

Foreword

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Occurrences of conflict on the African continent, and indeed in the world, have certainly not diminished in this first year of the third millennium. All over Africa, even in regions that were previously regarded as amongst the more stable parts of the continent, new flash points have arisen while many of the old conflicts persist.

With the launch of the first number of the African Journal on Conflict Resolution (AJCR) we reflected on the sad acknowledgement of the very deficient state of our human situation that is contained in a statement about the need for literature on conflict resolution. That situation of a world plagued by destructive inter- and intra-state conflict persists and with it the need for such descriptive and analytical literature.

This second number of the Journal continues the direction set in our inaugural number. Each contribution in this issue attempts to present some special insight to be gained from a description and contemplation of a situation of conflict in Africa. The focus in this issue, in line with our intention with the Journal, is on the more scholarly work in the field.

Our experience in compiling and editing these first two issues has also taught us lessons about the difficulty of launching and sustaining a journal of high quality in this field.

We wish the contributions in the Journal to reflect as wide a range as possible of scholarly views and experiences. The globalisation of world

affairs, whether economic or political, makes it imperative that world-wide perspectives are shared and that the quest for solutions and resolutions itself be globalised. Within that search for a global set of views the AJCR for obvious reasons sees it as an important part of its function to be a forum where African and Africa-based scholars can express themselves and make their contributions to that global dialogue and discourse on issues of conflict and conflict resolution.

Identifying and drawing upon the rich talent of scholarship in this field that undoubtedly exists on the continent proves to be quite difficult. This is not only a matter of logistics but also touches on the epistemological foundations of the field of study. As with all essentially multi-disciplinary fields, locating scholars with a special interest in and focus on the social phenomenon intersected by the various disciplines can be very challenging.

We trust that as the Journal gets wider circulation and exposure on the continent it will not only draw more contributions but contribute to the stimulation of further scholarly work about conflict and conflict resolution. We attach particular importance to the promotion of systematic theorisation and debates on the nature of the discourse about conflict resolution. ACCORD has other publications in which it reports upon and empirically describes particular situations of conflict on the continent. The Journal seeks to advance theoretical understanding of and debate on a phenomenon that plagues our continent and stands critically in the way of its progress.

The four articles in this issue span a number of geo-political areas in Africa and cover a range of topics in the field.

Intra-state conflicts rather than conventional wars amongst states have come to characterise our times. Some of the articles address various social, economic and political factors contributing to or underlying such conflicts. Theorising these social bases of conflict is a crucial challenge to our longer-term understanding of the phenomenon and our ability to deal with it in practice.

The internationalisation of conflict and the adaptive capacity of regional organisations to cope with such conflict form the subject of another article. There are a number of intra-state conflicts on the continent that have assumed multi-state dimensions because of this internationalisation of internal disputes.

The remaining article foregrounds a specific procedure of diplomacy and conflict resolution, departing from a particular situational study and proceeding to a more theoretical and generalised interrogation of that proce-



dure. Our understanding of the dynamics of conflict resolution is enhanced by this presentation.

We eagerly invite critical comment and response to the specific contributions and to the overall thrust of the Journal. We would above all wish to provide a vehicle for rigorous debate. Criticism of our own efforts will be central to that project of stimulating debate and scholarly discourse. We trust that subsequent issues of the Journal will draw and sustain those kinds of vigorous critical contributions.

The Sociology of Insecurity: Cattle Rustling and Banditry in North-Western Kenya

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Abstract

The study analyses new forms of banditry and cattle rustling in north-western Kenya. These phenomena involve both inter and intra-ethnic as well as cross border raids for livestock. The practice is causing great havoc in the area in terms of loss of human lives, destruction of property, stealing of livestock and dislocation of populations. The new forms of violence seem to be the result of multiple cracks in the administrative structures of the state and social norms. The government of Kenya seems to have lost effective control over north-western Kenya, especially with regard to bandits and cattle rustlers, who have become more militarised and destructive in their operations. The study posits that the roots of these new forms of violence and insecurity can be found in social, cultural, economic, political and historical factors.

The study seeks to establish that banditry and cattle rustling are serious threats to internal security, rule of law and democratic governance, which are so vital for political pluralism in Kenya. It is the understanding of these new

tendencies and their relative importance, amidst challenges of globalisation, which is central to any research on violence, conflict and conflict resolution in Eastern Africa.

Part one of the paper provides a historical background of the pastoral economy and cattle rustling since pre-colonial times. Part two discusses the causal factors of new forms of banditry and cattle rustling. Although most of these factors can be traced to the colonial era, the main focus is on the worsening situation in the last twenty years or so. Part three summarises the socio-economic and political impact of banditry and cattle rustling. In the conclusion, the paper provides a compressed discussion and offers some possible solutions to the banditry and cattle rustling menace.

Introduction

There has emerged a new system of predatory exploitation of economic resources in the form of banditry and cattle rustling (raids) in Kenya. This problem is manifesting itself in various forms and it is becoming endemic in north-western Kenya. Traditionally, cattle rustling among the pastoral communities was considered as a cultural practice and was sanctioned and controlled by the elders. However, currently the phenomenon of cattle rustling is causing great concern. In the past there has been a tendency by scholars to trivialise the issue of cattle rustling as a mere cultural practice. Yet, over a period of time there have emerged new trends, tendencies and dynamics, leading to commercialisation and internationalisation of the practice. It is the deciphering of these trends and tendencies which forms the *locus standi* for this paper. The study therefore tackles the following key issues:

- Why have banditry and cattle rustling been exacerbated since the 1980s?
- Why is the banditry and cattle rustling menace concentrated in the border lands?
- What is the link between cattle rustling and the prevailing economic situation in the country?
- Who are the perpetrators of banditry and cattle rustling?

To a large extent it is the general view that the cattle rustling phenomenon has undergone fundamental transformation from a cultural practice of testing a person's personal bravery and prowess to bloody warfare between various groups. All these pose serious challenges to societal structures, survival, as



well as moral foundations (Salih 1992:29).

In this paper the term “pastoralism” is used to denote a practice whose main ideology and production strategy is the herding of livestock on an extensive base or in combination with some form of agricultural activity. The terms “rustling” and “raiding” are used interchangeably to refer to armed attacks by one group on another with the purpose of stealing livestock and not necessarily territorial expansion (Markakis 1993:124).

It is the understanding of these new tendencies and their relative importance which is central to any research on the banditry and cattle rustling phenomena. The different trends and tendencies operate differently from one locality to another in terms of degree and impact, although to a large extent all have contributed to the state of violence and lawlessness in north-western Kenya. This therefore calls scholars to decipher and distinguish these tendencies of conflict and violence and to comprehend their varying significance, implication and relationship. It is only after such qualitative distinctions are discerned that objectivity and not emotionalism can be applied in the understanding of the twin phenomena of banditry and cattle rustling.

In order to address a general sociology of insecurity in Africa, it is necessary that the saga of increased conflicts in specific regions be opened up for inspection, hence the genesis of this study. This will make it possible for such conflicts to be soberly addressed, considered and revisited where necessary. This may help us in unearthing and understanding the germane causal factors of these conflicts and link them to an understanding of the predatory exploitation of economic resources in Africa.

1. Historical background of pastoral economy and cattle rustling

The marginalisation of the pastoralists

The existence of pastoralists in north-western Kenya is under intolerable stress and they are involved in a violent struggle to survive. In the literature, there are three types of pastoralism. They are distinguished by “the basis of land use and whether the pastoralists are mounted or pedestrian: mounted flat land nomads, pedestrian flat land nomads and mountain dwelling pastoralists” (Khan 1994:198). Various forms of pastoral systems react differently to changes in the ecological, environmental and economic situations. Pastoral systems are by and large products of climatic and environmental factors. In

most parts of the pastoral areas crop rotation is difficult if not impossible due to the extremely dry weather conditions. In Kenya the existence of these pastoralist groups is threatened by droughts, famine and violent conflicts. They are a powerless, pauperised and victimised community. What went wrong?

To a large extent droughts and famines, as well as competition for resources have led to the steady marginalisation of the pastoralists. According to Van Zwaneberg, the present precarious position of the East African pastoralists should not be viewed simply as that of societies that have lagged behind in the field of development or that have rejected change. In the early nineteenth century the pastoralists were the dominant force in East Africa, but today these societies are dominated, underprivileged and impoverished (Van Zwaneberg & King 1975: ch 1).

In Kenya the material bases of the pastoralists' economy have been disrupted and they can no longer subsist from their herds. Social relationships can no longer be maintained through the traditional systems. In other words, the traditional morality has collapsed following a rupture in the structure of social relationship on which people's lives were hinged (Markakis 1993:147).

According to Baxton "a person stripped of stock is stripped of the most active social relationship and thereby of selfhood and self-respect; so it is no wonder that almost every one strives to keep some livestock and those fortunate few who have incomes from trade and regular employment continue to invest in stock" (Markakis 1993:148).

Aronson, on the other hand, argues that pastoralists operate a multi-resource economics:

Throughout their history pastoralists have engaged in a multiplicity of economic activities, making use of a wide diversity of resources within their reach and often modifying their animal production to the demands of other pursuits. Above all they farm a bit, they also trade, they handicraft, they smuggle, they used to raid and make war on their own or for others and they managed the labour of others working for them.

(Odegi-Awuondo 1992:9)

Pastoralists raise different types of livestock with different levels of drought and feed shortage sensitivity. The characteristics of the animals and the environmental conditions faced by the pastoralists determine the number and composition of the herds. Pastoral production systems are by and large a product of climatic and environmental factors. The objective of the pastoralist



is to accumulate and maintain as much wealth as possible in terms of livestock. The pastoralists have been able to eke out a living from the harsh and unpredictable environment for centuries. In their long history livestock provided not only a valuable source of food but also acted as a wealth reserve, a redeemer from damage, a sacrificial gift and a means of marriage and other ceremonial payments (Salih 1992:27).

The Pokot are the most pastoral section of the Kalenjin cultural groups. Historically they are related to the Maasai cluster and the Ateker. According to the 1989 population census the Kalenjin numbered 2,5 million out of which 220,000 were Pokot (Markakis 1993:87). Due to the semi-arid and fragile eco-system of northern Kenya only pastoralism can be effectively practised. Various strategies have been adopted by the pastoral communities to cope with the environmental stresses that periodically occur.

Odegi-Awuondo (1992:44) contends that the root cause of socio-economic problems among the Turkana today can be traced to the disruptive and inimical policies of the colonial government in their attempt to pacify the Turkana. In their response the Turkana built up a strong armed resistance and continued to defy colonial order between 1895 and 1925. By 1900 they had evolved an effective system for the universal mobilisation of young men into well-drilled corporate units. This made it possible for the Turkana to resist for nearly twenty-five years the imposition of colonial hegemony over them. Initiations were partly linked to raiding activities, as the new initiates wanted to prove their prowess and bravery. For example, to counteract British raids on them the Turkana in turn raided their loyal pastoral neighbours in order to restock their herds. However, in 1925 the Turkana were subdued and consequently pauperised through various government policies and actions (Odegi-Awuondo 1992:44). In 1989 the population of the Turkana was 200,000 (Markakis 1993:146).

In Kenya, following the establishment of colonial rule, the government adopted inimical policies which contributed to the economic and political marginalisation of the pastoral communities. The colonial government favoured the establishment of white settlers' plantation economy in the country at the expense of peasant production. Thus pastoralism was regarded by colonial officials as a primitive mode of production and efforts were made to discourage it. Such views were given credence and sanction by crude racist anthropologists who propagated myths about the sociological correlates of pastoralism such as conservatism and the so-called "cattle complex" (Galaty et al 1980:184-186). The government therefore demarcated tribal reserves for

African populations. This was aimed at making more fertile land available for alienation to white settlers. The creation of fixed borders did not only limit free access to grazing land and water, but also increased social conflict among the Africans. These borders hindered free movement of people and livestock. The pastoralists were adversely affected by these measures since their mode of nomadism results from ecological demands necessitating mobility to balance ecological heterogeneity (Ocan n.d.:7).

Due to their small territory the Pokot have remained the most ethnically cohesive society, and often their conflict for grazing area is about community survival. Most of the Pokot were made landless by the colonial administration and European settlers who pushed them out of the most fertile land into the drier parts. To a large extent, therefore, cattle raiding by the Pokot is both a natural response to disasters such as drought, and an attempt to increase the yields of their livestock by increasing their numbers in good season as an insurance against bad seasons. According to Ocan, colonialism made the political relations in the area worse because as access to land shrunk and populations of animals and people in restricted areas increased against available resources, acute competition for water and pasture between settlements became the only answer. Restricting movements, which was a fatal decision, meant that when animals of one group died, the only way to replenish stocks – the most natural and socially available to lowly developed social formations – was cattle raiding (Ocan n.d.:9).

In addition to border restrictions and movements control, the colonial government also imposed market taxes, quarantine, destocking campaigns, and other impediments. These measures made border trade difficult and less profitable. By the mid nineteenth century some of the communities in northern Kenya such as the Turkana and the Pokot had adopted transhumance, a settled form of pastoralism through which only animals are moved in search of pasture and water while the families settle “permanently” in given locations (Ocan n.d.:4).

The adoption of transhumance entailed the development of hostilities among the various groups over grazing grounds. Moreover, the loss of animals during droughts provided a justification for raiding to restock the herds. In that connection, the immediate response to stock shortages was to turn against another community and deplete its resources in order to replenish losses (Ocan n.d.:4). Dyson-Hudson discusses what he terms “aggressive confrontation” as an essential component of the pastoralists’ strategy (Markakis 1993:1). He points out that fighting to establish rights over



pastureland, water, and raiding to replenish depleted herds are accepted practices among the pastoral groups (Markakis 1993:1).

State repression

The pastoral people have had to contend with state repression since the colonial period. For example, northern Kenya was a closed district and was administered by military officers. Free movement in and out of the district was therefore restricted. This had negative effects on the social, economic and political developments of the pastoral communities. Whenever there occurred a cattle raid, the government would send punitive expeditions against the suspected ethnic group. Such expeditions led to the killing of many Africans, and confiscation of livestock. All such measures created strong resentment against colonial rule, and resulted in the tendency of rejecting all forms of Western influence for a long time.

Since ancient times pastoralism involved the protection of livestock from wild animals. Later on protection against human thieves also became necessary. These considerations therefore made it prudent for pastoralists to be armed. This was seen as a threat by the colonial authority, however. Pastoralists such as the Turkana and the Pokot were referred to as “war-like”. Fukui argues that the use of negative terms such as “war-like” and “violent” is a way of creating an enemy image and using it as an ideological justification for counter aggression (Markakis 1993:193). The government used this perception as a justification to put a close watch over the Turkana and the Pokot. The government officials and their African collaborators believed that the only way to deal with the cattle rustling menace was to use brute force.

The post-independence government seems to have adopted the same strategy in dealing with frequent cattle rustling activities in northern Kenya. However, despite the use of force the government has failed to achieve its objectives. Instead it has exacerbated the problem since the raiders have tended to acquire more sophisticated weapons than those of the government security forces. The bandits therefore are the *de facto* administrators of northern Kenya.

The increase in state brutality gained momentum in the 1980s when the pastoralists easily obtained deadly fire arms from the neighbouring countries which were undergoing political turmoil. This proliferation of arms could take place since the state had lost its monopoly of legitimate violence (*Africa Now* 1996). These weapons were acquired not only for defensive but for offensive purposes as well. Ocan notes that another impact of state repression is the

manner in which confiscated livestock are stolen by government officers. In that regard the plunder creates at one level a destitute and demoralised society and at another an armed and brutalised one. The people therefore see the gun as their saviour (Allen 1996:122).

During the 1970s the Turkana in collaboration with elements in the government employed sophisticated raiding methods using heavy guns, military trucks for transport and large scale networks of smuggling extending up to Sudan (Markakis 1993:89). After 1979, the Pokot and the Karamajong (Uganda) adopted similar military tactics. Consequently, from a means of obtaining a few animals and improving one's fighting prowess, raiding had evolved into military operations using conventional war tactics and involving thousands of livestock. Not only young men were killed, but women and children were brutally murdered as well. Huts, stores and harvests were set on fire and shops looted. The government's reaction was to send military helicopters to bombard the suspected bandits' hideouts, though without much success. The government also put renewed emphasis on the policy of depastoralisation. The government's military and economic measures obviously failed to achieve the expected results. This was due to the fact that such measures were aimed at eradicating the symptoms rather than the root cause of the disease. As Dietz states:

Having lost all or most of the animals and being continuously threatened with physical extinction, leaves the men little choice, while women, children and the elderly are compelled to go to refugee camps or urban slums. Looting under cover of 'civil war' may be the crudest form of primitive accumulation. Although a risky strategy it often pays.

(Markakis 1993:95)

After all these years it can still be said, as Samatar has pointed out, that "the key to a mutually beneficial production relationship between the state and pastoralists has not yet been found" (Markakis 1993:110).

2. Casual factors of new trends in banditry and cattle rustling

Ecological impediments

The practice of nomadic and semi-nomadic pastoralism in Kenya is at a cross roads and many forces are ganged up against it. Will it survive? The robust



and adaptable customs of pastoralists have been placed under increasing strains by an unprecedented scale of ecological, social, and economic factors. The pastoralist understanding and response to ecological pressures were systematically eroded by colonialism. This was effected through the drawing of ethnic and national boundaries as well as by the restriction of cattle movements. These measures greatly affected the transhumant patterns already mastered by the pastoralists from their long experience with ecological hardships (Odegi-Awuondo 1992: ch 1).

The pressures resulting from colonial boundaries and perpetuated by the Kenyan post-colonial governments are clearly evident in the inter-group raids and conflicts along the borders. These fixed boundaries were drawn with little regard to seasonal variations and the needs of the people for pasture (Galaty et al 1980:145). Frequent meetings are held between administrators in Kenya and Uganda border districts on the issue of security and insecurity. For example, on 16 May 1990 the District Commissioner for Turkana wrote to his Ugandan counterpart of Moroto asking for an urgent meeting. The purpose of the May 17 meeting was to discuss the issue of cattle stolen by Kenyan cattle rustlers who took refuge in Uganda. The meeting was also to discuss the matter of a rifle, which was stolen from a Ugandan soldier and was believed to be in the hands of a criminal who was at large in Kenya (Ocan n.d.:13).

Such meetings have become common, yet are unable to find a lasting solution to the banditry and cattle rustling menace. The attempt by pastoral societies to ignore the colonial boundaries and interpret them according to traditional ecology has exacerbated tensions between the pastoralists and the agricultural communities. During good rains livestock have enough pasture to eat. However when the rains fail and droughts occur animals are often taken to territories belonging to other clans or ethnic groups. This may lead to conflict. Very often the pastoralists destroy the crops on the farms. For example, such an incident led to serious ethnic conflict between the Samburu pastoralists and the Kikuyu in Laikipia district in February 1998 causing the death of 70 people (*Daily Nation* 13 Feb 1998).

In pre-colonial times pastoral societies used migrations as a panacea for droughts. But the imposition of boundaries destroyed this possibility, and was totally at variance with the understanding of boundaries by the pastoralists who responded to ecological demands. Consequently, massive deaths of cattle led to raids as one of the options of replenishing the depleted stocks (Ocan n.d., Odegi-Awuondo 1992). The major effect of the colonial policies which

restricted movement was the creation of demographic pressures. These reduced the ability of the pastoralists to sustain large herds. These inimical policies have continued under post-independence government.

Salih (1992:34) notes that the fact that most Sahelian borders are contested by states and pastoral groups is a clear indication that the state is largely ignored by these pastoralists in reaction to state marginalisation of their interests when national policies are discussed. Besides the socio-ecological factors, the pastoralists have to contend with natural calamities such as drought and famines. In Kenya serious droughts occur once every decade (Galaty et al 1980:144). The prevalence of this phenomenon has had adverse effects on animal production, and has often led to famines.

According to Mamdani “natural catastrophes no longer have equal impact; in a way they benefit some in terms of obtaining cheap labour and land, while causing destitution to others through loss of stock and land” (Ocan n.d.:14). Cattle raids often constitute a communal response to natural calamities, although it is a primitive survival strategy. As Ocan (n.d.:15) posits: “On the overall, raiding has the impact of creating a desperate cycle of continuous raids as each group in the region sees it as a means for re-stocking”.

Thus the social dilemmas created by frequent natural disasters appear to be the major catalysts of the cattle-rustling phenomenon in the borderlands. The predatory exploitation and misuse of the ecology trigger hostility and undermine security. The main losers in such conflicts are the poor peasants whose lives are tied to land and pasture.

To the pastoral groups the importance of livestock should not be underestimated. Goldschmidt correctly points out: One must remember that livestock, particularly cattle, are not merely a food resource; they are also capital, which is essential to all kinds of negotiations involving influence and alliance; they are not merely savings, they are the only form of investment available to tribal pastoralists (Galaty et al 1980:55).

To some extent the pastoral communities are characterised by inequalities in livestock distribution, with a small proportion of households in each category quite well off and much larger numbers of households in abject poverty. About 30% are below the minimum viable herd level of 5 units per household (*Human Organization* 1991).

By the 1950s the Boran were one of the wealthiest and productive pastoralist groups in East Africa, yet today the majority of the Boran lead a life of destitution, abject poverty and dependence on relief provision. According to Baxton (Markakis 1993:14), this state of affairs can be attributed



to two related factors. The Boran were victims of political miscalculated alliances and natural calamities – both of which contributed to the decimation of their stock. During the 1960s the Boran supported the Somali secessionist movement in northern Kenya. Consequently, their homeland was a battleground between government security forces and Somali bandits (shiftas). The government took punitive measures against the Boran, which caused heavy loss of human and animal lives. The proliferation of firearms along the borders between Kenya and Uganda, Sudan, Ethiopia and Somalia, and the inability of these states to control cross-border raids have created a situation of permanent insecurity in the borderlands (Markakis 1993:146).

Anders Hjort and Mohamed Salih show the linkage between political instability and ecological constraints and *vice versa* (Obi 1998). In north-western Kenya the incessant ecological conflict and insecurity have continued with catastrophic consequences. Such conflicts lead to environmental degradation, which in turn culminates in another cycle of conflict producing thousands of refugees.

Militarism

The government of Kenya appears to have lost effective control over bandits and cattle rustlers, who have become more militarised, predatory and destructive in their operations. The challenge to the state's monopoly of coercion and violence is evident in the privatisation of violence by the emergence of warlords for the purposes of predatory accumulation. Traditionally cattle rustling was a cultural practice and was regarded as a kind of sports among the pastoralists. It was controlled and had to be sanctioned by the elders. A significant amount of literature shows that guns did not play a prominent role in the military organisation of many East African pastoral and semi-pastoral communities (Mazrui 1977:4; Fukui & Markakis 1994:159).

Today, however, new forms of banditry and cattle rustling have emerged, over which the elders have no control. In the last two decades a number of pastoral societies have become militarised and increasingly rely on firearms.

Although cultural or social phenomena change over time, there still remains continuity in many respects. Historically, cattle raiding has undergone fundamental changes in terms of causes, effects and content. However, varying old tendencies of raids have survived while new ones have also emerged. Markakis (1993:13) argues that today conflicts among pastoralists have taken new, exaggerated dimensions. This he attributes to a shrinking resource base, which has provoked a desperate struggle for survival in which

the existence of some groups is threatened. This struggle is waged using new sophisticated firearms, and verges on ethnocide, where neither women nor children are spared. What has been said about war, that it can be seen as “one of the modes of destruction which varied in accordance with available technology” (Hutchful & Bathily 1998:11), is also applicable in this case.

These weapons have become vital to the pastoralists. They are invaluable for groups to remain in the pastoral economy and to defend their communities, since the government seems unable to provide security. Ironically, African governments, rather than resolving long-standing ethnic conflicts, have tended to provide weapons to one group to fight against another.

The new forms of violence are characterised by the commercialisation of banditry and cattle rustling. Dietz refers to this as the “crudest form of primitive accumulation” (Markakis 1993:13). Cattle rustling has pauperised thousands of pastoralists in East Africa, as one Ugandan newspaper states: “For without a gun, therefore without cattle in an ecology where cattle are the only answer in the immediate short run you cannot help being a pauper, a destitute” (*New Vision* 1990:8).

After 1979 the process of undermining pastoralism in Kenya gained momentum because of a combination of factors. First, cattle diseases wiped out most of the livestock. Secondly, a two-year drought caused harvest failure and famine. Thirdly, an upsurge in cattle raids and military attacks by heavily armed Karamajong and Turkana, collectively termed Ngorokos (bandits), took place. These bandits had sophisticated weapons which they had acquired from ex-president Idi Amin’s fleeing soldiers in Uganda. In 1984 to 1986 the Kenyan government sent a punitive military operation into the Pokot district, purportedly to seize illegal firearms. During the operation thousands of Pokot livestock were confiscated by the government while others died due to drought or lack of proper attention while in the hands of the security forces. The Pokot have never forgiven the government for this callous act against them and their livestock.

By the mid 1980s about 75% of the Pokot had no livestock left (Magut interview 1998) and they had to look for a new economic base. This included a combination of rudimentary agriculture, gold panning in the mountain streams, dependency on charity in the form of food aid from the missionaries and NGOs, casual labour in the market centres, and some other options. Nearly all the Pokot adopted in one way or another these short-term survival strategies to keep body and soul together. The government action can therefore be seen as evidence of attempted depastoralisation of the Pokot.



According to Fukui “the state does not simply affect warfare in the tribal zone by its presence or merely intervene in conflicts between third parties. The state itself is both the arena and a major contestant, when it is not the very object of conflict” (Markakis 1993:8).

According to Ocan (n.d.:2), initially cattle raids among the pastoral communities were a result of attempts by various groups to maximise herd sizes in order to ensure communal survival. Thus raiding entrenched the position of a given social group which could guarantee territorial area and means of survival. Raids therefore were a form of response by a society to disasters emanating from cattle diseases, famines and other forms of calamities. Another cause of cattle rustling which has become more entrenched in the last few decades is that of self-acquisition motives. Raids motivated by such tendencies do not occur as a response to ecological or natural calamities. Such raids occur at any time with the aim of acquiring animals for commercial purposes and individual gain. While the first category of raids hinges on communal interests and are monitored by the community through social norms, the latter is based entirely on private interests and are controlled by armed kraal (manyatta) leaders. This has led to the emergence of cattle warlords.

State officials, especially security forces, are also reportedly perpetrating acts of violence and insecurity in the region. Since the colonial period the state has been implicated in the confiscation of livestock belonging to the so-called recalcitrant tribes. Among the Pokot raiding is regarded as an economic necessity to increase the society’s herd, and thereby as a survival tactic. The Turkana on the other hand, attribute their present predicament to three factors (Odegi-Awuondo 1992). First, the breaking of an important cultural taboo regarding warfare. It is alleged that the Turkana had declared war on their elder brother, the Ngijie of Uganda. Secondly, a curse of Turkana elders due to inter-generational conflicts in the society. In the past under traditional norms, the elders under the system of gerontocracy were empowered to monitor cattle raids so as to make it a form of sport and not war. Thus raids and counter-raids had to be approved by the elders. However, several decades ago, the elders refused to sanction a raid, but the young warriors disobeyed them and went ahead. The elders, therefore, declared a curse on them saying that warfare would become a permanent feature in their lives. Lastly, the drought and famine catastrophes are blamed partially on the declining power of the traditional diviner (Emuron) due to the increasing influence of Christianity and western culture.

From antiquity warfare has been practised by man, though these confrontations had limits. As Salih (1992:24) points out:

... armed conflicts generally followed predictable patterns and were soon followed by pressures for a truce or a reconciliation. Killing was relatively limited partly because of the weapons used and partly because payment of compensation to aggrieved relatives could be expensive in terms of live-stock.

Fukui and Turton in their edited book (1979) argue that there are certain elements of social organisations which serve the “mid-wifery” role to heighten or lessen the intensity of conflict. They point out that warfare among the East African pastoralists “has more in common with raiding than with the large scale, set piece or pitched battles of European history” (Fukui & Markakis 1994:190). However at present there is emerging an increasing tendency towards the Europeanisation of war amongst the pastoralists, thereby narrowing the distinction between war and raiding. Fukui and Turton therefore point out that the distinction helps to differentiate two levels of armed conflict: “The first one is determined by socially accredited values and beliefs, while the other is an individual or small group act with limited or without societal approval” (Fukui & Turton 1979:191).

It is becoming clearly evident that there is a significant link between environmental conflict and insecurity in north-western Kenya. Despite denials by Euro-centric scholars there seems to be, as pointed out by Cyril Obi, some strong linkage between “unbridled capitalist exploitation and the degrading of the African ecosystem and the outbreak and reproduction of environmental conflict and resources wars in Africa” (Obi 1998). This argument is quite relevant to the present scenario in north-western Kenya, where profit-motivated cattle warlords are causing havoc using western made weapons, thereby creating a situation of permanent insecurity.

The politics of cattle warlordism

The weakening of state control over north-western Kenya has resulted in the emergence of cattle warlords with armed militia to protect their interests. Consequently violence, chaos and insecurity have become the dominant feature in the region. Cattle warlordism is a new phenomenon which has emerged among the Pokot and Turkana since the 1980s. Available evidence shows that the first warlord emerged in West Pokot in 1980. He mobilised a group of about 500 youths by promising them security and livestock. Most of the youth were recruited from the nearby trading centres where they were



eking out a living as night watchmen, farmhands, or by performing odd jobs. These young men underwent some vigorous military training under the supervision of ex-military men (Morogo interview 1998).

After undergoing the training the warriors were sent on raiding missions against the Tugen, Marakwet and Keiyo. Through several similar raids, the warlord and his retainers managed to replenish their stocks. Later more raids were organised further afield against the Turkana, Karamajong of Uganda, and Toposa of Ethiopia. Most of these raids yielded good results although there were also some casualties during combat. Since then more cattle warlords have emerged and warlordism has turned into a profitable venture for both the warlords and their retainers.

Influential and wealthy people have arisen promising the people good tidings, security and prosperity. Due to the people's disillusionment and anger over the government's mistreatment in the past, the warlords have managed to win strong support from the people for their own personal gains. The 1980s were characterised by natural calamities and compounded by a serious state of permanent insecurity created by bandits and to some extent by government security forces. Many families fled their homes and became refugees in the nearby trading centres. This was a serious blow to the pastoral activities of the Pokot and Turkana.

The warlords have created strong and heavily armed private armies which, apart from providing local security, also go on cattle raids, near and far. The warlords therefore have very many retainers whom they can send on raids, while they maintain and supervise the raiding party. The warlords have become the final authority on cattle relations, overriding the traditional powers of the elders. Available evidence shows that there are links between warlords and livestock traders from Kenya and neighbouring countries. They have maintained a strong trade network reminiscent of the old East African caravan trade (Morogo interview 1998).

The youth play a very crucial role in the system of warlordism. Since they are impoverished and marginalised by economic realities, the youths are structurally available and ready for mobilisation and for offering service to the highest bidder. In general, the youth are the group most excluded from the social, economic and political order of the society. They are amenable and can easily be manipulated.

The large number of destitute youths is due to the breakdown of social and economic order in north-western Kenya. Indeed, the appropriation of violence by the youth has had a serious effect on the traditional hierarchy in

the society, where the elders were expected to have some moderating influence over the activities of the abrasive youth.

In order to understand the politics of warlordism it is necessary to trace the political factors behind this new phenomenon.

In 1978 Mr Daniel arap Moi, the then vice president of Kenya, assumed the office of president following the death of Mzee Jomo Kenyatta. Mr Moi comes from a small semi-pastoral community, the Tugen of Baringo district. Most of the pastoral communities welcomed the political changes, hoping that it would bring good tidings to them since their son was now head of state. They claimed that Kenyatta's government had ignored them in the distribution of the "fruits of independence" or national resources. The pastoralists therefore hoped to obtain favours in terms of economic and political dispensation from the new government. These high expectations have not been realised to a large extent, however.

New forms of banditry and cattle rustling sprung up in north-western Kenya, apparently perpetrated by warlords with different sinister motives. In Pokot District the warlords are allegedly led by a senior politician in the government of Kenya, who in the 1980s had been jailed for two years after conviction in a court of law for engaging in "warlike activities". Currently the bone of contention is the feeling by the Pokot that the government has taken them for granted for too long. Thus there are both political and economic dimensions to the new phenomena of cattle rustling and banditry.

Politically, like other pastoral communities in Kenya, the Pokot have been staunch supporters of the government and the ruling party. However, the Pokot to some extent are grumbling that they have been given a raw deal although they are part of the "KAMATUSA", a conglomeration of pastoral ethnic groups, currently ruling Kenya. According to this argument, there has been a tendency by the government to favour the Tugen-Keiyo axis in the distribution of political and economic resources. Furthermore, the Pokot are re-asserting the so-called historical claim to the fertile lands of Trans-Nzoia District. During the colonial era the district formed part of the Kenya White Highlands, an area which was reserved exclusively for European settlement.

Following the attainment of independence in 1963 the Highlands were made open to all racial groups. Thus a number of prominent African politicians, business men, and civil servants acquired huge tracts of land in the district from the former European owners, under the willing buyer and willing seller agreements. However, nearly all the new land owners are non-Pokot. It is worth noting that at the time of independence most of the Pokot had not



been exposed to Western education and influence, and thus they had not yet realised the value of acquiring agricultural land. In the last three years the Kenya government has been sub-dividing state farms in Trans-Nzoia District, mostly to the politically favoured individuals, the Tugen and the Keiyo, at the expense of the many landless Kenyans, including the Pokot. Ironically, according to the Pokot, most of the present inhabitants of the district are supporters of the opposition parties, hence they should be chased out of the district and their farms allotted to the Pokot and other pastoral groups (a sort of ethnic cleansing!).

Economically, Pokot district is underdeveloped in terms of infrastructure, resource allocations, and the availability of economic and social services. The Pokot therefore feel that they have been pushed to the wall and must react in one form or another to reassert themselves, safeguard their interests, and make the government accede to their various demands.

It is worth noting that the Kalenjin are not a single ethnic group. The name was coined in the 1950s by the elite of a conglomeration of small pastoral and semi-pastoral groups in the Rift Valley who speak closely related dialects (Ochieng 1980; Mwanzi 1977). This was a political move to make these small ethnic groups create some semblance of ethnic unity, which could enable them to have a stronger political bargaining power as independence was approaching. This political marriage of convenience of the Kalenjin groups therefore was not built on solid rock. It has started showing serious cracks in the form of tensions, dissension and disagreements over a multiplicity of issues. For example, the Nandi, who are the most populous society in the group, are complaining bitterly about their perceived marginalisation by the present government, purportedly led by a fellow Kalenjin. Some of their leaders are claiming that the Nandi were better off under Kenyatta's rule than they are today (*Daily Nation* 20-31 Dec 1998; *The East African Standard* 31 Dec 1998).

The Nandi argue that the maize, wheat and dairy industries on which their economy hinges have been destroyed by the government through state interference and corruption. In addition, they contend that they are not well represented in the government, which is dominated and controlled by the Tugen-Keiyo axis, who are a minority in the Kalenjin conglomeration.

Since the re-introduction of political pluralism in Kenya in 1991, ethnic conflicts have become the order of the day. Before conceding to internal or external pressure for political reforms, the government warned that multi-partyism would lead to violence, since Kenya was not a cohesive society. The

most populous ethnic groups in the country, such as the Kikuyu, Luo, Luhya and Abagusii, joined the newly formed political parties since they felt the government had marginalised them. Serious ethnic clashes started in late 1991 as Kenyans were preparing for the first multi-party general elections in 25 years. It has been claimed that the clashes were ostensibly organised by the government to forestall the widely expected electoral victory by the opposition. The violence pitted the Kalenjin on the one hand and the populous ethnic groups on the other. A total of about 2,500 people, the majority of whom were women and children, were killed in the ethnocide (Amnesty International 1993, *Daily Nation* 20 Mar; 6 June 1992). It is alleged that the perpetrators of the ethnocide had given special training to Kalenjin youths (warriors), who were later sent to various parts of the country to spearhead the ethnic violence. This involved the stealing or maiming of livestock, burning of food crops and houses, raping of women, and killing of people. The germane aim of the ethnic clashes was to punish the Kikuyu, Luo, Luhya and Abagusii ethnic groups, who were perceived as supporters of the opposition parties. There were claims that the warriors were promised one thousand Kenya shillings for every human victim killed (*Daily Nation* 22 Sept 1992; The Kiliku Parliamentary Committee Report 1992). A majority of the warriors were allegedly recruited from among the Keiyo ethnic group. They carried out their mission as per the instructions.

However, it is becoming evident that having “tasted” blood in the war field, the warriors can no longer be controlled by the society. Consequently, these warriors appear to be involved in the new forms of banditry and cattle rustling in north-western Kenya. Since the return of these warriors from the war fields, the two phenomena have become more widespread, even in areas which hitherto were safe from the Pokot and Turkana cattle rustlers. For example, in February 1998, bandits from Pokot launched one of the bloodiest raids in living memory against their neighbours, the Marakwet (Magut interview 1998; *Daily Nation* 13 Feb 1998). Thousands of people were killed or displaced; thousands of livestock stolen; houses, stores and farms burnt down; and women raped.

The Marakwet leaders reacted angrily to the mayhem caused by their kinsmen, putting the blame entirely on the government for complicity in the attack. Thousands of security force members were deployed in the area to quell the violence and to bring the situation under control – but without much success. Thus, in April 1998, the government sent a battalion of military men, heavily armed with sophisticated weapons including helicopter gunships to



try and flush out the bandits. However, the mission also ended in failure. The bandits appear to be masters of the rugged and harsh terrain of north-western Kenya, compared to the security forces. Moreover, the bandits seem to be well trained and co-ordinated in their operations. This clearly shows that “the chicken have come home to roost”. The government had allegedly trained these warriors for a specific objective – political violence against real and perceived political enemies. Yet now they are giving the government a run for its money. Thus, as Cornwell clearly points out, “however understandable the initial resort to violence may be, its long term consequences are appallingly counter-productive” (Cornwell 1997:18). The heavy involvement of the youth in such warfare is a clear indication that warlords have realised their effectiveness as ruthless and brutal killers (Hutchful 1997:4). It also shows that the “spirit of violence” has taken over the moral fabric of the African society.

The problem of insecurity and lawlessness has evolved over a long period of time. The government seems not to have realised early enough the need to normalise the security situation until now when the task is insurmountable. For instance, in December 1996, bandits who were from a cattle rustling mission shot down a police helicopter which was carrying the Samburu District Commissioner, Mr Henry Nyandoro, and ten other senior security personnel who were trying to monitor their movements, killing all of them on the spot. The cattle raiding expedition was led by one of the Pokot warlords, who allegedly shot down the helicopter using a bazooka (*Daily Nation* 28-31 Dec 1996; *The East African Standard* 28-31 Dec 1996). The bandits were said to have been heavily armed with sophisticated weapons such as rocket-propelled grenades and launchers, landmines, machine guns, and an assortment of other weapons. This therefore shows the daring nature and type of heavy weaponry used in the new forms of banditry and cattle rustling. Thus very often the security forces are hesitant in pursuing the bandits into their hideouts, since they have learnt through experience that it might be suicidal. The militarisation of the Pokot and Turkana bandits and cattle rustlers has therefore become more pronounced. Very often the Turkana and Pokot warlords organise joint cattle raiding operations, involving thousands of retainers, into Uganda, Sudan and Ethiopia.

Much of north-western Kenya therefore is now desolate, most families have fled their homes and are living in refugee camps in Kenya and Uganda, and in the small trading centres. The local people are suffering at the hands of both the bandits and the security forces. Whenever the security forces fail in their operations against bandits, they often vent their anger on the civilian

population whom they accuse of colluding with the bandits. As a punishment, the security forces often rape local women and confiscate livestock. On the other hand, the bandits may also punish heavily the local populace who may be suspected of working as government informers. The local people therefore find themselves in a “double jeopardy” – unsure of which option to take. Hence the tendency to run away and escape from the reach of both. The question that one may ask is, what went wrong?

Bad politics is a major contributory factor to the current sad state of affairs in north-western Kenya. The local political leaders have tended to encourage their people to continue with the age-old cultural practice of cattle rustling. These politicians fear that any attack on the practice of cattle rustling may be politically suicidal. The government also stands accused for having adopted inimical economic and political policies which tended to perpetuate the marginalisation of the pastoral communities. This is clearly evident in the distribution of economic and political resources. The government recognises the importance of these societies only when it requires their political support, such as during election time.

3. The socio-economic and political impact of banditry and cattle rustling

Most of these factors have already been mentioned and discussed in parts 1 and 2, so that they may be briefly summarised here.

Suffering, especially by women

Cattle rustling and banditry have led to the loss of many human lives and the displacement of various population groups.

Women and children seem to bear the brunt in these new forms of violence. Contrary to traditional norms, they are not spared. As the then UN Deputy Secretary-General, Layashi Yaker, stated in 1994:

Today women constitute 80% of the displaced and refugees in Africa. Violations of the fundamental rights of women and girls are widespread in times of war and civil strife, including atrocious crimes as well as rape, torture, murder, maltreatment and neglect.

(Ayot 1995:3)

Furthermore, Theodore Ayot notes that “wars” and conflict often leave women in situations whereby they can hardly make ends meet. They have little or no



resources at all against these acts of violence, whether they occur while they are trying to make it across the border or in a refugee camp (Ayot 1995:4).

Breakdown of the social order

The targeting of non-combatants, especially women and children, seems to be a symptom of the breakdown of the entire social order.

Another symptom is the way in which cattle are raided for selfish purposes. The pastoral communities have a lot of attachment to cattle due to their ritualistic and cultural importance. Thus, the loss of livestock is assumed to affect the entire social fabric.

Economic hardship

The 1980s happened to be a period characterised by droughts and famines. At the same time the cattle-rustling menace appeared on the scene, bringing about a massive looting of livestock and destruction of property. The Pokot and the Turkana lost more than 80% of their livestock during this period. By February 1982 about 50% of the Turkana population (180,000) were in refugee camps and depended on relief supplies (Markakis 1993:146). Consequently, most people were in a state of despair, hoping for a “messiah” to deliver them from their unending tribulations.

In most parts of north-western Kenya it is extremely difficult for the pastoralists to get started again after heavy stock losses. Thus social and economic differentiation is becoming more pronounced. As Doornboss asserts, “At present, class formation is incipient rather than existent and pastoralists by and large still make up a moral community of shared suffering rather than one divided by hereditary inequalities” (Markakis 1993:15).

Very often the displaced and impoverished pastoralists have been forced to resort to selling firewood and charcoal or offering farm labour, which are regarded as degrading to the pastoral groups. As Salih (1992) notes, “with no options of survival, they have little choice but to exploit key environmental resources to provide food and income for survival”.

An environment of insecurity

Violence and warfare in north-western Kenya have created an environment of insecurity. Cattle rustling has even created tension and conflict among the neighbouring societies. The twin phenomena of banditry and cattle rustling have become endemic in the region, affecting approximately two million people, ranging from the Turkana in the north, the Samburu and Pokot in the

centre, and the Keiyo, Marakwet and Tugen in the south of the study area. The intensity of cattle rustling centres around the Turkana, Pokot and Marakwet communities. Cattle warlords are having a field day in this environment of lawlessness. The idle and impoverished youths are easily manipulated by the warlords to join their private armies. The ability of the warlords to organise and arm their forces is a clear indication that the state no longer has the monopoly of the use of force. The Pokot youth seems to be happy in enlisting into these armies, which they feel is synonymous to defending societal interest against an enemy, the state.

The shelving of development projects

Because of the state of anarchy and lawlessness in the region it is very difficult to implement any development project. Government officers and the NGOs based in the area live in constant fear of the bandits. The often wanton destruction of life and property and the use of terror in all its manifestations tend to undermine the sense of value, dignity and harmony. It should be noted that a climate of peace is a prerequisite for the respect and enjoyment of human rights, and for sustainable socio-economic development. North-western Kenya is no exception to this rule.

Political manipulation

At present the warlords appear to be the wealthiest among the Turkana and the Pokot, hence they control all aspects of social and economic life, and even the political orientation of the people. As already said, they seem to have some hypnotising powers over the people. Thus poverty, hunger and destitution have been accompanied by aggressive and predatory pursuance of political goals. In such a scenario, as Salih (1992:30) correctly points out, "... the state is reduced to an arena of competing interests and political objectives inconsistent either with its role as the main monopoliser of the use of force or the sole arbiter of divergent ethnic and regional interests".

Currently the politics of the pastoral communities are dominated by warlordism. The warlords now control all aspects of social, economic and political life of the people. They seem to have some hypnotising powers over the people. Thus they are a law unto themselves. The state of insecurity and lawlessness in north-western Kenya and the collapse of social and economic structures have created a category of "lumpen-proletariats", who often resort to acts of banditry and cattle rustling.



Conclusion

The study has attempted to provide an analysis of the twin phenomena of banditry and cattle rustling in north-western Kenya. It is the contention of the study that the two phenomena have had adverse effects on the people of the region by creating an environment of violence and insecurity. It points out that cattle rustling has undergone fundamental transformation from a cultural practice to an international commercial venture organised and bankrolled by cattle warlords. The study also points out that the major losers in this environment of insecurity are the small and poor peasants who have been pauperised and turned into destitute, internally displaced persons and refugees in their own country.

Available evidence shows that there is a significant connection between environmental conflict and the insecurity created by cattle rustling and banditry in north-western Kenya. The study therefore suggests that this nexus needs to be clearly comprehended by the political leaders and the provincial administration in the area. Government policy makers must take cognisance of these facts and identify how the environmentally (ecologically) related threat to peace can be contained, lessened or eradicated.

Various attempts have been made by the government since the colonial era to exercise a strong level of control over the pastoralists. During the colonial period the aim was to pacify the pastoralists and to ensure peace and order. This tendency has had several implications. It has tended to present the pastoralists as unreliable people prone to violence, and hence to propagate depastoralisation. This intervention in the pastoral economy is spearheaded by urban-based elite whose interests and aspirations are at variance with those of the pastoralists. Such an elite views the practice as a primordial mode of production which should be discontinued. Doornboss points out that pastoralism has come to be considered “not as a mode of existence with its own needs and demands but either as a nuisance or even a threat or (at best) a resource to be exploited in the natural interest” (Markakis 1993:118). For a long time the official state policy therefore tends to view cattle rustling and banditry as a mere cultural problem of the pastoralists and not a serious issue of state security. In other words, the two phenomena were seen as a normal form of the nomadic lifestyle.

Thus the state's policy seems to correspond with the now discredited social anthropologists' interpretation based on the so-called “cattle complex”. As Rigby points out, “there seems to be general agreement among lay people

and social anthropologists that pastoralists are more conservative and resistant to change than are societies with mixed or truly developed agricultural economies” (Galaty et al 1980:184). Rigby’s thesis therefore posits that the causal link between pastoralism and conservatism is twofold. First, the adaptation to a harsh ecological environment, and secondly the intensity of values about livestock in their society, i.e. the cattle complex. According to this theory, which was interpreted in Freudian terms, the pastoralists have an insatiable desire for livestock, and this, coupled with the harsh environment, results in their propensity to acquire more and more livestock (Markakis 1993:205). The state’s opinion, therefore, is that the pastoral society is conservative, slow to adapt to change and in many respects actually against change. Raiding is therefore portrayed as a factor that is embedded in the pastoralists’ mentality and that can only be eradicated by the discontinuation of pastoralism and the adoption of agriculture, or by transforming it into ranching. Although several “good on paper” pastoral transformation programmes have been attempted in some parts of Kenya, such as Maasailand, the expected results have not been realised, especially due to unexpected conditions, such as the vagaries of the weather (Kituyi 1990:ch 8; Markakis 1993:152; Galaty et al 1980:102).

On the other hand, however, pastoralism cannot be simply dismissed. As Doornboss avers, the pastoralists “have demonstrated economic and social acumen in the exploitation of their arid homelands. Those lands are too arid for anything but nomadic, or at best, transhumant pastoralism. The only other option is to migrate and leave the bush to the game” (Markakis 1993:87). Pastoralists should therefore be given the opportunity of determining their future. Important decisions and policies affecting their mode of existence should not just be forced down their throats without their active involvement from the initial stages to the implementation process. As Nkonyangi clearly points out, “Most pastoral people are not looking for handouts, such an attitude is repulsive to them. What they want is something they can really participate in as their own right from the beginning” (Markakis 1993:195). Sustainable development requires grassroots support.

The problem of insecurity in north-western Kenya cannot be solved unless the pastoralists are assured of the continuation of their age old way of life. Indeed, it might be helpful if the neighbouring countries liaised to introduce some regional, integrated programmes which could facilitate pastoral movements across the border in response to ecological constraints and climatic variations.



The state has tended to ignore and neglect the welfare of the pastoralists in terms of development and the distribution of political and economic resources. The government's attitude towards the pastoral groups should change. To a large extent it has only been the NGOs and the missionaries who have attempted to alleviate the plight of the pastoral communities through the provision of schools, boreholes, health centres and other facilities. However, most of these are located in the trading centres and are thereby not easily accessible to the rural majority.

Moreover, there is evidence of state appropriation of pastoral land and its allocation to the wealthy and powerful as well as politically well-connected individuals in Marsabit district. Parts of the pastoral lands have been turned into game reserves. All these moves have denied the pastoralists expansive areas which have been used as grazing ground for a long time. Such state actions are aimed at satisfying the various demands created in one way or another by the international market economy. The incorporation of the pastoral communities into the market economy in the form of sale of livestock and livestock products has had adverse effects. It has contributed to the emergence of cattle warlords, who are exacerbating a state of insecurity as they compete to acquire livestock for personal profit.

The institutionalisation of violence and the resultant insecurity have contributed to widespread poverty, hunger and destitution, which is unprecedented in the region's history. For most of the people the material base of their existence has been eroded. They are now an uprooted lot who find it extremely difficult to accept the reality of their situation, and cling to an undying hope of resuming pastoral activities in "the near future".

The criminalisation by the government of cattle raids among the pastoral communities is based largely on the false assumption that such raids are a primitive factor relating to nomadic life. Thus the raids are not seen as partly an outcome of modern economic intrusion impinging on the socio-cultural setting of the pastoralists (Ocan n.d.). To a large extent the primordial causes of raids have been compounded and exacerbated by the effects of the "modern" economy in tandem with the unfolding and changing nature of social relations. The commercialisation and internalisation of cattle rustling are largely attributed to the expanding global market for livestock and livestock products, and the proliferation of weapons, all in the name of economic liberalisation and democracy!

The paper therefore argues that the apparent militarisation of the pastoral culture and the apparent collapse of the traditional mechanisms of socio-

economic reproduction have caused the gun to become the tool of opportunity for both the warlords and the youth. Thus the bandits and the cattle rustlers cannot be militarily contained through the use of conventional war tactics, since they adopt a form of guerrilla tactics against the security forces. The government's reaction to its frustration and inability to control acts of lawlessness has mainly been sending in the security forces – who mostly unleash terror on the civilian population through the use of extra-judicial methods of torture and rape, instead of facing the enemy. Such inhuman acts tend to make the state unpopular and the people unwilling to assist the security forces in their operations. The state therefore must adopt a new and different strategy in order to obtain the support of the population. Thus there is need to inculcate good working relations between the security forces and the local people for the mutual benefit of the state and the local inhabitants, both of whom are suffering at the hands of the bandits and cattle rustlers. The study concluded that there is an urgent need for a concerted effort by both the government and the people as well as the NGOs to sit down together and find an amicable solution acceptable to all so that some semblance of normalcy can be restored in north-western Kenya.

Endnote

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Conflict Resolution in a Turbulent Region: The Case of the Intergovernmental Authority on Development (IGAD) in Sudan

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Abstract

In 1986, during a second decade of severe droughts and famine, an Intergovernmental Authority was established by Djibouti, Kenya, Ethiopia, Somalia and Sudan to focus on the problems of drought and desertification. At the same time, however, this Authority inevitably took upon it the related tasks of conflict resolution and development. Later on Uganda and Eritrea joined the renamed Intergovernmental Authority on Development (IGAD). An overview is given of conflicts in the region, and in Sudan. What the paper concentrates on, however, is IGAD's patient and apparently quite effective role in managing and resolving conflict, especially within Sudan itself. Appropriate details are given, stubborn and shifting positions of governments and rebel movements in Sudan are summarised, and concluding recommendations, warnings and encouragements are provided.

1. Inside a turbulent region: IGAD's commitment to conflict resolution

Ever since its foundation in 1986 the Intergovernmental Authority on Drought and Desertification (IGADD), later renamed Intergovernmental Authority on Development (IGAD), has faced the enormous task of resolving conflicts in the Horn Of Africa. The Horn of Africa remains one of the most volatile regions on the continent, where internal civil wars have led to the total collapse of Somalia, the secession of Eritrea from Ethiopia, the ongoing border war between Eritrea and Ethiopia as well as the polarisation of Northern and Southern (and the Nuba Mountains people) Sudanese advocating for Islamic and secular state conceptions respectively. Conflict in the region, as in other parts of Africa, is not only "internationalised" (Adar 1998a), but it leads to what has been called "conflict triangulation" (Lyons 1996:88; Midlarsky 1992).

Uganda served as a base and arms conduit for the Southern Sudanese Anya Nya rebels in the 1960s and continues to play the same role for the Sudan People's Liberation Movement (SPLM)/Sudan People's Liberation Army (SPLA). The SPLA also receives military support from Zimbabwe, Namibia, Kenya, Ethiopia, Israel and the United States. However, the SPLA's main source of arms is the international market, with some of its arms coming from those captured by its forces from the Sudanese army. Sudan, on the other hand, supports William Kony's (formerly with Alice Lakwena who now lives in a refugee camp in Kenya) Lord's Resistance Army (LRA) and the West Nile Bank Front (WNBFF) which are fighting Yoweri Kaguta Museveni's National Resistance Army (NRA), renamed Uganda People's Defence Force (UPDF). The LRA is trained by Sudan at Jebelin, Kit II, and Musito and by 1997 numbered about 6,000 strong. Sudan also provided a base as well as material and logistical support to the Eritrean People's Liberation Front (EPLF) and the Ethiopian People's Revolutionary Democratic Front (EPRDF) during their struggle against Ethiopian regimes. The EPRDF was largely composed of the Tigray People's Liberation Front (TPLF) and the Oromo Liberation Front (OLF). While Sudan harboured the EPLF and EPRDF, Ethiopia gave the SPLA safe havens for its military operations against Khartoum (Simons 1995; Lyons 1995 and Anyang' Nyong'o 1991).

Whereas the US gave Sudan massive military support, particularly during the reign of President Numeiri (1969-1985), Sudan now receives military aid from China, Russia, Yugoslavia, Iran, Iraq and Libya. China has since 1994



been the principle supplier of arms to Sudan, with Sudan offering China oil concessions. China is reported to have sold Sudan SCUD missiles in 1996 at the cost of a \$200m loan from Malaysia, another country prospecting oil in Sudan. The conservative Islamic Gulf states, for example, Kuwait, Saudi Arabia and the United Arab Emirates, support the SPLA because of their fear of the rise of Islamic fundamentalism in Sudan. Sudan was the only Sub-Saharan African country that supported Iraq during the 1991 Gulf War (Adar 1998a:46). Apart from these linkages, there are other pertinent concerns for IGAD in the region and beyond, which deserve some observation. Sudan supports other militias operating in the continent, for example, Islamic Group (Egypt), Islamic Salvation Front (ISF, Algeria), Islamic Oromo Front (IOF, Ethiopia), Somali National Alliance (SNA, Somalia), Ethiopian Islamic Opposition (EIO, Ethiopia), Al-Ittihad al-Islamiya (Islamic Union, Somalia), Tunisian Islamic Front (TIF, Tunisia), and other Islamic groups in Kenya, Niger, Gambia and Senegal. These groups are trained in areas such as Damazin, Equatoria, and Hamesh Koreb near Eritrea. These are some of the wider problems which face IGAD in its conflict resolution initiatives in Sudan.

Egypt is faced with a dilemma. First, it is concerned with the growing Islamic fundamentalism in Sudan which spills over into its territory. Indeed, it is because of Sudan's unhappiness with the Egyptian pro-Western stance that Khartoum was alleged to have planned the assassination of Hosni Mubarak during the 1995 Organisation of African Unity (OAU) meeting in Addis Ababa, Ethiopia (Adar 1998a:47 and *Africa Confidential* July 7,1995:1). Second, the Egyptian dependence on the Nile River water makes the regime in Cairo wary of the implications of secession and independence of the South and they therefore support a unified Sudan. Third, the long standing Sudo-Egyptian dispute over the Halaib territory near the Red Sea adds to the complexity of the situation between the two countries. Egypt is not the only country that is fearful of the rise of Islamic fundamentalism. The other countries which are targeted by the Sudanese National Islamic Front (NIF) include the Democratic Republic of Congo (DRC) (at least before its civil war broke-out), Ethiopia, Kenya, Somalia and Eritrea, with the latter fighting against the Eritrean Islamic jihad (*Africa Confidential* June 9,1995:2-3). The visit by Laurent Kabila of the DRC to Ethiopia in April 1998 is an indication of this wider "conflict triangulation" in the region (*Ethiopia Herald* 1998 and *Horn of Africa: The Monthly Review* 1998).

Conflict in the area has, at one time or another, experienced inter-regional

dimensions, with the 1977-78 Ethio-Somali and the on-going 1998-2000 Ethio-Eritrean wars being good examples. The Ethio-Eritrean war has also weakened the Ugandan-Ethiopian-Eritrean coalition against Sudan. The irony of the scenario is that it is likely to help the IGAD peace process because Sudan may soften its stance in the Sudo-SPLM negotiations. The fact that Uganda is locked in the DRC civil war is an added advantage to the Sudanese. The civil war in the DRC occupies the Rwandan, Ugandan and the SPLA's human and material resources because of their support for the rebels fighting the Kabila regime (*Horn of Africa Bulletin* Nov-Dec 1998). The arms deliveries to the DRC are mainly carried out by the three East African based air carriers such as Air Alexander International, Busy Bee, Sky Air, Planetair, United Airlines as well as Sudanese and Ugandan military aircraft.

The on-going 1998-2000 Ethio-Eritrean war, which erupted because of the disputed Badme area, has added a new dimension to the *realpolitik* in the region, with over 50,000 Eritreans expelled from Ethiopia and more than 10,000 Ethiopians losing their jobs in Eritrea. It is because of the Ethio-Eritrean war that a rapprochement has been re-established between Ethiopia and Sudan, severed previously as a result of the assassination attempt on Mubarak in Addis Ababa, Ethiopia. Ethiopia has not only closed the SPLA's base in Gambela in western Ethiopia but has also agreed with Hussein Mohamed Aideed of Somalia to prevent the OLF operations against Ethiopia from their bases in Somalia. These are some of the immediate and long term challenges that face IGAD, particularly with respect to conflict resolution in Sudan. Conflicts in the Horn of Africa not only create operational and functional difficulties for IGAD but the multiplicity of the non-state actors, with national, regional, continental and global interests, provide additional multifarious impact on IGAD. The paper addresses this complex scenario in relation to IGAD. Specifically, it examines the role of IGAD in conflict resolution in Sudan.

2. IGAD's regional dynamics and its linkage to Sudan

The development of more specific responsibilities in the region

The 1980s and 1990s have witnessed the emergence of the "second wave" of regional functional organisations in Africa (Shaw 1995; Nyangoro & Shaw 1998). These second-generation functional organisations perform tasks which conform to the idea of "African solutions to African problems" conceptualised



within the context of “African Renaissance”. These regional International Governmental Organisations (IGOs) are increasingly performing tasks which go beyond socio-economic functional arrangements to those that fall within the general purview of *realpolitik* security perspectives. We are witnessing a shift away from the concept of “African solutions to African problems” to “African ‘sub-regional’ solutions to African ‘sub-regional’ problems”. This is a new phenomenon in the New World Order, at least with respect to Africa, and is an important one given the tendency of the Western countries’ movement towards isolationism in the post-Cold War era. The cases in point are the military involvement of the Southern African Development Community (SADC) and the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) in Lesotho and Liberia respectively (Shaw & Okolo 1994; Magyar & Conteh-Morgan 1998). This is not to argue that the role of the Organisation of African Unity (OAU) in conflict resolution in the continent has become irrelevant. What is emerging, is that African international relations are increasingly characterised by increased involvement of non-state actors in conflict resolution missions (Cleary 1997).

It is in this same vein that IGADD was transformed, that is, from an IGO responsible for ecological (drought and desertification) and humanitarian problems to one committed to conflict resolution, prevention and management. IGAD’s role can be seen in this larger context. It was the catastrophic droughts of the 1970s and the 1980s in the Horn of Africa which led to the establishment of IGADD, with the United Nations Environmental Programme (UNEP) initiating the process. The founders of IGADD charged the organisation with the responsibilities of: alerting the international community and humanitarian agencies about emergencies in the region, bringing resources needed to cope with the situations, co-ordinating emergency situations and serving as an early warning system for the region. With financial support from Italy, IGAD established at the regional and the national levels an Early Warning and Food Information System (EWFIS) with remote sensing components (UNEP 1996:4). In conjunction with the “Friends of IGAD” (Canada, Italy, Netherlands, Norway, Britain and the US) and other groups such as the Coalition for Peace in the Horn (US), European Working Group on the Horn (Canada) as well as other NGOs, IGAD continues to meet some of its obligations. However, some of the present stumbling blocks to IGAD’s peace process include lack of resources, capacity to implement programmes, transparency and co-ordination, grass-roots level participation and democratisation in general; and instability in the region.

In 1996 EWFIS estimated that its members required more than 21 million metric tons of cereals annually to meet the needs of those affected in the region. The 1996 IGAD total food aid imports reached 805,000 metric tons, with Ethiopia, Somalia, Eritrea, Sudan and Kenya accounting for over 231,000, 186,000, 167,000, 117,000 and 74,000 metric tons respectively. The other two IGAD members, Uganda and Djibouti, received food aid totalling 15,000 metric tons each in the same period (IGAD 1996; IGAD 1999). IGAD encourages intra-regional trade to promote self-sufficiency and sustainable development as well as co-operation among its members. However, food deficits still account for some of the problems facing IGAD, with Sudan, Somalia, Ethiopia and Eritrea being the largest recipients in the 1990s.

Some of the immediate challenges facing the countries in the Horn of Africa and IGAD as well as national and international non-state actors operating in the region have been drought, famine, refugees as well as victims of landmines and war. Conflict remains the major contributing factor with far reaching ramifications to the disasters because of instability in the region. As Table One demonstrates, the emergency food aid which the IGAD members (including Rwanda, Burundi and Tanzania) received between 1985 to 1994 was more than double the regular food aid. For example, the emergency food aid which they received as a percentage of the total food aid in 1985, 1992 and 1994 accounted for more than 67%, 85% and 105% respectively. As Table One shows the Emergency Food Aid for 1985, a year before IGADD was founded, accounted for over \$378 million compared to nearly \$140 million Regular Food Aid. Between 1989 and 1994 the Emergency Food Aid increased steadily in comparison to the Regular Food Aid. Thousands of people died of famine in Ethiopia and Sudan between 1984 and 1985 mainly

Table 1. Food aid trends in the greater Horn of Africa, 1985-1994 (\$millions)

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
EFA	377,589	179,207	25,755	140,281	79,172	191,789	200,598	242,186	247,926	260,690
RFA	183,311	114,620	113,696	90,032	57,864	40,910	32,620	41,321	79,954	86,740

Key: EFA: Emergency Food Aid; RFA: Regular Food Aid

Source: USAID 1995



because of famine which affected most of Sub-Saharan Africa and led to the formation of the International Conference on Assistance to Refugees in Africa (ICARA) (Kibreab 1994).

The original founders of IGADD, Djibouti, Kenya, Ethiopia, Somalia and Sudan (later joined by Eritrea and Uganda), concerned with the perpetual conflict and humanitarian situations in the region, with its 133 million people, recognised that sustainable economic development of the Horn of Africa was contingent upon peace and security. Regional co-operation therefore becomes a necessity, particularly in areas where the “security of the state and its rulers are threatened” (Clapham 1996:120; Buzan 1983). It was the 1973-74 famine which led to the collapse of Emperor Haile Sellasie and instigated unrest in Sudan. Similarly, the 1984-85 famine contributed to the downfall of Numeiri and weakened Mengistu Haile Mariam’s regime paving the way for its collapse.

The problems in the IGAD region are also compounded by refugees and the internally displaced people. The civil war in Sudan has killed more people than any other war since World War II. It has killed more people than the conflicts in Bosnia, Kosovo, Somalia, Afghanistan, and Chechnya combined. For the past fifteen years it has claimed the lives of more than 60,000, 5,000, 1,200, and 180 people per year, per month, per week and per day, respectively. Over 80% of Southern Sudanese are internally displaced. More than 100,000 died of famine in 1998 alone (Fisher-Thompson 1999; Winter 1999). In 1990, for example, there were over 2 million refugees in the area (Bakwesegha 1994:5). Together with internally displaced people the total number of refugees in the IGAD region reached 5 million in 1994 (USAID 1994). By 1991 there were nearly 1 million Ethiopians who had fled their country due to the civil war and famine. The UNHCR repatriated 31,617 (1995), 62,000 (between 1993 and 1996) and 4,400 (1997) Ethiopian refugees from Djibouti, Sudan and Kenya respectively (UNHCR 1997). On the other hand Ethiopia received more than 338,000 refugees early in 1997, of whom 285,000, 35,500, 8,000 and 8,600 were Somalis, Sudanese, Djiboutians and Kenyans, respectively. The 1991 overthrow of Siad Barre and the continued intra-clan and sub-clan “battle of territorial control” have forced more than 900,000 Somalis to flee their country, mainly to the neighbouring countries of IGAD member states. By the time Eritrea seceded from Ethiopia in 1993, over 900,000 Eritreans had fled their country (Adam 1995). The UNHCR spent over \$260 million between 1994 to 1995 to repatriate the Eritreans, mainly from Sudan (UNHCR 1998). The refugee problem

in the IGAD region is not only a function of the perpetual civil wars, but also a product of the environmental and economic factors which contribute to the complexity of the situation.

IGAD's growing involvement in the Sudan peace process

IGAD became more involved in conflict resolution in Sudan from 1990, when Sudan requested the organisation to assist in the peace process with the Southern rebels. This was the second time in the history of the civil war in Sudan that Khartoum decided to make its internal affairs a subject for discussion by other interested parties to the conflict, like IGAD. The first time was in 1972 when Numeiri entered into negotiations with the Southern Sudanese rebels. The leadership in Sudan viewed IGAD as the only vehicle that could prevent external actors from infringing on its internal affairs. In other words, IGAD was seen “as a means to forestall the intervention of other powers with greater leverage” (Deng et al 1996:161-162) and also as a regionally and indigenously generated IGO which cuts across ethnopraxis (Avruch & Black 1991). Yet, when other members of IGAD – Ethiopia, Eritrea and Uganda – pressured Sudan through IGAD to resolve the problem in the South, Sudan quickly invoked its sovereignty (Deng et al 1996). This rigidity on the part of Sudan notwithstanding, the leadership in Sudan accepted that the involvement of IGAD in its internal affairs is legitimate. IGAD therefore responded by gradually transforming itself into an organisation responsible for conflict resolution in the region. It has established four hierarchical and complementary structures designed to deal with problems facing the region. They include the Authority of Heads of State and Government which meets once a year; the Council of Ministers, mainly Foreign Ministers, that meets twice a year; the Committee of Ambassadors/Plenipotentiaries attached to the Headquarters whose responsibilities are to advise and guide the Executive Secretary; and a Secretariat, headed by an Executive Secretary, appointed by the Assembly of Heads of State and Government for a term of four years, renewable once. These administrative structures have expanded the objectives and scope of IGAD in the region. The establishment of the 1993 Mechanism for Conflict Prevention, Management and Resolution by the OAU is seen by IGAD as a complementary mechanism for regional co-operation (Zartman 1995a; Zartman 1995b). IGAD was conceived within this broad context, with a view to promote regional dynamism conducive to peace in the Horn of Africa even if the end results were minimal. It was through IGADD's diplomatic initiative that Mengistu and Siad Barre agreed to sign the 1988



historic agreement which led to the re-establishment of diplomatic relations between Ethiopia and Somalia (Simons 1995:69, Lyons 1995:245). The rapprochement between the two countries was historic because they had fought the 1977-78 bitter war which involved the United States, the Soviet Union and Cuba.

With reference to the 1997 Cairo Accord involving the leading Somalia factions and endorsed by the League of Arab States, IGAD stated in its Declaration adopted by the 17th Session of the Council of Ministers in Djibouti 15th March, 1998 and reaffirmed by the IGAD Heads of State and Government, that it is prepared to engage in “consultation with all those who are prepared to contribute to the peace process in Somalia on the basis of the IGAD initiative and on condition that they refrain from engaging in parallel initiatives and limit themselves to supporting IGAD’s efforts” (IGAD 1998). The issue of the centralisation of the Sudanese peace process within the IGAD framework is an important one for the organisation, particularly with respect to the co-ordination of the peace process.

The membership of Eritrea and the new leadership in Ethiopia gave IGAD a new regional dynamism and stimulus in the peace process, initially at least, particularly because Sudan had provided sanctuary for the former allies, EPLF and EPRDF, who are now engaged in a devastating war. IGAD’s original hope was that Eritrea and Ethiopia would provide a moderating influence on Sudan. However, this optimism never materialised following the Eritrean severance of diplomatic relations with Sudan in December 1994 accusing Khartoum of supporting the Eritrean Islamic *jihad* (Deng 1995). As a *quid pro quo*, Eritrea has been giving military, political, moral and logistical support to the National Democratic Alliance (NDA) fighting the Bashir regime. In a show of displeasure with the Sudan Government, Eritrea handed over the Sudan embassy in Asmara to the NDA. The differences between the two countries entered a new phase in 1997 when Sudan, with Libyan disapproval, opposed the Eritrean application for membership to join the League of Arab States. The planned investments in airports and hotels in Eritrea by a multimillionaire Saudi Arabian businessman, Hani Yamani, Chairman of Air Harbour Technologies Group, is likely to tip the balance in favour of Eritrean admission into the League. The amalgamation of ten Eritrean opposition movements in 1999 with the Sudo-Ethiopian mediatory efforts into the Eritrean National Forces Alliance (ENFA) and the on-going Ethio-Eritrean war, which began on May 6, 1998, continue to undermine IGAD’s peace process in the region. The denial of entry both into Djibouti (IGAD’s

Headquarters) and Ethiopia by IGAD's Executive Secretary, Dr. Tekeste Ghebray, an Eritrean, after attending IGAD Partners' Forum (IPF) meeting on Somalia in Rome, November 1998, is a clear testimony to the difficulties that face the organisation.

One of the central concerns of the US is the Libyan-Sudanese support for Islamic fundamentalism and Islamic organisations such as Hamas, Hezbollah, Gamaat Islamiya, and Abu Nidal, which Washington considers to be terrorists. The support by the Bush Administration for the partition of Sudan based on the Ethiopian model of regionalism (ethno-regional federalist arrangements) was not radically different from what the SPLM and the other rebels have advocated since the 1950s, and which has been inscribed in the IGAD Declaration of Principles (DOP). It is based on the idea of equality in diversity, where the rights of individuals are clearly provided for in the Constitution. The Clinton Administration, through the Greater Horn of Africa Initiative (GHAI), launched in 1994 by the USAID Administrator, J Brian Atwood, works in partnership with IGAD and has endorsed its DOP as the framework for resolving the impasse in Sudan. The GHAI works in conjunction with other US Government Departments and agencies with interests in the region, for example, USAID Horn of Africa Support Project (HASP), Office of US Foreign Disaster Assistance (FDA), Sudan Transition Assistance for Rehabilitation (STAR), and Office of Food for Peace (FFP); and the State Department's Bureau of Population, Refugees and Migration (PRM), among others, all of which support the IGAD peace process.

The Clinton Administration's policy in Sudan is based on the long standing policy of combating terrorism and regional extremism, supporting an end to civil war, calling for respect for human rights, and promoting the humanitarian situation (US Department of State, *Testimony: E. Brynn on US Policy Toward Sudan* 1995:6). The August 1998 US bombing of a pharmaceutical factory in Khartoum suspected of producing chemical weapons was carried out within this larger context. The US bombing of the factory was in response to the simultaneous bombings of American embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, which killed nearly 500 people and injured over 5,000 in Kenya alone. The accusations by the international relief workers against the Sudanese Government for using chemical weapons against the rebel strongholds in the South is likely to confirm the US claims (Lynch 1999; Denyer 1999).

To help it cope with wars and disasters in the region IGAD established an Emergency Fund and pledged to raise over \$1 million. The Friends of IGAD



gave \$500,000 to the fund, of which \$300,000 was donated by the US (*Horn of Africa: The Monthly Review* 1998:2). The US has also earmarked over \$7.4 million for IGAD over the next five years beginning from 1998. The revitalisation of IGAD, particularly in 1996, to an IGO responsible for economic co-operation, conflict prevention, management and resolution, and humanitarian affairs has enhanced its mandate and expanded its objectives. With “positive sovereignty” derived from effective state control eroding/having eroded in the region, IGAD will continue to experience functional and operational difficulties. On the other hand turbulence in the region has enhanced IGAD’s role to deal with internal conflict situations, traditionally regarded as the sole preserve of sovereign states. Apart from these recurring problems, the IGAD region, as other parts of Africa do, houses authoritarian and repressive regimes, with some leaders like Moi of Kenya (one of the longest serving presidents in Sub-Saharan Africa) presiding over a *kleptocratic* state. The civil war in Sudan, fought on secular and Islamic ideological perspectives, has forced the successive regimes in Khartoum to centralise power within the ambit of the Presidency, using the state as an instrument for security, war and oppression.

3. Inside a turbulent state: IGAD’s peace process in Sudan

Islamisation and minority religions

The civil war which broke out in 1955 between the Anya Nya of the South and the Northern Sudanese regimes ended in 1972 and led to the reduction of military and logistical support which the rebels received from the Central Africa Republic, Ethiopia, Kenya and Zaire as well as military training by the Israelis. The Addis Ababa Accord was a landmark peace process brokered by the World Council of Churches (WCC) and Emperor Haile Selassie of Ethiopia. Sudan, under the leadership of Numeiri, accepted the terms of the Accord which included, among other things, religious rights and autonomy for the Southern Sudanese and other marginalised peoples. The Accord established some form of regionalism in the area, with the formation of Southern Sudan Provisional Government (SSPG), the Nile Provisional Government (NPG), the Anyidi Revolutionary Government (ARG), the Sue River Revolutionary Government (SRRG), and the Sudan-Azania Government (SAG), all of which incorporated specific ethnic groups. However, a rift which occurred between the so-called “outsiders” (comprising those who went into

exile and those who remained in the bush fighting the Sudan Government) and “insiders” (those who remained in the country and formed political parties and were also accused of collaborating with the regimes – a mistrust which still prevails in the South) undermined tangible progress in consolidating unity and autonomy. Faced with the threat of growing radical Islamic fundamentalism and deteriorating economy at home, Numeiri abrogated the terms of the Accord and reintroduced Islamisation. The decision led to the re-emergence of the Southern Sudanese liberation movements in 1983. The SPLM/SPLA and other liberation movements have been fighting for self-determination, democracy and religious rights (Deng & Gifford 1987).

The incorporation of the Islamic *sharia* laws into the Constitution has led to the centralisation of power and the adoption of a theocratic state in Sudan, some of the consequences of which have been the marginalisation and repression of the non-Muslims (Adar forthcoming). The state is therefore used as an instrument of oppression and by extension constitutes the centre of the contestation between the North and the South. In this regard, it is fair to argue that ever since the civil war broke out in 1983 the Sudanese state has gradually been “criminalised” through intra-state conflicts. Who are the major contenders in the protracted Sudanese war against the regimes in Khartoum? What are the main contentious issues at stake? What are the policy positions of the centripetal and centrifugal forces? What role has IGAD played in its attempt to broker peace in Sudan? Who are the other state and non-state actors concerned with the situation in Sudan and what are their roles and relationships with IGAD?

The issue of self-determination

As in other parts of Africa where civil wars are commonplace, intra-factional conflicts have at one time or other undermined the unity and strength of the liberation movements in Sudan. The major contenders in the liberation struggle in Sudan have included among others, the SPLM/SPLA, the Southern Sudan Independent Movement/Army (SSIM/A), the Patriotic Resistance Movement of Southern Sudan (PRMSS), the Southern Sudan People’s Liberation Movement (SSPLM)/Anya Nya Two, and the Nuba Mountains Solidarity (NMS). The 1991 split which occurred between John Garang (Dinka) and Riek Machar (Nuer), the dominant personalities within the SPLA/SPLM, led to factional fighting and the formation of the SPLA-Mainstream (Torit Group, led by Garang) and the SPLA-United (Nasir Group, led by Machar). This split caused a major rift within the movement and



thousands were killed and over 300,000 were displaced between 1991 and 1993. The rift between the two leaders was largely due to personal grounds and a contest for the control of the movement.

With the help of IGAD, the SPLA-Mainstream and the SPLA-United reached a consensus on two basic points as their negotiating positions with the Sudanese Government, namely self-determination for the Southern Sudanese and the Nuba Mountains, and a transitional period (Prendergast & Bickel 1994). Riek Machar and his group renamed the SPLA-United to the Southern Sudan Independence Movement (SSIM), which in 1997 amalgamated six factions into the United Salvation Democratic Front (USDF), established a military wing named South Sudan Defence Force (SSDF) and allied to Khartoum. The al-Bashir National Islamic Front Government also established a Coordinating Council for the Southern States (CCSS) and rewarded Machar by appointing him to head the body which has not thus far made any meaningful impact in the region.

IGAD's role as the main peace broker has received continental and international recognition with the OAU, the United Nations and Friends of IGAD (who later re-conceptualised their role as IGAD Partners' Forum, IPF) giving it more financial and political support. Apart from their support for IGAD's peace process, Amnesty International (AI), Human Rights Watch (HRW), and the United Nations High Commission on Human Rights (UNHCHR) have also proposed that international civilian human rights monitoring groups should be stationed in the affected areas to monitor the human rights violations by the Sudanese government and the liberation movements (Prendergast 1997:21). IGAD's role has, therefore, been legitimised and internationalised with the support it receives from regional, continental and global state and non-state actors. The factional differences notwithstanding, the Southern and Nuba Mountains liberation movements generally agree on the objective of the separation of Religion and State and self-determination.

The issue of the Nuba Mountains and the Southern Blue Nile (SBN), given their geographic location in the North, are tricky issues for the SPLA/SPLM and other Southern liberation movements. The SPLA, with a quarter of its 60,000 army drawn from the Nuba, has insisted since 1985 that the area constitutes part of Southern Sudan because of its marginalisation by the regimes in Khartoum. A regional assembly was established in 1992 by the SPLM/SPLA to legislate on matters pertaining to the area under its control and to work closely with the SPLM's Sudan Relief Rehabilitation Association (SRRA) in the delivery of humanitarian needs (De Waal 1999:1; Prendergast

1997:58). The Sudanese Government, however, maintains that the Nuba Mountains is part of the North and as such is not subject to any negotiations based on self-determination perspectives. On this issue, Sudan has received sympathetic support among the IGAD members, Egypt and the OAU in general. The OAU has remained conservative on the question of self-determination conceptualised within the context of re-drawing of the African states' boundaries. The principle of *uti possidetis* institutionalised within the Charter of the OAU, in most cases, still carries the day.

Issues with regard to secular democracy

It needs to be emphasised that the issue of self-determination has not been the only negotiating position of the SPLM/SPLA and other liberation movements. The liberation movements' original negotiating positions in the 1980s and early 1990s were based on the following perspectives: non-sectarian and non-theocratic states; united confederal states based on democracy, human rights and equality; and self-determination. These were the SPLM's negotiating positions in the 1992 and 1993 Abuja (Nigeria) mediation. It is important to note that the inclusion of self-determination as a condition for the South and the Nuba liberation came as a result of the National Islamic Front (NIF) Government's insistence on the adoption of *sharia* law, with the SPLM/SPLA stressing that self-determination is not to be viewed as synonymous with secession but as a choice between unity and secession. The imposition of *sharia* law by the regimes in Sudan has been the major stumbling block to the IGAD peace process since the 1980s (Adar 1998a, Adar forthcoming). The Abuja rounds did not yield any progress towards conflict resolution. During the 1994 IGAD peace negotiations in Nairobi, Kenya, the delegation from the Sudan Government reiterated the Government's position by stipulating that "*sharia* and custom as they stand are irreplaceable", stressing also that "legislation inspired by other sources are gauged and ratified according to the principles of *sharia* and custom" (Pettersson 1999:131). These policy options by the SPLM/SPLA and the government in Khartoum were harmonised into the IGAD Declaration of Principles (DOP).

The IGAD Declaration of Principles

The 1994 IGAD Declaration of Principles stipulated some of the central elements of the negotiating viewpoints which have been suggested by a number of interested parties to the conflict over the years. The Declaration of Principles provide, among other things, that:



The right of self-determination of the people of South Sudan to determine their future status through a referendum must be affirmed ... Maintaining of unity of Sudan must be given priority by all the parties provided that the following principles are established in the political, legal, economic and social framework of the country: Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation of these diversities must be affirmed ... Extensive rights of self-determination on the basis of federation, autonomy ... to the various peoples of Sudan must be affirmed. A secular and democratic state must be established in Sudan.

(Horn of Africa Bulletin Sep-Oct 1994:27)

The DOP incorporated most of the negotiating positions of the Southern movements and in that light can be considered a triumph for the liberation movements, particularly for the SPLM/SPLA. The DOP also provided that the people of Sudan (North and South) had the right to determine their future through a referendum if the two parties fail to agree on the major principles contained in the Declaration.

Responses to the Declaration of Principles

The IGAD Declaration of Principles received a boost following its endorsement by the National Democratic Alliance (NDA), which is comprised of, among others, the SPLA/SPLM, the Umma Party, the Democratic Unionist Party (DUP), the Sudanese Communist Party (SCP), and the Legitimate Command led by Gen. Faithi Ahmed Ali, who are fighting against the NIF government of Bashir. Since then, the Government of Sudan has been under pressure from the northern and southern opposition movements to accept IGAD's Declaration of Principles. The NDA endorsement of IGAD's Declaration of Principles came as a result of the consensus which emerged at the end of the December 1994 Chukudum Accord between the Umma Party, led by former President Sadiq al-Mahdi (1985-1989), and the SPLA/SPLM, and was later reinforced by the 1995 Asmara Declaration of the NDA.

Most of the IGOs and NGOs operating in the Horn of Africa and Sudan in particular have endorsed the 1994 DOP promulgated by IGAD, thereby internationalising and legitimising its role. During their meeting with the UN Security Council members at their mission in Sweden, in November 1998, CARE International, Oxfam, Doctors without Borders, and Save the Children called on the UN to "generate a forceful and positive lobby for peace" and to "reinforce and complement the IGAD process" (*Horn of Africa Bulletin*

Nov-Dec 1998:25-26). The IGAD peace process in Sudan has also received support from churches concerned with the humanitarian situation in the country and the Horn of Africa in general. At the end of their meeting in Nairobi, Kenya, church leaders from the Great Lakes and the Horn of Africa regions representing among others, the All African Conference of Churches (AACC), the National Council of Churches of Kenya (NCCCK), and the New Sudan Council of Churches (NSCC) as well as observers from the SPLM and the Sudan Government declared their “recognition of IGAD as the primary forum for peace in Sudan based on the Declaration of Principles” (*Horn of Africa Bulletin* Mar-Apr 1998:27). The WCC affirmed its support for the IGAD DOP as the viable framework and the basis for a just and lasting peace in Sudan. At the end of the WCC Eighth Assembly meeting in Harare, Zimbabwe, the delegates from Sudan stated in their press release that:

We call on the WCC to support the IGAD ... peace initiative with the Declaration of Principles as the basis for resolving the Sudanese conflict. The WCC should not be party to the international conspiracy of silence on the genocide in Southern Sudan ... The churches are in danger of showing the same indifference to the plight of Southern Sudan as they did to the plight of Jews under Hitler.

(WCC Press Release, no 34, 10 Dec 1998)

Although the northern opposition parties such as the Umma Party and the DUP are sensitive to the idea of the secession of the South, they accept at least in principle, the right of the Southerners to hold a referendum on their future, which can lead to independence, provided that the separation can lead to the establishment of two friendly neighbouring countries (Lesch 1999:2). It seems that in retrospect Sadiq al-Mahdi (together with the Islamic-oriented parties in the NDA) has accepted that during his tenure as President of Sudan his Administration failed to accommodate the Southern question. Sadiq's domestic policies did not deviate radically from those of Numeiri who had introduced the Islamic September laws prior to his overthrow by the military. The NDA's endorsement of the Declaration of Principles may also be interpreted to mean that it is a mere tactic used by the Islamic parties within it to secure the SPLM/SPLA's support to get rid of al-Bashir. Abandoning Islamisation programmes on a long-term basis is bound to encounter difficulties given the growing Islamic fundamentalism towards the centre in Sudan led by, among others, Hassan al-Turabi (Mahmoud 1997; An-Naim 1988; Warburg 1991).

The incorporation of Islamic laws into the 1998 Constitution of Sudan is a



clear testimony to the importance attached to the Islamic movement towards the centre. The Constitution provides that Sudan is a unitary state wherein “people co-exist with their cultural diversity, Islam being the religion of the majority, while Christianity and other religions and doctrines are given due consideration inasmuch as there is no compulsion in religion” (*Horn of Africa Bulletin* Mar-Apr 1998:25). The Constitution also provides that *sharia* customary law (*al-urf*) and national consensus (*ijma al-ummah*) constitute the basis for legislation in Sudan. It is unlikely that the NDA, if it were to come to power, would overlook the growing internal Islamic movements, making the option of maintaining a unitary state in Sudan not viable, particularly for the SPLM/SPLA.

For most part of the 1990s the regime of al-Bashir rejected the IGAD Declaration of Principles, maintaining instead that any form of a referendum must take cognisance that the status of the Southerners is inseparable from the rest of Sudan. The government of Sudan is fearful that the implementation of the IGAD Declaration of Principles *in toto* may open up a Pandora’s box for the rest of the country, particularly the Nuba Mountains and the SBN. Though in 1997 al-Bashir finally signed the peace process document incorporating the IGAD Declaration of Principles, his regime still maintains that the document is not legally binding on his government (Lesch 1999:3; Deng 1999:6).

Area linkages and tribal rivalries

The question of the Nuba Mountains and the SBN remains a difficult one for both the Sudan Government and the SPLM/SPLA. At the 1997 IGAD negotiations, the document presented by the SPLA/SPLM on the question of the Nuba Mountains and the SBN contained the following “separate but parallel” viewpoints: the right of self-determination alongside Southern Sudan, but separately; that the Southern Sudan, the Nuba Mountains and the SBN are to establish separate administrations during the transitional period; that the Southern Sudan, the Nuba Mountains and the SBN are to exercise their right to self-determination; and that the SBN and the Nuba Mountains are to demand regional self-determination which incorporates their socio-cultural, linguistic and religious ways of life (De Waal 1999:2).

The Nuba-SBN-South Sudan linkage was, however, moderated at the 1998 Addis Ababa IGAD negotiations by the Nuba-SPLA and SBN-SPLA commanders Yusuf Kowa Meklci and Malik Agar, respectively. Taking cognisance of the two regions’ incorporation into the larger South Sudanese proposals, the two leaders suggested that the Sudan Government should

conclude the self-determination process with the South if the inclusion of Nuba and the SBN is the main obstacle. They, however, insisted that the right of self-determination and secession by the South would not prevent them from continuing with the liberation struggle in the North (Kuol 1999:2; Deng 1999:7). This decision was meant to close all avenues of intransigence on the part of the Sudan Government on the question of self-determination for the South.

The agreement reached in April, 1999 between the Sudan's two largest ethnic groups, the Dinka and the Nuer, is likely to strengthen the liberation movements' negotiating leverage *vis-à-vis* the Sudan Government. The meeting – funded by USAID – which led to the Wunlit Dinka-Nuer Covenant, as the pact was dubbed, was brokered by the New Sudan Council of Churches and signed by over 300 chiefs from both sides in the presence of the SPLA commander Salva Kiir (a Dinka from Gogrial region) and the Bishop of the Catholic Diocese of Rumbek, Monsignor Caesar Mazzorali (*Horn of Africa Bulletin* Mar-Apr 1999:23). The Dinka-Nuer rapprochement is bound to have positive and negative impacts on the SPLM/SPLA and the Sudan Government, respectively. More importantly, however, at least for the SPLM/SPLA, is that it is going to weaken the base of Riek Machar and USDF and SSDF as well as Lam Akol's SPLA-United, both of whom are already experiencing a rift from within their ranks and a mistrust by the Sudan Government. The agreement will reduce pressure on the SPLA forces and as such help their military strategists to redirect their efforts towards the Sudanese Popular Defence Forces (SPDF) and the People's Defence Forces (PDF), estimated to be more than 100,000 and 150,000, respectively.

For decades, the Sudan regimes have exploited the Dinka-Nuer ethnic rivalries to weaken the Southern movements, particularly the SPLA. Apart from this intra-ethnic conflicts the SPLA has also been engaged in military conflict with the Sudan Government instigated militias called *murahalin*, drawn mainly from the cattle raising Baggara Arabs (Rizeiqat, Rufaa al Huj, and Misiriya) in Darfur and Kordofan areas, particularly in the late 1980s and 1990s (Bradbury 1998). Sudan also supports other militias against the SPLA as well as giving material and logistical support to some militias against countries in the IGAD region and in other parts of the continent. Apart from giving support to the *murahalin* and the SSIM, Sudan also provides logistical and material help to the Lotohus, the Toposas, and the Mandaris operating in Equatoria, Kenyan-Sudanese border, and Terakeka (north of Juba), respectively. These militias were supplied with intelligence, landmines, and other



arms, particularly G-3s, Kalashnikovs, mortars, and light machine guns.

The Dinka-Nuer agreement already discussed is likely to reduce risks involved in carrying out humanitarian operations to help millions of the war victims, let alone victims of 500,000 to 2,000,000 land mines laid in Sudan, mostly in the South (*Horn of Africa Bulletin* Sep-Oct 1994:34). The increasing involvement of IGOs and NGOs on matters pertaining to humanitarian concerns and conflict resolution is an added incentive to IGAD. The experiences of the 1991-93 Dinka-Nuer conflicts concentrated around Ayod, Waat and Kongor towns, dubbed the "Starvation Triangle", which claimed over 20,000 lives and reduced NGO operations, may never re-occur (Prendergast 1997, Rone & Prendergast 1994). In such war torn areas the internal NGOs, for example, the Sudan Relief and Rehabilitation Association (SRRA), the Relief and Rehabilitation Commission (RRC, Sudan Government's Humanitarian arm), the NSCC, and the Relief Association of Southern Sudan (RASS, Machar's SSIM humanitarian wing) as well as the international IGOs and NGOs, United Nations Children's Fund (UNICEF), Operation Lifeline Sudan (OLS), the International Committee of the Red Cross (ICRC), World Vision Centre of Concern, CARE International, the Sudan's Red Crescent (SRC), Save the Children, Oxfam, and Doctors without Borders, among others, have been instrumental in providing humanitarian assistance as well as conflict resolution initiatives.

The US also provides substantial humanitarian assistance to the war ravaged country, Sudan. In conjunction with other agencies, the USAID's Regional Economic Development Services Office for East and Southern Africa (REDSOESA) serves as a base for the Clinton Administration's mechanism for food security, sustainable economic growth and conflict prevention strategies in the area (USAID 1999). The US humanitarian support for Sudan has also been directed through the UN-led Operation Lifeline Sudan (OLS) and some of the NGOs operating in war affected areas. In 1995, for example, the US gave over \$30 million and \$2.8 million in aid to the USAID and OLS, respectively, for humanitarian efforts in Sudan. Between 1989 and 1998 the US gave humanitarian assistance of over \$750 million to Sudan, with over \$110 million disbursed in 1998 alone.

Armed forces and military spending

As Table Two indicates, Sudan ranks second to Ethiopia in its armed forces and military spending. The figures for the armed forces for the Sudan exclude the PDF. In 1994 alone Sudan spent over \$400 million in military

procurement. Sudan's military expenditure increased markedly, particularly after the military takeover in 1989. Since then, the Government of Bashir continues to spend more the \$1 million per day in the war efforts against the rebel movements in the South. Table Two shows that unlike some of the members of IGAD, Sudan's armed forces have also increased steadily since the late 1980s. The figures for Sudan do not include the PDF established by the Bashir regime to augment the SPDF. Whereas the SPLA exchange timber, cattle, animal trophies for weapons, the Sudanese Government relies on oil and mineral production for its military expenditure. The increased production of oil is not only going to harden the negotiating position of the Sudanese Government *vis-à-vis* the liberation movements but it will stagnate IGAD's peace process.

Oil and mineral production in Sudan have attracted a number of prospectors such as Qatar's Gulf Petroleum Corporation, Russian state-owned YUKOS and Zarubezh-neftegasstroj, a Canadian firm, Talisman Energy, Malaysia's Petronas Carigali, Chinese National Petroleum Company, and Sudan's National Oil Company (Adar 1998a; Field 2000; *Africa Confidential* 1995:4). The Greater Nile Oil Project (GNOP), established and owned by China National Petroleum Company (40%), Malaysian Petronas Carigali (30%), Talisman Energy (25%), and Sudapet-Sudan National Oil Company (5%), is responsible for most of the production of oil in the country (Field 2000). The NIF Government permitted Arakis Energy (later bought by Talisman Energy in 1998) to hire Executive Outcomes of South Africa to protect its oil fields near Bentiu. Crude oil is transported from Hijleij (West Kordofan) and southern Darfur to Port Bashir, south of Port Sudan by Chinese, Argentinean and British companies. The other operating oil fields are at Adar, Western Upper Nile, and Unity, Unity State (Field 2000). Apart from oil, the French, Chinese, and South African mineral companies have also entered the Sudanese market for gold prospecting, with a Franco-Sudanese firm, ARIAB, taking the lead in gold mining.

4. Summary of negotiating positions of Sudanese governments and rebel movements

The challenges which IGAD has encountered in its peace process in Sudan are enormous and persistent. Figure One demonstrates the consistency and change with respect to the negotiating positions of the Sudanese Governments



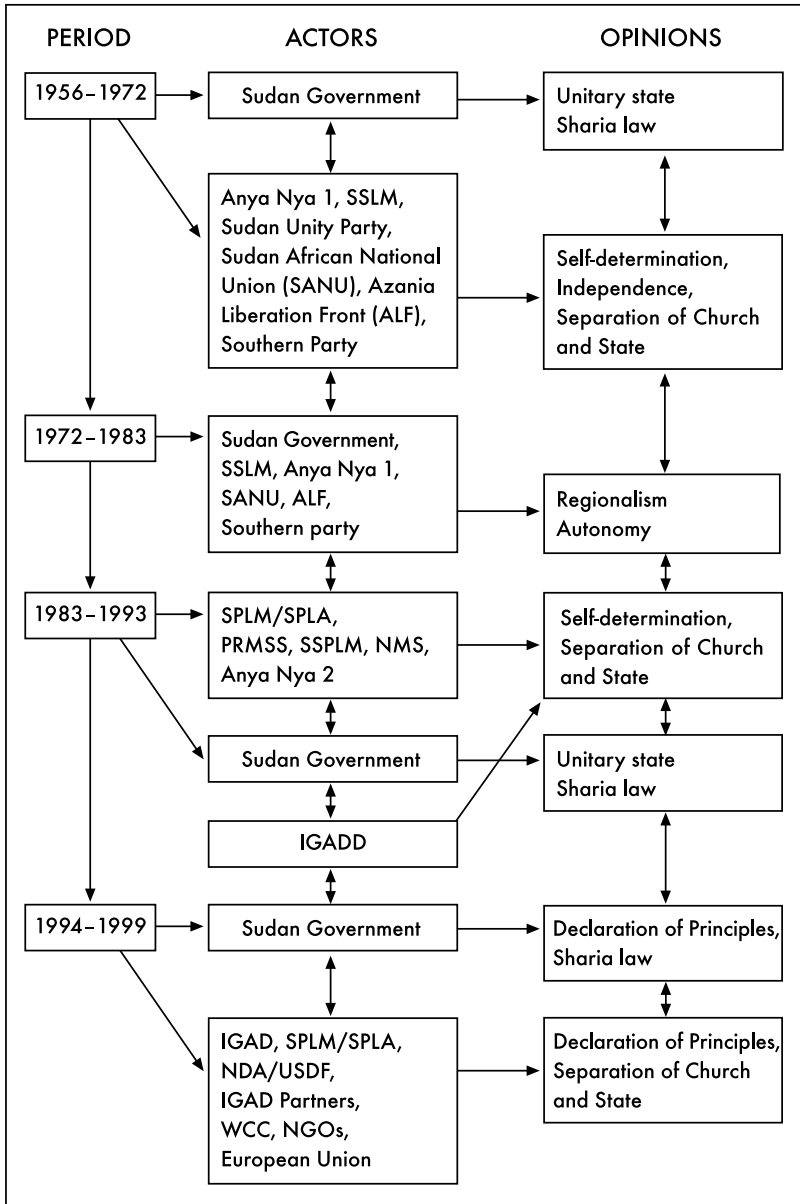
Table 2. Armed forces and Military expenditure of IGAD members, 1985-1995

ARMED FORCES (THOUSANDS)							
YEAR	DJIBOUTI	ETHIOPIA	ERITREA	KENYA	SOMALIA	SUDAN	UGANDA
1985	4	240	NA	19	43	65	15
1986	4	300	NA	20	50	59	15
1987	4	250	NA	21	50	59	25
1988	4	250	NA	20	47	65	35
1989	4	250	NA	20	47	65	40
1990	4	120	NA	20	47	65	60
1991	3	120	NA	20	NA	65	60
1992	8	120	NA	24	NA	82	70
1993	8	120	NA	24	NA	82	70
1994	8	120	NA	22	NA	82	60
1995	8	120	NA	22	NA	89	52
MILITARY EXPENDITURE (\$MILLION)							
YEAR	DJIBOUTI	ETHIOPIA	ERITREA	KENYA	SOMALIA	SUDAN	UGANDA
1985	NA	252	NA	122	NA	146	63
1986	44	264	NA	127	33	128	89
1987	49	305	NA	158	NA	197	189
1988	52	397	NA	213	NA	245	77
1989	36	468	NA	162	14	280	78
1990	41	542	NA	198	9	204	92
1991	49	409	NA	195	NA	531	131
1992	46	164	NA	209	NA	NA	101
1993	31	145	NA	179	NA	NA	80
1994	27	132	NA	151	NA	436	73
1995	22	118	NA	173	NA	NA	126

Source: US Department of State 1998



Figure 1. Conflict in Sudan and actors' opinions on the Southern Sudan questions, 1956-1999



and the rebel movements over the years, particularly between 1956 and 1999. As the Figure indicates, the central negotiating position by the Sudanese authorities over the years has been that of retaining a theocratic Islamic unitary state based on *sharia* laws. The rebel movements, on the other hand, have championed the idea of the separation of church and state, autonomy and self-determination.

Originally, Sudan regarded the civil war as an internal matter and was not willing to negotiate its own sovereignty. However, over the years, particularly in 1972 and 1990, Sudan officially expressed a willingness to discuss with third parties matters pertaining to its internal affairs. As Figure One indicates, for the first time, the NIF led Government accepted, in principle, the idea of the separation of church and state inscribed in IGAD's Declaration of Principles. However, it is important that we make some observations with respect to the various viewpoints which are still linked to the parties in the conflict. For example, the SPLM/SPLA accepts the idea of a unitary state provided there is a complete separation of church and state, equality for all the Sudanese to be incorporated in the Constitution and equal sharing of wealth. The Umma Party on the other hand supports a decentralised system during the transition period, with special status to Southern Sudan and thereafter an envisaged vote for unity. In other words, autonomy of the South, according to the Umma Party, would encourage the South to accept unity.

Conclusion

An emerging consensus

The situation in the Sudan is a complex one. It has attracted many state and non-state actors with interlocking interests. Ever since its creation IGAD has brought the parties to conflict in Sudan to a point where they have accepted, at least in principle, the option of self-determination for the South. This is obviously an achievement on the part of the Organisation, given the turbulence in Sudan and the region in general. The transformation of IGAD into an IGO responsible for conflict resolution, prevention and management has given the organisation incentives on the Sudanese peace process. It is fair to argue that a consensus is emerging among the belligerents with respect to the option of self-determination for the South. Apart from the other pertinent issues that I have discussed, the other areas of disagreement between the Sudan Government and the SPLM/SPLA include the right boundaries of the

South. The SPLM/SPLA insist that self-determination is to apply to the district of Abyei Dinka, Nuba Mountains, and South Blue Nile, areas considered to be culturally and historically part of the South. For IGAD to succeed in maintaining the consensus which is emerging, a number of factors need to be taken into account.

Recommendations and warnings

- First, a coalition of IGAD-OAU-UN peacekeeping force based on the “US/NATO” model, with prior consent of the parties, is needed to maintain the emerging consensus. The peacekeeping force must be given a broad mandate including peacemaking, and it should have the ability to disarm and demobilise the parties to the conflict.
- Second, a referendum for the South and other marginalised areas should remain an option for the affected areas. It will have to be supervised by an international monitoring team.
- Third, there is a need for shuttle diplomacy, perhaps similar to the Henry Kissinger-Lee Doc Tho diplomacy of the 1970s which ended the Vietnam War, comprising experts appointed by IGAD, the OAU, League of Arab States, Organization of Islamic States (OIS), and the UN to speed up the peace process. This can be done by way of the appointment of special envoys to IGAD to enhance the peace process and to deal with humanitarian issues in conjunction with IGAD. The OAU and the UN bodies need to take a more active role in the IGAD peace process, particularly given that Sudan has accepted, in principle, the DOP.
- Fourth, the UN’s pro-active involvement in the peace process would help in the monitoring of the situation and the imposition of an arms embargo against parties that do not adhere to the agreement.
- Fifth, IGAD should involve all the belligerents in the peace process irrespective of their political affiliation. The more inclusive the peace process, the more likely that it would have a long lasting peace impact in the area.
- Sixth, the IPF and other interested parties need to develop coherent and co-ordinated policies based on long term objectives, for example, post-settlement aid for reconstruction, debt relief, investments, and trade.

The initiatives by Egypt and Libya on the peace process in Sudan, while well intentioned, may instead harden the SPLA position. Libya and Egypt are, at the bilateral levels, banking on convincing the NDA to cease hostilities and negotiate a peaceful settlement to the conflict in Sudan. There is a paradox in



the way the world is merely watching while the Sudanese state continues to be criminalised by those who purport to be speaking on behalf of their peoples. The level at which the state is criminalised is taking a new dimension, with the NIF led Government with its full knowledge and acquiescence re-introducing slavery.

Promising co-operation

The concerted efforts and direct initiatives of the civil society, particularly the women's bodies such as the Nuba Women's group and the Southern Women's group working across the ethno-centric and religio-cultural divides with their northern counterparts, as well as the NSCC, are steps in the right direction that deserve incentives from all those concerned with democracy and human rights. The 1998 Wunlit Covenant has laid the foundation for frequent consultations among the Nuers and Dinkas both at the official and the grassroots levels culminating into what has become known as the Nuer-Dinka Loki Accord. The UN, OAU, and more so IGAD, can build on these initiatives to enhance confidence among the belligerents.

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Ethnic Minority Problems in the Niger Delta

Charles Quaker-Dokubo'

Abstract

As a conceptual background typical types of minorities and typical sources of minority conflict are outlined. A historical overview is given of the problems Niger Delta minorities have been experiencing. Their grievances and demands are highlighted, and the responses of different Nigerian governments are discussed. As a conclusion a possible way forward is recommended, one which would take seriously the possibilities of decentralising and of creating a rewarding involvement for the impatient minorities before it is too late.

Introduction

For a long time, the communities of the Niger Delta have had serious grievances which have not been well addressed. Foremost is that although the bulk of crude oil, the country's main source of revenue, is derived from their lands, they belonged to the ranks of the most backward, undeveloped and politically marginalised groups in the country. This has been attributed to the

fact that they are minorities. They accuse the major ethnic groups of using oil wealth to develop their areas at the expense of the areas from which oil is derived. Another is that several years of oil exploration and the hazards of spillage and gas flaring which accompany it have degraded their environments, and left their communities desolate. Not only have farming and fishing, the main occupations of the mostly riverine minorities been decimated, but their territories have continuously lacked basic infrastructure and amenities, such as electricity, roads, schools, hospitals and potable water. These grievances have been directed against both the state and the oil companies, which have been accused of contributing too little in return for the huge profit they get from oil exploration.

This paper is to highlight the ongoing ethnic minority conflict in Nigeria's Niger Delta. The analysis is developed in five broad segments: the first section will provide a conceptual background to the study; the second offers a brief historical overview of ethnic minority problems and politics in Nigeria; the third and fourth sections document the conditions and consequences of the recent uprisings in the Niger Delta, while the final section delineates the study's central conclusions, implications or recommendations.

1. Conceptual Discourse

Minority group conflict constitutes the core of ethnic turbulence and violence worldwide. But in certain cases, defining minorities, or even ethnicity, is virtually an intractable task. In a definition that adequately encapsulates the critical, numerical and relational properties of the concept, a United Nations source describes minorities as groups that:

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

(Thornberry 1980:257)

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

Depending on their objectives, socio-economic condition, and/or political



Ethnic minority problems in the Niger Delta

aspirations, minorities may be classified or cross-classified into five groups, namely, ethno-nationalists, indigenous peoples, ethno-classes, militant or politicised sects and communal contenders (Surr 1993:17).

- Ethno-nationalists are historically autonomous, and often large and regionally concentrated groups that are committed to achieving or regaining independent statehood. Examples include the Quebecois (Canada), the Kurds (Iraq and Iran) and the Basques (Spain and France).
- Indigenous peoples are politically conquered, culturally isolated, ecologically endangered and/or economically vulnerable descendants of the original inhabitants of a region. Native Americans, Australian Aborigines and the ethno-nationalistic Kurds are examples of indigenous peoples.
- Ethno-classes are usually descendants of slaves or immigrants who play distinct, and socially inferior or politically vulnerable, economic roles. Examples of ethno-classes include blacks in the Americas and Britain, Koreans in Japan, the Chinese in Malaysia and the residual European and Asian minorities in Eastern and Southern Africa.
- Militant or politicised sects are minority communities that are engaged primarily in the defence of their religious beliefs. Such communities include Bosnian Muslims of the former Yugoslavia, Arabs in Israel, the Catholics in Northern Ireland and the Kashmiris and Sikhs in India.
- Communal contenders are culturally distinct groups in heterogeneous societies in which no single group constitutes a demographic majority of the population or in which all groups are, strictly speaking, minorities. In societies dominated by communal contenders, there is a general acceptance of the moral equivalence of all groups, all communities seek or hold a significant share in state power, and political power at the centre is often based on fluid or unstable inter-ethnic coalition. Most African countries, including Nigeria, are dominated by communal contenders.

What are the sources of the recent ethnic minority upheavals in Nigeria and other deeply divided societies?

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

The collapse of communism, the ensuing upsurge of nationalist conflict in Eastern Europe, and the increasing visibility of recession in the west, have given a new and urgent focus to problems of race, nation and identity.

(Szetfel 1994:185)



Secondly, the centralising project of state consolidation or nation building in many plural societies has almost inevitably involved the cultural devaluation, political repression and/or economic expropriation of the more vulnerable geo-ethnic segment of the political community. In Nigeria, for instance, the entire project of national politico-economic development has, since the seventies, been based on the massive centralisation and transfer of revenue derived from a few oil-rich, but ecologically endangered communities in the Niger Delta to other parts of the federation. In a global, moral and intellectual milieu that has become very sensitive to abuses of group and individual rights and other excesses of centralised states, such centrist state-building strategies and processes have invariably provoked both domestic communal rebellion and international stricture (Wunsch & Olowu 1990:218).

Third, in culturally fragmented communities, group identity exerts a powerful and autonomous emotional, psychological or consummatory role. In the words of Donald Horowitz (1993:23):

Ethnic affiliations provide a sense of trust, certainty, reciprocal help, and protection.

In all deeply divided societies, such ethnic affiliations have naturally acquired greater salience and attraction as groups have increasingly found it necessary to mobilise against historic and contemporary inequities and injustices in the socio-political process of heterogeneous states.

Fourthly, especially in the economically under-developed countries of the Third World, ethnic minority grievances have been ignited by competition for and by real or perceived discrimination in the allocation of such valued but increasingly scarce benefits of modernity as roads, clinics, schools, jobs and related distributive opportunities. As Robert Bates has shown, resource competition in Africa animates or exacerbates ethnic conflict because ethno-territorial constituencies or areas are the key prospective beneficiaries of state allocation decisions, because sectionally-based local or regional administration constitutes an important agency for the distribution of economic benefits, and because rival sectional elites find it expedient to mobilise ethnic solidarities in their competition for power and privilege (Robert 1983:219).

What then are some of the appropriate institutional mechanisms or policy responses for the mediation of ethnic conflict? In the past, generalised concepts of democracy, devolution and power sharing were regarded as the three major institutional paradigms of ethnic conflict management. According to William Zartman (1993:327):



Democracy can be an element in the successful resolution of ethnic minority grievances because it provides representation for various opinions through multiparty competition. Even though an aggrieved group is not in charge of governance ... it can make its voice heard through representatives in coalition or even in the opposition.

Devolution, which is commonly regarded as the territorial twin of democracy, provides some security for minorities through arrangements for local or regional self-governance and autonomy. These arrangements differ in the extent of autonomy devolved to ethnic minorities. The most common devolutionary mechanisms include confederalism, federalism, regional autonomism, regional administrative decentralisation and community autonomism.

To the long suffering marginalised peoples of the Niger Delta, majoritarian democracy and years of military misrule have failed them, so also has the so-called devolution by creating numerous local government areas. The only meaningful option that has never been advocated is that of making the peoples of the Niger Delta stake-holders in the oil industry, so that they could have a sense of belonging, and could benefit from an industry and a nation that for more than three decades of independence have treated them as second class citizens

2. Historical overview

Nigeria became independent in October 1960 with a federal system, designed by the colonial ruler, which from the very beginning was at variance with the aspirations of many of the minorities in the country. The federal constitution that was produced suffered from two fundamental and destabilising flaws. The first was the division of the country into three unequal regions, with the population and size of the northern region alone exceeding that of the two southern regions put together. The second flaw involved the political and demographic domination of the northern, western, and eastern regions by the Hausa-Fulani, Yoruba and Igbo majority nationalities respectively, and the attendant marginalisation of the over 200 ethnic minorities that comprise approximately one-third of the population of each region (Okpu 1977:128).

In essence the flawed, tripartite federal structure transformed the country's multipolar ethnic configuration, in which no single group constitutes a majority of the total national population, into a regional and ethnically skewed system, in which each region was polarised into majority and minority

ethnic blocs, while one region was big enough to dominate the federation. Although a commission was set up by the colonial administration to look into the fear of the minorities and to proffer means of allaying such fears, and although the minority-populated Mid-West region was carried out from the Yoruba West in 1963, the political aspiration of Nigeria's minorities for the security of their own regions or states was not given any real attention until the collapse of the first Republic in January 1966.

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

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

However, post-civil war reforms in revenue allocation, and in the Federal state structure, operated largely to undermine ethnic minority interests. Thus reflecting the unitarist and centralising project of military rule, both the



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Gowon Administration (1966-1975) and the Murtala Mohammed-Obasanjo Government (1975-1979) progressively de-emphasised the long-standing principle of allocation by regional derivation in the distribution of centrally collected revenues. Instead these revenues were distributed on the basis of population and inter-state equality. Consequently, whereas the old regions were the primary beneficiaries of commodity export revenues in the fifties and sixties, the new oil rich states were denied the export revenues derived from their territories by the centre. For instance, while in March 1969 50% of both off-shore and on-shore mining rents and royalties were allocated to the state from where they had been derived, by March 1979 only 20% of on-shore mining rents and royalties were allocated on a derivation basis. Indeed, in the final six months of the first Obasanjo government the derivation principle was expunged from Nigeria's revenue sharing system in line with the recommendation of Professor Ojetunji Aboyade – who, as a Yoruba from the majority group whose sense of equity is at variance with the demands of the oil producing minorities, was appointed to head the Technical Committee on Revenue Allocation.

The state recognition exercise implemented by the Mohammed-Obasanjo administration in April 1976 further underscored the growing subordination of ethnic minority to majority interest in the post-civil war period. While Gowon's 12-state structure had included at least six ethnic minority states, the new 19-state structure consisted of a total of 12 ethnic majority-dominated states and only seven minority-controlled states. Indeed, key ethnic minority-dominated statehood requests for New Cross River, Port Harcourt and New Kaduna (Zaria) were overlooked in the 1976 exercise, while some of the homogeneous ethnic majority states were fragmented into two or more states. This bias in the state creation process underscored the growing official perception of state administrations primarily as avenues for administrative devolution and resource distribution to broad population groups, rather than simply as instruments of ethnic minority autonomy and security.

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

- the establishment of an American style presidential system, which required the president to obtain appreciable electoral support in at least two-thirds of the states in the federation;
- the introduction of the “Federal character” principle, which required broad ethnic or inter-state representation in the composition of key

national bodies;

- the strategic role that was played by ethnic minority constituencies in the electoral victories of the ruling National Party of Nigeria (NPN); and
- the commitment of the Shehu Shagari Federal Administration to a partial restoration of the derivation principle in national revenue sharing (Suberu 1992:29-56).

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

Developments since the reintroduction of military rule in 1984 further aggravated the stress of Nigeria's minorities. Contributing to this distress are such factors as the numerous arbitrary acts of ethnic provocation and religious partiality by the administration of General Muhammadu Buhari, Ibrahim Babangida, and Sani Abacha; the deepening economic crisis and declining political legitimacy of the Nigerian state; the repeated manipulation and eventual abortion of the programme of transition to the Third Democratic Nigerian Republic; the accumulated impacts of previous decades of ethnic minority marginalisation; and the resurgence of ethnic nationalism in many parts of the world. In very few states of the Nigerian Federation have these latest waves of ethnic minority discontent and distress been more visible and combustible than in the oil producing Niger Delta.

3. The Niger Delta and Nigeria's federalism

Demands for more equitable and privileged treatment by oil-producing minorities of the Niger Delta, as well as struggles by them and other minorities to redress power imbalances in the federation which makes them internally colonised people, are not new. These demands began during the agitation for separate states in the 1950s and 1960s, which led to the setting up of the Minorities Commission in 1956. But they can be traced right down to attempts by politicians from the minority groups in the Second Republic to organise to wrest political power from the majority elements. The Niger Delta



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people have been in the vanguard focusing on the “national question” as a problem (Osaghae 1991:355).

Notwithstanding the Ogoni uprising which lasted between 1990 and 1993, the Odi direct action of 1998-1999 marked a new phase in the interesting interface of oil and minority Niger Delta politics. Not since the rebellion of Isaac Adaka Boro, Sam Owinaro and Nottingham Dick, who declared a short-lived independent Niger-Delta Republic in 1967 over oil related grievances, has any oil minority community sought redress in ways which involved mobilised mass action and direct confrontation with the repressive Nigerian state.

It was in the Ijaw town of Oloibiri in the minority-populated Rivers State that oil was first discovered in commercial quantities in Nigeria at the second half of the 1950s. Since then the Niger Delta has produced more than 85% of commercial oil production in the federation. Accordingly, the area's diverse ethnic minority communities have been at the receiving end of the country's inequitable distributive politics and revenue sharing policies and have been in the forefront of the political agitation for the promotion and protection of the economic and ecological rights of the oil producing areas.

Put precisely, the grievances and demands of the Niger Delta have involved three closely interrelated, but analytically distinct issues.

- First, those communities contend that mineral land rents, and perhaps oil royalties, should rightly and naturally belong to the communities or state of derivation.
- Second, the Niger Delta communities are of the opinion that a significant proportion of federally collected mineral revenues, including the lucrative petroleum profit tax, should be returned to the communities of the Niger Delta in consonance with the principles of derivation.
- Third, the Niger Delta communities contend that appropriate institutional and financial arrangements should be put in place by the Nigerian state and oil multinationals to compensate their communities for the developmental and ecological problems associated with mineral exploration and exploitation.

Indeed, a major feature of recent agitation in the Niger Delta areas, apart from the kidnapping of expatriate oil company workers and the demand of ransom, is the repeated invasion and blockading of oil installations. In 1993, for instance, the operations and installations of Shell were disrupted by about a hundred communal disturbances, leading to the loss of some 12 million barrels of crude oil worth about ₦ 3.69 billion. In Ogoni land alone Shell has

been losing about 8,000 barrels of crude oil per day since the Ogoni “rally” of January 1993. In all the company estimates that over 60% of spills and leakages affecting its installations are caused by acts of sabotage by aggrieved oil producing ethnic minorities of the Niger Delta (*The Guardian* 1992, 1994).

4. Government’s response to the demands of Niger Delta communities

The government’s response so far to the demands of the Niger Delta people has been a combination of some carrot and mostly stick, especially during the period of the Abacha regime. Half-hearted official response has centred around redistributive reorganisational and repressive measures (Keller 1983:381), while the demands of the Niger Delta people are for economic restitution and ecological rehabilitation.

For instance, in 1991 the Federal Government tried to address the developmental problems of the Niger Delta by asking the Nigerian National Petroleum Corporation (NNPC), and multinational oil companies in joint-venture with it, to allocate 3% of their annual investment in capital projects to community development programmes in their area of operation. This policy announcement marked a departure from the previous practice of discretionary and often perfunctory oil company investment and involvement in community development. But these changes came a little too late (*The African Guardian* 1991:35).

In June 1992, the Federal Government announced key revenue sharing reforms designed to contain the increasing and violent rhetoric emanating from the Niger Delta. First, federal statutory allocation for the development and rehabilitation of mineral producing areas was increased from 1.5% to 3% of federally collected mineral revenues. The oil-producing Niger Delta, on the other hand, continued to receive 1% of mineral revenues on the basis of the derivation principle. Second, a twelve-member statutory agency – the Oil Mineral Producing Areas Development Commission (OMPADEC), with headquarters in Port Harcourt, Rivers State, and offices in eight oil-producing areas of the Niger Delta – was established to administer the newly expanded allocation. This put an end to the controversial and ineffectual practice of disbursing the mineral-producing areas’ fund through ad hoc presidential committees. Third, the statutory allocation for the amelioration of ecological



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problems throughout the federation was increased from 1% to 2% of the federation account. Fourthly and finally, the military government committed itself to the establishment of a new national body on environmental issues and ecological emergencies.

These redistributive concessions to the oil-producing Niger Delta did not meet the expectations of the various communities. OMPADEC was established not to succeed. The chairman of the commission was not answerable to the various state governments of the Niger Delta. He derives his power from the President and was answerable to him alone. OMPADEC thus was faced with many difficulties which reduced the degree of its effectiveness. OMPADEC was an inappropriate or inadequate response to the yearning of the Niger Delta people. It was grossly under-funded, politically unrepresentative and administratively over-centralised.

Reflecting the failure of its redistributive and reorganisational policies, the Government has increasingly resorted to regulatory and repressive solutions to ethnic minority agitation in the Niger Delta. These "solutions" included the proscription or banning of ethnic associations; the official declaration of ethnic minority agitations for autonomy as a seditious offence punishable with the death penalty; the confinement, detention, arbitrary conviction, imprisonment and/or execution of outspoken ethnic minority elites; and the violent suppression, usually by military force, of protest and uprising by ethnic minority communities.

Under Decree 21 of May 1992, for instance, the federal military government banned the Association of Minority Oil-producing states, the Commonwealth of Oil-producing Areas and several other ostensibly parochial or sectional political associations. In May 1993, the then Military government announced a Treasonable Offences Law that imposed the death penalty on advocates of ethnic autonomy who conspire with groups within or outside the country, and proffer ideas that minimise the sovereignty of Nigeria.

Another obnoxious dimension to the government's repression of ethnic minorities has involved the violent military suppression of communal protests and uprisings. In November 1990, for instance, 20 persons were killed in Umuchem during disturbances involving the Umuchem indigenes on the one hand, and Shell and the Nigeria Police on the other. One person was killed and eleven were injured in the Ogoni village of Biara in April 1993, when the police opened fire on a group of farmers. The farmers had resisted the installation of an oil pipeline by agents of the Shell Oil Company. In January 1994,

law enforcement agents disrupted virtually all the activities that the Ogoni people had put in place to mark the first anniversary of the Ogoni National Day Rally.

5. Which way forward?

An important requirement for ethnic equity and justice in Nigeria is a process that would slowly but surely decentralise the control of power and resources away from the centre to the various levels of government. Such a process would involve the recognition of the rights of oil-producing communities of the Niger Delta so that they could control and use a significant proportion of the wealth derived from their territories. A significant move in this direction was the decision of the 1994-95 National Constitutional Conference to propose the allocation of not less than 13% (as opposed to the current 3-4%) of mineral revenue to the oil-producing communities of the Niger Delta.

Finally, since policies of reorganisation and half-hearted attempts at re-adjusting revenue allocation had met with failure, the only way forward is to make the Niger Delta communities “stake-holders” in the oil economy of the country. Stake holding is not aimed at dispensing hand-outs to those communities, but at allocating an appreciable percentage of revenue on a particular oil well to be managed by the people, so that proceeds or dividends will come straight to the community’s “Oil Company”. If the communities have a stake in the oil exploited from their communities – in which they have invested, in some cases with foreign capital – the recurrent problem of hostage taking, raiding of oil platforms and the sabotaging of oil pipelines will be a thing of the past. “Stake holding” will redress most of the issues of marginalisation and deprivation and give a sense of belonging to the communities of the Niger Delta, so that the goose that lay the golden egg could at least benefit from the egg.

The Ogoni uprising and the Odi direct action of the last decade of the 1990s formed a significant landmark in the struggle by Niger Delta communities to enjoy greater benefits from their exploited resources and to redress their marginalisation from state power. It is however not an isolated episode, but a wider awakening of the communities in the Niger Delta to a vigorous challenge of the over-centralisation of state power that also raised fundamental questions on the role of the minorities and the basis of the Nigerian federation on the political agenda. Although the Obasanjo administration has



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persuasively stated their intentions of redressing the vexed issues raised by the communities of the Niger Delta, the processes advocated for their redress is not entirely convincing.

Solving the Delta crisis may prove to be Obasanjo's most difficult challenge. Communities living in the Niger Delta have long suffered the dual attitude of a government indifferent to their developmental needs and an industry which threatens their traditional livelihood. While oil companies pay hefty royalties to the Nigerian government for concessions, little of this money ever makes its way back to the communities where the oil is produced.

After years of fruitless effort to find redress through constitutional process, the communities have turned their anger against the multinational companies in their midst. Oil platforms have been raided by "community activists" and expatriate staff have been held hostage. The government has responded with repressive crackdowns on local villages.

While Abubakar tried to placate the Delta communities with offers of a greater share of the federally collected oil rents, it is argued that the only solution is to make the communities "stake-holders" in the oil industry. Despite making the right noises, peoples in the Niger Delta communities are sceptical about Obasanjo's commitment, which they see as too little too late. Some argue that the crisis began in the late 1970s under the first Obasanjo government when many powers were stripped from local council and ceded to the central government. Many fear that Obasanjo will rely on centrally driven efforts to buy off local leaders or military measures to snuff out the rebellion rather than seeking a viable long-term solution through constitutional reform. But these are different times and such measures might only push the communities of the Niger Delta to adopt extreme counter measures.

Endnote

- 1 Dr. Quaker-Dokubo obtained his Ph.D. in Nuclear Proliferation from the University of Bradford, and is currently a Research Fellow of the Nigerian Institute of International Affairs, and a Member of the Negotiation and Conflict Management Group.

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The Role of Track Two Diplomacy in the Democratic Republic of Congo Conflict

Sagaren Naidoo'

Abstract

Negotiating a cease-fire and a political solution, at the top political and military level, was an obvious first priority for peace-brokers in the Democratic Republic of Congo (DRC) conflict. A flurry of first track and official diplomatic efforts were pursued with the aim of convincing the Kabila government, rebel movements and regional states, to negotiate and implement a cease-fire agreement. Track two diplomacy played a minimal role in facilitating the signing of a cease-fire agreement. It, however, served as a reconciliatory effort at the civil society level. Track two diplomacy made a critical contribution to the official peace process by providing the unarmed actors with an opportunity to voice their position on the conflict. The *de facto* partitioning of the country during the war made contact between civil society organisations from the occupied zones difficult, if not impossible. Unofficial track two diplomatic efforts conducted outside the DRC served to provide civil society groups with a platform of interaction and engagement. These exercises

allowed the unarmed forces to achieve greater co-ordination of their programmes and an opportunity to organise themselves into a stronger voice.

Introduction

At the outbreak of the conflict in the Democratic Republic of Congo (DRC), on 2 August 1998, it was generally acknowledged that a military outcome would not produce the lasting peace required for the reconstruction of the country. A capture of Kinshasa by the Congolese Rally for Democracy (RCD) rebels would only have precipitated another rebellion against themselves, creating a cycle of violence and destruction. Given the foreseeable consequences of a military “solution”, governments in Africa and abroad urged all parties engaged in the war to enter into negotiations and find a political solution to the conflict.

The number of summits, heads of state meetings and shuttle missions between governments and special envoys, have been a clear indication of the importance allocated to the official or track one level of a diplomatic solution to the DRC crisis. Over time these official efforts made significant gains in advancing the peace process. These included the signing of the Lusaka Ceasefire Agreement (LA), the appointment of a mediator for the Inter-Congolese Dialogue and the implementation of the United Nations Observer Mission to the Congo (MONUC).

The role and impact of track two diplomacy in achieving a cease-fire was, however, minimal. There have been various reasons for this outcome. Firstly, the nature of the conflict required that track one efforts be given first priority. Secondly, the complexity of the war did not allow for a speedy, track one or track two, diplomatic solution. As noted by many analysts, there were no “quick-fix” solutions to the DRC imbroglio. Thirdly, given the scale of the conflict, an intensive track one process proceeded without any co-ordination with a track two process. Put differently, track two initiatives in the DRC conflict did not enjoy the support of the official track one level. Fourthly, co-ordination among the various track two efforts could have produced a greater impact. As a result many non-governmental organisations (NGOs) directed resources to the same objective. Finally, the capacity of non-state actors to undertake a track two process is still undeveloped.

However, since official track one diplomacy focused solely on the belligerents, track two efforts provided the Congolese civil society and



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unarmed opposition with a platform to articulate a presence and negotiate an inclusion into the peace process. This was achieved by providing an opportunity for the Congolese unarmed actors to present their position and thinking on the conflict. As a result, track two diplomatic initiatives in the DRC conflict led to frank and constructive discussions between the different civil society groups that served to harmonise relations amongst themselves. In addition the various efforts or activities that could be defined as track two diplomacy, contributed substantially to a global awareness on the issues and dynamics of the conflict. In other words, track two diplomacy resulted in the dissemination of information on the DRC crisis through fora of dialogue, conferences and public meetings, which undoubtedly changed uninformed perceptions of the problem.

Track Two Diplomacy: A concept

The term “track two” diplomacy was first used in 1981 by Joseph Montville in his search for a term that encompassed the unofficial efforts made outside governments which brought about a diplomatic resolution of conflicts (Lee 1997:1). Montville felt a need to define or label the distinction between action which was government to government and that which was people to people. In its original conception, “track two” or “citizen” diplomacy refers to private citizens discussing issues that are usually reserved for official negotiations.

Track two diplomacy transcends the narrow power-based approaches of traditional diplomacy by replacing the nation state, as the primary referent of conflict, with all interest groups. In other words, instead of only having favourable discussions based on strategic interests with just heads of state, a fundamental characteristic of track one missions, track two diplomacy seeks to include all parties to the conflict.

According to Jos Havermans (1999:222), track two differs from track one diplomacy in that:

it perceives its role as being part of a process of developing mutual understanding between larger groups of people, whereas track one diplomacy tends to limit its focus to the narrower world of the politician. Track two tries to make its impact felt on the entirety of what it describes as identity groups: namely, communities that share a certain ethnic, regional, national, socio-economic or other identity. Rather than just trying to inspire politicians to make decisions based on rational evaluation of options and interests, track two diplomacy seeks to help all the people involved to change their way of thinking.

The concept of track two diplomacy stems from the belief that war can be avoided if contacts between people are initiated to build linkages of friendship and understanding. Different methods are used to bring people together in an attempt to produce changes in the way they view themselves, the conflict and possible solutions to the conflict. In this way track two diplomacy can contribute to conflict transformation by encouraging those involved in disputes to engage in constructive dialogue. Such an approach requires the techniques of bargaining and negotiation that are usually used at the track one level to be adapted for the engagements between citizens of different political positions. Track two diplomacy, therefore, entails processes such as problem-solving workshops, dialogues, cultural exchanges and basically any other contacts established between people that are engaged in a conflict. These techniques pose a challenge for second track practitioners who have neither acquired such skills nor developed them appropriately.

Although track two diplomacy is usually conducted with two or more parties to a conflict, it may also be aimed, initially, at working with only one party in an effort to achieve a proper understanding of that group's position in the conflict. Working with one party can be useful in facilitating group cohesiveness where individuals become marginalised by members of their own ethnic or religious group.

Track two diplomacy, being a new concept and still very embryonic, needs to be formalised as a process. According to Michael Lee (1997:1), the "notion of track two diplomacy was expanded into four separate tracks: professional conflict resolution, exchanges between private citizens, the actions of the business community, and international broadcasting". But as noted by Lee, these distinctions soon became inadequate. As a result four more categories were devised by Louise Diamond to give rise to the term of "multi-track diplomacy". As a result the use of various tracks by different scholars and practitioners, has not allowed for a concrete or clear conceptualisation of track two diplomacy.

The emergence and value of Track Two Diplomacy

The end of the Cold War has produced an ongoing discourse on the need to reconceptualise security. Accompanied by this new outlook on security, there has been the need to review the effectiveness of traditional agents of security, namely states and their governments. In other words, the ability of states and governments to play a meaningful role in resolving conflict had to be



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re-examined. Subsequently, the role and effectiveness of non-state actors in promoting peace and security has received increasing attention in recent years.

The role of non-state actors and NGOs (like World Vision, Save the Children and Greenpeace) in facilitating human security in the realm of humanitarian aid, disaster relief and environmental degradation is well known. NGOs have for a long time provided economic and humanitarian assistance to people affected by war around the world. However, as John McDonald (1991:201) has observed, most forms of humanitarian aid have “done little to resolve the root causes of conflict”. There has therefore been a need to examine the capacity of non-state actors and NGOs to serve as agents in conflict resolution and peace building.

Official track one diplomacy has been viewed as a “power-based, formal and often rigid form of official interaction between instructed representatives of sovereign nations” (McDonald 1991:201-202). Furthermore, track one diplomatic efforts can be easily interpreted as meddling in the internal affairs of a sovereign state. Under such circumstances where official diplomatic communications between the warring parties can easily break down, unofficial channels can be an effective strategy to resume dialogue and interaction needed for a resolution to the conflict.

Track two diplomacy as a non-governmental, informal and unofficial form of conflict resolution has the potential to reduce the propensity for protracted conflict by improving communication and encouraging a common ground among the warring sides. The value of pursuing unofficial contacts between people on opposing sides is that they have the capacity of de-escalating a conflict before any official negotiations can attempt to do so. Intra-state conflicts are also perceived to be handled more readily by unofficial interventions.

Contemporary acceptance of the need for track two diplomacy is also based on the change in the nature of conflicts. Conflicts around the world are increasingly the result of internal disputes “in which governments are just one of the actors involved” (Havermans 1999:223). In this context, it makes little sense to deal with governments alone. Instead interaction with other groups (such as rebel groups, local leaders and community-based organisations) is required.

The DRC conflict involved, however, more than just the internal actors of the country. Eight regional states were initially drawn into the war. In addition, a new rebel movement, the Congolese Liberation Movement (MLC), was

launched while the RCD rebels split into the RCD-Goma and RCD-ML groups. Mediating in the DRC conflict required, therefore, interaction with a number of both internal and external actors. As a result of the numerous actors involved in the war, the official track one peace process became increasingly complex.

Indeed, track two diplomacy should not be viewed as a replacement for track one efforts, but rather as a complementary process that provides a preparatory phase for successful negotiations. As a pre-negotiation instrument, track two efforts could provide crucial information to pave the way for a peaceful settlement. Nevertheless, “most experts in the field believe that its potential has not been fully used” (Havermans 1999:223). In general, track two diplomacy can be most effective when linked to the official peace process at government level. However unless governments are willing to invest in alternatives to track one approaches, track two and unofficial peacemaking will suffer from insufficient funding and limited human resources.

In spite of track two diplomacy being a fairly recent practice, it has been able to record some successes. A classic example is the contribution made by the Community of Sant’Egidio in achieving a peaceful settlement in Mozambique. When negotiations bogged down because of disagreement on the process and location for the talks, the Sant’Egidio Community hosted exploratory talks that turned into a formal mediation. The Rome-based organisation known for its role in conflict resolution and unofficial diplomacy acted as facilitators or mediators outside the framework of traditional diplomacy. The Sant’Egidio Community steered the warring parties along a path of peace and reconciliation which culminated in the signing of the Mozambique Peace Agreement in October 1992, which gave rise to the country’s first democratic elections two years later.

The Oslo peace process is another example of the success of track two diplomacy. “It was a long-term process with adequate time spent on building trust between all the parties involved in negotiations. It was not public and maintained a high level of confidentiality” (Mitchell 1993:8). While the national leadership received the international recognition for the historic signing of the Oslo accords on the White House lawn, these agreements could not have been produced if it were not for the initiative of non-official second track diplomacy by the “Fagbevelgelsens Fosknings Organisasjon” (FAFO – in English, the Institute for Applied Social Science) in Norway. Even though the middle east conflict has not totally been resolved, the Israelis and Palestinians who worked covertly in Oslo to produce the framework for the



current peace process represent a prominent example of the role of second track diplomacy in conflict resolution.

The nature of the DRC conflict: Complexities for a track one settlement

Official track one diplomacy failed to produce a lasting peace in the DRC, primarily because of the nature of the conflict and the enormity of the crisis. Shortly after the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) captured Kinshasa in May 1997, the new “president”, Laurent Kabila, clamped down on political rights, banned political activities and failed to install an effective transitional government. The internal political opposition responded by embarking on a non-violent struggle for the removal of Kabila. Represented by political groups like the Union for Democracy and Social Progress (UDPS), the internal unarmed opposition in the DRC had little input on the track one peace process that led to the signing of the Lusaka Ceasefire Agreement (LA).

Official diplomatic efforts focused exclusively on the “official belligerents” in the war, namely the Kabila government, the rebel movements and the external armed forces, leaving little room for the Congolese unarmed actors (Naidoo 2000:9). Even the Mai-Mai, an internal armed group, was excluded from formal peace talks and cease-fire negotiations, despite being party to the conflict. Although the conflict had clear domestic roots, it was the external or regional dimension to the crisis that attracted a huge track one diplomatic process.

Kabila’s rise to power was based on his being the front man of a regional military intervention (led by Rwanda and Uganda) that aimed to replace the Mobutu regime with a government that would ensure their national security and economic interests. However, a few months after he declared himself president, Kabila attempted to “consolidate his regime by expelling the Rwandan troops that brought him to power” (Turner 2000:1). It was this dismissal of the Rwandese soldiers that triggered the launch of the “second rebellion”.

The Congolese Rally for Democracy (RCD) rebels comprising former Mobutu soldiers (the Zairean armed Forces – FAZ), “Banyamulenge” troops that were part of the AFDL, and long-standing academic opponents of Mobutu, launched a revolt to overthrow Kabila with the direct support of Rwandan, Ugandan and Burundian troops. The internal armed rebellion, led by the RCD, accused Kabila of dictatorship, corruption, nepotism and

fomenting the genocide of Tutsis in the DRC. The military supporters of the RCD, representative of an external dimension to the conflict, charged Kabila with regional instability because of his support for rebel groups that were in armed combat with their governments. The RCD rebels with their military backers made rapid advances toward Kinshasa before being stopped by Kabila's allies. Reacting in the name of the Southern African Development Community (SADC), Angolan, Namibian and Zimbabwean troops rushed to Kabila's rescue and prevented what otherwise would have been an easy overthrow of the new Congolese government.

The external dimension to this conflict in producing an inter-state battle with the direct involvement of eight African states increased the enormity and complexity of the crisis. Resulting in what analysts described as "Africa War I", the "second rebellion" in the DRC assumed an unprecedented magnitude for two inter-related reasons. Firstly, the DRC was a battleground for the internal disputes of six neighbouring countries. They were the conflicts between: the MPLA government of Angola and the UNITA rebel movement; the minority Tutsi government in Burundi and the pro-Hutu rebels of the Forces for the Defence of Democracy (FDD) and the National Liberation Forces (FNL); the Sassou Nguesso government of Congo-Brazzaville and militias backing the ousted president Pascal Lissouba and his ally, the former prime minister, Bernard Kolelas; the Rwandese government of Paul Kagame and the ex-FAR and Interahamwe that were responsible for the 1994 Rwandan genocide; the Museveni government in Uganda and the Lords Resistance Army (LRA) and the Allied Democratic Forces (ADF); and the Sudanese government and the Sudanese People's Liberation Army (SPLA).

Secondly the conflict in the DRC provided an opportunity for inter-state hostilities, produced by these domestic disputes, to be unleashed. The conflict between Sudan and Uganda illustrates this argument clearly. The governments of Sudan and Uganda went to war because of each one's support for the rebel movements that were trying to oust the other. Simply put, Uganda supported the SPLA because Khartoum backed the LRA and ADF rebels. Sudan, therefore, rallied to the support of Kabila, because its enemy, Uganda, was at war with the DRC government. During that time Rwanda and Uganda assisted the UNITA rebels in transportation of military hardware and the sale of diamonds, because Angola was backing Kinshasa. In other words, the military "logic" of "the enemy of my enemy is my friend", was readily employed in the "second rebellion" to magnify the conflict into a seemingly irresolvable proportion.



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The formation of the a new rebel group, the Congolese Liberation Movement (MLC), two months after the war began, and the rise of splinter factions among the rebel forces only served to increase the parties to the conflict at the expense of compounding the task of the peace brokers to this conflict. Given the numerous parties involved in the war, track one mediation efforts were restricted to just the major belligerents with an exclusion of the armed rebels of neighbouring countries and the local Mai-Mai militia. As a result, peace in the DRC remained elusive with the neighbouring rebel groups continuing with sporadic skirmishes and attacks against their opponents.

The scale of the conflict produced by the external or regional dimension of the “second rebellion” warranted the focus on an intensive track one process, especially by African governments, in an effort to produce “an African solution to an African problem”. The main track one initiatives that aimed to attain the cessation of hostilities and an agreement by the warring sides to participate in negotiations that would lead to a political settlement were:

The South Africa initiative

On 23 August 1998, at an urgent SADC summit in Pretoria, former South African President Nelson Mandela, then chairman of the SADC, was mandated to organise a cease-fire in consultation with the OAU Secretary-General (Bokala 1998:7). However, Mandela’s mediation efforts were said to have been constrained by disagreement with Zimbabwean President, Robert Mugabe, on who should head the SADC Organ for Politics, Defence and Security that was used to authorise the military intervention in support of Kabila.

The Organisation of African Unity initiative

On 10 September 1998, the OAU hosted a meeting of ministers in Addis Ababa during which a draft cease-fire agreement was formulated. That agreement, though agreed to in principle by the belligerents, was never signed.

The Lusaka peace initiative

On 13 September 1998 at the annual SADC summit in Mauritius, Zambian President Frederick Chiluba was mandated to lead the mediation efforts, assisted by Tanzanian President Benjamin Mkapa and

Mozambican President Joaquim Chissano. This initiative, which became known as the Lusaka peace process, drafted “modalities” for the implementation of a political settlement which culminated in the signing of a cease-fire agreement at the heads of state summit on 10 July 1999 in the Zambian capital, Lusaka. The Lusaka Ceasefire Agreement (LA) made provisions for:

- The cessation of hostilities and the disengagement of armed forces;
- The orderly withdrawal of all foreign troops;
- The appointment of a facilitator for an all-inclusive inter-Congolese political negotiation;
- The deployment of a United Nations (UN) Peace-keeping force;
- The disarmament of armed groups from neighbouring countries; and
- The formation of a national army.

Although the LA was thwarted by renewed hostilities and fraught with implementation difficulties, it remained the most formidable basis to resolve the crisis in the Great Lakes region of Africa.

The Sirte agreement

On 18 April 1999, the Libyan president, Muammar Gaddafi, brokered a peace agreement between Museveni and Kabila, which was also signed by the Presidents of Chad and Eritrea. Signed in the Libyan town of Sirte, the agreement called for the withdrawal of foreign forces from the DRC. Chad, subsequently, withdrew its troops from the country and Libya sent some 40 military personnel to Uganda to prepare for the deployment of a proposed neutral African peacekeeping force provided for under the Sirte agreement.

The United Nations “month of Africa”

On 24 January 2000, at the UN Security Council special session on Africa, a day-long meeting was devoted to the war in the DRC. The objective of the session was to get the warring sides to reaffirm their commitment to the LA and agree on an immediate end to cease-fire violations. It was for the first time that heads of state of parties in the DRC conflict addressed the UN Security Council.

The various mediation attempts undertaken at the Pretoria, SADC, and Organisation of African Unity (OAU) summits, as well as a number of individual efforts by personalities like presidents Mandela and Chissano, had all



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run into formidable obstacles. The main ones were:

- The attainment of an agreement over which parties should be acknowledged as belligerents;
- The attainment of an agreement on cease-fire talks and the direct involvement of the rebels in these negotiations;
- The stalling of the peace process by a crumbling of strategic alliances;
- The choice of a mediator for an all-inclusive internal dialogue;
- The implementation problems experienced by the MONUC; and
- The sustainability of the war from the exploitation of the DRC natural resources, in particular its minerals.

The initial obstacle encountered by the track one diplomatic process was to get the many different actors to agree on being party to the conflict. From the start, Kabila refused to acknowledge the internal component of the rebellion and stood steadfast on his assertion that the conflict was solely an external invasion by Rwanda and Uganda. On the other side, the RCD rebels rejected talks with Kabila because of their expectation of a military victory. The rapid advances initially made by the RCD, together with their Rwandese supporters, convinced the rebels that a military victory was very possible. With such expectations the RCD rejected any negotiations with Kabila. At the same time Rwanda refused to admit that it had troops in the Congo. It took the intervention of former president Nelson Mandela to obtain an admission by the then vice-president, Paul Kagame, that Rwandese troops were in the DRC. Kagame's public admission in Pretoria that Rwanda was "one of the belligerent parties to the conflict meant he could take his place at the peace negotiations" (Hartley 1998:4).

A bigger obstacle for a resolution to the conflict arose from the fragmentation of strategic alliances among the rebels. In early 1999, differences over the inclusion of ex-Mobutuists in the RCD and a military strategy to legitimise and transform the rebellion created a division within the rebels that eventually stalled the peace process. The split in the RCD, which essentially pitted a camp led by Ernest Wamba dia Wamba against the ex-Mobutuists, culminated in the formation of the RCD-Goma and RCD-Kisangani (later named the RCD-ML [Liberation Movement]) factions. As a result, while heads of state signed the LA on 10 July 1999, the (RCD) rebels failed to do so. Both factions claimed to be the rightful representatives of the RCD and refused to acknowledge the signature of the other. After talks in Kampala between President Museveni, President Kagame and the South African Foreign Minister Nkosazana Dlamini-Zuma, a compromise formula allowed

51 of the RCD's founding members to sign the agreement (IRIN 1999). This process took a month.

Moreover the split in the RCD led to a fallout between their military supporters, Rwanda and Uganda. The divide within the RCD served to consolidate their supporters' differences over the strategy used in their war against Kabila. The RCD-Kisangani faction, who preferred a negotiated settlement, acquired the support of the Ugandans whose strategy and approach was to mobilise and equip the Congolese to achieve an alternative leadership in the DRC. The RCD-Goma rebels in seeking to overthrow Kabila militarily were readily supported by the Rwandese Patriotic Army (RPA) who was determined on a military solution.

The end of the military alliance between Rwanda and Uganda in the DRC conflict climaxed in two major armed clashes in the city of Kisangani during August 1999 and June 2000. In addition, the shifting of strategic alliances between Rwanda and Uganda compounded the track one diplomatic process. In August 1999, the South African Foreign Affairs Minister, Nkosazana Dlamini-Zuma, flew to Kisangani in an attempt to broker a peace deal between friends that had turned enemies in a country whose government they were trying to oust (Matshikiza 1999:24). Resulting in a combined death toll of at least 1,500 people – mostly civilians – the military fallout between these former allies demonstrated the crippling affect which the fragmentation of strategic alliances has had on the DRC peace process.

Expectations that the signing of the LA would bring about an end to the war were not met because of continued violations of the agreement by all belligerents, which reduced the momentum of the peace process. A month after achieving the commitment from the heads of state at the UN's special millennium session on Africa to cease all violations, the Security Council authorised the deployment of 5,537 peacekeepers to the DRC as phase two of the MONUC. However, the belligerents' need to capture more territory and control strategic sites led to renewed clashes which brought an instant halt to the deployment of the peacekeepers. In an effort to further stall the peace process, the Kinshasa authorities announced that the MONUC would not be allowed to deploy armed peacekeepers or combat troops in territories under their control.

Even with an end to the cease-fire violations, the peace process faced another crucial obstacle. The inter-Congolese dialogue, provided for by the LA, had been threatened by the divorce of the DRC government from the



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facilitator of the talks, former Botswana President Ketumile Masire. A statement made by Masire that he would proceed with the preparations of the dialogue without the Kabila government resulted in the facilitator being declared *persona non grata* by the latter. Mounting tensions between Kabila and Masire climaxed with the closure of the facilitator's Kinshasa office. Furthermore, on 24 July 2000 the DRC government announced that the inter-Congolese dialogue was no longer feasible or workable and that a Constituent Assembly established in August 2000 was the only appropriate place for the national talks.

Even if the agreement to proceed with the inter-Congolese dialogue was achieved, consensus on a venue for the talks was absent. For the Kabila government, it was vital that the talks took place in Kinshasa. However, all the armed rebels, political parties and most of civil society preferred a venue outside the DRC because of their security concerns. Furthermore an agreement on who should participate in the inter-Congolese dialogue was not attained. The inclusion of armed groups like the Mai-Mai had not been discussed since they were not part of the LA or any other formal agreement. Their inclusion in the dialogue was necessary given their armed resistance to the RCD rebels and Rwandese occupation of eastern Congo. Equally crucial was the disarmament and repatriation of those within the Interahamwe and the former Rwandan Armed Forces (ex-FAR) that are responsible for the 1994 genocide. It remained unclear as to who will undertake the disarmament and repatriation of the renegade militias and neighbouring rebel groups.

The evolution of a war economy in the DRC had become a major obstacle in resolving the conflict. The DRC's immense natural resources, in particular its mineral wealth, had been an incentive for the continued occupation of Congolese soil by the foreign armies. According to Chris Dietrich (2000:9) "the extraction of the resources of a country such as the DRC can provide rich pickings for those who, through the deployment of their armed forces can control and exploit mining ventures that they would otherwise not be able to access". Put simply, the economic benefits reaped from the war far outweighed those that might have been harvested from a political settlement.

Moreover, because time was required to exploit the DRC's resources in order to finance the war and allow individuals to accumulate personal wealth, a foreign troop withdrawal did not materialise after the signing of the LA. Therefore, the recourse to armed conflict and a war financed out of the revenues earned by the exploitation of the country's natural resources

presented a strong possibility of a *de facto* partitioning of the DRC into different occupied zones with an implosion into a state of generalised violence.

The nature and dynamics of the DRC conflict, therefore, did not allow for any speedy diplomatic solution. The difficulties in resolving the DRC conflict through track one diplomatic efforts invariably meant a minimal impact for track two initiatives.

Track Two Diplomacy in the DRC Conflict

In many cases, the role and impact that track two diplomacy has had on a peace process, is not very clear or easily determined. Nevertheless, since the unarmed political opposition and civil society groups were silenced by Kabila and sidelined by the official track one diplomatic process, track two efforts created a space for the Congolese unarmed forces to make a contribution to the official peace process by providing them with a platform to voice their position on the conflict.

In addition, track two efforts played a crucial role in publicising and expanding the existing knowledge of the “second rebellion” in the DRC. The various conferences, seminars and dialogues led to the dissemination of information on unexamined dynamics of the DRC crisis. Papers presented by academics, researchers and respected community leaders revealed information of the conflict which could not have been obtained from normal everyday news reports. Track two initiatives that attempted to bring the main warring sides to the negotiation table were unsuccessful due to the timing of the discussions and the lack of preliminary discussions.

For Havermans (1999:223) the activities of track two diplomats “vary from organising problem-solving workshops, acting as go-betweens to help set up a dialogue between antagonistic communities, offering mediation courses, organising seminars and conferences and private one-on-one diplomacy behind the scenes”. Using this list of activities, several examples can be presented as track two efforts that were undertaken to contribute to a resolution of the DRC conflict.

The Montreal Conference for Durable Peace and Democratic Development in the DRC was undertaken to fulfil a task of enhancing the contribution and participation of Congolese civil society groups and the non-violent



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democratic forces to the peace process. Held on 29 January 1999, the conference provided a platform for a broad spectrum of Congolese civil society organisations to participate in open and constructive dialogue among themselves and with the DRC government and the armed opposition groups. However, the failure of the Kabila government and the rebel movements to attend the gathering resulted in a conference with just the unarmed groups. It was perhaps premature to have expected that the warring sides would attend a gathering of this kind in the absence of an agreement by them to enter into peace talks. The conference, which was organised by the International Centre for Human Rights and Democratic Development, nevertheless played a significant role in informing the people and government of Canada of the fundamental causes to the conflict.

Another effort that tried to bring the mainstream belligerents to the negotiation table was undertaken by the Durban-based African Centre for the Constructive Resolution of Disputes (ACCORD). A meeting convened by ACCORD brought together representatives of the RCD rebels, unarmed political parties, ministers from the Mobutu government, the Archbishop of Kisangani and a broad range of civil society groups. The frank and open discussions that emanated from the meeting, that took place in March 1999 at Pretoria, produced a consensus on many crucial issues and at the same time exposed the divergent perceptions and positions held by the various participants. However, once again, in the absence of the Kabila government, the meeting could not produce the preliminary talks by the warring sides that were required for obtaining an agreement to enter into negotiations. ACCORD was nevertheless satisfied with “narrowing the gap between the parties” (Laufer 1999:3).

In early 1999 the National Council of Development NGOs in Congo (CNOGD) launched a campaign for peace in the DRC when it organised a tour of civil society leaders to western countries, including Canada and Belgium. The aim of the campaign was to gain international support for an agreement on a cease-fire, the deployment of a peacekeeping force, an all-internal dialogue and the establishment of democratic institutions of governance. This intervention by DRC civil society was said to have contributed to President Kabila’s announcement in April 1999 that he intended to organise a national debate between his government, the internal opposition and the broader civil society to seek a peaceful solution to the crisis. Although this so-called national debate had been confined to only

talks among people within Kabila's own ranks, the campaign by CNONGD, nevertheless, implied that Kabila could be influenced by the interventions of civil society.

Pope John Paul II and the Vatican Secretary of State, Cardinal Angelo Sodano, in late November 1988, met with President Kabila in an effort to secure a commitment by the latter to hold talks with the rebels. During the same time, the Rome-based Sant'Egidio Community held talks with the DRC president to accomplish the same goal. In April 1999 it was announced that the Sant'Egidio Community managed to persuade the DRC government to take part in peace talks with the rebels that were scheduled to take place in Rome a month later. The talks were subsequently cancelled as the Lusaka peace process started to develop into a forum which brought the rebels, the Kabila government and foreign powers to the negotiating table. The Community, nevertheless, remained active and during the regional foreign affairs ministers meeting in Lusaka on 24 June 1999, Father Don Matteo Zuppi of the Sant'Egidio Community was recommended as one of the mediators for the inter-Congolese dialogue. However, both the RCD-Goma and MLC rebels rejected the mediation team as being pro-Kabila.

The formation of the Offices of the Goodwill Committee for the Facilitation of National Consensus was portrayed as an attempt to play a second track diplomatic role as "go-betweens" to help set up dialogue between the antagonistic parties. However, any meaningful contribution that the Committee could have made to the peace process was dogged by the credentials and status of its members. The Committee comprised former "Mobutuists" from the ranks of the security and intelligence departments. The Committee had barely commenced its facilitation when it came under fire for being a mere front to secure the return of its members to Kinshasa and to obtain from the Kabila government a release and recovery of their confiscated wealth. Many Congolese that suffered under Mobutu's rule argued that the Committee had no "moral right to embark on such a gigantic project, given their past political records and ... should instead give back the money they had looted from the country" (Davies 1998:752).

This did not stop the Committee from operating as "go-betweens" and subsequently claiming to have facilitated the meeting between a DRC government delegation and the Ugandan authorities in Kampala in late May 1999 (Atundu-Liongo 1999). These talks held between the Ugandan Minister for Foreign Affairs, Amama Mbabazi, and the DRC team led by the Justice Minister, Mwenze Kongolo, produced a reaffirmation of their governments'



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commitment to the Sirte accord, signed by Kabila and Museveni, in Libya, a month earlier.

Like the ACCORD meeting, most of the track two efforts attempted to address the conflict by focusing on interest groups from the DRC only. Given the external and regional dimension to the conflict an interaction between the internal interest groups of the various countries in the African Great Lakes region needed to take place. From 28 February to 4 March 2000 the Service for the Reinforcement of Assistance to Grassroots Communities in Central Africa (SERACOB) organised a meeting in Nairobi, Kenya, between civil society groups from Burundi, the DRC and Rwanda. In strengthening the capacity and role of civil society for the establishment of peace and security in the Great Lakes region, the meeting produced an Initiatives and Contacts Group (GIC) which was responsible for articulating the demands of the participants. Furthermore, the Nairobi meeting provided an opportunity for the representatives of the civil society groups from the occupied zones of the conflict to meet and interact, not only with each other, but also with those from the neighbouring countries of Rwanda and Burundi.

A similar meeting that focused on the external or regional dimension of the conflict was held in Zanzibar, Tanzania. A three-week *Seminar on Peace-Building in the Great Lakes Region*, that took place from 31 October 1999, was organised by the Austrian Study Center for Peace and Conflict Resolution together with the Southern African Regional Institute for Policy Studies (SARIPS) and the Tampere Peace Research Institute (TAPRI). According to the organiser, Arno Truger, the purpose of the seminar was to enhance a policy related discourse on mediation with the aim of elaborating relevant recommendations on peace-building in the Great Lakes Region.

On 29 February 2000 a more broadly represented discussion forum was organised by the religious groups of the DRC to find ways to bring peace to the war-torn country. These talks, labelled the “National Consultation”, brought together 1,500 people including President Kabila, human rights activists, church leaders, and representatives of civil society and the rebel groups from the occupied zones. Security concerns, however, prevented a public announcement of the presence of the rebel delegation that numbered about 30. The discussions were expected to serve as preliminary talks to the inter-Congolese dialogue. Given that a political settlement of the conflict was only achievable if an agreement could have been reached at the inter-Congolese dialogue, preliminary talks were therefore crucial for consensus on key issues of the negotiations. In other words, “the main goal was to get

various political tendencies in the DRC to arrive at some sort of consensus, so that when the inter-Congolese dialogue does occur, they will be ready for reconciliation” (Kambale 2000:2).

The consensus and agreement produced by the talks at the National Consultation, were the following:

- The Kabila government must take the first step in reconciliation with the Congolese people;
- The political opposition must redefine its role and conduct itself with more openness and respect;
- The troops from Burundi, Rwanda and Uganda must withdraw and leave the Congolese to exercise self-determination;
- The governments of Burundi, Rwanda and Uganda must apologise to the Congolese for the bloodshed and violence caused by their military involvement in the DRC; and
- The world's great powers must stop financing wars in the third world. (Kambale 2000:2).

Any intention by President Kabila to control the National Consultation backfired when some civil society groups heavily criticised the new government. They complained that Kabila was no different to his predecessor, Mobutu Sese Seko. The success of this forum arose therefore, from its ability to openly criticise the Kabila government and also to bring civil society groups from the occupied territories in the east to the forum in Kinshasa.

Other examples that reflected similar activities of track two diplomacy, were: a two day conference entitled *Crisis in the Great Lakes: Peace Prospects and Regional Dimensions*, hosted by the Johannesburg-based Centre for Policy Studies, and a two-day conference entitled *Whither Regional Peace and Security? The DRC after the War*, organised by the Africa Institute of South Africa, from 24-25 February 2000, in Pretoria. The discussions that emanated from these conferences provided greater insight into the conflict and contributed to the production of information on the subject.

Track two diplomatic efforts in the DRC conflict created an awareness of the complexity of the problem and crisis while at the same time it also provided practitioners in the field of unofficial diplomacy with lessons for future attempts. The main lesson to be learnt from all the track two efforts is that adequate preparation must be done before attempting to bring the warring factions face to face. This preparatory stage must entail the gathering of more information about the dynamics of the conflict and the people involved in it. In addition, more one-to-one meetings must be undertaken to



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determine the likelihood of a group meeting with its opponents without any confrontation. At the same time, one-to-one meetings must be used to influence extremist groups on the need to engage in dialogue with their adversaries. In other words, track two efforts could play a more meaningful role by conducting one-to-one meetings to pursue, individually, each warring party's commitment to enter into talks with their opponents. However, such efforts must be linked to the official track one initiatives to provide the necessary preparation of the warring sides, more detailed background information, and dialogue needed for a better equipped track one mission.

Conclusion

Track one diplomatic efforts in the DRC conflict were embarked upon with the central aim of resolving the military dimension of the conflict and achieving a speedy cessation of hostilities. These diplomatic initiatives focused exclusively on the warring governments, the RCD and MLC rebels. The absence of rebels from neighbouring states and of the Congolese Mai-Mai fighters in the official peace process meant a continuation of conflict, since official peace agreements lacked their commitment to cease fighting. While “the long-term stability of the Great Lakes region cannot be sustained without a stable and effective government in the DRC”, the internal disputes of neighbouring Angola, Burundi, Rwanda and Uganda need to be resolved to put an end to the war in the DRC (Nzongola-Ntalaja 1998:17). Official track one diplomatic efforts served only to provide a respite to the conflict. Deep-rooted causes such as that of inter-ethnic rivalry based on the access to Congolese land and resources, especially in the Kivu province, were discussed during track two efforts. Moreover, track two efforts provided the unarmed actors with the opportunity to present their position in the conflict which led to a proliferation of information on the subject.

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1 Sagaren Naidoo is a senior researcher at the Institute for Global Dialogue.

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Book Reviews

Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa

Villa-Vicencio, Charles and Verwoerd, Wilhelm 2000
University of Cape Town Press, Cape Town
Zed Books Ltd, London. 322 pp.

Reviewed by Jaap Durand

Referring to the Zimbabwean crisis caused by the occupation of farms by war veterans of the struggle for freedom from colonial domination in the old Rhodesia, a political commentator in an Afrikaans newspaper observes that it would not have happened if Zimbabwe, instead of giving amnesty to violators of human rights in the old Rhodesia, had set up a truth commission similar to the one in South Africa. This is a remarkable acknowledgement in a newspaper that consistently had shown itself as a severe critic of the Truth and Reconciliation Commission (TRC). This indicates that the debate on the TRC is not yet over and that, as the time goes on, new perspectives on the work of the TRC will open up. In this respect, the collection of essays on the TRC in *Looking Back, Reaching Forward* can play an important role, because here we have the remarkable story and a debate triggered by it *from the inside* – in the words of the editors: an “internal critique”.

The fact that all the essays were written by either insiders, commissioners, staff members and others closely associated with the TRC or by known sympathisers could have been a grave weakness. Instead, the book succeeds in creating a remarkably potent platform from which a vigorous future debate can issue. Wherever there is internal critique, there is always the possibility of an ongoing debate which in itself could become a part of the history of the TRC, not to be ignored by the future generations of South Africa.

A review of a collection of essays is notoriously difficult. With limited available space it becomes even more difficult. I only can try to give potential readers an overview of the structure of the book and some idea of the contents of the various sections. Reference to certain essays must therefore not be construed as an implied criticism or devaluation of essays not mentioned.

The essays are presented in four sections. Section 1 deals with the historical context and origins of the TRC. In this section Dumisa Ntsebeza, one of the former commissioners of the TRC, places the TRC process against the backdrop of international human rights developments and gives us some insight into the problems experienced during the process, for instance the disclosure of the names of perpetrators against human rights by their victims in public. A second historical overview, this time specifically from a South African perspective, is given by Johnny de Lange. He is very clear that South Africa had no option but to create the TRC, but then the question remained: Was South Africa going down the road of retributive justice or was it seeking reconciliation? This was the challenge: how to achieve both justice and reconciliation. De Lange gives us the compelling reasons behind the thinking of those responsible for the drafting of the legislation, a very necessary contribution because for many this perceived ambivalence was precisely the weakness of the TRC's mandate. The whole inherent problem is emphasised by Paul van Zyl's essay on justice without punishment, making it abundantly clear that entrenching the rule of law in the wake of what happened in South Africa is a very complex and difficult task. A comparison between South Africa's truth commission and others worldwide is also given in this section by Priscilla Hayner.

Section 2 deals with moral and religious questions. The problem of a moral justification of the TRC is dealt with by Rajeev Bhargava, while Charles Villa-Vicencio writes on the nature of restorative justice as an underlying principle of the Commission. There are, according to Villa-Vicencio, three important phases in a viable theory of restorative justice: acknowledge-



ment, reparation and reconciliation. Under acknowledgement he deals *inter alia* with the submissions to the TRC of F.W. de Klerk and Thabo Mbeki. In Mary Burton's *Making Moral Judgements* one gets some sense of the intense moral debate among the commissioners on how gross violations of human rights should be defined in the context of a war situation or a state of internal conflict. The mandate chapter which deals with these matters was in fact debated over a seven-month period until, ultimately, it enjoyed the broad support of all the commissioners. Inevitably the concepts of a "just war" and "just means" cropped up and finally led to the TRC's conclusion that those who sought to uphold and sustain apartheid cannot be morally equated with those who sought to remove and oppose it. In their essay Kader Asmal, Louise Asmal and Ronald Suresh Roberts make it clear that the apartheid state violated, in and of itself, the requirements of justice in the execution of war, because an utterly illegitimate state, whose everyday acts are illegal under international law, simply lacks any capacity to act justly in the execution of war. On this basis, the writers criticise the TRC for its failure to give their mandate full scope. Consequently, the TRC's report is an inadequate reflection of the suffering that apartheid produced. This is on the one hand. On the other hand, as the editors state in their introduction, the Asmals and Roberts will need to convince a large number of human rights scholars that the TRC was not justified in finding that certain actions, undertaken by the ANC in the course of fighting what the TRC accepts was a just war, were gross violations of human rights.

Section 3 is the most difficult section to characterise, despite its heading, *What the Commission sought to achieve*. I find articles that in some way or other deal with the breaking of the conspiracy of silence and denial the most informative, perhaps because some of them are very personal. Yazir Henry, for instance, writes as a person who has suffered deeply and given testimony before the Commission and who is not reluctant to express his deep disappointment in the ambiguous way the TRC's report has been responded to by the government with reference to reparations. There is also the account of Ginn Fourie's personal meeting with the perpetrators of her daughter's death at the Helderberg Tavern in Cape Town. Finally, I also would like to mention Wilhelm Verwoerd's article in which he compares the silence that marked the aftermath of the Anglo-Boer War with the disclosure that comes in the wake of the apartheid years.

Section 4 deals with the "reaching forward" part of the book. Both Njongonkulu Ndugane and Sampie Terblanche deal with the problem of

poverty and the legacy of economic injustice, the latter giving attention to the structural side, highlighting the *systemic* exploitation during the apartheid years. Ndungane is undoubtedly right in saying that redressing the legacy of poverty and inequality is South Africa's most important priority and greatest challenge. The final essay in the book comes from Jakes Gerwel. I have very little hesitation identifying myself with its content. Gerwel argues against a two-tiered approach to the problem of national reconciliation, as if reconciliation is a project subsequent to the conclusion of the struggle for liberation and the transition to a non-racial democracy. Such an approach ignores the simple fact that the attainment of a democratic government was in itself a significant act of reconciliation, the enabling act as it were for all future projects with the view to advancing and consolidating reconciliation. The TRC's acknowledgement that it was impossible for it to "reconcile the nation" comes from the misconception that it was called to initiate reconciliation instead of promoting that which already existed. Gerwel points out that this misconception was the result of a "spiritualisation" of the idea of reconciliation for which *inter alia* the dominance of religious personalities and a general liberal-Christian perspective within the Commission had been responsible. It is wrong to suggest, says Gerwel, that South Africa is a wholly or predominantly unreconciled society because it contains within it a number of residual and enduring contradictions. "Diversity and difference are realities with which nations throughout the world continue to struggle. The good news is that South Africa is grappling to come to terms with these and to grow as a nation in relation to such realities." This is a good and positive note on which to end an excellent book, as long as we remember that there are other, more serious strains – such as social and economic inequalities – in the life of our nation. There is still a lot to be done.



The State, War, and the State of War

Holsti, Kalevi J. 1996 (reprinted in 1997, 1998)
Cambridge University Press, Cambridge. 254 pp.

Reviewed by Senzo Ngubane

Attempts to offer an understanding of the relationship between war making and state creation in the world have been undertaken by many international relations and strategic studies scholars. In most of these attempts attention has been focused on how state making in Europe differed from that in other parts of the world. In this context, we have come across a number of publications on the collapsing or deteriorating of States in Africa. Linked to this is the question of war and how the world has come to understand it. In all these attempts various authors have tried to explain the changes that have taken place regarding the nature of wars and conflicts in the world.

The book *The State, War, and the State of War* follows suit, albeit in a very detailed and appropriate manner, as it tries to reflect that any understanding of the relationship between war and state is a historical construct. The book proceeds from the premise that the nature and conduct of war prior to 1945 differs from the nature and conduct of war after 1945. This position stems from the view that wars up until 1945 were waged between states (inter-state). During that time, the author asserts that wars followed a demarcated sequence, which normally began with the declaring of an ultimatum. The

post-1945 era, however, witnessed more wars emanating from within states (intra-state), which the author refers to as wars of the third kind. For instance, the author argues that in the 1970s there were 921,000 deaths through combat, but of these almost 90% (820,000) were due to civil wars (p 37). Interestingly, throughout this section an attempt is made to offer an account of why states wage war against one another and why different groups within a state take up arms against each other or against the state itself.

The other part of the book deals with the issue of state making or state creation. The reader is taken through the historical events that led to the creation of modern European states and it is clearly shown how these processes differ fundamentally from the manner in which states were created on other continents. For instance, the author asserts that state creation in Europe was linked to war and was a lengthy process, whereas in other parts of the world such a process was prevented from occurring because of colonialism. In essence, the book argues that to understand the present day ills associated with states in former colonies, like those of Africa, one has to look at the manner in which colonialism systematically ensured that state creation in this part of the world would be problematic. The colonialists' conduct during this era showed that they never once thought that a state would one day be formed by the indigenous people (p 63).

In this context, the book looks at how post-independence "states" experienced a number of problems within themselves and how they faced internal rather than external "enemies". This is one of the reasons why anarchy within states rather than between states has been the source of war and conflict in the period after 1945. The discussion is then followed by a look at the issue of strong versus weak states; the factors which lead to one state being weak and the other being strong, and ways of determining the difference. According to the author, a strong state is characterised by, among other things, its capacity to command loyalty, and hence its right to rule and to maintain a monopoly over the legitimate use of force.

On the contrary, a weak state lacks respect for central authority among the community. It is also characterised by personality politics where the institution becomes synonymous to the incumbent. One does not have to look very far afield to note that there are states in Africa that could easily be characterised as weak. The crucial thing to note is that this section raises a number of thought-provoking questions about the view of state creation founded on Western concepts. The question is whether there is an alternative to such a



concept, given the fact that most of the societies outside of the West had different political systems.

The latter part of the book deals with the role of the international organisations, specifically the UN, in resolving conflicts and handling the problems associated with weak and failed states. The author maintains that the UN Charter is founded on a Westphalian system, which upholds the principles of sovereignty and territorial integrity. One of the challenges facing the UN today is that if it has to embark upon proper humanitarian action, and if it is to take charge in preventing massacres of civilians, it will have to violate the sovereignty principle and thus re-define its role in international relations.

Holsti's book is relevant to anyone interested in taking a fresh look at the contemporary nature of the state and international relations. It does not only raise crucial questions, but it also puts to the test international relations theory as informed by the historical events and experiences of the Western countries, or the "great powers", at the expense of lesser states. The book therefore challenges the orthodox views regarding war and conflict, and peace and stability in the world. The book also serves as an excellent reference source as it carries with it a comprehensive appendix, by region and type, of major armed conflicts in the world from 1945 to 1995.

Property & Freedom

Pipes, Richard 1999

The Harvill Press, London. 328 pp.

Reviewed by Kole Omotoso

The freedom that property confers on the owner has always been recognised in all cultures. The words of a propertied person are valued over those of a person without property, the Yoruba of Nigeria like to say. Ancient societies in their wisdom allow only those with property to participate in the deliberations of the community. Why then was organised religion able to preach the total rejection of property? Why was it that the way forward for the world was not that everyone should have property in order to be free? Why is it that the development of the modern free market system deals with having and not having to keep the market going? Perhaps most important for those who hope for total liberation of humanity from all forms of bondage, why does the dream of the common ownership of property continue to be unrealisable?

Two important backgrounds seem to have propelled Professor Richard Pipes towards writing this pioneering book. As a historian – and he was professor of History in Harvard until his retirement in 1996 – he has written about British history and the history of Soviet Russia. But his study of these histories seemed to have taught him something other than what an unrepentant Utopian might want to learn from this book. Professor Pipes believes that

the histories of Britain and Russia are different simply because Britain permitted the ownership of property by as many people as possible while in Russia the Tsar and his family and officials owned everything. Pipes then maintains that “private ownership of the means of creating wealth is the only effective way of setting limits to state authority.” Professor Pipes believes that the early ownership of landed property in Britain led to the development of parliamentary democracy in that country. The opposite was the case in Russia.

The 328-page book has five chapters dealing with the idea of property, the institution of property, England and the birth of parliamentary democracy, patrimonial Russia, and the situation of property in the twentieth century. The conclusion which Professor Pipes reaches, is that attempts to resolve the problem of poverty in the 20th century have failed.

“Property and its offshoot, law, relate to liberty.” The most difficult assertion for those of us from the poor world is the following: “The weakening of property rights by such devices as wealth distribution for purposes of social welfare and interference with contractual rights for the sake of ‘civil rights’ undermines liberty...”

For me ownership of property might have brought about democracy, but democracy has not given those without property something with which to guarantee their freedom. Only the collective can guarantee the right of the individual to a decent existence. But, which type of state polity can ensure that everybody has enough property to guarantee their freedom? Or which type of state polity can limit the propensity of some people to have so much property as to endanger the freedom of others?

This book might not answer the questions, but it raises them and provokes the need to find other answers.

