AFRICAN JOURNAL ON

CONFLICT

RESOLUTION

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African Journal on Conflict Resolution

Volume 5, Number 2, 2005

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Foreword

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Hopefully it can be said that all our previous issues have in a general way been about conflict and peace. We are, after all, trying to live up to the name of this journal by publishing material related to conflict and dealing with conflict, especially in Africa. This issue, however, has turned out to be very specifically focused on conflict and peace. Three of the five articles are about war, one is about civil-military relations and one about social conflict.

In the first two, horrible realities of war are described and discussed. In each case, however, the discussion includes more than issues related to the suffering of the people concerned. Recommendations are made with regard to retributive and pro-active measures.

In the first article the focus is on the physically violent looting of communities in the Democratic Republic of the Congo by ruthless soldiers and rebels, and on the structurally violent plundering of state funds by relentless, self-enriching politicians. Suggestions are given for promoting human rights and social justice, democracy, good governance, accountability and transparency.

The first part of the second article provides us with an overview of two decades of brutal fighting through which northern Ugandan rebels tried to regain political power. A brief explanation is given of the vicious repression that triggered savage retaliation. The main focus is on the persistent 'resistance' of an 'army' fighting – and committing atrocities – under a religious banner. The second part of this article is devoted to the debate around the most effective approach to end this intractable civil war. Pardoning, reconciliating

and forgetting can be pursued by means of legal and traditional mechanisms. Or retributive justice can be brought to bear on the perpetrators, especially the accountable and culpable leaders.

The third article is also about war, but in a different way. It explores a paradigm shift from destructive war fighting to military activities of a constructive kind. It shows how leaders are beginning to realise that a changing environment seems to be reducing the possible 'benefits' of traditional wars. New perspectives adopted by political leaders in Africa are discussed. Attention is given to security policies oriented towards constructive and cooperative military operations, and to ways of phasing these in where older-fashioned military conservatism still predominates. Some are also harbouring the vision of a warless future, not only as something to be tentatively mentioned, but as a drawing power with transformative potential.

In the fourth article the coordination between the military and civil society is discussed, especially with regard to post-conflict peacebuilding operations. The importance of addressing the root causes of a conflict and promoting social justice and sustainable peace is emphasised. Improvements in policy formulation and implementation are recommended.

In the last article we move from the intra-national and international political context to the intra-community social context. Socially acceptable and accepted ways of expressing existing or emerging conflicts are described and discussed. The value of the availability of such methods becomes clear. After all, talking about a conflict can prevent or take the place of fighting. In so many cases, however, talking is either carelessly postponed or fearfully avoided or deliberately rejected as an option. Anything that can prompt, facilitate or encourage the breaking of silence can therefore serve a very good purpose in this regard.

We trust that the set of articles in this issue will inspire readers to think critically and creatively where a social, political or socio-political conflict is brewing, emerging or raging, or where such a conflict has been resolved, and to share such thoughts with others who may be willing to cooperate in dealing appropriately with the situation at hand.

Civil Wars and Lootings in the Congo: How the poor pay the bill

Guillaume Iyenda*

Abstract

In August 1996, the Democratic Republic of the Congo (DRC) entered a civil war. The conflict that drew in many African forces, such as the Rwandan, Ugandan, and Burundian armies on one side and the Angolan, Zimbabwean, Sudanese, and Namibian militaries on the other, and a dozen armed groups and militias throughout the DRC as well as neighbouring countries, left more than 3,5 million civilians dead. This paper presents the role played by belligerents during the conflict in the killings and looting of the DRC. It goes on to explain

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how the looting that was previously conducted by the Rwandan, Ugandan and Zimbabwean armies and the Congolese rebels backing them has been replaced by organised economic crimes and the diversion of Congolese state funds. It explains how the Congolese poor are paying the bill for the conflict and it concludes by advocating the protection of civilians, the consolidation of democracy, the promotion of a sound macro-economic environment and social justice structures, which will lead to a stable and strong Congo.

1.   Introduction

> Your President is a crook and this country is going to suffer a lot in a very short time. You Congolese must know that this country and all its minerals are not yours but ours. (Arnold Kondrat of the Canadian Banro Resources Corporation, quoted in Taylor & Williams 2001:274).

The above mentioned arrogant and insulting statement of a Canadian business-person shows how international companies and multinationals are involved in several armed conflicts that are currently taking place in Africa and that are contributing to the reinforcement of people's suffering. After 43 years of internal and external state lootings in the Congo, the Congolese people have been pushed over the brink by the last civil wars with their exceptional violence and destructive effects. Over seven years, people have been displaced or killed, many have lost their income-generating activities, and life has become literally impossible in some parts of the country.

A mortality study carried out by the International Rescue Committee and the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) showed that the Congo is facing a genocide. According to these organisations, 3 to 3,5 million people have died because of the conflict, most of them chopped with machetes, their bodies burnt, some thrown into rivers or forced down latrines and many buried alive. By the middle of 2000, 2,3 million Congolese were displaced throughout the country, and another 5 million completely or partially separated from their traditional supply routes, mainly because of the generalised insecurity. Those uprooted by the war were deprived

of access to humanitarian services by the same factors that caused their flight and isolation (Human Rights Watch 2003).

For nearly a quarter of a century, the DRC has undergone several crises, but the current one, which is caused by civil wars, has produced deadly consequences. Malnutrition has become apparent everywhere and not only people's health is in danger, but their economy, their education system, their housing, their supply of water and electricity and their sanitation system have collapsed. According to the United Nations Children's Fund, UNICEF (2001), 42 000 women will die in childbirth alone this year, while in some areas, especially in the East and the North East, one third of apparently healthy family blood donors tested are HIV (Human Immunodeficiency Virus) positive.

Stremlav (2000:118) emphasised the fact that conflicts in Africa, including this one in the DRC, are due to 'bad governance'. Weak, authoritarian governments lack the institutional capacity to manage factional struggles and they exclude majority or minority groups from power. This produces tensions that can generate sparks that can start a war. Indeed, the current conflict in the Congo has multiple causes. The resort to arms was the result of a continuing deterioration of the entire situation in the field, which Mobutu's government and the international community have created and were well aware of.

At the beginning of the first civil war in September 1996, Rwanda wanted to focus its arguments more on the grievance aspect of the situation in the field: Banyamulenge versus other ethnic groups in Kivu, or Tutsi versus Bantu. Later, Rwanda and Uganda justified their military interventions in the Congo on the basis of preserving their national securities and defeating their enemies. However, looking closer, the instability in the Great Lakes region is becoming more exacerbated by business purposes than by any other reason. As Reyntjens (2001:312) wrote, 'Entrepreneurs of insecurity are engaged in extractive activities that would be impossible in a stable state environment. The criminalisation context in which these activities occur offers avenues for considerable factional and personal enrichment through the trafficking of arms, illegal drugs, toxic products, mineral resources and dirty money.' It is to be acknowledged that the war in the Congo has benefited many people. Political and military leaders in Uganda, Rwanda, Burundi, Angola, Namibia, Zimbabwe and the DRC have used their powers and positions to exploit the situation and to get rich.

What Kuwait and Congo have in common, is the fact that 'each commemorates a painful anniversary the same day. On August 2, Iraq invaded Kuwait in 1990 and on August 2 1998, a coalition of Rwanda, Uganda and Burundi invaded the Congo. The difference between them is the international response. Western superpowers rushed to Kuwait's aid, driving out the invaders and punishing them relentlessly. By contrast, the invasion of the Congo went almost unnoticed' (Lokongo 2001).

Despite all the calls of the United Nations, which intervened only two years after the beginning of the second civil war by adopting two resolutions – 1304 (passed in 2000) and 1341 (passed in 2001) – condemning the invasion of the Congo and recommending that all countries involved withdraw their troops, a number of Rwandan, Ugandan and Burundian soldiers under civilian mandate are still in the Congo, occupying important parts of some provinces in the East of the country.

This paper will examine the situation of the civil wars in the Congo, which took place between 1996 and 2003, and their effects on people's quality of life. It will analyse different corrupt and criminal networks and the relationship between the Congolese state and the corruption. The paper shows how poor people continue to pay the price. Finally, however, suggestions are given for a way out of the crisis and towards a better future.

2.   Historical Background

In 1908, Belgium established the Congo as its colony, following the international outcry over the dictatorship of King Leopold II, who made the Congo a free state. As Young (1986:32) argued, 'Belgian colonialism was unparalleled in the continent in its control and penetration of African society, organised by the "trinity" of bureaucracy, capital and the church'. That trinity gave the Catholic Church the power to organise and run the entire education system. At independence, the country had fewer than 10 university graduates. The Congolese army, the Force Publique, was more like a police force, to maintain internal law and order among the local people. MacNulty stressed the lack of qualified and higher educated people by writing: 'Unlike Africa's other major colonial powers,

Britain and France, Belgium had done little to promote a local elite to govern on its behalf and assume the reins of state power. As a result, there was not the smooth transition to Western-favoured regimes which largely characterised independence elsewhere; instead, the Congo began rapidly to implode, the new administration faced with mutiny and multiple secessions which foreign interests did much to foment' (MacNulty 1999:57).

Structures used by the Belgians during colonisation – such as the administration, multinational companies and the Christian missions – were prone to inhibit and not promote a sense of national identity and loyalty. 'As a result of these factors, independence for the Congolese masses ultimately came to mean the eviction of Belgian interests rather than a common striving toward the construction of a viable nation-state' (Gardinier 1982:538). The decision of the French President, General Charles De Gaulle, in 1958, to grant independence to neighbouring French territories had an instant effect and a petition was produced for the same rights of determination for the Congolese. As Lemarchand (1964:158) argued, 'the political developments that occurred in other African territories stimulated the political awakening of the Congolese. It made them all the more aware of the immobilisme that seemed to govern Belgian colonial policy, and hence intensified their desire to change the status quo'. Riots in Leopoldville after a football match on 4th January 1959, savagely repressed in blood, shocked the Belgians who did not wish to be considered by other countries as using force against an independence movement. Ultimately, the country became independent on 30th June 1960.

The secession of Katanga 'made it possible for the Soviet bloc to pose as the true champions of Congolese unity, not only against Tshombe's regime but against those Western powers upon which it became so heavily dependent, politically, economically and militarily' (Lemarchand 1964:291). The intervention of the Soviet Union in support of the government established in Stanley Ville (now Kisangani) and led by Antoine Gizenga, the successor of Patrice Lumumba, made things more complicated. Therefore, the Congo became more a problem of East versus West, America versus Europe, some European countries versus others and some African countries versus others. 'The period from the installation of the Adoula government in August 1961 until late 1963 was marked by rising hope that the damage resulting from the failed decolonisation settlement

could be contained and that the state could be restored to a reasonable level of operation' (Young 1986:134).

In the political, social and economic spheres, the country suffered because of the lack of skilled people able to lead and manage it after the departure of the colonisers. As MacGaffey (1991:27) said, 'the colonial African elite thus lacked education, administrative and managerial experience, and wealth. At independence, the Belgians handed over political but not economic control, so that the new dominant class based its power on control of the state, while ownership of the economy remained in the hands of the big and foreign mining and plantation companies'.

3. Civil Wars, Killings and Looting of the Congolese Natural Resources

3.1 Background to the conflict

The last civil wars, which have dismantled the country and brought more suffering to the majority of people in the Congo, are complex sub-regional conflicts which began in summer 1996 and which involved for seven years more than seven different African countries, a dozen Congolese armed groups and several armed militias. Indeed, the genocide that took place in 1994 in Rwanda was the distant cause of the Congolese civil war. After committing the genocide in Rwanda, members of the Rwandan Army and government flew into exile to the eastern Congo, then Zaire, where the United Nations High Commissioner for Refugees (UNHCR) established them in camps along the border throughout the eastern Congo. As the defeated political and military leaders, the soldiers and militia reorganised themselves to launch new attacks on Rwanda. These attacks obliged the government of Rwanda to send its troops into the Congo. Their main motive was to stop preparation of any military and militia attacks on Rwanda and to protect the Banyamulenge, members of the Tutsi ethnic group, who rose up against the Congolese government.

To make the rebellion against the Congo national and to gain acceptance by the Congolese, the Rwandan government helped create the Allied Democratic Forces for the Liberation of the Congo (Alliance des Forces Démocratiques pour la Libération du Congo-Zaire, AFDL). Later the Ugandan government sent its

troops into the Congo to support the AFDL. The newly created rebellion elected Laurent Kabila as their leader and, backed by their Rwandan and Ugandan allies, they marched on Kisangani (the third Congolese city), Lubumbashi (the second Congolese city) and finally, on 17th May 1997, on the Congolese capital, Kinshasa.

On his way to Kinshasa while leading the first civil war in 1996-1997, Kabila signed many deals with multinationals and mining companies such as the American Mineral Fields, Anglo-American, some Belgian investors such as Texaf, George Forest International and others. Only a year later, disappointment with Kabila's government began arising among the Congolese people and his foreign supporters and allies. People were disappointed because Kabila failed to implement his promises about a return to democracy and because of the political, commercial and mining deals and agreements made during the civil war to benefit his foreign allies.

His personal relations with his Rwandan allies started to deteriorate by May 1998 and at the beginning of August of the same year a second war started with all its current and coming consequences. A few days later, many other African countries were involved in the war, which was called by many around the world, '*the First African World War*'. On one side the Congolese government was supported by Angola, Chad, Sudan, Namibia and Zimbabwe, and on the other side Congolese rebels were backed by Burundi, Rwanda and Uganda.

3.2   Fighting and killings in the field

Only weeks after the beginning of the war, killings started in the east of the country. On August 27, 1998, just a few days after the beginning of the civil war, the BBC (British Broadcasting Corporation) World Service reported that rebels and their Rwandan and Ugandan allies killed 200 civilians in Kassika in South Kivu. This was one of the first mass killings, called today 'the massacre of Kassika'. Later, 818 other civilians were killed in Makobola, known nowadays as 'the massacre of Makobola'. Their houses were burnt and almost at the same time fifteen women were buried alive in Kamituga. As early as February 1999, thirty people were killed at Kilambo in North Kivu by the Rassemblement des Congolais pour la Démocratie (RCD), backed by the Rwandan army. RCD rebels and Rwandan soldiers and militias tied up men, raped their wives in front

of their sons and husbands, and killed them. In May the same year, the RCD with its Rwandan allies killed at least thirty villagers in Katogota, south Kivu (Human Rights Watch 2001). In late 1999, the RCD with their allies sexually tortured and buried many women alive in Mwenga (Association Africaine de Défenses des Droits de l'Homme, ASADHO 2000).

In 2000, Rwandan and Ugandan armies fought each other in Kisangani for nearly a week, to control the Congolese third city and to have easy access to and control of diamonds, gold and other minerals exploited in the area. They killed thousands of unarmed civilians and destroyed the remaining infrastructure of the city: roads, schools, hospitals, markets and public buildings. In May 2002, some RCD-Goma troops mutinied in Kisangani against their established authorities. RCD-Goma decided to put down that uprising with the military backing of Rwandan soldiers. The operation ended in the massacre of many civilians and military personnel and, according to a UN (United Nations) report presented to the UN Security Council, more than 160 persons were decapitated and killed.

The long-lasting conflict and animosity between the Lendu and the Hema in the north-eastern region of Ituri erupted in confrontations and ethnic violence and killings in 1999 and 2000. The Ugandan army that backed the Hema against the Lendu exacerbated the conflict. 7 000 people were killed. At the same time, more than 200 000 people were displaced by the conflict in less than a year. The Ugandan army fuelled the tensions between the ethnic groups by creating a new province in the eastern Congo and appointing members of the Hema ethnic group to be responsible at different levels. Since August 2002, that province has been facing scenes of massacres and genocide. Thousands of civilians were killed in September 2002 throughout the province where Ugandan army troops were supposed to protect civilians and unarmed people. Unfortunately, they gave backing to one side in a conflict, the Union of Patriotic Congolese (UPC), a faction of militia from the Hema ethnic group, against the RCD Liberation Movement (RCD-ML) mainly composed of the Lendu and Ngiti people.

3.3 Cannibalism and anthropophagi in Eastern Congo

In mid-November 2002, rebels from the Mouvement de Libération du Congo (MLC) arrived in Mambassa and Mandima in the Eastern province of the

Congo. Mainly pygmies, people who are currently a protected race because of their potential disappearance, occupied these villages. As villagers fled into the bush, rebels systematically looted all their belongings. Rebels raped women and their daughters lying on the same bed, while their husbands, fathers, sons and brothers were watching. Under the command of Ramazani II, the so called 'Roi des Imbeciles' (King of Imbeciles), rebels killed, cooked and consumed pygmy meat in villages of Some, Mekimo, Makodu, Tobola, Malutu and Badisende surrounding Mambassa and Beni. Some of the killed people were grilled, and in most cases, rebels forced the victims' wives and other prisoners to cook the bodies of their killed relatives and to consume them.

As the province of Ituri was facing genocide, voices around the world, especially in France, started to criticise the UN for its silence. To avoid the repetition of what happened in Rwanda in 1994, these acts of cannibalism and other massacres and killings in Ituri obliged the Security Council of the UN in May 2003 to send a special international armed force to secure Ituri. Even the US (United States of America) and the UK (United Kingdom) governments, which are known as friends and supporters of the Rwandan and Ugandan governments, condemned the massacres and played an important role in the search of a peaceful solution to the conflict.

3.4 Looting of Congolese natural resources

As the killings and exploitation of the Congo started to shame some supporters of the Ugandan and Rwandan regimes and other players behind the scenes, the US ambassador at the UN, Mr James Cunningham, was obliged to denounce these massacres and lootings and called for the UN to intervene. Because of the mounting pressure from around the world, the UN sent a panel of experts to the Congo and other African countries to investigate the situation relating to illegal exploitation of natural resources by the belligerents in the DRC.

On 16 April 2001, the UN panel published a report concluding that the governments of Uganda, Rwanda, and Burundi, whose troops occupy parts of eastern DRC, were profiting from the conflict by looting diamonds, gold, coltan (Colombo tantalite), and other precious minerals, timber, coffee, pharmaceutical plants, elephant tusks and tax revenues. The experts also found that those foreign forces allied with the Congolese government, namely Angola,

Namibia and especially Zimbabwe, were also profiting from the conflict through economic deals and agreements, exploitation of mines and one-sided contracts on several goods and merchandises.

That UN panel report made allegations that the Uganda People's Defence Force (UPDF) of Uganda, the Patriotic Army of Rwanda and other armed groups were engaged in massive plundering of the Congo in the guise of fighting Ugandan and Rwandan rebels in the north-eastern DRC. The Ugandan army and especially commanders directly linked to President Museveni were still making great fortunes in the Congo. When senior officers of the UPDF arrived on Congolese soil, their first activities were to get involved in business deals. One of them, wrote the *New African* (May 1999) of London, was 'Major General Salim Saleh, half-brother of President Museveni. General Saleh deployed gold diggers in the Congo and has been involved in gold deals, in tandem with Lieutenant Colonel Jet Mwebaze, a leading Ugandan general in the Congo, with dealers from Israel'. Salim Saleh has very important links with high-ranking officers operating in the field in the Congo.

During its investigations into the looting in the Congo, the UN Report named officers implicated in these shameful exploitations. On the Ugandan side, they named Major General Salim Saleh, Brigadiers James Kazini Takamanyire (cousin of Museveni's wife), Colonel Otafire, Colonel Mugyenyi and Lieutenant Colonel Noble Mayombo as those who have profited most from the war and have led the exploitative activities. What is shocking is the fact that, to facilitate their illegal exploitation of the country's resources, Brigadier James Kazini Tinkamanyire, chief of the Ugandan army staff, appointed in June 1999, a governor, Adelle Mugisa Lotsove, for Ituri district to make it autonomous from Kisangani. In the same way, willing to punish local people in Kivu, Rwanda and their RCD allies created a new district of Minembwe.

'An UN official in eastern Congo counted 64 airplane movements in an ordinary day in Shabunda (Kivu). 150 tons of coltan leave eastern Congo each year and are exported worldwide via Belgium or Dubai' (*Le Monde* August 2001). Paul Kagame of Rwanda has never denied the plundering of the Congo by his forces. During his genocide commemoration speech in April 2001, in order to mock the UN Security Council which called his troops to withdraw from the Congo, Paul Kagame attested that 'plundering of Congo started a century ago.

Those western countries, which are importuning us now with this question, are those that started to plunder the Congo. If they are complaining, it is because we are now doing what they have always done' (quoted in Remy 2001).

Clearly, economic objectives have always been in the centre of Rwanda's continuing presence in the Congo. As Reyntjens (2001:312) wrote, 'Rwanda considers the Congolese Kivu region as a "natural" zone of expansion. For the Rwandan elites, who live well above the means their country can afford, the wealth generated in the DRC has become essential. At least in part, this is government policy: the "Congo desk" of the Rwandan External Security Organisation includes a section called "Production" which is in charge of the exploitation and trade of Congolese resources'.

The same experts concluded that the main reason behind the civil war in the Congo was the looting and illegal trade of its wealth, especially diamonds, copper, gold, cobalt, timber, coltan, coffee, cocoa, and many others. Since the beginning of the second civil war in August 1998, belligerents illegally exploited and traded 3 962 kg of Colombo tantalite (coltan) worth US$ 793 millions, 13 millions of carats of diamond worth US$ 427 millions, 30 000 kg of gold worth US$ 265 millions, 6 millions kg of cassiterite worth US$ 24 millions, niobium worth of US$ 1,5 million, carving timber worth US$ 164 millions, agricultural product, especially cocoa and coffee worth US$ 51 millions. According to the same report, the looting of the Congo provided Rwanda and Uganda with an income of more than US$ 320 millions per year (United Nations 2002).

According to many sources in the Congo and in the West (Association Africaine de Défenses des Droits de l'Homme, ASADHO and Human Rights Watch, HRW), Zimbabweans close to President Mugabe (generals, politicians and high ranking members of ZANU–PF[1]) have invested millions in several economic activities, especially in mining in the Congo. In its issue of August 11, 2001, *Congovision* stressed the fact that after 6 months of exploitation, the Congolese and Zimbabwean diamond exploitation joint venture sold diamonds valued at US$ 85 millions. At the same time, a Belgian auditor who worked

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1   Zimbabwe African National Union – Patriotic Front, the ruling party.

on the volume of Congolese diamonds sold in Antwerp in Belgium, asserted that the joint venture should have produced and sold US$ 100 millions worth of diamonds per month, that is to say US$ 600 millions after 6 months instead of the US$ 85 millions declared (www.congovision.com, accessed on 11 August 2001).

Kabila granted concessions for the sale of oil in the Congo to the Angolan national oil company, Sonangol. Hence, Sonangol has established many sales centres and built several petrol stations in Kinshasa. Its profits are growing quickly as the Congo regularly faces shortages of oil products. Moreover, according to Taylor and Williams (2001:276), 'Namibia's $25 million trade deal with Kabila, which stands to benefit key players associated with the Nujoma regime, similarly played a role in Windhoek's decision to enter and remain involved in the war'.

4.   How the Poor Pay the Bill

'The panel of UN experts was certainly right in concluding that *the only loser* in this huge business venture is the Congolese people' (Des Forges 2001). Once in power in 1997, Kabila acted like his predecessor. Indeed, Mobutu and Kabila and their politico-commercial bourgeoisie have systematically used their political power and positions in the state to plunder Zaire's vast wealth, squandering their nation's resources in flagrant and unscrupulous pursuit of personal fortune. The neglect and deterioration of existing infrastructure and the agricultural sector, the 'white elephants' and the rapidly deteriorating external terms of trade disarticulated the formal economy (Marysse et al 1996:10). Moreover, the civil wars have brought more misery to people around the country, especially those living in the occupied territories of the North, the North-East and the East of the country.

4.1   Public finance

While public infrastructure was deteriorating and poverty increasing, the fortunes of Kabila, his generals and close supporters and clients, the Rwandan, Ugandan and Zimbabwean generals and elites, were growing. Under Kabila's rule, the 'Présidence de la République' was said to control 18-23% of the national

budget for his personal use and his close supporters while the Health Department budget was less than 5%. The Congolese currency has also collapsed. In 1972, the rate of exchange for Zaire (Z) was US$ 1.00 = Z 0.50. Kabila introduced a new currency, the Congolese Franc (FC) on 30 June 1998. When the second civil war started in August 1998, 1 US$ equalled 2,45FC and now, three years later, 1 US$ = 345FC.

Traffic of precious minerals has never stopped, the printing of banknotes from the Central Bank continues and president Kabila with his allies, followers and loyalists are still getting richer while the poor are still getting poorer. Under the current Kabila's regime, the politico-commercial class in the Congo is continuing to amass more and more wealth. While civil servants are being made redundant, and the major services for the majority of people (especially education, health and public transport) are cancelled, the members of government, Kabila loyalists, rebel leaders, Rwandan, Ugandan, Burundian, and Zimbabwean generals are getting more and more wealthy with the dirty money from the war, the illegal exploitation of Congolese resources and different commissions from arms dealers around the world.

As in the past, the Congo under Kabila is still, by complicity, more governed by International financial agencies and some western countries (such as Belgium and France) than by its political leaders. As Claude Ake (1996:133) wrote, 'everyone can see how agents of international financial institutions take over significant functions of government, approving tariff regimes, decreeing the level of social services, and deciding on subsidies, privatisation, issues of trade, wage levels, the location of industry, the choice of consultants for government projects and so forth'. To date, the Congo is still being used as a field of experimentation for policies to be implemented elsewhere around the Third World by these organisations and governments. Currently, the country has just accepted, under the pressure of the so-called international community, the appointment of four vice-presidents to work alongside with president Kabila. This first world experience of political cohabitation is being experienced in the Congo and all political analysts can forecast its result.

4.2 Health

In the field of health, state expenditures in absolute terms are six times lower

than the Sub-Saharan African average. Few hospitals have been built since 1960, while the number of inhabitants is increasing at a rate of 3,3 percent per year, worsening the health conditions in cities and facilitating the emergence of slums. According to the 1996 survey of the United Nations Children's Fund (UNICEF), only 26 percent of inhabitants have access to health service, many families get only one good meal per day and 142 children out of 1 000 births die before the age of 5 (United Nations Children's Fund 2001).

Pharmacies and laboratories in public clinics and hospitals are without any medicine most of the time. Patients going to different hospitals for medical care or operations have to provide everything from medical gloves, laboratory reagents, cotton wool, and sutures to all medicines. In some hospitals, dead bodies rot in mortuaries because of the lack of electricity and freezing facilities. Entire clinics, health centres and hospitals have closed for the lack of medicine, medical equipment and funding as famine, malnutrition, and diseases have reached unbelievable levels. In 1991, a report of the Food and Agriculture Organisation indicated that approximately 44% of the population suffered from malnutrition, a condition in which people take in only half the calories required to provide the energy necessary to sustain their basic metabolism (Schatzberg 1991:41). The current war has worsened the situation and an important number of displaced people are still hiding in the bush without shelter or medical care, most of them dying from treatable and minor illnesses.

According to UNICEF 2001, malnutrition has hit many families severely and a substantial number of young children in Kinshasa are chronically malnourished: their height is systematically less than the height of normal children of the same age and their weight lower than those of normal children of the same age. Malaria, measles, malnutrition, respiratory infections, goitre, typhoid, and other diseases are killing people daily, especially women and children, as health care throughout the country has plummeted. The recent report of the Ministry of Health emphasised the fact that malaria is currently the country's biggest killer. It killed 1,5 million people in the Congo in 2000 and for the same year, people suffering from malaria used 16 percent of beds in hospitals throughout the country (Ministère de la Santé Publique 2001).

4.3 Employment situation

In the field of employment, there have been important job loses as factories have been dismantled and taken away to Uganda or Rwanda. In 1999, the sugar cane factory in Kiliba, the biggest in eastern Congo, was dismantled and transferred to Jinja in Uganda. Many parts of factories in the Office d'Or de Kilomoto (the Congolese national company exploiting gold in the North and the North East) have been dismantled and transferred either to Rwanda or Uganda and their workers have been made redundant. In November 2001, the biggest private employer in the country, MARSAVCO-UNILEVER, had to close several of its factories in the North and end its commercial and administrative activities in Kinshasa, making more than ten thousand workers redundant, as it became impossible for the company to operate because the majority of its plantations and other productive activities were located in the occupied territories.

4.4 Education and literacy

There is no doubt that illiteracy is a great impediment to development. In spite of progress made since 1960 by improving the quality of the education system and increasing the number of intellectuals in the country, the Congo is now facing a miserable situation in the field of education.

A report of the National Teachers' Union notes that, in 2001, the level of non-enrolled children was 33% in cities and 54% in rural areas (Syndicat 2001). With the current civil war, each school or university has its own academic calendar. For many years now, students have had to pay all tuition fees and from 1994, professors have been paid by parents' contribution. The state has stopped paying scholarships to students and parents have to give full financial support to their children if they want them to study. In this situation, the lack of financial means has kept many intelligent students at home.

Increasing illiteracy worsens poverty in the country and actually, many children of school age do not study. Many, especially girls, are sacrificed because people think that they will get married even if they are not educated. When they are enrolled in schools, they face serious sexual harassment and other physical abuse.

4.3 Household consumption

The country's mismanagement, dictatorship, tyranny and wars continue to produce deadly effects for Congolese households. The monthly price index change for consumption was 88% in 1988, 39% in 1989, 26% in 1990, 4 134% in 1991, 2 990% in 1992, 4 652% in 1993 and 6 682% in 1994 (Gamela 1996:119). While different warlords are getting rich, consumer prises are still rising at an annual rate of more than 100% a year. In 1998 they rose at 107%, in 1999 at 207%, and in 2000 at 554% (*Economica* 2001).

Moreover, when the Congolese currency, the Franc Congolais, started to float in May 2001, the gap between the fixed official rate and the parallel rate was 545%, while in June 1998 when the currency was launched, the gap was only 45% (*Le Potentiel* 2001). At the same time, civil servants have remained unpaid for more than six months in cities and for more than 8 months in rural areas. National income per capita has decreased from US$ 375 in 1956 to US$ 102 in 1994 while the legal minimum wage decreased from US$ 100 in 1990 to US$ 18 in 2001. With this salary, most Congolese can no longer afford even the relatively low fees now required for medical consultation and the first dose of prescribed medicine against malaria.

This financial and income situation has dramatically reduced the level of consumption in the Congo. People struggle only for food and neglect other goods of secondary importance such as clothes, shoes, good housing conditions. Houyoux showed in 1986 (Houyoux 1986) that the proportion of food in the total family budget was 62,1%. The National Institute of Statistics (1985) found 65,3% in 1985, and during my field research in Kinshasa in November 1996, my data showed that the proportion was 63,3% (Iyenda 2001:233-242).

4.5 Human rights abuses

The humanitarian consequences of lootings initiated by a financially driven civil war had had horrific consequences on people in the Eastern Congo. According to the UN, the number of excess deaths directly attributable to the Rwandan and Ugandan occupation since the outbreak of war up to September 2002 had been dramatic. Destroyed farm production had resulted in food insecurity, malnutrition and high mortality rates for the displaced and host populations,

while malnutrition, in turn, had substantially increased the exposure of the population to life-threatening illnesses of all types (United Nations 2002).

In the field of human rights, the civil war has exacerbated the suffering of the Congolese people. Ugandan and Rwandan troops and their rebels allied are still committing grave human rights abuses in the north, the north-east and the east. The Rwandan army used prisoners from its jails and children to contribute to its illegal exploitation of resources by forcing them to mine resources. As Des Forges argued, 'while Ugandan commanders were plundering gold, looting timber, exporting coffee, and controlling illicit trade monopolies in the Ituri district, their troops were killing and otherwise abusing the local population. Absent international pressure, the situation can only get worse' (Des Forges 2001).

The dictatorship that followed after the independence of the Congo was based on political oppression and exploitation. Crimes against humanity were committed by the Mobutu and Kabila tyrannical systems. Up to date, Kabila's regime is still one of the most criminal in Africa. The Congolese army, the FAC (Forces Armées Congolaises), often crushes unarmed civilian and student demonstrations. Violence in the country, especially caused by the army, the secret services, and the police, regularly violates human rights. During this war, villages have been burned, people killed, women raped by the Congolese forces with their Angolan allies. Without warrants, soldiers, police officers, and security services repeatedly looted, arrested, tortured and raided civilians, often under the unlawful instruction of a commander. The army and secret services that are specially managed by Kabila's relatives or loyalists help him to perpetuate dicta-torship and commit many crimes by keeping people under intimidation and fear. The expression '*le pays est en guerre*' (the country is at war) is used to justify all the atrocities faced by the innocent civilians.

5.   The Way Forward

The Congolese crisis, instability and suffering continue as time passes. As said earlier, more than 3,5 millions of Congolese have already perished directly because of the war. Until now, the Congo's resources are still being looted by

occupying forces and by the incompetent and tyrannical government in place in Kinshasa. Killings, rapes, torture and human right violations in the field continue. At this time when many questions are still unanswered about the future of the country, scientific work is needed on its way forward. Although Laurent Kabila brought a fresh hope to the Congolese people when his rebellion overthrew Mobutu's regime and he claimed to be the successor of Patrice Lumumba, he failed to bring democracy in the country. As a Rwandan and Ugandan puppet at the beginning of his regime, Kabila started a new page of Congolese sufferings with a civil war, which is failing to be ended completely.

5.1 Promoting democracy

As the United Nations Development Programme (2002) argued in its 2002 *Human Development Report* on Democracy, 'enjoying political freedoms and participating in the decisions that shape peoples' lives are fundamental human rights: they are part of human development in their own right'. There are evidences around the developed world that democracy is, even in an imperfect state, a better form of governance. In most developed countries, democracy has the power to guarantee the political and civil freedom of different communities in a country, and to allow members of different communities at all levels to participate in the process of decision-making and therefore to improve their ways of life. In a democratic regime, people have the opportunity to press for changes that affect their lives, and the poor are empowered to press for policies that may shape and improve their welfare.

Indeed, the lack of democracy in the DRC has hampered the lift of people from poverty, inequality and social fragmentation. The dictatorship and tyranny have stopped the improvement of social lives and have taken away any hope towards development. Since the early 1970s, the critical importance of democratic governance in the development of the Congo is still highlighted by academics, researchers and development activists. As the country has lost millions of its inhabitants because of the lack of democracy, the Congolese government, the civil society and all national and international development practitioners working in the Congo should spare no effort to promote democracy and strengthen the rule of law throughout the country. The Government should

mainly commit itself to respect all internationally recognised human rights and fundamental freedoms, including the right to welfare and development. These values should be recognised and the Congolese people should be aware of the fact that improving the quality of democratic institutions and processes across their country will lead to peace and stability. They should get involved in managing the changing roles of the state and civil society in an increasingly globalised world. This will underpin national efforts to reduce poverty, sustain the environment, and promote human development and peace.

It is clear that when a democratic regime fails to respond to needs and aspirations of the majority of its people, tension and violence erupt and people may take the law into their own hands. The Congolese government should increase its efforts to address the many dimensions of human development. It should create its own national poverty eradication strategies based on local needs and priorities. Advocacy for nationally designed solutions to fight dictatorship, tyranny, poverty and destitution and promote local solutions by ensuring a greater voice for the poor should be a great concern not only for the government but also for the local people.

5.2 Promoting the protection of civilians and the respect of human rights

The protection of civilians from the devastating effects of armed conflicts was among the cornerstones of the United Nations Charter at its foundation. The spirit of the UN Charter therefore obliges all UN members to protect innocent civilians from any kind of violence from soldiers or armed groups. In addition to this obligation, the DRC has to provide the most vulnerable with access to humanitarian assistance, health services and shelter, and has to restore the rule of law and justice where anarchy and violence dominate.

In the last nine years, the DRC has been ravaged by the most violent conflict in its history, which has claimed the lives of many millions of civilians and left millions of others permanently homeless and in a state of continuous displacement. In its efforts of moving from war to peace, the Congolese government should act responsibly by bearing in mind that it has the primary responsibility for the protection of civilians. It should dedicate greater attention to protecting

civilians than to complying with international obligations. More emphasis should be put on advocating for the respect of rights of children, women, the elderly, the disabled and other vulnerable groups.

In the East and the Northeast of the country, millions of civilians have been expelled from their homes. Most of them are still living in hiding and face a lack of food, medicine and other basic needs, as during the entire conflict, civilians were the primary targets of attack from all the belligerents. To stop the recurrence of these atrocities for good, the Congolese people and their international partners should put more emphasis on the importance of protecting civilians and on the involvement of the civil society in political dialogue between different communities around the country. The civil society should also get involved in actual negotiations about peace and in providing humanitarian assistance to people in need.

5.3   Strengthening accountability, transparency and good governance

Bad governance, corruption and mismanagement are being increasingly regarded as root causes of civil wars and instability in most African countries. Nowadays, scientists and experts from different fields of public life are convinced that the promotion of good governance and the fight against corruption are among the most important reforms to be undertaken in Africa if the continent needs to live in peace.

Indeed, good governance implies many aspects within the political arena of each country. The most important are: participation, accountability, transparency, the rule of law, effectiveness, dialogue and inclusiveness.

In the DRC, more emphasis has to be placed on advocacy for the implementation of the above-mentioned principles, which support good governance. Among these principles, accountability remains a key requirement of good governance. The government, the civil society and the private sector in the DRC must be accountable to the Congolese people. The Congo must also be ruled on the basis of fair legal frameworks that are enforced impartially. The judicial system needs to be independent, impartial and incorruptible. Decision makers at all levels of power need to be transparent and need to make information freely available and accessible to the majority of people who are affected by their decisions. In countries where good governance, transparency, and

accountability are a reality, it has been proved that transparency, the rule of law, tolerance of minorities and opposition groups and political freedom have acted as the basis of peace and human development.

5.4   Promoting a sound macro-economic environment and social justice structures

As unemployment and poverty are allowing people to be easily recruited to serve in different rebellions, programmes of training and reinsertion of former militias and former soldiers should be organised throughout the country to give a second chance of a better life to these categories of people. The education system for adults should focus on the understanding of human development, social development, rural development and urban development, with special reference to the informal sector, gender and human rights.

To bolster the Congolese development process, fighting unemployment is essential and urgent. A combination of policies will produce better results than a single policy or a single strategy. The Congolese should focus more on the central role of the state in finding appropriate solutions to create jobs, as the state is very important in the process of influencing people's behaviour within groups and communities. The state strategy of employment creation should focus in three main fields: infrastructure building and repairs, support of, collaboration with and renovation of the public sector; support of and cooperation with the private sector; and innovation of the self-employment and the informal sector, including urban agriculture.

At local and municipal level, state action is needed – to allow groups to increase their capacity to participate; to promote efficiency, equity, and welfare; and to support any development action for the benefit of the communities. Through education and civic campaigns, the state has the power to promote cooperation between members to find solutions to problems posed by underdevelopment. My argument follows Sen's (1997:37) position when he pointed out: 'Positive state activities have played quite a considerable part in the historical process of economic development. This applies even to early economic development in Europe and the United States, not to mention the later experiences of Japan, and more recently, east Asia, where the state has very actively assisted industrial development'.

My argument is that if the Congolese need to live in peace, the state still has a central role to play in employment creation and job promotion in the Congo in general. The Congolese government can sensibly put in place different plans and programmes to combat unemployment and create jobs, to update employment laws and rules in favour of workers, to improve security for foreign investors and investments and to fight corruption and mismanagement. Furthermore, at this level, the central state should allow local authorities the collection and management of some types of taxes to deal with the issues concerning employment. Therefore, drawing on local skills and local knowledge, local municipalities should focus their actions on the reinforcement of social capital among people in their process of job creation. Ultimately, employment should be seen as the state's first concern. The central state should share responsibilities of job creation and provision with local municipalities.

6.   Conclusion

Almost nine years of civil and brutal war have virtually destroyed the few Congolese infrastructures that remained after thirty two years of mismanagement, corruption of plundering of the country by the Mobutu regime. Health, judicial and educational services, and roads and communication networks have been totally destroyed and the country is facing serious difficulties.

To avoid this kind of situation being repeated, development assistance provided by the United Nations system and other bilateral donors needs to focus on decreasing the key structural risk factors that fuel violent conflict: such as inequity – by addressing disparities among identity groups; inequality – by addressing policies and practices that institutionalise discrimination; justice – by promoting the rule of law, effective and fair law enforcement and administration of justice; and insecurity – by strengthening accountable and transparent governance and human security (United Nations 2001:24).

Throughout this paper, I have highlighted the fact that since the beginning of the civil wars in September 1996, nearly 5 million Congolese people have been driven away from their houses and displaced. Nearly 3,5 million people have been killed and the wars have destroyed what was left of Congo's public

services and infrastructure after 32 years of mismanagement by Mobutu and Kabila I and II – which brought the entire economy that had already collapsed to its knees.

One of the main goals for the return of peace in the DRC is to ensure that civilians return to their homes and continue with their activities and livelihoods. More emphasis has to be placed on advocacy for protecting civilians, consolidating democracy and ensuring prosperity, not only for a few people but also for the majority of the population. As is well known, a sound macro-economic environment, a democratic and political regime, and a social scheme can provide structural stability in a post-war era. A sustainable economy and political system, a democratic regime which respect human rights, and viable social structures, should be goals for anyone who wants to establish peace in the Congo and make it a better place to live. The challenges facing the Congolese are numerous and complex. At the same time, however, the country has much potential and opportunities for growth and development.

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Amnesty and International Law: The case of the Lord's Resistance Army insurgents in Northern Uganda

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Abstract

The conflict in northern Uganda is about to enter its twentieth year since it began in 1986. As at the time of writing, there is no sign that the conflict is about to come to an end. For a long time, the government has tried the military option to end the conflict but to no avail. However, recently the government under pressure from local and international civil society organizations and the Acholi population opted to talk peace with the rebels. The proponents of peaceful methods to end the conflict have mooted the Acholi traditional reconciliation mechanisms of

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Mato oput and *Gomo tong*, and the government instituted amnesty to try and lure the Lord's Resistance Army (LRA) from the bush. In their efforts, the peaceful methods proponents have incessantly campaigned against the on-going International Criminal Court (ICC) investigations into the LRA activities. Meanwhile however the LRA has continued to commit egregious international crimes, which its top leadership must answer for. Whilst the abducted and conscripted LRA foot soldiers (mainly children) may be amnestied, customary international law demands that the top leadership of the LRA must be punished for the *jus cogens* crimes that have been and continue to be committed in the conflict.

1.   Introduction

To date the rebel group, the Lord's Resistance Army (LRA),[1] has waged 20 years of war against the government of the National Resistance Movement/Army (NRM/NRA) in Uganda. Since 1986 when the government of NRM led by Yoweri Museveni came to power, the people of northern Uganda have never known peace. All this time, the insurgency has pitted the LRA of reclusive Joseph Kony against the national army of Uganda, the National Resistance Army (NRA) – later renamed the Uganda People's Defence Force (UPDF) – supported by a myriad of local militias. The LRA insurgency, it should be noted, is the only one that has persisted against the NRM government as all the others have petered out. The defeated insurgencies include those of the Uganda People's Defence Army (UPDA) of Brigadier Odong Latek, the Uganda People's Army (UPA) of Peter Otai, the Holy Spirit Movement I (HSM I) of Severino Lukoya, the Holy Spirit Movement II (HSM II) of Alice Lakwena, the Western Nile Bank

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1   The LRA has changed names a number of times. It started as the Lord's Salvation Army (LSA) then it became the United Salvation Christian Army (USCA) and finally the Lord's Resistance Army in 1994. For a detailed background about the group and the rebel movements in northern Uganda, see Human Rights Watch 2003, and Behrend 1998:107-118.

Front (WNBF) of Juma Oris and the Allied Democratic Forces (ADF) of Jamil Mukulu, among others.

The conflict in Northern Uganda has been very brutal and debilitating, especially for the civilian population. Women and children have been the most vulnerable groups. The tactics of the LRA have included: murder, abductions, rape, body mutilations and pillage. The government forces have also not escaped accusations of committing crimes such as murder and rape. On a number of occasions the LRA and the government have engaged in peace talks, but every time they have broken down. The latest attempts at talks began in November 2004, when the government announced a limited unilateral cease-fire in parts of Northern Uganda.[2] The talks broke down at the end of December 2004, but Chief Peace mediator Betty Bigombe[3] has pressed on and has been working hard to get the two sides to sign a comprehensive cease-fire agreement. It appears that Bigombe's efforts have begun to pay off as a number of top LRA commanders have come out of the bush, including Chief Spokesman and Peace Negotiator Sam Kolo, and Operations Commander Onen Kamdulu.

Meanwhile in January 2004, the government of Uganda concluded an agreement with the Office of the Prosecutor of the International Criminal Court (ICC),[4] for the latter to start investigating the activities of the LRA[5] with a view

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2   The government extended the cease-fire up to 22 February 2005, to give the rebels a chance to assemble in the cease-fire area and wait for the rebel leaders and the government team to sign the Peace Talks Memorandum (*The New Vision* 19 February 2005).

3   Betty Bigombe was a Minister of State for the Pacification of Northern Uganda in the Museveni government up to 1996. Having failed to become a Member of Parliament for Gulu Municipality after the 1996 parliamentary elections, she left to work for the World Bank in New York.

4   See International Criminal Court 2004. In fact President Yoweri Museveni first referred the situation concerning the LRA to the Office of the Prosecutor of the ICC in December 2003. On 29 January 2004, President Museveni and the Prosecutor of the ICC, Luis Moreno Ocampo, met at Hotel Intercontinental, Hyde Park, London, where the formal referral agreement was announced.

5   In accordance with Articles 13(a), and 14(1) of the Rome Statute.

to indicting and bringing to justice all those who have committed atrocities in the long running conflict. At the time of writing, the ICC investigators have been in Northern Uganda gathering evidence (*The Monitor* 28 February 2005). Meanwhile, sections of the local civil society groups, the traditional leaders in Northern Uganda, politicians from the conflict area and individuals have come out to strongly argue against the ICC investigations. Their argument has been that the threat of prosecuting LRA leaders will only harden them not to abandon their rebellion. It has been argued that the LRA rebels must be lured from the bush through peaceful means – such as amnesty. In fact, the Parliament of Uganda enacted an Amnesty Act in 2000, and to date more than ten thousand former rebels have taken advantage of this law (*The New Vision* 2 March 2005).

The aim of this paper is to discuss the issues of amnesty and prosecutions for the LRA's top leadership, in the context of international law. This is in view of the continued opposition by some sections of the civil society and Acholi leaders and population that the ICC should drop its investigations into the activities of the LRA. Axiomatically, war crimes and crimes against humanity have occurred in the conflict in northern Uganda, mainly perpetrated by the LRA. Whilst children who were abducted and conscripted in LRA ranks may benefit from amnesty, the top leadership of the LRA must bear responsibility for all the crimes that have been committed. The proponents of peaceful methods to end the LRA insurgency have continuously opined that measures aimed at promoting reconciliation across the community in northern Uganda must be adopted to lure the LRA out of its rebellion. Whilst this argument may be correct, international law obliges states to prosecute the perpetrators of crimes, like those that the LRA has continuously visited upon the people of northern Uganda.

2. The Roots of the Insurgency

There are multifarious explanations as to the root causes of the various rebellions in northern Uganda. The conflict has been variously explained. For instance, that it is a struggle between the government and the LRA; that it is a struggle between the predominantly Acholi LRA and the wider Acholi

population who have borne the brunt of violence that includes indiscriminate killings and the abduction of children to become fighters, auxiliaries and sex slaves; that it is fuelled by animosity between Uganda and Sudan, who support rebellions on each other's territory; and that it is a continuation of the North-South conflict that has marked Uganda politics and society since independence (International Crisis Group 14 April 2004).

The North-South divide is explained in terms of the economic imbalance that was perpetrated by the colonialists. The British deliberately reserved the introduction of industry and cash crops for the South, and regarded the North as a reservoir of cheap manual labour and recruits for the army (International Crisis Group 14 April 2004). This situation was never changed by the successive governments of post-colonial Uganda. The army was continuously and heavily recruited from the North, with the South enjoying relative economic prosperity. The Museveni rebellion against Obote has also been explained in the context of the North-South divide. For many, the rebellion was merely a continuation of the ethnic competition that has typified Uganda politics – a case of Bantu speaking Southerners wanting to remove from power Northerners speaking Nilotic languages (International Crisis Group 14 April 2004:2).

Broadly therefore, all the insurgencies in northern Uganda, including that of the LRA, can be explained as an attempt by the people of that region to regain power that they lost in January 1986. Suffice it to note that from 1962 to 1986, the people of northern Uganda had ruled the country for a whooping twenty two years. However, the immediate cause of the rebellion against the Museveni government that started in 1986 can be found in the way the NRA soldiers behaved when they reached the district of Gulu. Gulu town, which is predominantly inhabited by the Acholi people, was captured by the NRA in early March 1986 without a fight. According to Heike Behrend (1991:165),

[S]oon afterwards, the 35th battalion of the NRA was sent to Kitgum. This included remnants of UNLA who had surrendered, and ex-Federal Democratic Movement (FEDEMO) troops who being mainly Baganda, had been formed to fight Obote. They took the opportunity to loot, rape and murder. To escape this, some of the Acholi ex-soldiers took up their weapons again and went into the bush to join the newly founded UPDA.

So, clearly it can be argued that the underlying cause of the LRA insurgency in northern Uganda was an attempt by the defeated northern forces that had presided over Uganda's state affairs since independence to regain power. However, the immediate cause of the rebellion against the Museveni government in 1986 by the people of Acholi was the unbecoming and undisciplined behaviour of the 35th battalion of the NRA.[6]

3.   The Lord's Resistance Army

As Museveni's NRA was seizing power in Kampala in January 1986, the bulk of the former Ugandan army, the Uganda National Liberation Army (UNLA), predominantly made up of people from Lango and Acholi districts of Uganda, retreated northwards. When the NRA reached these areas, the defeated UNLA attempted to stage a come-back. Their hope was that the people of the north would rise up against the invading southerners who predominantly made up the NRA. By late 1988, the NRA had already been able to see off a number of rebel groups that had risen to fight against it in the north of the country. Prominent among these groups were the UPDA and HSM I and II. By the early 1990s the rebellion in Teso region led by the UPA had all but petered out. However, from the ashes of the UPDA and HSM I and II was to rise the LRA.

The LRA was started by Joseph Kony, a former altar boy, after the defeat by the NRA, of Alice Lakwena's HSM II at Maga Maga in Jinja district in 1988. Kony

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6   For example, it is reported that these forces massacred 40 civilians in former Head of State Tito Okello's village of Namokora, Kitgum district. Many Acholi and others believe that the NRA chose not to use its disciplined forces in the North, sending instead the most brutal and unruly elements of the 35th battalion in a deliberate strategy of revenge and subjugation. See International Crisis Group (14 April 2004:3), and Simba (2000:12) who noted that the conduct of the 35th Battalion reinforced UPDM/A propaganda to the effect that the NRA, a southern army, was plotting to kill all male Acholi, leaving those men no alternative but to defend themselves and their community.

is a nephew of Alice Lakwena, who herself is a daughter of Severino Lukoya. Kony proclaimed himself a messianic prophet (United Nations Integrated Regional Information Networks 28 January 2004), and stated that he aimed at overthrowing the Museveni government and ruling Uganda according to the Biblical Ten Commandments. However, as the rebellion lost popular support among the people of the region and was under pressure from both the UPDF and local resistance, the LRA and Kony fled to Southern Sudan (United Nations Integrated Regional Information Networks 28 January 2004). From the start, Kony's programme was 'a mixture of political entrepreneurship, personal frustration and war-lordism' (Doom & Vlassenroot 1999:22). Kony found a fertile ground to operate in Southern Sudan because the area had been wracked by war while the Sudanese People's Liberation Army (SPLA) of John Garang was fighting the Khartoum government since May 1983. The Sudanese government found an ally in Kony as the government of Uganda openly supported the SPLA. Kony was able to get bases and the much needed supplies of weapons to continue fighting the Uganda army. The LRA's tactic throughout its insurgency has been to attack and terrorise civilians through killings and abductions. In effect, the LRA has been able to keep its ranks swelled through child abductions and forceful recruitments.

Having been stung by the continued LRA presence in Southern Sudan, President Museveni with the help of then President Daniel Arap Moi, reached a diplomatic agreement with President Bashir of Sudan in 1999 in Nairobi, Kenya. Among the stipulations of this agreement, was the cessation of support by either government to the LRA and the SPLA. But this agreement failed to stop the LRA insurgency.

In March 2002, the UPDF launched what it called 'Operation Iron Fist',[7] aimed at routing the LRA from its bases in Southern Sudan. This operation followed an agreement reached by the government of Uganda and that of Sudan, allowing the former to send her troops into the territory of Sudan below

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7   The protocol authorising the operation has been renewed periodically. The current renewal period, which was signed between the two countries on 15 May 2005, is slated to end on 30 June 2005 (*The Monitor* 17 May 2005).

the 4th parallel, in order to deal with the LRA insurgents. In July 2002, President Museveni moved to Gulu and at the time promised Ugandans 'that he would militarily end the northern rebellion by the start of the next rainy season (April 2003)' (*The Sunday Monitor* 27 April 2003:8). The results of the operation have been mixed. Whereas the government and the UPDF have claimed success on account of the fact that Kony no longer has permanent bases in the areas of Southern Sudan near the Uganda border where he can launch attacks into the territory of Uganda, civil society groups like the Acholi Religious Leaders' Peace Initiative (ARLPI) – a group that has been seeking peaceful ways to end the conflict – has noted that 'the operation was the biggest mistake of the government as it has doubled the numbers of the displaced and [has made the] security [situation] worse than ever' (*The Sunday Monitor* 27 April 2003:8).

The effects of Operation Iron Fist, among others, were the expansion of the LRA's operational area from its traditional bastions of Gulu, Pader and Kitgum districts to the districts of Lira, Apac and the two districts of Katakwi and Soroti in Teso region.[8] As a result of the LRA's invasion into Teso, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) has estimated that the number of the internally displaced persons (IDPs) fleeing LRA terror rose from 800 000 to at least 1,2 million (Human Rights Watch 2003). The IDPs, who are largely composed of malnourished children, live in squalid make-shift camps called 'protected villages'. These camps are devoid of food or clean water, and sanitation and medicine are nonexistent (Human Rights Watch 2003). The concentration of people in IDP camps gives the LRA a chance to attack, kill and abduct many people. This is in spite of these camps being protected by local militias. The United Nations Children's Fund (UNICEF) has estimated that in the year 2003, a staggering 8 500 children were abducted by rebels (Human Rights Watch 2003). Many of these children once abducted, are never seen again.

The government's response to the increased LRA attacks has been to ask the local communities in affected areas to raise militias who are trained

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8   The other districts that make up the Teso region are Kumi and Kaberamaido.

and armed by the government, ostensibly to protect the local populations from the marauding LRA. As a result, the Teso region has seen the rise of the para-military Arrow Group militia, while in neighbouring Lango region there is the Amuka Boys. These para-military groups are aimed at protecting the people while freeing the army to pursue the LRA. But, some of these militias have been used in the army's offensives against the rebels. This has raised concerns among the local peoples and civil society groups about the long-term security of these regions. Suffice it to note, many people who have joined the militias have been rebels in the past. For example, many members of the Arrow Group in Teso region were once part of Peter Otai's UPA which operated in the area between 1987 and 1993. The concern is whether, after defeating the LRA, these former rebels will disarm. The government and army have given assurances that they will. The army spokesman, Major Shaban Bantariza, was quoted as saying that [the army] will ensure that they demobilise when Eastern Uganda has been rid of terrorists (Human Rights Watch 2003).

4.   Lord's Resistance Army Crimes

The LRA crimes have been well documented over the years.[9] The group has committed egregious offences that include: war crimes, crimes against humanity and torture.[10] The LRA tactics of attacking the civil population have resulted in whole villages being emptied of people. By the end of 2004, an estimated 1,6 million people were living in IDP camps in northern Uganda.[11] These camps are a bit safe from LRA attacks because they are protected by the army.

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9   This article does not concern itself with crimes which the government forces may have committed during the course of this conflict.

10 For a comprehensive discussion of these offences in relation to the LRA leaders being indicted and prosecuted for the same by the ICC, see Apuuli 2004:1-19.

11 According to Oxfam International 2005, two million people have been displaced and half a million have been killed since the start of the conflict.

However, they are not totally insulated, as the attacks in early 2004 on the camps of Abia and Barlonyo showed. The living conditions in the IDP camps have been described as inhuman, due to their lack of infrastructure, adequate food and water, and medical care.[12] Earlier on, the LRA had been responsible for massacres at Atiak in April 1995 which left between 170 and 220 people dead; Karuma in March 1996, 50 dead; Acholi-Pii Refugee Camp in July 1996, 100 dead; and, Lokung-Palabek in March 1997, over 400 dead (Doom & Vlassenroot 1999:25).

The LRA has been notorious for wantonly and systematically abducting people, particularly children. These abductions are aimed at accomplishing a number of things. The abducted boys and girls are forcibly recruited into the LRA ranks.[13] In addition, the girls are also married to the LRA rank and file. It is reported that Kony himself maintains a number of these abducted girls as his wives. In addition, the LRA uses the children as human shields, porters and labourers. According to Human Rights Watch, an estimated 10 000 children had been abducted by the LRA by mid-2002 (Human Rights Watch 2004). These children are forced to fight, kill civilians and abduct other children. Those who fail to comply with LRA orders are murdered, often by other children who are forced to kill them.

Many of the abducted women and girls are subjected to rape, unwanted pregnancies, and risk sexually transmitted diseases, including HIV/AIDS. According to officials of the Gulu Support the Children Organisation (GUSCO),

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12 This description was given by John Baptist Odama, the Catholic Archbishop of Gulu Diocese. He said that 962 000 IDPs live in 62 camps spread around the Acholi sub-region in unhygienic and inhuman conditions.

13 According to reports, over 85% of the LRA forces are made up of children. As part of initiation into the rebel movement, abducted children are forced into committing inhuman acts, including ritual killing and mutilations. In order to evade capture, thousands of children have become 'night dwellers', walking large numbers of kilometres to regroup in centres run by non-governmental organisations, on the streets, on shop verandas, on church grounds, and in local factories, heading back to their villages at dawn.

a local non-governmental organisation that counsels and assists rescued abducted children, the girls who turn up at the centre tend to have had as many as three children while in captivity (Westcott 2003). The abducted girls find it hard to escape because they are kept in close proximity to their 'husbands', the LRA commanders. Whereas the intention of the LRA is not to alter the ethnic composition of the population in northern Uganda by its policy of enforced pregnancies, this tactic may well be a crime against humanity.

Generally, as we have noted elsewhere,

> [T]he brutality of the LRA is legendary. The only other comparable organization with tactics of similar kind was the Revolutionary United Front (RUF) of the late Foday Sankoh in Sierra Leone. At the height of its insurgency, the RUF would attack villages, hacking civilians to death, while those who would be abducted would have their arms and limbs hacked off. The LRA uses similar tactics on civilians (Apuuli 2004).

The question that arises then is: In view of the LRA's continued atrocities against the people of northern Uganda, should its top leadership benefit from amnesty?

5.   The Amnesty Law

Successive governments in Uganda have used the instrument of amnesty to end various insurgencies that had been started against them. For example, after overthrowing the Obote II government, the military junta led by General Tito Okello invited all the other groups that had been fighting against Obote to join the government.[14] Implicitly, the military junta amnestied all these groups of all the crimes that they had committed during their insurgencies. When Museveni came to power, he also used amnesty to lure his political opponents from exile.

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14 Other than the National Resistance Army (NRA), all the other major rebel groups joined the military junta government.

As a result, people like former military junta leader, Tito Okello, and his deputy, Wilson Toko, among others ended their exile and returned home. In 1988 when Museveni concluded a peace agreement with the rebel group, UPDA/M, amnesty for the former rebels was part of the peace deal. Earlier on in 1987, the National Resistance Council (NRC), the then parliament of Uganda, had passed the Amnesty Statute, which had sought to encourage the various fighting groups, such as UPDA/M and UPA/F, and their sponsors to end their activities (Afako 2002).[15] However, the statute excluded four offences from its range of possible offences. These were: genocide, murder, kidnapping and rape (Afako 2002).

In 1998, the government came under renewed pressure from at home and abroad to end peacefully the various rebellions[16] raging in the country, especially that of the LRA. As a result, an Amnesty Bill was introduced in parliament by the government (Afako 2002). In introducing the Bill, the government was revisiting an old political formula of offering pardons to insurgents as a means of ending intractable conflict (Afako 2002). The Amnesty Bill was finally passed into an Act in 2000. The Amnesty Act 2000 offers pardon to all Ugandans engaged or engaging in acts of rebellion against the government of Uganda since 26th January 1986 (Refugee Law Project 2005:4).[17] The act stipulates that it has to be renewed every six months by Parliament. Since it was passed, it has been extended periodically.

The Amnesty Act extends amnesty to all Ugandans, irrespective of age, who have been involved in insurgency through actually participating in combat, collaborating with insurgents, committing other crimes to support insurgency, or in any other way assisting others involved in the insurgency.[18] This means

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15 The statute was targeted at Ugandans in exile who were afraid to return home due to fear of possible prosecution.

16 At that time the Allied Democratic Forces (ADF) rebellion was raging in the districts of Kasese, Bundibugyo and Kabarole in western Uganda.

17 According to this source, altogether 22 known groups have taken up arms to fight the government since President Museveni's NRM came to power in January 1986 (Refugee Law Project 2005:6).

18 Section 3, Amnesty Act 2000.

that a person who is engaged in or engaging in war, or armed rebellion for the purposes of influencing the government or the public for whatever reasons – political, religious or economic – would fall under the Amnesty Act (Refugee Law Project 2004:46). Receiving amnesty is contingent upon reporting to a recognized official, renouncing conflict, and surrendering any weapon that the reporter may have in his/her possession (Refugee Law Project 2005:7). As at the end of January 2005, 14 695 reporters had been received by the Amnesty Commission (AC) (Refugee Law Project 2005:7).[19] Reporters denounce their activities by signing a declaration, after which they are registered, receive an Amnesty Certificate, and then in theory, a package.[20] In the case of former combatants who are in prison on charges of treason and want to receive amnesty, the Director of Public Prosecutions (DPP) clears them before their applications are passed on to the AC.

As at the time of writing, thousands of combatants have renounced rebellion, and have been re-integrated into the civil community in different parts of the country (Refugee Law Project 2005:8). Specifically as regards the LRA, its Chief spokesperson, Brigadier Sam Kolo, number three Brigadier Kenneth Banya, Chief Operations Officer Brigadier Onen Kamdulu, among

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19 The Amnesty Commission is a body established by parliament under the Amnesty Act 2000 to oversee the implementation of the Act. Its two objectives are: to persuade reporters to take advantage of the amnesty and to encourage communities to reconcile with those who have committed offences; and, to consolidate the progress so far made in amnesty implementation and to ensure that more insurgents respond to the amnesty and that the community is ready to receive them. Section 12, Amnesty Act 2000, establishes a Demobilisation and Resettlement Team (DRT) whose function is to decommission arms, demobilise, resettle and reintegrate reporters. The DRT functions at regional level and it has six offices around the country in the towns of Gulu, Kitgum, Arua, Kasese, Mbale and Kampala. It is the one that is directly responsible for the implementation of the amnesty.

20 A standard package (totalling Uganda shillings 350 000) contains Uganda shillings 263 000 in cash (equivalent to three months salary of a policeman or teacher at the time the Amnesty Commission began plus 20 000 transport money), and a home kit (which includes a mattress, saucepans, blankets, plates, cups, maize flour and seeds).

others, have all come out of the bush, and have been amnestied by the government. The argument generally has been that the amnesty process should be allowed to continue and that therefore, there is no need for the LRA leaders to be threatened with prosecution. Any threat of prosecution, even of a minority of combatants, it has been posited, will pose an obstacle to the peaceful resolution of the conflict. However, instead of Kony and Otti taking advantage of the peaceful overtures, recent reports from the region suggest that the LRA has intensified its attacks against the civilian population.[21] Before we explore the argument for granting amnesty, we need to first look at the position of international law *vis-à-vis* amnesties.

6. Amnesty and International Crimes

According to Orentlicher, amnesty constitutes a declaration that the government intends to obliterate (and not merely forgive) a crime (Orentlicher 1991:2537, 2543). Prado Valejjo, on the other hand, as cited in Bhargava (2002:1327), posits that 'amnesty is a juridical measure taken by a state ... [by] means of which, the criminal consequences of certain punishable offences are ignored'. In other words, amnesty represents a fundamental subversion of the rule of law. It seeks to offer impunity for gross violations of human rights and as a result, 'corrodes respect for the law and the institutions designed to uphold it' (Bhargava 2002:1309). Chigara (2002:61) has noted that amnesty attempts 'to edit life's un-editable record'.[22] No government can legitimately deal with a victim's property rights as a sacrifice for the purchase of national stability (Chigara 2002:38). Accordingly, 'amnesty [for] crimes against humanity [and war crimes] (such as those that are alleged to have been committed by the LRA) ... is both inconsistent and incompatible with international law' (Chigara 2002:2).

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21 For examples of LRA's intensification of killings and abductions, see International Crisis Group 11 April 2005:2-3.

22 On the various debates concerning the validity of amnesties in international law, see Sadat 2002:62-69 and Meintjes 2000.

Manifest in the idea of amnesty is the utilitarian argument that not punishing the perpetrators of crimes against humanity and war crimes is acceptable where that action results in the achievement of a greater social good. Chigara (2002:2) notes 'that social good is often perceived as the purchase, through the currency of amnesty laws, of the threat of disruption to the ... social order posed by those that perpetrated [war crimes and] crimes against humanity, should attempts be made to prosecute them'. In the instant case, therefore, the argument is that the threat of prosecution will harden the stance of Kony and his cohorts, encouraging them to continue fighting and thus further disrupting the peace that is returning to northern Uganda.

Elsewhere, the theory of justice as fairness holds that members of a community come together to create rules with which the future conduct of agents of the community must comply (Rawls 1986:3-5). The principles of justice are chosen behind a veil of ignorance and confer basic rights and duties. By these principles Rawls (cited in Chigara 2002:4) notes that

> [M]en decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust. The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.

Rawls states that 'the law exists and operates to justify victims of breaches of their pre-determined legal rights' (Chigara 2002:4). This is consistent with John Stuart Mill's utility of the law concept, which posits that 'in the conduct of human beings towards one another, it is necessary that general rules should for the most part be observed in order that people may know what they have to expect' (Mill 1869:Chapter IV). National amnesty laws for their part disregard the rights of the victims (Chigara 2002:4). They treat victims as if they did not have pre-determined rights at the moment of abuse, and if they did, as if they had not been breached at all (Chigara 2002:4).

Accordingly, national amnesty laws that purport to expunge criminal liability of [war criminals] appear to contradict the theory of justice as fairness, because they violate the basis and ethos of law as self-constituting (Allot 1999:31). They oppose the function of law, as a community's preferred agent for distinguishing acceptable conduct from unacceptable conduct (Chigara 2002:4). The very declaration of amnesty laws is not only a recognition that crimes against humanity and war crimes have occurred, but that also no one should be investigated and held accountable. Amnesty laws therefore, that purport to expunge criminal liability for war crimes and crimes against humanity, appear to be illegal under both customary and treaty international law.[23]

The position of international law, therefore, is that *jus cogens* crimes cannot be amnestied. Cherif Bassiouni has aptly opined that, 'for the four *jus cogens* crimes of genocide, crimes against humanity, war crimes and torture...there should be no general amnesty...'[24] Further, the founding treaty of the ICC has established that amnesties are not a bar to the prosecution of egregious crimes. For example, the preamble to the treaty suggests that deferring a prosecution because of the existence of a national amnesty would be incompatible with the purpose of the court, namely to ensure criminal prosecution of persons who commit serious international crimes.[25] Several authors, with whom we concur, have opined that,

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23 Note that governments argue that Article 6(5) of Protocol II to the Geneva Conventions of 1977 calls for the broadest possible amnesty following conflicts on non-international character. As a result, they argue that amnesties even for *jus cogens* crimes are legal. The article states that, 'at the cessation of hostilities, authorities in power shall procure granting the broadest possible amnesty to persons that have taken part in armed conflict or that are deprived of their liberty, detained or interned by motives related with the armed conflict.' In the case of the LRA, since the conflict has not stopped, this article does not apply.

24 See generally Bassiouni 1996:63-74.

25 Paragraphs 4, 6 and 10. See also Scharf 1999:507,522.

> [H]uman rights obligations are contracted on an international level…
> where these obligations are breached, the individual may be punished for
> such international crimes as a matter of international law, even if his or
> her own state, or the state where the crime was committed, refuses to do so
> (Schabas 2000:2).

Finally, the Secretary General of the United Nations has observed that 'amnesty
cannot be granted in respect of international crimes, such as genocide, crimes
against humanity or other serious violations of international humanitarian
law'.[26] In this regard he is supported by the Princeton Principles on Universal
Jurisdiction, which express a presumption that amnesties are incompatible with
a State's obligation to prevent impunity.[27]

Following from the above therefore, it is clear that there is a duty to
prosecute the LRA's top leadership, which has been responsible for organising
and directing the *jus cogens* crimes that have been visited upon northern Uganda.
Children who were abducted and conscripted in LRA ranks as foot soldiers may
benefit from amnesty, but the top leadership must be punished. In fact, as we
write, a delegation of leaders from Lira district in northern Uganda, comprised
of the Local Council Five (LCV) Chairman, Franco Ojur, and his Vice, Rebecca
Atango, are in The Hague, Netherlands, meeting the Prosecutor of the ICC and
demanding the arrest and prosecution of Kony and his cronies (*The Monitor*
5 May 2005). Earlier on this year, the ICC prosecutor announced that he would
soon release warrants of arrest for five top LRA commanders (*The Monitor*
28 February 2005).

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26 See *Report of the Secretary General on the Establishment of a special Court for Sierra
    Leone,* par. 22.

27 Principle 7 reads: 'Amnesties are generally inconsistent with the obligation of states
    to provide accountability for serious crimes under international law as specified in
    Principle 2(1)'. Principle 2(1) lists as serious crimes under international law (1) piracy;
    (2) slavery; (3) war crimes; (4) crimes against peace; (5) crimes against humanity; (6)
    genocide; and, (7) torture, available at http://www.princeton.edu/~lapa/unive-jur.pdf

7. The Case for Amnesty

According to civil society groups such as the ARLPI and sections of the Acholi population, amnesty 'is compatible with [traditional] Acholi dispute resolution mechanisms' (Refugee Law Project 2004:45). Culturally, the argument goes, the Acholi's ideas of forgiveness are entrenched [...] as they believe [that] the bitterness of revenge does not solve the problem (Refugee Law Project 2004:45). Amnesty it is argued, is rooted in the cultural values of the Acholi people, and is therefore compatible with the context of the LRA insurgency. As one religious leader who was interviewed by the Refugee Law Project (RLP), an organisation that researches in the conflict areas in Uganda, posited,

> [I] am very proud of amnesty. Some people say you can't give in to Kony. But when you look at the Acholi people, they believe in *mato oput*, which is a reconciliation ceremony here. In Acholi culture, there is no death sentence, because they know that the death sentence increases violence. They practice that in their culture, so why not this? (Refugee Law Project 2004:45)

In Acholi tradition, many offences such as homicides, are mediated and resolved by traditional chiefs (*Rwods* – plural for *Rwot*), with a view to promoting reconciliation within the community (Afako 2002).[28] Whenever a homicide takes place, the *Rwot* intervenes in the situation to cool down the temperature and to offer mediation (Afako 2002). Whereas the British colonial government eroded the authority of the *Rwods* by appointing chiefs called *Rwod Kalams* in the early years of the last century, the institution and authority of the traditional *Rwods* survived and were revived by the 1995 constitution. The *Rwods*' greatest asset is their political independence, which gives them enhanced credibility in mediating reconciliation (Afako 2002).

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28 See also Finnstrom 2003:291 (noting that compensation and reconciliation rather than revenge or blood vengeance is the institutionalised Acholi way of handling disputes, homicides and unnatural deaths).

The unique contribution of the *Rwods* is through their mediation of the reconciliation process, *Mato Oput*, which many Acholis believe can bring true healing in a way that formal justice cannot (Afako 2002).[29] The ceremony of clan and family-centred reconciliation incorporates the acknowledgement of wrongdoing, the offering of compensation by the offender and then culminates in the sharing of a symbolic drink.[30]

In addition, there is the traditional ritual of *Gomo tong* (International Crisis Group 21 February 2005:7). This means the 'bending of spears'. According to anthropologist Finnstrom (2003:298), spears from each party involved in the conflict are bent in the form of a U, and then passed on to the former enemy as proof that fighting can never again be allowed between the two groups. In Acholi tradition, the spear is a weapon of war, so therefore, to bend it symbolises an end to hostility.

In addition to *Mato Oput* and *Gomo tong*, individual cleansing rituals are available to the returning ex-rebels, to be re-integrated into the community.[31] The tradition of performing cleansing rituals to purify people from experiences of wartime atrocities makes it possible, after the purification, for links to the past to be cut and the individual to be re-integrated into the community (Olson 2002:186). Thus, all recent LRA returnees are first subjected to the process to reconcile them to (sic) their communities and encourage others to return (International Crisis Group 21 February 2005:7). The Amnesty Act itself enjoins

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29 *Mato Oput* in Acholi means 'drinking bitter roots'. *Mato* is to drink and *Oput* is a local tree that has bitter roots. The drinking symbolises the quenching of anger.

30 See also Finnstrom 2003:290 (observing that the ritual involves many people and takes a full day. Before the actual ritual, however, many things must be arranged, discussed and decided upon. The ritual can be preceded by weeks, months or even years of careful negotiations).

31 For example former LRA spokesman, Brigadier Sam Kolo together with some of the former LRA rebels underwent such a ritual at Ker Kwaro, in Gulu Municipality, Gulu District. Kolo and the rest of the former rebels stepped on raw eggs and other items as a symbol of welcome into the community, before Acholi paramount chief, *Rwot* David Onen Acana II. See *The New Vision* 4 April 2005.

the Amnesty Commission 'to promote appropriate mechanisms of reconciliation in the affected communities'.[32]

The proponents of the amnesty law therefore, have argued that the Acholi people should be allowed to end the LRA insurgency using their traditional dispute resolution institutions. This view has been buttressed by a recent study carried out by the Human Rights Centre, the International Centre for Transitional Justice and Makerere University Institute of Public Health, which found that 70% of the people in the North want conditional amnesty for Kony (*The Daily Monitor* 3 August 2005:7).[33] As a result, they have opposed the government's continued use of military force as well as the ICC's investigation into the activities of the LRA. According to the Vice-Chairman of the ARLPI, Bishop McLeod Ochola, '[the ICC probe] is going to destroy all efforts for peace. People want this war to stop. If we follow the ICC in branding the LRA criminals, it won't stop'. Ochola further argues that 'the ICC probe must come after the war [has] ended' (United Nations Integrated Regional Information Networks 30 January 2004).[34]

The AC and politicians from Northern Uganda have concurred with Ochola, on the argument that the ICC probe into the LRA activities would make a peaceful settlement of the conflict impossible. Moses Saku, the AC spokesman is quoted to have said, 'certainly this is going to make it difficult for the LRA to

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32 Section 9(c), Amnesty Act 2000.

33 See story, 70% in North want Conditional Amnesty for Kony, says Study. 2 585 respondents were interviewed for the study. 40% had been abducted by the LRA, 45% had witnessed the killing of a family member, while 23% had been physically mutilated at some point during the conflict. 65% of the respondents in the districts of Gulu, Kitgum, Lira and Soroti said they supported the amnesty for the LRA. 4% want amnesty to be granted unconditionally, but the vast majority said some form of acknowledgement and/or retribution should be required of all those granted amnesty.

34 This seems also to be the view of Samuel Tindifa of the Human Rights and Peace Center (HURIPEC) of the Faculty of Law at Makerere University, Kampala. He suggests that 'the ICC should join the diplomatic bandwagon to put pressure on both parties to come to a negotiated settlement'.

stop doing what they are doing. They have already been branded "terrorists",[35] which isn't going to persuade them to come' (*The East African* 16 February 2004). The head of the AC, Justice Peter Onega, has also not been in favour of the ICC probe. According to him, 'if the rebels – who come from the Acholi community – are prosecuted, it would send a wrong signal to the people of the region as they are still campaigning for a blanket amnesty'. To him, 'given the history of Uganda ... reconciliation is the best option ... at the moment' (*The East African* 16 February 2004).

Politicians from Northern Uganda have warned that the threat to prosecute Joseph Kony and his top lieutenants could trigger fresh violence. Reagan Okumu, a Member of Parliament for Aswa County in Gulu district, has observed that 'the debate [about prosecuting Kony and his top lieutenants] is not healthy as it could scare [him] into killing innocent people. He should be arrested first before any prosecution can take place' (*The East African* 16 February 2004).

In order to press their case for amnesty and reconciliation, Acholi leaders have frantically been lobbying the ICC Prosecutor to drop his investigation, although not all of them have been supportive of this move (United Nations Integrated Regional Information Networks 16 March 2005). One group that includes the MP for Lamwo County in Gulu district, Hillary Onek, has reportedly been against the ICC dropping its investigations into the activities of the LRA. Onek is said to have argued that 'Kony has been given all the opportunities to come out of the bush and end the war, but he has ignored it (sic)' (*The New Vision* 18 March 2005). The pro-dropping-of-investigations group includes Archbishop John Baptist Odama, Bishop McLeod Baker Ochola, Bishop Nelson Onono Onweng, MP's Jane Akwero Odwong and Jacob Oulanyah, the LCV Chairman of Gulu district, Colonel Walter Ochora, and the Acholi Paramount Chief, Rwot David Onen Acana (*The Monitor* 14 April 2005). Rwot Acana has strongly argued against the ICC issuing arrest warrants against

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35 Uganda Anti-Terrorism Act 2001, schedule 1. Under this law, the LRA and another rebel group called the Allied Democratic Forces (ADF), which has now been defeated by the Museveni government, were declared terrorist organisations. Any person dealing with them commits a criminal offence.

the LRA top commanders, because '[it would] not be good for the on-going negotiations with the government' (*The Monitor* 18 February 2005). Both groups were invited by the ICC Prosecutor to The Hague, after which, they have all now agreed that investigations into the LRA activities should go ahead (*The Monitor* 29 March 2005). The government, on the other hand, has been steadfast in its argument that Kony and his top henchmen must be prosecuted for their crimes (*The Monitor* 19 March 2005).[36] In fact, it has been considering revising the Amnesty Act in order to withdraw amnesty from Kony and his top henchmen (*The New Vision* 23 January 2004).[37]

8.   The Faltering Peace Talks

As at the time of writing, the Uganda army continues to battle the LRA rebels.[38] Kony is nowhere near abandoning his rebellion. LRA attacks against the civilian population, while continuing unabated, have become 'more frequent and are conducted by large units' (International Crisis Group 11 April 2005:1). The peace talks initiated by chief mediator Betty Bigombe seem to have stalled. Suffice it to note that we have been here before. In 1994, the same Bigombe had nearly clinched a peace deal between the government and the rebels. The peace deal at that time was scuttled by President Museveni's sudden announcement that 'he was giving the LRA rebels seven days to put down their weapons and turn themselves over to the government' (Westbrook 2000).[39]

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36   See story Government insists on ICC trial for Kony. (The Minister of State in charge of Northern Uganda, Grace Akello, is reported to have said that efforts by the Acholi [groups] to appeal to the ICC to refrain from issuing arrest warrants against LRA leaders were contrary to the government position).

37   See story Kony to lose Amnesty. Rationalising this move by the government, the Minister of Internal Affairs, Dr Ruhakana Rugunda, said that 'a distinction must be made between those who plan, organize and direct crime, and those who are held against their will and are forced to commit crimes'.

38   See for example, *The Monitor* 30 April 2005 and *The New Vision* 30 April 2005.

According to the International Crisis Group (ICG), the LRA is reorganising for intensified conflict (International Crisis Group 11 April 2005:1). While Bigombe has remained in telephone contact with Vincent Otti, her designated LRA contact, Kony, the LRA's single real decision maker, has not responded to any government proposal (International Crisis Group 11 April 2005:1). Meanwhile, the United States which has recently increased non-lethal military assistance to the Uganda army[40], has doubted the military option to end the conflict (*The Monitor* 27 April 2005). Donald Yamamoto, the Deputy Assistant Secretary of State for African Affairs, while appearing before the Congressional Human Rights Caucus on Northern Uganda, is reported to have intimated that 'there cannot be a military solution to this issue' (*The Monitor* 27 April 2005).

From the frequency and intensity of the LRA attacks, it appears that persons who are advocating for amnesty for Kony and his top lieutenants are *backing a wrong tree*, in our view. At least for now, neither Kony nor his top cohorts appear willing to abandon their rebellion. For the high ranking rebels, 'amnesty means nothing other than plain surrender' (Finnstrom 2005:11). According to Oxfam, a British aid agency, the violence in northern Uganda has increased... since the surrender of the LRA's top [peace] negotiator [Brigadier Sam Kolo] (*The New Vision* 11 May 2005). This view has been corroborated by the United Nations Emergency Relief Coordinator, Jan Egeland, who is quoted to have said that 'violence has increased since [the] peace talks stalled, with more atrocious massacres and mutilations of civilians in the last few weeks' (*The Monitor* 13 May 2005). As we write, there is no sign that the government and the LRA are about to reach an agreement for a cease-fire.

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39 Some commentators have opined that some sections of rebel supporters and the government army did not want the peace deal to mature. According to Doom and Vlassenroot (1999:24), some Acholi politicians in exile may have undermined the process, while some army officers were not in the mood to make agreements with an enemy who was close to defeat. Double dealing was clearly evident.

40 This includes vehicles, spare parts and radios worth US$ 4,9 million for the 2003-4 budget, up from US$ 1,7 million in the 2002-3 budget.

9. Conclusion

It is coming to twenty years since the conflict in northern Uganda first broke out. The Civil Society Organisations for Peace in Northern Uganda (CSOPNU), a coalition of about 40 national and international non-governmental organisations from across Uganda, working to support a just and long lasting peace in northern Uganda, has estimated that the LRA conflict has cost Uganda's national economy at least US$ 1,3 billion since it started, which is approximately 3% of the Gross Domestic Product (GDP) of US$ 100 million annually (Oxfam International 2005). This money could have been spent on productive ventures, other than on this senseless war.

The abductions, mutilations and killings carried out largely by the LRA, but in some instances also by the government forces, cannot go unpunished. The proponents of peaceful methods to end the conflict have argued that the top LRA leadership should be given amnesty for all the crimes that they have committed and continue to commit. However, Kony has been given countless opportunities in the past to take advantage of the existing amnesty arrangements to come out of the bush, but he has not.[41] In our view, he is not about to do so now.

While as we have argued above, amnesty might help in mitigating the conflict and even bringing it to an end, under international law, there is a duty to punish Kony and his top cohorts. The abducted and conscripted members of the LRA may be amnestied, but Kony and his top lieutenants in the LRA must bear responsibility for the *jus cogens* crimes that have been committed. In his meetings with delegations from the Acholi region, the ICC Prosecutor has stated that in the interests of peace, he is ready to suspend but not end the investigation into the activities of the LRA. Our hope, just like that of all the other peace-loving Ugandans, is that one day, Kony will stand before the ICC judges at The Hague.

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41 For example, while touring northern Uganda in May 1999, President Museveni announced that Kony was to be amnestied. See Westbrook 2000.

Epilogue

On 14th October 2005, the Chief Prosecutor of the ICC, Luis Moreno Ocampo, unsealed the warrants of arrest for the five leaders of the LRA, which had been issued and sealed by Pre-Trial Chamber II[42] of the ICC on 8th July 2005. Earlier on, the United Nations Secretary General's Special Representative (UNSGSR) to the DRC, Ambassador Lacy Swing, had announced in New York that the ICC had indicted and issued warrants of arrest for the top five leaders of the LRA. The five were named as: Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen[43] and Raska Lukwiya. The warrants had been issued and sealed 'to ensure the safety or physical or psychological well being of and to prevent the disclosure of the identity or whereabouts of any victims, potential witnesses and their families' (International Criminal Court 2005). In issuing the warrants, Pre-Trial Chamber II concluded that 'there are reasonable grounds to believe [that the five LRA leaders] ordered the commission of crimes within the jurisdiction of the court' (International Criminal Court 2005).

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42 Pre-Trial Chamber II was constituted as follows: Judge Tuiloma Neroni Slade (Presiding Judge), Judge Mauro Politi, and Judge Fatoumata Dembele Diarra.

43 Dominic Ongwen was killed by the Uganda army, the Uganda Peoples Defence Forces (UPDF) in Amuria, Soroti district on 30th September 2005, days before the warrant against him was unsealed. *The New Vision* 6 October 2005:1-2.

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Eradicating African Wars: From political ambitions to military leadership and constructive military forces

Francois Vreÿ

Abstract

As the Cold War and its military emphasis paled towards the late 20th century, the use of military forces to conduct multiple missions below the threshold of war tended to marginalise destructive war fighting as a policy option. In some ways it appears that war fighting in its traditional mode seems to render increasingly limited benefits in a strategic environment no longer all that conducive to military coercion. More recently African political leaders also began to craft security policies and arrangements that called for military forces that could operate in a more constructive and cooperative manner below the threshold of competitive war fighting. In some way, the African Union even envisages warless

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futures where war is no longer an option. Avoiding a potential disequilibrium between the aforementioned political outlooks and executive military establishments is an important leadership responsibility. Closing this potential void is now growing more crucial in the light of the emergent African defence architecture to support political ambitions of eradicating African wars. However, the military contribution to terminate wars on the African strategic landscape is dependent upon a military leadership that is able to interface political ambitions judiciously with military shifts towards less destructive mission profiles. The conceptual shift at the political level has to be matched with organisational and material adjustments at the military level, which will not be devoid of difficulties.

1. Introduction

The idea that war made the state and the state made war (Tilly 1975:42) entered perhaps its own cold spell when the state and military security became severely criticised and even ridiculed towards the late twentieth century. New security thinking, from Europe in particular, demonstrated the foolishness of persisting with a dominant state-military security nexus, and aversion grew to the use of armed coercion. This growing aversion to military force in the wake of the Cold War created conceptual room to reconsider two important domains for using armed coercion. Firstly, there was the question whether the use of the military instrument should be allowed to persist, and secondly, the one about ways in which it is to be used if the practice of war is indeed to continue. The latter consideration incidentally also coincided with the appearance of *The Transformation of War* by Van Creveld (1991), which in no uncertain way upheld the conception that the paradigm of interstate war has served its purpose and that alternatives should be considered.

The security debate and the resultant ideas for reviewing whether, or in which ways armed forces are to be used in future, display a prominent Western profile. However, the impact of these potentially paradigmatic shifts for using the military policy instrument did not leave a region like Africa unaffected. Although not precisely in step with, but rather a victim of the sudden events

depicting the collapse of the Cold War that even surprised most First Tier countries, African decision makers nonetheless began to reconsider the role and place of military forces in pursuit of African security. With the establishment of the African Union (AU) during the second half of 2002, the integration of the military instrument with African political ambitions assumed more clarity and became a discernible feature on the African strategic landscape.

The arguments proposed in this article explain that the perceptual shifts concerning the use of African military forces are to be solidified by more concrete, but difficult organisational adjustments and material support. To this end, four matters of the envisaged change in the mission profile of African military forces are explored. As an introduction three different theories on the use of war are briefly portrayed, followed by an outline of political ambitions for achieving a more prosperous African continent. Secondly, the focus falls on increasing dependence upon military support of emergent political ambitions, as well as the challenge it poses for military leadership. Thirdly, a politico-military integrationist approach is sketched to juxtapose political ambitions to more constructive military establishments as instruments of defence diplomacy. In conclusion, certain difficulties are pointed out that are considered to obstruct the perceived political optimism for comprehensively adjusting the mission profile of African armed forces.

2.   Three Conceptions for Using Military Forces

The use of military forces for political purposes may be viewed along different, but not immutable pathways. One alternative is to use the Clausewitzian and Sun Tsu frameworks. The Clausewitzian outlook is often alleged to portray the more destructive use of war to support political objectives (Raitasalo & Sipila 2004:239-240). It is argued that Sun Tsu, on the other hand, promotes an outlook that the skill is to employ initiatives that limit or even preclude the use of military forces as an instrument of diplomacy. This difference is often expressed by saying that Sun Tsu is more ambitious than Clausewitz in reconsidering the use of war (Handel 1996:17). As opposed to Clausewitz, Sun Tsu is less inclined to accentuate the destructive use of military forces, but

rather emphasises achieving the least costly victories (Handel 1996:19). For Sun Tsu the avoidance of victory through military destruction is important, for he rather encourages higher order politico-strategic dynamics that ameliorate the destructive use of war (Handel 1996:31).

A third possibility is to no longer consider war as an option. The destructiveness of war is a central problem when considering its use at the dawn of the 21st century, and a renewed emphasis is placed on the view that warfare is outdated. *The Future of War* (Ayoob 2000) commemorates earlier as well as recent works to terminate the use of war. In essence the publication acknowledges the writings of Bloch on future war[1] and once again turns the spotlight upon the deep destruction wrought by war and the necessity of considering alternatives to this practice. Bloch argued that the use of war in its destructive format could not continue indefinitely. However, its devastating impact upon people persists, and as the 20th century matured, it merely shifted from interstate to the intrastate domain. At the dawn of the 21st century intrastate wars proliferated and, as in the case of Africa, wrought a new wave of destruction upon post-Cold War African societies. This sad state of affairs forms the rationale for the AU to use African military forces in new and more ambitious ways to pursue a future devoid of war.

According to the Constitutive Act of the African Union, the preferred alternative is to eradicate war from Africa, or bury it as deeply as possible in the enigma of policy options. If employed at an early stage, a competitive war-fighting profile is not required, but rather the use of more constructive, cooperative and preventative modes of military action (African Union 2002:5). This preference corresponds with the notion to move away from the force upon force paradigm of Clausewitz (Raitasalo & Sipila 2004:240) and the more traditional theories on the use of military forces as fighting entities. Subsequently the burden now falls upon African military leaders to nudge the war-fighting profile of African military establishments closer to continental political

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1   Originally published in Russian as Bliokh, 1898, *The Future of War in its Technical, Economic and Political Relations*, St Petersburg, Efron.

initiatives that call for military forces which are able to operate effectively below the threshold of war. Military forces, however, are known for being resistant to deep changes to their roles and missions, and this raises questions about the tenability of a shift in the mission profile of African armed forces.

3. Probing the Paradigm: Political Ambitions for a Safe and Prosperous African Continent

Seeking a future amidst a spectrum of futures, ranging from those characterised by optimism to those characterised by pessimism, is an acknowledged way to think and set about pursuing a preferred future. One salient feature of this pursuit is to avoid or tone down the impact of destructive military events – a matter that featured prominently in the early thinking of futurists (Clarke 1970b:273). H.G. Wells is but one futurist who at the turn of the 19th century quite accurately depicted destructive future military means, such as tanks, aircraft and atomic bombs, and warned society about these. War demonstrated that human choice could send nations down a future path of war and destruction or one of peace and prosperity (Clarke 1970a:172).

More recently, McGwire (2002:15) outlined the shift between pessimism and optimism by moving international relations from an Adversarial National Security Paradigm (ANSP) with strong military overtones to an optimistic Cooperative Global Security Paradigm (CGSP) representing a desired future paradigm for humanity. The shift between these two paradigms illustrates a desired migration from interstate competition to cooperation, where states do not compete for security, and where military coercion is subdued, or if required, becomes a multilateral and consensus-driven option. The latter outlook under-pins much of contemporary African thinking about pathways towards the future through newly established AU institutions with their collective profiles (African Union 2002:4) that are closely attuned to the United Nations (UN) and its quest for international peace and order (International Commission on Intervention and State Sovereignty 2001:13).

The fundamental tenets of the African Renaissance (AR), the Constitutive Act of the African Union, the New Partnership for Africa's Development

(NEPAD), and the expectations of African leaders at the recent G-8 Conferences[2] contain undeniable notions, preferences and expectations of African aspirations. Even though Ayoob (2000:158) argues that state making in Third World countries, such as those in Africa, and conflict seem to correlate, the accent of African leaders is upon eradicating this presumed nexus. This optimism remains pitted against a contemporary backdrop of conflict that continues to scar African political ambitions and highlights the need for political access to appropriately structured military measures.

Pessimistic outlooks on the African strategic environment represent a much-criticised portrayal of the continent (Prins 2002:186).[3] Morbid viewpoints from outside the continent are nowadays increasingly countered by more optimistic continental plans, programmes, partnerships and regional bodies that are operating from within Africa (Nathan 2005:363). Although African leaders tend to increasingly portray continental futures as optimistic, new styled conflicts on the continent tarnish this optimism. Kaldor (2000:58) describes these new styled conflicts as new wars – depicting a mixture of wars, massive human rights abuses and organised crime where civilians, not another army, become the target. This reality was acknowledged at the formal establishment of the Peace and Security Council in Addis Ababa during 2004 when the long list of conflicts and civil wars on the continent was reviewed (Konare 2005).

To bring about the desired change towards the vision of future peace, stability and prosperity, military-styled conflict on the African continent has to be terminated and prevented from returning. This need necessitates a legitimate coercive instrument to support continental arrangements in the event of diplomatic alternatives failing. Collective political mindsets need to be matched at the military level to sustain the political ambitions emanating from the AU leadership. A Common Defence and Security Policy, an African Standby Force (Cilliers & Malan 2005) and the SADC[4] Mutual Defence Pact (Lekota

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2   G8 Summits, at Evian, France, June 2003 and Gleneagles, Scotland, July 2005.

3   See Meredith 2005 for an updated view in this regard.

4   Southern African Development Community.

2003, Ngoma 2005) are illustrative of emergent African defence arrangements for supporting the envisaged collective political futures. This matches international practice and coincides with the call for cooperative ventures as proposed by McGwire, and the UN drive for security through a collective responsibility to prevent, react and assist in rebuilding societies ravaged by war (International Commission on Intervention and State Sovereignty 2001:xi).

Military support for the political aspirations of the African political leadership may be achieved by diversifying African military forces for different future needs by exploiting the ability of military establishments to adjust (Kummel 2003:427). One way is to recast African military establishments to assume an increasing responsibility to protect or prevent, rather than to be merely geared for destructive intervention (International Commission on Intervention and State Sovereignty 2001:11). In essence, the contributory profile of African military establishments towards a peaceful, stable and safe Africa should be raised.

4. Challenging the War-fighting Paradigm: Some Indicators of the Need For Change

The growing aversion of the AU to the crude use of military force is not unique and may be traced to a number of theories that oppose the use of armed forces for the purpose of war. Earlier arrangements, such as the League of Nations (Prins & Tromp 2000:10), The Hague Peace Conference of May 1899, the Geneva Conventions of 1949 and 1977, and the UN Charter after the Second World War, all constitute efforts to terminate the scourge of war (Prins & Tromp 200:62-63). Kaldor (2000:55) agrees with the moderating influence of these earlier arrangements and sees it extended in the current transnationalisation of military forces that further limits the potential to wage war. The undesirability of war is also illustrated by views such as the following: that war is counter-productive to the quest for prosperity, that there is a need for a reformed international system that opposes the use of war (Kaysen 2000:441), that war is an outdated practice, and that endism theories on democratic victory and the end of war should be promoted.[5] Such one-sidedness, however, propagates the views that military

coercion is only destructive, that is has to be avoided and even outlawed, and that its eradication is the pathway to perpetual peace (Prins 2002:119). Conceiving of military forces as either destructive policy instruments or as burdensome if war is absent, no longer fits the early 21st century strategic landscape – which includes Africa.

As illustrated in the Clausewitz – Sun Tsu comparison by Handel (1996:19), military coercion should not be forced into a conceptual straitjacket by depicting it only in terms of a destructive military war-fighting profile. Prins (2002:xxii) for example, accentuates the changing character of war that now faces policy making, while Dandekker (2003) highlights the need for new mission profiles and more flexible forces to assist decision makers. Furthermore, the rising responsibility to protect via prevention, intervention and rebuilding (International Commission on Intervention and State Sovereignty 2001:xii-xiii) and growing calls for multilateral decisions and multinational use of military coercion are bound to further ameliorate the biased destructive slant of the military interventionist debate (Anan 2005). As a result, conceptual room is created to consider the more constructive use of military means to which the AU alluded (Konare 2005) and which is perhaps enshrined in the view of Kaldor (2000:55) that military forces should now be geared for international law enforcement to defend civilians from new types of warfare where they emerge.

Military alternatives are relevant and, contrary to general thinking, military institutions are more adaptable than realised (Kummel 2003:426). This adaptability is tested when the security paradigm is shifted away from a dominant destructive profile and military institutions have to reconfigure their roles to cope with goal displacement (Moskos 1998:514). Raitasalo and Sipila (2004:249) point out the blurred boundaries between 'war and other new uses of military force' that characterised the challenge raised by Moskos. New missions were merely added to existing ones, but eventually demanded a more definite demarcation – even if it meant deeply challenging the existing paradigm

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5   See Thompson 1998 as well as Prins, G. 2002 on the writings of Kant and changes in the use of war.

of organised violence by national armed forces upon another actor.

Although viewed as preferable, alternatives for pursuing peaceful and prosperous African futures are not tied up only in non-military ventures. This is visible in the growing use of defence diplomacy by the AU, which raises the profile of African military forces as a means to resolve conflicts on the continent. These forces are to conform with the new needs expressed by their political heads. And according to Cilliers and Malan (2005:2), elaborate but slow-grinding processes were put in place during 2003 to establish continental military means for conducting defence diplomacy, and moves that could be conceptualised as shifting the use of armed force below the threshold of war.

The African alternative could bring about an appropriate paradigm shift for using military coercion by considering the fundamental drivers or conditions that are contained in the general indicators offered by McGwire (2002:8-9).

- An impulse for change: Shared fears and a common vision of an alternative – for example the vision of the African Renaissance and its embracement by the AU.
- The removal of obstacles for changes as envisaged by the NEPAD programme and the collective AU structures that promote a recasting of roles and profiles of African military forces.
- An engine of change as reflected by the rising cadre of new African leaders willing to use the AU and its array of bodies to carve out a new future for Africa and to include African military establishments in this process.
- A precipitating cause or event such as the end of the Cold War that removed its constrictive overlay from Africa, the rise of international terror that challenged the war-fighting paradigm for armed forces or the 2003 Gulf War that enforced a rethink of using military forces in a changing strategic landscape.

Conceptually, the employment of military forces in the zone lingering between barrack life and that of traditional war fighting is immature. Nonetheless, eradicating war in its destructive and illegitimate format (African Union 2003 Ch. 1, Par. 1) as well as upholding defence diplomacy as a legitimate and cooperative policy instrument (Nyanda 2000) have both migrated into this inter-zone

between soft politics and the hard reality of war-fighting. The conceptual shifts implied by this migration represent a tough call for future military leaders for they have to adjust African military forces to deal with multiple mission environments for stamping out war and preventing it from returning.

5.   From Political Ambitions to Defence Diplomacy

In order to remain in step with shifting political initiatives, current African military leaders are responsible for tailoring the preparation, utilisation, and command of future African military institutions. African military forces are to be employed in a myriad of forms across the continent and can no longer merely draw upon haphazard combinations of national military capabilities (Cilliers & Malan 2005:2, De Coning 2004:20-21). This implies a diffusion of changes that will narrow down the void between political ambitions and an appropriate military policy instrument to support such ambitions.

Guiding African military institutions towards more constructive policy instruments to support political initiatives with more than war fighting, remains a deep challenge. One crucial domain is that of military leadership, which may affect or distort the required adjustments. If ignored, the desired shift from national to cooperative and from destructive to constructive military institutions is jeopardised. Illustrative of the shifts required from modern armed forces is the visionary argument by Moskos that even legitimate military forces have to be adjusted to a potential future warless society (as foreseen by the AU) and thus be kept in step with political change (Moskos 1994:138). Diversifying and adjusting, according to this outlook, is perhaps the primary matter with which African military leaders now have to grapple.

The UN is currently refining its interventionist roles for dealing with complex emergencies (Thakur 2003). The responsibility to protect through a ladder of prevention, intervention and reconstruction tie in and also direct the future use of military forces without resort to war fighting (Anan 2005). From an AU outlook the preference is that all states shall eventually adhere to the parameters stipulated by such a responsibility ladder, a matter reinforced by the shared UN-AU vision to establish and maintain peace and stability on the

African continent (Nathan 2005:365). This nexus performs a legitimising role for how the AU envisages its own alternatives of employing the military policy instrument.

Since 2002 the AU set in place conspicuous continental and regional arrangements to deal with complex emergencies and brutal internal conflicts impeding its African agenda (Schumer 2004:13). The military contribution to these arrangements is to be satisfied from within the continent by African military establishments, as these entities are now moved to the forefront of AU initiatives to tone down armed conflicts across the continent. National as well as sub-regional capacities and their designated policies form part of the AU outlook as all capabilities are ultimately to be collated into some overarching collective capability (Lekota 2003). This reflects a desired future of cooperative and interoperable military entities that are to adhere to higher order arrangements for conducting their missions (Thakur 2003).

Effectively, a deliberate AU effort is in process to establish a continental military mechanism to deal with an expanded spectrum of future military contingencies in a preventative or reactive way This mental resolve took shape as continental experts on defence gathered in South Africa on 27 March 2003 to formulate a Common African Defence Policy (CADP) that paved the way for the preventative alternative to become the preferred option.[6] Future military missions to emanate from this politico-military arrangement are to include collective opposition to external military threats to the continent in order to prevent interstate conflicts and minimise intrastate conflicts, improved defence cooperation, collective defence capabilities, and military preparedness towards achieving the above feature in the AU outlook (Department of Foreign Affairs 2003: Art. 3). Military leaders are now called upon to set up and maintain military capabilities across the continent, including the African Standby Force as the heart of these military arrangements (Mbeki 2003).

The AU Commission on a Common African Defence and Security Policy

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6   The Common African Defence and Security Policy was adopted on 28 February, 2004 (Schumer 2004:6).

(CADSP) acknowledges the complexities of forging a common defence and security policy to direct legitimate future military coercion (African Union 2003: Part 3, Par. 33). Much of this is located at the politico-strategic level and is, therefore, not solely a military concern. Military leaders, however, will be expected to make it work via appropriate structures in the typical policy-strategy-structure hierarchy and put into effect the surge of diverse requests now flooding African military capacities.

6.   Closing the Politico-military Divide: The Military Leadership Imperative

Military leadership may be viewed as a process which orchestrates men and material towards performing their missions in war. Should the context or character of how political decision makers prefer to use military forces change, military leaders will be obliged to remain in step by adjusting their institutions accordingly. This is the reality now facing African political and military leaders.

African defence leaders now have to contend with a multilayered configuration of military demands and affairs located at the national, sub-regional and regional levels that straddle the war-peace divide (Schumer 2004:3, De Coning 2004:21). Collective military structures need to assimilate this emergent pattern that supposes a military capacity to execute decisions deriving from the African political hierarchy.[7] Emergent collective military entities, such as the African Standby Force and its regional brigades, are envisaged to fill this potential void, but they have to be managed and ultimately commanded to play their roles (Anan 2005, Cilliers & Malan 2005:2). This calls for reconciling military leaders with the array of post-modern influences impacting upon their operating domain (Moskos 2000:2-3) and for encouraging them to begin employing new mission profiles.

As of yet, the African outlook on using military forces has little to do with

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7   See the next section.

refining and conducting warfare in a sophisticated manner, but more to do with preventing or terminating war by recasting legitimate military coercion accordingly. If fighting future wars in Africa is indeed deemed a luxury (Nyanda 2000:10) that depletes scarce public funding (Lekota 2001) and something to be eradicated (Mbeki 2003), military leadership becomes the filter through which desired changes are promoted. As these changes are diffused into military forces, the character of these forces is modified, and military leaders have to control this diffusion and its embracement or rejection.

Blurred borders between preferred military roles and imposed or encroaching non-military or add-on roles constitute a real challenge to those having to lead future military forces (Gray 2000:58). The hard military and softer security realms cluttering this domain are bound to be uprooted further by the pattern illustrated in Figure 1.

Figure 1: Traditional and Non-Traditional Military Roles
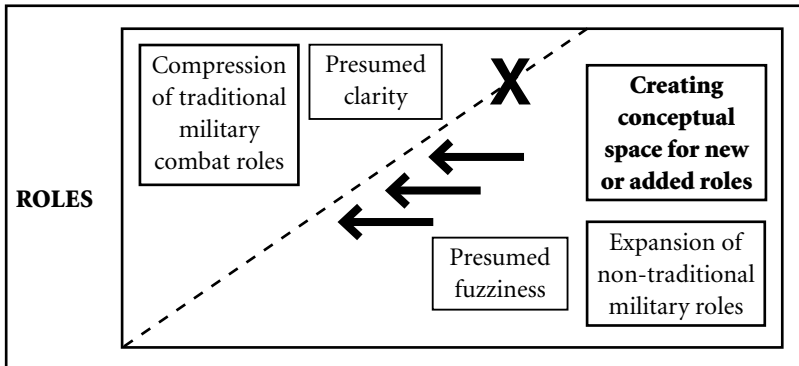
Source: Own compilation

The frequency and extent to which political decision makers adjust the diagonal bar X in Figure 1 up or down, place some strain upon military leaders to support political decisions by means of appropriate military forces. This illustrates current AU practice to which the military leadership needs to respond. However, as argued by Gray, politics might be the guiding intelligence, but it is not necessarily clear and concise about what is expected from the military

leadership. Accordingly, political conceptions and the military response are rarely smooth and in a state of complete interface (Gray 2000:59).

7.   Military Leadership: Supporting Political Integration with Military Interoperability

As societies advance through different stages of development and are influenced by waves of change, they take their military institutions along (Toffler & Toffler 1997:xx). In this regard, the quest by African leaders for a united Africa and for systematically crafting continental arrangements and institutions to pursue common interests cannot be ignored – particularly not by the military leadership.

From a theoretical perspective, military institutions adjust in order to remain relevant to what society expects of them (Kuhlman 2003:419) and in Africa this is now paralleled by continental political ambitions which expect African military establishments to keep in step. As African futures of common peace, prosperity and cooperation mature, military institutions need to mature accordingly and these require them be more than mere national war-fighting institutions. Failure to adapt leads to outdated and meaningless instruments of policy and, as experienced in Africa, problem-militaries (Gompert et al 2004:7). The August 2005 coup in Mauritania and the country's expulsion from the AU only serve to underline the need for professional military forces.

As African political initiatives progress along a continuum delimited by amity and enmity, African societies migrate from competitive relations making for chaos and insecurity, towards cooperative order and security above the state-level (Buzan 1991:218). Military entities have to adjust alongside this enmity-amity migration with military leadership being responsible for transforming national war-fighting modes into modes of cooperation in an extended mission spectrum. Peace missions, policing functions, preventative and reconstructive roles by future African military establishments represent intermittent alternatives towards eradicating African wars. The responsibility of African military leaders has now been turned into integrative and collective routes towards a cooperative and interoperable military architecture (AU 2002:18).

Integrative and collective pathways towards African security dovetail with the UN's quest for multilaterism in all interventionist type activities (Thakur 2003). South African Defence Policy and its Military Strategy, for example, commit the South African National Defence Force to a cooperative Southern African and African futures paradigm.[8] African defence forces are also tied to a cooperative future posture in matters of common security as their governments become signatory to the African Union and the Peace and Security Council (AU 2002:18). This assumption, however, holds certain real dangers as briefly outlined in the last section of the paper.

Cooperative political ways and means are steadily institutionalised and are changing the overall profile of African military affairs. As African security becomes swept up in AU-driven adjustments, African defence institutions have to set in place their own programmes of adjustment. One way of illustrating this is to juxtapose political and military pathways forward, as illustrated in Figure 2 (Huysamen 2003).[9]

Figure 2: From Enmity to Amity: Political and Military Adjustments
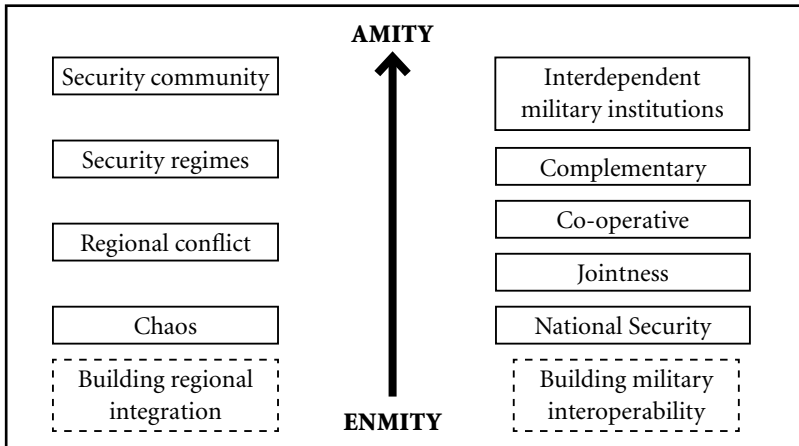
Source: Compiled from Buzan 1991:218 and Huysamen 2003

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8 The 2004/05 Defence Review shifted South African defence commitments to the extent that support to the AU and peace missions in Africa now feature as an integral part of its primary role.

Decisions at national level and above determine the shift towards or away from regional integration, a greater or lesser role for military institutions, future military interoperability and subsequently the command of particular force mixtures or packaged forces. Although vulnerable to criticism based upon sovereignty (as acknowledged by the International Commission on Intervention and State Sovereignty report on this matter) and being reactive in kind, this nonetheless represents some future certainty for military leaders (International Commission on Intervention and State Sovereignty 2001:12).

Figure 2 illustrates that future African commanders are to be prepared for more than incremental tactical and technical military shifts that normally characterise military change. This politico-military interface is prone to introduce an extended paradigm shift and calls for competent military leaders to solidify it. As opposed to technological-doctrinal type changes, deeper structural and cultural changes are confronting African military decision-makers. The move towards a Common Defence and Security Policy and an African Standby Force located as regional standby brigades to operate in the zone straddling the politico-military domain shift the military option closer to that of a constructive political tool (Stoppard 2003; African Union 2002:22-23).

8.   Shifting the African Military Paradigm: Fact or Fiction?

The extent to which a competitive outlook attracts support often implies the demise of existing outlooks and their supporters. It is difficult for such competing outlooks to even co-exist for a period of time before one eventually ascends to dominance. Once this transpires, researchers and supporters could adhere to the new paradigm and concentrate upon refining it (Kuhn 1970:19-20). This is, however, not a *fait accompli* as adherents to the *status quo* will defend it or

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9   The illustration of steps towards military interoperability is with reference to Col C. Huysamen of the Directorate Strategy (SANDF) and his ideas of interoperability as a strategic tool.

introduce their own adjustments to counter anomalies. The resultant anomaly is either addressed or it assumes crisis proportions and draws increasing attention in order to resolve the crisis or it defies new approaches and remains a problem in the field (Kuhn 1970:82-83,84).

Considering the warnings by Kuhn (1972), recasting African military institutions into a desired cooperative future profile is in no way a brief or simplistic venture. Several entrapments threaten the pathway of military change whilst both radical embracement and intransigence hold dangers of their own. Attempting any deep changes to the mission profiles of African military forces would need to contend with the theory that posits such changes to be long and incremental, rather than deep and rapid. It is furthermore quite possible that expecting all African militaries to migrate successfully may be unduly optimistic.

Different African countries need to adjust their military institutions towards new military futures of cooperation and legitimacy, but they are bound to move at different rates and arrive at the desired outcome at different times (Owens 2002:58). Gagiano (2002) for example projects the time line towards future interoperability for African military forces along a pathway touching upon 2040, whilst the ASF is envisaged to be in place by 2010-2015 to execute the full scope of future missions (Ministry of Foreign Affairs 2004; De Coning 2004:21). These time lines correspond with the theory depicting long time frames for military transformations as an extended period of change is at hand. (Demchak & Allen 2001:110) and the changes argued here challenge established thinking on how to use African military forces.

Effecting the required shifts demand from senior military leadership an intellectual brightness to individually or collectively lead the way. Gaining control over promotions and advancing careers of officers supporting the new paradigm of war, victory and missions are crucial. This allows leeway to those judged as competent and experienced to promote and institute innovations and deep change (Rosen 1991:20-21). A core of military leaders supporting the military adjustments required by African politicians is prone to effect, over time, the required military changes. Selection and promotion plays a crucial role to merge political ambitions and military support. This is more important than personal and party-political loyalties of officers.

Since the inception of the AU (2002) and the Peace and Security Council (2004), political calls for conducting expanded defence diplomacy rose sharply.[10] Contrasting the *status quo* with future expectations implies changes to African strategic culture – a phenomenon often judged immune to rapid change. Strategic culture relates to states having distinct, consistent and persistent patterns of thinking about employing military force, and to different states reacting differently to realities of the strategic environment (Isaacson 1999:19). Heikka (2002:6) calls attention to 'the perceptions, beliefs, ideas, and norms that guide national security elites in their task of setting strategic priorities for the hard core of a state's foreign and security policy'. It is of importance, however, that strategic cultures do not apply across state boundaries and that they change slowly, so that rapid political shifts are rarely accompanied by rapid military shifts (Heikka, 2002:6). A strategic gap is quite inevitable, but managing it is a traditional burden for military leaders. The current generation of African commanders would therefore be responsible to close this void.

Merely embracing new political demands without considering the disruptive impact upon orderly and effective military institutions is dangerous. Enforced military adjustments are known for their disruptive effects and political leadership is normally insensitive to this, with reigning political ambitions often tempered by the military quest to maintain orderly militaries (Evans 2001:7). Expecting from African military forces to rapidly fill national, sub-regional and continental political expectations hold the potential of disruption. In the case of Africa the orderliness and effectiveness of the military institutions on which the AU depends are perhaps questionable from the outset. At most only certain African military establishments are bound to make the transition required by the political leadership.

A further obstacle resides in the costs of adjusting military forces. According to Cilliers and Malan (2005:6,16) Africa has a limited capacity to

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10 Rwanda, Burundi, DR Congo, Ivory Coast, Darfur, Somalia and Liberia are but some examples where the AU called upon African military establishments to support diplomatic initiatives.

employ and fund military missions to address African complex emergencies and this is the major obstacle to move from political vision to the goal of peace and prosperity. Not only conceptual factors, but also material factors such as technology and resources feature when military forces need to be adjusted towards new missions (Raitasalo & Sipila, 2000:246). It could be argued that the conceptual-material nexus is bound to represent the deepest challenge to African political ambitions for it is political endeavours that acquire and allocate resources for military leadership to employ. This employment presupposes military forces sufficiently adjusted to assume more constructive roles to eradicate African wars. Furthermore, any dramatic shift of the functioning of a military establishment to assume new roles and to adjust its organisational and doctrinal profile is not only difficult, but capital intensive as well. Developed countries such as Britain, France and Germany that struggle to finance the adjustment of their military establishments to also conduct non-traditional roles or so-called Projects for Peace, demonstrate the difficulty of this adjustment. The process of military change is thus expensive and difficult and it, therefore, moves forward at a very slow pace (Unterseher 1999).

Political expectations that all countries would summarily partake in continental and regional arrangements to afford political initiatives with a malleable military clout, are questionable. National priorities do not necessarily match continental demands upon military forces. This is demonstrated in southern Africa where states are careful to commit themselves. In fact, a schism runs through the responses to the envisaged plan of establishing some cooperative military capacity (Nathan 2005:366-367). African solidarity and isolation is a powerful feature of continental political relations (Nathan 2005:368) and the shift of military forces towards continental agendas is vulnerable to such political ploys. Elevating the military profile also does not sit comfortably with the professed holistic security approach towards human security and could well resemble an expensive exercise in military re-engineering of African military culture.

9. Conclusion

The departing argument of this article contrasted the alternatives of using armed force either in a destructive or in a more constructive mode, as often ascribed to Clausewitzian dictums and those of Sun Tzu respectively. As the Cold War faded the use of military forces below the threshold of war fighting increasingly featured as a necessary, but underdeveloped or even neglected alternative. Currently this alternative for the comprehensive use of armed forces below the threshold of war, or not using them at all, competes with the established competitive war-fighting paradigm forged by the Cold War. Subsequently, maintaining the status quo or moving towards a new paradigm that acknowledges a new conception of war, appropriate organisational adjustments and redirected material resources, became crucial.

War fighting is not an unavoidable straitjacket for the future use of military forces and the view is held that they could be adjusted to an extent not always realised. Using military forces below the war-fighting threshold has now become the preferred practice of the AU. Staying in line with the UN and its quest for international peace, the AU set one of its foremost objectives as the eradication of war from the African landscape, but not through the use of the war-fighting qualities of African military forces. In this regard, the AU imposed upon military leaders the responsibility to adjust the profile of African military forces to support the ambition of peace and security with more constructive military initiatives. This preference reflects a move away from the Clausewitzian dictums towards those posited by Sun Tzu and recently reiterated by Moskos, Dandekker, Prins, Tromp, Raitasalo and Sipila.

The political realisation that defence diplomacy remains relevant increases the need for legitimate African military forces in terms of their readiness to assist African democratisation. The need is thus political, but satisfying it is partly the responsibility of military leaders who have to effect the conceptual, organisational and material adjustments. African military leaders are required to shift African military forces past *ad hoc* cooperation for short robust peace missions by adjusting the reigning paradigm within the African military psyche. Legitimacy, continental integration and eventual interoperability are

longer-term requirements to furbish the desired military policy instrument required by the AU.

Changes to the culture of armed forces are notoriously difficult to effect and military leaders need to act as catalysts to reconcile political ambitions with more constructive African defence establishments. This difficulty is exacerbated by the financial implications, for the current view is on funding employment costs while assuming that the difficulties and costs of moving towards more constructive roles are resolved. Failure to fund and effect the full hierarchy of required changes at the conceptual, organisational and material levels threatens to leave African leaders devoid of the military policy instrument to which they have now become accustomed. Such failure could also cause African military establishments to again contribute to African pessimism.

Moving African armed forces into the domain between war fighting and peace is fraught with vulnerabilities emanating from inherent military aversion to change, but also from over-ambitious political views of how rapidly, deep and cheaply such adjustments may be effected. The conceptual shift depicted by political ambitions needs to be matched by the organisational and material shifts at the military level. Institutional inabilities and competitive military responsibilities are bound to obstruct or slow down the military migration. In this way the near paradigmatic shift towards constructive military forces suited for missions below the threshold of war fighting proper becomes a viable, but difficult pathway to pursue African futures devoid of war.

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Civil-Military Coordination and UN Peacebuilding Operations

Cedric de Coning*

Abstract

Literature dealing with civil-military coordination (CIMIC) has mostly been concerned with the relationship between humanitarian actors and their military counterparts. In the United Nations (UN) peace operations context, however, the humanitarian-military interface is only one of several civil-military relationships. This paper is concerned with the question whether a different set of principles and guidelines is required for civil-military coordination in UN peace operations. The question is relevant because almost all the UN principles and guidelines for civil-military coordination have been drafted for the humanitarian-military interface, and most have been generated by the humanitarian community from a humanitarian perspective. In contrast, most contemporary UN peace operations are mandated to manage

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post-conflict peacebuilding transitions that occur in several phases and that involve many different civilian actors, including but not limited to the humanitarian emergency phase and the humanitarian community. The paper argues that UN CIMIC actions can make a positive contribution to the overall peacebuilding process if the military components' resources, energy and good-will can be positively channelled in support of the overall mission objectives.

Keywords: Peacekeeping, Peace Operations, Peacebuilding, Humanitarian, Coordination, Cooperation and CIMIC.

Introduction

Most of the literature dealing with civil-military coordination has been concerned with the relationship between humanitarian actors and their military counterparts. In the UN peace operations context, however, the humanitarian-military interface is only one of several civil-military relationships. Many other civil-military relationships, such as those among the military and human rights officers, electoral advisors, Disarmament, Demobilisation and Reintegration (DDR) coordinators and development workers, continue throughout the life of a peace operation.

Through the years a body of policies and principles that guide civil-military relations has been developed in the UN and beyond. These policies and principles deal almost exclusively with civil-military coordination in humanitarian emergencies. This paper is concerned with the question of whether a different set of principles and guidelines is required for civil-military coordination in UN peace operations, or whether the existing guidelines for civil-military relations in humanitarian emergencies can remain relevant beyond the humanitarian context.

The question is relevant because almost all the UN principles and guidelines for civil-military coordination have been drafted for the humanitarian-military interface, and most have been generated by the humanitarian community from a humanitarian perspective.[1] In contrast, most contemporary UN peace operations are mandated to manage post-conflict peacebuilding transitions that occur in several phases and that involve many different civilian

actors, including but not limited to the humanitarian emergency phase and the humanitarian community. Can UN civil-military coordination policies that have been specifically developed to manage the relationship between humanitarian actors and military forces during the humanitarian emergency phase, be applied to manage the relationship between all civilian actors and UN military units? And can it remain relevant during all the phases of a UN peacebuilding operation?

This paper will analyse this question by first defining and developing a framework for UN peacebuilding operations, and contextualising the humanitarian emergency phase within this larger peacebuilding system. Thereafter the paper will define and analyse civil-military coordination in a UN peacebuilding operation context, and compare civil-military coordination in the humanitarian emergency phase with civil-military coordination in other phases of peacebuilding operations so that the different dynamics at play in the different phases, as they relate to civil-military coordination, can be explored.

UN Peacebuilding Operations

Peacebuilding is a complex system that consists of multiple short-, medium- and long-term programmes that simultaneously address both the causes and consequences of a conflict. In the short term, peacebuilding programmes assist in stabilising the peace process and preventing a relapse into violent conflict. In the long term, peacebuilding programmes, collectively and cumulatively, address the root causes of a conflict and lay the foundations for social justice and sustainable peace. Peacebuilding systems require a coherent and coordinated multidimensional response by a broad range of internal and external actors – including government, civil society, the private sector, international institutions and agencies and international non-governmental organisations. These

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1   The exception is the DPKO (Department of Peacekeeping Operations) Policy on Civil-Military Coordination (UN DPKO 2002).

actors undertake a range of interrelated programmes that span the security, political, socio-economic and reconciliation dimensions of society. Peace-building starts when hostilities end, usually marked by a cease-fire or peace agreement, and typically progresses through three stages, namely a stabilisation phase, a transitional phase, and a consolidation phase. Peacebuilding ends when a society can sustain its transition without external support and it is replaced by a sustainable development period.[2]

Peacebuilding Phases

Successful peacebuilding operations evolve through three broad phases, namely the stabilisation phase, the transition phase and the consolidation phase.[3] These phases should not be understood as clear, fixed or time-bound, or as having absolute boundaries. One should anticipate considerable overlap in the transition between phases, and regression is possible, in which case a specific system may switch back-and-forth between phases (UN 2004:14).

The Stabilisation Phase

The stabilisation phase is the period that follows immediately after the end of hostilities and has a dual focus, namely establishing a safe and secure environment and managing the immediate consequences of the conflict

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2   This definition of peacebuilding was first formulated by the author and Senzo Ngubane for an ACCORD study on *Peacebuilding in Southern Africa* commissioned by JICA in 2004. It was subsequently further refined by the author for the *African Post-Conflict Reconstruction Framework* developed by ACCORD for the Peace and Security Programme of the NEPAD Secretariat (NEPAD 2005).

3   There are various different interpretations of these phases, but most convey the same essential progression from violent conflict to normalisation, e.g. the Association of the U.S. Army & Centre for Strategic and International Studies (CSIS) in Washington D.C. published a *Post-Conflict Reconstruction: Task Framework* in 2002, in which they identify three stages, namely: the initial response, transformation and fostering sustainability.

through emergency humanitarian assistance programmes. The stabilisation phase will typically overlap with what the humanitarian community will refer to as the humanitarian emergency phase. During the mid to latter parts of the stabilisation phase, preparations will be underway for medium-term rehabilitation and longer-term reconstruction and development actions, and it is likely that various needs assessment processes will be undertaken, often culminating in an international donor conference.

During this phase the internal actors are typically pre-occupied with basic survival and the re-organisation of their social and political systems. As a result, external actors often play a prominent role during the stabilisation phase but they should nevertheless seek every opportunity to involve and consult with the internal actors. Depending on the situation the stabilisation phase usually ranges from 90 days to a year.

The Transition Phase

The transition phase typically starts with the appointment of an interim government, followed by, in the shortest reasonable period, some form of election or legitimate traditional process to (s)elect a transitional government, constituent assembly or some other body responsible for writing a new constitution or otherwise laying the foundation for a future political dispensation. This process takes place according to the provisions of the new constitution, after which a new fully sovereign and legitimately elected government is in power.

The transitional phase is focused on establishing a new legitimate and sustainable socio-political order, underpinned by a functioning bureaucracy, rule of law and a sustainable socio-economic system. The humanitarian focus shifts from emergency relief to recovery, rehabilitation and reconstruction.

The relationship between the internal and external players should reflect a growing partnership and a gradual hand-over of ever-increasing responsibility to the local institutions. The transitional phase typically ranges from one to three years (NEPAD 2005:14).

The Consolidation Phase

The consolidation phase is aimed at supporting the newly elected government and the civil society with a broad range of programmes aimed at fostering

reconciliation and nation-building, boosting socio-economic reconstruction, consolidating the rule of law and security sector reform and supporting development programmes across the political, security, socio-economic and reconciliation dimensions of peacebuilding.

The UN peace operation, and especially the military component, is likely to draw down and eventually withdraw during the early or mid stages of the consolidation phase. There will be a transition of responsibilities from the UN peace operation to a UN peacebuilding office and the UN Country Team and internal actors.[4]

The consolidation phase is thus aimed at ensuring that the internal actors develop the capacity to take full responsibility for their own planning and coordination, and that the role of the external actors is reduced to providing technical assistance and support. The consolidation phase typically ranges from four to ten years, but the country is likely to continue to address conflict-related consequences in its development programming for decades thereafter.

The Dimensions of Peacebuilding

Each peacebuilding system is determined by the patterns of interaction of the specific internal and external actors present, the history of the conflict and the peace process that resulted in the peace agreement. Although the specific configuration of each peacebuilding system will be unique, it is possible to identify a broad peacebuilding framework that consists of the following five dimensions: (1) security; (2) political transition, governance and democratisation; (3) socio-economic development; (4) human rights, justice and reconciliation; and (5) coordination, management and resource mobilisation (NEPAD 2005:19).

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4   The drawing down of the UN peace operations in Sierra Leone (UNAMSIL) and East Timor (UNMISET), and the establishment of UN peacebuilding officers in their place, are two contemporary examples.

The Security Dimension

The security dimension refers to those activities aimed at ensuring a safe and secure enabling environment for the internal and external actors. In the stabilisation phase this will include actions aimed at minimising the opportunities for spoilers, criminals and others opportunists who thrive in these near chaotic environments (Gueli et al 2005:11). The military force will, in most cases, take control over the territories formerly controlled by the parties to the conflict and ensure freedom of movement throughout the mission area for the civilian components of the mission and humanitarian agencies. Where necessary, this may include providing security to the civilian actors in the form of armed escorts or related activities. In the transitional and consolidation phases the emphasis gradually shifts to security sector reform aimed at the development of appropriate, credible and professional internal security, police and defence services.

The Political Transition, Governance and Democratisation Dimension

The political transition, governance and democratisation dimension involves the development of legitimate and effective political institutions, encouraging democratic participatory processes, supporting the political transition, and reforming the bureaucracy at all tiers of government. The political process includes building the capacity of political parties and civil society, facilitating a comprehensive peace agreement, facilitating the formation of an interim and/or transitional government, supporting a constitutional process and eventually supporting the electoral process. The governance process includes reforming the civil service, strengthening public sector management; reviving local governance; facilitating enabling legislation and policy frameworks and broadening the participation of civil society in decision-making process. There is usually the need for a specialised focus on reforming the criminal justice system and establishing the rule of law (Zacarias 2004:5).

The Socio-Economic Development Dimension

The socio-economic development dimension covers the relief, recovery, rehabilitation and reconstruction of basic social and economic services as well as the return, resettlement and reintegration of populations displaced during

the conflict including refugees and internally displaced persons (IDPs). This dimension needs to focus on an approach that ensures effective dynamic linkages between activities related to the provision of emergency humanitarian needs and longer-term measures for economic recovery, sustained growth and poverty reduction. It is also crucial that a balance is struck in the relationship between social capital and social cohesion at all stages of the peacebuilding process. Programmes to be implemented in this dimension include emergency humanitarian assistance; rehabilitation and/or reconstruction of physical infrastructure; provision of social services such as education, health, and social welfare; and enhancing economic growth and development through employment generation, trade and investment, and legal and regulatory reform (Barungi 2004:3).

The Human Rights, Justice and Reconciliation Dimension

The human rights, justice, and reconciliation dimension is concerned with ensuring accountable judicial systems, promoting reconciliation and nation building, and enshrining human rights. Programmes include justice sector reform and establishing the rule of law; promoting national dialogue and reconciliation processes such as truth and reconciliation commissions, and monitoring human rights. A system, which accommodates both restorative and retributive justice is recommended. It should focus on local values and include local traditional mechanisms for conflict prevention, management and resolution. Peacebuilding programmes within this dimension should also ensure creating an environment conducive to peace, justice and reconciliation; increasing the involvement of women at all levels; the implementation of reparations, and the provision of participatory processes which include vulnerable groups. There is the need to rebuild trust and cross-cutting social relationships which span across religious, ethnic, class, geographic and generational cleavages in war-torn societies. This is an investment in social capital which underlies the ability of a society to mediate everyday conflicts before they become violent conflicts, and through building state-people relationships it advances social cohesion (Villa-Vicencio 2004:4).

The Coordination, Management and Resource Mobilisation Dimension

Coordination, management and resource mobilisation are cross-cutting functions that are critical for the successful implementation of all the dimensions and the coherence of the peacebuilding system as a whole (CSIS 2005:6). All these dimensions are interlinked and interdependent. No single dimension can achieve the goal of the peacebuilding system – addressing the consequences and causes of the conflict and laying the foundation for social justice and sustainable peace – on its own. The success of each individual programme in the system is a factor of the contribution that this programme makes to the achievement of the overall peacebuilding objective. It is only when the combined and sustained effort proves successful in the long term that the investment made in each individual programme can be said to have been worthwhile (De Coning 2004a:6).

Coordination entails developing strategies, determining objectives, planning, sharing information, the division of roles and responsibilities, and mobilising resources (Minear & Chellia 1992:3). Coordination is concerned with synchronising the mandates, roles and activities of the various stakeholders and actors in the peacebuilding system and achieves this through joint efforts aimed at prioritisation, sequencing and harmonisation of programmes to meet common objectives. In this context, coordination is the process that ensures that an individual programme is connected to the larger system of which it is a part and without which it cannot succeed (De Coning 2004b:9).

UN Civil-Military Coordination

Civil-Military Coordination is a contested concept with many different competing definitions and doctrines that describe essentially the same activity, i.e. coordination between civilian and military actors in peace operations. Some of the most common concepts are: Civil-Military Cooperation (CIMIC) as used by NATO,[5] EU[6] and most countries in Europe and Canada; Civil

Military Operations (CMO)[7] as used by the United States of America (USA), and Humanitarian Civil-Military Coordination (CMCoord) as used by the UN humanitarian community.

During the Cold War, most UN peace operations were cease-fire monitoring missions. Since 1989, starting with the United Nations Transition Assistance Group (UNTAG) in Namibia, the scope and complexity of peace operations have considerably broadened. In most cases since 1989, peace operations have been mandated to support the implementation of comprehensive peace agreements. This has resulted in many new tasks aimed at assisting the host country to sustain the momentum of the peace agreement by: supporting transitional arrangements; establishing new national institutions such as a new defence force, a new police force, and a new judiciary, or reforming existing institutions; assisting with the organising of elections; supporting constitution drafting mechanisms; and assisting with special restorative justice initiatives,

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5   The NATO definition of Civil-Military Cooperation (CIMIC) is the co-ordination and co-operation, in support of the mission, between the NATO Commander and civil populations, including national and local authorities, as well as international, national and non-governmental organisations and agencies (NATO 2000:1).

6   The EU definition of Civil-Military Cooperation (CIMIC) is the co-ordination and co-operation, in support of the mission, between military components of EU-led Crisis Management Operations and civil role-players (external to the EU), including national population and local authorities, as well as international, national and non-governmental organisations and agencies (EU 2002:9).

7   CMO is the activities of a commander that establish, maintain, influence, or exploit relations between military forces, governmental and non-governmental civilian organisations and authorities, and the civilian populace in a friendly, neutral, or hostile operational area in order to facilitate military operations, to consolidate and achieve operational US objectives. Civil-military operations may include performance by military forces of activities and functions normally the responsibility of the local, regional, or national government. These activities may occur prior to, during, or subsequent to other military actions. They may also occur, if directed, in the absence of other military operations. Civil-military operations may be performed by designated civil affairs, by other military forces, or by a combination of civil affairs and other forces (See US military publications: JP 3-57, FM 41-10 & JP 1-02).

and with reconstruction and recovery programmes. Most of these new tasks, and the new components that have been added to carry them out, are intended to prevent a conflict from re-emerging by addressing the root causes of the conflict, and most new peace operations since the 1989 were, in effect, thus, peacebuilding operations.

In order to ensure that all these different new components work together as one coherent mission, the need developed to establish dedicated mechanisms and structures to facilitate coordination and cooperation. Several specialised coordination functions developed through the years, and within the UN military component, the civil-military coordination function emerged as the focal point for coordination between the military and civilian components.

Civil-military coordination in the UN context, because of its fundamentally different nature, requires a different approach from the NATO, EU and USA approaches to CIMIC and CMO. UN peacebuilding operations differ from most NATO, EU and coalition operations in that:

(a)   they are typically consent-based operations, i.e. they are deployed after a cease-fire or peace agreement has been signed, at the request of the parties to the conflict, to support them with the implementation of the peace agreement, and

(b)   the military unit is deployed as part of an integrated civilian-military-police peacebuilding operation under overall civilian direction.

In the UN context the civil-military relationship among the various multi-dimensional components of the peacebuilding operation and between the operation and the rest of the UN System will already be pre-determined, to a large degree, by existing UN policies,[8] and by the mandate and organisational

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8   See for instance the UN Administrative Committee on Coordination (ACC) Guidelines on the Functioning of the Resident Coordinator System, 24 September 1999, and the UN Secretary-General's Note of Guidance on Relations between Representatives of the Secretary General, Resident Coordinators and Humanitarian Coordinators, dated 11 December 2000.

structure[9] of the specific UN peace operation.

NATO, EU and coalition type operations, in contrast, are typically deployed in a more contested environment as peace enforcement operations, either to secure a cease-fire, or to support a cease-fire or peace agreement in situations where there is still considerable hostility by some factions against the peace agreement, e.g. the Taliban in Afghanistan. They are also deployed as a military force separate from the UN or other international or regional groupings that may be active in the conflict-prevention, peacemaking or peacebuilding spheres in the same country. The EU's concept of operations does allow for integrated civilian-military-police operations under EU auspices in future, but no such integrated operations have been deployed to date (EU 2002:11).

The African Union (AU) and the Regional Economic Communities (RECs) in Africa, e.g. SADC, ECOWAS, ECCAS and IGAD,[10] are in a somewhat similar position. The REC operations undertaken to date, e.g. the various operations undertaken under the auspices of ECOWAS in West Africa, have all been military operations in support of, but separate from, UN and other peace initiatives. The AU has deployed two fully fledged peace operations to date: the African Mission in Burundi (AMIB) in 2003/04 and the African Mission in Sudan (AMIS) which was deployed in 2004 and is still ongoing. AMIB had a small political office but it was largely a military operation. AMIS has, apart from its military observers and protection force, a civilian police force and civilian units such as a humanitarian assistance section and a political affairs section. The AU and RECs are developing the capacity to deploy multidimensional peace operations through the African Stand-by Force (ASF) initiative, and although the initiative is currently concentrating on the military and police dimensions of the ASF, it intends to add the civilian dimension in phase two of the ASF's implementation plan. The AU and

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9   See for instance the different types of integrated missions (separate, partial and full integration) identified by the Report on Integrated Missions (Barth Eide et al 2005:9).

10   Southern African Development Community, Economic Community of West African States, Economic Community of Central African States, InterGovernmental Authority on Development.

RECs do not have a specific CIMIC doctrine at present.

Whereas CIMIC in NATO and EU doctrine is thus motivated by the need to establish cooperation between the military force as a separate legally mandated entity and the civilian actors in their area of operations, civil-military coordination in the UN peacebuilding operations context is motivated by the need to maximize coordination between the military component and the civilian components of the same integrated mission, between the military component and the rest of the UN system, and between the military component of the mission and other external and internal civilian actors in the same mission area.

UN CIMIC Defined

The focal point for UN humanitarian coordination policy and training in the United Nations System is the Office for the Coordination of Humanitarian Affairs (OCHA). OCHA has, under the authority of the Inter-Agency Standing Committee, facilitated the development of a series of civil-military coordination policies and guidelines. These include the 'Guidelines on the use of Military and Civil Defence Assets in Disaster Relief', the so-called Oslo Guidelines, of May 1994 (OCHA 1994); the discussion paper and guidelines on the 'Use of Military or Armed Escorts for Humanitarian Convoys' of September 2001 (OCHA 2001), and the 'Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies' of March 2003 (OCHA 2003). In addition, in June 2004, the Inter-Agency Standing Committee (IASC) adopted a reference paper on 'Civil-Military Relations in Complex Emergencies' that complements and expands the principles and guidelines previously developed on the use of military and civil defence assets and armed escorts, and provides guidance of a more general nature for civil-military coordination in humanitarian emergencies (IASC 2004). The complex emergency guidelines and the reference paper also introduced a new abbreviation into our vocabulary, namely UN Humanitarian Civil-Military Coordination (CMCoord).

The definition of UN Humanitarian Civil-Military Coordination (CMCoord) is: 'the essential dialogue and interaction between civilian and

military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimise inconsistency, and when appropriate pursue common goals. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training' (OCHA 2003:5).

The complex emergency guidelines have been developed to cover a broad range of humanitarian-military coordination scenarios and have been influenced, to a large degree, by the recent experiences of humanitarian agencies working alongside NATO and coalitions of the willing in Kosovo, Afghanistan and Iraq. In these peace enforcement and military intervention contexts, the distance between the humanitarian community and the military forces is typically much wider than that experienced in UN peacebuilding operations, where the military component is an integrated part of a UN mission. UN peace-building operations deploy, with a mandate from the UN Security Council, to support the implementation of a peace agreement. In most cases, especially after Somalia, a cease-fire or peace agreement is in place before a UN peacebuilding operation is deployed. In some cases such peace agreements may be fragile or even contested, but in general UN peacebuilding operations, including the military component, are regarded as a credible and legitimate neutral third-party intervention deployed to support the implementation of a peace agreement. The relationship between UN military components and their humanitarian counterparts is therefore generally much more cooperative than would be the case in situations where some of the parties to a conflict may perceive an external military force to be a party to the conflict.

From a UN peacebuilding operations perspective, it should also be noted that the IASC and OCHA policies and guidelines are focussed on the humanitarian dimension of civil-military coordination. Coordination between the military and humanitarian actors is one of the most prominent aspects of civil-military coordination during the humanitarian emergency. From a peacebuilding perspective, the humanitarian emergency usually occurs during the stabilisation phase and may, in some cases, even extend into the transitional phase. Civil-military coordination in the UN peacebuilding operations context can, however, not be limited to the humanitarian emergency. UN Civil-Military

Coordination takes place between the military component and all the civilian components of the UN mission, including the Civilian Police (CIVPOL), other members of the UN System and all the other external and internal actors, and during all the phases (stabilisation, transitional and consolidation) of a peace-building operation.

The UN Department of Peacekeeping Operations (DPKO) has participated in the development of the guidelines on the use of military and civil defence assets to support United Nations humanitarian activities in complex emergencies, but it has also, in parallel, developed a civil-military coordination policy specifically for UN peace operations. Although civil-military coordination has been part of UN peace operations, in one or other form, since its inception, there was no specific UN doctrine or policy that governed 'civil-military coordination' until September 2002, when the DPKO released its 'Civil-Military Coordination Policy' (UN DPKO 2002).

The DPKO definition of civil-military coordination is: 'UN Civil-Military Coordination is the system of interaction, involving exchange of information, negotiation, de-confliction, mutual support, and planning at all levels, between military elements and humanitarian organisations, development organisations and the local civilian population to achieve UN objectives' (UN DPKO 2002:2).

Because of the different meanings associated with the different acronyms that already existed in the civil-military coordination field, and because DPKO did not want to add to the confusion of introducing yet another acronym, the DPKO policy has refrained from using an acronym for civil-military coordination. However, in practice, DPKO has been using the abbreviation 'CIMIC' in most of the missions it has established since 2000, and CIMIC is currently used in the UN Organization Mission in the Democratic Republic of the Congo (MONUC), the UN Mission in Burundi (ONUB), the UN Mission in Ethiopia and Eritrea (UNMEE), the UN Mission in Liberia (UNMIL) and the UN Mission in Côte d'Ivoire (ONUCI).

In order to differentiate between the UN use of the acronym CIMIC when it refers to 'Civil-Military Coordination' and the NATO use of the acronym CIMIC when it refers to 'Civil-Military Cooperation', this paper will refer to UN CIMIC whenever it refers to 'UN Civil-Military Coordination'.

Coordination, Cooperation and Coexistence

One of the most obvious differences between NATO CIMIC and UN CIMIC is the different ways in which these two organisations use the words, 'cooperation' and 'coordination'.

NATO understands 'coordination' to represent a higher order of mutual engagement than 'cooperation'. It perceives the humanitarian community to be unwilling to 'coordinate' with a military force such as NATO, and therefore regards 'cooperation' as the most appropriate relationship between NATO and its humanitarian counterparts.

In the UN humanitarian context, 'coordination' covers a spectrum of potential relationships that range from 'coexistence' to 'cooperation' (OCHA 2003:5). Cooperation is understood as a relationship where the component partners synchronise their policies and behaviour and undertake joint action. Coexistence, on the other hand, refers to the minimum level of coordination necessary to de-conflict respective actions. In between these two poles, there is a range of possible relationships that depend on the specific situation, but in most cases UN peacebuilding operations are likely to be placed towards the cooperation end of the spectrum. The most important factor that will influence the civil-military relationship is the degree to which the military force is perceived (by its humanitarian counterparts) to be engaged in combat action that may affect their neutrality (Oliker et al 2004:xiii).

When the military component of a UN peace operation is engaged in armed action, for instance when the UN Assistance Mission in Sierra Leone (UNAMSIL) had to act forcefully against the Revolutionary United Front (RUF) in 1999/2000, or when MONUC was mandated to start forcefully disarming armed groups in Ituri and the Kivus in 2005, the humanitarian community will most likely increase the distance between itself and the military component of the UN operation, so that they are in a better position to maintain their own neutrality and impartiality. In other words, they will move closer to the coexistence end of the coordination spectrum. The motivation for this behaviour is the humanitarian community's primary objective of maintaining access to the victims of the conflict, so that they can alleviate suffering regardless of where it may be found.

UN CIMIC and Humanitarian Assistance

The traditional realm of civil-military coordination has been humanitarian-military coordination. As pointed out earlier, almost all the existing UN civil-military coordination policies and guidelines assume a humanitarian-military relationship and are concerned with maintaining an appropriate relationship between the two. There is a fundamental difference between humanitarian action on the one hand and development action on the other, and this is a crucial distinction for the civil-military interface. Essentially, humanitarian action is focused on life-saving emergency assistance in the short to medium term whilst development action is aimed at changing the structural causes of under-development over the medium to long term.[11] The former is indifferent to the causes of the humanitarian crisis. Humanitarian action is aimed at alleviating immediate suffering and mitigating future potential humanitarian emergencies. Development action is a conscious effort to address the causes of underdevelopment and is aimed at fundamentally altering the structural

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11 The Principles and Good Practice of Humanitarian Donorship, endorsed in Stockholm on 17 June 2003, give the following useful definition of humanitarian action: '1. The objectives of humanitarian action are to save lives, alleviate suffering and maintain human dignity during and in the aftermath of man-made crises and natural disasters, as well as to prevent and strengthen preparedness for the occurrence of such situations. 2. Humanitarian action should be guided by the humanitarian principles of *humanity*, meaning the centrality of saving human lives and alleviating suffering wherever it is found; *impartiality*, meaning the implementation of actions solely on the basis of need, without discrimination between or within affected populations; *neutrality*, meaning that humanitarian action must not favour any side in an armed conflict or other dispute where such action is carried out; and *independence*, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented. 3. Humanitarian action includes the protection of civilians and those no longer taking part in hostilities, and the provision of food, water and sanitation, shelter, health services and other items of assistance, undertaken for the benefit of affected people and to facilitate the return to normal lives and livelihoods' (GHD 2005:7).

dynamics of the society. Development is inherently political and cannot claim to be neutral and impartial.

Humanitarian space is about protecting the former from the latter, i.e. protecting humanitarian action from political influence and interference. Humanitarian space protects the right of the victims to receive humanitarian assistance by protecting the right of humanitarian actors to have free access to the beneficiaries. If one does not emphasise and clarify this distinction then it becomes impossible to accurately delineate the role the military can play in support of the humanitarian action.

The various UN policies[12] that exist in this realm are all consistent in their guidance on what constitutes an appropriate humanitarian-military relationship:

(a) The military cannot be a humanitarian actor because military action is not motivated by the humanitarian principles of humanity, impartiality, neutrality and independence. Therefore the military should not claim to undertake, or report its activities as humanitarian action.

(b) The military can support humanitarian action, and the appropriate way in which this can occur is set out in the policies/guidelines:

   (1) Military support must be requested by a humanitarian actor, ultimately the Humanitarian Coordinator (HC).

   (2) Military support provided must be under civilian direction.

   (3) Military support must be considered as an option of last resort, i.e. there is no civilian alternative and the military capability is uniquely able to provide this service.

   (4) To avoid reliance on the military, the support given must be limited (in time and scope) and the military must hand back the task to an appropriate civilian actor as soon as such an actor is capable of taking on the task again.

   (5) The type of support and method of delivery should be designed to limit the (visible) association with the military where such an association may

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12 The Oslo Guidelines, the guidelines on the use of MCDA in complex emergencies, the guidelines on the use of armed and military escorts, the DPKO Civil-Military Coordination Policy of 2002, and the IASC reference paper.

endanger the beneficiaries and humanitarian workers.[13]

(c) In exceptional circumstances the military can provide direct emergency assistance, but this should only occur as an absolute last resort and at the request and under the 'direction' of an appropriate civilian authority, ultimately the HC. In immediate life-threatening circumstances the military will obviously act first and coordinate as soon as possible thereafter.

The principles and guidelines that steer the humanitarian-military interface during a humanitarian emergency that coincides with the stabilisation, and in some cases the transitional phase, of a peacebuilding operation are thus relatively clear. There are, however, no similar guidelines for civil-military coordination between the military component and non-humanitarian civilian actors in transitional and consolidation phases of peacebuilding operations.

UN CIMIC and Peacebuilding

Peacebuilding, like development, does not have the same neutral and impartial mandate that humanitarian action has. UN peacebuilding operations are neutral third-party interventions, in that they do not take sides among the former parties to the conflict when supporting the implementation of a peace agreement (Tschirgi 2004:2). As the peace process develops, this neutrality shifts away from a focus on the parties to a neutral guardianship of the peace process. In some exceptional circumstances this may mean acting against one or more of the parties to safeguard the provisions of the peace agreement, but in general this implies working closely with the parties to the peace agreement in the implementation of the various stages of the peace process. In the consolidation phase this means working closely with the newly elected government to

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13 The Guidelines for complex emergencies (OCHA 2003) differentiate between direct, indirect and infrastructure support. The more visibly direct the support the more likely it is that the association with the military may endanger the beneficiaries or the humanitarian actors.

support them in their efforts to consolidate the transition from war to peace. UN peacebuilding operations are thus not neutral and impartial in the same sense in which these concepts are used to define humanitarian action.

The primary role of the military component of a UN peacebuilding operation is to ensure a safe and secure environment within which the rest of the external and internal actors can operate. The secondary role of the military component is to make its resources available to external and internal actors in support of the overall mission objectives. For instance, in the context of a DDR programme, the military component, over and above its security function, may be in a position to provide transport, medical services, camp building, weapons storage and/or weapon destruction services. Similarly, in the context of an UN-supported election where a UN peace operation is deployed, the military component, over and above its security function, may be in a position to assist with the identification of suitable sites for polling stations, providing transport and manpower, engineering support, equipment like generators, furniture, etc.

The use of military assets in the peacebuilding context differ from the use of military assets in the humanitarian context in that there is no assumption of independence, based on the neutrality and impartiality of the civilian peace-building partners. In the UN peacebuilding context, e.g. in a DDR or elections programme, both military and civilian partners are understood to be engaged in an activity aimed at bringing about a specific outcome that will fundamentally change the dynamics of the situation. Those opposed to an election, for instance, will be opposed to all that are involved in the electoral process, regardless of whether they are civilian or military. The close cooperation between military and civilian partners in the UN peacebuilding context does thus not have the same implications for the security of the civilian partners, or beneficiary population, as it would have in the humanitarian context.

Once this distinction with humanitarian action is established, it makes sense for the UN peacebuilding operation to integrate the overall management of the resources at its disposal, and in this context these kinds of military support are seen as leveraging the resources that exist within the different components of the mission, so that ultimately the UN peacebuilding operation can maximise

the impact it can have on the peace process by mustering and focussing all of its available resources on a specific outcome, e.g. facilitating a successful election.

One can distinguish between three different types of civil-military coordination functions, namely liaison and information management, mission support and community support (De Coning 2005:121). Liaison and information management lies at the core of coordination and refers to a wide range of activities involving the exchange and management of information. Depending on where one finds oneself on the coexistence to cooperation spectrum, these activities can include, for example, joint assessments, joint planning, and attending or hosting coordination meetings. Mission Support refers to those actions a military component undertakes in support of a civilian function, for instance providing transport, providing specialised equipment or expertise, etc. to a civilian component of the mission, or to other civilian actors in the mission area, including humanitarian or development partners. Community Support refers to those actions military units undertake to support local communities and to build confidence in the peace process.

Some of the actions undertaken by military units in the latter category, for instance, the provision of 'free medical camps' to the local population by UN military units, have been a source of irritation to the humanitarian community because they have been reported as, or confused with humanitarian assistance. These kinds of military actions in support of the community should be distinguished from humanitarian assistance.

The primary motive of the military unit for providing the medical service is to build a good relationship with the local population, to improve the image of their unit and the peace operation, and to build confidence in the peace process. In situations where a peace operation is dealing with elements hostile to its presence, a good relationship with the local community is essential for obtaining information from the local population and to minimise the risk of hostile acts carried out with the protection of the local population. The medical services provided by UN military units are not necessarily life saving, although in some individual cases they may be. The medical services are more akin to those being provided by a local clinic and in some cases it may be quite specialised, for instance, cataract operations and dental services.

The primary motive of humanitarian action is to alleviate suffering wherever it may be found, i.e. motivated solely on the basis of need. Although the medical services provided by the UN military unit usually benefit the community, they cannot be said to be need-based in the humanitarian sense of the word. In other words, the beneficiary population has not been selected on account of an independent assessment of needs among the wider beneficiary population. The community benefiting from the UN CIMIC support activity would have been typically chosen because of their proximity to the military unit's location. The essential distinction between this UN CIMIC action and humanitarian action is thus that it is not essential life-saving assistance in a humanitarian emergency, and it is not motivated solely by the fundamental humanitarian principles of humanity (need), impartiality and neutrality. These UN CIMIC actions should not be reported as humanitarian assistance by the military units, nor should it be seen as such by the humanitarian community.

At present, this kind of UN CIMIC activity carried out by UN military units, although widespread and common, is generally ignored at the operational level by the UN peace operation because no one is sure how to discount them in the context of the existing UN humanitarian civil-military coordination policies. They are reported as UN CIMIC activities, but there is no attempt to provide the military units with guidance or to direct these actions.[14] The reality is, however, that these types of UN CIMIC actions are not quasi-humanitarian activities, but rather development type actions that occur throughout the life of a peacebuilding operation, i.e. throughout the stability, transitional and consolidation phases.

We have to look beyond the existing humanitarian civil-military policies and guidelines to address these kinds of UN CIMIC actions that occur alongside and beyond the humanitarian emergency phase. In the current policy vacuum UN CIMIC action beyond the humanitarian phase is either ignored,

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14 The UN Mission in the DRC (MONUC) has made an attempt to provide policy guidance to military units, but at the time of writing this draft policy document was still being debated at the mission management level in Kinshasa and at the headquarters level in New York and Geneva.

or humanitarian-military policy guidance is erroneously applied, which has the pathological effect of undermining the clarity and precision of the existing humanitarian policy and guidelines. The result is that most military units have carried out UN CIMIC actions according to their own national doctrines and this has often resulted in unintended consequences and negative feedback from the humanitarian community (Slim 2004:9). Most UN CIMIC support actions are carried out at the Battalion level, and most Battalions for UN peace operations are currently provided by countries like Bangladesh, Ethiopia, Ghana, Kenya, Nigeria, Pakistan, South Africa, Ukraine and Uruguay.[15] None of these countries has a national CIMIC doctrine for use in peace operations. Most of them, however, train their soldiers in counter-insurgency warfare, and some of them are busy fighting counter-insurgency wars. Without a conscious effort to provide them with clear policies and guidelines for UN CIMIC actions in the UN peace operations where they are deployed, it is natural that they will revert to what they know best, i.e. counter-insurgency style 'winning hearts and minds' campaigns.

The UN should accept that military units deployed within a UN peace-building operation context will undertake such CIMIC-type actions, and engage them proactively so that these CIMIC actions can make a positive contribution to the overall peace process when channelled constructively. Military units are typically eager to make a positive contribution during the six months they are deployed. What is needed is clear policy guidance so that their resources, energy and goodwill can be positively channelled in support of the overall mission objectives and so that their UN CIMIC activities become complementary to the work undertaken by the humanitarian and development community.

These types of UN CIMIC actions should not be seen as isolated acts of community outreach by individual units, as they currently are, but rather as part of the overall mission effort in support of the peace process. They should be integrated into the larger mission effort and should be coordinated with all partners and stakeholders. For instance, UN CIMIC Community Support

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15 Refer to the peacekeeping section of the UN website (www.un.org) for the most recent rankings of UN Troop Contributing Countries (TCCs).

actions should be aimed at helping the local community, i.e. they must be based on the need of the community (needs-driven as supposed to supply-driven) and the community should be encouraged to take ownership of and direct these projects. UN CIMIC actions should be coordinated with all partners and stakeholders, e.g. in the case of a military unit rehabilitating a school, such services should be coordinated with the appropriate civilian authorities (local education authorities, local community leaders, UNICEF, OCHA, NGOs working in the education field that may be active in the area, etc.) so that the actions of the military unit are complementary to the actions (humanitarian and development) that are being undertaken by the appropriate civilian and humanitarian actors. The UN CIMIC school rehabilitation project should not be in competition with or undermine the activities of these civilian actors. It should be undertaken in support of a larger school rehabilitation programme, so that the school that is rehabilitated through the UN CIMIC action will be integrated into and be supported by the larger programme, thus ensuring sustainability.

If UN CIMIC Community Support actions:

(1) are undertaken in support of (and preferably directed by) the local community, and
(2) are well coordinated with all the other stakeholders, they are likely to result in:
   (a) good relations with the local community,
   (b) confidence in the UN peace operation and the peace process, and probably also
   (c) good publicity for the military unit in question, and the UN peace operation in general.

However, if such projects are unilaterally undertaken by a military unit for the sole purpose of 'winning hearts and minds' and to generate publicity, they are unlikely to have long-term and sustainable benefits. For instance, under such circumstances a military unit is likely to choose to support a school because of its proximity to the unit's location regardless of the needs of the surrounding community or the school rehabilitation plan of the education authorities. Or they are likely to offer free medical services regardless of the fact that an NGO

may be trying to assist the local clinic to establish a sustainable service based on a cost recovery model. These kinds of uncoordinated and supply-driven CIMIC actions are likely to create tension between the military unit, the local community (who may feel exploited by winning hearts and minds actions) and other stakeholders (such as local authorities, NGOs and UN Agencies) who have not been consulted in the process.

The UN should develop CIMIC principles and guidelines for UN CIMIC in peacebuilding operations so that these kinds of UN CIMIC actions undertaken beyond the humanitarian realm can be positively channelled and integrated into the UN mission's overall vision and strategy in support of the peace process.

Recommendations for UN CIMIC Principles and Guidelines

DPKO, in consultation with other development stakeholders, needs to clarify how its UN CIMIC policy relates to the existing humanitarian policy and guidelines for civil-military coordination and the non-humanitarian aspects of peace operations. The confusion starts with the terminology, and DPKO can no longer escape from taking a clear position on which concepts and abbreviations should be used in UN peace operations.[16] UN CIMIC is one option to distinguish between the UN and NATO applications of the same abbreviation 'CIMIC'.

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16 In some UN peace operations, e.g. Haiti and Sudan, there are civilian civil-military coordination officers that use the same terminology reserved for humanitarian civil-military coordination officers, namely 'CMCoord' officers. These officers are also sometimes referred to as 'CIMCoord' officers, but this does not appear to be a conscious attempt to differentiate them from 'CMCoord' officers, but rather just a more phonetic spelling of the way 'CMCoord' is pronounced. Most military civil-military coordination officers in UN peace operations are referred to as 'CIMIC officers'. However, the IASC Reference Paper (IASC, 2004:11) has allocated the term 'Civil-Military Liaison Officers (CMLO)' for DPKO, and although DPKO has not yet taken a decision on whether or not to use this term, the UN Mission in Sudan (UNMIS) seems to have started to use the CMLO terminology.

DPKO's policy needs to spell out what it is that the UN CIMIC function should (and should not) do. It is important to give the military component clear guidelines with regard to what is, and what is not appropriate for the military to do as part of the UN CIMIC function in UN peace operations. The UN CIMIC policy needs to be clear about the CIMIC functions and how they should be executed. The policy should make a distinction between support provided to humanitarian actors, where the relevant humanitarian civil-military policy guidelines apply, and to support provided to peacebuilding actors.

Conclusion

Peacebuilding operations are designed to assist the peace process and prevent a relapse into conflict, but their ultimate aim is to address the root causes of a conflict and to lay the foundations for social justice and sustainable peace. In the post-Cold War era, the focus is increasingly shifting from peacekeeping, which was about maintaining the status quo, to peacebuilding, which has to do with managing change.[17] Most UN peacekeeping operations since 1989 have in effect been peacebuilding operations in that their focus was on supporting the implementation of comprehensive peace processes, which included classic peacebuilding tasks such as DDR, justice sector reform, organising elections, training and restructuring new police forces and facilitating the transition from interim to transitional and eventually to democratically elected governments.

Coordination performs a critical function in complex peacebuilding operations and can be understood as the effort to ensure that the peace, security and development dimensions of a peacebuilding operation are directed towards a common objective.[18] The military component of a UN peacebuilding operation makes use of a UN civil-military coordination (UN CIMIC) branch to facilitate liaison and coordination with the civilian components of the mission,

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17   Espen Barth Eide, presentation delivered at the 'DDR from a Peacebuilding Perspective' Course, 19-24 January 2004, Norwegian Defence International Center (NODEFIC).

the rest of the UN system and all the other external and internal partners in their area of responsibility.

Almost all the existing UN policies and guidelines on civil-military coordination are focussed on the humanitarian-military relationship. Although the humanitarian-military relationship is especially sensitive and needs particular attention, it is, from a UN peacebuilding perspective, only one facet of a much larger and longer-term operation. The humanitarian emergency phase typically coincides with the stabilisation phase and sometimes stretches into the transitional phase. UN CIMIC in peacebuilding operations covers all these phases and extends into the consolidation phase. Apart from the humanitarian actors, civil-military relations in UN peacebuilding operations provide for the interface with all the specialised civilian components of the UN mission, the development partners in the UN System, international and local NGOs in the development field and the authorities and civil society of the host society.

Most existing UN policies and guidelines are, however, limited to humanitarian civil-military coordination, and there is currently no policy guidance for the non-humanitarian realm of civil-military relations. In this policy vacuum UN CIMIC action beyond the humanitarian phase is either ignored, or humanitarian civil-military policy guidance is erroneously applied. Both the former and the latter have the pathological effect of ultimately undermining the clarity and precision of the existing humanitarian policy and guidelines, thus further eroding humanitarian space.

UN CIMIC actions can make a positive contribution to the overall peacebuilding process if the military components' resources, energy and good-will can be positively channelled in support of the overall mission objectives, so that the CIMIC activities are complementary to the work undertaken by the humanitarian and development community.

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18 With apologies to the definition of coherence on p. 4 of the Henry Dunant Center for Humanitarian Dialogue's February 2003 report: *Politics and Humanitarianism: Coherence in Crisis?*: 'Coherence came to mean: the effort, notably by the UN and some donors, to ensure that all international aid and interventions in a particular crisis are directed towards a common objective.'

The paper concludes with the recommendation that UN DPKO should develop a clear and distinct UN CIMIC policy that provides guidance for civil-military coordination throughout the life of a UN peacebuilding operation. Such a UN CIMIC policy should incorporate the existing UN humanitarian civil-military policies and guidelines, and develop additional and complementary policies and guidelines for the stabilisation, transitional and consolidation phases of post-conflict reconstruction.

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An Overview of the Forms of Expressing Social Conflict in Southern Africa with special reference to the Zulus

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Abstract

In this study, an analysis is made of the strategies used by Zulu people in which they articulate their social conflict, frustrations and discontent through particular oral discourses, viz. *izibongo* ('praise' poetry/oral ID's) and naming practices, which render the expression of these sentiments acceptable to the community within which they are voiced. Studies involving conflict expression in the political and industrial/commercial environment are far more common-place than this one which deals particularly with various social settings. My particular field of research has involved issues such as the contextual variations that affect the language used in communication, involving specific concerns

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such as the physical circumstances of the speech event, i.e. the setting, as well as the participants and their relationship roles, the particular aims and purposes of the speech event and the coherence of the discourse. The oral expressions that provide the vehicle for venting dissatisfaction in a way that is socially acceptable are of particular interest as they are an intricate part of the oral tradition of the Zulu. These are commonly used in rural communities, but they also echo in urban social settings. Hostility and ill-feelings are thus channelled through the sanctioned form of these various oral expressions either as a means of merely airing one's dissatisfaction or as a means of seeking personal redress. The ultimate function of making public one's displeasure and discontent is conflict reduction.

General Introduction

Conflict can arise in virtually any social setting, whether it is between individuals, groups, organisations or nations, and it is unavoidable in human society. It is the management of these issues of conflict through specific forms of articulation amongst Zulu people, and how this reflects the value systems of the group, that is of interest in this paper.

In researching oral strategies used by the Zulus as a means of conflict articulation, one must view these social conflicts as contextualised events in their specific social setting. This entails taking into account not only the cultural setting, but also the social discourse, the context and a review of events leading up to and surrounding the conflict situation. In some instances this involves more than just the disputing party; it involves the entire social network in which the conflict is situated. This way of viewing conflict and its articulation as events in the comprehensive continuum of social life, is common in Africa. This is because of the community-based style of living prevalent amongst Africans. Social life in communal societies is the area in which values and norms function, and is the environment in which cultural traditions are formed and handed down in a predominantly oral fashion, from one generation to another. In societies such as this, where the oral mode of transmission is favoured, inter-personal communication on a daily basis characterises social discourse and

interaction. It is in this environment of constant human communication and interaction that the energy comes which may fuel conflict. In modern urban environments, where extended family-homestead living styles no longer proliferate, changes in the channels and mode of expressing conflict are taking place. This point was brought home to me recently after I had given a Cross-Cultural Presentation to the Durban group of Life Line counsellors, a voluntary association of people who give advice and solace to people who phone in with personal problems. One of the issues which was raised by their head counsellor after I had given my presentation to their trainee counsellors in October 2003, was the marked increase in the number of Zulu women who were phoning in to discuss their problems and asking for advice. One of the matters often discussed by these women was that they had nowhere and no-one to turn to with their marital and family problems in urban areas. The situation seems to have been easier to deal with when these difficulties could be shared with members of the extended family and others from the immediate community. The requests almost always made over the telephone are that these women seek personal one-on-one counselling, as opposed to telephonic counselling. This is typical of oral-style societies where physical presence is essential in the articulation of the message. To accommodate this increased request for help, Life Line in Durban started a drop-in, face-to-face service on 11th March 2002, called the *Ukuba Nesibindi* VCT Site (Be Strong Voluntary Counselling and Testing Site). Initially, all the interviews dealt with the issue of AIDS, but Sister Dudu, in charge of the Site, informed me that it had increasingly become a centre not only for issues directly to do with AIDS, but also for dealing with all sorts of social conflict issues including those dealing with domestic problems, rape and family violence.

Traditional Forms of Conflict Expression

The traditional forms of oral expressions under investigation in this study include *izihasho/izibongo* (oral compositions which serve as oral ID's) about both important and ordinary people, and the art of personal naming. In each case, the person is criticised within the context and framework of the oral

tradition which has always been the recognised public forum of censure amongst the Zulu. These particular genres of oral studies, that of *izibongo* and names, are but two facets of a much wider field of discursive practices common amongst the Zulu. Story telling in the form of *izinganekwane*, proverbs, idioms, various categories of song, riddles and other oral games, also serve as oral media through which conflict may be aired.

This is in stark contrast to many contemporary literate urban societies in which values, norms and cultural traditions may be communicated rather through the media or through books, memos, letters, notices and emails. This mode of communication tends to alleviate and even prevent conversation and extended oral communication. Literate societies tend to focus on individualism and an individualistic style of life, whereas in societies which are 'orally based' and communal in lifestyle, the important element functioning throughout all social life is the network of extended human relations. Family ties and community networking are constantly respected, maintained and strengthened. Whenever kinship or social relationships are disturbed by a dispute, priority is given to restoring the balance. Jannie Malan (1997:24) makes the point about African communities that it is the social context which makes a significant difference if the purpose of the conflict resolution process is formulated in social, relational language. The essence of the philosophy of *ubuntu* is the restoration of balance in relationships that have been broken or damaged. Wrongs inflicted within the community need to be rectified and in this way justice is met and peace restored. The whole procedure of resolving the conflict is merely an event in the continuum of social life.

Description and Context of this Study

In this study, an analysis is made of the strategies used by Zulu people in particular oral discourses, viz. *izibongo* ('praise' poetry/oral ID's) and naming practices, in which they articulate their frustrations and discontent in various social settings. My particular field of research has involved issues such as the contextual variations that affect the language used in communication, involving specific concerns such as: the physical circumstances of the speech event, i.e.

the setting, as well as the participants and their relationship roles; the particular aims and purposes of the speech event; and the coherence of the discourse. The oral expressions that provide the vehicle for venting dissatisfaction in a way that is socially acceptable are of particular interest as they are an intricate part of the oral tradition of the Zulu. These are commonly used in rural communities, but they also echo in urban social settings. Hostility and ill-feelings are thus channelled through the sanctioned form of these various oral expressions either as a means of merely airing one's dissatisfaction or as a means of seeking personal redress. The ultimate function of making public one's displeasure and discontent is conflict reduction.

The articulation of disputes or conflicts in social environments occurs in the context of condensed or extended family settings, in the context of the neighbourhood or in a combination of family and neighbourhood. As important as the *function* of conflict articulation is the *form* that these oral expressions take amongst the Zulu. In the words of the famous American architect, Frank Lloyd Wright, 'form follows function'. This involves an examination of the various oral modes of expressing conflict that occur in social behaviour as well as the mnemonic forms in which it is done – as mnemonic form is the way in which information recalled from memory is specifically structured.

Sanctioned Forms of Oral Expression Used in Expressing Social Conflict

Oral traditions are still very much alive and thriving amongst the majority of Zulu people, particularly those in rural areas, and, inextricably linked with these traditions, is the culture from which they emerge. Oral practices are part of the heritage of the Zulus' cultural wealth in its various forms and expressions. They live on, irrespective of whether they are recorded in writing or not. They continue in parallel with written records, often intermingling with them. It is the 'style' in which the composition is delivered which gives us the vital clue as to what kind of society the text emanates from, i.e. one that favours the oral mode over the written. In such societies the memory is of paramount importance and must be 'practised', hence the reliance on the mnemonic Oral Style (Jousse 1990, 2000, 2001). The particular function of the specific type of

izihasho and *amagama* (names), both forms of oral ID's being examined here, is conflict reduction. The function of these oral forms is that of a 'socio-cultural archive' (Conolly (3) 2001), which is vested in the memory of those who can express in performance – by chanting, singing or reciting – their renditions of personal and group identity. One must regard these particular recorded oral texts as shifting and elusive, continuous in form with both the 'oral' and the 'literate', the 'traditional' and the 'modern'. Malinowski's claim (1926) that there is 'no text without context' is undeniable. The oral texts require a responsive audience, with the performer acting as the leader. This audience is attuned to the performer because they share the same collective memories and culture, and they are therefore able to decode the messages contained in the texts because of this common history. Performers and composers of these recorded forms are ordinary people. In some instances, certain lines or phrases are composed by peers; in other cases they are self-composed. Some of the language contained in many of the texts is regarded as coarse and unsavoury by people from both within and outside the tradition. Such language, however, is acceptable within the specific constraints and context of the actual performance.

Reference to the written form of text as I have used it in the ambit of this paper means a stream of thought initially orally conceived and expressed which is then recorded in writing. As Finnegan so aptly describes the process of recording the oral text, it should not be regarded as a final fixed form once recorded.

Significance of the Study

The history of South Africa over the past three decades and the prevalence of conflict and violence in the political arena as well as the social sphere during this time, makes this study of the features and functions of various speech forms and expressions particularly pertinent, as it serves to throw an important light on how African communities articulate conflict.

Of late, the identification of features of oral studies, and especially the issue of conflict and their terms of reference, have become topics of increasing interest amongst researchers in southern Africa. The National Research Foundation

is now encouraging academics to focus on the area of Indigenous Knowledge Systems. Included in that focus area is the recommendation that research be done on the impact of Indigenous Knowledge on lifestyles and the ways in which societies are run. The study of ways in which specific societies articulate issues of conflict has a direct bearing on the understanding of the broader field of conflict. This study deals specifically with Oral-style communities (in this case Zulu speaking) and how they use particular oral strategies to cope with issues of conflict. As a group typical of many Oral-style communities, the Zulu people have not only found an acceptable way to manage and ameliorate conflict in social situations, they have based it very significantly on an age-old mnemonic oral tradition which is socialised and accepted as a norm of group behaviour.

Conflict Expression in Africa

Africa generally

When researching the topic of conflict in society, what becomes glaringly apparent is the dearth of information based on African history and tradition. There is a large amount of information that is rooted in Occidental experience, but African modes of perception, imagination and thought are a relatively new field of research. Bozeman (1976:65) writes that Africa's cultural consciousness is an undisputed fact today, but that the difficulty of comprehending it arises for several reasons. The first is that African society is traditionally a non scribally-literate world in which the unity of African culture projects the sum total of values, beliefs and institutions that have been shared by countless generations. This represents a 'socially complex mosaic' of heterogeneous elements in a huge continent, where present lines of political organisation are fluid, and where neither anthropologists nor political scientists have as yet been able to agree upon generally applicable categories of classificatory schemes. Bozeman suggests that any inquiry into the role of conflict in African politics or society requires a shift of focus to the small folk community, the form of group life that Africans themselves have regarded as enduringly meaningful throughout the centuries. It is in these small communities, in which neighbours and kinsmen are in close contact, that interpersonal conflicts are likely to be

cast in terms of witchcraft and sorcery to account for inexplicable events such as death, illness and misfortunes. It is here, in the context of relations between people who know one another well, that friction, jealousy and hatred is most pronounced.

In societies that favour the oral mode of expression over writing, an individual is perceived primarily as an extension or representation of the group to which he or she belongs, either as a member of a family, clan, lineage, village or other grouping. The Occidental idea of the autonomous person, endowed with individual rights and responsibilities is a very different conception from that of the 'communal' African person. This then explains the affirmative African approach to conflict as a socially and psychically vital function. There is a shared perception of conflict as a structuring or constitutive force in communal affairs, where well-regulated adversarial confrontations provide fitting circumstances for the blunting of socially threatening tensions. In view of the fragility of social ties between members of an African community, actual or potential conflict situations have consistently challenged the traditional genius for maintaining the closely-knit community life. Each African speech community has its own code of customs for abating antagonisms, conciliating disputants and ultimately re-establishing communal accord.

There is quite obviously not one single homogeneous African approach to conflict. Nevertheless, when the various approaches are surveyed in the perspective of shared cultural patterns, certain common features readily emerge and these are as different from Western (literate) approaches as the situations that provoked them. This is because African systems of conflict control emanate from established social practice and are therefore virtually synonymous with the entirety of social life. Furthermore they depend primarily upon the medium of the spoken word. Bozeman (1976:222) notes:

> Unlike the West – where peace and harmony are posited as primary value, thus dictating, as it were, the definitions of their opposite, and where 'order' is viewed as a function of peace – Africa reverses the argument. There, order is understood, symbolised, and institutionalized unequivocally in terms of controlled conflict. Personal and social 'peace', as this concept is understood in the different value languages of the Occident, has no counterpart there.

Recorded forms of oral communication and conflict in African countries

Finnegan (1992:222) mentions the use of oral 'poetry' and song in Africa for the expression and resolution of hostilities between individuals or groups in social settings as well as in the political arena. The west Nigerians composed satirical political songs to express their frustrations in the 1959 federal elections, and Bashi singers in the Congo composed songs which were sung in the workplace to express their dissatisfaction and grievances. Finnegan states:

> ...expression in poetry takes the sting out of the communication and removes it from the 'real' social arena. And yet, of course, it does not – for the communication still takes place. It is a curious example of the conventions that surround various forms of communication in society, where, even if the covert 'content' remains the same, the form radically affects the way it is received – whether or not it is regarded as a confrontation, for example.

Okpewho (1992:147) (in his research on African Oral Literature) similarly refers to the 'critical spirit' in oral forms. He calls these songs of personal abuse 'lampoons'. In Nigeria, the tradition was used by individuals to wage personal vendettas against various members of the community. However, the usefulness of these songs in the oral tradition was to encourage those in society to observe good conduct, while developing a sense of responsibility, and at the same time these 'lampoons' were intended to act as a warning against those in the group who might be indulging in behaviour that is regarded as detrimental to the well-being and general survival of the society. Okpewho (1992:154) also discusses songs and oral compositions as a preferred form of expression in the political arena in Nigeria, Kenya, Zimbabwe and Mozambique.

Mapanje and White (1983) document various forms of conflict and protest in the oral expressions of Africa from Mozambique, Sudan, Ghana, Uganda, Zambia, Somalia and Nigeria. In their anthology, there is a specific chapter on 'poems' which reflect aspects of protest and satire. Mapanje and White (1983:129) argue that African oral composers are allowed an unusual freedom of speech:

> Sons may criticise their fathers, wives their husbands, workers their
> employers, and everybody the chiefs or officials who rule them, so long as
> it is done through poetry or song.

Vail and White (1991) also offer numerous examples of the expression of
complaint in song and in oral composition in Africa. They cite examples of the
work of Evans-Pritchard (1948) and his collection of work songs amongst the
Dinka, Hugh Tracey's (1948) recordings of songs amongst the Chopi, Gluckman
(1963) and subsequently Kuper's work (1964) on the Swazi *Ncwala* (first fruits)
songs in the context of political struggle, as well as Mafeje's work (1967), among
others, on the role of the Xhosa *imbongi* in the 1960s. Lullabies are also docu-
mented by Finnegan (1992) as providing an indirect means of critical expression
amongst the Nyoro of Uganda, the Dogon, the Rundi and the Kamba.

  In Tanzania, Mutembei and Lugalla (2002) argue that oral expression has
been used by the Haya community from time immemorial as a pedagogical
tool to shape social norms and behaviour. It was used not only to preserve the
wisdom of the nation, but in more recent times, to document the dilemma of
modern societies facing the scourge of AIDS and AIDS-related problems. These
researchers have concentrated on the genre of oral 'poetry' from the Kagera
region of Tanzania as they state that unless those engaged in the fight against
the pandemic, whether they be governmental or non-governmental bodies, use
the language of the communities, their intervention measures against the spread
of HIV will be of limited success. They cite a study carried out in Uganda where
the emphasis is put on the use of language that is understood and accepted by
the local communities:

> Promotion of preventive measures will be most effective if carried out
> by peer educators who 'notice' and communicate social messages in
> appropriate language situations. This may be important in campaigns
> aiming at changing attitudes, behaviours and practices (Obbo 1991:84).

Mutembei and Lugalla go on to say that the most important reason for oral
compositions to be given prominence in HIV/AIDS-related education campaigns,
is that it gives women a chance to be heard and to air their complaints and

anxieties, a channel not normally open to them in other modes of discourse. In addition, the study of these specialised oral compositions creates a unique understanding of the way people themselves construct reality in relation to the epidemic.

Recorded forms of oral compositions used in expressing conflict in Southern Africa

Scholars such as Bryant (1929), Samuelson (1929) and Grant (1929) were early recorders of Zulu *izibongo*. Their information was gleaned from individual *izimbongi* (bards) as well as commoners who had extensive knowledge of the *izibongo* of certain clans and kings. It is from the collection of James Stuart, however, and later the editing of his work by Trevor Cope (1968), that discussion on the examples of the *izibongo zamakhosi* is based. Cope's selection of *izibongo* includes a selection of oral compositions of the Zulu royal line, of chiefs, of outstanding warriors, royal women and two white men. Cope was meticulous about placing these oral compositions, collated and edited from Stuart's work, in a social and political context.

Opland's well known work, Xhosa Oral Poetry (1983), is as valuable in the Xhosa domain as this work of Cope's on *Zulu Izibongo*, and shows the resilience as well as the awareness of change in social and political conditions amongst the Xhosa. He highlights the role of criticism in these oral compositions by *iimbongi*, of the current ruling chiefs, and their subsequent incarceration and harassment during the Apartheid era because of their views on matters such as the so-called independence of the Transkei. These findings are echoed in Kaschula's subsequent research on the *Transitional Role of the Xhosa Oral Poet in Contemporary South African Society* (1991). He records the role of the Xhosa *imbongi* as former unfettered social critic and political commentator and comments on the changes that occurred from the late 1960s to the end of the 1980s. He quotes the example of Chief Ndamase who regards the *imbongi* today simply as an entertainer. As the *imbongi* was, and still is, at risk for what he says, we find a total change in the role of the traditional *imbongi*. He no longer acts as mediator between the chief and his people, someone who may at will extol or criticise with impunity. Urbanisation, economic pressures on the individual, the influence of Westernisation, the highly charged political atmosphere

of the apartheid state, the role of the media, formal education and the changing political situation are all documented by Kaschula in the changing conditions facing the contemporary *imbongi*.

Okphewo also discusses the role of 'praise singers' who have license to criticise their rulers with impunity. He comments (1992:148) that this oral form of personal redress throughout Africa is common outside of ruling circles as well.

Gunner (1984) has also conducted extensive research in the field of Zulu contemporary oral compositions. She assesses the key role of *izibongo* in presenting and expressing identity. She traces how the public role of the royal *izibongo* in current times shows the ways in which this form of oral composition may be adapted to become part of a new political tradition, still able to create a unifying consciousness for contemporary speakers. In addition, she looks at the form and content of individuals' *izibongo*, and describes the performed aspects thereof. In her discussion on allusion as a form of criticism she deals in passing with certain aspects that revolve around criticism and conflict. The point that Gunner makes, albeit briefly, is that conflict, when it occurs in men's *izibongo*, is usually only one of a number of briefly explored topics. In women's *izibongo*, however, Gunner states that criticism and complaint tend to be the dominant themes. She points out that this allusive criticism is also prevalent in the *izangelo* (*izibongo* of infancy) which are normally recited in front of audiences comprising women only. Gunner (1984:330) also mentions briefly the theme of conflict in the *izibongo* of ordinary people where the content of the *izibongo* is extremely negative and critical, and in this way exerts social pressure and 'pulls behaviour back into line'.

This topic of social pressure and 'pulling-back-into-line behaviour' has also been the focus of previous research by myself (Turner 1990, 1992, 1995, 1997, 2001) in documenting the oral compositions of Zulu men and women, where the emphasis in the examples cited is largely on highlighting behaviour that needs correction.

In their publication *Musho*, Gunner and Gwala (1994) present a collection of oral compositions of national figures, chiefs, as well as ordinary men, women and children. In their introduction, the authors describe *izibongo* as a 'key art form in the political discourse of the day' where the *izibongo* of the kings and national

figures were used increasingly in the 1960s and 1970s as part of political gatherings. Conflict expression is touched upon briefly in isolated examples. Groenewald's research (1991, 1994) focused on the use of *izibongo* for political effect amongst the Ndebele in the *izibongo* of Prince James Senzangakhona Mahlangu. These analysts, namely Gunner and Gwala, and Groenewald, reveal how the form of Nguni *izibongo* has been manipulated by performers and politicians to criticise political ideologies of the day. The *izibongo* of national figures contain within them criticism of unpopular actions that they may have taken as well as the opinions of the people about unpopular situations. In his capacity as representative of not only the community but also of the ancestors, the *imbongi* (the bard) presents these opinions to figures of authority. Gunner (1991:31) argues:

> The extent to which South African traditional art forms have been stereotyped and under-estimated in their capacity as agents both mirroring and engaging with social and political life, is only now beginning to be explored.

Kromberg (1994), who documents examples of worker *izibongo*, continues the work done by Gunner and Groenewald and others and describes the transformation of *izibongo* from a medium for praising chiefs to a medium for worker mobilisation. In trade union/worker *izibongo*, criticism and conflict expression appear to be suppressed in the interests of the larger aim of solidarity and unity. Kraemmer (1975:112), in his work amongst rural folk in northern Zimbabwe, makes the point that work songs

> also provide an occasion when persons would not be called to task for voicing criticism, which frequently took the form of obscene reference in song.

All the above authors touch on conflict concerning figures of importance in the political sphere, or people in the work arena. My research aims to fill the gap where as yet there is little documented work on the expression of conflict amongst the Zulu in the social arena – specifically concerning the sanctioned oral forms of names and *izibongo/izihasho*.

The Form and Function in Expressing Social Conflict

Oral forms of combative speech in the form of insult, ridicule and witty and derisive commentary are recognised in African societies and many other parts of the world, and here particularly amongst the Zulu, as effective forms of social sanction. In a non-literate culture in which the word is the equivalent of the act, talking invites artistry and verbal virtuosity in the form of repetition, and circumlocution is meant to extend rather than to contract the discourse and therewith also the pleasure of actual and vicarious participation for those present. Conflict is treated as an essential part of social life and this conflict can only be understood within a context of extended social processes dependent largely upon the beliefs that are held and the values subscribed to within a given community.

Coser (1956) supports this view in his analysis of the functions of social conflict. He quotes the central thesis of the work of Simmel – revolving around conflict being a form of socialisation. He maintains that conflict is an essential element in group formation and the persistence of group life. Conflict is thus seen as performing group-maintaining functions insofar as it regulates systems of relationships, i.e. it 'clears the air' and helps to create a situation where hostile feelings are allowed free behavioural expression. Simmel's view constitutes what Coser terms a 'safety-valve theory', where the conflict serves as an outlet for the release of hostilities which, if no other outlet were provided, would adversely affect the relationship between the antagonists. Coser notes that conflict is not, therefore, always dysfunctional. Without channels for venting hostility and expressing dissent, members of a social group might feel completely crushed – and may react by withdrawal.

The practice of conflict expression in the forms of derisive names and expressed in the extended form of naming (*izibongo, izihasho, izigiyo*) that occurs in oral compositions as well as in the oral song texts, is not unique amongst the Zulu, but is common in much of Africa and elsewhere as has been extensively documented by Okpewho and Finnegan among others.

Finnegan (1970:470) summarises the concept of 'naming' in Africa when she states that:

> Names often play an indispensable part in oral literature in Africa...they have...many different interpretations...from the psychological functions of names in providing assurance or 'working out' tension, to their connection with the structure of society, their social function in minimizing friction, or their usefulness either in expressing the self-image of their owner or in providing a means of indirect comment when a direct one is not feasible.

By allowing the expression of pent-up feelings of hostility, frustration and dissatisfaction, conflict serves to maintain inter-individual and group relationships.

In the realm of collective existence, minor divergences serve to confirm and consolidate the underlying cohesion of the group, as a society obviously relies on a certain common consent. Thus social conflict may have a positive and integrative function to play in maintaining the balance in society. In the words of Coser (1956:80):

> Conflict may serve to remove dissociating elements in a relationship and to re-establish unity. Insofar as conflict is the resolution of tension between antagonists it has stabilizing functions and becomes an integrating component of the relationship. However, not all conflicts are positively functional, only those which concern goals, values or interests that do not contradict the basic assumptions upon which the social relations are founded.

Witchcraft is a practice where hostile feelings are allowed socially sanctioned expression against the adversary. In accusing particular members of the community of practising witchcraft, the accuser often singles out the perpetrator as a means for the release of hostility which could not be expressed safely against that person in any other sanctioned way. Reference to witchcraft in various forms of Zulu oral expression is common.

Wit is another vehicle of indirect expression commonly used. Freud comments that wit permits one to make one's adversary ridiculous in a way which direct speech could not because of social hindrances. Wit may not necessarily bring about a change in the relations between one person and

another, particularly if the intended target of the witticism is unaware of the source and intention of the witticism. It may, however, afford an outlet of expression to the person articulating the source of the conflict, without necessarily changing the terms of the relationship. The expression in these terms, then, merely functions as a form of tension release. This practice, which is not unique to the Zulu people, is commonly employed in *izihasho* and particularly in nicknaming practices.

Roberts (1979:40) quotes research which shows that people in communal African societies are extremely sensitive not only to ridicule but even to the mildest criticism. This influences them strongly to adhere to approved patterns of behaviour. Shame and rejection represent an extremely powerful means through which deviant behaviour can be controlled, and this is particularly prevalent in close-knit rural Zulu communities. Roberts (1979:42) maintains that:

> In any small closely knit community where people find themselves in continuing face-to-face relations, the threat of exposure to ridicule and disgust, provoking feelings of shame and remorse, must represent an important mechanism of control.... Almost all these means of maintaining order, particularly those which derive their force from the actor's perception of how other people may react, operate through human communication in the course of everyday life. Through talk, values and norms may be expressly stated, and consequences of departure from them spelled out.

These oral expressions of conflict still occur (not as commonly however) in urban township situations as well, where community living has not yet been superseded by the more literate individualistic nuclear style of life. Community-orientated societies are normally closely knit, and one's actions and one's reputation in that community are, most often, common knowledge. In such situations, a member in that community knows that the attitude of others depends on his/her reputation, and, more often than not, the threat of gossip and a disreputable standing in society serves to encourage the individual to adjust his/her behaviour accordingly.

In this way, conflict can be constructive. But it can also be destructive. It is

this potential for destructive conflict that Zulus seek to minimize in their oral practices. The articulation of the source of conflict may or may not result in actual solutions being arrived at. In some instances the expression in itself may be sufficient to release frustration and pent up emotion.

Conflict Expression in Onomastics (Naming Techniques)

The practice of derisive naming can provide an allusive way of astutely airing a conflict or source of dissatisfaction or discontent in such a way that it is repeatedly exposed to the community at large, and furthermore serves as a constant reminder to all of the underlying message contained therein. This may be done repeatedly in certain situations where one wishes to make one's neighbours/spouse/in-laws aware of a situation which is causing a problem. The encoded message is passed in an acceptable, non-confrontational manner, by calling a child or animal's name out loud, and if the occasion merits it, repeatedly!

Molefe (1992), in his research amongst the Zulu on the praises of domestic animals, cites examples of animal names woven into extended oral compositions, usually by the owner of the animal, or someone connected with them on a daily basis. These names make passing mention of disciplinary messages which are contained in the names of certain animals. Molefe (1992:78) gives the example of a man who, while cultivating his fields, would call out to his team of two oxen:

> *Iyaphi ngale Thakathani,*
> *Iyaphi uNquluzomjendevu?*

> Where are you going Thakathani (Bewitcher),
> Where are you going, Nquluzomjendevu! (Bony buttocks of a spinster!)

He explains that two messages are conveyed in these two names given to the oxen which are directed towards certain people in his local community. Generally these types of names are directed at unnamed persons, but particular persons in the community will accordingly identify the message encoded in

them. Firstly, in the name '*Thakatani*', meaning, loosely, 'Carry on bewitching', the owner of the ox aims his message at those who are suspected of bewitching him, informing them that he is aware of it, but it will make no difference to him. By calling out the name of the second ox, the namer is telling the neighbours that their daughter should have got married a long time ago, as she is getting past the acceptable marriageable age. To the Zulu people, thin, shapeless buttocks are scorned, as is the woman who remains unmarried. By naming the ox in such a way, the neighbour avoids causing embarrassment and pain that would be inevitable if the girl was addressed directly on the issue. Furthermore, the pressure from the community is clearly made known with regard to women remaining spinsters. Often the dislike of spinsters is derived from other women in the community fearing that spinsters engage in infidelity amongst married men, as the expression in Zulu records, '*Imijendevu idla emhlambini*' (Spinsters eat from the herd, or in other words, they dabble where they please). Although satirical naming is done mostly by women, it is not exclusively their domain as shown in the above example where the names were composed by the owner of the oxen, a man.

The mention of conflict in the research of Molefe is restricted to a few examples. This theme of conflict and naming practices was expanded by me in a series of published articles on the composition and performance of cryptic social messages in personal names as well as animal names, as well as in work and social situations. In these articles I deal with various reasons for cryptic names being given to Zulu children and to livestock to express situations of conflict and feelings of frustration (Turner 1992, 1997, 1998, 2000, 2001). If a person is guilty of wrongdoing in his/her community, not only is dishonour brought upon the individual's name, but also upon the name of the family, and in certain circumstances, even the immediate community at large. This is because, amongst the Zulu, people are not only identified by their names, but always, simultaneously, by where they come from. Thus, through naming practices pressure is exerted in a subtle form by the members of the community to conform to modes of acceptable behaviour. For instance, a person given the name of *Muziwenduku* (home of the stick) will be clearly understood to have come from a home where punishment was commonplace. Just as personal names may be given to children in Zulu society, in which a cryptic social message is

embedded, the practice of naming domestic animals functions in the same way. A dog is named *Uvila* (lazy one) because of the daughter-in-law's laziness in performing household chores. The skilled use of allusion is a powerful weapon in the hands of the sharp and observant name-giver, and affords one the opportunity of voicing an opinion in a socially acceptable way, given the impropriety of direct confrontation. The name *Umphikwa* (the denied one) was given to the second born child of a migrant labourer. This name was given by the child's grandmother to indicate her suspicion of an illicit affair the mother had had in the father's absence, culminating in the birth of this boy who did not have any features resembling the family. Variants of this situation of births outside of marriage are found in the names: *Thangithini* (what do you expect me to say?), *Bonakele* (suddenly appeared/I was obvious), *Mfaniseni* (show me the resemblance), *Phumaphi* (where do you come from?), *Mtholephi* (where did you get him from?) *Mthathephi* (where did you take him from?). The same name may be given by different owners to their different animals to reflect totally different situations of conflict. Gumede (2000) cites several such examples of names given in his home area of Emaqwabeni, which are used to deflect tension and act as 'conflict-reducing agents'. He draws the conclusion that names function as:

> accurate barometers of the equilibrium within a social group, and provide sensitive access to understanding relationships and status hierarchies operating within the group (Gumede 2000:51).

Names reflecting conflict are not restricted to categories of animals and people. They are also commonly given to inanimate objects such as homesteads. In his research on Zulu homestead names, Ntuli (1992) mentions the fact that although a homestead may be named by its occupants, an alternate name popularised by the community may also be given. This name may reflect criticism of the behaviour of some of the occupants. Ntuli (1992:18) notes that, 'This implies that when the community gets involved, name giving may serve as a form of social control'. Shabalala (1999), in her research on homestead names as a reflection of social dynamics amongst the Zulu, states that although the primary function of Zulu homestead names is to distinctly identify each homestead from another (since people of the same clan with the same surnames

usually settle close to one another in rural areas), 'these names are also used as a way of communicating the inner feelings, thoughts and attitudes of the name-giver'.

She categorises the names she collected into seven categories. The largest of those categories comprises names reflecting friction (32%). She records that,

> ...in Mabengela naming still reflects family tension or unpleasant occurrences such as conflict within the family or witchcraft within the family or among the community (Shabalala 1999).

She cites the example *KwaPhumuzumlomo* (Give the mouth a rest) where the owner of this homestead named her homestead in this way because of endless gossip amongst the in-laws and family members where she was staying. As a result she moved out of her husband's homestead and built her own. She gave it this name because she was tired of complaining.

In terms of the types of names considered here, reference is made in particular to the Zulu personal name (*igama lasekhaya*) and the 'nickname' (*isifekethiso*) which forms part of the common man's *izihasho*, an extended form of naming. Often one of the lines of a person's *izihasho* will become a 'nickname' by which that person becomes known among his peers. This practice is particularly popular in work environments where nicknames are used to label 'out group' members. Interestingly, in her research in the Scottish Highlands Dorian encountered a similar practice. She states that

> the actual use of such names, however, demands social competence in order to evaluate the offensiveness of such names – a knowledge of social structure which is available only to 'insiders' (Dorian 1990:258).

Out group members may be ignorant of the very existence of these names in most cases; moreover, even when the 'out group' members do know of their alternate names, they are most often totally unaware of any emotive or figurative underpinning that may be connected with these names.

In the context of the work environment, those in power constitute the 'out group'. These nicknames are often used to label an individual or express dislike toward another person's attitude or behaviour, or they may simply be used to

express a form of ridicule and repressed antagonism. This view is supported by scholars such as Holland (1990:258) who states that

> the use of nicknames, especially offensive ones, takes on social significance in that their covert usage can occur only in the company of like-minded people.

Dorian (1990:258) reinforces this viewpoint and adds the point that the one way in which a circle of friends can express social solidarity is by using, among themselves, certain offensive nicknames for others.

> One way in which a group of friends express social solidarity is in freely using certain offensive by-names among themselves.

The concept of allusion is central to the metonymical practice of this form of personal alias. Leslie and Skipper (1990:276) make the valid point that

> meanings of nicknames are not to be found in dictionary definitions or even necessarily in their origins, but in their uses in everyday life.

This is in line with research conducted by Skipper (1986:137) which reveals that nicknames are used by specific groups as a symbol of solidarity as well as for venting frustration which may be caused by the person in question to whom the nickname is given. Similarly Cohen (1990:260), in his study of nicknames of inhabitants of an Italian village, observes that nicknames operate as boundary-defining and boundary-maintaining mechanisms for groups to whom separateness, difference, and distinctiveness are of particular value and importance. Suzman (1994:270) reinforces this point in her research into Zulu personal naming practices. She states:

> Name-giving provides an outlet for the regulation of social relations in the intense social interaction of small communities. It allows people to communicate their feelings indirectly, without overt confrontation and possible conflict.

The situation in the South African work environment is one which is often marked by polarisation of the workforce. This, together with the collective consciousness of Black people, makes it easy to understand why this form of naming as an expression of social discontent, is so popular. It serves not only to reinforce the social bonds between those who use these names, but also to set social parameters. In most cases but not all, the 'out group' comprises a group of people who are male, Afrikaans or English speaking, with very little or no knowledge of Zulu. The people in senior positions appear not to bother to devise names for those subordinate to them; it seems always to be the reverse situation, where those in subordinate positions find power and freedom in this form of naming expression. McDowell (1990:15) refers to the use of nicknames given in this situation as a 'membership badge', a sign of belonging to a particular subculture, where the use of such nicknames allows one the freedom of linguistic 'muscle flexing' (De Klerk 2002:150).

I have recorded a number of examples of nicknames given in the workplace over the past fourteen years either from people who actually have given these nicknames, or people who work with or personally know those who have them. Some recipients of nicknames are aware of the nickname but have no idea of the meaning behind it. Workers accurately assess the behaviour and appearance of their co-workers and seniors, and this observation results in the imaginative and descriptive quality of the *izifekethiso* (nicknames) which they conceive. Imagery plays an important role in the conception of appropriate names for the target, and tied in with this imagery are aspects of symbolism and folklore as is evidenced in the nickname *uThekwane* (Hamerkop). This name was given to a certain engineer, thus named by his site staff because of his arrogant behaviour towards them. The link between the bird and the man derives from Zulu culture where the Hamerkop bird is described as an extremely vain and arrogant bird. This is due to the bird's habit of peering motionless into the water for long periods of time, waiting for the opportunity to avail itself of unsuspecting fish. Zulu folklore regards this behaviour as vanity, where the bird is not seen to be fishing, but rather as constantly admiring its reflection in the water. Its arrogance is regarded as comical as the bird is not able to see its shortcoming in the form of the unsightly crest which protrudes from the back of its head. Other more obvious types of nicknames describe physical appearance

or idiosyncratic behaviour patterns such as *uMakhalembuzi* (Nostrils of the goat), *uPelepele* (Hot Tempered). Such names may be used to challenge people who are, by virtue of their position of authority, not open to criticism via other channels of censure.[1]

Conflict Expression in Izihasho/Izibongo

The most basic type of *izibongo* is simply a collection of extended names. This type of oral expression is the one accorded to the common man who, although his *izibongo* may contain references to events and efforts of endeavour, has not yet been elevated to a position of political importance. This type I prefer to refer to as *izihasho*. Being known by one's *izibongo/izihasho* provides the person with a distinct identity, a sort of recognition and support which is important to his/her ego and psyche and for this very reason *izibongo* remain a popular and often necessary form of public expression. Barber offers great insight into the essence of this parallel form of oral expression with the Yoruba *oriki*. She states:

> Oriki encapsulate, in a name, your essential being, your most cherished identity: but they also describe the parameters of the space into which you must expand – 'living up to' or reaching out into the horizons the name assigns (Barber 1999:39).

Here I would like to add that in addition to 'living up to', one can also witness in the *izihasho* researched in this thesis, that one may be exhorted to be wary of 'living up to' the more negative aspects expressed in censorious tones.

In view of the difficulty encountered when using these terms in the English translation, I have chosen rather to use them in their Zulu forms and trust that the explanations given to describe these terms give a better sense of what they represent in their totality.

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1   For further discussion and examples see Turner 2003 Chapter 4.

The data captured in this study were originally composed orally, and the majority of the recorded data appeared for the first time as written text. In the Zulu oral texts which I have collected, the subjects are all taken to task for social conflict that has arisen because of, amongst other things, dishonesty, gossip mongering, excessive drinking, irresponsible squandering of income, laziness, and sexual promiscuity.

If one is not a member of the specific community, the only way to record texts that deal with very sensitive and private matters and which have never previously been captured in writing, is to get them from those who are very intimate with the people involved in the conflict situation, either because they are members of that person's family or of their communities. In other words, the informants are 'insiders' in their respective communities, which validates the authenticity of the material as it comes in the majority of cases from the performers themselves, i.e. those who have recited or have been intimately connected with the performance of these *izihasho*.

The *izibongo* of men are indeed far more commonplace than those of women. If anything, women's oral compositions are the exception rather than the rule. This appears to be the case throughout Africa. Mack who writes on Hausa Women's oral 'poetry', states that although Hausa women of northern Nigeria do create oral and written literature that reflects their situations, attitudes, aspirations and perspectives on their community, they 'are indeed exceptions in Hausa society' (1986:181). Kolawole (1997:74) draws attention to the 'immeasurable creative force of women' throughout Africa, citing satirical songs among the Yoruba, maiden songs in Ghana, Galla lampoons, Kamba grinding songs, Igbo birth songs and folktales in all parts of Africa, but she makes the point that 'their roles in cultural creativity have been undermined in the usual male/positive, female/negative attitude'. She goes on to say that there are countless examples in Africa where women excel in creatively adapting existing or new texts to contemporary situations. This is evident in the onomastic practices and *izihasho* of contemporary urban and rural Zulu women. However, in the many areas she points out in which women excel in their 'immeasurable creativity', there are no clear parallels to *izihasho*, which, amongst the Nguni, still tend to be a predominantly male domain.

Women's *izihasho* are not performed at large and important public gatherings, but rather in more intimate settings, sometimes with men present from their community, but more often amongst other women in more informal settings such as in the fields, while working or while resting, or in certain homesteads when a celebration is taking place. When men are absent from such performances, women are at liberty to challenge and expose emotions and sentiments and to use vulgar language that is normally inexpressible in more formal, public domains. Gunner (1979:241) has documented some oral compositions of rural women in this genre, covering topics such as jealousy, love, sexual power relations, gossip and desertion.

Apart from the function of 'poetic identity' which Gunner cites, she also lists complaints and accusations as important functions of these *izihasho*. Tension and rivalries that exist in the close-knit structure of the Zulu polygamous unit find their legitimate outlet in *izihasho* through allusive diction. Gunner (1979:239) argues that:

> The statement of complaint or accusation in a praise poem is an effective and socially acceptable way of publicly announcing one's anger or grief.

In most polygamous societies, particularly in Zulu traditional rural societies where women live together in close proximity in a homestead situation, tensions tend to arise. Magwaza (2001:25) makes the point that in addition to this, women in such a patriarchal setting are given 'minimal or marginal opportunity to air their views'. In line with this, Jafta (1978) and Ntshinga (1993) state that the very nature of Nguni tradition forbids a woman from talking openly about her marriage situation and its inherent problems. Magwaza (2001:27) supports this view:

> Zulu women are viewed as custodians of culture who have a duty to transmit ethnic identity to the young. 'Guarding the culture' is held as an important responsibility. In instances where the very culture that is guarded is to the detriment of women's dignity, respect and rights, she is not allowed by tradition 'to answer a man back'.

Generally, the lines of a woman's *izihasho* are known by people close to the recipient in her community setting. In analysing the content of these oral texts, one must take context into consideration. In these examples, the oral texts seem to be used as a form of reprimand but the severity of the chastisement depends largely on the context, and may vary from mild and playful teasing, to deprecation or derogation. The performance is not complete in itself – it exists within a recognised tradition. The impact that the recitation of these *izihasho* has, not only on the person at whom they are directed, but also on the people present, is totally reliant on the environment in which they are recited and also on who is responsible for reciting them. This will often also determine the purpose which the articulation of a person's *izihasho* is intended to serve. In some cases, the *izihasho* may be recited by a woman in the community who wishes to admonish the mother of the target, in an attempt to comment on the lax control the mother has exercised over her child, as well as the moral looseness of the daughter, or to accuse another community member of having an illicit affair. In the vast majority of examples recorded, one must once again bear in mind that they are atypical examples of *izihasho*; it is more usual to find the good and the bad balanced and blended together to give an overall picture of the person. As this research focuses on aspects of conflict and criticism in the oral genre, it has resulted in the presentation of these specific examples of *izihasho* which clearly reflected social conflict and criticism.[2]

Izihasho zikaNomsa

Uvovo liyavuza,
Kadlulwa zindaba,
Kadlulwa bhulukwe.
Umathanga awahlangani
Ayazivulekela uma ebona ibhulukwe!

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2   For further discussion and examples see Turner 2003 Chapters 5 and 6.

> The strainer is leaking!
> No news passes her by,
> No man passes her by.
> She whose thighs do not meet,
> They open voluntarily when seeing trousers! (Turner 1995:60)

In these formulaic lines, this talkative woman who is well known amongst her associates in KwaMashu, is exposed for her immoral behaviour. The first line contains a reference to the image of *uvovo* (a woven beer strainer), a particularly striking metaphor, in which her gossip-mongering habits are likened to that of a strainer used to strain traditional beer. The metaphor *Umathanga awahlangani* is a well known Zulu expression referring to a 'loose' woman.

A man's personality and identity are so tied in with his *izihasho* that they are not only confined to the performing situations of dance, song and *izihasho*, i.e. *izigiyo*,[3] but are also composed and performed by non-professional composers (peers, friends and family members). Men's *izihasho* are commonly recited at non-formal occasions such as on the playing fields – before, during or after a soccer match – by a player's supporters; or when men come together to talk and drink, a newcomer perhaps being introduced by the recitation of his *izithakazelo*[4] or *izihasho*; or they may be recited as a form of encouragement in whatever field of endeavour an individual may be engaged in, be it sport or some other type of activity. Despite the fact that the assumed underlying intention of this type of oral composition composed in contemporary times about ordinary people is usually a balanced type of oral ID, there exists a sub-genre which balances far more on the critical side than is typical of 'normal' *izihasho*. The style of composition of *izibongo* and *izihasho* is the same as far as form and mnemonic techniques used are concerned, but differs in function and content. These critical *izihasho* are aimed at particular individuals and perform a social function as the people who transgress these values are seen, perhaps, as

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3   Specified personified solo dance songs performed by men and women.

4   Oral poetic history of a clan.

threatening the stability which is regarded as desirable in their own particular social environment and are, as a result, socially censured by means of their oral records.

The most prevalent of the complaint motifs/criticisms registered in these compositions are drunkenness, dishonesty, failure to provide adequately for the family, gossiping and sexual promiscuity.

Izibongo zikaNtabazosizi Nxumalo

Wiliwili belungu!
Niyayithokh' Ingilishi.
Yadl' amahewu, yahewuleka!
Ushaya ngaphansi
Ushaya ngaphezulu.
Mfana unjengengane!
Uyababa, bhiya!
Uyababa, sitawoti!

Wiliwili, you white people!
You talk English.
You drank *amahewu*
And became drunk.
You are vomiting severely.
Boy you are like a baby!
You are bitter, beer!
You are bitter, stout!

This composition refers mainly to an incident involving Ntaba Nxumalo, an employee of the old South African Railways. He had a habit of talking English, which is why he is mocked in the first two lines, the word '*wiliwili*' deriving from the verb '*wiliza*' – to speak incoherently. The following six lines refer to an occasion when Nxumalo was suspected of stealing *amahewu* (a drink made from maize) from his fellow workers. One of his colleagues 'doctored' his '*amahewu*' by dosing it severely with a laxative used for horses. The result after drinking

the stolen *amahewu* was that Nxumalo was rushed to hospital after excessive vomiting. The last two lines are a satirical reference to the fact that the *amahewu* was reputedly bitter with the laxative added to it. These *izihasho* serve not only as a warning to others in the community about Nxumalo's past indiscretion, but in their expression shortly after the event, were used as a means of diffusing a very unpleasant incident at Nxumalo's work place.

Conclusion

One of the primary aims in conducting this research was to document the many previously unrecorded forms of naming strategies and *izibongo/izihasho*, which are sanctioned channels through which Zulu people manage issues of conflict and articulate criticism. At the same time I have shown how these oral forms reflect the value systems of the group. One must, however, bear in mind that value systems for the group are determined by dominant social values of the time.

The forms through which this conflict is expressed vary from culture to culture. In Zulu culture, since these forms are orally expressed, this type of communicative evidence or oral articulation of criticism and conflict has not been formally captured before in any depth, possibly due to the sensitive nature of the content. Through this research, material that would not normally be available to other researchers has been saved for posterity. Jandt (1973:4) makes the point that one desirable attribute of conflict is that through conflict man is creative, and it is this creativity in conflict communication captured in this study in the form of ingenious names and *izihasho* amongst the Zulu that is the focus of this research.

The most significant issue, however, which I feel needs attention as a result of this research, is the impact of urbanisation and industrialisation on the channels of normal articulation of censure and criticism amongst Zulu speaking people. The increasing shift of people from rural areas into urban areas affects the way people express themselves and deal with conflict, particularly amongst those no longer living in the situation of the extended family. Channels of communication previously open and available to those in extended family

situations and communal societies are diminishing greatly or no longer exist in certain urban settings. The environment in which one may pass on a veiled message through naming, songs or *izihasho* and where one is familiar with the social background to such messages is not the norm in urban areas where one increasingly encounters the nuclear family living in isolation from the traditional extended family group. Without the acceptable channels of communication of discontent available to modern urban Zulu people, the question arises as to how these people now express their pent up frustrations and social conflict in our modern ever changing urban society. This is a topic that is relatively unexplored and merits the attention of future social and linguistic scholars in South Africa.

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Book Review

Problematising Resistance

Alexander, Amanda & Mbali, Mandisa (eds.) 2005.
Durban: University of KwaZulu-Natal. Centre for Civil Society
Research Reports 2005, Vol 2, August 2005. 255 pp.

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Problematising Resistance is a collection of research and analytical papers that reflect on new social movements in post-apartheid South Africa. The editors also seek to capture the global dimensions of the new social movements by including papers on the Ogoni movement in Nigeria and on international peasant solidarity. The point of departure is that these movements are reactions to neo-liberal policies. The editors therefore contend that this collection will contribute to the emerging literature on resistance to neo-liberalism.

The first paper, by Sanya Osha, on the Ogoni protest movement in the Niger Delta of Nigeria sets the pace. Underpinning his analysis is the theory of internal colonialism, which in essence revolves around the structural, political and cultural alienation of minority communities in post-colonial African states. Such alienation is a reality for Ogoni, Ijaw and other minorities that live in the Niger Delta.

The oil and natural gas produced in the Niger Delta accounts for 80% of the Nigerian Gross Domestic Product (GDP) and 95% of the federal budget, and the region has produced wealth worth 10 trillion naira over the last 40 years. Yet, communities in the Niger Delta live in conditions of neglect, squalor and

crushing poverty. Compounding this problem is environmental degradation under the oppression of an oligarchic military class in cohorts with civilian associates and multinational petroleum concerns. Nothing captures this better than the oil revenue sharing formula which has changed from 50:50 between the federal state and oil-producing states in the 1960s to 70:20 in the late 1970s, 98:2 in the early 1980s and 97:3 in the early 1990s.

This alienation has attracted a militant Ogoni opposition, which faults the contradictory nature of Nigerian federalism and undermines Nigeria's moral basis vis-à-vis the post-modern democratisation process that entails respect for minority rights. Indeed, it is this question that broke down the national conference earlier this year, and is haunting Nigeria as it seeks to claim continental leadership.

The second report is written by Andile Mingxitama and focuses on the challenges facing land rights non-governmental organisations (NGOs) in South Africa. The author analyses the crisis around the National Land Committee (NLC), a network of land rights civil society organisations with a long history of advocating for pro-poor land reforms, and the crisis around the land reform programme.

The land reform crisis arises from the failure of the Reconstruction and Development Programme (RDP) to meet the set target of 30% to be redistributed to the majority black South African population in the first five years (1994-1999) of democracy. To date, only 3% of the land has been redistributed. This problem is accentuated by the emergence of new patterns of dispossessions and land alienation, and the state's protection of corporate land owners and white farmers.

After discussing the land question historically, the author opines that the resolution of the land question is fundamental to redressing the historical injustices. The failure to break with apartheid relations of oppression, exploitation and indignity in matters of land has ignited a sense of disillusionment. This disillusionment has caused a crisis within the NLC, and gave rise to a militant social movement, the Landless People's Movement (LPM).

The author traces NLC's challenges from the 'struggle era', through the freedom and consultation era, to the 'realism' era after the adoption of the Growth, Employment and Redistribution (GEAR) policy in 1996, and argues

that three factors have undermined NLC's capacity to respond to GEAR. These factors are the environment in which NLC existed in the previous decade, disagreements over NLC's vision, and civil society's internal contradictions. As a result, questions abound on the effectiveness of NGO form and structure as a vehicle for challenging forces which defend colonially-constructed society.

The next chapter, by Raj Patel, details the political economy of the international agrarian order, and the solidarity resistance it has spawned across the world. The analysis takes the reader through the international agrarian order in various epochs, from the pre-industrial revolution era, through the inter-war period, the post-war era, up to the present. This evolution has seen the emergence of the new international food system.

But this new agrarian order has emerged at the expense of peasants in the developing world who now face famine simply because they lack money to purchase food. For this reason, the new order is challenged by an international social movement, Via Campesina, which brings together peasant solidarities from across the world. Through narrating its high and low points as it manoeuvres itself in the new order, the author shows how this movement is challenging the new order whose faces include the World Bank, the World Trade Organisation (WTO), and major western powers.

Chapter four is a report on political mobilisation in the context of neo-liberal policies in post-apartheid Cape Town. The research was conducted in three townships, Driftsands, Tafelsig and Vrygrond, by Peter van Heusden and Rebecca Pointer. Postulating their role as 'researchers within social movements' and not as 'objective outsiders', the researchers employed structured question-naires and key informants as research methodologies, which were reinforced by discussion workshops.

The chosen areas had a history of resistance to neo-liberal policies between 2000 and 2003, and a variety of histories in terms of their evolution and demographics. The three townships did not only differ in terms of community history and trajectory, but especially in terms of the forms of subjectivity with regard to citizenship and the notions of community, as well as the uses to which these were put for developing life strategies and political mobilisation.

In Driftsands, the notion of community arose out of two decades of violent struggle, in which the right to belong and to lead the community emerging

were hotly contested issues. This, in turn, influenced their engagement with institutions of the state. In Tafelsig, residents have established neighbourhood networks and life strategies that attempt to mitigate the poverty in which they live. The gender factor is quite strong here. Although women hardly engage as full-time activists, it is indeed women who mobilise in this township. In Vrygrond, on the other hand, the geographic and ethnic roots of the residents have undermined a sense of communal solidarity. The bottom line, however, is that the imposition of neo-liberal policies has threatened these townships, a threat that has attracted solidarity and violent resistance by residents.

The next chapter is written by Mithetho Xali of the International Labour Resource and Information Group (ILRIG). It focuses on the social movements in the Cape Town metropolitan area, which came to the limelight in August 2002 during the World Summit for Sustainable Development, when they staged a protest march under the banner of Social Movements United (SMU). Focusing on the South African Municipal Workers Union (SAMWU) and the Western Cape Anti Eviction Campaign (AEC), the author explores the linkage between these movements and organised labour.

AEC arose in 2000 as a grouping of Community Based Organisations (CBOs) that were campaigning against evictions of residents for defaulting payments owed to the city council. As a regional structure, it aimed to coordinate struggles in the local communities. Both AEC and SAMWU draw their membership from the working class communities. But little synergy exists between the two organisations, which differ in both the conceptions of the issues and in their approaches and methodologies.

After highlighting their struggles and links with other institutions such as the Congress of South African Trade Unions (COSATU), the African National Congress (ANC) and the South African Communist Party (SACP), the author draws from similar movements in South Korea and Brazil. He concludes with the view that there is a need to establish linkages between the emergent social movements and organised labour in order to solidify their action.

In the sixth paper, Teresa Barnes of the Centre for Higher Education, University of Western Cape, analyses discourse shifts on how to reform higher education institutions in post-apartheid South Africa. The dilemma facing reformers, however, reflected itself through discourse shifts, which saw the code

word 'redress' acquire 'different implications at different times for different reasons'. From 'rectifying a wrong', the concept was variously interpreted to mean 'reparation', 'restoring equality' and finally 'empowerment'.

The reform process ended up with the merger of institutions as recommended by the National Plan for Higher Education in 2001. The author shares the tribulations of these institutions as the conceptualisation of the reform schema shifted from political to financial but surprisingly not to educational terms. Perhaps the editors could have added another paper to either corroborate or contradict her analysis.

The last chapter focuses on contestations of the 'new capitalism'. Written by a Marxian political economist, Greg Albo, of York University, the paper argues that neo-liberalism is a new form of capitalism with its own logic of reproduction. He concludes with the view that the 'new capitalism' can be seen as a two-fold project within the Marxian political economy. On the one hand, there are the determinant patterns of exploitation, distribution and reproduction. On the other, there are specific histories, places and class conflicts which exist as concrete cases of modalities, social relations and class struggles of the new capitalism. This paper reaffirms the Marxist tradition as an appropriate theoretical model on which new social movements could be analysed.

In the end, the book succeeds in 'problematising' the question of the new social movements. It fails, however, to respond to the pitfalls of their methodologies. Indeed, one feels inclined to question the return to yesteryear forms of organisation with their inevitable consequences.