and sphere of influence, a community-based traditional conflict resolution mechanism called 'Gumaa' plays a great role in constructively resolving the inter- and intragroup conflicts and reintegrating the conflicting parties– revitalising the socio-psychological factors which contribute to peace.

1. Introduction

No society in this world loves conflict. However, as long as people live together, work together, and interact with each other, disputes remain inevitable between sub-groups or individuals in a group, or between different groups. When these disputes are fuelled by emotion and become unsolvable, they develop into intra- and intergroup conflicts. The source of the conflicts could be the incompatibility of the objective and/or subjective interests of groups or individuals (Fisher and Keashly, cited in Fetherston 2000). The subjective elements like perceptions, attitudes, values, needs, and understandings have no limit, while objective elements like competition over scarce resources, quests for empowerment, and claims for autonomy remain relative concepts and usually create incompatibility of goals which in turn may lead to violence. Thus, conflict becomes unavoidable social behaviour (Shapiro 2004).

According to Deutsch (2006a), the socio-psychological factors are more fundamental in the processes of conflict and in the constructive resolution of conflicts. These factors serve both as causes of conflict and as bed-rocks for reestablishing sustainable peace among the conflicting parties. Analysing these factors is therefore helpful in explaining why and how normative and perceptual processes create barriers to conflict resolution (Kelman 2009). Normative processes involve social factors that encourage conflict behaviour while perceptive processes refer to the cognitive process of interpreting conflict-related information (Kelman 2007).

This particular study is qualitative research conducted to investigate the roles of a traditional conflict resolution mechanism in addressing the socio-psychological causes of conflicts and in resolving inter- and intragroup conflicts constructively. The data were generated from elders, youth and women representatives, and

government officers, including those who are working in the formal justice systems. Data were collected through observation, one-on-one interviews, and focus group discussions. Finally, key findings were organised thematically and discussed in the forthcoming sections.

1.1 Socio-psychological factors causing conflict

Though groups may be compatible in their subjective and/or objective needs, conflict remains an inevitable feature of their behaviour due to incompatible socio-psychological factors. These factors could include, but are not limited to, lack of security and trust, emotions, motivations, beliefs, and dissatisfaction over the incompatibility of their goals, all of which may result in fear and suspicion among parties.

In conflict situations, parties usually become violent due to lack of control over their emotions. In general, according to Jeong (2010:45), 'violent conflict may be inescapable in human (parties') relationships due to unconscious motivations alone or in combination with competition for limited supplies of basic necessities'. However, nobody was born violent. According to Castro and Galace (2008:80), 'Humans do not have a violent brain. There is nothing in our neuropsychological makeup that compels us to react violently. How we react is shaped by how we have been conditioned and socialized'. So, what parties learn is what they do and what they do becomes behaviour over time.

Parties develop violent behaviour through time due to the incompatibility between the way one perceives the surrounding environment and the way that particular environment responds to one's needs and desires. At the research site, immediate environmental pressures like scarcity of resources, cultural factors such as socially constructed values of wealth, and individuals' avaricious behaviour, all could create a social context in which unhealthy competition among groups or individuals would flourish. When people perceive the surrounding situation as an impeding factor to their desired goals and needs, the psychological factors like emotion and negative attitudes trigger them to proactively manifest their fears and frustrations in a violent way. This violent behaviour is subjectively constructed, shaped, and justified, based on specific

social, cultural, and environmental contexts. These contexts secure the legitimacy of the actions used to overcome what is perceived as threats and obstacles to the desired goals and/or expectations. This situation in general affects the entire social cosmos and results in inter- and intragroup conflicts in the district.

According to Kelman (2007:63), the 'subjective factors play a role in the perception and interpretation of events'. For example, in the case of intragroup conflicts in the district, conflicting parties may not have goals that are intractable as such. However, when one party perceives others as its potential competitors, rather than cooperators, for the existing resources, whether abundant or scarce, that party starts to look for culturally, or socially, or environmentally justifiable constructs (which are usually subjective) to suppress and/or eliminate those perceived competitors. The other party which is perceived as a threat also justifies its counter-attacks as self-defence. Both parties perceive their actions as fair and legitimate. However, fairness is not an absolute construct. What is fair to one party may not be fair in the eyes of the other party and the 'that is not fair' type of feeling frequently leads to conflict (Deutsch 2006b). In this case, both parties in conflict develop parallel images of self and others – similarly positive self-images and similarly negative enemy images (Kelman 2007). Therefore, it is not surprising that people are in conflict, even where there are abundant resources and compatibility of goals and needs.

From a socio-psychological perspective, the intragroup conflicts in the district occur when individuals' egocentric and avaricious human behaviour overruns the rational and logical mind and makes either of the parties respond negatively to the perceived threats, either proactively or retroactively. Their irrational minds overrule their rational selves when they counter-attack their perceived competitors (usually their brothers) in aggressive and destructive ways. Especially during conflict, it is difficult for one party to take the other's perspective. Each party perceives the other as an enemy and justifies its own action as a right and peaceful fight for self-defence (Kelman 2007). When one party starts to consider the other as a threat, existing social values diminish, emotional attachments break, interpersonal mistrust develops, and

animosity reaches its peak. Ultimately, actions and counteractions become hostile due to the fear of being betrayed by the adversary (Bar-Tal and Halperin 2011). Consequently, the intragroup conflicts escalate and turn into violence.

1.2 Socio-psychological factors contributing to peacebuilding

Despite their deterrent roles, the socio-psychological factors also serve as social bonds that attach groups in a society. The study revealed that properly shaped socio-psychological factors like trust, tolerance, positive attitude, emotional attachment, cooperation among parties and their respect for one another are determining the mirror images they form of other individuals or groups. According to Demirdögen (2011), the process of mirror image formation seen in intercommunity or intergroup conflicts stems from the sharp contrast in perception between the self and the others, which in turn makes the win-win approach impossible. However, insight from Deutsch (2006b) shows us that this impossible approach becomes possible when the conflicting parties are willing to come to a round table discussion, listen to each other and genuinely understand their competitors' emotions and feelings. However, this requires rebuilding intergroup trust, renewing circumstantial beliefs, and reconfiguring emotional attachments that became detached due to fears and frustrations during the conflict (Bar-Tal and Halperin 2011; Kelman 2005). Based on perspectives such as these, the *gumaa* system uses full confession, honest repentance, and sincere apology as a fertile soil in which the seed of peace is germinated and rejuvenated. The peacebuilding strategies and procedures used in this system focus on reestablishing violated social rules and norms.

2. Conflict dynamics in Haramaya district

Haramaya is one of the districts in eastern Hararghe zone. It has 35 kebeles (the lowest administrative units in government structure) with a total population of 271 018 living on an overall area of 5 600 km^2 (Federal Democratic Republic of Ethiopia 2007). The majority of the people in the district are Nole and Ala Oromo clans and they are Muslims in their religion. These people, like other Oromo people, have different customary systems in which elders are considered as wise (having wisdom) and responsible for teaching about peace

and peaceful coexistence, resolving conflicts, and nurturing Oromo culture and tradition. Age-based seniority is therefore the most important factor in the community's socio-psychological relationships. Agriculture is the major source of their livelihood where *khat*[1] and vegetable production takes the lion's share. The district is known for resource-induced inter- and intragroup conflicts among and within different clans of the same ethnic groups. Scarcity of land and water are stated as the major causes for the inter- and intra-conflicts observed in the district.

2.1 Inter- and intragroup conflicts in Haramaya district

Intergroup conflict in this particular context refers to conflicts among clans or sub-clans whereas intragroup conflict refers to conflicts within a clan or sub-clan and between members of a family. Compared to intergroup conflicts, intragroup conflicts are more widely observed in the district. Both these types of conflict are usually embedded in socio-economic conditions that put members of a group in opposing positions. Thus, the conflicts are more complex and polarised in their nature, turbulent in their patterns, and cyclical in their lifespan. Issues of land ownership, such as boundaries, pockets of cultivable lands, and water points, are stated as the major causes of intergroup violent conflicts. This type of conflict is usually observed among members of different clans and/or sub-clans who share boundaries of cultivable lands.

Intragroup conflicts among members of a family can be classified as: a) conflict among brothers where the elder and younger brothers are in conflict due to dissatisfaction over the fair share of land entrusted to them by their family; b) conflict among half-brothers where the children are from two or more different fathers or mothers and some of them are deprived of the right to inherit or get access to their family's land and resources on it; c) conflict between children and their fathers where children believe they are not given their fair share of land; d) conflict between children and their mothers when mothers, especially step-mothers, are denied the right over the land they inherited from their husbands; e) conflict between daughters and their families since girls are usually excluded culturally from inheriting their fathers' land.

1 *Catcha edulis*, a stimulant plant, the leaves of which are used for chewing.

2.2 Land and family disputes

Eastern Hararghe zone in general has land scarcity, high cash-crop production, unpredictable rainfall, and a complicated agricultural profile (Hammond 1999). Haramaya district is one of the districts in the zone where land has especial economical and social values in the community. In general, land in this particular district is considered as a source of economy, reliable social security, and an asset that grants respect in the community. However, scarcity of cultivable land and its mismatch with population size are becoming very serious problems responsible for violent conflicts between neighbours and among family members. The mismatch between family size and land area, the rapid commercialisation of agricultural products like *khat* and vegetables, and the significant income generated from them are causing unhealthy competition among groups and/or individuals. This increases the level of intolerance among family members. The data obtained from the court also confirmed to us that land-based intragroup conflicts in the district stand second in frequency to domestic violence (disputes between husbands and wives).

In Haramaya district, especially in the rural areas, land is the most valuable property that families entrust to their children. Whenever boys reach the age to lead their own independent lives, the father is expected to give them a piece of land. One of the reasons for the conflicts between children and their family is therefore when either the father is not willing to share his land with his children or the children feel they do not get their fair share. The quest for accumulating personal wealth for survival and the perception of constraining factors result in negative feelings towards the father's decisions. These become common psychological factors that motivate children towards aggression and make them act violently against their families. Thus, in the district, it is not strange to see a son killing his father or mother, or brothers killing each other over issues of minor importance. The conflict, for example, could start between a father and his son when the son believes what he has received from his father is not fair compared to what his brothers previously received. The conflict escalates when other family members join the conflict to defend either of the parties.

More complex and violent land-induced intragroup conflict can happen among the family when the father dies without entrusting his land to any of the family members. The conflict can become very complex if the man is polygamous. In this case, conflict may take place between the widows, the widows and their husband's brother/s, children and their stepmother, or between stepbrothers. Besides, close relatives of the widows may also join this conflict to defend the women's right while close relatives of the dead person may join the conflict to defend the right of the children who may not be mature enough to fight for themselves. Consequently, the conflict can easily expand from intragroup to intergroup conflict. This type of conflict is highly polarised and usually difficult to solve in the formal justice system. It causes death, serious injuries, and damage to property. Usually homes are burned, properties are damaged, and families are forced to flee their homes.

Conflicts between daughters and their families is an emerging factor in the conflict dynamics due to the difference between women's constitutional right and their cultural right to inherit land from their families. Culturally, girls have no right to inherit land from their families due to two major assumptions. First, it is assumed that daughters go to their husbands' land when they get married. Second, if a daughter is given land, it is assumed that, through marriage, she will bring a man who is out of the family to the land. So, the father does not entrust land to his daughter. Even if the father wants to include her in the inheritance of his land, her brothers may not agree or allow her to establish a family and live on that land. The Ethiopian constitution (Federal Democratic Republic of Ethiopia 1995: article 35, sub-article 7), however, grants women equal rights with men with respect to the use, transfer, administration, and control of land. Because of this constitutional right, daughters claim to inherit land from their families. However, the mismatch between law and culture puts daughters and their families in opposing positions and causes intragroup conflict. The conflict situation becomes tense and complex if the daughters are married because husbands join the conflict to defend their wives' right. This situation easily turns the intragroup into intergroup conflict.

In general, land-induced family disputes are continually aggravated. Ever-increasing family size, shrinking of a family's land area, high unemployment

rate, lack of alternative livelihood mechanisms and income-generating schemes, climate change and environmental degradation, lack of effective and coordinated natural resources management and utilisation policies are exacerbating the situation. So, having control over land is perceived as a means by which one can secure his and his family's wellbeing in the community. Consequently, the emotional attachment to land is becoming stronger than the emotional attachments among relatives. In general, in the study area, the egocentric competition over scarce land is resulting in ever-increasing interpersonal violence and this is rapidly weakening the unity and integrity within each family.

The eroded moral bondage among members of a family and the overall declining social cohesion among the community are negatively affecting the socio-cultural cosmos. The above conflict dynamics reveals how unhealthy competition among parties is eroding the social values and disintegrating the emotional attachments among members of a group, which in turn disturbs social interactions and serve as a fertile ground for the germination of inter- and intragroup conflicts. The overall conflict situation can also show us how greed and grievance mushroom into irrational thinking and drive people into violent conflicts and highly polarised groups in the community. Reinforcing both the informal and the formal institutions may help curb these complex societal problems.

3. The traditional conflict-resolving mechanism and the formal justice system

The formal institutions and justice systems in the district are trying their level best to prevent, manage and resolve the inter- and intragroup conflicts observed in the district. However, it was discovered that these formal institutions have a plethora of challenges that constrain them from sustainably resolving the above-mentioned complex conflicts. Besides, the formal institutions naturally lack mechanisms by which they can revitalise the eroded social values and reintegrate the divided parties in the community. Apart from bringing offenders to justice, the formal institutions do very little for the socio-psychological aspects of the conflict. The animosity, fear, frustration, and anger that developed and became deep-rooted among the conflicting parties remain untouched. The eroded emotional attachments among close or distant family members

remain unbridged. The trauma developed from the conflict is left untreated. Above all, the developed mistrust among parties remains untouched and leads to a refusal to take risks in negotiations (Bar-Tal and Halperin 2011). During the conflict, the objective interests of either of the conflicting parties remain unsatisfied while the subjective interests get worse. All of these ultimately motivate one or another of the parties to retaliation, which in turn complicates the case. Thus, as respondents in the formal institutions stated, the formal justice systems alone may not bring long-lasting and sustainable solutions to the complex inter- and intragroup conflicts that exist in the district.

The formal justice system sees the causes of conflict through the disciplinary lens created from the existing legal frameworks. Ultimately, the decision will depend on data obtained from the plaintiff, the defendant and the witness, and on other circumstantial evidence. However, all of these sources of data may fail to present the truth due to backdoor deals among the plaintiffs, the defendants and the witnesses. Respondents revealed that conflicting parties usually bribe the police, the judges, the prosecutors and/or the witnesses in order to bring justice to their own side. Thus, the justice system becomes more difficult and problematic (Lewicki 2006), and its outcome could also be considered as unjust by either of the parties. Unsatisfied parties go to the next higher level of justice for appeal and consequently justice may also linger for quite a long time. When decisions are eventually passed, unaddressed social, moral, or psychological factors may bring repercussions onto the future peaceful coexistence of the conflicting parties and their families. This in turn escalates the intensity, magnitude, and scope of the conflict. So, the formal justice system usually creates turbulent conflict dynamics rather than bringing long-lasting solutions to the conflicting parties.

Usually, conflicting parties go to the formal justice system holding the hatred developed from the moral and psychological anguish generated in the conflict. They develop reasonings that they believe will help them defeat their opponent in front of the court. So, parties produce competing narratives with all sides having their own version of truth about what really happened (Lerche 2000). In this case, it becomes difficult to get genuine information about conflict causes and the driving factors. For various reasons beyond the imagination of the judges and prosecutors, a witness may present biased data or distorted

information in order to defend a party. Thus, reliance on eye-witnesses can be misleading (challenging) because some witnesses may be guided by self-interest or fear (Lerche 2000). If the offender is found guilty, he may be put in prison. However, imprisoning the offender still does not bring a long-lasting and satisfactory solution to the victimised group. This is mainly because those who are directly responsible for violence leave victims with physical, emotional and psychological trauma, which in the long run results in anger, fear, and insecurity (Castro and Galace 2008). Similar situations are frequently observed in the research site. Even though offenders are put in prison, the unhealed psychological factors motivate the victim's family or relatives to take vengeance on the offender's relatives or property.

The traditional conflict resolution mechanisms are playing great roles in the conflict resolution and reintegration process. One of these institutions used in the research site is called *gumaa*, and is playing very significant roles in bringing the conflicting parties to acknowledge each other's perspectives and bargain for mutual benefits. In this mechanism, priority is given to social and psychological reconstruction. Peacebuilding strategies are used to restore violated social rules and detached emotional attachments through full confession, honest repentance, and sincere apology, rather than through the mere restitution of and compensation for lost life or property. Revitalisation of the normal social cosmos is made possible by restoring the eroded socio-psychological values.

In spite of its declining power and sphere of influence, the *gumaa* system is still effectively managing the inter- and intragroup conflicts. This system is deeply embedded in the culture of the society. It is culturally empowered, easily accessible, and user-friendly. Unlike the formal justice system, *gumaa*, as other traditional justice systems, is close to the lives of many ordinary people (Macfarlane 2007). It is in the community, for the community, and by the community. It costs less and takes less time to bring criminals to justice and to bring justice to the victim. Parties' credible confessions and full remorse are taken as prerequisite for bringing the conflicting parties to negotiation and reconciliation. The approaches used in this mechanism are not investigative as those of the judiciary system; rather they are reflective, narrative and restorative.

The system uses renewal of socio-psychological attachments as a means to achieve long-lasting reconciliation among parties. Because it is deeply embedded in their culture, the community has a strong sense of ownership of and belongingness to the system. Like other traditional justice systems in the country, it is more flexible and influential, and affects the lives of more ordinary people than the formal justice system (Macfarlane 2007). It has the capacity to effectively rebuild social bonds and reintegrate conflicting parties morally, socially and psychologically. It has the power and legitimacy to stop community conflicts and it helps the parties to eliminate hostility and a desire for revenge; reduce their polarisations; and ultimately restore peace without any external pressure.

The *gumaa* system is capable of creating an environment conducive to justice through narrations of and reflections on past experiences related to the conflict. Narrations help the parties come to a revelation of root causes of their conflicts, acknowledgement of apologies for atrocities, and enumeration of bad experiences the parties acquired from the conflict (Karbo and Mutisi 2008). The system manages the socio-psychological factors through negotiations. It closely monitors the conflicting parties, treats their fear and frustration, and repairs the societal cracks.

The legitimacy of the system is increased through the nomination of elders who are mature in years, knowledgeable about the process, and rich in their practical experiences. Such elders are careful about their language and are expected not to use derogative words or expressions of victory, defeat, hatred or enmity in the negotiation process. Compared to the formal justice systems, the traditional conflict resolution system is also free from bribing and lobbying. So, suspicion of and dissatisfaction with the traditional system are rare. If there *is* dissatisfaction, parties are free to present their appeal to the elders' council. It is also their right to nominate a more knowledgeable elder who can assess the overall procedure. The nominated elder scrutinises whether the procedures followed are in line with the *heera* (customary law and justice procedure). If the elder does find gaps in the process, corrective measures will be taken; if not, the party could be forced to indemnify the elders' council from delaying the process. Disempowering youth

and women in the process is mentioned as a pitfall of the *gumaa* system. Apart from participating in the rituals, youth and women have no say in the processes.

In the *gumaa* system, decisions are not based on biased data obtained from witnesses but are based on parties' repentance and revelations. This mechanism also has its own system of secretly investigating crimes committed against human life or property. When, due to a long-time grudge or vengeance, a life is taken or property is damaged in the absence of eyewitnesses, and when the suspected offender is not willing to confess, the suspected person is forced to go through a traditional investigation process called *hirbuu. Hirbuu* is the highest level of the investigation process and is used as a last option to examine suspects. The community still has a very strong belief that hiding the truth while going through this ritual is a sin and will bring bad fortune not only to the suspected person but also to the offender's family and clan. Thus, anybody who conducts this ritual has to be mature enough to carry out the performance.

Hirbuu is used when circumstantial evidence strengthens the elders' and family's suspicion, but the suspected offender denies the fact. Maximum effort is made to critically interrogate the suspected offender before *hirbuu.* Clan members of the suspect strongly warn him not to lie and bring something bad to his children, the family and/or the clan. The family, clan leader and elders use different strategies of their own in order to make the suspected person reveal the truth. If the person keeps on denying, the elder who is responsible to perform the ritual collects different materials like knifes, thorns, grass, nails, dry wood, fire (or matches), water and a stone, and takes them to a grave-yard together with the suspected person. Then a grave is prepared and all the materials are put in it. After the grave has been made ready, the elder who is the master of the ceremony goes down into the grave, lights a fire, and comes out of the grave. Next, the suspected person is asked to go into the grave and swear, holding knifes and thorns, putting water on the fire, putting the stone into the water, etc. The clan and the victim's family representatives attend the process. The overall process is traditionally called *gawitoo.*

This process, due to its frightening and terrible nature, creates very strong psychological pressure on the suspected person. If the suspected person has

committed a crime against somebody's life or property, he cannot withstand this horrible process and carry out the ritual. Consequently, in most cases, the suspected person acknowledges guilt before he reaches the *hirbuu* stage. If the suspected person has the courage to go through the *hirbuu* process, it is believed that there is no blood on his hands and the plaintiff removes his/her charge. Once *hirbuu* has been performed, the suspected person gets undoubted trust from the elders and the family. There is no hatred or grudge that remains between these parties. The two parties live together in peace and love.

4. The traditional conflict resolution process in Haramaya district

Gumaa is one of the traditional conflict resolution processes widely used by the Oromo people. However, its performance varies from place to place, according to the specific culture in which it is practised. Although it can be used in cases of vendetta, revenge, blood price or compensation, feud, and the ritual of purification that follows homicide (Dejene 2002), it can generally be seen as a compensation and purification process that follows a conflict. The ultimate goal of any traditional conflict resolution mechanism is socio-psychological reintegration, reestablishment of community relationships and reunification of offenders into their communities (Karbo and Mutisi 2008) by revitalising emotional attachments of the parties in conflict. Similarly, the goal of the *gumaa* system is to restore the social, moral, and psychological values damaged in the conflict. The important thing in the system is not judging the past, but rather creating a peaceful future life. The primary outcome of the system is not only to maximise the benefits of the victim through compensation and restitution, but also to help conflicting parties and victims recover from socio-psychological crises and from trauma and agony. The focus is not only on punishing either of the conflicting parties, but is also on restoring relationships by reconciling the groups in the conflict (Choudree 1999). The purpose and practice of the system make it meaningful, fruitful and sustainable. Elders, especially clan leaders, are the heads of the system and they have multiple key roles in the process. The following section briefly discusses the roles of elders in this traditional conflict resolution process.

4.1 Roles of a neutral third party and elders

In the research area, elders and clan leaders are considered by the community as legitimate agents to strengthen peaceful coexistence among the community. Whenever there are conflicts in the community, it is the responsibility of the third and neutral party, the clan or sub-clan leader, to intervene and stop the violence. This neutral third party is traditionally called *Eddo*. If *Eddo* fails to intervene in the conflict before it escalates and causes more damage, he is considered by the community as an irresponsible leader who does not maintain the societal values. This seriously affects his legitimacy in all social affairs.

In the *gumaa* process, *Eddo* also plays crucial roles to stop revenge and bring conflicting parties to negotiation. Whenever somebody is killed in conflict, the perpetrator (offender) goes to *Eddo* and asks for asylum. In order to secure his asylum, the perpetrator has to confess to *Eddo* what he did against his opponent(s). Upon the offender's request, *Eddo* hides the offender in a safe and secured place where victims cannot find him easily. *Eddo* gives asylum to the offender until the conflict is resolved. To stop vengeance, *Eddo* immediately goes to the elders (usually clan leaders) of the conflicting parties and informs them to stop the conflict. Elders and clan leaders show their collaboration by cascading the same to families of the conflicting parties. *Eddo* then asks elders of each conflicting party to appoint two individuals of their own who will join him to form an ad hoc elders' council. Elders nominated for this council are expected to be neutral and the most respected people in the community. *Eddo* also serves as a chairperson in this elders' council.

The two elders nominated from each party are responsible for convincing their respective clan and family members not to attempt to get revenge. They function as a go-between for the conflicting parties so as to reduce the tensions and turn the situation back to its normal condition. They give especial attention to youth and closely follow their activities. Elders tell stories and describe the best practices of their traditional conflict resolution mechanisms so as to increase the parties' trust and confidence in the restorative justice system. If life is taken due to the conflict, elders from the offender's side collect an ox, *khat*, firewood, and money from their clan and take them to the victim's family. This is traditionally

called *waan awaalchaa* (things for facilitating funeral). In the case of injury or physical damage, elders take a sheep to the victim to help him recover from his injury and it is traditionally called *shaffee*.

The elders' council consisting of these five elders is the highest legitimate body to mediate between the conflicting parties, resolve the conflicts, and reintegrate parties in conflict. The second but most significant and designated task of the elders' council is to analyse the causes and triggering factors of the conflict. The elders' council is responsible to closely follow up the situation, critically and creatively evaluate the causes of conflict, and urge the offender's clan to fulfil the required rituals for the conflict resolution process. The elders' council is also responsible to bring on board key personalities from the victim's family and clan and convince them to agree in principle that their case be adjudicated traditionally. In the case of death, the elders' council facilitates conditions for carrying out different cultural rituals traditionally called *wadaja* (a cultural ceremony to express sorrow and respect for the dead body). Respected elders from the offender's clan also attend the *wadaja* ceremony to express their sorrow. Success in performing the *wadaja* ceremony guarantees to all parties concerned that the conflict will be traditionally adjudicated.

4.2 Categories of conflicts resolved through the *gumaa* system

In the *gumaa* system, critical examination of cases of conflict precedes the broader conflict resolution and reconciliation process. After thorough analysis and critical evaluation of a case, elders classify all causes and triggering factors of a conflict into three major groups traditionally called *mana dinaa*, *mana amba*, and *mana danu*.

Mana dinaa (homicide) is the term used for conflicts which are pre-planned, deliberate, and instigated with full preparation. When the perpetrator's action against the victim's life/property is intentional and with full knowledge, and if weapons or knifes are used, *mana dinaa* is categorised as *mana dinaa gurachaa* (showing its seriousness and criminality). *Mana amba* is when: a) conflict erupts out of minor causes; b) the action is not pre-planned and intentional; c) the two

parties have had no dispute or grudge before; and d) a life is taken unexpectedly due to failure to control emotions, not due to a previously held grudge. When either of the conflicting parties unexpectedly kills or harms an innocent intervener or peace maker who is trying to stop and calm down the situation, the case is classified as *mana danu*.

The *gumaa* system manages the socio-psychological problems, social dilemmas, and clans' uncertainties in all of these conflict cases in the same way. In the case of intergroup conflicts, the reinstitutions or compensations given for these three categories are also the same. But the mediation and negotiation processes and the way the offenders are treated in the processes differ. Of the three types of conflict cases, *mana amba* and *mana danu* are taken as communal problems and the compensations to be given to the victim are collected from the offender's clan. *Mana dinaa* or *mana dinaa gurachaa* is considered as the most serious crime due to an individual's greed or grievance. The clan is not asked to help the offender. In the past, offenders in this type of conflict were considered by the community as brutal, ruthless, and merciless, and their actions were taken as a serious violation of basic societal norms. So, the offender was supposed to be punished by death. However, since it became non-customary to pass the death penalty, the elders' council used to hand over the offender to the formal justice system. The offender faced becoming a social outcast and living in exile. Even if he finishes his prison time, he was no longer allowed to show up in the community. He was deprived of any membership in the society and the right to inherit his family's property. As a result, key informants stated, conflict among members of the same family was not common in the past. Over time, due to the enforcement of an individual's right in the formal law, the above customary law no longer functions as it did in the past. Offenders found guilty in the criminal justice system can rejoin the community upon release from prison. This, as elders pointed out, is causing another conflict dynamic due to unaddressed socio-psychological dimensions of the conflict. Elders strongly believe that the current ever-increasing animosity among groups is due to the declining power of the traditional conflict resolution systems and incompatibility between the formal and informal justice systems.

4.3 Phases of conflict resolution through the *gumaa* system

The *gumaa* system used in Haramaya district consists of three major phases, namely: conflict deescalation, conflict resolution, and reconciliation. The system has many rituals in it and is expected to be completed in a month's time. If the offender's clan could not fulfil what is expected of them within a month, they may ask for an extension. The elders' council, in consultation with the victim's clan, may give some additional days depending on the problem.

As indicated elsewhere, *Eddo*'s intervention to stop the conflict is considered as the first step to deescalate the tensions. Everything at this initial stage is managed carefully and in a very systematic way by the elders' council, partly because dissatisfaction of either of the parties could aggravate the situation and lead to a more polarised and politicised conflict. At this initial stage, both parties are in fear of conflict reescalation and its possible consequences. The overall situation at this stage is therefore tense and unpredictable. Both parties are very alert to their opponents' action and reaction. Consequently, it is mandatory for the elders' council to closely follow the situation. Thus, the elders' intervention and their collaboration with clan leaders play a vital role to lessen the tension and deescalate the conflict. Since elders are highly respected and responsible for keeping cultural norms, nobody in the community is impudent enough to ignore their advice. Doing so is considered as a violation of cultural norms that are of basic importance in social affairs.

The first phase of the *gumaa* process is symbolic and has many implications. Acceptance of *waan awaalchaa* or *shaffee* symbolises the victim's amenability to the *gumaa* system. Thus, it guarantees that no more action will be taken against the offender or his property and family. In this community, failure or delay to fulfil these two symbolic gestures of peace loving also has very serious implications for the victim's family or clan. If *waan awaalchaa* is not given before the funeral, it is interpreted as underestimating the family, the clan, and/or the action against them. Similarly, denial of *waan awaalchaa* or *shaffee* by the victim's family or clan also indicates holding a grudge, which in turn implicates the victims' preparation for counter-attack as vengeance. Therefore, it is a must

for the elders' council to pacify those involved in the case and convince the affected party and their clan to accept these contributions.

The second phase of the *gumaa* system is the stage at which the conflict resolution process begins. Most, but not all, of the conflict resolution rituals are performed during this phase. Key family members and six key clan representatives from each party are brought on board. Clan representatives carry out discussions among themselves, but do not meet with others out of their clan. Meeting places are prepared for them separately. The meetings are never convened in rooms, but outside under trees. Apart from facilitating discussions and liaison between the two parties, the elders' council does not discuss or share anything with the two groups. Joining either of the groups is considered as taking sides. Other family members are there just to attend the ritual.

It is mandatory for the offender's clan to host all participants in the conflict resolution process. The clan carefully prepares convenient meeting places, three separate rooms for accommodation (one for the victim's clan, one for the offender's clan, and one for the elders' council), and food, milk, and *khat* for participants. The offender's clan is also expected to prepare fifteen animals (cows and oxen) to be given to the victim's family as restitution, traditionally called *obsafi imimit*. Of these animals, one is expected to be a fattened ox, traditionally called *sanaga hasawaa* (an ox for negotiation).

The second phase of the *gumaa* system gives major emphasis to moral and psychological reintegration among the conflicting parties. The six elders from both conflicting parties come face to face for the first time to slaughter the ox (*sanaga hasawaa*). The two groups together slaughter the ox and split it into two equal parts divided at its spinal cord. The right side of the ox is taken by the elders from the offender's clan while the left part is taken by those from the victim's clan. It is believed that the animosity between parties is cleansed after this ox is slaughtered. However, the two groups never eat together at this stage. Each group takes its share to its room or tent and eats with other people from the clan. The elders' council do not eat with either of the parties so as to maintain their impartiality throughout. Though it is not mandatory, the offender's clan prepares a goat or sheep for the elders' council.

As we can see from the performance, the reunification is not physical, but rather psychological. The approach is top-down, where first the clan representatives from both parties come together and share flesh of an animal and cascade the same to the relatives of the two parties. The performance symbolises the moral and psychological reintegration of the conflicting parties. Furthermore, it is used to symbolise the groups' shared responsibility to reinstate their social relationships. It is believed that the enmity developed between the parties is cleared once they jointly slaughter the animal. Early the next morning, the offender's clan, in the presence of the elders' council, hands over the remaining animals to the victim's family. These animals are expected to be healthy and with all their body parts functioning properly. Upon completion of the second phase, another appointment will be set for fifteen days later to perform the third and final phase of the *gumaa* system. At the end of the second phase, the offender, who has been taken care of by *Eddo*, is shown to elders and families for the first time since he committed the crime against human life. The offender is given to his clan leaders; however, he is not expected to wash or change his clothes, cut his hair and nails, take a shower, eat with people, or participate in any social affair before the third stage is performed.

The third phase of the *gumaa* system is used for reconciliation. Above all, close families of the conflicting parties meet face to face for the first time since the conflict occurred. At this stage, the two parties reunify and the offender is reintegrated with the victims once and forever. The offender's clan prepares milk or honey and gives it to the elders' council. One of the members of the elders' council calls the victim's father and the offender to come out to the front. If the victim's father is not alive, the victim's elder brother is invited. Next, the elder gives the cup with milk or honey to the victim's father or elder brother. The father/brother takes the milk or honey from the elder and feeds it to the offender. And then, the offender in his turn takes the milk or honey and feeds the victim's father or brother. The elder then gives the same cup to the victim's family and asks them to feed the offender's family. The offender's family also does the same. Finally, elders from both parties feed each other the milk or honey from the cup. Rituals at this phase symbolise the parties' social, psychological, and physical reintegration. The entire process symbolises forgiveness and the reunification of

the two polarised parties and their families. After this performance, it is believed that all parties are fully reconciled and reintegrated. Feeding each other milk and honey symbolises an exit from a distressed, agonised, and nasty life and entry into a sweet, harmonious, and peaceful relationship. It also indicates the end of hatred and enmity and the revival of love and symbiotic relationships which in turn restores the socio-psychological relationships among the parties.

The reconciliation process at the third stage uses a bottom-up approach wherein the process is first performed between key family members and the offender, then followed by reconciliation between families of the conflicting parties, and finalised by reconciliation between the clans of the conflicting parties. Thus, reconciliation is made not only between key actors but also with the entire community. After this reconciliation process, it is believed that the offender is fully cleansed and the family is reunited socially and psychologically. The parties no longer consider one another as a threat. Everybody leaves the bad conflict experience behind and starts to think about a future peaceful life. The parties reinitiate their peaceful coexistence and keep on supporting each other morally, socially, and economically. At the last stage of the reconciliation process, the offender's clan gives the thirty-five remaining animals traditionally called *Agajuma*. The *Agajuma* are shared among the clan members who have a close blood relationship to the victim. Customarily, the victim's family has no share in these animals.

In the case of intragroup conflict, the *gumaa* process is completed in the first two stages and it takes only fifteen days. Since the conflict is between members of the same clan, the reconciliation process is not performed and no reinstitution is given to clan members. In this case, *Eddo* is selected from the other clan whereas elders are nominated from sub-clans. Compensation for victims of the intragroup conflict is limited to fifteen animals.

Compared to the intragroup conflicts, the intergroup conflicts need to be managed carefully because polarisation between the parties can be increased and can expand to other clans and sub-clans. With regard to intragroup conflict, since there is an intense pressure on the victims' family from the clan members and other relatives, it is very likely to be resolved traditionally. Above all, the

families of the victim do not bypass the traditional mechanism and go to the formal justice system. Due to the offender's blood relationship to the victim, they also show more interest in the socio-psychological rehabilitation, trauma healing, and compensation for lost and/or damaged property than in retaliation.

In general, the community still believes that the *gumaa* system is an important indigenous conflict resolution mechanism used to solve their social, economic, and political problems. Thus, they have a strong belief in and emotional attachment to the system. However, this does not mean that the *gumaa* system is 100% pleasing to all parties. Nowadays, it is very difficult to get fifty-one animals from clan members because there are only a few animals per household. Consequently, victims are given money which is not equivalent to the animals' market value. However, since the primary goal of *gumaa* is not maximising compensation, the majority of the parties adjudicated by the system still consider the change in compensation positively. Since the overall process is open, participatory, and transparent, parties have great trust in the process. Elders and clan leaders continue to monitor the progress of victims, helping them to recover from the moral and psychological crisis they encountered. Sustaining the psychological rehabilitation and emotional reunification of the affected party is given due emphasis.

5. Conclusion

The intensity of inter- and intragroup conflicts in Haramaya district is continually increasing, mainly due to land scarcity, degradation of societal norms, and disintegration of socio-psychological relationships. Insights from the study indicate that at the same time interest in indigenous knowledge and practices is significantly becoming weakened due to both internal and external factors. Of all the internal factors, underestimation of cultural values due to 'modernised thinking', increasingly egocentric human behaviour, and erosion of the societal norms (resulting from unhealthy competition over scarce resources) are taken as major factors seriously threatening the existence and legitimacy of the traditional conflict resolution mechanism. Lack of support for, lack of cooperation with, and cooptation by the formal institutions are considered as external factors threatening the legitimacy of elders and their indigenous conflict resolution

practices. Experience also shows us that formal institutions usually advocate bringing offenders to the formal justice system where their cases are adjudicated by the court. However, the study suggested that the justice system alone cannot provide sustainable solutions unless it is coordinated and harmonised with the indigenous conflict resolution and reconciliation mechanisms. This is mainly because, usually, the formal justice systems do not deal with resolving the socio-psychological tensions among the conflicting parties. But the traditional conflict resolution mechanism can help the formal justice systems fill in this gap. From this perspective, there is a huge gap between the two systems at the research site. In most cases, the two systems do not consult each other. The indigenous conflict resolution mechanisms are disempowered and their cultural values are compromised. Elders believe that disempowering the traditional systems is directly contributing to the erosion of social norms which in turn contributes to the ever-increasing inter- and intragroup violent conflicts.

Because of population pressure and lack of clear land use policy, conflict over land remains a critical challenge to the community in the research area. Sometimes, the victim's family may be forced to lead a destitute life after the conflict. Wives may become widows and children orphans, and fathers/mothers may become helpless due to the irresponsible violent action of individuals. Victims' rights remain infringed because conflict might have taken the ones who defend their rights. But the offender, even in a prison, lives a relatively better normal life. Upon his release from prison, the offender re-joins that community/family and starts to lead his own life. For the victims' families, living side by side with their enemy is becoming a bitter experience difficult to accept. Consequently, the victim's family and/or clan may hold a grudge and live with a high degree of anger and anguish against their enemies. As long as the two parties are living together, grudge and frustration may trigger retaliation and more violent conflict. These conditions put the conflicts into a vicious cycle.

Insights from the study also confirmed to us that the formal justice systems lacks capacity to stop the ever-increasing horrible intragroup conflict dynamics in the community because they have a plethora of challenges like lack of qualified manpower and dedicated institutions. As stated by the elders and endorsed by people in the formal justice system, psychologically disturbing an opponent,

divesting individuals of their rights and/or eliminating a competitor from the group are newly emerging means to achieve previously unachievable goals and get full access to and control over scarce resources. This outrageous behaviour is seriously eroding the emotional attachment within and among groups, which in turn leads to violent conflicts among parties.

To meet the emerging new challenges, interventions should be tailor-made, multidisciplinary, integrated, and multifaceted. Given their societal significance, the basic values and principles of the *gumaa* system have to be maintained and passed to the young generation who are in a chaotic socio-psychological dilemma. To minimise the current resource-induced socio-psychological tensions in the community, the eroded social values should be restored, renowned customary institutions like the *gumaa* system should be reinforced, and the community, especially the elders, should be capacitated. Such improvements could become possible through justice reform, cooperative resource management, community empowerment, awareness-raising strategies, and sustained community dialogue. The formal justice systems should coopt or cooperate with the customary justice system to deal with issues related to peace and conflict.

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Exploring *Gumaa* as an indispensable psycho-social method of conflict resolution and justice administration

Tamene Keneni*

Abstract

Oromo as a society, like many African societies, is rich in indigenous institutions of conflict resolution and justice administration. *Gumaa* is one of the multitude of Oromo indigenous institutions that has exclusively been used to settle blood feuds of various types. In spite of its wider utilisation and its multi-disciplinary nature, psycho-social analysis of *gumaa* is lacking in literature. With an aim of helping to fill this gap and of maximising *gumaa*'s potential contributions to conflict resolution, justice administration and peacebuilding, this article offers a psycho-social perspective on *gumaa.* Having analysed combined data from multiple sources regarding *gumaa* within psychological and social frameworks, the author identifies and highlights six interrelated theses (themes) about the key roles *gumaa* plays in conflict resolution, justice administration and peacebuilding (in cases of homicide). Finally, based on the themes identified and highlighted and other pertinent elaborations and case material, the author theorises *gumaa* as a vital psycho-social method of conflict resolution, justice administration and peacebuilding and calls for its official recognition and revitalisation as per article 78(5) of the Constitution of Ethiopia.

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Introduction

Many African societies apply indigenous approaches and laws to settle conflicts of all types and levels. The Oromo as one of these African societies are particularly rich in indigenous approaches and laws meant for conflict resolution, justice administration and peacebuilding. The Oromo are one of the largest nations (or ethno-nations) in Africa (Gow 2002) and Oromia, the country of Oromo, is the largest and most populous region in current Ethiopia (Gedafa 2008) with its total population of about 35 million according to the 2007 Census (Central Statistics Agency 2008). The Oromo people had been using several different indigenously developed approaches to settle both internal and external conflicts (Etefa 2002) and they were totally dependent on their own indigenous mechanisms until their forceful incorporation into the empire of Ethiopia in the late 18th and early 19th centuries (Holcomb 1999). In concurrence with Holcomb's assertion, Etefa (2002) opines that these various indigenous dispute handling methods played key roles in Oromo's success in their territorial expansions of the 16th and 17th centuries – by strengthening their internal unity and cohesion and allowing the incorporation of external forces. Following their incorporation into the Ethiopian empire, especially since the enactment of the criminal law of the imperial Ethiopia in the 1930s, the Oromo have been using two sets of administration of justice in parallel – the state court system and the Oromo indigenous system of justice – either separately or in combination (Gemechu 2002). That the latter, the Oromo indigenous system of justice, has undergone some changes may be due to internal dynamics and external influences. Nonetheless, a handful of such methods of justice administration survived the internal and external influences and are actively at work today (Dibaba 2012; Gemechu 2002; Zeleke 2010). *Gumaa* is one of the Oromo indigenous institutions of conflict resolution, justice administration and peacebuilding that was able to persist and function to date. These prevailing indigenous institutions of conflict resolution, justice administration and peacebuilding have mostly been analysed from anthropological and mythical points of view. In other words, analysis by these methods has been left to anthropologists and literary scholars, who

may not be able to see or may not be interested in the psychological and social aspects of these approaches, and the interface between the two sets of aspects. The effective use of these valuable, locally available approaches requires both anthropological and psycho-social analyses, but unfortunately the psycho-social analyses are lacking. With an aim to help fill this apparent gap and maximise the services that can be rendered by these approaches, this paper analyses the *gumaa* within psycho-social frameworks and then draws implications for conflict resolution, justice administration and peacebuilding that might be put in place either in combination with state court systems or independently.

An overview of '*gumaa*'

Better understanding of *gumaa* may require some familiarity with the *gadaa* system and thus let me briefly introduce this first. The *gadaa* system is a complex and holistic system that permeates the political, social and economic aspects of the Oromo people's lives. It is a complex and comprehensive institution that the Oromo people have been inventing since time immemorial to deal with the hurdles and intricacies of their communal lives (Jalata 2007). Sisay Asefa (2008:53) describes the Oromo and their *gadaa* system as follows: 'The Oromo have one of the most open and democratic cultures among Ethiopians. Their system of African Democracy known as Geda is a well known African indigenous political system that governs social order, politics, as well as peaceful conflict resolution'. In short, *gadaa* is a unique social, cultural, political and economic institution of the Oromo people and it permeates all aspects of their life. In addition to Asmarom Legesse's seminal work on this subject (Legesse 1973), there are a number of relatively recent works. Lemmu Baissa (2004) gives a wonderful account of the *gadaa* system. Daba S. Gedafa (2008) provides a very interesting comparison of the Oromo's *gadaa* system and the Maasai's age-set system, and gives various definitions of the *gadaa* system and the elements that make it up. Since the space available does not allow for extensive discussion of the *gadaa* system, interested readers are referred to the above-mentioned sources.

Also derived from the *gadaa* system, or working in parallel with it, are other non-violent methods of conflict resolution, justice administration and peacebuilding such as *michuu*,[1] *harma-hodhaa*,[2] *luba-baasa*,[3] *waadaa*,[4] *siiqqee*[5] and *moggaasaa*[6] (Dibaba 2012; Etefa 2002; Gemechu 2007; 2002). Etefa gives a good account of *michuu*, *harma-hodhaa*, *luba-baasa* and *moggaasaa*. The meanings of *waadaa* have been well addressed by Assafa T. Dibaba (see Dibaba 2012). Dejene Gemechu (2007; 2002) gives a detailed account of *gumaa*, including its rituals and purification ceremonies. Dibaba (2012) also makes some good points about the *gumaa*. Edossa and his colleagues have discussed *jaarsummaa*[7] at some depth (Edossa et al. 2005). In her seminal work, *The Siiqqee Institution of Oromo Women*, Kuwee Kumsa (1997) details the Siiqqee institution.

What makes *gumaa* unique, however – among the Oromo indigenous conflict resolution methods (a few of which have been mentioned here) – is its pervasiveness across all locales of Oromia and among all tribes and clans of the Oromo, and its persistence to date, in spite of internal dynamics and external pressures. *Gumaa*, as a miniature subset of the parent *gadaa* system, is therefore the focus of this paper.

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1 It was a bond of friendship by which the Oromo used to solve conflicts and establish cultural tolerance with other ethnic groups with whom they came into contact in one way or the other.

2 Literally translated as 'sucking the breast'. This system was used to establish a kind of parent-child relationship between the Oromo and other groups, but without complete absorption.

3 *Luba-baasaa* may be translated as 'to set free' or 'to make free'. It was a mechanism by which the Oromo used to incorporate members of other ethnic groups, especially those captured in battle.

4 Equivalent words for *waadaa* among other Oromo clans include: *irbuu* and *kakuu,* as among the *Borana* and *Macca* respectively. All these terms mean to swear or take an oath to forgive and forget what happened and guarantee not to take revenge of any kind for the sake of *Waqa* (God) and *Lafa* (earth).

5 An Oromo Women's institution that parallels the *gadaa* system. This is still used in some parts of Oromia by women to object against men's domination and to uphold women's rights and positions in the Oromo nation.

6 An adoption mechanism very similar to *luba-baasaa*.

7 *Jaarsummaa* is the process of reconciliation between conflicting individuals or groups by a group of *jaarsaas* (elders).

It has to be borne in mind, however, that the term *gumaa* carries multiple meanings (Gemechu 2002). This is why it has often been misunderstood by scholars not well versed in Afan Oromo, the language of the Oromo, and Oromo culture. For example, in her article, '*Ye Shakoch Chilot* (the court of the sheikhs): A traditional institution of conflict resolution in Oromiya zone of Amhara regional state, Ethiopia', Meron Zeleke (Zeleke 2010:65), referring to Huntingford (1955:63), depicts the term '*gumma*' as if it refers solely to killing for revenge. In connection with this Zeleke (2010:65), referring to Pankhurst and Getachew (2008:68), states that killing for revenge is a cultural value of the Oromo. This, however, is not implied by the term '*gumma/gumaa*'. The word '*gumaa*', alone and in combination with other words, carries different meanings in different parts of Oromia. For example, '*warra-gumaa*' means parties at blood feud; '*gumaa-baasuu*' means killing for revenge, '*gumaa-nyaachuu*' means receiving blood price, '*gumaa*' means feud, and '*gumaa*' may also refer to a hunk of meat. Furthermore, the term '*gumaa*' is most often used to refer to compensation and rites of cleansing and purification following homicide and this latter meaning of the word is much more common. So, contrary to Zeleke's understanding, it should be emphasised that the Oromo regard peace (*nagaa*) and forgiveness (*yaa hafuu/oofuu*) as higher values than revenge and retaliation (Dibaba 2012). This is evinced by the existence of numerous indigenous methods of conflict resolution, justice administration and peacebuilding among the Oromo.

Nagaa and *oofuu* or *yaa hafuu* are two very interrelated and interdependent themes that pervade all aspects of the Oromo life. In fact, *oofuu* (forgiving) is a non-violent means to *nagaa* (peace). *Nagaa* has a special place and value among the Oromo and it is expressed in greetings, songs, prayers, proverbs, blessings, folklore, and public speeches. The place and value of *nagaa* among the Oromo has been well described in the Oromo Studies Association (OSA) Newsletter: 'Peace is central to Oromo ritual and ceremonial activities, to administrative and legal functions, to traditional religion, morality, and social life, and the conduct of politics. For the Oromo, *nagaa* is an essential key to an orderly universe and societal well-being that humans must pursue' (Oromo Studies Association 2008:2).

It is vividly noticeable from the quote above that the Oromo's world view of *nagaa* (peace) transcends short-lived conflict management. *Nagaa* (peace) largely concerns an orderly universe and societal well-being. Among the Oromo, an orderly universe and societal well-being are prioritised over individual or personal well-being and interest. Therefore, the ultimate goal of any type of *nagaa* is communal well-being in an orderly universe. In short, for the Oromo there cannot be an orderly universe and societal well-being without *nagaa* and thus *nagaa* is highly valued among them. Since *nagaa* is so valued among the Oromo people, there are a myriad of mechanisms to restore *nagaa* when it is lost for whatever reason. *Gumaa* is one of such many mechanisms for the restoration of peace.

Dibaba (2012:1) defines the core meaning of the word '*gumaa*' as follows: '... *guma* is a general institution of settling blood feuds ...'. Therefore, following Dibaba (2012), the word '*gumaa*' is used here in its strictest sense to refer to the general institution of settling blood feuds between two persons, families, groups, clans, communities, or even nations. In short, *gumaa* is an indigenous institution of settling blood feuds between parties (*warra-gumaa*).

Some scholars tend to view conflict resolution and peacebuilding mechanisms drawn from and grounded in African and other non-western cultures as traditional approaches vis-à-vis those from the western cultures (Edossa et al. 2005; Etefa 2002; Gemechu 2002; Zeleke 2010). Although the very purpose of the usage of the adjective 'traditional' in such literature is not clear, the mere existence of the adjective conveys the message that indigenously developed approaches are inferior, or less effective, or non-scientific, compared to western approaches. To avoid such unintentional disregard that the adjective 'traditional' may convey, I use the adjectives 'endogenous' and 'indigenous' instead of 'traditional', because *gumaa*, as a vital model of conflict handling, justice administration and peacebuilding drawn from the cultural knowledge of the Oromo, has been able to serve the very purpose for which it was meant since its inception and is as applicable contemporarily as, or even more applicable than, models imported from western cultures in addressing homicide in context.

It is endogenous because it is a wisdom that grew from within the Oromo since immemorial time, and it is indigenous because it is rooted in and has emerged from local contexts, experiences, and practices.

Theses emerging from data on *gumaa*

Data concerning '*gumaa*' came from three sources. The first source of data was my own personal observation. I had the opportunity to observe '*gumaa*' rites of purification and take notes in October 2009 in my birth village (see the case below). I was so impressed with how the elders in the village wisely handled a complex case of homicide in an extended family and I took extensive notes by asking for additional clarification when necessary. In fact, this encounter was the starting point for this paper. A second source of data regarding *gumaa* was found in prior case studies that were available. Dejene Gemechu (2002) produced more than a dozen of interesting case studies of *gumaa* rites that yielded rich data for this paper. Indeed, Dejene Gemechu's work remains a valuable source for prospective researchers interested in *gumaa*. The third source of information for this paper was my own informal interviews with fellow-students of social anthropology who had had opportunities to observe *gumaa* rites either incidentally or on purpose. The data obtained from the three sources were combined and analysed thematically. Having read the case studies produced by Gemechu (2002), notes from own personal observation of *gumaa* rites and interviews held with fellow-students several times, I have produced six interrelated themes (theses). The notes from my personal observation of the *gumaa* rites in October 2009 have been developed into a case study to furnish readers with a mental picture of the *gumaa* rites. Each of the six themes produced have been elaborated and discussed in relation to literature available on the subject. The sections below present the themes produced along with their elaborations and discussions.

1. *Gumaa* provides restorative justice

Conflict destroys not only physical property and resources, but also psychological and social capital. Whether it is interpersonal or intergroup, conflict leaves

a history of mistrust and animosity between the parties involved. At the psychological level, it can be traumatising and horrifying for the victims and the offender as well as for the group(s) to which they belong. For example, in Oromo culture homicide results in parties being at blood feud. Individuals or groups in '*warra-gumaa*' are not allowed to eat together, attend the same school, church, meeting, market, or even to see each other. So, following homicide, at least the slayer, and sometimes his/her entire family, is required to disappear from the sight of the victims since their presence may intensify victims' grievances and may trigger retaliation from the victims' side. Feud between families resulting from homicide automatically changes to feud between lineages or clans (Gemechu 2002). The phenomenon may become interethnic when a person from another ethnic group assassinates an individual Oromo. When this is the case, imprisonment of the slayer does not mean the end of the feud between persons or groups. Even if the conflict has subsided, it can resurface when the slayer returns home upon finishing his/her jail term of, say, ten years. His/her close relatives can also become the target of retaliation while he/she is still in jail, especially when the homicide was intentional.

In short, in collective societies such as the Oromo, an individual's criminal act is likely to be attributed to the entire immediate group to which he/she belongs. In contexts such as this, modern state intervention may not work and hence *gumaa* may become a more reasonable solution. State interventions mostly focus on penalising or correcting only the wrongdoer, thereby situating the problem solely in the individual. By doing so, state interventions fail to reach and heal the psychological and social capital that the incident of homicide has destroyed. Reconstructing and strengthening the social relationships and harmony among the parties involved appear to be more essential than punishing or correcting the wrongdoer as a separate entity. State court/justice systems lack or have little ability to reach citizens' emotional, cognitive, and behavioural processes at all the levels concerned, thus making it difficult to bring about restorative justice. In concurrence with this, Meron Zeleke (2010:70–71, 82) avows that state legal systems' lack of focus on reconciliation and reestablishment of social harmony among the disputants is a key reason for people's preference of the sheikhs' court over the state court. *Gumaa* has managed to heal the victims and the slayer

at psychological and social levels which the state legal systems fail to manage. In other words, state legal systems strive to bring about retributive justice by simply chastising the criminal person whilst *gumaa* strives to bring about restorative justice by focusing on restoration of psychological and social capital destroyed in a case of homicide. By doing so, the *gumaa* institution among the Oromo represents a unique model of restorative justice that state courts and legal practitioners cannot afford to ignore. Therefore, it can be considered as a possible alternative or supplement to a state legal system that is exclusively retributive in nature, since it can manage the likely cycles of vendetta following homicide.

2. *Gumaa* works towards family reintegration

Conflict, including homicide, at the very least leads to family disruption and disintegration and at most to abandonment of the murderer's premises. Among the Oromo, as I have pointed out earlier, a murderer automatically transforms the identity of the group (e.g. lineage, clan, ethnic) to which he/she belongs; and causes the group of the murdered one to take up the responsibility to revenge. The first target of revenge, if any, is the family of the murderer. The responsibility to avenge on behalf of the murdered is shouldered by the immediate group to which the deceased belongs, and the protection of the murderer and his/her family members and close relatives from a possible retaliation attack is the concern of that group. In most cases, even when the individual slayer is imprisoned under the state legal system, other family members who are innocent and left behind are required to go into exile at least until the victim's group cools down. It is this situation that leads to, at least, disintegration of the family of the murderer. In fact, going into exile for some time to mollify the anger of the victim's group is required from the slayer's group and is culturally acceptable. The assumption is that the presence of the slayer or his/her immediate family members and close relatives fuels the victim group's grievance and thus is likely to trigger impulsive retribution. So, at least the slayer and his/her family members need to seek a place of refuge and disappear from the sight of the victim group for some time to allow their grievance to decrease.

Homicide and its subsequent impacts are the worst and most complex when it happens in a family and between close relatives. Killing one's family member (e.g. wife, husband, child) or close relative (e.g. brother, cousin, sister) is a possible though not frequent incident. When this does happen, things become complex because the group to which the killer and the killed belong becomes both the slayer and the victim group at the same time. The case material below vividly illustrates this kind of incident. (The case is a real one I encountered in October 2009 while I was paying visit to my family of origin. I used initials of the first names of persons involved for the sake of confidentiality.)

B and W were heads of two households living in the same compound. W was B's uncle and indeed the two households were more a type of extended family than separate families. Both were fathers of three and they depended on each other for many things. Their children spent time together mostly playing in a playground near a maize farm and protecting the maize from wild animals such as monkeys and apes. In the village, children are made to carry spears with them probably to encourage their support in protecting family farms from wild animals such as monkeys. One day, while playing with a spear in a playground from where they were protecting both families' farms, W's son who was three years older than B's son, accidently speared B's son on his leg. Since the wound was not serious B's son was treated at a nearby small clinic and both households continued with their daily routines. After two weeks the wound changed to serious infection as a result of which B's son was hospitalised; but he could not survive the re-infection for which he was hospitalised and finally died in the hospital. When B's son died, W, the father of the slayer and uncle of B, who was already in bed, became terminally ill. W's household was largely dependent on that of B but now they became 'warra-gumaa' – households at blood feud. W's household was in critical need of B's household help but they were not allowed to see each other, let alone to help each other. B has the responsibility to hospitalise his uncle and he volunteered to do so; but the custom prohibits him because they were in blood feud. It was amidst this quandary that the elderly sat down and decided to undertake gumaa instead of reporting to the legal system – which they knew would not help. The *gumaa rite of purification requires preparation and it cannot be performed instantly. It needs 'farsoo' (home-made beer), slaughtering of sheep, and other things that the*

culture prescribes, which requires at least five days to prepare. Also, according to my informant, there is a preferred day for the gumaa ritual. Thursday is preferable among the Mecha Oromo. Once the gumaa was performed, B was able to hospitalise his uncle though he was not able to save him. Now, B is responsible as a breadwinner for both households.

The case clearly evinces that *gumaa* is an irreplaceable method with which the Oromo were and are still able to address cases of homicide, even in a tight spot as the one given above. Had it not been for *gumaa*, W's family would have disintegrated and his premises would have been abandoned. The state legal systems lack flexibilities with which to handle cases as complex as the one given above. In Ethiopia, where juvenile court systems are lacking, W's son who was responsible for the death of B's son would have been tried at an adult court and sent to an adult jail, had the case not been handled by *gumaa.* The killer was about ten years old at that time and may not even have been eligible for trial. So if *gumaa* is able to manage issues of femicide and homicide which are as perplexing as the one given above, and which the state legal systems might not be able to handle, how can one afford to ignore *gumaa*? The answer is left to audiences and other stake-holders of the so-called modern state legal and justice systems who try to outlaw indigenous institutions and laws such as the *gumaa.*

3. *Gumaa* restores and strengthens relationships and rebuilds mutual trust

Restoring interpersonal, intergroup or intercommunity relationships and reintegrating offenders into their communities are important goals of any sustainable conflict-resolving, justice-doing, and peacebuilding process (Christie 2001). But, these goals are hardly attainable by individualistically oriented legal systems and other conflict management methods that work within such frameworks. For example, in Ethiopia where ethnic conflict is commonplace, the government often uses legal interventions such as trials, for individuals suspected of organising and initiating conflict, and other approaches that work within the country's legal frameworks (e.g. referendums, boundary demarcations) for short-term peacemaking. The government appears to be preoccupied with the 'hardware' components such as infrastructure and economic development to

bring about sustainable peace to the neglect of psychological, 'software' aspects of the process. But, what is not contestable is the notion that the peacebuilding or conflict resolution process should be holistic enough to bring about enduring peace. That is, the process should be able to address the problem at the physical, economic, social and psychological levels. This is because conflict, especially vituperative violent conflict that often happens between ethnic groups in Ethiopia, destroys much more than physical property as in the case of cattle raiding or burning of houses; rather it destroys social relationships, harmony and mutual trust. The same is true when the conflictual homicide is between individuals, families, or small groups.

Therefore, any peacebuilding and conflict management effort should include healing the social and psychological aspects of the conflict, for complete healing of injuries inflicted by conflict is impossible when these aspects are neglected. The psychological aspect of healing is imperative because those who have experienced the pains of violent conflict are often injured emotionally and left traumatised. In addition, healing at the psychological level allows for the repairing of broken relationships and rebuilding and restoring of mutual trust lost, which is necessary for the human society to remain an integral and functional unity. For the Oromo, as for many African and other non-western societies, life is a network of relationships. Life without community and relationship is deemed as meaningless and empty. Scholars and practitioners contend that psycho-social healing is an effective way to reconstruct and rebuild society with an improved quality of life, and that physical and economic reconstruction is necessary but not sufficient without the psycho-social aspect.

In line with this, Zeleke's (2010:63) statement, '...the ideology of the state legal system is drawn mainly from the western legal philosophy which is highly influenced by an individualistic orientation and does not fit the strong social orientation on the ground where it is being implemented', rightly illustrates Ethiopia's legal system's neglect of the psycho-social aspects of conflict resolution, justice administration and peacebuilding. And it is obvious that the less the relevance of conflict resolution approaches to the socio-economic and cultural contexts in which they are applied, the less their effectiveness to bring about the desired sustainable peace. In accordance with Meron Zeleke's assertion above,

Edossa and his associates make a good point about the importance of a customary institution such as the *Gadaa* system in managing conflict, particularly conflict that arises from the usage of natural resources (Edossa et al. 2005:11). They state that 'limited understanding of the role played by the *Gadaa* system by the state has diminished the efficacy and relevance of this customary institution in conflict management in Oromia in general and in Borana in particular' (Edossa et al. 2005:11). Furthermore, they call for the incorporation of the *Gadaa* system into conflict resolution measures put in place to curb conflicts that arise from the usage of the limited natural resources between the Borana and neighbouring ethnic groups and communities and they foresee the ineffectiveness of conflict resolution policies and measures that disregard conflict resolution strategies drawn from indigenous knowledge and cultures (Edossa et al. 2005:11).

Gumaa operates in accordance with the Oromo's belief that crime, including homicide, is basically a violation of relationships in a community; and it is crime committed against not only the individual but also the community to which the victim belongs. Hence, it strives primarily to address the problem at community level as opposed to the western-derived state legal interventions that often tend to individualise the conflict as well as its resolution.

4. *Gumaa* is used to get through inaccessibility and felt inadequacy of state legal systems

About 83% of Ethiopia's population resides in rural areas (Central Statistics Agency 2008) and the corresponding figure may go well beyond 85% when it comes to Oromia, the most populous regional state in Ethiopia. Socio-politically, the present Constitution of Ethiopia (1995) allocates sovereign power to the people and extensive powers of self-rule and administration to regional states. The regional states are, in turn, sub-divided into zones, districts and kebeles for the sake of decentralisation of power and governance to the grassroots level as stipulated in the Constitution. Kebeles (*ganda* in Oromo) or literally 'villages' are the fundamental units and the lowest recognised level of local government having administrative and judiciary structures. The judiciary organ of the kebele is known as '*mana murtii hawaasummaa*' in Oromia and it literally means 'social

court'. This social court, as its name implies, is mandated to handle non-criminal offences or civil disagreements and it is run by a panel of social judges nominated by the residents of that kebele under the auspices of district administration. The lowest possible level of a judiciary organ mandated to handle criminal offences and civil issues beyond the mandate of a social court is a district court.

My interview with a prosecutor revealed that mandates of social and district courts are limited. Social courts are entitled to handle non-criminal matters such as property disputes, private, family and civil issues. They are not even mandated to see property cases exceeding 1500 Ethiopian birr. District courts are mandated to handle simple crimes, but attempted and completed homicides are beyond the mandate of district courts. Interstate and interethnic conflicts are beyond the mandate of State-level Supreme Courts and are solely mandated to the Federal-level Supreme Court.

Despite the promised reforms towards ethnic federalism of a secular kind at both central and state levels and decentralisation of governance and justice to the grassroots level following the change of government in 1991, in practice governance and justice still appear aristocratic in Ethiopia in general and in Oromia in particular. Such centrality and aristocracy of governance and justice at zone level and beyond, which may be due to lack of resources and capacity, or political commitment, denies the people access to justice and may erode their confidence in the state legal systems. In fact, the present government has shown remarkable interest and commitment to ensure people's access to good governance and justice and other public services such as education and health. However, a lot has to be done as far as justice and good governance is concerned.

In addition to inaccessibility of governance and justice at grassroots level, for whatever reason, there are some shortcomings in the prevailing state legal system that erodes public confidence in it. Meron Zeleke provides a good point in this regard. She underscores the strength of customary institutions vis-à-vis the state legal system and public doubts in the effectiveness and trustworthiness of the state legal system as two basic reasons for the public's preference of the former over the latter. She further points out that the longer time state courts require for processing a case, the expenses incurred at the state court, the undue emphasis on testimony and verification, and the possibility of corruption are additional

reasons for the preference for customary institutions such as the sheikhs' court over the state-based legal system (Zeleke 2010:82).

Article 34(5) of the Constitution of the Federal Democratic Republic of Ethiopia limits the mandates of customary and religious institutions to private and family civil matters. Nonetheless, they operate in domains beyond those mandated to them by the constitution; they handle diverse issues of conflict ranging from civil to criminal offences and interethnic conflict across the country (Zeleke 2010:81–82). *Gumaa* is one of these customary mechanisms that has been and is currently exceptionally in use across Oromia in handling cases of homicide. In fact, Dibaba is of the opinion that the exceptional utilisation of customary laws such as *gumaa* in Oromia and among the Oromo, in lieu of the state legal systems, is an expression of resistance and confrontation to externally imposed laws and laws without justice (Dibaba 2012). I concur with both Dibaba (2012) and Zeleke (2010) that when a legal system is not easily accessible or when the prevailing accessible legal system is unable to do justice to the public's expectation and win credibility among them, the public opts for what is available as alternative. Opting for customary laws on the part of the public might be telling the government that the state legal system has limitations – it is a law without justice, it is an alien system, and it is not accessible to the public. The government should realise that the society is dissatisfied with the law at work and is demanding context-based and terrestrial laws that do justice to them.

Therefore, it can be argued that the exceptional utilisation of the *gumaa* institution to settle blood feuds across Oromia can be an expression of resistance to laws without justice. Or it is a manifestation of inadequacies in the prevailing legal system for settling blood feuds in a manner the public wants. Or it is to communicate that the state legal system is not accessible or not able to do justice in accordance with Oromo's philosophy of conflict resolution and peacebuilding. In line with this, Dibaba (2012:1) states that '...to understand the choice people make, it is vital to see the world as they see it...', and reminds us not to ignore a meaning people attach to a particular phenomenon or reality. A legal system that does not take into account the Oromo view of blood feud cannot be able to settle such a feud to the satisfaction of the people and this may be the secret

behind the consistent utilisation and reenactment of *gumaa* for settling blood feud in Oromia independently or in combination with state courts.

Thus *gumaa* as a recurrent mechanism of handling homicide in Oromia appears to be one way by which the people react to the lack of administration of justice at community level and to the situation of law without justice that may have emanated from a lack of resources and capacity, or of political willingness and commitment. Moreover, *gumaa* is a community-owned institution meant for settling homicide and it is practised at community level allowing for the full participation of all family members and close relatives of parties involved in the homicide – which in turn might have maximised its trustworthiness and credibility among the larger public and its reenactment in lieu of state legal systems.

5. *Gumaa* addresses gaps and irrelevance in state legal systems

As touched upon in the previous sections, Ethiopia's present legislation appears to have been almost exclusively inspired by western conceptions of law to the neglect of locally available customary laws and institutions. Consequently, the state legal systems at all levels of government operate under an individualistic and punitive approach. The state legal system attempts to control crimes and conflicts of all types by punishing the accused evildoer, assuming that doing so not only corrects the wrongdoer but also deters crimes and conflict among the public. I am not arguing that punishing the accused evildoers does not correct them and does not deter criminality and conflict in the larger public. The point I am making here is that effective adherence to an individually oriented and punitive legal system in collectivist society where interdependence and social harmony are a priority over individuality is questionable. Individually oriented legal systems and laws bestow accountability and responsibility only on the accused offenders and work towards penalising them. But, in collective societies such as the Oromo, if one is guilty of killing another person, especially when the homicide is an intentional one, the kinship or clan to which the killer belongs is by default guilty. The incident, therefore, destroys social harmony between the groups concerned and is likely to lead to vendetta after vendetta. Customary institutions such as *gumaa* are well aware of such 'collectivisation'

of an individual's offence and therefore work towards not only punishing the individual by means of fines, enforced compensations and social sanctions, but also restoring the social ties and harmonies through reconciliation, compensation, symbolic penalty and rites of cleansing and purification. State legal systems appear to disregard such cultural elements and tend to focus on punishing the individual found guilty, for example by imprisonment. State legal systems also fail to work towards avoiding further grudge and ending animosity between parties at feud with each other.

In Oromia, blood feud of any type cannot be settled without the *gumaa* rite of cleansing and/or purification. It is this rite of purification that marks the end of enmity and feud between the family of the killer and that of the killed. Even in state-intervened cases where the slayer is tried and imprisoned, *gumaa* needs to be performed between family members of the deceased left behind and those of the killer to protect the latter from imminent avenge by the former. Or the slayer is expected to beg for and secure apology from the victim family upon finishing his/her jail term, knowing that the imprisonment does not mean the end of the feud and grudge. Therefore, most cases of state-intervened homicides in Oromia are concluded by customary institutions such as arbitration, reconciliation and *gumaa* rites of purification. The slayer, who was convicted say five years for homicide, is required to show remorse and appeal to the elderly in his kin to initiate *gumaa* upon finishing the prison term. Then the elderly, together with elderly from the victim side, present the slayer's pleading and request for apology to the family of the deceased as culturally prescribed. With this the process begins. The *gumaa* involves a series of procedures ranging from fixing compensation (blood price) to symbolic penalty and the rite of cleansing and purification. *Gumaa* as a rite of cleansing and purification involves an elaborated process (see Gemechu 2002 for the entire process); however, it begins with the slayer's or his age-mates' appeal and culminates with an oath or pledge to end the blood feud. There are a number of rituals that the parties undertake under the dictation of the elderly throughout the purification. For example, the parties at blood feud feed each other honey to indicate the end of enmity and bitterness towards each other and the restoration of the once sweet relationship. The end of the *gumaa* rites of purification that announces the end of the vendetta and

the restoration of peace and harmony is called *Waadaa* (covenant, Dibaba 2012) or *Kakaa* (oath, Gemechu 2002). It is performed between the parties by the intercession of an elderly person of good reputation. In short, all points in this section speak to the fact that *gumaa* is still serving as a customary law in filling gaps and incompetencies of the state legal system to fully settle blood feuds in Oromia. It even has a capacity to address recurrent and catastrophic conflicts between the Oromo and neighbouring regional states and/or ethnic groups – such as the Somali, Gumuz and Gedeo – and to break the cycles of vendetta.

6. *Gumaa* serves as a rehabilitative psychotherapy

It is obvious that committing homicide inflicts psychological distress on the slayer, and that the distress may be even worse when the incident has happened between family members or close relatives. Feelings of guilt, fear of revenge, disintegration of family or worry about family members left behind, traumatic events arising from the incident, worrisome regret about imprisonment and being sinful, and remorse are some of the likely repercussions of committing homicide. In societies such as the Oromo where any misfortune that befalls an individual who committed homicide is taken for granted as a wage for evildoing, the slayer always lives under the shadow of fear of death. This firm belief makes committing homicide very distressing to a murderer and his/her family. Imprisonment has its own impact and it may exacerbate other psychological aftermaths already there. In short, an individual who has committed homicide, whatever the type of the homicide and regardless of whether the case was state intervened or customarily settled, requires rehabilitative counselling.

Indeed, undergoing *gumaa* rites of cleansing and purification by itself is rehabilitative counselling for the person and the family concerned, for several reasons. First, it clears away fear of vengeance from the victim side. Second, it clears away a sense of guilt and sinfulness that afflicts the individual. Third, it announces the person's reconciliation with and integration into the community, which leads to the enhancement of a sense of belongingness. Finally, it avoids or at least minimises traumatic experiences related to the incident of the homicide in one way or another. So it is reasonable to propose *gumaa* as a model of

rehabilitative counselling or psychotherapy for it offers valuable psychological healing required for rehabilitating murderers and survivors of homicide.

Summary and conclusion

The Oromo are one of the African societies rich in indigenous institutions of conflict resolution, justice administration and peacebuilding. *Gumaa* is such an indigenous institution that the Oromo have been using to settle blood feud since time immemorial. Even today, *gumaa* is being used either independently or in combination with state laws to settle blood feuds of diverse nature and complexity. In spite of its wide utilisation, *gumaa* has not yet been viewed seriously enough from a psycho-social point of view. In prior works, *gumaa* has been analysed either from an anthropological point of view (Etefa 2002; Gemechu 2002) or from a mythological point of view (Dibaba 2012). This article has addressed the contributions of *gumaa* to conflict resolution, justice administration and peacebuilding from psycho-social perspectives. Specifically, the article has analysed the contributions of *gumaa* to conflict resolution, administration of justice and peacebuilding within psychological and social frameworks.

To this end, *gumaa* has been explored as a viable psycho-social method of conflict resolution, justice administration and peacebuilding, and six of its key outcomes in interrelated psycho-social areas have been identified and highlighted. First, *gumaa* strives to bring about restorative justice by healing parties involved in conflict socially and psychologically. Second, it works towards family reintegration. It is obvious that violent conflict, whether interpersonal or intergroup, results in disintegration of families. The focus of post-conflict or post-homicide reconstruction is restoration of social institutions of which the family is the fundamental one. Likewise, *gumaa*'s priority in addressing blood feud is reintegration of the family of the slayer that might have been disintegrated following homicide and with this it perfectly converges with the ultimate goal of reconstruction. Third, *gumaa* restores and strengthens relationships and rebuilds mutual trust between parties involved in homicide. Conflict in general and homicide in particular destroy social and psychological capital and hence any post-conflict reconstruction effort cannot afford to ignore

this echelon of the reconstruction process. Fourth, *gumaa* provides and ensures access to governance and justice at grassroots level and by doing so it replaces state legal systems or else it soothes the public's grievances and felt injustice. Fifth, *gumaa* addresses gaps and incompetencies in state legal systems. State legal systems that are derived from western individualistic approaches might not be able to deal with vendettas associated with homicides in non-western cultures. *Gumaa* addresses and fills this apparent void in and irrelevance of imported laws by removing grudges and animosity between parties that penalisation of the slayer may not remove but leave behind. Finally, *gumaa* serves as a rehabilitative psychotherapy on the part of the murderer for it clears away clouds of fear of imminent retaliation from the victim side and heals traumatic experiences arising from the event of homicide.

Given these key roles that the *gumaa* institution plays in conflict resolution, justice administration and peacebuilding in relation to homicide and the support it provides to the efforts put in place to ensure access to good governance and justice, the author argues that the legal system cannot afford to preclude *gumaa* as traditional law. Further, the author recommends *gumaa* as an indispensable psycho-social method of conflict resolution, justice administration and peacebuilding which aims at ensuring social and restorative justice as its ultimate goal. Moreover, the author calls for official recognition of *gumaa* as per article 78(5) of the Constitution of Ethiopia and its revitalisation and incorporation into the existing criminal law of homicide.

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Complex conflict in the Democratic Republic of the Congo: Good governance a prerequisite of CSR (Corporate Social Responsibility) peacebuilding

*Mary McCartin**

Abstract

Since the 1950s, theories of Corporate Social Responsibility (CSR) have developed alongside the increasing power of globalised business. International stakeholders, from the United Nations to everyday consumers, have identified business ethics as a way to mitigate the destructive commercial practices that exacerbate conflict in the developing world. Ethical business initiatives have peacebuilding potential; however, the discussion should cede that poor governance constrains this private sector ability. Information communication technology (ICT) companies have perpetuated conflict in the Democratic Republic of the Congo (DRC) and its surrounding areas by purchasing minerals that finance armed groups. Ultimately, predominant lobbies who claim that CSR policies and ethical boycotts will cut rebel funding and therefore bring an end to the turmoil in the Great Lakes region of Africa are overlooking the conflict's complex roots. The success of CSR peacebuilding in the DRC is predicated on good governance and cross-sector collaboration.

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Introduction

A business has no conscience, but it does have distinguishable characteristics as all groups inevitably develop unique cultures and traditions (Fort 2007:15). No matter what a corporation's objective may be, its operations will *never* be neutral (Corporate Engagement Project 2003). When the media reports on the involvement of multinational corporations (MNCs) in developing economies, the emphasis is frequently placed on destructive operations. The perception that these businesses exploit the landscape while abusing communities in the interest of cheap labour and/or natural resources stimulated theories of business ethics. The logical supposition was that the multinationals spreading destructive externalities could have a converse ability to mitigate their damages and make positive contributions within their areas of operation. Models of corporate social responsibility (CSR) and new global business standards became the vehicle by which corporations would deliver these results. Peacebuilding elements that might be conveyed by multinational enterprise – such as economic security, social inclusion, and individual empowerment – are at the core of these ethical models. By analysing CSR possibilities these practices may be applied to areas where environmental and human security issues are intimately linked to business. This relationship is evident in natural resource conflicts where MNCs are to blame both directly and indirectly for ravaging landscapes at the expense of indigenous populations. Atrocities in the Great Lakes region of Africa and particularly the Democratic Republic of the Congo (DRC) can be traced to economic demand for resources and thereby illustrate CSR's peacebuilding potential in globalised business. Yet, viewing CSR as a panacea oversimplifies the complex roots of the conflict, which is also entrenched in economics, political instability, and ethnic violence – ultimately suggesting that good governance must precede private sector initiatives if it is to foster long-term peace.

Formulating the CSR solution

The rise of international corporations facilitated the development of private sector powers that rivalled those of the political sector. In the latter half of the 20th century, CSR models grew alongside the expanding power of globalised

corporations and subsequent questions over such corporations' legitimacy (Berlie 2010:11). There is no single agreed upon definition, 'but generally CSR is understood to include actions of companies that address social and environmental concerns beyond what is required by law' (Runhaar and Lafferty 2008:1). In the plainest sense, CSR is a practice where businesses hold themselves accountable for actions that affect people, their communities, and their environment. CSR as a business construct began in the 1950s and quickly became a mechanism for legitimising and sustaining the globalised influence of business. Traditionally, it has been easier to find criticism of social business policies than support. One explanation for this is that research regarding the relationship between corporations and security has primarily focused on the negative impacts (Deitelhoff and Wolf 2010:6). As an under-researched topic in both the fields of business and international peacebuilding, CSR is presently 'in the stage where we are trying to understand it and to find programmes/models of implementing this new way of thinking in existing organizations' (Debeljak and Krkač 2008:244). It is a solution in its most nascent stages; yet, numerous groups, from nongovernmental organisations (NGOs) like Raise Hope for Congo to the United Nations in their 'Business call to Action' (BCtA), have adopted this concept as a cornerstone of their conflict resolution strategies. The BCtA was launched in 2008 with the hope that the private sector would strengthen the UN's development mission and help it to meet its Millennium Development Goals (MDGs).

If an MNC can move beyond step one, adopting the belief that businesses have ethical responsibilities outside of the law, it must then analyse numerous layers of potential responsibility in order to decide the scope CSR will have within its business plan. The creation of these policies does not take place in a single boardroom meeting. When businesses first confronted the challenge of devising new ethical initiatives, questions arose surrounding the delegation of CSR innovation. Corporations were reluctant to adopt this burden of responsibility and were therefore somewhat relieved in 1984 when ethical responsibility expanded to individuals thanks to R. Edward Freeman's 'Stakeholder Theory'. Stakeholders exist at numerous levels of the organisation and include all those who can influence or be affected by the organisation's purpose (Visser

2011:113). These include owners, investors, employees, customers, suppliers, citizens around the business' operations, as well as government and civil society (Crowther 2008:47–63). Consumers have a claim in the corporation that they exercise in their purchasing decisions. Stakeholder Theory expands responsibility beyond the shareholders who conventionally exercised total control over corporate decisions. The theory may provide a way for everyone to get involved and strengthen the initiative or it may become a way for influential shareholders to leave responsibility in the hands of consumers and avoid implementing CSR policies if they perceive there is no consumer demand for them.

When this theory is applied to conflict zones, the effectiveness of CSR initiatives as a peacebuilding tool is best determined by dividing the stakeholders into two distinct categories: the voluntary and the involuntary. The voluntary stakeholders are those who choose to deal with an organisation while the involuntary stakeholders do not and cannot withdraw from the relationship (Crowther 2008). The consideration given to these involuntary stakeholders demonstrates the moral roots of the theory as many of these individuals are relatively powerless compared to the MNC. In the case of the DRC the involuntary stakeholders are civilians in communities ravaged by armed groups or displaced by mining operations. They have the least influence over Information Communication Technology (ICT) shareholder decisions, but they are the most affected by ICT supply chains.

In a best-case scenario, CSR's potential is maximised when companies perceive that these initiatives will contribute to their profit and image. In this way we can imagine CSR as something more akin to 'Corporate Social Strategy' because 'firms will do a far better job at creating economic value and social value if they include social action programs in the strategic decision-making process' (Husted and Allen 2011:113). Therefore, to be effective these practices must be part of the business model, nested within its core objectives. 'Like all corporate activities, social action may or may not be profitable' (Berlie 2010:3), but this removes the notion that it is intrinsically unprofitable. The success of CSR business strategy is positioned upon the potential for simultaneous shareholder and stakeholder gains. For example, when legendary automaker Henry Ford began paying workers a new $5 a day wage, he said it was a matter of fairness;

however, shareholder James Couzens said it was a part of the company's strategy to attract the best workers (Husted and Allen 2011:3).

The sooner these objectives are devised the better for the business in question. The companies who embrace CSR opportunities at the start of the trend gain first-mover advantage (FMA), which is an economic concept that suggests a firm is more likely to capitalise on its investment if it can achieve a stake in the market's available resources that its competitors cannot match (Husted and Allen 2011:113). CSR's resurgence in the 1990s has triggered a domino effect among the corporations trying to achieve leadership positions and a unique CSR niche within tomorrow's markets. It is a contest that reflects the growing perception that social responsibility is an inevitable part of future economic systems (Berlie 2010:22).

But how adaptable are current ethical strategies in conflict resolution and in stabilising developing regions? The peacebuilding potential of business in post-conflict societies may be underutilised but it remains theoretically plausible. The developmental contributions of a responsible business model get to the definition of peacebuilding, which intends not merely to rebuild post-conflict, but to prevent the re-emergence of violence (Atack 2005:141). This ability of businesses to aid in peacemaking is enhanced by the way businesses 'tend to approach issues in a rational, realistic, pragmatic, and professional manner. They deal with conflicts on a day-to-day basis. They are experienced in negotiations and they know *how and when to compromise*' (Gerson 2001:112). They are uniquely suited as realists with the skillset of mediators. The success of this business intervention in conflict can be seen in the case of South Africa where businesses contributed to peacebuilding in an effort to prevent civil war. One company in particular, Consolidated Goldfields, demonstrated its interest in facilitating peaceful dialogue by organising and funding meetings between the conflicting parties in the apartheid-sessions that helped end apartheid (Gerson 2001:108).

Economic insecurity is a common root of conflict because it makes 'citizens vulnerable to politics based on exclusion' (Shiva 2008:40). Addressing political and economic exclusion through the strength of business rationalises CSR's

greatest peacebuilding potential. A business ethics approach to peacebuilding is a departure from traditional perspectives on aid and development and an alternative to these practices, which are increasingly called into question after decades of slow progress and in an era of global financial uncertainty. International financial institutions (IFIs) are criticised for fostering economic dependency and sustaining corrupt governments instead of accelerating nations towards positive peace and economic self-sufficiency (Moyo 2009). It appears that 'breaking the cycle of poverty and war may exceed the capability of both the United Nations and the World Bank, operating separately or in tandem. Conflict settlement requires the injection of optimism and hope born of employment and economic opportunity' (Gerson 2001:103). At minimum businesses certainly provide jobs and opportunity, but in conflict they may even be called upon to take up public tasks such as infrastructure and healthcare, which states cannot deliver while in conflict (Deitelhoff and Wolf 2010:13).

Multinational bodies are also recognising the relevance of new peacebuilding tactics and hope that private sector solutions can be applied to a variety of conflict scenarios; however, there is no universal CSR model and private sector initiative does not mean that corporations can replace other traditional peacebuilding tactics in every situation. While CSR is lauded as a promising solution for classic conflict issues, the reality is far from simple – as we can see when it is applied to the ongoing conflict in the DRC. While there are valuable contributions to be considered, the CSR model is still constrained by the supremacy of the state and poor governance can thwart even the most promising initiative.

The DRC mineral conflict and the Great War of Africa

The DRC is rich in minerals, particularly gold and the three Ts: tin, tantalum, and tungsten. Coltan, or columbite-tantalite, is the raw ore from which tantalum is processed. It was discovered within the DRC in 1910 and is perhaps the most infamous conflict mineral today. All of these resources are used in electronics such as cell phones, portable music players, game consoles, and computers, but tantalum in particular has allowed for the development of more powerful and more compact electronics due to its unique conductive abilities. The desire to maintain economic participation and political power through access to these

resources has caused various armed groups to sustain their operations through the sale of these resources, which give the natural elements the name conflict minerals. For decades, the DRC has been victim to the same paradox of plenty that plagues many resource-laden nations.

The decades of violence in the DRC extend throughout the Great Lakes region. The insecurity is built upon fighting, not only for natural resources, but also on account of ethnic and political tensions, economic greed and mismanagement. By 1996, under the DRC's authoritarian President Mobutu Sésé Seko, these vast challenges sparked a war that is sometimes referred to as Africa's First World War. In its early phase, Laurent-Désiré Kabila and the Alliance of Democratic Forces for the Liberation of Congo (ADFL) overthrew the government with the assistance of Rwanda, Burundi, and Uganda. Mobutu went into exile with an embezzled personal fortune, estimated to have been over $4 billion (USD) (Klare 2001:209). This money deprived the Congolese people of the basic services and infrastructure their government should have provided, and it demonstrated an excessive privatisation of the DRC's resources that caused severe economic instability.

Ethnic tensions continued to escalate with cross border migration, exacerbated by the Rwandan Genocide, which still tangles the countries in border violence. The ethnic animosities and territorial disputes triggered a second conflict in 1998 so intimately linked to the first that some consider it one contiguous war. In this second phase of the war, Kabila enlisted military assistance from Angola and Zimbabwe, who were also interested in rewards in the form of claims to mineral wealth (Klare 2001:209–210).

On several occasions the Rwandan government has been directly involved in perpetuating the conflict. For example, in 2001 Rwandan armies imported 1 500 prisoners from Rwanda to South Kivu to mine coltan in exchange for reduced jail sentences (Nest 2011:41). Of course, it is against international law for an occupying force to seize and export resources (Nest 2011:90). Despite the illegality, it is estimated that during the war the Rwandan army, aided by the Rally for Congolese Democracy (RCD), stole 1 000 to 1 500 tons of coltan from a mining warehouse, thereby establishing armed theft as the preferred

method of accessing these resources (Nest 2011:85). The RCD, other rebel forces such as M23 (the March 23 Movement) and FDLR (Democratic Forces for the Liberation of Rwanda), and the DRC army all use combatants as miners – and profit from the sale of licenses to anyone operating within their controlled area. These armies then use roadblocks and intimidation to tax coltan as it moves across their territories. This strict control over market access is taken a step further as the armies ultimately infiltrate international trade. This is accomplished directly and through partnerships with individual traders (Nest 2011:86–89). These partnerships between militias and globalised ICT companies correlate with the industry's demand for minerals. As technology products have proliferated, the number of companies willing to undertake the risks of extraction has increased as these businesses have 'both the means and incentive to procure resources from remote and undeveloped areas – even if this means dealing with warlords and/or transporting valuable commodities through areas of conflict' (Klare 2001:195). This is the point of intervention where CSR calls upon the ICT industry to analyse supply chains, smelters, and partnerships to ensure that they are not financing violence.

The DRC war officially ended in 2002, although the ongoing battles make that difficult to comprehend. The combination of conflict, subsequent malnutrition, and rampant disease has resulted in tremendous loss of life. During the war it was estimated that 45 000 Congolese died every month, approximately 5.4 million people in total (Bavier 2008). Throughout the conflict, the region endured some of the worst atrocities in the world. Approximately 30 000 child soldiers were conscripted into the Mai Mai to fight for control of the coltan regions (Carmody 2011). There is also widespread sexual violence to the extent that the UN's Special Representative on Sexual Violence in Conflict, Margot Wallström, labelled the DRC as the 'rape capital of the world' (UN News Centre 2010). In the twelve-month period from 2006 to 2007 approximately 1 152 women were raped every day (Stony Brook University Medicine 2011). Rape as a military tactic continues today on both sides of the conflict. In December 2012 the UN began reporting that both M23 and the Congolese Army had committed rape, with numerous cases reported while forces were retreating from occupied towns (Al Jazeera 2012d). In response to conflict escalation, the UN deployed

20 000 peacekeepers into the eastern region in July 2012 and used helicopters to fire upon the rebels (Al Jazeera 2012a). At the time this article was written, this remained the UN's largest global peacekeeping operation.

The private sector in the DRC Conflict

If the current DRC conflict was viewed in isolation from its history, its cumulative trauma, and its cyclical violence, it might seem reasonable to expect the private sector to bear the bulk of responsibility for funding militias and to therefore elicit greater accountability from ICT companies. This is particularly true of those with household names such as Apple, Nokia, and Samsung, the assumption being that larger companies have more power and money to engage with the situation (Deitelhoff and Wolf 2010:207). Advocacy groups such as Raise Hope for Congo and GreenPeace, as well as the Securities and Exchange Commission's (SEC) conflict mineral legislation, propose that rebel activities will decline and eventually cease if you cut them off from their financial flows. The primary solution for achieving this objective is an extremely complicated supply chain investigation and the creation of a certification scheme akin to the Kimberley Process, which was devised to combat the trade of 'blood diamonds'.

Several specific steps have been taken to implement these CSR initiatives within the ICT industry. The Global e-Sustainability Initiative (GeSI) was founded in 2001 and issued a report: *Coltan mining in the Democratic Republic of Congo: How Tantalum-using industries can commit to the reconstruction of the DRC*, which led to the founding of the GeSI Supply Chain Working Group and later in North America the Electronics Industry Code of Conduct (EICC). The two groups then partnered together for the Electronics-Tool for Accountable Supply Chains (E-TASC). This was a critical step in streamlining CSR policies within the ICT industry since most of these companies do not cross-reference each other and only a few explicitly mention the conflict in DRC (Wallbott 2010:94).

The GeSI's report detailed the benefits that would accrue across the ICT industry from DRC miners to end-users. By applying CSR to the mineral supply chain the technology companies would gain support by responding to customer concerns, demonstrate commitment to the UN's call for accountability, and minimise

risks through collective action. The manufacturers would remove the stigma surrounding these minerals and aid in stabilising the market. Mineral traders would reduce their risk of 'boom and bust' cycles while receiving the market price of the goods. Miner exploitation would decrease; instead the individuals could enjoy economic participation and stable livelihoods. The government could collect taxes, gain international respect, and avoid the total loss that would accompany boycotts (Hayes and Burge 2003).

Oversight of the conflict mineral business is gaining international governments' attention. On July 21, 2010 US President Barack Obama signed the 'Dodd-Frank Wall Street Reform and Consumer Protection Act (H.R 4173)' into law. Section 1502 of this legislation requires companies to disclose whether their products contain conflict minerals from the DRC and to report on their supply chains through private sector audits. This is little more than corporate shaming since it relies largely on consumer conscience with no government penalty for companies that choose to take no action. Without mechanisms for enforcement, the bureaucratic response to conflict mineral trade is suspiciously akin to appeasement, but it also works within the realm of CSR because it requires corporate ethics beyond what is dictated by law. Although it appears that peace lobbies received their desired legislation, it is important to understand that purchases made from the DRC army would be considered conflict free even though this army is also responsible for rape and murder (Nest 2011:122–125). Although the Securities and Exchanges Commission (SEC) voted to adopt the regulations of section 1502 on 22 August 2012, its implementation has been met with resistance. What is more, although this victory was once the primary goal of many of the DRC's advocacy groups, many of them have now begun to shift their focus from mineral extraction and supply chains in order to instead emphasise the need for peacekeeping forces, grassroots emphasis, and mediators that can address the larger conflict issues. It illustrates the realisation that CSR can be effective, but must be supported by government.

Debating CSR's role in the ICT industry and its impact on the DRC and surrounding areas has sparked reaction from governments and various advocacy groups, but it is the individual ICT companies that will ultimately drive CSR peacebuilding. Hewlett-Packard (HP), which produces computers, printers,

cameras, and smartphones, has been named an 'industry leader' in ICT CSR implementation in the DRC according to a ranking established by the NGO Raise Hope for Congo. HP made a proactive commitment to source conflict free minerals and has presented its initiatives with transparency. Specific action undertaken includes: implementing the EICC-GeSI template; investigating its supply chains including over 800 suppliers; publishing these suppliers; visiting smelters; and planning to audit suppliers as they continue to develop CSR policies (Raise Hope for Congo 2012). HP is also a member of the 'Solutions for Hope Project', which was launched by Motorola Solutions Inc. in 2011. This group is open to miners, smelters, and manufacturers who are committed to sourcing conflict-free tantalum from the DRC by closing its industry supply chains with the help of its members' cooperation. HP sought a first-mover advantage by developing its CSR policy, participating in knowledge sharing groups, and in collaborating with NGOs. Now, it serves as a model within the ICT industry.

While some MNCs have demonstrated the potential of CSR peacebuilding in the DRC, overall support for mineral transparency has been precarious and is progressing slowly. Despite the DRC government's attempts at exacting sovereignty over mining regions, it has not yet secured its mines or mended the cracks in its governance relating to mineral financial flows and administration. Many of the ICT companies participating in CSR initiatives are end users, not miners; therefore, it falls upon the DRC government to oversee domestic mining. According to subsoil rights within DRC law, the mineral deposits belong to the state and if a company wants to extract the minerals they must buy that right from the state (Nest 2011:39). A Congolese mandate issued in September and passed into national law in February 2012 requires all mining and mineral trading companies to follow OECD (Organisation for Economic Co-operation and Development) standards and only purchase clean, traceable minerals. This was the first step in the DRC reasserting control over its resources. To test the effectiveness of this law, two Chinese-owned companies, TTT Mining (exported as CMM) and Huaying Trading Company, were suspended by the Congolese government for violating this law in May of 2012 (Lee 2012).

The DRC government lost its monopoly on violence within its borders decades ago and the eastern region has been vulnerable to foreign influence

and a proliferation of violent factions ever since. Re-establishing sovereignty and exacting it legally against foreign corporations and neighbouring vulture markets are essential if the DRC is to create stability and the space in which CSR policies can meet their maximum peacebuilding potential. It seems that government security continues to trump any private sector initiative and that these ICT corporations cannot singlehandedly implement stability in the Great Lakes region.

Challenges to peace

The private sector solution may be too simplistic for the DRC conflict for several reasons, the most obvious of which is that this regional violence cannot be generalised as pure resource conflict. Frequently, the roots of such a struggle are attributed to resource wealth but the acquisition of this wealth reveals much more damning roots. Edward Azar, the academic behind the Theory of Protracted Social Conflict, notes that the tendency to divide conflict issues into subcategories such as politics, economics, and psychology ultimately produces inadequate solutions and can draw a conflict out. Instead, he suggests that each subcategory should be considered as elements of an inclusive web of issues, which may be addressed from various points but should not be disentangled (Ramsbotham and Miall 2011:100). Therefore, overemphasising private sector solutions and the subcategory of conflict minerals poses the risk of overshadowing the other key issues of the conflict. Outside of the contest for natural resources there are three primary challenges to peace: poor governance, ethnic tension, and geography, which can all be viewed as subcategories within the larger web of conflict.

Civil unrest in the DRC can be traced to a host of state problems. In many cases this turmoil is linked to the fact that resource wealth 'is closely associated with poor governance, clientelism, and the absence of a social contract between ruler and ruled' (Gilpin and Downie 2009:2). Professor Willy Vangu, a member of the DRC opposition party, recently supported the implementation of new policy tools and an end to international aid. In June of 2012 he spoke before the UK parliament at a conference entitled 'Secret Mining in the Congo' in order to endorse a policy of 'keep your aid but stop the raid.' His message highlighted

conspiracy between the Congolese government and the exportation of resources way below cost from the Congo to foreign shell corporations.[1] He noted that such practices are in violation of the IMF's loan agreement covenants, such as publishing all mining contracts, offering all public sales through public tender, and establishing an independent anti-corruption body (Vangu 2012). The IMF agreed with Professor Vangu and cut approximately $240 million from loans to the DRC because it failed to publish its mining contracts (Al Jazeera 2012c). Vangu's belief that ethical business is more important than aid is reflected in his claim that the DRC 'stands to lose more than $5.5bn (£3.6bn) of natural assets and future revenue through secret sales' (Goodley 2012:30). The DRC government has blatantly absorbed and misallocated funds time and again, demonstrating that poor governance and clientelism are root causes of instability. In September of 2012, $15 million allocated towards the Congolese military mysteriously disappeared (Al Jazeera 2012c). The tendency to leave development in the hands of NGOs and to facilitate these objectives with multilateral aid has not proved sufficient in combating the exploitation of DRC resources or in breaking the cycle of poverty and subsequent conflict that plagues the nation. All mining practices and financial flows must be brought to light if there is any possibility of ending the cycle of exploitation. Filtering business practices through the DRC government is obviously not the solution for bettering the lives within the DRC's communities, but this is the present goal of many ICT companies since this would allow them to claim they are sourcing conflict-free minerals.

In addition to these political roots, the conflict has ethnic dimensions. The multiple groups that have developed across the region take advantage of 'ethnic networks [believing that they] may provide security for their members in the absence of a capable state' (Nest 2011:50). For example, M23 is frequently described as being ethnically Tutsi. These ethnic associations have entrenched racial and cultural animosities, and while scholars can argue over whether these groups are driven by greed or grievance, the fact remains that cyclical violence has created generations with their own unique grievances. Overall, the war is

1 Shell corporations facilitate business transactions but do not have their own significant assets or operations. These companies can be associated with fraud as they are frequently utilised in tax avoidance.

not due to greed *or* grievance; rather, it is greed *and* grievance (Mac Ginty and Williams 2009:32). The greed of neighbouring countries intensified the conflict within the mineral rich regions of the DRC and gave rise to groups such as the Mai Mai who developed a grievance that 'their' resources were being plundered; in response they performed atrocities that were themselves grievance inspiring. The generations of ethnic animosity now stretch back beyond a time when many people can remember why the conflict began; instead they remember only a personal history of what group wounded them. This conflict evolution engrains the cyclical occurrence of violence. Once the government establishes sovereignty over the mines, the mining corporations will be called upon to employ CSR policies when considering who will work there and how the wealth will filter through the communities. If an ethnic group feels excluded from economic participation, then the conflict's roots have not been addressed.

A third catalyst of the conflict is geographic. In a regional sense the DRC is hindered by a continental trade problem that limits the development of domestic markets. Inadequate infrastructure results in the exportation of goods from Africa without the intra-continental trade that is seen in other parts of the world (The Economist 2013). As the second largest country in Africa, the DRC's infrastructure is wanting and the power vacuum in the eastern region of the DRC has allowed rebels to gain footholds on these communities while seeking alliances with eastern neighbours such as Rwanda. The deprivation of these human needs on account of geography and the ethnic diversity therein frequently compounds protracted conflicts in Africa and can be attributed in part to the continent's colonial legacy (Ramsbotham and Miall 2011:101). The DRC capital, Kinshasa, is located in the far western part of the country, separating it from the east by dense forests and few access routes. This has exposed the area to foreign settlement and has contributed to the creation of disfranchised minorities without access to state support. Settlement by different ethnic groups from Uganda and Rwanda, especially following the Rwandan Genocide, has increased the diversity of those who consider themselves to be Congolese, entitled to Congolese land, and desirous of access to Congolese politics. If MNCs could develop businesses within the DRC they could aid in infrastructure creation, but they would be undertaking tremendous risk in establishing facilities in a conflict area. The risk is doubled when you consider how the state does not

enforce property rights. Whether or not a corporation undertakes such risks becomes a matter of CSR strategy. The successful creation of facilities would benefit the involuntary stakeholders in the region and corporate profit as the MNC establishes direct access to resources.

Failure of the private sector panacea

Private sector peacebuilding cannot address the roots of state deficiencies in the long-term as excessive involvement in state affairs could further weaken government and cause new conflicts by challenging state power. To gauge the meddlesome potential of a social initiative, the MNC must ask whether its actions in a conflict zone make a democratic commentary (Bais and Huijser 2005:22–23). Parallel to this concern, as we have already seen, is the potential for MNC investments to sustain repressive regimes; it is all too clear that favouring the DRC government mines over the rebel mines does not actually mitigate the mismanagement of funds or the occurrence of war crimes. Companies could become ensnared in host state scandal while doing something as simple as maintaining their facilities, especially if these facilities are targeted by the conflicting parties (Deitelhoff et al. 2010:210).

At the present moment, CSR is likely to fail as a peacebuilding tool in the DRC because of numerous governance prerequisites that are missing from the post-conflict equation. The DRC has not created an environment where the social strategy of business would be enough to change the course of its cyclical violence because of pervasive corruption, collusion, and perceived ethnic tensions. Emphasising improvements in economic development are appropriate because the DRC is combating tremendous post-war economic challenges including Dutch Disease,[2] offshore accounts, and vulture funds.[3] Economic exclusion

2 Dutch Disease refers to the economic relationship between natural resource exploitation and other parts of the economy such as agriculture and manufacturing. As the natural resources are overemphasised, other sectors of the economy tend to decline.

3 Vulture funds are investments in debts where default is considered inevitable. A UK court recently ruled against FG Hemisphere's vulture fund collection from the DRC, but critics remain sceptical of whether this debt forgiveness will benefit the Congolese people. Either way it demonstrates an international acceptance of the need to maintain wealth in the DRC that can be used for infrastructure and other social developments. See Joyce 2012.

and the denial of basic needs because of this corruption are at the heart of protracted conflicts (Ramsbotham and Miall 2011:101). Today, these hurdles are compounded by the fact that the violence is worsening across the DRC's eastern region.

Collaborating to move forward

The emphasis on the ICT industry and the analysis of conflict mineral supply chains seem like a logical point of conflict intervention until we scrutinise the history and governance of the DRC. Groups such as Raise Hope for Congo target prominent corporations such as Apple to raise awareness and force consumers to consider their culpability as stakeholders. One of Raise Hope for Congo's programmes, the 'Conflict-Free Campus Initiative', urges college students to persuade their schools to commit to purchasing electronics that contain no conflict minerals. Purchasing these electronics may have contributed to the armed resource struggle, but products such as the iPhone, which was first produced in 2007, cannot account for initiating this ongoing Central African War that began in 1996. Just as Edward Azar warned, overlooking the roots of the DRC violence, including poor governance, ethnic tension, and geographic alliances, will perpetuate the conflict. Overemphasising corporate social responsibility isolates one aspect of conflict from a web of issues. However, CSR should not be totally disregarded; it is apparent that the best hope for stabilising the region and moving towards a lasting peace will be achieved in cross-sector collaboration.

The corporations that have been most successful in adopting CSR strategies have sought out these cross-sector associations. In the past two decades businesses, NGOs, and governments have been operating within a new 'collaboration zone' (Wales et al. 2010:45). This triple-helix allows experts to share knowledge across these three sectors. The interconnectedness of these approaches 'reminds the academic and political debates that sustainable peace building is essentially an exercise in state building, in which the private sector can – and is willing to – complement efforts but in which states remain the principal actors' (Deitelhoff et al. 2010:224). Companies benefit from NGO resources such as credibility, cognitive capacities, connections, and capacity of confrontation (Berlie 2010:24).

Likewise, the NGOs gain access to company resources of cash, cognitive capabilities, connections, and capacity to change (Berlie 2010:38). When the NGO Raise Hope for Congo provided a CSR checklist for ICT companies, it was facilitating this collaboration. Expertise needs to be made more accessible across sectors and because people are the vessels of this specialised knowledge this collaboration and '[c]orporate responsibility will be advanced if more people switched between sectors during their careers' (Wales et al. 2010:145).

Countries and multilateral institutions are getting to the root causes of the conflict by working towards common goals, such as ending collusion between armed groups and neighbouring states. Many countries have withdrawn aid from Rwanda as a penalty for perpetrating violence in the eastern DRC and destabilising the DRC government's ability to focus on development. The UN's condemnation of Rwanda's financial support of armed groups persuaded Germany to suspend $26 million in aid to Rwanda, while the Netherlands suspended $6.1 million, Scandinavian countries suspended $38.9 million, and the US suspended $200 000 in military aid (Al Jazeera 2012b). If these measures can reduce the occurrence of armed violence in the DRC by forces loyal to Rwanda, there may be hope of preventing escalation.

In recent years there have been promising improvements in the collaboration between the private sector and NGOs. As multilateral organisations such as the UN continue to address the conflict in the Great Lakes region, the potential for peacebuilding is increased. All that remains is for the DRC to provide the good governance that will allow business to meet its full developmental potential. In 2009, the World Bank's Doing Business Project ranked the DRC at the bottom of the countries surveyed because the average business is subject to thirty-two separate taxes each year, which jeopardises their profitability (Gilpin and Downie 2009). If the private sector would become accountable, it would need to be more directly engaged in the DRC, but this is simply impractical since the state's current tax regime makes the country an undesirable place to invest. The ongoing conflict and misallocation of funds must be addressed by the state if MNCs are to have any hope of supplying the individual economic security, infrastructure, and market access that are essential to long-term peacebuilding.

Conclusion

The Democratic Republic of Congo was ranked last of all the 186 countries in the UNDP's Human Development Index (HDI) for 2012, which means that the United Nations considers the DRC to have one of the lowest living standards on earth. It is enduring a conflict that can at times appear insurmountable. But cross-sector collaboration and private sector peacebuilding are viable options. No matter how promising these initiatives appear, poor governance must first be addressed from within the state. The regional conflict has continually worsened despite interventions by multilateral peacekeeping forces, IFIs, NGOs, and MNCs, indicating that states remain the primary guarantors of security.

When the DRC is accountable and transparent, it can foster the partnerships it needs to address subcategories of conflict. Section 8 of UN Security Council Resolution 2053 established the UN's peacekeeping mission in the DRC while acknowledging these limitations. It supports the conclusion that the DRC must address its governance as the Congolese government 'bears the primary responsibility regarding the reform of its security sector' (The United Nations 2012). Fostering guilt among ICT stakeholders will not achieve peace in the Great Lakes region of Africa if their CSR policies are not supported by good governance. Mineral financial flows are a piece of the DRC's conflict web, but private sector solutions offer no panacea for the armed violence. State stability and grassroots solutions for civilian grievances must be the focus of the DRC's peacemaking operations. When the governance preconditions are met, the private sector can facilitate in the creation of economic security that will introduce businessmen to the posts where soldiers once stood.

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Reconciliation, conciliation, integration and national healing: Possibilities and challenges in Zimbabwe

*Oswell Hapanyengwi-Chemhuru**

Abstract

The attainment of independence by Zimbabwe in 1980 was accompanied by great hope as Mugabe enunciated a policy of National Reconciliation. Zimbabwe, in its current state is a country that, more than in 1980, is in need of reconciliation, social integration and national healing. This need arises from the colonial and post-colonial experiences of dehumanisation and brutalisation of segments of the populace in Zimbabwe. It is the intention of this paper to interrogate the need for reconciliation, social integration and national healing in Zimbabwe as well as the challenges and possibilities. The paper traces the earlier attempts at reconciliation in Zimbabwe, the successes and the challenges and what led to the present situation of extreme polarisation in Zimbabwean society. The paper further provides an assessment of current attempts at reconciliation, integration and national healing. Furthermore, the paper discusses some conceptions of reconciliation and integration and what appear to be necessary conditions for the success of any attempts at reconciliation, social integration and national healing in Zimbabwe.

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Introduction

While reconciliation, integration and national healing have a history as long as that of human existence, they remain very contentious issues. The meanings of the concepts, and the conditions of reconciliation, national healing and integration are as diverse as human communities that have had occasion to create conditions that are affirmative of human life, especially after conflict. It is therefore, the intention in this paper to presently explore the concepts of reconciliation and integration which are preconditions for national healing in post-conflict situations. The discussion of these concepts will be followed by an examination of what necessitates processes such as integration and national healing in Zimbabwe. In this paper it is argued that as pointed out by Bloomfield (2003:11) processes of reconciliation, integration and national healing should involve whole communities if they are to succeed, since it is 'entire communities who have to begin to reorient themselves from the adversarial, antagonistic relations of war to more respect-based relations of cooperation'. That is why it is necessary in the final analysis to reconstitute the Organ for National Healing, Reconciliation and Integration (ONHRI) in Zimbabwe.

The concept of reconciliation

That reconciliation is a complex concept is axiomatic (Bloomfield 2003:12). Bloomfield (2003:12) contends that the complexity emanates partly from its being 'both a *goal* – something to achieve, – and a *process* – a means to achieve that goal'. He further maintains that the complexity also arises from the fact that the process of reconciliation occurs in many contexts, for example, between husband and wife, offender and victim, between friends who have disagreed as well as between nations or communities that have fought. Therefore, there is always need to make clear the context in which one discusses reconciliation. Having made clear that his concern is with post-war/post-conflict situations, Bloomfield (2003:12) defines reconciliation as:

> ... an over-arching process which includes the search for truth, justice, forgiveness, healing and so on. ... it means finding a way to live alongside former enemies ... to coexist with them, to develop the degree of cooperation

> necessary to share our society with them, so that we all have better lives together than we have had separately.

Drawing from a line of reasoning similar to the above, Bloomfield (2003:3) earlier on argued that the basic definition of reconciliation then is 'a process through which a society moves from a divided past to a shared future'.

Closely related to the above views is Mawondo's (2009:3) position that reconciliation is 'a process that re-establishes love and understanding between two or more estranged parties'. He further argues that if reconciliation is to occur, what is important is that the initial cause of the conflict must be honestly and earnestly reappraised with a view to finding a genuine solution. Mawondo (2009:4) states:

> Instead of trying to avoid the causes of the conflict, reconciliation requires that all parties to the conflict must present their demands and that any proposed settlement should take into account these various demands.

Along the same lines of reasoning, Asmal, Asmal and Roberts (1997:46) argue that reconciliation is about 'facing of unwelcome truth in order to harmonise incommensurable world views so that inevitable and continuing conflict and differences stand at least within a single universe of comprehensibility'. Furthermore, it will involve 'getting used to living with each other' (Asmal, Asmal and Roberts 1997:46). What emerges from these definitions is that reconciliation necessarily involves uncovering the expectations of the combatants, followed by negotiation and compromise. Reconciliation therefore seeks to re-connect, to re-establish the harmony disturbed or destroyed by the conflict through arriving at a common understanding. This further implies that genuine reconciliation is always mutual. Thus, Asmal, Asmal and Roberts (1997:46–47) regard reconciliation as 'a shared and painful ethical voyage from wrong to right, and also a symbolic settling of moral and political indebtedness'. It follows, therefore, that reconciliation by its very nature involves a willingness to sacrifice, to take the risk of exposing oneself to possible danger, to be accommodative of each other's demands and expectations as well as to be prepared to forgo some prerogatives, and to surrender to some extent to the former adversary.

At the same time, all parties to the negotiation must feel that, in some way, their concerns have been addressed if the resultant reconciliation is to endure.

Having defined reconciliation, Mawondo (2009:3) further argues that there are two models of reconciliation:

1. Reconciliation with justice, and,
2. Reconciliation without justice.

He argues that the latter is bound to fail because it leaves structures of injustice in place; it ignores the causes from which the conflict originated. Since most wars are fought in the name of justice, reconciliation cannot succeed until justice is done or appears to be done. Mawondo therefore advocates the adoption of the former.

Van Binsbergen (1999:3) views reconciliation as 'a creative social act of rearrangement and re-interpretation' and the 'transformation of conflict' into peace. He views reconciliation as involving or leading to 'the reorientation of the everyday life of all group members concerned'. It is both a concrete moment and a process which once initiated needs to be sustained. This means that reconciliation requires cooperation of the parties involved in the creation of a new dispensation acceptable to all. Consequently, this implies the adoption of a shared vision for a collective destiny.

Van Binsbergen (1999:2) further argues that a necessary condition for reconciliation is 'the express recognition by the parties concerned, that there is a specific, explicitly expressed conflict'. He proceeds to argue:

> Reconciliation is only possible if the conflict is clearly and publicly discussed by those involved, and such discussion creates a clarity which may well have a beneficial influence on future relations, also because previously unexpressed contradictions have found an overt formulation which allows them to be taken into account much more readily in the social process (Van Binsbergen 1999:3).

So there is need for openness about the cause of the conflict, clarity about what is at stake and a willingness to work for the benefit of all. Furthermore, Van Binsbergen (1999:4) categorises reconciliation into:

1. One type that allows the 'conflict to simmer on, and as a result one of the parties involved still seeks a genuine termination of the conflict through the effective annihilation of the adversary', which in fact is no reconciliation at all, and,
2. Another type which involves or constitutes 'a total transformation of social relations'.

If we accept the categorisations by Mawondo and Van Binsbergen, it would appear that what occurred in Zimbabwe was reconciliation without justice – where one party sought to annihilate the other. What was desirable and to be cherished, however, was reconciliation with justice which would involve a total transformation of social relations. Indeed, Amadiume (2000:52) argues that social justice is 'both the ends and means of healing and reconciliation'.

We may add that true reconciliation, which is that accompanied by justice and involves the establishment of new social relations, also involves a genuine commitment to end the conflict from all the parties concerned. It has to be a product of genuine realisation and acknowledgement by all that continued conflict is detrimental to the well-being of all the parties involved in the conflict, and that in the end no one will profit from the continuation of the conflict. As a process, reconciliation is sustained through the renewal of effort to promote justice, peace and national healing. When genuine reconciliation takes place, the parties come together to agree that there is need to work together, to admit guilt for crimes, to cease hostilities, and to forge or chart the way forward. It does not involve glossing over the causes of the conflict, but it does involve honest and sincere commitment to the attainment of peace. It, of necessity, involves the acknowledgement of the wrongs of the past, preparedness to forgive, and the expression of a desire to forge new relations and a new direction for the interest of all. But the wrongs of the past can only be forgiven if the truth of the past has been revealed or is known. Indeed Soyinka (2000) argues that reconciliation goes with the truth while Mamdani (2000:182) argues that truth is a prerequisite for justice which facilitates reconciliation and national healing. It is only when we know the truth pertaining to us and the other that empathy is possible. It is also when we empathise with each other that the processes of integration and national healing become realisable.

The concept of integration

Just as in the case of reconciliation, the term integration is a contested one. Indeed, Jeannotte (2008) points out that other terms that have been used to refer to integration are social inclusion, social cohesion and social capital while de Alcántara (1994:5) identifies other terms as 'greater justice, equality, material well-being and democratic freedom'. In explaining the controversial nature of social integration, de Alcántara (1994:3) argues that there are at least three different ways of understanding the concept of social integration.

In the first instance, as if anticipating the Copenhagen Declaration, de Alcántara (1994:3) says integration can be understood in an inclusionary sense, where it implies equal opportunities and rights for all human beings. In this sense, integration 'implies improving life chances'. In the second instance, integration can be understood as 'a negative connotation, conjuring up the image of the unwanted imposition of uniformity' (de Alcántara 1994:3). In the third instance, it does not carry either the positive or negative connotations because it 'is simply a way of describing the established patterns of human relations in any given society' (de Alcántara 1994:3).

While pursuing the first sense of integration, the second sense can be avoided by acknowledging cultural diversity so that there is no imposition of uniformity. In fact any imposition of unity would militate against social integration. It militates against searching for ways that would foster common identities and a common destiny that obviates the need to resort to violence. However, what needs to be realised is that, to some extent, any process of social integration implies disintegration of existing systems of social relations of societies that are being integrated into a new society. In other words, any birth of a new society will necessarily be painful as some of the cherished beliefs, attitudes and ideals will have to be discarded in the birth of this new community. This is especially the case given that the need for social integration calls for an interrogation of the concrete networks of existing social relations and institutions that need transformation.

Basil Bernstein (quoted in Harley 2010:n.p.) defines integration as 'what binds or keeps people together – although they may have differing interests and outlooks –

in a particular society'. What binds the people is the realisation of the need to live together. In this sense, integration is closely related to reconciliation. Indeed the Copenhagen Declaration on Social Development describes integration as:

> ... the process of fostering societies that are stable, safe and just and that are based on the promotion and protection of all human rights, as well as on non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and participation of all people, including disadvantaged and vulnerable groups and persons (Jeannotte 2008:6).

The above discussion leads us to the view that integration, as far as it is a process of solidifying human relations, becomes complementary to reconciliation. We therefore discuss conditions that have made and continue to make reconciliation, national healing and integration imperative in Zimbabwe.

Conditions that make reconciliation, integration and national healing necessary in Zimbabwe

Before 1980, Zimbabwe experienced an exigent war of liberation. During the colonial epoch, the colonial administration passed such legislation as the Land Apportionment Act (1930), which alienated land from Africans and apportioned it along racial lines. This piece of legislation was buttressed by the Land Husbandry Act (1951) and the Land Tenure Act (1969) which cemented land alienation from the Africans. The nature of the Lancaster House Agreement (1979) that brought independence to Zimbabwe was such that the land alienated from the Africans during the colonial era through the afore-mentioned legislation remained with those who had unjustly seized it, claiming the right of conquest at the onset of colonial subjugation. Economic and gender inequalities remained as they were throughout the colonial era, where the majority of the people, and particularly women, remained dispossessed and poor and a few whites continued to wield economic power. In addition, compared to 1 000 whites who died during the liberation struggle, some 80 000 Africans perished either through being shot, hanged, tortured or simply being made to disappear by the colonial regime while women were abducted, sexually abused and mass raped. Some 450 000 Africans were wounded. Others were displaced (De Waal 1990) while still

others were detained (Catholic Commission on Justice and Peace, CCJP, 1997). The Smith regime had employed such tactics as 'Operation Turkey' which involved the destruction of African crops in rural areas with the intention of starving the guerrillas (CCJP 1997:13). All these developments resulted in a fractured society in Zimbabwe. It was therefore under these circumstances that it was deemed necessary to initiate a process of national reconciliation immediately after 1980. It would appear, however, that, then, the idea of national healing and integration had not been fully conceptualised.

Furthermore, it would appear that immediately after independence relations between the former liberation movements were uneasy. Indications were that ever since the Zimbabwe African National Union (ZANU) split from the Zimbabwe African People's Union (ZAPU) there was always an uneasy peace precipitous of war between the two liberation movements. Even during the liberation struggle there were minor skirmishes between them, and even among their supporters. In an attempt to foster National Reconciliation in 1980, Mugabe offered Nkomo, the leader of ZAPU, the Presidency of the country, which he rejected. This did not augur well for the process of nation building in the country. It was no surprise therefore that on 9 November 1980 fighting briefly broke out between the former Zimbabwe African National Liberation Army (ZANLA) and Zimbabwe People's Revolutionary Army (ZIPRA) elements of the Zimbabwe National Army (ZNA) at Entubane near Bulawayo. The situation was exacerbated by the discovery of arms caches on ZAPU PF (Patriotic Front) properties in 1982. This led to the expulsion of ZAPU PF members from the coalition government and the arrest and imprisonment of their leaders. This precipitated civil war in parts of the Midlands and Matabeleland provinces between 1982 and 1987. It created tension among blacks of different ethnic groups in these provinces as there were accusations that both members of the Zimbabwe National Army and the dissidents committed atrocities against the civilian populations in the war zones. These atrocities were in the form of arrests, torture, murder, sexual harassment of women, rape and intimidation. It was therefore the civilian population that bore the brunt of the civil war. In urban areas there were claims that ZAPU supporters were harassed while their properties were destroyed, especially during the 1985 elections (De Waal 1990). The fighting was to end

with the signing of the Unity Agreement between ZANU PF and ZAPU PF on 22 December 1987. This experience now necessitated the process of reconciliation between the two combatants and among those that supported them.

The parliamentary and presidential elections of 2008 present another scenario that makes reconciliation and national healing and integration immediately called for in Zimbabwe. When the first round of elections took place, there was unprecedented calm, freedom and peace both during the campaign period and the election process. However, when there was no clear winner of the presidential elections, the campaigning for the second round of election became messy as the two candidates were desperate and determined to win at all costs. There were reports of violence, intimidation, torture, murder, arbitrary detentions, disappearances and maiming, forcing one of the contestants to pull out of the race, ostensibly to save his supporters from persecution. Those who were deemed to have voted for one of the candidates were beaten up, and some were disfigured and had their properties seized or destroyed. Some had their limbs cut off. It is these developments that necessitated talk of reconciliation and national healing in Zimbabwe after the establishment of a Government of National Unity. The government of Zimbabwe responded by establishing the Organ on National Healing, Reconciliation and Integration (ONHRI). However, this appears to be a futile exercise fraught with many challenges.

Attempts at reconciliation

But how were these addressed? Immediately after the attainment of independence, Mugabe, the Prime Minister of the new republic, enunciated a policy of National Reconciliation thus:

> Surely this is now the time to beat our swords into ploughshares so we can attend to the problems of developing our economy and our society… I urge you, whether you are black or white, to join me in a new pledge to forget our grim past, forgive others and forget, join hands in a new amity, and together, as Zimbabweans, trample upon racialism, tribalism and regionalism, and work hard to reconstruct and rehabilitate our society as we reinvigorate our economic machinery (De Waal 1990:46).

And again:

> Finally, I wish to assure all the people that my government will strive to bring about meaningful change to their lives. But everyone should exercise patience, for change cannot occur overnight. For now, let us be united in our endeavour to lead the country to independence. Let us constitute a oneness derived from our common objective and total commitment to build a great Zimbabwe that will be the pride of all Africa. Let us deepen our sense of belonging and engender a common interest that knows no race, colour or creed. Let us truly become Zimbabweans with a single loyalty (De Waal 1990:47).

Mugabe further proclaimed:

> As we become a new people we are called to be constructive, progressive and forever forward-looking, for we cannot afford to be men of yesterday, backward-looking, retrogressive and destructive. Our new nation requires of every one of us to be a new man, with a new mind, a new heart and a new spirit. Our new mind must have a new vision and our hearts a new love that spurns hate, a new spirit that must unite and not divide. This to me is the essence that must form the core of our political change and national independence.
>
> Henceforth you and I must strive to adapt ourselves, intellectually and spiritually to the reality of our political change and relate to each other as brothers bound one to another by a bond of national comradeship. If yesterday I fought you as an enemy, today you have become a friend and ally with the same national interest, loyalty, rights and duties as myself. If yesterday you hated me, today you cannot avoid the love that bonds you to me and me to you. Is it not folly, therefore, that in these circumstances anybody should seek to revive the wounds and grievances of the past? The wrongs of the past must now stand forgiven and forgotten. If ever we look to the past, let us do so for the lesson the past has taught us, namely that oppression and racism are inequalities that must never find scope in our political and social system (De Waal 1990:48–49).

Assumed in Mugabe's call was the desire and commitment of all the citizenry to work together and the sharing of a common destiny, a common vision and conviction that 'the principle of reconciliation has got to permeate society' (Shamuyarira, Kumar and Kangai 1995:35). Castigating any thought of reprisal against the erstwhile oppressors, Mugabe proceeded, 'I have drawn a line through the past …. I want people to believe in my policy of reconciliation and to respond accordingly' (Fuller 2002:n.p.). But was there such a common vision? This was the first challenge as impediments to the acceptance of this invitation were already present in the form of the socialist ideology that the new government adumbrated. That ideology was naturally perceived as a threat by the white community who formed the elite and were the owners of the means of production that socialism threatened to confiscate and nationalise. So, there were clear ideological differences which were bound to create mistrust between the socialist oriented nationalists and the capitalist settler farmers and industrialists. Was it not therefore probable that the owners of the means of production would have perceived the call to reconciliation as a ruse, at least in the early days? So the call to unity of purpose under the circumstances was met with scepticism.

As we have noted above, Mawondo (2009) argued that reconciliation in Zimbabwe was without justice as relations that obtained during the colonial period remained intact. The wrongs of the past were not righted. The land alienated from the Africans remained in the hands of those who used the right of conquest to unjustly acquire it. Economic inequalities remained as during the colonial era where the majority of the people remained dispossessed and poor, and a few whites continued to wield economic power. Yet, as Hapanyengwi-Chemhuru (2002) argues, among other things justice in Zimbabwe required a radical redistribution of land to the previously dispossessed if reconciliation was to succeed. It would appear therefore that in the absence of an honest reappraisal of the real cause of the war – in the first place – land hunger among the Africans, the chances of reconciliation succeeding were compromised from the very beginning. To the African majority, this policy was a betrayal of the ideals of the liberation struggle.

Another flaw in the policy of National Reconciliation was that it was a victor's declaration in which people was asked to forgive and forget the past.

There was no reciprocation from those who were being divested of political power. There is no evidence that whites in Zimbabwe shared the realisation of the need for reconciliation. In fact, to them, they had never viewed Africans as equals. They never acknowledged any wrongdoing. There was therefore no re-conciliation. In fact, this prompted Siziba (2000) to argue that:

> The whites read in the policy a desperate attempt by a nationalist government, to keep whites in this country at all costs. A sense of arrogant indispensability developed among the whites.

As a result of this reasoning, there was no reciprocation of the policy of reconciliation from most members of the white community. Indeed, De Waal (1990:122) argues that 'the former white settlers have had little incentive to change. The life-style of the upper-middle-class whites with financial resources and professional protection, in particular, has remained remarkably secure'. He further observed: 'They tend to think that nothing is required of them, that they do not have to make much effort to alter their attitudes'. As a result there were many unanswered questions in the areas of racial and economic equity. It was these conditions that put the policy of national reconciliation in jeopardy from the very beginning.

In the case of the civil war in the Midlands and Matabeleland provinces, which is known as Gukurahundi, very little has been done by way of reconciliation and integration. Mugabe has described it as a moment of madness. As we noted above, as early as November 1980, there was military confrontation between ZANLA and ZIPRA forces at Entubane. Fighting broke out again in February 1981, this time spreading to Ntabazinduna and Connemara in the Midlands province. This resulted in over 300 deaths (CCJP 1997:7). Ironically, it was the Rhodesian Army elements that intervened to stop the fighting between the erstwhile liberation war allies. When civil war broke out in Matabeleland and Midlands provinces, some of the ZAPU elements believed they could win and lead to the secession of Matabeleland from Zimbabwe. The government of Zimbabwe responded by deploying the Korean trained 5th brigade to the affected areas to restore order. Thousands of people who disappeared remain

unaccounted for. There is virtually no debate on this issue which is very sensitive in Zimbabwe (Machakanja 2010).

The death of the policy of National Reconciliation in Zimbabwe

Due to the land hunger among the people in Zimbabwe, in 2000, a few landless Africans occupied a farm owned by a white farmer. This triggered the fast track land redistribution programme known as the Third Chimurenga. The ZANU PF government fearing to appear to frustrate land hunger went on a spree to confiscate land from white farmers. This process was and still is characterised by chaos. Violence was and has often since been used to acquire land from the white farmers. The challenge is how to sanitise land acquisition and redistribution as the ruling class is looking after its interests ignoring the interests of the other classes which remain land hungry.

With reference to the pre-election and post-election violence in Zimbabwe, not much progress has been made to reconcile those who were involved, and Zimbabwe remains a fractured society. While the government established the Organ on National Healing, Reconciliation and Integration, this organ is composed of members from the political parties involved in the skirmishes who are themselves not so clean in terms of their utterances. One questions the wisdom of entrusting the process of national healing and reconciliation to partisan individuals. How does reconciliation occur where one can see that the individual who burnt one's property does not show any remorse? How is one expected to reconcile with someone who still holds on to property he unjustly grabbed? How does one reconcile with any individual who cut off one's limb? How do people reconcile with those who committed atrocities, but have not, and will not acknowledge that what they did was wrong, or with those who believe that anyone who thinks differently needs 're-education'?

In Africa we are born into families, into clans, into ethnic groups and into communities. This has a bearing on who we are as we do not have individual identities but communal identities. According to African logic, 'guilt is collective', argues Amadiume (2000:52). If you kill someone, you do not offend that person;

you offend the family, the clan and the community of that individual. It is to these that the murderer has to pay to pacify the spirit of the murdered. If the murderer is apprehended and the courts find him/her guilty or not, that does not put the matter to rest. In the case of loss of life, reparations have to be paid otherwise any attempts at reconciliation would be futile. In support of this, Amadiume (2000:52) further points out: 'It is a modern arrogance to assume that the courts are instruments of healing'. So, given that in the harmonised 2008 elections and indeed in the Gukurahundi, people were killed and the perpetrators are known, how then, can justice be achieved without *kuripa Ngozi* (pacifying the spirit of the murdered)? Many of those who believe in the power of memory have reduced the Gukurahundi to inter-ethnic conflict between the Mashona and the Matabele with its roots in the pre-colonial period in Zimbabwe.

Indeed, in discussing inter-ethnic conflict, how far back should our memory go? Soyinka (2000:21) has posed the question elsewhere, 'How far into the recesses of the past? How far into the past should memory reach?' Deng (2000:188) argues: 'We have the tendency to begin the history of our crises with colonial intervention. This tendency is now being questioned, particularly because it connotes denial of responsibility and placing blame on other'. It is important to understand why things are as they are. This is complicated by the realisation that memory defies confinement in time and space. Thus in dealing with Gukurahundi, it has been suggested that if we want to discuss inter-ethnic atrocities, we cannot ignore the pre-colonial era in which the Matabele are claimed to have used the Mashona as their hunting grounds. Indeed, Asmal, Asmal and Roberts (1997:11) argue: 'The exercise of facing the past is no mere luxury or optional extra. [It]... is ... a cornerstone of reconciliation' based on 'an historically accurate picture of the past'. While this may appear to open a can of worms, a part of our history that we would rather forget, Soyinka warns against 'editing out' atrocities perpetrated by Africans against one another – that is, if it is necessary to know the truth and come to terms with it. So, it can be argued that the fact that the Matabele raided the Mashona in pre-colonial time is an historical reality. But what this does, is to create a further challenge to the process of national healing, reconciliation and integration. We concur with Huyse (2003:23) when he argues that 'silence and amnesia are the enemies of justice'.

Be that as it may, the further challenge is that the Matabele state is no more. There is no Matabele state to hold accountable for atrocities against the Mashona. At the same time the Matabele were to fall victims to conquest and subjugation by the imperial forces under Cecil John Rhodes. Under these circumstances, can we obliterate that part of our history that tends to be divisive? Perhaps this is what should be done in the absence of an entity that can be held accountable. Or can those who are calling for reparations and apology from those in authority also first acknowledge the wrong done to the Mashona? Whatever answers are given to the above questions, what is clear, as pointed out by Bloomfield (2003:12), is: 'Reconciliation [and we might add, integration and national healing] is not a luxury, or an add-on to democracy. Reconciliation is an absolute necessity'. This is especially true if we accept that effective reconciliation is the best guarantee that the violence of the past will never occur again. Unfortunately, currently, it would appear that the process of reconciliation is in need of resuscitation.

Towards national healing, reconciliation and integration

What is clear in Zimbabwe is that victims of the liberation struggle and Gukurahundi as well as of the election periods, especially the 2008 ones, have not told their stories. The truth remains hidden or is told from the perspective of those that have power. Rosenberg, quoted in Huyse (2003:26), warns:

> If the victims in a society do not feel that their suffering has been acknowledged, then they ... are not ready to put the past behind them. If they know that the horrible crimes carried out in secret will always remain buried ... then, they are not ready for reconciliation.

Then the truth is one-sided and distorted. As a result the wounds remain open. While during the colonial era the divide between the haves and the have nots was on the basis of race, now this has been complicated by the fact that it is also now on the basis of class. The rich are the ruling elite; these are the people who have acquired the land for themselves in the name of the poor. Most of those who had no land during the colonial era have remained landless and poor, eking a living from tired, sandy, and dry soils. At the same time land acquisition has assumed a racial character. How then can we achieve reconciliation?

What will be the basis of this reconciliation? Can we even discuss national healing? On what basis? From the fractured society that characterises Zimbabwe, how can we build an integrated society? What then are the possibilities under the circumstances? How can we remove the high levels of political polarisation that characterise Zimbabwe today?

Machakanja (2010:12–15) identified twelve conditions or factors that need to be in place if reconciliation, national healing and integration are to succeed in Zimbabwe. These are:

i. Legislative reform,
ii. Political will,
iii. Transformative and restorative justice,
iv. Civil society engagement,
v. Consensus building,
vi. Truth telling,
vii. Education for national healing and reconciliation,
viii. Research on trauma and grief,
ix. Counselling for trauma and grief,
x. Special healing places and community intervention programmes,
xi. Memorialisation and ritualisation, and
xii. Funding.

On the other hand, Huyse (2003:23) contends that four mechanisms need to be put in place if reconciliation, national healing and integration are to succeed:

i. Healing the wounds of the surviving victims of conflict and violence,
ii. Restitutive or restorative justice,
iii. Historical accounting via truth telling, and
iv. Reparation of the material and psychological damage inflicted on the victims of conflict or violence.

While we concur with Machakanja and Huyse, we want to add and argue that the first major possibility of reconciliation, national healing and integration lies in the identification, formulation and utilisation of the philosophic-cultural heritage of Zimbabwe. There is need for culturally rooted responses to the challenges of reconciliation, national healing and integration. Hence, the

philosophy of *hunhu/ubuntu*, with its emphasis on a common humanity, on recognising that we affirm our humanity through the affirmation of the humanity of others creates fertile ground for reconciliation, national healing and integration. *Hunhu/ubuntu* enjoins us to be conscious that we cannot degrade other human beings without degrading ourselves. It makes us aware that the fact that we share the geographic space called Zimbabwe ties our destinies together. The sooner we realise the need to forge a common identity, the sooner we will take steps to achieve reconciliation, integration and national healing.

But national healing, reconciliation and integration cannot be achieved by burying our heads in the sand. Memory, as we have seen, defies confinement to space and time. Indeed Bloomfield (2003:14) argues: 'Seeking for accuracy about the past is a vital step in the reconciliation process'. We need to heed Santayana's (quoted in Huyse, 2003:30) warning that '[t]hose who cannot remember the past are condemned to repeat it'. We share Huyse's (2003:30) view that amnesia is an obstacle to reconciliation because it:

- denies victims of conflict the public acknowledgement of their grief,
- encourages offenders to follow the route of denial of their culpability, and
- robs future generations of the opportunity to draw lessons from the past that would enable them to engage in reconstructing lasting reconciliation.

Thus, once memory is invoked, retrospective apologies become imminent. The unpalatable past experiences have to be confronted and accounted for. Hence, Bloomfield (2003:15) further argues:

> Such reflection on the past is as necessary as it is painful because a divided society can only build its shared future on its divided past. It is not possible to forget the past and start completely afresh as if nothing happened.

The past should be confronted. Atrocities of the past have to be acknowledged and reparation has to be made since there can be no healing without justice. Indeed, Soyinka argues that reparations do not have to be material. But there are cases where material reparations and restitution are unavoidable. For example, if one is to reconcile with a person who stole one's cattle, and still holds on to them, reconciliation can only occur when that person returns one's cattle and shows

genuine remorse that issues out of a realisation that what he/she did was wrong and that the person he/she offended is also a human being. It is when there is genuine contrition that forgiveness, which is a prerequisite for reconciliation and integration, is possible. Again, if one killed a person, restitution as required by African tradition in the context of *hunhu/ubuntu* is imperative since western justice falls short of African justice. But how do we go about all these steps needed to facilitate national healing, reconciliation and integration?

Zimbabwe's Organ for National Healing, Reconciliation and Integration (ONHRI) presents a golden opportunity to rethink national healing, reconciliation and integration. Its mandate is indeed to establish 'a mechanism for national healing, cohesion and unity and laying the foundation for a society characterised by mutual respect, tolerance, and development and where individuals enjoy the freedoms as enshrined in the Constitution' (United Nations Development Programme Zimbabwe 2011). A product of the Global Political Agreement, ONHRI has attempted to come up with a code of conduct that will hold political parties accountable for political violence perpetrated by their supporters. The aim is to instil discipline among political parties and promote tolerance for different political ideas and in the process break the cycle of politically motivated violence (Gande 2011; Chinoputsa 2012). One major problem with ONHRI, currently, is that it has no means of enforcing its code of conduct for political parties.

We also wish to point out that another major problem is with the constitution of the ONHRI itself. It is made up of members from the political parties that have been fighting and that continue to fight each other. Sekai Holland as co-chairperson is a Movement for Democratic Change Member of Parliament while John Nkomo who is also one of the vice-presidents was from ZANU PF. Mzila Ndlovu is a Movement for Democratic Change Minister. It is like picking players in a football match and making them referees to the match that they are playing while the victims remain spectators of activities and processes in which they should be participating. This simply does not work, as Huyse (2003:23) observed that for reconciliation to succeed, both victims and perpetrators of conflict and violence have to be at the centre of reconciliation, national healing and integration activities. What is required then is to reconstitute the ONHRI

to include civic society, academics, traditional leaders (who would need to be re-educated about their proper role in community where they have to shun partisan politics), religious leaders and representatives of the private sector. This process cannot be led by political parties if it is to succeed.

To neglect education in the process of national healing, reconciliation and integration would be irresponsible. Education for national healing, reconciliation and integration would seek to develop an appreciation of differences and diversity and an acceptance that others have their own history, traditions and spiritual values. It creates an awareness of interdependence and a common destiny. There should be a deliberate adoption of 'education for reconciliation' targeting all learners. It would be an education for *hunhu/ubuntu* emphasising human dignity, respect, equality, peace, justice, tolerance, and fairness. It would be an education that would equip learners with conflict management skills.

Conclusion

Once ONHRI is reconstituted, what then is needed is to empower ONHRI and widen its mandate to include all kinds of political atrocities that Zimbabweans have perpetrated against one another. The terms of reference it currently has, as reflected in the annual work plan produced in 2011, are not going to lead to national healing, reconciliation, social justice, and integration as long as they do not actively engage the populace (Office of the President and Cabinet 2011) and as long as they are not based on a solid philosophical base. ONHRI has to engage victims as well as perpetrators of violence at all levels of society, especially at grassroots level where most of the violence has taken and is still taking place. It has to be informed by the philosophy of *hunhu/ubuntu* which has the potential to foster humane relations among Zimbabweans. Perhaps the Zimbabweans can benefit from studying the South African model of the Truth and Reconciliation Commission, which has been characterised as reconciliation and truth without justice, the experiences of Rwanda which has been characterised as justice without reconciliation, and the experience of Biafra which has been characterised as having no healing. In other words, social justice, national healing, reconciliation, establishing the truth and integration are all aspects of creating a community that is at peace with itself.

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Voting and violence in KwaZulu-Natal's no-go areas: Coercive mobilisation and territorial control in post-conflict elections

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Abstract

Post-conflict elections have become an important tool of international conflict resolution over the last decades. Theoretical studies usually point out that in war-to-democracy transitions, military logics of territorial control are transformed into electoral logics of peaceful political contestation. Empirical reality, however, shows that the election process is often accompanied by various forms of violence. This paper analyses post-conflict elections in war-to-democracy transitions by comparing support structures for conflict parties as well as their coercive mobilisation strategies in times of violent conflict and post-conflict elections. It does so through a single case study of KwaZulu-Natal. This South African province faced a civil war-scale political conflict in the 80s and early 90s in which the two fighting parties – the African National Congress (ANC) and the Inkatha Freedom Party (IFP) – used large-scale violence to establish and protect no-go

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areas of territorial control. This study finds that in the first decade after South Africa's miraculous transition, these spatial structures of violence and control persisted at local levels. Violent forms of mobilisation and territorial control thus seem to be able to survive even a successful transition to democracy by many years. Measures to open up the political landscape, deescalate heated-up party antagonisms and overcome geopolitical borders of support structures seem to be crucial elements for post-conflict elections that introduce a pluralist democracy beyond the voting process.

Introduction

Over two decades ago, a new instrument appeared in the toolbox of international conflict resolution: elections. As a central element of democratisation, elections were supposed to bring peace and a legitimate democratic regime at the same time. Expectations were especially high in the context of Huntington's 'third wave of democratisation' and theories of the 'liberal democratic peace'. However, scepticism about this practice became more and more pronounced as at second glance, the 'arranged marriage between peace and democracy' (Ohlson and Söderberg Kovacs 2009:165) seems to be full of contradictions.

On the one hand, empirical reality showed that elections in post-conflict environments are 'an exceptionally risky venture' (Reynolds and Sisk 1999:14, see also Mansfield and Snyder 2005). According to the Uppsala Conflict Data Program *Peace Agreement Dataset,* half of the peace agreements followed by elections between 1989 and 2004 resulted in violent conflict (Jarstad 2009:161). Elections thus do 'not appear to be an instrument for enhancing the durability of peace' (Collier, Hoeffler and Söderbom 2007:470). In addition to post-conflict risks, electoral violence accompanied around 80% of all elections in Africa (Lindberg 2006). On the other hand, theoretical considerations put the cure-all power of post-conflict elections into question. Elections are a highly competitive mechanism to distribute political power, and especially war-torn societies dealing with legacies of violence are vulnerable to the effects of such inclusive conflict resolution mechanisms (Höglund 2009; Reynolds and Sisk 1999). There are various incentives for armed groups turned into political parties to continue violent strategies in addition to parliamentary competition (Mehler

2007; Höglund 2008:83; Höglund, Jarstad and Söderberg Kovacs 2009:353; Laakso 2007; Dunning 2011). Furthermore, peace and democracy seem in some regards to be mutually exclusive goals (Jarstad and Sisk 2008). In short: post-conflict elections and violence stand in a complex relationship, and there is a 'policy need for improved knowledge on the role of elections in building peace' (Jarstad 2009:153).

While determinants for success and failure of post-conflict elections have been studied in detail through quantitative analysis,[1] a more distinguished perspective on the different qualities and the specific logics of post-conflict periods is only recently emerging (Höglund and Söderberg Kovacs 2010; Richards 2005; Mac Ginty 2008; Suhrke 2012). This study wants to add to scholarly knowledge on post-conflict elections in war-to-democracy transitions by comparing support structures for parties in conflict as well as their coercive mobilisation strategies in times of violent conflict and post-conflict elections. It thereby follows up on the often posed argument around post-conflict elections. Electoral strategies – so it goes – are the opposite of violent strategies. While in war configurations, violence seems to be the central mechanism to accumulate territorial control (and thus political power), democratic systems are said to support peaceful voter mobilisation for electoral competition. This study aims to give evidence for a revision of this view. It argues that support structures as well as strategies to maintain support from the population can be very similar in both settings. The findings presented here add to the recent scepticism towards post-conflict elections as an all-in-one cure against violent conflict.

The article employs a single case study of KwaZulu-Natal. This South African province faced a civil war-scale political conflict between the African National Congress (ANC) and the Inkatha Freedom Party (IFP) in the 80s and early 90s, in which a geographical jig-saw-puzzle of party strongholds was established by violence. Political support for one of the opposing parties became obligatory and strictly related to territory. Four rounds of mutually accepted post-conflict elections as well as four rounds of local elections forced the ANC and IFP into a regional power sharing configuration. After a theoretical introduction, this

1 For a comprehensive literature review, see Hug 2011.

case study will follow three steps: First, the establishment of these 'no-go areas' of coherent support will be illustrated, with an emphasis on the role violence played. Second, violence in relation to post-conflict elections shall be analysed to show how patterns remained very similar to the 'years of political conflict'. Third, the development of voting patterns in a number of former no-go areas in South Africa's post-conflict elections will be compared. Here too one can see that voting patterns continued to match with the power configurations maintained by the former 'patron' of an area. The last part discusses the consequences of these findings and draws conclusions for post-conflict peacebuilding.

Territorial control and voter mobilisation: Theoretical background

This paper argues that territorial control in times of civil war might show strategies of support mobilisation as well as geographic patterns of support very similar to those in the first decade of post-conflict elections. The relationship of violence, support and military control on the one hand, and of violence, voter mobilisation and post-conflict elections on the other, have been subject to previous theoretical work that shall be briefly presented here.

Territorial control is a main feature not only of conventional war, but also of civil war. It refers to military control in terms of successful defence against the intrusion of enemies, but also to a certain degree of political control. Territorial control means that 'an insurgent organization which controls a given area [...] operates as a counter-sovereign authority, a "counter-state". It provides protection, administers justice, collects taxes, and applies its social program' (Kalyvas 1999:295). A minimum of support from the civilian population is therefore a crucial condition for local warfare. Compliance can thereby be induced by fear through violence. But as Stathis N. Kalyvas' in-depth study, *The logics of violence in civil war*, of 2006 shows, (indiscriminate) violence against the population is a risky strategy because of its delegitimising effects. That is even more true in the shadow of elections: 'A rebel group that relies almost exclusively upon coercion to control territory is unlikely to be successful in the postwar electoral period' (Allison 2010:107). Hence, to get and maintain control

of a certain area, armed groups usually apply a dual strategy of contractual and coercive behaviour towards the residents (Metelis 2010:4–5). Territorial control in times of civil war is thus not merely a military business, but relies on support from the population.

In opposition to military logics, electoral logics appear to be characterised as a peaceful contestation in which 'ballots take the place of bullets' (Allison 2010:107). The electoral process is often seen as an alternative to violence and violence around elections is consequently regarded as incompatible with democracy (Chaturvedi 2005:189; Fischer 2002). But democratisation is by no means a genuinely peaceful process. Elections are a highly conflict-inducing political instrument:

> Elections, as competitions among individuals, parties, and their ideas, are inherently just that: competitive. Elections are, and are meant to be polarizing (Reynolds and Sisk 1999:18).

This stands contrary to the consensus-orientated aims of conflict resolution:

> The very nature of elections has the potential to instigate conflict... To win support, differences are emphasized rather than the common elements which bring people together (Höglund 2009:421).

The competitive nature and polarising effects of elections play a crucial role in post-conflict societies. Here the given starting conditions are a weak economy, weak state institutions, insecurity, a patrimonial system of loyalties along lines of polarised identities and a culture of violence entrenched in social behaviour (Höglund, Jarstad and Söderberg Kovacs 2009; Höglund 2009; Steenkamp 2005). These conditions, as well as the high stakes in post-conflict elections, make the use of violence as a competitive means much more likely than expected by many conflict resolution practitioners. Violence does not only directly prevent elections from being carried out in a free and fair manner, it can also provide a background setting of fear and intimidation that influences voting patterns.

This study focuses on electoral violence defined as acts or threats of physical harm or intimidation perpetrated to affect the results of elections. This definition is more limited than the ones commonly used (e.g. Fischer 2002; Höglund 2009;

Sisk 2008) to exclude violence employed to boycott the democratisation process (also known as 'spoiler violence'). Electoral violence as used here only refers to contexts in which the elections themselves are an undisputed mechanism of political contestation.

We can conclude that the 'military' logic of civil war and the 'peaceful' logic of post-conflict elections are surprisingly similar in that political power requires a minimum of support by the population. In times of war and after, armed groups have incentives to use violence as well as peaceful means of mobilisation to win this support. While in times of war the population's collaboration needs to be won to gain territorial control, in post-war elections their vote is the crucial factor. This assumption serves as the theoretical frame under which the following analysis will be conducted.

The theoretical model must be treated with care because it reduces highly complex actors to coherent rational entities with a general strategy. The empirical reality of civil war however tends to reveal an interwoven network of local-level conflicts underneath the 'master cleavage', and a larger variety of violent actors (see for example Kalyvas 2003; Autesserre 2010; King 2004). As we will see in the following, this is especially true for the case of KwaZulu-Natal (KZN) where the local level plays a central role in how violence is produced (Schuld 2012a; Benini et al. 1998; Krämer 2007). Although the party frame plays a crucial role in most of KZN's conflict narratives, it seems to make little sense to talk about the 'ANC's or IFP's strategy to gain political power' once we have a closer look into the complex network of local power struggles. An actor's 'strategy' as mentioned above does therefore not necessarily describe a group's coherent plan to reach a certain goal. It rather refers to the mechanism resulting from a whole variety of actors and their respective strategies that sum up to a seemingly concerted agenda. The 'rational-actor' approach thus remains a theoretical construction.

The violent establishment of no-go areas during political conflict in KwaZulu and Natal

South Africa's transition to democracy was marked by high levels of violence, peaking in the years after Nelson Mandela's release from prison in 1990.

The ANC as well as the apartheid government, between whom the roadmap towards a new political system was exclusively negotiated, both used a dual strategy of violence and political means to ensure that the new system would meet their respective interests. Especially black townships throughout the country faced violence in terms of sabotage acts, police repression and hit-squad activities on a civil war scale.

The area of what is today KwaZulu-Natal (KZN) was one of the hotspots of violence: of the estimated 25 000 people who died in the violent conflict between 1985 and 1994, as many as 15 000 were killed there. Violence in this region had its own dimension and dynamics. The ANC's liberation struggle against the apartheid system translated into 'black-on-black' violence between vigilantes of the conservative Inkatha party and ANC comrades. Inkatha (who turned into the Inkatha Freedom Party/IFP in 1990) governed the KwaZulu homeland and was initially aligned with the ANC apartheid resistance. In the late 70s the ideological distance between the two movements grew. Inkatha stood for independent traditional rule of a 'Zulu kingdom' as opposed to the ANC's struggle for a national democracy. In the wake of their growing antagonism, Inkatha increasingly collaborated with groups from the right side of the spectrum, like the various police units active in KwaZulu and Natal as well as the National Party, taking the role as a 'surrogate force' of the apartheid government to enforce order in the region (Aitchison 1993:234). The violent conflict for political control between the ANC and Inkatha became the dominant frame under which the plenitude of local groups (vigilantes, the United Democratic Movement, the Congress of South African Trade Unions and many others) as well as violent entrepreneurs (warlords, taxi companies, ethnic groups, gangs, self-defence and self-protection units) fought their local wars. Fatality figures from 'political conflict' did only drop as late as the end of the 1990s, but violence continued in many forms and areas (Schuld 2012a; 2012b).

Violence played a major role in the IFP's and ANC's efforts to gain territorial control, which was closely related to ideological support. In the late 80s, when large-scale violence broke out in the Durban townships and later in the Midlands, no-go zones were formed through strategies of eviction and forced recruitment. 'The general pattern of this time was that vigilantes attacked and areas defended

themselves' (Leeb 1988). Meer (1989) describes in detail how groups of Inkatha supporters armed with traditional Zulu weapons swept through residential areas, burning and stoning houses and beating up residents. In many violent incidents recorded in the Natal Violence Monitor, people were asked for their political affiliation, forced to sing songs of a certain party or simply threatened into leaving the area (see also Minnaar 1992a; Aitchison 1990). Recruitment campaigns were especially carried out at schools, from where male youth carried political alignments into the households (Bonnin 1997).

By the beginning of the 90s, neutrality had become impossible as being neutral meant being on the side of the enemy. Politically homogeneous areas emerged as people supporting other parties were driven out of the respective strongholds (Minnaar 1992a:5). In this way 'a geographic area would become associated with a particular political group' (Bonnin 1997:28). Coercive means to gain territorial control thus led to geographically coherent support bases in which structures of governance like taxation (on the ANC's side 'to support the armed resistance') and institutionalised people's courts were established. Violence was especially directed against the respective enemy. Bonnin (1997) describes how empty houses at the boundaries were patrolled by young men watching out for attacks. Township sections became inaccessible for people from the 'other side'. The geographic divide deeply affected people's daily routines. Taxi drivers crossing borders risked their lives (Kentridge 1990:36). Working across the road, loving a person from a different section, coming home from a birthday party after dark could mean death (Bonnin 2006). Although forced political affiliation turned out to be stronger in some areas than in others, by 1993 the region of what is today KZN had become a 'jigsaw puzzle of party political strongholds and no-go-areas' (Truth and Reconciliation Commission 1998:248).

Coming back to the question of actor coherence, it is yet an open question as to how far the party leadership, namely Mangosuthu Buthelezi and Nelson Mandela, were actively instigating the violence. Both parties show a mix of antagonistic incentives. On the one hand military power might have worked as a useful threat in the national negotiations (in which the IFP struggled to participate), and territorial control promised a pole position in the shadow of upcoming elections. On the other hand, the demonstration of stability was crucial for the

ANC to calm white South Africans' fear of a potential black government, and for Inkatha to advance their agenda of a strong independent Zulu authority. This view is supported by the various peace process efforts undergone by both parties and their leaders. Consequently, many scholars argue that on the local level violence 'developed a momentum of its own' (Simpson 1993, see also Johnston 1996:179; Woods 1992). As discussed above, both parties' strategy of gaining and maintaining territorial control through the establishment of geographical areas of coherent support appears to have been the product of complex networks of actors and motives.

After the 1994 elections: Violence, territory and voter mobilisation

With the regime change through South Africa's first democratic elections in 1994, local governance posts were formally distributed through an electoral process as opposed to military power and territorial control. Elections as a political institution were initially highly contested from the side of the IFP. Inkatha used what is often termed 'spoiler violence' to boycott South Africa's first democratic elections on 27–29th April 1994. The IFP had the bitter experience of being excluded from the ANC-NP negotiations about a new South African interim constitution. While the ANC advertised a nation-building process for a united and non-racial South Africa, the IFP strongly supported a federalist system with an independent homeland of KwaZulu for a traditional rule of the 'Zulu kingdom'. This position was not only consistent with the official party objectives and its mobilisation along ethnic lines, but also reflected the IFP's relative weakness in other parts of the country. When elections were announced for 26 April 1994, the IFP refused to join and high levels of violence followed (Truth and Reconciliation Commission 1998:319). A week before the elections, the IFP leadership suddenly decided to take part. The speculation on motives ranges from Inkatha's increasing isolation in the fragmentation of the right (Johnston 1996) to successful mediation (Griggs 1996), and a 'deal' at the highest level of leadership to ensure undisrupted elections (Aitchison 2003). The last version is clearly supported by the great number of irregularities during the elections (Muthien and Khosa 1998; Reynolds 1994) as well as the striking result of 50,3%

or exactly 41 out of 81 provincial seats for Inkatha. Whatever motivated the IFP to join the elections, political violence decreased significantly in that week. From April 1994 on and up to today, elections or election results have not been disputed on a large scale.

We can therefore say that electoral logics replaced war time logics of informal control in KZN. As argued here, violent means to ensure the population's support for and compliance with one of the conflicting parties remained very similar to the patterns before 1994. In 1994 the Independent Electoral Commission (IEC) reported on 165 complaints of no-go areas in South Africa (Du Toit 2001:66). For the parties participating in South Africa's first 'free and fair' election, '[f]ree canvassing in the province was impossible' (Lodge 1999:122). Taylor (2002) conducted a detailed study of three massacres in Richmond, Shobashobane and Nongoma, showing how in these areas violence as a means for territorial control and power peaked in the years *after* 1994. Shobashobane, for example, is an ANC controlled ward surrounded by seven IFP dominated wards. On Christmas Day 1995, a concerted IFP mob attack on the isolated area, with a passive police and escape routes systematically cut off by roadblocks, left 19 people dead. Nongoma and Richmond are examples of intra-party power struggles caused by defections, again determining control over territory and people. Krämer (2007) analyses post-1994 violence in Inchanga township and finds that fighting between strictly divided ANC and IFP supporting sections continued until 2000. But territorial control was not necessarily primarily in the hands of one of the two parties. Some geographical areas were controlled by strongmen like warlords, traditional chiefs or gangs that were only superficially related to a certain party (Shaw 2002:72). For example, in KwaMashu (Durban), township sections were controlled by different gangs, formed partly for reasons of self-defence and gradually taken over by criminal elements. Although 'by 1997 political violence between the IFP and ANC had all but completely abated', the antagonistic gangs were mostly affiliated with the ANC (Nebandla 2005). Examples of hotspots of violence in the late 90s and early 2000s dominated by warlords are the above mentioned Richmond area under the (later expelled) ANC mayor Sifiso Nkabinde (Taylor 2002; Dunn 1998) and the shack settlement Lindelani under IFP warlord Thomas Shabalala. Reports on local strongmen's

regime of terror and intimidation in rural Macambini can be found from as late as 2004 (De Haas 2009b).

These cases represent extreme examples of violent structures after 1994 where fighting still continues between geographically separated areas of support for either the ANC or the IFP. In other areas, post-conflict elections were more peaceful and people supporting different parties lived next door to each other. Like the cases selected in the third part, these examples merely serve to illustrate how support structures for armed groups or political parties are able to continue.

The landscape of territorial control shifted in the last decade. The ANC was finally able to win a majority of votes in more and more wards, so that in 2004 they won the provincial elections by a small margin and limited IFP supporting areas to the KZN northern heartland in 2009. According to Booysen (2011) a reason for this final victory is the success of the ANC's liberation narrative and incorporation tactics as opposed to Inkatha's 'overcome' ethnic approach. What is important here is that apparently more and more IFP no-go areas became penetrable for ANC campaigning and political activity, a fact also confirmed by township residents from Inchanga and KwaMashu in informal interviews. Although 'pockets of territory in which non-democratic and violent modes of political behaviour persist' (Bonnin 2006), the overall picture is that of an increasing intrusion through former borders, accompanied by a shrinking IFP power base. The ANC is on its way to becoming the unchallenged ruling party in KZN.

The decline of military forms of territorial control and high levels of violence, however, did not imply that violent mobilisation strategies disappeared. Electoral violence is a common feature of elections in KZN (Höglund and Jarstad 2011). Unlike in other African cases of electoral violence, the election days remained relatively calm (Du Toit 2001:66; Zulu et al. 2009) and results were mainly unchallenged. Electoral violence in KZN rather took the form of the disruption of rallies, prevention of electioneering in politically sensitive areas, attacks on party supporters and intimidation (Piper 2004a; Dugard 2003). Accordingly, violence mostly 'consisted of public confrontations between ANC and IFP supporters over election related events' (Piper 2004a). Both parties frequently

complained about the high levels of intolerance. The IFP for example referred to an ANC members' demonstration at which coffins representing the IFP were burnt, and an IFP campaign in certain areas was prevented by roadblocks and car stoning as well as the attacking of an IFP councillor in Wembezi Township (Piper 2004b; De Haas 2009a). The ANC in turn alleged that Inkatha supporters were responsible for blocking access to areas, turning down posters as well as assaulting and sjambokking ANC supporters (De Haas 2009b). Attacks on political rallies thereby have a long tradition. Back in the late 80s and early 90s, political gatherings as well as funerals of victims from political violence were often disrupted by armed groups (Schuld 2012a).

A more severe form of electoral violence have been the notorious political assassinations that frequently happen up to today. Patrick Bond (2011:15–16) names a number of recent cases, especially in which leaders of ANC and IFP break-away parties were killed; obviously for political reasons. COSATU secretary-general Zwelinzima Vavi stated that 13 members of the COSATU/ANC alliance were murdered 'owing to political infighting' (South African Institute of Race Relations 2011:707). Especially in the run-up to elections in 2004 and 2006, 'numerous killings of high-profile politicians belonging both to the African National Congress (ANC) and the Inkatha Freedom Party (IFP)' were reported (South African Institute for Race Relations 2005; see also Mottiar 2006; De Haas 2008). Also, assassinations appear to be a heritage of the pre-1994 period, in which the killing of political leaders – through petrol bombing of houses, drive-by shootings or hit-squad attacks – was one of the characteristic forms of violence (Schuld 2012b).

As in the years of political conflict, the question of systematic coordination of violence remains largely open. Some clashes between supporters of different parties might well result from personal hostilities developed through decades of violence, or as Piper (2004a) puts it, were 'cast as spontaneous conflicts driven by local people'. Reports on assassinations,[2] denied access to areas and disruptions of campaigns, however, point to an at least minimally coordinated

2 That have surprisingly never been systematically investigated by academics or civil society organisations (Schuld 2012b).

shape of electoral violence. Whatever the degree of coordination may be, elections obviously remain subject to violent contestation, or, in other words, the 'democratic way' to gain political control of an area is still contested by violent means. Electoral violence thereby shows continuities from former violent patterns. It seems as if in KwaZulu-Natal, certain violent methods of support mobilisation slipped through the overall pacification to live on in the new electoral environment.

Voting patterns and geography of power in post-apartheid KwaZulu-Natal

The above analysis leaves us with a number of open questions. How is military territorial control before 1994 related to voting patterns after South Africa's transition to democracy? Did pre-1994 territorial control directly translate into voting patterns or did support distributions change due to elections? How long were the parties able to maintain the support of the population in their respective strongholds? An attempt to answer these questions will be derived from a brief analysis of voting behaviour in some reputed former no-go areas. Information is taken from the South African Independent Electoral Committee (IEC). In order to limit the analysis and since South Africa's system of municipal elections is complex, only national election results will be considered. The 1994 elections are for two reasons not included in this analysis: First, the interim electoral commission responsible for organising the elections faced many difficulties and results are not available online for each voting district. Second, irregularities on the voting day like prepared ballot boxes, distribution of voter cards to children and the forced removal of observers seriously question the results for KZN (Reynolds 1994; Hamilton and Maré 1994).

A first look indicates that the general pattern of IFP/ANC support survived the last 18 years, with the ANC gaining more and more support in former IFP strongholds. In the early 90s, the townships close to urban white residential areas of Durban and Pietermaritzburg were largely ANC controlled, while the IFP dominated the rural areas of KwaZulu. The South Coast region was highly contested as affiliations changed rapidly (Minnaar 1992b; Griggs 1996). After

1994, the South Coast showed 'relatively homogeneous but sharply divided IFP and ANC zones' (Taylor 2002). In the townships, the IFP created outposts of control through intense recruitment in male labour hostels. Until today hostels are said to be IFP affiliated. This rough picture is reproduced in voting patterns of the 1999 national election (see figure 1). Rural areas, especially in Northern KZN were homogeneous IFP strongholds, while the urban Durban-Pietermaritzburg corridor was ANC controlled. The South Coast shows a patchwork of political affiliations. In the following elections, IFP support was reduced to the northern inlands as the ANC widely won support.

When comparing areas of territorial control with voting patterns after the end of apartheid in more detail, four obstacles appear. First, information about the actual location of these areas is crucial. Like other geographies of (in) security, the map of political alignment in KZN was only known to insiders and difficult to reconstruct without extensive fieldwork. Information on geographic control therefore has to be distilled from case studies and monitoring reports. Second, areas often have informal names that are difficult to trace on official maps.

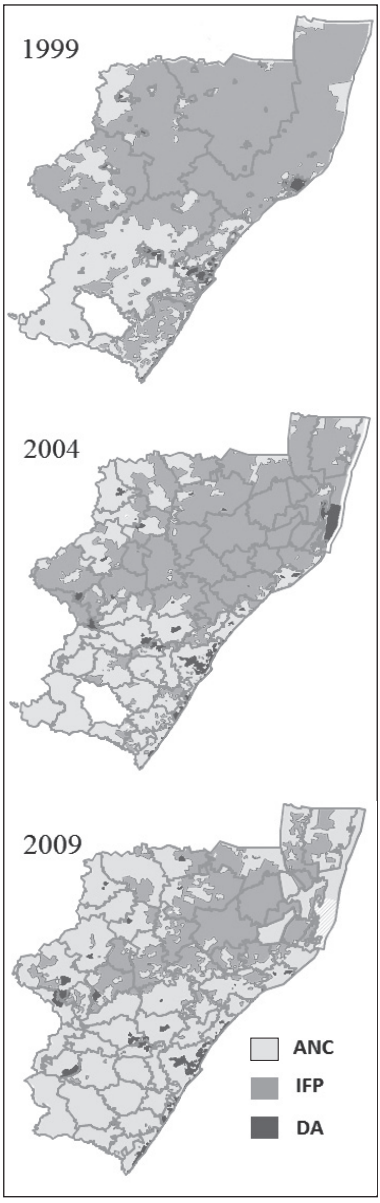


Fig. 1: Election results of 1999, 2004, 2009 national elections in KwaZulu-Natal (Source: IEC 2012)

Third, voting districts, the smallest unit for which election results are available, are not congruent with former no-go areas. On the contrary, boundaries often go through such areas or combine several antagonist territories. Fourth, voting districts' demarcations were exposed to frequent change by the IEC and thus difficult to compare over time. Attempts were made to avoid these pitfalls by the selection of cases and by checking against other indicators of voting behaviour.

The first case under investigation is Inchanga township, located in a semi-rural area between Pietermaritzburg and Durban. Krämer (2007) gives detailed information about the political landscape (see figure 2). In the Fredville area,

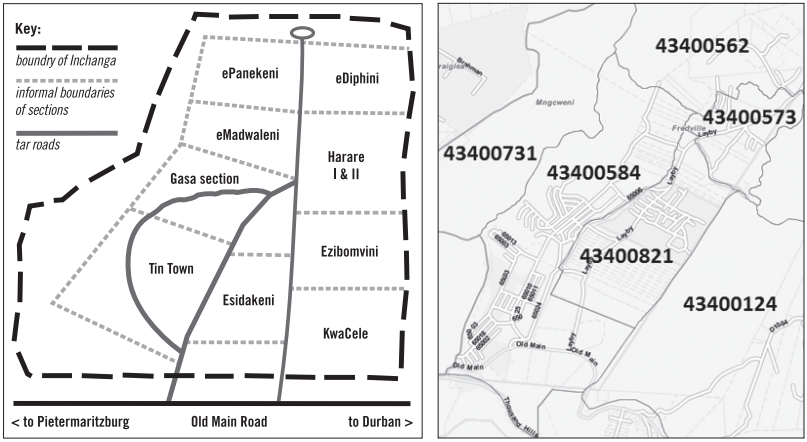


Fig. 2: Left: Sketch of informal sections in Inchanga (Krämer 2007). Right: Inchanga voting districts (Source: IEC 2012)

all sections except Tin Town were ANC dominated, while, as a result of severe fighting with neighbouring sections, Tin Town residents chose to support Inkatha. Voting patterns clearly reflect this division. In the 1999, 2004 and 2009 national elections, the ANC won more than 90% in the voting districts (VDs) 43400124/641/731/821/573 surrounding the area of Tin Town, with tendencies rising. In 2009, the Congress even won a share of almost 98% in VD 43400573 and 43400821, leaving the IFP with around 1,5%. Tin Town is a part of voting district 43400584 in which the IFP won 76% of the votes in 1999, leaving the ANC with only 20%. The registered population in the area increased enormously

in the last decade. In 2004, the ANC could catch up with 31,64% (against an IFP dominance of 64,96%) and finally won in the VD with 87,71% in 2009 (IFP: 9,35%). What is interesting is the fact that the share of IFP votes continuously amounts to around 200 people. It is therefore likely that with the influx of more and more residents, the stable Tin Town IFP support was overruled rather than weakened.

The Shobashobane area in southern KZN presents another interesting case. Shobashobane is an ANC stronghold of about 240 people in an area amounting to not more than 7 square kilometres and surrounded by IFP strongholds. It basically matches VD 43992535 (see figure 3). For lack of sufficient information on the 1999 elections and in order to compare ward results, municipal elections will be consulted here as an exception. The election results report of 2000 clearly shows that all voting districts but VD 43992535 had a significant IFP majority, while in this particular area 91,88% voted for the ANC. In the 2006 local elections, all wards of the Izingolweni municipality showed equal shares of almost 50% for both parties, and in 2011, the ANC clearly led the wards. National election results produce the same picture. In the overall growing voter share for the ANC, Shobashobane still remains the most striking example.

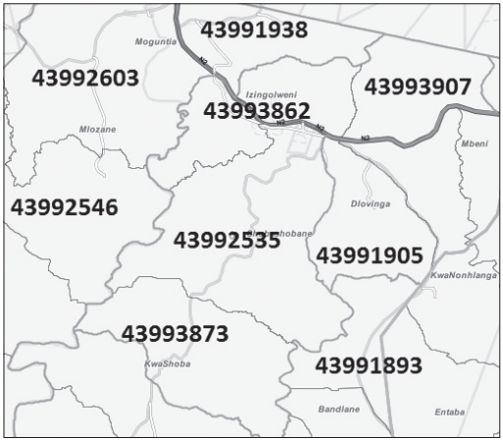


Fig. 3: Shobashobane voting districts (Source: IEC 2012)

A third case is Nongoma in northern KZN, a traditional no-go area for the ANC according to Taylor (2002). Two out of three local strongmen decided in March 1999 to defect to the ANC to enhance their leverage against the third, and opened an ANC branch in the area. This strategy led to a cycle of assassinations and counter-assassinations, and Nongoma mainly remained in the hands of the IFP. Unfortunately Taylor does not give further account on the more detailed

aspects of political geography, which allows only for a rough analysis. The central part of the municipal area (see figure 4) indeed shows relatively homogeneous

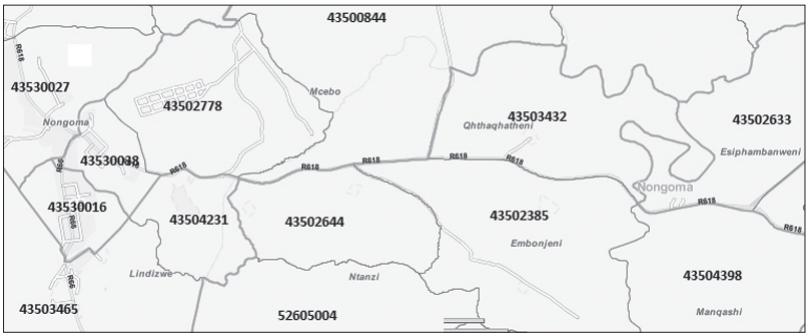


Fig. 4: Nongoma voting districts (Source: IEC 2012)

high levels of IFP support in 2004 (municipal average 93,04%). The ANC average lies at 3,88% and the party only managed results close to 10% in VD 43503432 and 43530016/38. 2009 shows a linear increase for the ANC in all VDs, with the municipal share rising to 15,61%, while IFP votes drop to 83,07%. The IFP stronghold Nongoma accordingly lasted a decade after 1994, but became penetrable for the ANC during the last five years. A very similar pattern is true for Ulundi, 50km South of Nongoma, where according to Nebandla (2005) the IFP headquarters were located. Also here persistently high levels of IFP support (around 93% in 1999 and 2004) were broken by 14,92% votes for the ANC in 2009, leaving the IFP with 83,62%. In the prominent ANC stronghold Ndaleni in Richmond in turn, proportions of ANC vote remain constantly high at about 96%, while the IFP has only been able to secure little more than 1% since 1999.

The analysis of post-conflict voting patterns in representative examples of KZN's former no-go areas shows that support in the pre-1994 period directly translated into voting behaviour. Up to the 2004 elections, both parties won a striking 90% and more in their strongholds. In recent years however, the ANC was able to win voter support in IFP dominated areas, while at the same time maintaining their high performance in their own districts. An additional important observation drawn from this analysis is that parties apart from the ANC and IFP could hardly secure more than a 1% share of the votes.

The only exception is the Democratic Alliance, a party mostly voted for in white residential areas. On the whole, however, 18 years after the democratic transition the struggle for power in KZN still follows the ANC-IFP lines exclusively, and the ANC seems to win the fight.

Conclusion

This study has investigated patterns of support and support mobilisation around the post-conflict elections in KwaZulu-Natal, South Africa. During the country's violent transition phase, support of a certain party was strictly associated with the geographical area a person lived in. Violence played an important role in the establishment and maintenance of these so-called 'no-go areas'. After the 1994 elections, a number of paramilitary structures of territorial control remained intact for many years and accounted for constantly high casualties from political violence in the region. Territorial control after 1994 also directly translated into voting patterns as the ANC and IFP were able to win between 90 and 100% of the votes in their respective strongholds, even as late as 2004. Elections were (and on a lower scale still are) accompanied by electoral violence in the form of rally disruptions, intimidation and political assassinations, showing a striking continuity from violent forms before 1994. Violence thus remains a means of political mobilisation and polarisation.

A conclusion can be drawn for the 'risky business' of post-conflict elections. As remarked by others, electoral logics do not necessarily lead to peace, but are prone to various forms of violence. Violence does thereby not only influence election results through its manifestation of direct electoral violence or even resumption of violent conflict. It also creates and maintains a political geography of support structures that can be reproduced by post-conflict elections, in turn reproducing the use of violence. In some places of KwaZulu-Natal, this led to the survival of sharp boundaries between areas in which one of the two antagonist parties was supported, and conflicts continue to evolve around party divisions. The establishment of a diversity of political alternatives – since it is a vital factor for a post-conflict democracy to include non-armed political movements – seems to be severely suppressed. These observations feed the scepticism against the 'cure-all' power of post-conflict elections and point towards the importance

of the question of how armed groups' support structures turn into electoral support. Measures to open up the political landscape, deescalate heated up party-antagonisms and overcome geopolitical borders of support structures seem to be crucial elements for post-conflict elections that introduce a pluralist democracy beyond the voting process.

The case study, however, also underlines the important role non-violent mobilisation could play for armed groups turned into political parties. Especially in the long run, ideological mobilisation seems to be more than a mere supplement to coercion. The ANC was able to develop a nationwide narrative that links the party to the armed struggle and revolutionary victory. As Booysen (2011) points out, this is a main pillar of the ANC's ongoing success story in times of increasing numbers of service delivery protests. The ANC furthermore succeeded in undermining the IFP's claim of exclusively representing the 'Zulu culture', and South Africa's third post-apartheid president Jacob Zuma often refers to his Zulu background by wearing the traditional dress of Zulu chiefs. The ANC's increasing power in the last decade seems to finally put an end to the IFP-ANC stalemate in South Africa's eastern province. Consequently, violence as a political strategy can never be analysed without taking self-presentations, narratives and other factors of ideological mobilisation into account – as a view of post-conflict elections without the frame of violence only produces a limited image.

Altogether, an academic effort to better understand the relationship between violence, territorial control and political mobilisation is necessary in order to advise conflict resolution actors on the risks and complexities of post-conflict elections.

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Book review

Polarization and transformation in Zimbabwe: Social movements, strategy dilemmas and change

McCandless, Erin* 2009

Durban, University of KwaZulu-Natal Press, 254 pp.
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Polarization and transformation in Zimbabwe: Social movements, strategy dilemmas and change, written by Erin McCandless, attempts to illustrate how social movements and civic organisations face significant strategy dilemmas which can hamper their effectiveness and prevent such organisations from contributing to transformative peace and change. The book investigates Zimbabwe and two particular dilemmas which have caused political polarisation in the country. The first is whether to prioritise political or economic rights in

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efforts to bring about transformative change, specifically in terms of rights and redistribution, and the second is whether and how to work with governments and donors given their political, economic, and social agendas. This book looks at these two issues by focusing on two social movements: The National Constitutional Assembly (NCA) and the Zimbabwe National Liberation War Veterans' Association (ZNLWVA). It analyses the nature of these organisations, the strategy dilemmas they have confronted in trying to mobilise change, the choices they made, the results that have ensued, and the implications for wider social goals of transformative change and peace. While the book does provide a narrative history of Zimbabwe – looking at the move towards independence, the post-independence era and the economic and political reforms which took place, the focus of the book is on the period of 1997–2010, the emergence of civil society and understanding the NCA and ZNLWVA's structure and identity, their strategy dilemmas and key strategic actions. The outcomes and impacts of these two organisations' actions are considered up until the Global Political Agreement was signed in 2008, and then reflections are made on the current, Inclusive Government context for understanding the strategy dilemmas, polarisation, and transformation.

Three aims run through the book: '*depolarizing concepts*', '*transcending strategy dilemmas*' and '*contributing to transformative peace and change*'. These aims are looked at in reference to the two organisations mentioned above – the NCA and the ZNLWVA. Regarding the first aim, McCandless finds that in Zimbabwe the nature and role of civil society is deeply questionable. Accusations about political and self-serving agendas and motives of different actors, and their alliances and relationships with political parties, the government and donors, she argues, are at the heart of the polarisation issues.

The second aim is used in the book to shed light on the nature and operational mechanisms of what she terms '*strategy dilemmas*', and how processes of polarisation are affected by but also entrench these dilemmas, in an effort to highlight ways to transcend them. As is well conceptualised in the book, there are two primary strategy dilemmas confronting Zimbabwean civil society organisations and social movements. The first is whether and how to work with government and/or donors given their political, economic, and social agendas,

in terms of, as McCandless terms it, *participation* or *resistance*. *Participation* here refers to the strategy of partnering with, or working within, processes set up by government or donors, and *resistance* to the strategy of instigating change by working outside the system, challenging and transforming existing structures of authority or processes that visibly reinforce the status quo, or create entirely new, parallel structures and processes. The second strategy dilemma, as mentioned earlier in this review, is whether to prioritise political or economic rights and concerns in efforts to provoke nation-wide transformative change in terms of, as McCandless puts it, *rights* or *redistribution*. The *rights* discourse is often associated with liberal thinking, concerned in particular with civil and political rights and individual liberties; *redistribution*, as discussed above, is often associated with the redistribution of wealth, land or other natural resources.

The third aim of '*contributing to transformative change and peace*' is the core aspect of the book, and aims to provide an analysis of Zimbabwe which could also be applied to the greater international sphere. McCandless analyses the key strategic actions of the NCA and the ZNLWVA: the NCA's 'No' vote campaign and ongoing use of 'mass action' (pp. 107–117, 130–143), and the ZNLWVA-led land occupations, the 'Third Chimurenga' (pp. 118–130). The strategy dilemmas, issues of participation/resistance debate, and rights/redistribution debate are considered in each of the cases, and ultimately show that these dilemmas have played out differently for each organisation, mainly because of the political allegiances: the NCA linkage to the MDC, and the ZNLWVA linkage to ZANU-PF. Furthermore, McCandless emphasises that those who have supported the NCA tend to regard the ZNLWVA as a 'group of troublemakers, a violent arm of President Mugabe's ZANU-PF party, dismissive of civil and political rights and generally operating with suspect motives' (p. 45). Whereas those supporting the ZNLWVA see themselves as striving to implement economic justice and regard the NCA as 'a network of political individuals and NGOs working in the interest of urban elites, Zimbabwe's white farmers, donors and the wider Western neo-liberal force' (p. 45). She concludes that it is these differences which resonate in the strategy dilemmas which fuel the polarisation and need to be overcome in order to promote effective change.

In the penultimate chapter of the book, chapter six, the core issues of polarisation are analysed through a '*transformative change and peace impact assessment*' developed by McCandless for this study, which looks at the above-mentioned cases in order to highlight what can be done to promote change. She assesses six indicators with regard to the NCA and ZNLWVA: *conflict transformation, empowerment, mobilisation and participation, relationships, root causes* and *policies and institutions*. She highlights the need for both constructive changes of the system and structure as a whole, and of the movement towards intergroup relationship between organisations. There is a need to raise the profile of conflict and bring the notion of addressing the structural root causes of the violence to light. However, she argues that these movements can often be very confrontational in their efforts to bring about change and thus their actions actually result in increased polarisation. In the book, the author further argues that over the decade (2000–2010), despite exhaustive efforts on the part of civil society to bring change, the two strategy dilemmas have not always been well managed; they have often served as obstacles rather than entry points for transformative change. The empirical research and assessment in the study illustrates how civic actors have, at times, been drawn into polarisation, and how their activities have even served to fuel polarisation. McCandless argues that the issues underlying Zimbabwe's polarisation and driving the strategy dilemmas represent legitimate grievances that need to be properly valued and fairly addressed for genuine peace to be established in Zimbabwe.

The last chapter of the book, chapter seven, provides the key lessons we can take away from this book. One of these lessons resonates out of the complexities underlying the nature of civil society in particular contexts as highlighted by McCandless. This suggests the need for a more nuanced approach to conceptualising civil society. In divided societies, where the stakes are higher and systems and structures for bringing about change are less reliable or available, it should be assumed that the boundaries of social actor categories are likely to be unclear. While many Zimbabwean civic organisations tend to draw upon one or the other strategy, the cases examined suggest that both participation and resistance have been relevant and effective for the ZNLWVA and the NCA at different times and in relation to different actors. More systematic consideration needs to be given to the roots of the use of each strategy in order to highlight

what the key fault lines are: namely, the issues that may disrupt the process and lead to destructive polarisation and violent confrontation. Lastly, McCandless illustrates that social movements and civil society never act in isolation. One group's actions must be understood within the wider context of social action. The interaction of various movement and actor strategies, actions and outcomes must also be factored into any analysis of change. If one is able to address these root issues leading to polarisation in civil society in Zimbabwe, the chance of transformation and long-lasting change increases substantially.

Overall, the book, through an in-depth case study analysis and peace and conflict impact assessment, draws lessons for activists, practitioners, policy-makers, and scholars interested in depolarising the concepts that underpin polarising discourses, and in transcending strategy dilemmas, as well as understanding how social action can better contribute to transformative change and peace. The book provides entry points to bring about change rather than simply addressing the obstacles. The book builds upon John Paul Lederach's notions that various paradoxes underlie peacemaking where the interplay of opposed ideas or energies seems to create irreconcilable contradictions (p.212). McCandless also refers to the theory of state-building and the need to identify dilemmas, assess the possible intended and unintended consequences of policy and program action and evaluate short-term decisions in light of long-term implications for institution balance. This book assesses the choices made in Zimbabwe and provides a base upon which actions can be taken to identify ways to change the structures in the society. On the whole, the book is successful in broadening the debate over how contemporary social organisations develop different, as well as common, strategies, even within groups with divergent historical, social and ideological roots. The author successfully develops an innovative research framework, conceptualising social change in a way that makes it methodologically measureable. Her grounded empirical research provides lessons for scholars of civil society, peacebuilding and democratisation, and policy makers – which are applicable to situations beyond Zimbabwe alone.



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