

AFRICAN JOURNAL ON CONFLICT RESOLUTION

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**Transitional justice and democratisation nexus:
Challenges of confronting legacies of past injustices and
promoting reconciliation within weak institutions in Kenya**

**The civilianisation of ex-combatants of the Niger Delta:
Progress and challenges in reintegration**

**The quest for Great Heart Leadership to activate and
promote the ending of violent conflict in Africa**

**Ethnic and religious crises in Nigeria: A specific analysis
upon identities (1999–2013)**

**The role of civil society in conflict resolution in the Democratic
Republic of the Congo, 1998–2006: An appraisal**



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Lay-out by Immins Naudé.

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Foreword

Jannie Malan

To introduce an issue containing an article devoted to a leadership theme and four articles with between-the-lines leadership issues, some editorial thoughts on leadership seem to be appropriate. In the article discussing ‘Great Heart Leadership’, ‘emotional and spiritual/normative leadership’ is emphasised, and a case study of leadership in a particular community is given. These aspects may prompt us to engage in some thinking about *ethical* leadership and *ethnical* leadership. First, of course, we may easily agree that ethical values and principles as well as ethnical ties and loyalties do influence conflict and conflict resolution.

Ethics obviously plays a key role in initiating and in resolving conflict. It is clear, after all, that tensions and conflicts arise when one party regards as wrong what the other party regards as right. In dealing with conflict, therefore, perspectives and convictions about ‘right’ and ‘wrong’ inevitably play decisive roles. Such roles, however, are usually intriguingly complex and complicated. For instance, it sounds so simple and common-sensical to take the guideline of ‘what is right, not who is right’. But what *is* right when there happen to be deeply rooted socio-economic, politico-cultural and/or religio-spiritual differences? In such a situation of cross-cultural disagreements and apparent incompatibilities, there is another simple, and at the same time traditionally African, guideline: ‘Talk it out’. But what if (some of) the leaders are ethical in their talking but unethical in their being? If they ostentatiously pay lip-service to values and principles, but covertly pursue the interests of their own group – and themselves?

Ethnics often seems to be playing a definite role in conflict and in dealing with conflict. It may do so in a merely unconscious or in an intentionally deliberate way. In the 'Great Heart Leadership' article, the case study of a particular group brings in an ethnic aspect. Reference is made to intra-ethnic tensions between clans, as well as to tensions between clan members and leaders they suspect of self-interest. In this case study, however, there was no inter-ethnic tension created or exacerbated by rival politicians inciting their own ethnic groups to vote them into powerful positions. Nevertheless, the research project concerned was conducted in an ethnic setting, and note was taken of inter-ethnic clashes and conflicts of the past, including one group's involvement in a military battalion.

Secondly, we may be inclined to ask somewhat pessimistically, 'So what? Can anything be done to make leaders more ethical and less ethnical?' On account of human history, and the daily news, we may tend to think that political leaders who take ethical guidelines seriously are rare exceptions, and that those who promote their own interests by favouring their own ethnic group seem to be the vast majority. Such impressions are probably correlative with widespread and persistent realities in the domain of politics. And these phenomena seem to be understandable in light of the temptations of power which political leaders constantly have to deal with. In the conclusion to the article on the role of civil society in resolving the conflict in the Democratic Republic of the Congo (DRC), we find a telling example of the lure of ethno-political power: 'many of their [the civil society's] leaders either were directly recruited by existing political parties and platforms or simply decided to establish their own political organisations and join active politics'.

Thirdly, however, as people committed to live up to our calling as conflict resolvers, we may consider the question of whether there is a possibility, after all, of *ethic ethnic* leadership. Ethnic loyalties seem to be deeply rooted (by nature and/or nurture?) in all of us, leaders and followers. But shouldn't ethnic loyalties be honestly investigated to distinguish between the self-groupish and the coexistential ones? That is exactly what some of us white South Africans did when the untenability of the fixation

on ethnic separatedness (apartheid) dawned upon us. Our criticism of the established religio-political policy was of course firmly opposed and rejected, but eventually the process of rooting out the unjust system did get underway. As this lengthy process is continuing, we experience how ethnic diversity can be *understood* and how inter-ethnic coexistence can be *lived*. It is not impossible to transform a we-they antagonism into a we-they-*and all of us* friendliness. This is where ethnic leaders, or Great Heart leaders, can model and promote inter-human coexistence – with realism about ethnic allegiance and enthusiasm about cross-ethnic relationships.

Fourthly, we can share an ACCORD research finding about unrelenting leaders of inter-ethnic and inter-political party violence who made an about-turn and began to cooperate towards coexisting with former enemies. What made this finding even more striking, was the fact that the change was not brought about by the intervention of conflict resolvers. It was the leaders themselves who came to the point of realising that there had been enough violence and killing, and that talks had to take place. Then, when the leaders took the lead, their followers followed. ‘In all the consultations [at the three research sites] the value of leadership was acknowledged and praised’ (ACCORD 2008:57).¹ But, in the same consultations, ‘[t]he leaders reciprocated the praise they received, and appreciated the wide-spreading and deep-reaching influence of their followers’ (Malan 2011:50).²

Getting back to the articles in this issue, we should obviously remember that each of them communicates a particular message regarding a particular real-life situation, and we should indeed learn from them whatever is relevant in our own situations. At the same time, however, we may attempt a bit of imaginative thinking into the attitudes and actions of the leaders concerned. In Kenya, leaders were involved in the elections, the hostilities about the results, the transitional justice mechanisms and the

1 ACCORD 2008. *Views and visions of coexistence in South Africa*. Mount Edgecombe, ACCORD.

2 Malan, Jannie 2001. *Being similar, different, and coexistent*. Occasional Paper Series: Issue 3, 2011. Umhlanga Rocks, ACCORD.

institutions of governance. In Nigeria, leaders were involved in amnesty and reintegration programmes and in religious and ethnic conflicts as well as in attempts to resolve them. And in the DRC, leaders of various constituencies took part in the conflict-resolving talks, but as said above, some shifted their loyalties. Our exploring of leadership can obviously be undertaken from various starting points, move along various routes, and arrive at various conclusions. In many, if not most, cases, however, it may be very worthwhile to include a pertinent and penetrating focus on the ethical and ethnical aspects of leadership. There *are* ethical qualities that are not just parochial, but are universally acknowledged, and may justifiably be expected to be upheld by leaders. And in the ethnical field, there *is* the possibility of integrating a responsible intra-ethnic commitment with a remarkable inter-ethnic outreach. A leader with this expertise may inspire her/his followers to become liberated from captivity in own-groupishness and transcend into inclusive coexistence with other groups.

Finally, what do we do when we think along these lines? Do we organise sermonising campaigns for leaders? Or do we just share such perspectives and insights where they may be appropriate? Or do we in any case check our own styles as leaders or followers, and frankly assess our own ethical and ethnical commitments?

Transitional justice and democratisation nexus: Challenges of confronting legacies of past injustices and promoting reconciliation within weak institutions in Kenya

*Ibrahim Magara**

Abstract

Following the post-election violence (PEV) of 2007–8, which almost jettisoned the country into civil war, Kenya put in place a number of transitional justice mechanisms, such as truth telling, as a peacebuilding strategy. One of the major recommendations of Kenya’s Truth, Justice, and Reconciliation Commission (TJRC) is the creation of institutions and mechanisms for peacebuilding, reconciliation, and early warning with a view towards harmonising their activities and adopting a coordinated approach. This article explicates the centrality of democratic institutional reforms in the process of reconciliation, peacebuilding, and long-term stability. In tackling the notion of national reconciliation as a central pillar in post-conflict recovery and peacebuilding, this paper proposes that reconciliation happens within strong and properly functioning institutions

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of governance that are supportive of transitional justice mechanisms. Based on the transitional justice process in Kenya and building upon a view of reconciliation as a process, rather than an end, this paper argues that strengthening institutions that function within governance structures will go a long way towards placing Kenya on the path to reconciliation, national cohesion, and long term stability.

Keywords: Kenya, transitional justice, democratisation, reconciliation, institutional reforms, TJRC

1. Introduction and background

In response to legacies of accumulated injustices coupled with the desire to create strong democratic nations (Buckley-Zistel and Zolkos 2012:3; Kisiangani 2008:56), many countries in Africa continue to adopt transitional justice mechanisms of truth telling, institutional reforms, reparations and prosecutions. Nonetheless, these mechanisms have not significantly helped African countries transition to sustainable and peaceful nations. For example, the growing criticism on the use of truth and reconciliation commissions (TRCs) in Africa has generated questions about ‘the value and utility of such commissions to meet the presumed expectations of their beneficiaries’ (NPI-Africa 2014:5). For instance, Rigby (2001:126) opines that South Africa’s TRC ‘traded justice for peace since some perpetrators were persuaded to say the truth after being assured of amnesty’. Similarly, Schabas (2004:363) argues that the Sierra Leonean TRC ‘in the absence of strong ritual inducement ... lacked deep roots in the local cultures of Sierra Leone, thus many people did not see the need to testify before the TRC’. The International Centre for Transitional Justice (ICTJ) in its analysis of Kenya’s TJRC report maintains that ‘the difficulties surrounding the TJRC process and its final report reflect the reluctance of the political leadership to account for the country’s dark past’ (ICTJ 2014:10). State fragility has since been identified as an important obstacle to transitional justice processes anywhere (Gready and Robins 2014).

Over the years, Kenya has witnessed a number of internal armed conflicts leading to deaths, transfer of population, rape, torture, and destruction of property. Elite fragmentation and ethnic polarisation have been important factors informing conflict in Kenya (Kanyinga et al. 2010:4). Gross abuse of state power has led to numerous cases of injustices and accumulated human rights violations since independence (TJRC 2013:iv) culminating in the PEV. Following the PEV, many actors agreed that Kenya needed to put a break to past injustices (Buckley-Zistel and Zolkos 2012:3; Kisiangani 2008:56) and foster healing and reconciliation to pave the way for sustainable peace. This marked the commencement of transitional justice as a response to the need for peace and demands for justice. Some of the transitional justice measures established include: commissions of inquiry – most importantly the TJCR; institutional reforms – especially constitutional, judicial, security sector and electoral reforms; and prosecutions – remarkably the International Criminal Court (ICC) process. Unfortunately, as some pundits argue, ‘most of these mechanisms have since come to a complete halt’ (Kamungi 2015).

This paper postulates that institutional challenges have been a major hindrance to the success of transitional justice mechanisms in Kenya, hence derailing the reconciliation and peacebuilding process. This is, in part, a result of ‘little attention given to local politics and dynamics’ (Bosire and Lynch 2014:257) and failure by Kenya’s civil society to closely work with state-led initiatives such as the TJRC to bolster them (Bosire and Lynch 2014; Hansen 2012). On its own, the state may not create strong institutions of governance that support transitional justice process, after all, the state is at the centre of numerous cases of human rights violations (TJRC 2013). Institutional reforms should entail a ‘process of reviewing and restructuring public or state institutions so that they respect human rights, preserve the rule of law, and are accountable to their constituents’ (ICTJ n.d.).

2. Brief contextual analysis of the Kenyan situation

After decades of repression, ‘many authoritarian oligarchic regimes in Africa obliged by the impulse of mass discontent and popular protests already begun in the last two decades to accept their own illegitimacy’ (Nyong’o 1992:98). Within this time, Kenya witnessed a spirited demand for democratic space leading to multiparty democracy and regular elections (Makau 2008:247; Nyong’o 1992:99). However, fundamental democratic transition through institutional reforms has been slow (Kanyinga et al. 2010:4).

Kenya has historically witnessed numerous cases of atrocities, systematic violence, historical injustices and widespread human rights violations, with some, such as the Turbi and Wagalla massacres of 1984 and 2005 respectively, being perpetrated by the state (TJRC 2013:187, 235). Against this background, a strong desire for change emerged, especially following the PEV (Makau 2008:249). Triggered by the disputed presidential election results, the swiftness with which the PEV manifested in ethnic violence startled the world.

Kenya was to embark on what appeared to be a strong-willed attempt to transform the country by addressing the past and creating structures that can assure future stability. The aim was to foster reconciliation, to ensure national cohesion and peaceful coexistence of Kenya’s different ethnic groups and assure non-recurrence of past painful experiences (Mue 2013). ‘The National Accord of 2008 committed the coalition government to carrying out a number of activities, with the two most prominent being the constitutional reform and the review of the 2007 presidential elections that led to the establishment of transitional justice process’ (Brown 2011:6).

Kenya witnessed a swift constitutional reform leading to the promulgation of a progressive constitution in 2010. However, five years on, the constitution, arguably, remains the only concrete achievement of the institutional reform agenda in Kenya to date. Nonetheless, ‘the longer-term impact of the new constitution heavily depends on the government’s respect for constitutionalism and the rule of law, which in turn is subject

to its political will' (Brown 2011:130). Unfortunately, this political will and accountability remain almost non-existent (Hansen 2012; Kanyinga and Long 2012; Migai 2011:14–16).

It is argued that Kenya's transitional justice process has been of little significance (NPI-Africa 2014; Hansen 2012:3) due to vacillating institutional reforms and other unintended side effects of democratisation (Branch and Cheeseman 2009). This has prompted some scholars and practitioners to question the country's preparedness for the transitional justice measures that it has since put in place. Some practitioners like Njonjo Mue (2013) opine that 'transitional justice mechanisms were put in place in Kenya without a genuine regime change'. Lynch (2011:183) had earlier held that 'none of the past political transitions led to a genuine democratic regime change in Kenya'. In his evaluation, Brown (2011:2) too thought that 'the transition to a new political order was only partial, lacking the solid break with the past that has occurred in places such as Bosnia and Herzegovina or Sierra Leone'.

An emerging strand of thought in the literature on Kenya's transitional justice process alludes to the notion that Kenya lost the transitional window in 2002 upon the exit of President Moi's repressive KANU regime (Ndegwa 1997:601). However, others hold that the PEV provided Kenya with yet another opportunity to address past injustices, militarisation, violence, and abuses and recreate a new nation based on equity and the rule of law (Mue 2013; Kanyinga et al. 2010:7). Kenya's civil society has equally been blamed for failure to work closely with state-led initiatives to ensure strong institutional design supportive of the transitional justice process in the country (Bosire and Lynch 2014).

The increased uptake of transitional justice mechanisms by many fragile states has led to the convergence of state fragility, institutional reforms, justice, security, and development agendas. In such a situation, institutional strengthening is an imperative undertaking in a holistic approach to transitional justice (Minow 1999). Yet, as Gready and Robins (2014) argue, institutional strengthening can become both imperative and

hugely challenging. Such reforms can be supported by recommendations of truth commissions, such as the TJRC, especially on how to tackle issues of corruption and political impunity. Recommendations should include fundamental reforms of judicial processes that seek to build the capacity of the justice system since accountability contributes to transforming institutions (Gready and Robins 2014). However, the Kenya-ICC process has demonstrated that prosecutions within weak institutions can be counter-productive since in fragile states there is a dangerous tension between a strong focus on human rights that targets reform of the security and judicial sectors and the need to ensure service delivery (NPI-Africa 2014:15). Another tautness occurs between legitimacy and capacity, for instance: ‘Is it better to have tainted institutions that still basically work or purer institutions that essentially do not?’ (Gready and Robins 2014:345). This has been one of the challenges around institutional reforms in Kenya. The country witnessed a swift constitutional reform but due to lack of political will, none of the institutional reforms contemplated in the constitution have been fundamentally implemented (Brown 2011: 5–6). Instead, the political elite are keen in deciding on the route with least threats to their political interests (Branch 2011; Musila 2009:459).

Kenya appears to have hurriedly established transitional justice mechanisms, largely as a strategy to end the violence of 2007–8, and to assure the citizenry and the international community of the state’s commitment to change the course of its chequered socio-political history (ICTJ 2014:2; NPI-Africa 2014:2). This was done without a clear grasp that establishment of such mechanisms primarily involves fundamental changes to infrastructures of impunity responsible for the human rights abuses (Brown and Sriram 2012:258). The country continues to grapple with embedded political impunity. For instance, the same persons, accused of committing atrocities, continue to control state power, making it extremely difficult to unaffectedly tackle issues of the past and ensure that justice with perpetrator accountability is taken seriously. Through the collapsed ICC cases, Kenya has once again demonstrated to the world what risks are involved in prosecutions and how poor strategies of prosecution,

whether domestic or international, can lead to undesired outcomes (NPI-Africa 2014:15–16). The danger is colossal where individuals, as opposed to institutions, are in control of state power (Murunga and Nasong'o 2007:12; Di Palma 1990:496).

Some theorists have elaborated on accountability as a pre-requisite to reconciliation since justice for past atrocities in Kenya is partly to be attained through holding perpetrators accountable (Brown and Sriram 2012; Musila (2009:452). Brown and Sriram (2012:244) emphasise that the 'big fish cannot fry themselves'. It is an assertion affirming that only strong institutions that operate outside the clasp of individuals (Murunga and Nasong'o 2007:12; Di Palma 1990:496) can successfully bring perpetrators of past atrocities to account, hence, assure justice to the victims and open or speed up the process of healing and reconciliation (AfriCOG 2015; NPI-Africa 2014).

3. Reconciliation and politics

Recently, Sarah Maddson (2015:40–57) expounded on the complexity of reconciliation and multiple political challenges facing societies attempting to transition either from violence and authoritarianism to peace and democracy, or from colonialism to post-colonial stability. Maddson (2015:40–43) conceives of reconciliation as a process that is deeply political, and one that prioritises the capacity to retain and develop democratic political contest in societies that have, in other ways, been able to resolve their conflicts.

The conviction that 'whereas the past is painful, it is possible to transform the relations and structures that continue to divide societies' (Maddson 2015:51) is one that can nurture reconciliation. The Kenyan debate on transitional justice and reconciliation should therefore operate within the prevailing political realities. Lack of political will remains a key challenge to democratisation and transitional justice anywhere. But as suggested by Murunga and Nasong'o (2007:12), this challenge can be overcome through a political discourse that moves politics from the hands of people and

places it within institutions – since reconciliation occurs within structures over which individuals have no control. Such structures contribute to the fight against impunity and assure political inclusion, which may defuse the prevalent conflicts of greed and grievance. In Kenya, as is the case in many other African countries, control of state power is linked to development (Herbst 2014). This causes developmental imbalances that are bedrocks of conflict. Transformation of such conflicts calls for a situation where the persons who control the state are not, at least, the sole determinants of the government's development agenda (Kanyinga et al. 2010).

Reconciliation opens up space for politics between former enemies rather than covering over the conflicts that threaten their political association. This entails accepting the risk of politics and the opportunity it presents rather than eliding it (Schaap 2005:4). That is the substance of democracy: the ability to accommodate diversity of views (Schaap 2005:22). With such accommodation there is a possibility for co-existence of democratic political expressions (Little 2014:138). This leads to the creation of space for more robust engagement towards attaining co-existence in Kenya. It is for this purpose that Maddson (2015:51) echoes that meaningful reconciliation can occur when 'divided societies expand their political capacities, embrace conflict without violence and find new ways of respecting old adversaries'. Daly and Sarkin (2011:124) had earlier held that 'reconciliation recognizes that in many deeply divided societies, the capacity to disagree respectfully may be the most that can be expected from conflict transformation efforts'. This article reiterates that if strong institutions are widespread throughout the structures of governance, it will assist Kenya to respond positively to past injustices and place the country on the right path to healing and reconciliation.

The aim is to create Kenya as a society where reconciliation and conflict transformation can thrive. Underlying this avowal is an understanding of disagreement as normal 'but one that requires institutional interventions if it is to harness its democratic potential rather than devolve into violence' (Maddson 2015:52). The challenge is 'to develop ways of engagement that

allow for nonconformity, dissent, open debate, and orderly political change when necessary' (Maddson 2015:52).

4. Concept and praxis of transitional justice

The UN (2010:2) defines transitional justice as the 'full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation'. The notion of transition connotes a fundamental shift in governance: from autocracy to democracy, military rule to civilian rule or from accumulated injustices to democratic stability (UN 2010:3). In any of these alterations, the centrality of democracy is accentuated, meaning that transition profoundly entails a democratisation process. Transitional justice consists of both judicial and non-judicial mechanisms, including prosecutions, the search for the truth, reparations, institutional reform, and national consultations. Whatever combination is chosen must be in conformity with international legal standards and obligations (UN 2010:2; UNSC 2004). Duly rooted in the disciplines of international law, transitional justice entails accountability during transition. Transitional justice includes a much broader range of mechanisms, goals, and inquiries across a multiplicity of disciplines (Hansen 2010:2–4).

The interconnectedness of the transitional justice discourse and the complexity of human rights violations require global action but also sensitivity to local needs. Transitional justice discourse and particularly the complexity of the process within a slow democratising process in Kenya should therefore be viewed within a global theorising process. Many countries continue to reckon with contextual issues given the sensitivity of transitional justice to cases in both theory and praxis. Imitation of what has happened elsewhere, without proper institutional design, has led to cases of failure of transitional justice processes in Kenya and other parts of Africa.

5. Institutional reforms – a key component of transitional justice

Weak or lack of institutions is not only the cause of state failure to prevent human rights violations but also the reason that state power is used to perpetrate injustices (TJRC 2013:57–58). Strong democratic institutions are remedial (Gibson 2009:137) and can facilitate the movement from instability to stability; from human rights violations to a situation where such rights are universally upheld, respected and protected (Olsen et al. 2010:997).

Latin America has gained its place as a global leader in transitional justice (Grombir 2012:12; Forsythe 2011:557–8) partly due to its ‘position at the forefront of the third wave of democratisation and its relatively long experience and practice in developing mechanisms to deal with past authoritarian state violence’ (Forsythe 2011:558). Latin America’s experiences demonstrate that when establishing transitional justice mechanisms, it is important to restructure systems of governance that have in the past caused human rights abuses (Brown and Sriram 2012:258). Key areas of consideration are: the type of conflict termination; the path to democracy; the scale of human rights abuses; the time span and character of the former regime; the commitments of the new government; the democratic status; and the length of the post-conflict period (Kisiangani 2008:52; Nwogu 2010:286).

Countries with strong and functioning democratic institutions generally excel in terms of upholding values of justice, human rights, equality and the rule of law (Donnelly 2007), leading to peace, stability and development (Bertucci and Alberti 2005). This is partly due to the promise of political inclusivity and institutionalisation of governance that accompanies democracy (Risse-Kappen 2005:21). Robust institutional reforms can help overcome Kenya’s prevailing political realities (Murunga and Nasong’o 2007:17) where the political elite continue to manipulate the system through entrenched structures of impunity, exposing the country to high risks of recurrence of violence (Sihanya 2011).

The significance of democratisation in transitional justice is clearer when examining how a fledgling democracy reckons with severe human rights abuses, especially those committed by earlier authoritarian regimes, their opponents, or combatants in internal armed conflict (Grombir 2012:4). Transitional justice and democracy should therefore be explored concomitantly. As Musila (2009:449) postulates, ‘transitional justice debate is inseparable from the wider political context’.

Olsen et al. (2010:982) argue that ‘transitional justice has a positive effect on democracy and human rights’. The positive effect is more likely to occur in situations where transitional justice mechanisms are pursued in combination as opposed to isolated processes (Olsen et al. 2010:982). Olsen et al. (2010:982) suggest that ‘two combinations of mechanisms – trials and amnesties; and trials, amnesties and truth – achieve these goals’. Minow (1999) had earlier hypothesised that a combination of various mechanisms might satisfy the requirements for successful transitional justice process. Minow (1999) assessed four main theoretical frameworks. The first two are: *maximalist* (which emphasises the highest level of accountability) and *moderate* (which emphasises victim-oriented restorative justice). The others are: *minimalist* (which warns against accountability and proposes that amnesty provides necessary stability to nurture democracy and human rights regimes) and *holistic approach* (that involves multiple mechanisms). Minow (1999) maintained that single mechanisms were insufficient to cope with the magnitude of problems faced by new democracies and concluded that a combination of mechanisms was best suited in responding to the demands of transitional justice, and hence suggested the holistic approach as being more effective. Both Minow (1999) and Olsen et al. (2010) postulate the centrality of institutional reforms for the successful transition justice processes.

Kenya’s institutional degeneration is mired with a wide range of human rights violations and accumulated injustices (Kagwe 2010:417; Makau 2008). The country has always struggled against the dominance of state power (Murunga and Nasong’o 2007:9; Amutabi 2007:203) leading to historical injustices and human rights violations such as massacres,

assassinations and displacements among others (TJRC 2013:57). Spirited attempts to reform the infrastructure of the state in line with Agenda Four of the National Dialogue and Reconciliation Act of 2008 indicated the need for institutional reforms (South Consulting 2009). Reforms still remain vital for Kenya's slow democratic transition. According to Grombir (2012:3) 'transitional justice and democratisation are so related such that one cannot conceive either in the absence of the other'. Many other previous commentators such as Teitel (2003), Elster (2004) and Nadeu (2010:7) have all underscored the mutual reinforcement between transitional justice and democratisation. Quinn (2009:37) states that 'justice and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives'. This led to the inference by Grombir (2012:15) that 'transitional justice measures are likely to succeed in situations where there is a robust democratic shift'.

Post-conflict settings require strategic planning, careful integration, and sensible sequencing of activities (Branch and Cheeseman 2009:4–6), through strong democratic institutions anchored in the rule of law (Quinn 2009:37). Kenya's challenge so far, is to separate the two; the current administration has consistently worked against structures of accountability and adopted the 'accept, forgive and move on' (Crocker 2000:99) stance, arguing that revisiting old injustices can only open up old wounds and complicate healing and reconciliation. Quite to the contrary, the majority of the victims feel that there is need to hold perpetrators of serious past violations accountable (TJRC 2013).

Speaking out about what happened to them and their loved ones helps to restore the dignity of the victims (Borello 2004:13). This is the essence of truth telling mainstreamed in truth commissions (Hayner 1998:598). However, truth seeking and truth telling need to be conducted within parameters that can assure careful and effective utilisation of the revealed truths for purposes of justice, healing and reconciliation. Otherwise, revealed truths can either go to waste or in worst scenarios, become destructive (Hazan and De Stadelhofen 2010). While the revealed truth by the TJRC has not been destructive, many actors agree that the country has

failed to effectively utilise the truths gathered by the commission (NPI-Africa 2014:4). The question is why Kenya has failed to make good use of the revealed truths for purposes of national healing and reconciliation. As a response to this question, there is need for critical considerations on the nature and design of Kenya's institutions such as the Office of the Director of Public Prosecutions (DPP), the Judiciary, and Parliament. This should provide the legal framework and necessary resources for implementation of the recommendations of the TJRC.

In the practice of transitional justice, deepening of democracy through institutional reform is necessary at all levels (UN 2010:2). First, institutional reforms are prerequisite for transitional justice since reformed and strong institutions are amenable to transitional justice mechanisms. Secondly, institutional reform provides one of the four pillars of transitional justice (ICTJ 2012:5) since correction of past wrongs involves altering factors that were responsible for injustices. Weak or non-existent democratic institutions are important reasons for injustices and human rights violations (Gibson 2009:137; TJRC 2013:57). The centrality of the state makes it impossible for it to be exonerated from human rights violations and injustices. Either way, the state remains culpable since it either perpetrates or is unable to prevent human rights violations. A case study of Mount Elgon (TJRC 2013) revealed that victims succinctly placed the blame on the state security apparatus for numerous human rights violations committed against innocent civilians in 2008 (TJRC 2013). Thirdly, reformed institutions are basic guarantors for assurance of non-recurrence. Other transitional justice mechanisms, such as prosecutions and reparations, are sustained within a framework of democratic structures and principles that are a consequence of strong democratic institutional design (Maddson 2015:57).

Kenya's perennial challenges of negative ethnicity and political impunity cannot be checked by individuals but can be rectified through mechanisms that operate within the parameters of strong and functional democratic institutions anchored in the rule of law (Bosire and Lynch 2014; Murunga and Nasong'o 2007:4–6). But institutional reforms are unlikely to reverse the situations where politicians, some of whom accused of committing

atrocities, determine the route to take. Proper and full implementation of the Constitution of Kenya is one of the practical strategies towards reforms. Yet the process has faced numerous challenges (Sihanya 2011) with a shift in political narrative from implementation to amendment (Mugambi 2015). The role of the civil society to provide corrective action is indispensable, since government and the political class have demonstrated unwillingness to lead the way (Bosire and Lynch 2014).

6. Institutional reforms for peace consolidation

Inspiring public confidence in the redress of grievances, human rights violations and various forms of injustices obtainable through legitimate means within known structures and predictable processes is important in the consolidation of peace (Onyango and Maina 2015:1). Legitimate structures for peaceful settlement of disputes and fair administration of justice within strong democratic institutions of governance are amenable to peace consolidation (Arbetman and Kugler 1997). States with high institutional quality are less likely to experience civil war or conflict due to their responsiveness to the needs of their citizens; whereas those with low quality institutions can lose the loyalty and support of their citizens, and consequently fall prey to violent conflicts (Taydas et al. 2010). As already said, peace, stability, and development are more likely in countries with strong democratic institutions (Bertucci and Alberti 2005), not only because they are inclined towards upholding justice, human rights, equality and the rule of law (Donnelly 2007), but also due to the high level of political inclusivity they exude (Risse-Kappen 2005:21).

Kenya embarked on a vigorous reform agenda following the PEV with the major achievement so far being a new constitution. However, in implementing the constitution, the political elite are keen to decide on a route with the least threats to their political interests (Brown and Sriram 2012). It is important, therefore, to put in place structures of constitutional implementation devoid of overreliance on the political elite (Bosire and Lynch 2014:257). Onyango and Maina's (2015) assessment of institutional reform concludes that Kenya's reforms, in the short term, contributed to

preventing a repeat of electoral violence in 2013, but nothing much has been done to ensure sustainable peace in the long term.

Full implementation of the 2010 constitution remains central to the reform agenda. The constitution establishes rules, principles, and mechanisms that, if implemented, would strengthen the ability of the country to redress past wrongs and end impunity by ensuring accountability in the exercise of state power. Laws and regulations that give the statutory order an authoritarian character can be transformed to ensure conformity with the values and principles of the constitution (Kwasi 2007:70). Much of the power of government is exercised by the president through bureaucrats who regulate the daily lives of citizens and therefore exercise broad delegated powers. Creating mechanisms to regulate exercise of government power through reformed statutory orders will ensure ‘certain norms in accordance with which state officials, as well as, private individuals are to treat one another, even and precisely, under conditions of extreme hostility’ (Benhabib 2004:8). In this regard the ‘traditional refrain of the soldier and the bureaucrat that “I was only doing my duty” is no longer an acceptable ground for abrogating the rights of humanity in the person of the other’ (Benhabib 2004:8).

6.1 Judicial Reforms

Kenya embarked on extensive judicial reforms with a rigorous process of appointment of the Chief Justice where applicants were publicly interviewed by a revamped Judicial Service Commission (JSC). Subsequently, parliament passed the vetting of Judges and Magistrates Act in 2011 to facilitate the vetting of serving judges and magistrates and terminate their employment where necessary (Goin 2015). However, as the current Chief Justice Mutunga (2011) agrees, the effectiveness of judicial reforms depends on wider reforms in the entire justice sector. This would include critical stakeholders, such as, the prosecuting authorities, penal institutions and the police – and even the executive and parliament which put forward and approve budgetary allocations (Gainer 2015). Therefore, there is need to ensure that complementary reforms are taking place within all those

other institutions in order to ensure effective and timely delivery of justice (Bosire 2012).

Since 2010, institutional culture and structural impediments have stood in the way of judicial reforms (Gainer 2015:3), but this should not be allowed to retard efforts to implement an ‘ambitious plan to make the courts more efficient and open, increase professionalism, and expand the court system’ (Gainer 2015:4). The process of judicial reforms has to revamp an opaque system, many of whose members have historically had strong senses of entitlement (Mutunga 2011). These reforms, Mutunga (2011) suggests, should aim at overcoming internal resistance, strengthening weak accountability mechanisms, and finding the necessary resources.

Another key component of judicial reforms is structuring judicial accountability. Accountability is a particularly tough challenge because many Kenyans do not understand how the court system works, and lawyers are often involved in corruption (Final Report of the Task Force on Judicial Reforms 2015). ‘For reforms to take root, users of the justice system – whether lawyers or everyday citizens – have to understand how the courts should function and demand that judicial officers deliver quality services’ (Gainer 2015:5). This requires high and consistent levels of sensitisation.

The Final Report of the Task Force on Judicial Reforms (2015) contains key fundamental recommendations in justice sector reforms. Access to justice has been pointed out as the first pillar and key result area. This should ‘encompass such actions as the establishment of customer care desks to answer questions, the simplification of court procedures, and the creation of a case management system’ (Gainer 2015:6). It stretches to public and stakeholder engagement, including ‘the strengthening of complaint mechanisms and the creation of more-formal structures for court users’ committees’ (Gainer 2015:6). In addition, change of institutional culture, increased training, clarified responsibilities, an expanded court system and its budget, and increased use of information and communications technology are vital (Gainer 2015:6). This entails, in part, simplifying and communicating procedures, creating strong monitoring mechanisms,

and building structures that are responsive to complains (Gainer 2015: 9–12). To expedite judicial reforms, the creation of known frameworks of sustained engagement of the civil society and the public is equally crucial (Gainer 2015:13; Bosire and Lynch 2014).

6.2 Parliamentary reforms

Increased awareness of the links of parliament to the conflict-poverty nexus has in recent times led to a growing acknowledgment of the role of parliaments in peacebuilding. Parliament is one of the best tools for managing issues of conflict and poverty that affect the nation (O'Brien et al. 2008). Factors that underlie conflicts in Kenya are often found in constitutional and electoral systems or in how those systems are operationalised and in the way public resources are utilised (Barkan 2004). Representatives of the people are better placed to address potential causes of conflict before violence erupts. 'Parliaments are perceived therefore as perfectly positioned to contribute to peacebuilding through conflict prevention initiatives, oversight and accountability over the executive, public service and public resource, as well as, through programmes that tackle poverty and conflict' (O'Brien et al. 2008:21).

Parliaments are more representative of diversity; their members are equal by design, and more accessible to the public than executive and judicial arms of government (Olson 1994). This makes parliament a unique forum to address contentious issues (Onyango and Maina 2015:6), such as Kenya's current crisis on electoral reforms. Parliament can also be a forum that helps build relationships among conflict-affected societies (O'Brien et al. 2008) – a forum for ethnic communities in Kenya where rivalries are commonplace. Parliament is recognised as fundamental not only to democracy but also to the relationship among different groups of people represented, as well as, the executive and the judiciary (Brazier 2007). Furthermore, parliament as a transformative dialogue forum within a divided society, if it satisfies all parties (Ramsbotham et al. 2011), is better positioned to address matters of national concern. The committee system enables the legislature to organise

its affairs and to shadow the operations of government agencies (Barkan 2009:48–49.)

A robust and independent parliament can help inspire public confidence. Various groups represented in parliament will trust that their representatives will handle competently, diligently, and independently issues of concern, including grievances, without resorting to violence (O’Brien et al. 2008.). In order for it to deliver effectively on this mandate, parliament should be properly constituted and its constitutional independence safeguarded (Onyango and Maina 2015:5). There should be mechanisms to ensure that interest groups seeking favourable legislative outcomes do not subvert the public interest (Onyango and Maina 2015; Bosire and Lynch 2014; O’Brien et al. 2008). Accountability mechanisms for parliamentary reforms, therefore, should include those that regulate lobbying, conflicts of interest, misconduct, and abuse of power (Onyango and Maina 2015:5–6).

6.3 Security sector reforms

Kenya’s existing security architecture is still deficient in a number of respects. For instance, policing still largely remains executive-dependent, undemocratic, and inequitable (Saferworld 2015; Migai 2011). The ruling class still want to ‘have the security agencies deployed to serve the interests of the regime to the detriment of crime control and protecting citizens’ (Migai 2005:228). Secrecy surrounding security operations has made the security sector the most corrupt centre in government. The police are usually heavy-handed, insensitive, and use excessive force, leading to a compromised public confidence (Saferworld 2015). Security governance is largely not participatory, because citizens are not consulted in decision-making (Migai 2010:32). Discretionary presidential power over security agencies that the constitution sought to correct still exists. In the pretext of fighting terrorism, the current regime has sought to regain such powers as witnessed in the recent controversial Security Laws Amendments Act 2015 (Mugambi 2015).

In addition, no mechanism ensures accountability of joint police/military operations, which historically have operated in a regulatory vacuum (Migai 2010:31–33). Such operations are often characterised by gross human rights violations (Migai 2010:32), and investigating the military is problematic (TJRC 2013:72–76). For instance, the TJRC (2013:75) reports that ‘the commission’s interactions with the military were difficult and requests for information went largely unanswered’. During such operations, there is a great need to create clear and operational mechanisms and legal frameworks for ensuring military accountability through legislation, anchored in Article 241 of the Constitution.

The police reform agenda must be driven to provide its desired impact, maintaining its goal of sustainable peace, stability and justice for all through the rule of law and respect for human rights (Migai 2010:33). It is equally important to create synergies between reforms in different institutions touching on the security sector since a malpractice of one institution inevitably impacts on the others (Onyango and Maina 2015:1). Reforms should be implemented within the broader philosophy of change management that requires a conducive and supportive political environment, including the commitment of the executive arm of government (Onyango and Maina 2015:3).

Commissions of inquiry and task forces dealing with police reforms have suggested that careful evaluation of police officers is a prerequisite to transforming the police. In particular, implementing the recommendations of the National Task Force on Police Reforms should form part of the process (Migai 2010), thus addressing challenges of police evaluation. Among others, the Task Force recommended that all officers be subjected to a review against criteria such as professionalism, integrity, track record, and psychological fitness. It is imperative to implement these recommendations to the extent that they promote the values of the constitution and ensure a police force that is effective and one that enjoys public confidence (South Consulting 2013:31).

7. Conclusion

This essay maintains that strengthening of institutions, as a strategy of peacebuilding, is most likely through implementation of various transitional justice mechanisms. Such mechanisms should aim at confronting the past, ending injustices, fostering reconciliation, redressing the victims, ending the culture of impunity and building structures that can prevent recurrence of past injustices. Through strong institutions afforded by the principles of democracy, the norms of transparency, equity, accountability and non-interference with judicial and non-judicial transitional justice processes are fortified (Nadeu 2010:8). Transitional justice measures are more likely to succeed if Kenya puts in place strong democratic institutions. These include fundamental reforms of critical sectors of governance such as the judiciary, parliament, the security sector, electoral process and the public service.

Kenya will do well not to retreat from the trajectory of transitional justice. However, actors in this field must be alive to the fact that any country which attempts to utilise transitional justice mechanisms to tackle past human rights abuses during the process of democratisation faces political, judicial, and ethical challenges (Arenhövel 2008:576). To surmount such challenges, the inevitability of institutional reforms comes to bear since the process largely depends on the nature of government and democratic institutions in place (Forsythe 2011:557–8). Kenya should relentlessly continue in the path of reforming structures of governance through designing institutions responsive to current demands of peacebuilding, reconciliation, and national cohesion. This paper accentuates the need to have robust institutional reforms as the basis for transitional justice mechanisms to avoid replication of failure of transitional justice measures, not only in Kenya, but also across Africa where many countries are emerging from violent conflicts and others such as South Sudan and Burundi are still trapped in violence and political uncertainty.

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The civilianisation of ex-combatants of the Niger Delta: Progress and challenges in reintegration

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Abstract

The focus of research on the Niger Delta has shifted considerably from the large-scale violence affecting the region, to the effects of the post-amnesty era which followed the introduction of the Presidential Amnesty Programme (PAP) by the government in 2009. Unfortunately, the emergent literature on the amnesty topic has been pessimistic in its reductionist assessment of the whole programme as a mere ‘cash-for-peace’ or ‘settlement’ exercise which can only lead to a fragile peace in the Niger Delta. This paper, being a product of an in-depth investigation of the programme through direct observations and field interviews, presents a different perspective. The paper demonstrates the capacity of the amnesty programme to facilitate and sustain peace in the troubled Niger Delta, with specific focus on the reintegration aspect of the PAP. The paper shows that the reintegration programme has recorded some positive progress which has not been well captured in the literature. Indeed, these achievements are a clear sign of the potential of the PAP to bring about a lasting peace in the Niger Delta. Furthermore, the paper analyses the current challenges bedevilling the programme. Following the highlighted challenges, the

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paper offers recommendations on how the reintegration programme can be properly utilised to sustain peace in the Niger Delta.

Keywords: Disarmament, demobilisation and reintegration (DDR), ex-combatants, Amnesty Programme, Niger Delta

Introduction

In the 2000s, issues concerning the Niger Delta were more popular in research on the Nigerian state. Clearly, this was informed by the fact that the period was synonymous with the age of increased agitations and violence in the oil-rich Niger Delta region. The large-scale violence experienced in the region in that period drastically affected Nigeria's oil production and exportation, with devastating effects on the country's economy given its over reliance on oil earnings as its national income. For instance, Nigeria's oil production sharply dropped from 2.6 million barrels (per day) to 1.3 million barrels (per day) between 2005 and 2009, in the midst of consistent attacks on oil installations and kidnapping of oil workers by the militia groups in the region (Obi 2010). Given this situation, researchers were preoccupied with the task of studying the patterns of violence and agitation in the region, which produced works that analyse the origins of the crisis, the various actors involved in the crisis (their interests, solutions and recommendations), and other topical issues around the Niger Delta conflict (for example, Human Rights Watch 1999; Obi 1997; 2007; 2009; Oyefusi 2007; Omotola 2009; Ikelegbe 2005).

With the introduction and implementation of the Presidential Amnesty Programme (PAP) by the Nigerian government in 2009 – which has become the euphemism for the government's Disarmament, Demobilisation, and Reintegration (DDR) policy on the Niger Delta – the direction of research naturally changed, and attention has increasingly shifted to the post-amnesty era of the Niger Delta. As such, there has been an appreciable development of literature on the topic of amnesty in the Niger Delta (Aghedo 2013; Ushie 2013; Eke 2014; Obi 2014; Agbibo 2014; Oluwaniyi 2011a; Ojeleye 2011; Davidheiser and Nyiayaana 2011). While a handful of work on the topic

has indeed been useful to understanding the background, challenges, and sustainability of the amnesty policy as a peace strategy in the Niger Delta, the main thrust of their assessment emphasises the negative aspects of the policy with some sceptic views of the programme. For example, Cyril Obi argues that ‘... evidence so far suggests that the PAP is at best a fragile basis for sustaining peace and development in the oil-rich region in the medium to long term’ (Obi 2014:254). He further concludes: ‘The PAP has delivered to the government (rather than the people) the type of peace consistent with a status quo that maintains conditions for state ownership of oil, its optimal extraction in partnership with oil multinationals and the sharing of the spoils’ (Obi 2014:254). In a similar vein, Surulola Eke is of the view that ‘the deal was a “cash for peace” programme cloaked in “amnesty”; which has inadvertently increased the appeal of violence for those who seek a slice of the so-called “national cake”’ (Eke 2014:1).

After a considerable period of active engagement with the PAP through a series of interviews with ex-combatants and coordinators of the reintegration programme, including direct observation of the skills training centres (for the reintegration programme), the authors of this paper present an alternative perspective to the existing perspective and narratives of the PAP in Nigeria.¹ This study, therefore, demonstrates with empirical evidence the effectiveness of the amnesty programme in peace efforts in the troubled Niger Delta, with a particular focus on the reintegration aspect of the PAP. The reintegration part of the programme is specially chosen for analysis because it represents the most important stage for any DDR programme as it aims to complete the peacebuilding process and prevent a relapse into violence. Moreover, the reintegration stage forms the present stage of the PAP of the Nigerian government. Notwithstanding the aim of the paper, which illustrates some of the progress recorded in the reintegration process, some of the major challenges to the programme

1 The first author was officially assigned the duty of monitoring and evaluating the progress of the training programmes under the amnesty policy in South Africa in 2013. This enhanced a direct assessment of the programme. The second author was on a field study to the Amnesty Office in Abuja, Bayelsa and Rivers States for his doctoral project.

are presented. This offers more support for the paper's objectivity and dismisses claims of a pro-government bias.

To accomplish its task, the paper is divided into five sections (excluding the introductory section). The first section offers a conceptual analysis of reintegration and demonstrates its importance in a post-conflict peacebuilding process. The second section presents an overview of the PAP and DDR strategy of the Nigerian government, showing the process that led to the programme with its objectives as outlined by the government. The third section specifically addresses the reintegration part of the programme and how it is designed to work in the Niger Delta. The fourth section analyses the observable progress and challenges in the process of the reintegration programme. Finally, the last section presents a summary and conclusion of the paper. A set of recommendations is also provided on how to maintain peace in the Niger Delta.

1. Reintegration in a peacebuilding process: A conceptual analysis

'Reintegration' – defined as 'the process by which ex-combatants acquire civilian status and gain sustainable employment and income' (United Nations 2006) – represents a stage in the DDR programme, which derives its origin from the concept of 'peacebuilding', first introduced by former Secretary-General, Boutros Boutros-Ghali, in his proposals for reform in the United Nations (UN). In the report, otherwise known as 'An Agenda for Peace', Boutros-Ghali advocated for 'comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people' in a post-conflict environment (United Nations 1992). For these purposes, Boutros-Ghali identified the following strategies: disarming combatants, restoring order, destruction of weapons, repatriating refugees, advisory and training support for security personnel, human rights protection, strengthening of government institutions, and promotion of public participation (United Nations 1992; also see Knight 2008). Scholars and practitioners have concluded that these strategies represent a basis for the 'Disarmament,

Demobilisation and Reintegration' process that has become a useful tool for conflict resolution and peacekeeping efforts (Knight 2008:26).

Following Boutros-Ghali's report, the UN through its Security Council fully adopted the DDR strategy in 1999 (Knight 2008:26). By 2000, it was reported that the UN had implemented DDR in fifteen peacekeeping operations (United Nations 2000:8). The Brahimi report, an outcome of a high-level panel set up to review the peace operations of the UN in 2000, further emphasised the importance of the DDR, which was seen as 'key to immediate post-conflict stability and reduced likelihood of conflict recurrence' (United Nations 2000:7). The report facilitated the widening of the scope of DDR to include socio-economic dimensions to post-conflict peace operations. This was concretised with the Integrated DDR Standards (IDDRS) report published in 2006 (United Nations 2010:9–10). In 2010, a further advance was experienced in the development of the concept following the introduction of the 'Second Generation' DDR. The Second Generation was conceived to address the shortcomings of the 'traditional model', somewhat narrowly concerned with addressing the military aspects of conflict. Thus, the Second Generation is designed to take a holistic approach to post-conflict peacebuilding and includes the whole community in its scope (United Nations 2010).

The reintegration process, which is the central focus in this study, is indeed important to the DDR process. This is because disarmament and demobilisation of combatants would be meaningless without the creation of fresh socio-economic opportunities for the ex-combatants, which would prevent them from reconsidering their violent past efforts. Indeed, experience has shown that frustrated and unemployed ex-combatants have been involved in activities that ultimately lead to resurgence of insecurity in post-conflict states (Watson 2009). Therefore, reintegration strategies are undertaken after disarmament and demobilisation, which often involve direct monetary packages, provision of job opportunities, skills acquisition programmes, income-generation enterprises and other social reintegration policies to ex-combatants in exchange for their commitment not to take up arms against the state again (Knight 2008:29). Despite the potential of

the reintegration programme in peace-making process, the concept has not been spared of criticism.

Some of the issues raised about reintegration by scholars and practitioners are the following: ambiguity in the timeframe for reintegration – whether it is in the short-term or long-term; imprecision about the basic elements of reintegration and how to measure the success of the programme; its inadequacy in addressing the root causes of the conflict; over-concentration on armed groups and neglect of other social groups affected in conflict (Hazen 2011; Jennings 2008). In response to some of these concerns, significant policy measures have been taken by important multilateral agencies, national governments and non-governmental agencies. For example, the concept of ‘reinsertion’ was introduced to differentiate between the short-term and long-term aspects of reintegration by the UN. The reinsertion was defined as ‘short-term material and/or financial assistance to meet immediate needs’ (United Nations 2006). It is aimed at keeping ‘ex-combatants off the street’ and providing ‘transitional assistance’ to ex-combatants and their families before reintegration is fully implemented (Hazen 2011:199). In addition, the Swedish government through the Stockholm Initiative on DDR (SIDDR) recommended the inclusion of ‘neglected beneficiaries’ such as women, children and landless youth in the reintegration process (Ministry for Foreign Affairs Sweden 2006). Indeed, this particular recommendation has been included in the framework of Second Generation. Also, there have been calls for mainstreaming reintegration programmes into national poverty eradication and socio-economic development schemes in order to guarantee the sustainability of the reintegration programme (International Labour Organisation 2009).

2. Amnesty programme and DDR in Niger Delta

As alluded to earlier, the volley of violence in the Niger Delta has been well captured in numerous studies. For this reason, we do not see any reason for much repetition here. It is, however, incontrovertible that the Niger Delta conflict marks a major chapter in Nigeria’s history. Nigeria experienced the intensity of the crisis in the 2000s. For example, it was reported that

ninety-two attacks on the oil industry were carried out in 2008 alone, and almost one thousand people were killed in the period (International Crisis Group 2009:2). In a bid to find a solution to the crisis, several measures were taken by the government. These measures were undertaken through violent and non-violent approaches. First, the non-violent approach: the government established some developmental agencies to address rising concerns over developmental challenges in the Niger Delta. The agencies include the Niger Delta Development Board (NNDB) established in 1961; the Niger Delta Basin and Rural Development Authority (NDBRDA) established in 1976; the Oil Mineral Producing Areas Development Commission (OMPADEC) established in 1992; the Petroleum Trust Fund (PTF) in 1995; the Niger Delta Development Commission (NDDC) established in 2000; and the creation of the Ministry of Niger Delta Affairs in 2008. Other non-violent mechanisms employed were the occasional increment in revenue allocations to the Niger Delta and transitional justice and constitutional conferences (see Omotola 2007; Oluwaniyi 2011a; Adeyeri 2012).

The violent approach to resolving the crisis manifested in the promulgation of military decrees criminalising local protest groups in the region. This created an avenue for massive clampdown on the protest groups, given their rigidity on addressing the environmental problems arising from oil explorations in the region. This event culminated in the execution of the leaders of the Movement for the Survival of Ogoni People (MOSOP) otherwise known as the 'Ogoni 9' by the military dictatorship of General Sani Abacha in 1995, which attracted international condemnations. A special military force, the Joint Task Force (JTF), was later created during Olusegun Obasanjo's democratic rule, which signified a total declaration of war on the increasingly sophisticated and militarised protest movements in the Niger Delta. Unfortunately, these measures escalated the crisis rather than solving the problem.²

2 Human rights abuses alarmingly increased at that time, which further fuelled the anger of the peoples of the area; hence the occurrence of an increased rate of violence in the Niger Delta.

The ineffectiveness of the military approach necessitated the search for a different approach to resolve the crisis. Towards this end, the administration of (late) Umar Musa Yar'Adua set up the Niger Delta Technical Committee (NDTC) – after a rejected peace summit to be headed by Nigeria's UN staff member Ibrahim Gambari – in September 2008 to come up with suggestions on conflict resolution in the Niger Delta (International Crisis Group 2009). In order to find legitimacy for the NDTC amongst the indigenous peoples of the region, the government strategically ensured that all members of the committee have their origins from the nine states that characterise the Niger Delta (Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers States). The main task of the NDTC was to examine the report of a previous commission – the Willinks Commission in 1958 – and to consolidate the recommendations of that report for government action. Amongst other important suggestions, the offering of amnesty to the combatants and implementation of DDR were central in the recommendations provided by the NDTC (International Crisis Group 2009). Granting amnesty to the combatants, as well as the acceptance of the amnesty by the combatants, would create the needed environment for the implementation of the DDR and address the major grievances fuelling the age-long conflict.

Although the government did not officially accept the recommendations of the NDTC, it embraced the idea of amnesty for the combatants as a measure to encourage negotiations; hence its announcement of a 60-day amnesty period (August to October 2011) to combatants willing to accept unconditional amnesty in order to kick-start the peace-making process. The amnesty simultaneously included a disarmament process as the state's amnesty policy required that the combatants lay down their arms and sign the amnesty register indicating their acceptance of the offer (Oluwaniyi 2011b). At the end of this process, a total of 20 192 combatants came out to accept the amnesty and surrendered their weapons to the government. Two other phases followed in 2010 and 2012 to accommodate groups that were excluded in the first phase given their earlier scepticism about government's intention with the policy. In 2010, 6 166 combatants were included, while

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3 642 combatants were considered for the third (and final) phase in 2012 (Oluwaniyi 2011b).

The demobilisation process immediately followed the disarmament exercise. The government set up demobilisation camps as centres for the demilitarisation and rehabilitation of the ex-combatants for a period of time, with the aim to prepare them for a new civilian life. In this process, the government offered to pay a sum of N65 000 to the ex-combatants as monthly stipends to cater for their immediate needs and discourage them from engaging in criminal activities until the end of their reintegration (Oluwaniyi 2011b).

In contrast to other DDR programmes in post-conflict states, which are usually managed and funded directly by international organisations and donor states, the implementers of the Nigerian DDR define the programme as 'home-grown'. This is because the programme is seemingly designed and financed in its entirety by the Nigerian government. According to Kingsley Kuku (then the Special Adviser to the President on Amnesty and Niger Delta Affairs), 'the Amnesty programme is the only DDR programme in the world that did not rely on the expert advice from the United Nations. It has been acknowledged as a unique Nigerian-made peace model, proclaimed, funded and managed by Nigerians to this level of success so far without any tragic incidents'.³ However, the fact that the programme has sufficient connection with external agencies and individuals in its foundational designing, as well as government's collaboration with the multi-national oil companies operating in the Niger Delta on the project, may counter the government claims that it was 'home-grown'. It should be noted that the oil companies, which include SPDC, Chevron-Texaco, Total, AGIP, ConcoPhillips Oando and Liquefied Natural Gas (LNG), set up the (Oil and Gas International Foundation) OGIF to train 3 000 ex-combatants in the reintegration process (which is discussed in the next section) (Abazie-Humphrey 2014).

3 'Government justifies foreign trainings for former militants', <<http://www.oyibosonline.com/cgi-bin/newsscript.pl?record=9480>>

The immediate success of the disarmament and demobilisation (DD) stages of the peace programme can be judged from the sharp decline in violent activities – ransom kidnapping, raping, pipeline vandalism, and assassinations – which were alarmingly high in the Niger Delta. Of course, this revitalised the dwindling oil production in the region. Oil production soared from 700 000 barrels a day to 2.4 million barrels (Abazie-Humphrey 2014). Besides the oil industry, the peaceful environment generated by the DD processes also assisted the local fishing economy, which is the main source of livelihood for the peoples of the region. For example, research conducted on fishing business in Niger Delta communities after the amnesty programme was implemented demonstrated that the local fishers recorded about 200 per cent increase in their weekly income (Achoja et al. 2013:12–16). Also, the successful completion of the DD stages – despite immediate challenges including public mistrust of the programme, legitimacy issues, implementation problems and logistical hitches (Aghedo 2013; International Crisis Group 2009; Oluwaniyi 2011b) – and the eventual transition to the reintegration stage should also count as an achievement for the amnesty programme. Indeed, this is evinced by the eventual acceptance of the government’s peace initiative by the remaining combatants who were initially sceptical about the programme.

3. The reintegration process

It is useful to note that most of the existing studies on DDR in the Niger Delta do not take into consideration the reintegration stage in their analyses. The fact that this study is a product of more direct observation and assessment of the reintegration process is one of its major contributions to the existing literature.

The reintegration programme has two dimensions. First, the government formulated a novel strategy of ‘constructive engagement’ with the leadership of the combatants by employing them to establish their own private security firms that would be hired to secure oil pipelines and other installations on a multi-billion Naira contract agreement (International Crisis Group 2009). The logic behind this strategy is to find a meaningful

avenue for the militant leaders, who had been exposed to stupendous wealth and lifestyle – given their incomes from ransom kidnapping, oil bunkering and political patronage – to now have alternative and legitimate sources of income after renouncing violence. This will prevent them from returning to their violent past. In addition, it is believed that these individuals, given their experience with vandalising oil pipelines and installations, would better provide the needed security in that regard. According to the Special Adviser to the President on Niger Delta and Amnesty Affairs, Kingsley Kuku, ‘I believe that only the people of the communities where the pipelines crisscross their backyards can conveniently work with the security agencies to stop oil theft and protect the facilities’ (Daniel 2013). Indeed, the fact that leaders of combatants in conflict are not usually given special economic opportunities in reintegration arrangements has often been one of the reasons for the collapse of DDR in many countries.

The second dimension is the more popular one, which targets the general combatants and non-combatant youths for socio-economic empowerment. It is instructive to note that one of the major criticisms of the traditional model of DDR is its focus on the combatants alone in the reintegration process while neglecting the other members of the society (United Nations 2010). The fact that this gap is meaningfully addressed in the Niger Delta’s reintegration programme is indeed one of its strengths. The reintegration programme also includes non-militant youths of the Niger Delta. According to the (then) Head of Reintegration of the amnesty programme, Lawrence Pepple, the reintegration progress included ‘people who did not bear arms (non-combatants) that were drawn from what we call “impacted communities” – communities [in] which militant agitation has dwindled their economy, stopped their family from doing what they are expected to do’ (personal communication, 2014). In this category of the non-militants, women are also included. According to the Head of Reintegration, ‘over 742 women were covered in the programme’ (personal communication, 2014). The inclusion of women, according to Pepple, is in contrast with the Liberian reintegration policy which was based on the expression of ‘one man-one gun’ as a basis to preclude women. In confirmation of this claim,

we observed a number of women (although insignificant) at the training centres in South Africa during our visit. The consideration of women in the reintegration process addresses gender bias, one of the major concerns of scholars and practitioners on reintegration (see Knight 2008).

The reintegration process involves vocational training and formal education programmes for its beneficiaries. The vocational training involves a wide range of vocations that would potentially empower ex-combatants upon their reintegration into society. These include piloting, carpentry and furniture making, welding, boat building, marine operations, heavy duty operations, automobile technology, agricultural operations, oil and gas technical operations, electrical and mechanical engineering, and other relevant skills. In formal education, the reintegration process creates the opportunity for ex-combatants willing to pursue formal education to acquire quality education up to tertiary levels (undergraduate and postgraduate) in local and foreign universities. A document from the Amnesty Office indicates that the education and skills training programmes cover 157 universities and 22 vocational skills training centres in thirty countries across the world. The local education and vocational training programmes involve nine universities and nineteen vocational training centres in eight states in Nigeria (Office of the Special Adviser to Nigeria President on Niger Delta 2014).

The reintegration process is anchored by two important agencies: the Presidential Amnesty Office and the OGIF. The Presidential Amnesty Office is the governmental agency established under the presidency to solely administer the reintegration programme. The agency is headed by the Special Adviser to the President on Niger Delta and Amnesty Affairs. On the other hand, the OGIF is a foundation created by twelve notable oil companies operating in the area (Oando PLC, Niger Delta Petroleum Resources Limited, Chevron, Exxon-Mobil, Shell BP, Total, Nigerian Liquefied Natural Gas Limited, Schlumberger Oilfield Services, Pan Ocean Oil Corporation, Nigerian Petroleum Development Company, Nigerian Agip Oil Company, and Addax Petroleum) to work in partnership with

the Presidential Amnesty Office to train and empower three thousand ex-combatants and youths (Abazie-Humphrey 2014).

As of November 2014, official reports indicate that a total of 18 706 ex-combatants and youths have acquired formal and informal education, out of which 15 392 have graduated in the reintegration programme. Another 11 294 individuals are being enlisted into the reintegration programme. It is noteworthy that the government has indicated an intention to close the reintegration programme at the end of 2015. In this regard, the then Special Adviser to the President remarked that: 'It will be in the best interest of Nigeria for government to terminate the presidential amnesty programme by 2015. If it is not closed by 2015, it will lose its taste. This is because it will become an alternative government in the Niger Delta' (Ehigiator 2013). However, this has been a source of controversy as many actors in the region are calling for the extension of the programme for more years. Considering the many voices who oppose the discontinuation of the programme in 2015, and a noticeably weak disengagement plan proposed by the government, the new government under President Buhari in February 2016 announced an extension of the programme for another two years (until 2018) while describing the present phase as an 'exit strategy' (Olokor 2016).

4. Appraisal of the reintegration process: Progress and challenges

In the analyses of the existing works on Niger Delta's DDR, the programme is often described as a mere 'cash-for-peace' or 'settlement' exercise that will only produce a fragile peace. A more pertinent assessment of the programme arising from direct observation and field interviews by our researchers provides a different insight into the DDR. It shows that the understanding of the programme should go beyond the existing views in the literature. There has been progress, which has not been adequately captured in the existing analyses. This does not mean that there are no remaining challenges in the actualisation of the objectives of the programme and the whole peace move in the Niger Delta. Therefore, this section will use a

thematic analysis format to more fully identify the observable progress of, and challenges to, the reintegration exercise.

Progress

Quality training

One good way to assess the reintegration process of the DDR is to look at the quality of training being designed for the ex-combatants. It should be noted that many reintegration exercises, especially in post-conflict African states, only offer low-quality training programmes (in both formal and informal education) to ex-combatants. This is usually due to a paucity of funds for broad and competent training. The result is that opportunities for reintegration into civilian life are severely limited. For example, many Sierra Leonean ex-combatants ended up as small-scale artisans, entrepreneurs and farmers because of the kind of training they were offered in the reintegration process. For this reason, many of them have been unemployed in Freetown and vulnerable to violent activities (*Africa Renewal* 2005). This also represented one of the challenges of reintegration in Liberia (Alusala 2011:66). In the Nigerian case, the reintegration process is characterised by high-quality educational and vocational skills training programmes that have the capacity to empower the demobilised combatants after their training programmes.

Although there is no accurate data on the distribution of beneficiaries under the reintegration programme in terms of formal and informal education training, it is useful to state that the universities being offered to the demobilised combatants and youths of the Niger Delta are some of the high-profile and expensive universities in the world. Some of them are Coventry University, Portsmouth University, Salford University, Bradford University, University of Liverpool, University of Reading, University of Newcastle, University of Dundee, University of Kent, Leeds University, Kings College and others in the United Kingdom. Others include high-profile universities in Malaysia, Dubai and Sweden (Office of the Special Adviser to the President on Niger Delta 2014). It cannot be disputed that

a graduate from any of these universities has better prospects for job and economic independence than reintegrated combatants in other parts of Africa. This also goes for some of the vocational and skills training institutes available to the beneficiaries of the reintegration programme. Some of the training centres include Schlumberger Technologies based in France (for drilling engineering), Lufthansa Aviation Academy based in Germany (for advanced pilot training), CAE Oxford Aviation Academy in the United Kingdom (for advanced pilot training), Schneider Electric in France (for electrical engineering), Institute of French Petroleum in France (for petroleum industry technicians), Airstar Flight School in Italy (for pilot training), Comair in South Africa (pilot training), Flight Simulation Company in Netherlands (for pilot training), Africa Union Aviation Academy in South Africa (pilot training), Adcorp Technical Training in South Africa (mining industry technicians), Furntech Furniture in South Africa (for furniture making), and a host of others in different parts of the world.

Behavioural change and academic performance

One of the major concerns of scholars and practitioners in the early days of the reintegration process was the seeming difficulty in transforming the behaviour of the demobilised combatants into that of a decent civilian. Truly, this represented a major challenge at the different camps and training centres. However, a personal observation of the activities of the ex-combatants at their different training centres shows an improvement in their dispositions to life. In South Africa, the researchers were able to access all such centres and discovered a surprising change in their attitudes. For example, as evaluator of training programmes in South Africa, the first author asked one leader of ex-combatants if there were frequent cases of fights among them. The reply was (in the broken English Language popular in Nigeria), 'It is only someone who does not understand the reason why he is here that will engage in unnecessary fight ... for me I am not here for that'. In an encounter with ex-combatants undertaking diploma and degree programmes at a university, one of them told the researcher,

‘There is no type of gun that I have not used before ... just name it. But I am now a changed person. I thank the government for this opportunity’. These and other responses show improvement in the behaviour of the ex-combatants.

The above is also corroborated by their instructors at the centres. For example, an official of the International Students Office in one of the universities stated that the students under the reintegration programme were ‘very eager to learn the new environment. They want to be successful’. This behavioural change is also reflected in the academic reports to which the researcher had access. The reports on individual conduct and academic performance are quite impressive. This also includes their individual academic performance. For example, of the fifty-one of the beneficiaries of the programme who graduated at a Nigerian private university, Novena University, seven had second-class Upper Division passes in subjects as Intelligence and Security Studies, Political Science, Energy and Petroleum Studies, Accounting or Computer Science (Naij.com 2016). However, this does not suggest that there are not a few cases of misbehaviour amongst the trainees. In the periods when they were being evaluated, there were one or two specific cases of errant behaviour. What is however clear in our observation is that some of the trainees were challenged by culture shock and sudden environmental change in their new abodes. For instance, a prominent complaint by the trainees was the absence of Nigerian dishes, which they were promised before they arrived in South Africa for training. Also, they were struggling to adapt to the new academic environment and challenges since many of them had long gaps in their schooling because of the years they spent in the creeks as militants.

Employment

The high quality training acquired by the beneficiaries of the reintegration programme is, of course, providing good employment opportunities for them (although enough achievement is yet to materialise in this area). Some examples include the following: fifty of the trainees that went for welding and fabrication training at Proclad Group in Dubai were

automatically offered employment by the institution upon completion of their training; forty-nine trainees who underwent training at Scuola Edile Genovese in Italy also gained employment at different shipping companies locally and internationally after their training; fourteen trainees who trained as mechatronics and welding engineers got employed at Samsung Electronics (Office of the Special Adviser to the President on Niger Delta 2014); and Schneider Electric in France employed fifteen trainees in power management after their training at the company (Daniel 2014). In addition to the direct employment offers, the government is also making available some funds for business set-ups in small-scale enterprises for four thousand beneficiaries of the reintegration programme (Office of the Special Adviser to the President on Niger Delta 2014). In summary, it is reported in December 2014 that ‘a total of 2 072 ex-agitators have since secured gainful employments or have been empowered to set-up their own businesses’ (*Vanguard*, 14 December 2014).

Challenges

Of course, the reintegration programme has a number of challenges which explain the huge number of criticisms of the programme. The following are some of the challenges observed while studying the reintegration process.

Corruption

Corruption is a major problem in all facets of the Nigerian society. The problem of corruption is also increasingly permeating the reintegration programme of the DDR. This manifests in several ways. According to its design, the Amnesty Office contracts with private agencies to train ex-combatants at training centres including universities and vocational skills training centres both locally and internationally. In bidding for the contract, which is usually competitive, some accounts suggest that bribes are offered to the government officials in order to secure the huge budget contracts. As a result, inexperienced people who lack the capacity to train the ex-combatants secure the contracts. In this regard, the researchers were informed of some cases where trainees were flown abroad ostensibly for

training only to be stationed in a hotel accommodation where they received the monthly stipend for a long period of time without being trained. This partly explains the reason for setting up independent monitoring and evaluation teams (in which the first author took part) to sanitise the system.

In a similar vein, some news reports suggest that the money budgeted for the reintegration programme was embezzled by government officials and contractors. For example, a news report claimed that eighty per cent of the N50 billion budgeted for the take-off of the reintegration process was pocketed by consultants and contractors (*The Guardian*, 14 November 2010, cited in Aghedo 2013).

Another dimension of corruption in the programme manifests in the process of selection of trainees for programmes, especially in respect of attractive skills and degree programmes at high-profile universities and training centres abroad. Although the researchers do not have concrete information of the illegalities around this process, it was alleged by a number of the trainees that individuals are usually selected for programmes on the basis of favouritism. A close observation at the centres also confirms the allegation because a number of the trainees at the high-profile schools and centres appear to be ineligible for the programme because they are neither ex-combatants nor youths of the Niger Delta. The researchers were also informed that some names are often smuggled into the list of those to be trained outside the country.

Problem of inclusion and placement

The issue of inclusion and placement of ex-combatants for training programmes marks another major challenge to the reintegration programme. Official reports indicate that 30 000 combatants were demobilised in different phases after the declaration of amnesty in 2009. Of this number, only 18 706 demobilised combatants have been included for reintegration programmes (out of which 15 392 have graduated while 3 314 are still undergoing training). This suggests that only 62 per cent of the ex-combatants have been considered for reintegration, while the government has indicated that the programme would officially end in

2015. The fact that a considerable number of the ex-combatants are yet to be enlisted for programmes portends a great danger to the peace efforts in the Niger Delta.

Related to this problem is the continuous agitation for inclusion into the reintegration programme by ex-combatants that initially refused to be demobilised in 2009. Following government's refusal to consider this group for reintegration because they did not sign up during the 60-day period (between 6 August and 4 October 2009) earmarked for the acceptance of amnesty by the combatants, the group has gone to court to challenge the decision of the government. The fact that there is still an emergent group of aggrieved ex-combatants in the region represents another danger to the sustainability of peace in the Niger Delta.

Given the above, it is not surprising that oil theft has steadily been on the rise in the Niger Delta after the amnesty policy was implemented. According to reports, an estimate of 100 000 barrels of oil is stolen in Nigeria on a daily basis. Furthermore, it is estimated that Nigeria loses about 8 billion USD a year to oil theft (Havoscope [2015]). The existence of neglected members of the society including youths, women and children that were not sufficiently taken into account in the process of reintegration contributes to increasing oil theft in the region. Research conducted on oil theft in the area by Ben Naanen and Patrick Tolani revealed that '[w]omen play pivotal roles in the transportation and marketing of the refined products, as well as cooking and provision of sexual services for the predominantly male operators' in the illegal oil fields. In addition, '[c]hildren, mostly orphans and aged between 10 and 13, also work in the illegal bunkering sites and run errands at the camps, while absentee owners of illegal refining sites always appoint managers to run the operations' (see Olaniyi 2014).

Politicisation of the programme

Politicisation of government's management of the reintegration policy is another clear problem bedevilling the programme. Given the huge budget allocation the programme attracts, suspicions arise within competing ethnic groups, regions and political actors in the country. Some groups

perceive the programme as a project used to specially empower youths of the Niger Delta and a conduit to enrich elites of the area from the national oil wealth while neglecting other ethnic groups and regions of the country. Thus, there have been increasing demands for the extension of empowerment programmes to other parts of the region. It is for this reason that some elites in northern Nigeria have been calling for the introduction of another DDR programme for the Boko Haram insurgents in the north-eastern part of the country (see Onapajo and Usman 2015).

Also, in this regard, the federal government under the presidency of Goodluck Jonathan saw the opportunity of using the multi-million Naira projects around the reintegration programme to secure patronage and political support from leaders of the ex-combatants. The ex-militants' leaders were used to threaten the opposition and garner support for the president in his bid for re-election in the 2015 general elections. These individuals ostensibly re-armed the youths to orchestrate attacks against the opposition. This partly explains the source of the violence that surfaced in some states of the Niger Delta, especially in Rivers State, during the 2015 electoral period.

Post-training opportunities

A general challenge facing DDR programmes in post-conflict states is the availability of job opportunities for reformed combatants. Clearly, this represents a major challenge to peacebuilding efforts in the states. In this light, Watson (2009:8) noted that in post-conflict states 'economic systems are often in disarray, afflicted by the breakdown of economic markets and the development of non-monetary economies, combined with minimal levels of public and private investment and low levels of government revenues. In such a situation job opportunities are rare'. In one study conducted on Liberia's ex-combatants, the ex-combatants confessed that they were ready to fight again because of unemployment and lack of sustainable income (Hill 2008).

The Nigerian case may not be an exception in respect of job scarcity after training. Worse still, Nigeria is a country where there is a worrisome high

rate of unemployment. Thus, securing jobs for the former combatants represents a major challenge despite the fact that a few of them have already been employed. Some of the problems border on the issue of stigmatisation from the community. Indeed, the fear of securing suitable jobs after the training programmes featured prominently in a series of discussions with the ex-combatants. For example, a group of trainees at their graduation in Cape Town, South Africa, appealed to the government that 'now that we have completed our trainings in various fields, we passionately appeal to you to grant us the enabling environment to be able to practicalize the skills acquired'.⁴

5. Conclusion

The thrust of this paper was to analyse the progress being made, and challenges experienced, in the Nigerian amnesty programme. The paper shows that the policy's successes contradict many of the critical views advanced by scholars. Our assessment is that the programme is yielding noticeable positive outcomes when its progress is assessed. Indeed, the outcomes are a reasonable guarantee that the policy will be instrumental to the sustenance of peace and stability in the Niger Delta. However, for the amnesty programme to effectively achieve its objectives, there is need for the challenges highlighted in the paper to be properly addressed. Given the emergence of a totally new government from a different political party (following the loss of the president to the opposition candidate in the 2015 presidential elections) it is quite certain that there will be radical changes to the previous government's policies, including the amnesty programme. The governance of the amnesty programme will likely be subjected to reform by the new administration. This is reflected in the appointment of Brigadier-General P.T. Boroh as the Coordinator of the PAP in June 2015. It is recommended that the new administration should not jettison the whole idea of the programme given its achievements in rehabilitating ex-combatants of the Niger Delta. Rather, the amnesty programme should

4 Welcome Address Presented by the Niger Delta Amnesty Trainees on the Occasion of Our Graduation Ceremony 26 March 2013 at Northlink College, Cape Town, South Africa.

be transmuted to usher in a new phase beyond 2015 and consolidate the peaceful environment achieved. The process should be capacitated to spearhead human capital development in the Niger Delta. Also, it is important that the government further reconsiders the neglected members of the society including women and children and other aggrieved youths in the empowerment programmes.

In addition, addressing corruption is ostensibly a major agenda for the new administration. It is expected that the government will take the issue of corruption in the amnesty programme very seriously and block the leakages that not only encourage corruption in the programme but also affect the success of the programme.

To guarantee all-round development, there should be a synergy among the existing agencies responsible. These include the ministry of Niger Delta, The Niger Delta Development Commission, and the Presidential Amnesty Office. While the ministry of Niger Delta should oversee the development activities in the region, the Niger Delta Development Commission should assume its primary function of coordinating development activities in the region. The amnesty agency should continue with the training and capacity building of the youths and the people in the region. This is to ensure that there is no duplication of efforts, and that the development drive of the local government, the state government, the federal government, the oil multinationals, and the international agencies should be coordinated by, and channelled through the aforementioned bodies.

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The quest for Great Heart Leadership to activate and promote the ending of violent conflict in Africa

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Abstract

Inspired by the never-ending quest for the end of violence in some African communities, the author asks what kind of leadership is required to lead a community from violent conflict to peaceful coexistence. The aim of the article is to propose some principles for leadership in situations characterised by violent conflict. By departing from a conceptual framework to explain holistic leadership, conflict leadership and peace leadership, the author explains what Great Heart Leadership is, citing several examples to illustrate these concepts. The author argues that a leader with a 'great heart' is a leader who is able to apply analytical, intellectual, emotional and spiritual/normative leadership to activate peaceful change. This argument is applied to the challenge of leading people towards lasting peace in Africa, offering the specific case of a San community in South Africa to illustrate Great Heart Leadership.

Keywords: Holistic leadership, Great Heart Leadership, African conflict, peace, conflict, San community

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Introduction

When a person stands on the beaches of Normandy in France, overlooking what were the main battlegrounds of World War II, one can only be awed when thinking about the courage and other virtues that were required from thousands of people who had to storm and defend these beaches. One gets the same kind of feeling when driving into Lesotho from South Africa, remembering the resistance the Basotho nation put up against invading colonialists, or when talking to the South African soldier who escaped execution by child soldiers in the Central African Republic when he was there on a peace mission. A different kind of feeling crawls up the spine of the observer when looking at the well-preserved skeletons of thousands of people killed during the genocide in Rwanda.

The student of leadership will ask: what kind of leadership was involved in all these cases? What kind of person was leading these big and small ventures, and why were they followed by so many? Maybe it is, as Tolstoy (2008:85) put it, that the accepted method for people to decide disputes is not by discussion but by killing one another. Maybe we should accept the warning of Hannah Arendt (1970:118) that every decrease in power is an open invitation to violence because those who hold power have always found it difficult to resist the temptation to defend the loss of power by means of violence. Alternatively, is there another way, as professed by many such as Mahatma Gandhi or Nelson Mandela, who learned and believed that peaceful relations are a better alternative to combat?

It is against this background that the research question arises: what kind of leadership is required to lead a community from violent conflict to peaceful coexistence? The aim of the article is to propose some principles for leadership in situations characterised by violent conflict. The proposed principles may be of crucial value in situations of persistent conflict in Africa.

The author sets the hypothesis that a leader with a 'great heart' is one who is able to apply analytical, intellectual, emotional and spiritual/normative leadership to activate peaceful change. The argument is informed by a study of the literature on the theoretical concepts of violent conflict, key

historical texts on the causes of conflict in the Platfontein community, as well as the results of community-engaged participatory research that was conducted by Unisa with the San of Platfontein from October 2013 to March 2015, focusing on dispute-resolving practices. Moreover, the author has had the privilege of direct experience with cases of violent conflict prevention and resolution, which inform the reflections and interpretation of recorded data.

Departing from a conceptual framework to explain holistic leadership, conflict leadership and peace leadership, the author explains what Great Heart Leadership is, citing several examples to illustrate its conflict-resolving value and providing supporting evidence from field research. These concepts are then applied to the challenge of leading people towards lasting peace in Africa, with the specific case of a San community in Africa as illustration.

Conceptual framework

Theories on leadership are extensive. Therefore, it is important to establish a specific approach to a paradigm for leadership as a framework for discussion. The conceptual framework followed for this article is the holistic leadership paradigm, applied to conflict leadership.

Holistic leadership

Quatro et al. (2007:427) explain the four distinct but interrelated domains of holistic leadership. According to them, the analytical domain is about leaders who can analyse and manage complexity, explained in terms of the analogy 'managing the individual trees in the forest'. The traditional approach to leadership development is to develop this kind of leader. A second domain, the conceptual domain, contains leaders 'who can manage the forest in which the trees are growing', meaning leaders who are not only capable of managing complexity, but who can also cultivate creativity and innovation. In the third domain, the emotional domain, leaders are skilled and knowledgeable on how to leverage human emotion as a source of energy and to shape and influence the behaviour of followers. The fourth

domain is that of spirituality, where the leader facilitates achievement of a mission through the connection of basic moral and ethical values. It implies a recognition that followers are no longer motivated by lower-order needs alone and an awareness that people are searching for reconciliation of their daily living with 'higher-order beliefs'. Today people feel more comfortable with a harmony among spiritual and religious traditions and spirituality that recognises their humanity. In this paradigm, critical interdependencies between the analytical, conceptual, emotional and spiritual domains are depicted.

Critical reflection refers to analysing and challenging the validity of assumptions and assesses the appropriateness of our knowledge, understanding and beliefs in current contexts (Mezirow 1990). According to Brookfield (1990:177) critical reflection involves three sequential phases. Phase One is identifying the assumptions that inspire our thoughts and actions; Phase Two is assessing these assumptions in terms of 'real-life' experiences and the current context; and Phase Three involves transforming these assumptions into more inclusive and integrative knowledge. This newly integrated knowledge is then used to inform our future actions.

According to Daniel Goleman, emotional intelligence (EQ) is 'understanding one's own feelings, empathy for the feelings of others and the regulation of emotion in a way that enhances living'. Goleman's model of EQ describes five domains that are divided into four quadrants. Two of the domains are associated with personal competence and two relate to social competence. According to Goleman:

The criteria for success at work are changing. We are being judged by a new yardstick: not just by how smart we are, or by our training and expertise, but also by how well we handle ourselves and each other (Goleman 1995:1).

Orlov (2003:1) defines holistic leadership as:

a) being able to lead from the mind, the heart, and the soul; b) to apply a methodology that encompasses a developmental systemic approach in order to impact oneself as leader, others as followers, and the environment; and c) lastly, this process should reflect a journey that leads toward transformation at the individual, team, and organizational/community levels.

Velthuizen (2007:75) refers to a culture of learning that involves the expansion of people as ‘intellectual capital through learning’. A culture of learning involves both the development of personal knowledge and the transfer of knowledge between individuals with the purpose of emancipating people. A culture of learning emerges through the implementation of formal best practices or by means of spontaneous and informal interaction, facilitated by the leader.

These assertions imply that personal competence as a leader means being in touch with and accepting the self, and is a point of departure for creating relationships with other people, accepting them as followers and recognising their competencies and personal challenges. When this kind of relationship is established, the leader has a point of departure to facilitate the challenges to existing assumptions and get people to find a better way, risking spontaneous and informal interaction to do the right things better. In this interaction, the leader may find and accept that there is no place for imposing personal ideas on other people beyond the basic values of respect, demand for integrity and humaneness. Moreover, it is expected that the leader be aware that most people recognise one or other form of spirituality (even if they do not openly declare it, or call it different things). In many cases, spirituality is aimed at inner peace and certainty in the face of a sometimes demanding cosmology consisting of the workplace, the family, the community, broader society and the uncertainty of where the person fits into the totality of being. The holistic leader needs to be able to facilitate this quest, or at least not to disrupt it, as a way of managing conflict by collaboration, innovative thinking, leveraging emotions and recognising values that inspire people.

Conflict-resolving leadership for peace

According to Runde and Flanagan (2007:115), the most effective leaders are extraordinarily competent at handling conflict by responding to it constructively. Conflict leaders keep harmful situations under control and discover hidden options, solutions and possibilities. Good conflict leaders embrace conflict not as an adversary but as an opportunity for growth

and a source of creative energy. However, Jansen (2014) points out that not every kind of conflict is constructive and the often used expression ‘the better versions of ourselves’ implies that there is a ‘worse’ version of ourselves, displayed in the mentality that created the genocide in Rwanda, international terrorism and war in general. During the International Conference on Conflict, Memory and Reconciliation: Bridging Past, Present and Future, 10–13 January 2012 in Kigali, Rwanda, where many genocides were analysed, it was concluded that most people are able to kill others. All they need is a leader to convince them that the ‘others’ are less human than they are and do not have the right to live.

With the realisation that violent conflict can seldom be positive, the concept ‘peace leadership’ was developed. Lederach (1997) suggests that peace leadership is a building block for peace. Leaders can come from any domain in society including politics, diplomacy, defence, economics, education, media, religion, health, the ruling ‘elite’, ‘middle class’, or the ‘grass-roots level’. It does not matter where the peace leaders originate, as long as there is a critical mass of leaders to sustain peace. Reychler and Stellemans (2005) affirm that leaders at the international and domestic level may be political or military leaders, or other highly respected individuals who occupy formal positions of leadership in any sector of society. Peace leaders are successful when their influence is stronger than that of the spoilers in a peace process.

From the assertions above it can be seen that violent conflict is a ‘wicked’ problem, meaning a problem that is harmful, difficult or impossible to solve. Information is often incomplete; contradictory and fluid conditions exist that are often difficult to recognise. If leaders try to solve one facet of a ‘wicked’ problem, complex interdependencies create other problems. One of the aspects a conflict leader has to deal with is that of the ‘evil’ mind, such as an instigator of genocide and war. Therefore, the conflict leader is also a peace leader, who together with other peace leaders forms a gathering of leaders critical to resolving conflict and sustaining peace.

Great Heart Leadership

In the ‘leadership compass’ of Bob Larcher (2011:13), the heart, body, head and soul are at the centre. From here leadership activities develop, such as facilitating, campaigning, influencing, persuading, guiding, structuring, rewarding and motivating. According to Orlov (2003:1), what is in a person’s heart is important and cannot be ignored. Orlov claims that ‘the heart is the core of what motivates, inspires and drives us’. In the new era of creative self-expression and where relationships are the organising energies, the leader needs to release control to create community and tap into the power that resides in people’s souls. The concepts ‘transformational leadership’ and ‘servant leadership’ both emphasise the soul as a source of empowerment, enlightenment, motivation and growth.

The claims of Larcher and Orlov probably originate in the Egyptian belief that the heart was the source of personality, memory, human wisdom, emotions and the soul (Waking Times 2012). Nowadays this perception of the function of the heart is seen as more symbolic than real. However, ongoing scientific research indicates that the heart is not only a bodily organ and pump: it is a complex system, which includes a wave that carries information, infusing every cell in the body, about 60 times greater in amplitude than that of the brain. The electronic field of the heart functions as an ‘antenna’ which tunes into electromagnetic fields and responds to the magnetism produced by the hearts of other people (Institute of HeartMath 2012).

Whether symbolic or merely a sensory organ, the limited literature on this topic affirms that not all hearts are ‘great’. To be great, a heart has to be the source of goodness, inspiration and connection with other souls. A leader’s heart would contain all these positive traits.

Great Heart Leaders

The main distinction between ‘great leaders’ in history and ‘Great Heart’ leaders is the way they dealt with violent conflict. The stereotyped ‘great leader’ is a person who faces the reality of applying strategies that include

violent action. The ‘Great Heart Leader’ is an idealist who deals with violent conflict as a complex and evil problem, always having conflict avoidance and peacebuilding in mind. The following examples illustrate Great Heart leadership.

Mahatma Gandhi

Travelling through India and talking to the Indian people, it becomes evident that most Indians still feel awe and respect for the message of peace brought by the late Mahatma Gandhi. Over the world there are many statues of this humble man. There is even one on the shores of Lake Victoria at Jinja in Uganda, near what is believed to be the source of the White Nile.

Mohandas Karamchand Gandhi (2 October 1869–30 January 1948), also known as Bapu to the Indian people, was a political and spiritual leader. He practised a non-violent and civil disobedience approach to conflict. He was one of the leaders who guided India to independence and inspired civil rights and freedom all over the world. Before 1915, he first employed this approach in South Africa (Gandhi 2006:172). After his return to India in 1915, he organised peasants, farmers and urban labourers to protest against land taxes and discrimination. He became the leader of the Indian National Congress in 1921. In this capacity, the simple-living Gandhi led campaigns for poverty alleviation, women’s rights, building goodwill between religious and ethnic groups and ending ‘untouchability’– and helped to achieve self-rule for India. He was imprisoned on several occasions in both South Africa and India. Gandhi’s vision of a free India, based on religious pluralism, was challenged mainly by the Muslim population. In August 1947, Britain granted independence to India, but it was partitioned into a Hindu-majority country and Muslim East and West Pakistan. Consequently religious violence broke out in the Punjab and Bengal. Gandhi visited the affected areas to promote peace, undertaking several fasts (the last at the age of 78) to promote religious harmony (Khan 2007:18). On 30 January 1948 Gandhi was assassinated by a Hindu nationalist.

Nelson Mandela

Nelson Mandela (18 July 1918–5 December 2013) was an inspirational South African political leader. He demonstrated in his life of imprisonment and as President of South Africa that courage and standing for what a person holds to be true are some of the distinguishing characteristics of great leaders, especially when that leader expresses thoughts on behalf of a less powerful minority or champions the poor. He believed that forgiveness is one of the most powerful and healing gifts a leader can possess, allowing him or her to engage with other people in ‘a creative and liberating way’. He asserted that great leaders are people who create trails that a rich diversity of personalities can follow towards their own greatness (Kalunga-Banda 2008:119).

The examples above illustrate that a Great Heart Leader is, like any other leader, just a human being with good and bad personal traits. What they have in common with all other leaders is courage, competitiveness and patience in what they want to achieve as individuals. However, they are only human and had to learn how to deal with bad temper, mitigate their personal ambition and break away from fundamentalist religious or ideological beliefs in order to become leaders of a diversity of people.

Secondly, they are analysts and critical thinkers who manage knowledge and wisdom, applying their knowledge to the complex and evil problem of violence. They have gained their knowledge from unique experiences such as leading civil disobedience against the mighty British Empire (Ghandi), or using 27 years of incarceration to become a leader (Mandela). Wisdom comes from an awareness of our holistic existence in a cosmology where people are connected with everything else in the universe. Great Heart Leaders display a unique management style, enabling them to manage ‘all the trees in the forest’ as well as all that influences the forest.

Thirdly, the Great Heart Leader is also competent in applying diplomacy and politics to avoid conflict, making the most of people’s distaste for violence, but never hesitating to apply non-violent strategies to confront hegemony and class consciousness on behalf of the less powerful. However,

the Great Heart Leader focuses on building goodwill among a diversity of people, leading to peace.

Fourthly, and maybe most important, Great Heart Leaders are connected to the hearts of a diversity of people and inspire them, irrespective of their faith or culture, also guiding them to connect to each other in a spirit of respect, integrity, freedom and forgiveness, creating a pathway to peace while doing so.

Great Heart Leadership for peace in Africa

Africa is not a violent continent, but there are people in Africa who have to deal with persistent and endemic outbreaks of violence. This section deals with the type of leadership and the values that are required to be a Great Heart Leader in Africa.

Leadership to end violent conflict in Africa

In 2009, Jesse Driscoll, a Ph.D. student in Political Science at Stanford University, wrote: 'A growing fraction of the world's civil wars seem to be breaking out on the African continent, and in the last few decades it has acquired a reputation as a hotbed of violence and warfare'. His view represents the pessimistic and popular view of Africa by outsiders, which unfortunately, is sometimes true. A realistic view from an insider perspective is that of the Institute for Security Studies (ISS) in South Africa, which reminds us in a recent publication (Cilliers and Schünemann 2013) that many African countries did experience violent transitions after independence in the form of civil wars and mass killings, and predicts that violent conflict and insecurity will continue, mostly due to the scarcity of resources in poor countries. Combined with weak governance, overflow of violence from bad 'neighbours' and extensive unemployment of the youth, the outlook is not positive. Although the International Monetary Fund, in its latest Regional Economic Outlook for sub-Saharan Africa, projects the regional GDP growth to increase from about 5 per cent in 2013–14 to 5,75 per cent in 2015, this positive outlook is spoiled by the forecast that countries such as the Central African Republic and South Sudan

will remain violent. In anticipation of these challenging circumstances, leadership remains a vital element to prevent violence or at least mitigate its consequences when it occurs (Pani 2014).

Ngambi (2010) suggests that the type of leadership required for Africa is leadership that can influence other people, enabling them to realise their full potential with passion and integrity in achieving a shared vision. Good leadership means that the African leader should lead with the 'head' (combining cognitive intelligence, analytical and strategic thinking), with the 'hands' (action orientation, empowering, coaching and mentoring) and with the 'heart' (applying spirituality, emotional intelligence, culture, integrity and trust).

This kind of leadership is founded on the fundamental African value of human togetherness, described as the spirit of *Ubuntu* (in Nguni languages), *Botho* (in Sesotho), *Kparakpor* (in the Yoruba language) and *Ujaama* (in Swahili). Many authors attempt to articulate the humanistic principles embedded in these traditional African concepts, but this is difficult; these principles have to be experienced. Faris (2011) describes these concepts as humanistic principles, encompassed in compassion, sharing, reciprocity, upholding of dignity of personhood, responsibility to others, the recognition of shared humanity and interdependence. These are ethical and moral ideals for individual and social values.

Brock-Utne (2001:6–7) explains how traditional leaders in Africa rule through arbitration and reconciliation to maintain harmony, during which the Elders of the clan always consider the social context, including the values, beliefs, fears, suspicions, interests, needs and attitudes of the people. She explains the humanistic value system using the concepts 'warp' and 'weft' (used in the practice of weaving), to describe the traditional African practice of family and neighbourhood negotiation (warp) and the mind-set of togetherness (weft). Nabudere (2012:191) describes this value system as 'holistic' and 'glocal' and suggests a holistic consciousness that calls for a new moral and 'glocal society' with 'glocal citizenship', founded on justice and peace, that would emerge through restorative learning

and an understanding of the ‘divine word’ from the ‘divine source’, what Nabudere calls ‘the heart’.

Restorative leadership in African communities

Odora-Hoppers (2010:9) asserts that transformative actions should enable restorative action and sustainable human development in Africa and elsewhere. In this regard, she emphasises that democracy is a ‘key means’ for people to choose their leaders and to hold them accountable for their policies and conduct while in office, aspiring to governance founded on the consent of those who are governed. Sovereignty of the people is a precondition of leadership. Real power flows from the people to leaders, who hold power only temporarily. Odora-Hoppers (2010:17) reminds leaders to go further than just respecting the rights of others or holding regular elections, moving towards implementing concepts such as trust, solidarity, love, caring, respect for nature, integrity, honesty, character, forgiveness, non-violence, generosity and sacrifice for the common good. Peacebuilding draws from the positive norms of diverse cultures and creates ‘ethical growth points’. Haruna (2009) emphasises that community-based leadership is based on community norms and is the one important catalyst that has a chance of fostering social change and institutional transformation.

According to Steffen (2012:276) of the Restorative Leadership Institute, who conducted most of her research in Africa:

Restorative leadership demonstrates a fundamental belief in human potential and the power and wisdom of community. Embracing an ethic of community, restorative leadership is guided by core values to do no harm, to serve collective wellbeing, and to bring the highest benefit to all. It is leadership that utilizes a community-centred approach, engaging social networks to forward and sustain hopeful possibilities.

According to the community leadership model of Ngambi (1999:31), membership of any community is voluntary, and a leader should not force ideas on members of the community, but involve as many people as

possible in discussing and making decisions on issues that concern them. Ngambi (1999) identifies behaviours associated with effective community leadership. Positive behaviour includes encouraging people to believe in and pursue their dreams and encouraging full participation and shared leadership through dialogue and open-air events. Effective community leaders educate people in new positive values, listening to and taking the lead from the community, creatively handling disappointments, inspiring confidence, securing the cooperation, discipline and respect of others without a show of authority, mobilising and using resources responsibly. Emotionally mature leaders establish strong relationships and provide emotional support to group members, helping them to learn from their mistakes.

If the statements above are analysed, it is found that a Great Heart Leader in Africa needs to be human, a person of the people and with the people, and not some royal or elite figure with perceived superpowers. The Great Heart Leader in Africa is a person who can access and manage the knowledge coming from the minds of other people, analyse it and reflect on it in a critical way – thus complementing his or her own interpretation with the wisdom of others. This can especially be valuable in communities that have to deal with phenomena such as violent conflict and insecurity. Furthermore, the Great Heart Leader in Africa displays exceptional competence in ‘weaving’ consensus through networking, reconciling people, creating harmony and goodwill and mustering human potential. By influencing others, encouraging learning and creative problem solving and providing emotional support, the leader reinforces positive visions of the self-development of people and the restoration of positive values. In such a way, the Great Heart Leader in Africa connects to ‘the hearts’ of many people as a source of inspiration to forgive and to live with one another according to the positive values of respect, integrity, avoiding doing harm to others, freedom, justice and peace. In achieving that, the leader is sensitive to the norms of the community that follows him or her, but recognises that diverse cultures may have different norms, such as democratic norms where governance by the people for the people is a fundamental value. If a

leader can achieve these ideals, he or she may not create a full pathway to peace and growth, but will at least clear a way through the forest together with the many good people in African communities and prevent and resolve conflict, restore security for the people living there and contribute to making the vision of growth real.

The case of leadership in a San community

The San community of Platfontein near Kimberley, the capital of the Northern Cape province, was selected as a case study for two reasons. The most important is a history of being involved in violent conflict for centuries, which gives the people and leaders of the community unique knowledge on how to deal with violent conflict. A further reason is that a wealth of data is available from Community Engaged Participatory Research (CEPR) conducted with the leaders and people of Platfontein, providing special insight into the challenges facing a community leader in Africa today.

The San community of Platfontein

The San community of Platfontein is seen as one of the First People of Southern Africa, whose origins can be traced to the 'Mitochondrial Eve' from whom all Africans originate (Oppenheimer 2004:40). Today there are different San language groupings, with dialects that are not mutually intelligible. The two San languages spoken by the San of Platfontein originate from Kwedam (which is used by San living in Botswana, Zambia and Zimbabwe), and !Kun used by the San in northern Namibia, north-west Botswana and southern Angola (Bleek and Lloyd 1911).

For many centuries the Khwe lived along the Kavango and Kwando rivers as cultivators and cattle-herders in close contact with the Bantu groups of the Kavango region of Namibia and the Cuando-Cubango province of Angola. The !Kun were mostly hunter-gatherers living in remote savannah areas. During colonial rule by the Portuguese, the !Kun and the Khwe served as trackers (called 'flechas') in separate units of the Portuguese military. When Portugal withdrew from Angola in 1974, the !Kun and Khwe were

formed into a military unit (31 Battalion of the South African Defence Force) to participate in counter-insurgency operations in Angola and Namibia against guerrillas of the South-West African Peoples' Organisation (Swapo). After the independence of Namibia in March 1990, the San were offered resettlement in South Africa by the South African government. Consequently, they settled together with other San soldiers from Namibia and their families at Schmidtsdrift on the Vaal River in the Northern Cape province. In June 1999, the late President Nelson Mandela handed the title deeds for the farms Platfontein, Wildebeeskuil and Droogfontein to the community (Robin et al. 2007:2).

The San community of Platfontein is therefore a suitable unit of analysis for studying leadership in Africa. Not only did they survive pressures from both European and other African cultures, they also survived the Cold War that brought violent rivalry to Africa, and the demands of many years under the apartheid government. The result is that a leadership core emerged that displayed many of the traits proposed as those of Great Heart Leaders.

Research with the community

Since September 2013, the Institute for Dispute Resolution in Africa (IDRA), in the College of Law at the University of South Africa (Unisa), has conducted community-engaged participatory research with the San community of Platfontein. The research project, which started in September 2013 and concluded in November 2015, discovered some important information related to leadership.

During the discovery phase, 250 research reports were obtained from semi-structured interviews; focus-group meetings; interpretation conversations and solution design workshops. These reports were captured and collated in what is called the San Dispute Resolution Oral Archive.

The research team, consisting of the Chief Researcher, an Assistant Researcher from Unisa and eight San field researchers, used conflict mapping to process the wealth of information obtained from community members (200 community members participated in the research).

Interpretative conversations were also conducted with the Elders and the leaders of the #Khomani San community of Andriesvale (230 km north of the town of Upington, about 600 km from Platfontein) and scholars from different disciplines.

The design phase brought community leaders, scholars and practitioners from several disciplines together at a writers retreat and international conference to design dispute resolution architecture for and with the community. The findings of the research are therefore a synthesis of the results of several research activities. More detail on this research is available from the San Dispute Resolution Oral Archive (<http://uir.unisa.ac.za>).

Discovering leadership in the San community

The causes of conflict in the Platfontein community

The community of Platfontein is characterised by severe poverty, which is the root cause of disputes in the community. A feeling of hopelessness and depression, especially among the youth, leads to alcohol abuse and general disrespect for others, theft accompanied by vandalism and violent behaviour. Furthermore, the relationship between the !Kun and Khwe remains tense, characterised by many misunderstandings over trivialities, disrespect and distrust of the 'others'. The two groups do not trust the existing leadership, their perception being that some leaders in Platfontein do things for their own benefit and not for the community. Each 'house' also claims its own leadership and do not recognise any central leader (Gebregeorgis 2014, 88).

The origins of leadership in the community

In the field research with Unisa, Velthuisen (2015b:10) found that before leaders were appointed by outsiders in military ranks during the 'bush war' or elected to modern governance structures, there was no formal hierarchy among the 'San leaders'. Velthuisen (2015b:18), together with community elders, discovered that a new leadership style is required for Platfontein. The leader should be a facilitator of harmonious relationships; a person who the group is willing to follow because of mutual trust; a servant of the

community who is always available; a voice of the people on governance issues and an able facilitator of community gatherings. Furthermore, a regular change of leadership is required in the case of elected leaders, different from traditional leaders who gain power through heredity.

As described by Katjarra:

It was not a big issue in Angola and Namibia about leadership, because people were living separate from each other with their own leader who represented their small groups. They did not have one leader who commanded the whole tribe (Sibongo 2014).

Alfred Tsimuna describes his experience since the two groups started living together in a military unit in Namibia:

We began to encounter leadership problems because of being joined with other communities. Due to the many differences among us, we did not understand one another. Furthermore, everyone wanted to be a leader because their blood relatives in some villages in Angola were leaders (Mahongo 2014).

To complicate the situation, elected political leaders from the different South African political parties also had to execute their mandate. When leaders are elected, people vote according to kinship and trust gained from living together. They vote for the person who they believe is able to assist the San community with jobs and career opportunities and who can negotiate on behalf of the community (Sewdass 2014:10).

These research findings highlight the complexity of leadership in African communities. Most people feel comfortable with the leadership of their clan leader, who probably has the personality traits to meet their expectations of peaceful coexistence and growth. Furthermore, it is expected that a leader will promote harmony among people from all groups and create opportunities for clan members to be in collaboration with others and not in competition with them. Moreover, a leader is expected to practise the positive values he or she preaches, always being mindful of what other people consider to be good, so that opportunities begin to open up for the

whole community. The desired end state in a community is that leaders not only look after the growth of their own few trees, but also together with other leaders manage all the trees as one forest, ensuring that whatever is needed for growth is collectively pursued.

The ability to manage community knowledge

Sewdass (2014:12) found that the current leaders of Platfontein are good at connecting people with each other to share tacit knowledge and attend events with the intention of learning. The leaders continually create opportunities to revive knowledge and help people to find and use the knowledge of others. There is also an expectation in the community that people who have gained new knowledge through their interaction with the modern world would convey it to community members. In this regard, some leaders are good at sharing knowledge in an inspirational way through storytelling.

Sewdass (2014:10) also discovered that, in most cases, clan leaders make decisions by first consulting the senior traditional leader in the community, who then goes to other traditional leaders to decide what has to be done to resolve a dispute. A date is then set for all the parties involved in the dispute to tell their side of the story before a decision can be made. Once the decision is made, it is accepted by both parties.

It therefore appears that the current San leadership has the ability to manage community knowledge, especially in terms of creating opportunities for community members to develop themselves and to learn the positive values identified with modern democracy and peaceful society. The vision is that the application of community knowledge will lead to consensus, reconciliation and harmony. However, a system of good practices founded on positive values, guided by 'peace leaders', needs to be developed.

Uniting a diversity of people and activating peace

Bejene (2014:115) found that the current leadership of the San community in Platfontein is not working closely enough with the rest of the community,

compromising harmony and unity and increasing the likelihood of violent conflict erupting within the community.

Velthuizen (2015a: 92) confirms this diagnosis. He discovered that the traditional system of conflict resolution in Platfontein is not fully functional. The conflict resolution practices that worked well in the past need to be revived and reinforced with modern good practices that work well in similar situations. The endogenous knowledge of the community about how to avoid conflict, together with values such as mutual respect, integrity and humanity, are essential for lasting peace; but these values have collapsed since the San arrived in South Africa. The need is for individual peacemakers to take the lead in weaving a web of relationships to find the truth about what happened in the past, urging personal forgiveness for the wrongs of the past and promoting healing and reconciliation.

Moses and Thoma (2006:3) blame this situation on the San losing their traditional land and resources, which limits their prospects for living according to their age-old culture. The San consider their cultural practices to be the moral fibre of a healthy and socially intact community. Disruptions to the indigenous culture affected the community in such a way that they are today unable to uphold their traditional democratic practices through decisions founded on community consensus. If a decision did not have the broad approval of the members of the community, it was never implemented. Colonisation devastated the social and political institutions of the San communities.

From the above research findings, it is evident that a special kind of leader is required to achieve unity in a community that has continually been disrupted over a long period of time. The disruption caused by cattle-herders from the north of Africa who invaded the land the San lived on, soldiering for European colonial powers, and the apartheid regime have all devastated their conflict-resolution practices. The land settlement that was given to them out of goodwill increased the demands and pressures on the community, and the community failed to function as a single

entity, despite groups living closely together. Creating unity out of such complexity requires leaders with great hearts.

Restoring the connection

Uniting diverse peoples into a unit characterised by respect, integrity and togetherness requires understanding of a new cosmology that allows people to connect to each other. The popular notion is to explain the cosmology of the San in terms of ‘trance dance’, which is well documented by people who have observed and claim to have experienced it. Researchers explain the dance as the central event in the expression of religion for the !Kun. During the dance a spiritual state is reached ‘parallel with cosmology’, where participants pass from one level of consciousness to another. It is claimed that the dance in general takes place to relieve tension in and among the people. A specific form of dance is the ‘healing dance’, which is used to heal physical and social ills. Most dances are held at night after a good meal, with everybody joining in, using all kinds of instruments such as rattles to make a noise. Diviners (‘shamans’) play a specific role in this ritual (Lewis-Williams and Pearce 2004:83–85). ‘People clap, dance, sing and talk to create a spiritually charged and socially cohesive atmosphere that launches shamans to the Spirit World’ (Ouzman 2008:221).

However, to see this as the most significant part of spiritual expression is to fall victim to the showmanship of the most researched people on earth, who know how to perform and tell stories to people who seldom if ever display insight into what they see or hear. Still, despite the protective showmanship there is little doubt that the dance serves as a way of relieving tensions and bringing people together, as in any society where people get together to dance.

San cosmology does not only provide spiritual experiences but also presents an all-encompassing world-view that extends into every dimension of their existence (Yates and Manhire 1991:3). Ouzman (2008:223) explains it in terms of separate Spirit and Ordinary worlds that always intersect. San cosmology is not conservative and ancient but a fund of beliefs, places,

objects, skills and stories that allow people to innovate and to make an impact in the modern world. Contemporary circumstances such as the 'syncretic' adoption of Christianity, and real social problems such as alcoholism, domestic violence and abuse, and how the modern San deal with these, cannot be ignored.

In a conversation on 18 February 2015 in Kimberley with Reverend Mario Mahongo, a community leader and leader of the !Kun, he explained that the trance dance plays a very limited role in the community, though it is still practised by some people to resolve problems. The dance takes place during the night and before sunrise when the diviner disappears to communicate with the spirits, bringing back the solution to the people afterwards. Yet most leaders are Christians and get their wisdom from connecting with one God (Ferguson 2015).

According to Batha (2014:40), the community of Platfontein is in transition from a traditional faith system, which recognises the San God and ancestral spirits, to Christianity. The transition has an impact on a whole host of social, behavioural, ethical, moral and cosmological issues. Some elders in the community are formal Christians but still have reverence for the traditional faith system. Some people appreciate the two faith systems, but find the conflicting moral values confusing. The older people remember the significance of the God of the San and the ancestral spirits in healing, rites of passage and rituals performed, expressing frustration with the difficulty of going back to the indigenous faith system.

Analysing the statements above reveals that the link with traditional spirituality has been disrupted and replaced by imported religious values to deal with social ills such as violent conflict. A complementary belief system has developed, however, and opens the way for connecting the hearts of many people in a positive way. Furthermore, it opens the way for forgiveness and closes the door on vengeful thinking. However, it calls for simplifying morality by eliminating a complex system of rules and taboos and replacing it with the simple principle of 'do no harm to others' as the

foundation of morality, peace and justice. If this can be achieved the leader will enjoy an uncomplicated approach that will encompass traditional cultural norms, modern religion and democracy, gradually eliminating harmful norms and practices such as violence for the sake of revenge or simply as 'a way of doing things'.

Research by Sewdass (2014:4) shows that the community needs to accept leaders on the basis of how the community perceives the leaders to be people who accept the reality of their role as leaders in the community. The community asks itself how the person who claims to be a leader can change things for the better.

This very important finding shows that to be a Great Heart Leader in an African community, a leader must be trusted by the people to lead them on a pathway through deserts, forests and deteriorating villages towards lasting peace, security and growth.

Conclusions

This work began with a research question asking what kind of leadership is required to lead a community from violent conflict to peaceful coexistence. Acknowledging that this is a complex problem, the author simplified the challenge by proposing three principles for leadership in situations characterised by violent conflict. The principles are the result of analysing the concepts of holistic leadership, conflict leadership and peace leadership, explaining what is meant by 'Great Heart Leadership' and applying it to the leadership challenges of Africa. The case of leadership in the San community of Platfontein in South Africa was offered as an illustration of the requirements of Great Heart Leadership in the real world.

It was found that the Great Heart Leader in Africa should be able to apply analytical, intellectual, emotional and spiritual/normative leadership to activate peaceful change. The following principles for Great Heart Leadership are proposed:

Peace activism. It was found that a leader with a ‘great heart’ is required to prevent and manage conflict among people. To achieve this, the leader has to live the virtues of being a non-dualistic person who builds relationships; a facilitator of personal healing and growth; and a person who can activate unity in a community. The peace leader in Africa should have the skills to influence others through visible peacebuilding actions guiding relationships.

Restorative learning. A leader should create an intellectual atmosphere where a diversity of people, with no exclusions, is allowed to engage in restorative learning, and where the leader is an active mentor and teacher, continually challenging negative thinking, behaviour and vocabulary that instigate conflict.

Great Heart inspiration. Furthermore, the Great Heart Leader is a person who can inspire people by leveraging the tacit and explicit mix of spirituality, democratic practices and a morality that prevents harmful behaviour. The virtue of inspiring and connecting a diversity of human souls to peaceful behaviour makes a person a Great Heart Leader.

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Ethnic and religious crises in Nigeria: A specific analysis upon identities (1999–2013)

*Haldun Çancı and Opeyemi Adedoyin Odukoya**

Abstract

Today, Africa is laced with some of the most obstinate conflicts, most of them constructed from differences in religious and ethnic identities. Religious and ethnic nationalism has led to conflicts about control of state power, unequal allocation of resources, citizenship issues, state collapse, economic decline and ethno-religious clashes. Nigeria has been pushed hither and thither by recurrent crises of regional or state illegitimacy, often impairing efforts at economic transformation, democratisation, national cohesion and stability (Osaghae and Suberu 2005:4). With this continental background in mind, this research paper seeks to examine the relationship between religion, ethnicity and conflict in Nigeria, focusing mainly on issues in the North of the country. The question is: To what extent are conflicts emerging from ethnic or religious sources? This paper also looks at the notion of Identity and how it explains the crisis of development and complexities in modern Nigeria.

Keywords: ethnic conflict, religious conflict, identity, Nigeria

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Introduction

Nigeria is synonymous with deep divisions which cause major political issues to be vigorously and violently contested along the lines of intricate ethnic, religious and regional divisions. Issues that raise the most dust are those regarded essential for the existence and the validity of the state. Opposing and contending assemblages have a tendency to assume an exclusionary winner-take-all approach. These issues include the control of state power, allocation of resources and citizenship. As a result, states with such divisions are disposed to be delicate and unstable because almost by definition, they have very little in common with regard to convergence and harmony which are necessary to reduce the centrifugal forces that rip them apart (Osaghae and Suberu 2005:4).

Therefore, breakdown, breakaway, civil strife, civil war, minority nervousness, and violent clashes, all of which would typically be regarded unusual in normal states are common forces or actual occurrences in divided states (Osaghae and Suberu 2005:4). Because of a complicated network of politically silent identities, coupled with a history of protracted and seemingly stubborn wars and instability, Nigeria is high on the list as one of the most unstable states in Africa. Since its independence, Nigeria has been driven hither and thither by recurrent crises of regional or state illegitimacy, often impairing efforts at democratisation, stability, economic transformation and national cohesion. A peak of the crisis appears to have occurred during the civil war of the 1960s, which began shortly after independence (Okpanachi 2010). Since 1999 when Nigeria transited into civilian rule, the country has witnessed a rapid increase in the number of conflicts. The aim of this study is to examine the relationship between religion, ethnicity and those conflicts in the country. It looks at the notion of Identity in an attempt to explain the crisis of development and the complexities of modern Nigeria.

A high level of corruption and the looting of state resources is another serious and 'pandemic' (Dike 2005) problem that makes all forms of conflict and trouble worse in Nigeria. The country is 'richly endowed

with natural resources and high quality human capital' (Ogbeidi 2012:1), but corruption is one of the main reasons that affect the development of the country in a negative way. The appropriation of state resources by certain hands makes poverty and bitter anger inevitable aspects of daily socio-economic and political routine. In this sense, though corruption is not peculiar to Nigeria, many sources call it the 'bane of the country' (Dike 2005; Ogbeidi 2012:21). And of course, corruption is considered to be one of the main causes of ethno-religious conflicts (Nwankwo 2015). Poverty and injustice caused by corruption weaken any sense of mutual tolerance, social solidarity or coexistence, while reawakening social hatred, radicalism and violence. For this reason, corruption is seen as one of the most important issues that has to be resolved in order to cope with ethno-religious conflicts in Nigeria.

The identity factor

From a socio-political perspective, 'identity' bears a personal and a social meaning. Processes related to identity are 'located at the core of the individual and yet in the core of his community culture' (Erikson 1968:57; Okpanachi 2010). Thus, identity can be said to be an individual's 'sense of belonging to a group if (it) influences his political behavior' (Erikson 1968:57; Mary Anderson 2010; Okpanachi 2010). Identity is built into an individual's physiological 'givens' and in social roles (Erikson 1968:57; Okpanachi 2010). Identity is characterised by features such as an 'emotive tie to a group', 'love and belief for a group', 'pledge to a cause', and 'commitments and duties to a group' with which a person identifies (Smyth and Robinson 2001:7–11; Okpanachi 2010).

General studies in identity underscore the fact that identity implies similarity and contrast at the same time (Jenkins 2004; Okpanachi 2010). 'For an individual, or for a group, there may be a plurality of identities. Yet, such a plurality is a source of stress and contradiction in both self-representation and social action. This is because identity must be distinguished from role-sets' (Okpanachi 2010).

According to Castells, notions of identity are present only when social actors co-opt them (Okpanachi 2010; Castells 2010:8). Oftentimes, self-definition of identity overlaps with role expectations, but identities are more stable springs of meaning than those social roles. This is because identities establish the meaning, while social roles shape the functions (Okpanachi 2010; Castells 2010:7). However, identity is not uniform or stable among groups or individuals. Its strength and importance is dynamic and differs from group to group. While identities are somewhat stable, identity consciousness keeps on changing to reflect the fluctuating role of the identities and the swelling magnitudes (Jega 2000:11; Okpanachi 2010). This elasticity of identity avoids coming up with an all new identity for the particular role and circumstance. Social forces, then, strongly affect identity building and formation (Okpanachi 2010).

Recent studies on religious identity have also underscored the positive function of religion in promotion of peace. On the other hand, however, mobilisation of identity has been used to incite political groups to struggle and religious groups to legitimise wars and various modes of brutal and violent acts (Alger 2002:101; Okpanachi 2010).

Politics of ethnic identity in Nigeria

Ethnicity is a social phenomenon that is manifested in interactions among individuals of different ethnic groups within a political system where language and culture are the most prominent attributes. The formation of dialects within languages was one of the ways in which ethnicity – both small-scale and large-scale – became fixed in Nigeria. Although there are over 400 languages in Nigeria, only three are considered important while the rest are considered minor languages. However, the distribution of these languages is directly proportional to both political and socio-economic power, and therefore the language group to which one belongs defines his/her status in the society. Missionaries and local politicians created standard languages and hoped that they would homogenise language and ethnicity, and create more harmonious ethnic identities.

Ethnicity is natural in almost all societies made up of more than one ethnic group. This observation tends to offer the suggestion that the interaction between different ethnic groups within a single political set-up generates ethnic identity. An interaction of this kind can create 'a common consciousness of being one in relation to other relevant ethnic groups' (Eriksen 1996:30). That in turn, results in the emergence of in-group and out-group confines which come to be guarded jealously over time. Based on this approach, ethnicity thus becomes a process through which ethnic identities are politicised (Eriksen 1996:30).

Historically, identities have played a significant role in the Nigerian political process during the colonial period and in the post-colonial era. During the colonial period, the administrators allowed the emergence and aggravation of an 'us' versus 'them' syndrome, where Muslims were pitted against Christians, Northerners against the Southerners, Hausa-Fulani, Yoruba and Igbo against each other, and so on (Adefemi 2003:14; Okpanachi 2010). In this era religious and ethnic differences became prominent factors in instituting and executing socio-economic strategies and applications. Therefore, the differentiating outcomes of colonialism became the forerunner of the socio-economic disequilibrium among the different regions, and then this became an important factor in the stimulation of identity awareness so as to efficiently 'divide and rule' (Fearon and Laitin 2003:82; Okpanachi 2010). But, as a counter argument it must be said that internal factors are more determinant than the external ones in creating the cleavages in Nigeria. This is also the case in many other countries.

Ethnicity is seen as the most basic and politically salient identity of Nigerians. This argument is based on the premise that in their competitive and non-competitive contexts, Nigerians tend to define themselves in terms of ethnic affinities as opposed to other identities (Osaghae and Suberu 2005:8). A survey conducted in Nigeria by Lewis and Bratton found that almost half of Nigerians (48.2%) labelled themselves with an ethnic identity compared to 28.4% who labelled themselves with respect to class and 21% who identified with a religious group (Lewis and Bratton 2000:27;

Osaghae and Suberu 2005:9). This means that over 66% of Nigerians view themselves as members of an elemental ethnic or religious group. What is even more interesting is the fact that religious and ethnic identities are more salient than class identities (Lewis and Bratton 2000:26; Osaghae and Suberu 2005:9). However, this is not at all that surprising, especially if one considers that ethno-religious formations are the most persistent behavioural units in Nigeria (Nsongola-Ntalaja 2004:404; Osaghae and Suberu 2005:9).

Nevertheless, notwithstanding the fact that ethnicity is the most salient, and the large number of studies conducted on this issue, the total number of ethnic groupings in Nigeria remains unknown (Osaghae and Suberu 2005:9). Some sources put it at 374 (Otite 1990:34; Okpanachi 2010), while some other sources count more than 250 different ethnic identities (Central Intelligence Agency 2016). However, the population percentages of the majority of these groups are small when compared with the seven largest ethnic groups constituting about 88% of the country's population. These are Hausa and Fulani (29%), Yoruba (21%), Igbo (18%), Ijaw (10%), Kanuri (4%), Ibibio (3,5%), and Tiv (2,5%) (Central Intelligence Agency 2016). This population disproportion when combined with the disparities in the political influence of individual ethnic groups roughly classifies the Nigerian population into two major groupings: the majority and minority ethnic groups. When the Hausa-Fulani, the Yoruba and the Igbo form the majority, the rest of the ethnic groups are fitted into the minority classification which in itself possesses different degrees of status relative to their size and political influence (Rakov 1990; Paden 2008:4; Okpanachi 2010).

The Hausa-Fulani and other smaller ethnic groups that inhabit the north of the country are Muslims while the Igbo and the other smaller groups residing in the South are primarily Christians. Groups lying in the middle comprise a mixture of Christians and Muslims while the Yoruba found in the Southwest are almost half Muslim and half Christian. This Muslim North and Christian South cleavage enhances ethnic fractionalisations in Nigeria, especially in Northern Nigeria where Islamic identity plays a

dominant role (Paden 2007:8; Okpanachi 2010). It is clear that nearly the entire Northern half of the country consists of states with Sharia law.

Of course, exceptions should not be overlooked for both parts of the country. There is a considerable population of Muslims in the South, especially in the Southwest, and a sizeable number amongst the Benin in Edo State. Even in the Southeast, amongst the Igbo, there has been a rising number of Muslims, causing the governors of some Igbo-speaking states to introduce state programmes for Muslims. The same goes for Christians in the North, where the considerable number of Christians cannot be disregarded in any analysis of religious groupings in Nigeria.

Lewis (2007:6) attributes the historical prominence of Islam during the formation of Northern states in the early 19th century to the continued prominence of Emirs and religious authorities in framing identities in Northern Nigeria. Lewis argues that a number of principles of ethnicity are used by political leaders and others to frame their arguments as to how things should be accomplished. First, ethnic identity is the most important and consistent basis of social identity in the country. Second, ethnicity is seen as a way for collective action. Finally, ethnicity is presumed to be a destabilising factor with far-reaching impacts on democracy. These principles breed a number of outcomes. Because political competition is played along lines of ethnicity, the resultant ‘democratic’ but authoritarian government ostensibly has an ethnic character (Lewis 2007:2).

Lewis states that civilian governments supposedly promote the creation of an ethnic politicisation and political schism. On the other hand, non-democratic regimes like military rules are usually repercussions from the side of the political elite. In most cases, therefore, mechanisms of political governance are formed on the basis of ethnicity via custom-made patronage systems (Lewis 2007:2). For instance, in Nigeria the ethnic factor is seen when political parties are formed and during elections. The Northern People’s Congress (NPC) was formed in the first Republic and it was a Hausa-Fulani party. Similarly, the Igbos belonged to the National Council of Nigeria and Cameroon (NCNC) while the Yoruba prided themselves as members of the

Action Group (AG) (Cohen 1968). These parties later transformed into The National Party of Nigeria (NPN), the Nigerian People Party (NPP) and the Unity Party of Nigeria (UPN) during the second republic (Edoh 2001:87). The third Republic, attributed to the Social Democratic Party (SDP) and National Republican Convention (NRC), was disbanded by annulment of the June 12, 1993 elections due to ethnic reasoning when it became clear that the Northern political hegemony risked being lost forever. Thus, here it is possible to detect that stimulation of ethnic awareness easily turns into a conflict in order to get more from scarce societal resources. And this situation provokes political tensions and cleavages among the ethnic groups. Nigeria is not the only country in the world where such things are experienced.

In recent times, socio-economic and political changes have taken place and transformed the delineations of identities and politics in Nigeria. To begin with, patterns of group mobilisations have shifted. In the traditional models of Nigerian ethnic politics, emphasis was on competition among the country's three largest groups – the Hausa-Fulani, the Yoruba and the Igbo. The minority groups comprising over 250 smaller ethnic groups have often been regarded as inconsequential in political contests. However, since 1999, Nigeria's political arena has been changing following political action by groups in the Niger Delta and the 'middle-belt' communities who have increasingly become vocal in national politics and economy (Soludo 2007). Ethnic solidarity has also faced opposition from religious mobilisations by the Muslims and the Christians especially in the Muslim North.

Since the restoration of democratic rule, ethnic identity and mobilisation in the Nigerian political landscape has often resulted in political instability. Between 1999 and 2013, more than 11 000 deaths have occurred as a result of more than five hundred incidents of communal violence. Ethnic violence has been witnessed in almost all regions in the country but with particular frequency in the Niger Delta, the Muslim North and Northwest, and along the middle-belt (Uzodike and Whetho 2011:220). The level of insecurity witnessed during the post-military period is considerably higher than that experienced during the three decades of military rule that ended

in 1999. It is often assumed that there exist stable identities in Nigeria and consistent group motives in the approach to ethnic politics (Rotberg 2002:88). However, the upsurge of ethnicity in Nigeria in recent years leads researchers to re-examine identity formation.

Religious identity

Nigeria is the most crowded African country with a population of about 182 million by 2015 (World Population Prospects 2015:21). A majority of the scientific academic sources accept that the half of the population is Christian, the other half Muslim. However, there is uncertainty about the exact percentages, hence various sources give different figures. In a report published by Pew Research Center in 2010 the numbers from different sources are compared in the report's Appendix B. If we mention them chronologically for instance, the 1963 Census certified 36% Christian, 48% Muslim and 16% other. However, the Demographic and Health Survey gave 53% Christian, 45% Muslim and 2% other in 2008. Similarly, Afrobarometer found 56% Christian, 43% Muslim and 1% other, also in 2008. And finally, Pew Forum declared 46% for Christians, 52% for Muslims and 1% for others in 2009 (Pew Research Center 2010). Whatever the exact percentages are, it is clear that Nigeria is a country with very large Christian and Muslim populations. This situation makes this country a potential fault line between the two different identities and even civilisations. In this sense, Nigeria, with the largest Christian plus Muslim population in the world, can be defined as a 'cleft country' and then a 'test case' of Huntington's Clash of Civilisations thesis (Paden 2007; Olojo 2014:7).

Although the general presumption is that ethnic identity is a more prominent and stable source of identity in Nigeria, some researchers have demonstrated that religion was more significant than ethnicity as a source of identity and conflict in Nigeria (Ruby and Shah 2007; Pew Research Center 2010; Green 2011). In fact, in the Hausa-Fulani North, religious identity is more pronounced than ethnic identity and only serves to stimulate ethnicity (Osaghae and Suberu 2005:10). Therefore, of the

two major ethnic groupings in the country, the Yoruba are more likely to identify themselves with their ethnic group than are the Northern Hausa-Fulani (Lewis and Bratton 2000:20; Osaghae and Suberu 2005:11).

Nigeria has three major religious identities: Christian, Islam and traditional religions (Omorogbe and Omohan 2005:557; Osaghae and Suberu 2005:11). Traditional religions are the most politically inactive of the three groups, 'numbering several hundreds of ethnic groups and sub-groups, villages, clans and kin groups; and, involving the worship of different gods and goddesses' (Osaghae and Suberu 2005:11). On the other hand, Christian and Muslim identities have continued to be the backbone of religious disparity and conflict (Lewis and Bratton 2000:5; Osaghae and Suberu 2005:11). This differentiation underlies the North-South cleavage.

It is worth noting that, within the wide Christian and Muslim categories, there lie many sub-cleavages and intra-group conflicts that have either been active politically in the past or have a potential of being salient in the future. Among the Christians, sub-cleavages include the Protestants (Anglican 10%, Baptist 8%, Methodist 5%, and Lutheran 5%), the Catholics 15%, the Evangelical Church of West Africa 2%, Jehovah's Witnesses 5% and a myriad of other local (Aladura, Cherubim and Seraphim, Celestial Church of Christ 20%) and Pentecostal churches 30% (Osaghae and Suberu 2005:11).

The Pentecostal churches form the fundamental division of Christianity in Nigeria which has experienced rapid growth in numbers of followers in the last few years with the majority of adherents, especially the youths, joining the church from the older and more traditional denominations. The church has played an important role in civil society in anti-military struggles and democratisation. This has been made possible through umbrella bodies such as the Christian Association of Nigeria (CAN), the Pentecostal Fellowship of Nigeria (PFN), and the Catholic Bishops Conference (Osaghae and Suberu 2005:11). However, politicisation of Christianity has been reliant on moves by the Muslims and the interventions of the government. Still, Protestant-Catholic cleavages have continued to play an important role in

elections among the Igbo communities living in the Southeast of Nigeria (Osaghae and Suberu 2005:11).

Muslims also belong to a number of sub-cleavages that include Ahmadiyya 12%, Sanusiyya 5%, Tijanniyya 3%, and Quadriyya 8% which have in turn been in conflicts. And as among the Christians, the Muslims also have umbrella bodies which aim at propagating different understandings of Islam. Notable among these organisations is the Jamaatu Nasril Islam (JNI) which was established by Sardauna of Sokoto in 1961. Following events in Iran during the Islamic revolution of 1979, radical fundamentalist activities increased among Muslim youths. These conditions resulted in the formation of fundamentalist Muslim factions such as the Maitatsine, the Isala movement, the Shiites, the Talibans and most recently the Boko Haram (Fayemi 2011) which demanded the establishment of a purist Islam based on Sharia law, the abolition of unorthodox innovations, and the creation of an Islamic theocracy (Osaghae and Suberu 2005:11). These relatively new sentiments that depend on a unique and radical interpretation of Islam provoke conflicts with the traditional and/or more moderate understandings.

Ethno-religious conflicts

The fact that an average Nigerian is very religious was observed by some sources (Oluduro 2010:209; Ekundayo 2013:29). Religion plays a critical role in Nigerian society and has expressed itself as a potent force in the geopolitical development of the country. This force which has been used to unite Nigerians is the same force that has led to numerous conflicts in the country. Nigeria has been engulfed in numerous religious crises and/or conflicts between 1980 and 1994¹ (Warner 2012:38).

1 One of them was the Maitatsine revolt in 1980. Maitatsine's original name was Mohammed Marwa and he was a religious preacher willing to impose his *sui-generis* religious ideology. 'Maitatsine', in Hausa language means 'the one who damns'. His militants, who were called as 'Yan Tatsine', attacked other religious groups in 1980. And later the Nigerian army was involved in the dispute and throughout the fights approximately 5 000 people were killed. Maitatsine also lost his life in the revolt.

Due to their tendency to spread into other areas after an early stage in one area, ethno-religious conflicts have gained notoriety as the most violent crises in Nigeria. Most of these conflicts occur in the middle-belt and along the culturally borderline states of the predominantly Muslim North, and also take place between Hausa-Fulani groups and non-Muslim ethnic groups in the South (Osaghae and Suberu 2005:19). In conflicts of this nature occurring along the convergence of ethnic and religious lines, it is often very difficult to tell the differences between religious and ethnic crises because the dividing line between them is slimmer than thin. Examples of such ethno-religious conflicts are the Kafanchan-Kaduna crisis that occurred in the 1980s and 1990s, the Kaduna Sharia riots of 2000 and the Jos riots of 2001² (Osaghae and Suberu 2005:19). Several hundred lives were lost during the Kaduna crisis of 2000 and the Jos insurrection of 2001. The crises caused violent ripple effects that spread beyond Kaduna and Jos (Enukora 2005:633).

Other recent ethno-religious conflicts include the July 1999 conflict among the Oro cultists in Sagamu in Ogun state who claimed that the Hausa women had come outside when the cultists were outside with their gnome. The result were arguments that finally turned into a full-scale crisis. Many Yoruba and Hausa people were killed before a dusk to dawn curfew was imposed on the Sagamu town. Even as the infamy was being put under check in Sagamu, reprisal attacks continued in Kano, in Hausa city, leading to deaths and destruction of property worth billions of Naira (Kura 2010:33–34).

Another ethno-religious conflict that had far reaching impacts on the people of Nigeria was the October 2000 Lagos-Kano (Idi-Araba/Oko-Oba) conflict which was caused by a misperception between the Hausa

2 In each of those conflicts, sides were keeping distinct religious plus ethnic identities. And therefore none of these crises could easily be classified as solely religious or ethnic. For example in the Kafanchan-Kaduna crisis in 1987, a conflict occurred between Christian and Muslim students from different ethnic groups, and the violence spread to some other regions. Extreme leaders from both sides played effective roles to motivate the young people to take part in this ethno-religious conflict.

inhabitants and the Yoruba living in Lagos over the use of a convenience by a man from Hausa. The mayhem resulted in the death of many Yoruba. As a consequence, the O'dua People Congress (a Yoruba militia) was formed and worsened the situation as the violence later spread southwards to Kano (Enukora 2005:633; Kura 2010:34).

Worse still, in September 2001, ethnic friction between the Tivs and the Iunkuns in the Plateau state reached fever pitch following what came to be referred to as 'mistaken identity'. 'What this means is that some Tivs took some nineteen soldiers to be Iunkuns in fake army uniform. The Tiv youths captured them and slaughtered them one by one' (Kura 2010:34–35). And then the Nigerian army embarked on devastating reprisal attacks in Saki-Biam. According to some controversial numbers at least a hundred people died in the army attacks (Human Rights Watch 2001). Violence spread to Jos plateau especially after a Christian was appointed as a Local Council Chairman. By the time the menace was brought to a standstill, over 160 lives had been lost (Kura 2010:35).

A case of the North: Boko Haram

Between 1999 and 2013, numerous conflicts have been witnessed in Nigeria. The most important among them is the Boko Haram crisis which is on-going. This group has started a bloody campaign to impose a *sui-generis* Islamic regime based on Sharia in the Muslim North of the country. Actually, it is hard to argue that Boko Haram is a religious or ethnic conflict. In the former case, it targets more Muslims than Christians. In the latter, it is mostly an ethnic Northern conflict. For this reason, though Boko Haram uses a religious discourse, it may be more appropriate to call it simply a terrorist organisation.

With regard to the numerous conflicts and the Boko Haram menace in particular, the country's stability is under constant threat. Boko Haram has introduced into Nigeria's political and social life a level of insurgency never witnessed before. The insurgency became violent in 2008 even before the country could heal from previous ethno-religious conflicts (Shehu 2011:3).

Boko Haram was founded in 2002 by Muhammad Yusuf. It is formally identified by its members as '*Jama'at ahlis Sunnah lid Da'wat wal Jihad*', which means 'people committed to the propagation of the Prophet's teachings and jihad'. The name of the group 'Boko Haram' is loosely translated from the Hausa language to mean 'western education is sinful'. This meaning is extended to mean any western culture is prohibited. It is for this reason that followers of this outfit advocate for a government based on Sharia as opposed to a democratic one. It is possible to count Wahhabism, Salafism and Islamic fundamentalism as the basic items of the Boko Haram's ideology. The group which was founded in 2002 in Maiduguri did not become militant until 2009 when its leader was captured and killed by the Nigerian army. Since then, the group has engaged in gun battles, arson, bombing and stabbing, in promoting their ideology (Warner 2012:40). Moreover, Boko Haram has captured a territory in and around Borno state in the Northeast part of Nigeria in 2014. However, the territorial control of the group has been removed by the Nigerian army in 2015.

Boko Haram can be examined in various ways. Firstly, it refers to a long history characteristic of Northern Nigeria and the continued radical Islamic movements. Secondly, the group has its foundations in the socio-economic marginalisation of the country's northern population. Thirdly, Boko Haram is understood as seeking revenge especially in response to unacceptable behaviour of the law enforcers. The fourth understanding is based on the perception that Boko Haram is utilised by the elites from the North to express their grievances over lack of interest demonstrated by the central government. Finally, the group can be understood as developing as an offshoot of the Al-Qaeda in the Islamic Maghreb (AQIM) and probably Al-Shabaab (Warner 2012:39).

It is important to note that apart from the group targeting national events, markets and churches, they are sometimes engaged in sporadic bombings in major towns in Northern Nigeria including Kaduna, Saria, Jos, Kano, Maiduguri, and in Damaturi. During such instances, the fighters kill indiscriminately – Muslims and Christians alike. Despite everything, the group leaders have often stated that they are still fighting for justice and

the Islamisation of Nigeria (Roach 2012:4). The group has declared its allegiance to the Islamic State (IS), as has been done by a series of terrorist groups from various parts of the world. In this context, Boko Haram can be seen as yet another reflection of the religious looking international terror campaigns now sweeping the globe scene.

Inter-religious conflicts

Inter-religious conflicts in Nigeria form part of the dynamics of identity politics. Political elites in Nigeria have always sought to reap advantages from the multidimensional identities, more so during electioneering periods, and this has resulted in conflicts and instability. This politicisation of religious identities during contests for political office often lacks any sustaining unifying ideology. Somehow, politics in Nigeria are fashioned on the appeasement of religious motives. As a consequence, religion attains the level of deification that is difficult to challenge or overpower. In their quest to assume power and state resources, the elites constantly modify patterns of political domination. In this perpetually changing pattern of domination, fears and anxieties are bred that motivate an upsurge in struggle and intolerance (Ibrahim and Kazah-Toure 2003:18; Okpanachi 2010).

Since the return of civilian rule in 1999 following a protracted period of military rule, Nigeria has continued to experience recurring ethno-religious conflicts. Although some of these struggles are low-intensity contestations and rancorous wars of words, other have degenerated into bloody sectarian fights. Thousands of Nigerians have been left dead, wounded and homeless over the years due to constant religious strife pitting people of different religions against each other (Okpanachi 2010).

The main forms of inter-religious conflicts in Nigeria are between the Muslims and the Christians. The conflicts are sometimes so intense that they have turned into wars in different parts of the country, and they range from the Kano revolt (1980), Bulunku Bizarre (1982), Kastina crises (1999), Samfara conflict, Kaduna revolt, Bauchi crises and Sokoto (1999). More recent examples are the Jos crises and the current conflict by Boko

Haram against Christians and moderate Muslims. These are only a few examples of inter-religious conflicts in Nigeria, since not a year passes without three to four incidences of inter-religious conflicts.

Inter-religious conflicts are brought about by a number of factors. One of these causes is the clashing interests of those in authority. The ruling class has applied a number of processes to express their dissatisfaction with exclusion from important decision-making processes of the country. The methods employed include religious violence and military coups d'état. A majority of the religious conflicts in Northern Nigeria are reported to be due to the large number of rich Southerners who reside there. Many Northern elites are hurt by the business inventiveness of the Southerners and employ religious calls to incite people to destroy property belonging to non-natives. The results are wars fought under the pretence of being religious (Falola 1998).

Major causes of ethno-religious conflicts in Nigeria

Unlike other forms of social conflicts, ethno-religious conflict entails different ethnic groups that belong to different religions. It is essential to advert that both religious and ethnic causal agents have always acted together in the majority of social conflicts in Nigeria. At different levels and times in the past, the Nigerian people have complained of religious and ethnic discrimination. Most ask for religious and ethnic rights within their state. Another cause of the conflicts has been the state's use of religion and ethnicity in political discourse or action. Therefore, it is clear that accusations and allegations of neglect, oppression and domination are the major causes that fuel ethno-religious conflicts (Ikelegbe 2001:14; Kura 2010:35–36; Salawu 2010:348).

Nigeria, like many other countries in the world, lacks a consensus on how necessary changes and reforms are effected. This is caused by the fact that different religious and ethnic groups have varying benefits in which case some groups will have their interests met while others will not. This means that tension occurs when individuals who feel that they are deprived

attempt to increase their stake of power or wealth or to alter the central beliefs, values, norms and philosophies. In Nigeria therefore, there appears to exist a contentious interaction of politics, ethnicity and religions, which has resulted in an increased sense of belonging and militancy. It is important to note that the general outcome of this is the intensification of numerous ethno-religious struggles in Nigeria. And this intensification can be seen as the main source of ongoing discrimination, subordination and domination in this country (Kura 2010:36).

From one perspective, the ‘failure’ of the Nigerian political elite to enact good governments, promote national integration and foster good economic progress via thoughtful and pronounced policies has resulted in massive unemployment. This has in turn led to the rise of communal, ethnic and religious conflicts that are characteristic of the Nigerian politics. Since poverty and unemployment have acted as the mainstay for various ethno-religious conflicts in the country, an accumulation of pauperised people can end up acting as paid militants. This could be the reason why any conflict in Nigeria is usually characterised by a large number of fighters (Kura 2010:36; Mu’asu 2011:19–20).

There is a correlation between ethno-religious conflicts and low standards of democracy due to protracted military interferences in politics. This appears to legalise the application of coercion and violence as tools for social change and for the achievement of anticipated desires and objectives (Kura 2010:37). Based on this understanding, it is common in Nigeria to observe that as a consequence or an after-effect of a military period, the application of both force and intimidation as a means of settling a misunderstanding has become very frequent. When this is coupled with easy acquisition of illegal fire arms, violence erupts more quickly and there is more difficulty in negotiating peaceful settlements.

The absence of vehicles of social control that were characteristic of traditional African societies, such as kinship, religious and political systems concerned with the well-being of the community, has led to the escalation of ethno-religious conflicts. The failure of these institutions is

partly to blame for the ethnic and communal conflicts witnessed in Nigeria today. Broken families and the inability to make ends meet in many homes have led to an increase in the level of immorality while at the same time providing a reservoir of youths who readily take up arms to execute ethno-religious conflicts at a fee.

Conclusion

This study in one sense has tried to look at the emergence of identities and their impact on the conflicts in the most crowded African country, Nigeria. From social and political perspectives, 'identity' has a personal and social meaning. Identity can be defined as distinct qualities, characteristics and beliefs of an individual or a group of people. And it is an individual's sense of belonging to a group which often has an impact on his/her political behaviour (Erikson 1968:57; Mary Anderson 2010).

Identity has been a significant aspect of the Nigerian political process, during the colonial period and in the post-colonial era. Ethnicity is a social phenomenon that is related to interactions among individuals of different ethnic groups within a political system where language and culture are the most prominent attributes. Both ethnicity and religiosity have emerged as the most basic and politically salient identities of the Nigerians.

In Nigeria, structures of political control are formed on the basis of ethnicity and religiosity via a custom-made patronage system. These identities have been a constant source of conflict and cleavage in the country. Since the restoration of democratic rule, ethnic identity and mobilisation in the Nigerian political landscape has often resulted in political instability and constant conflicts. A number of uprisings and concomitant mayhem have been reported since 1999 and have resulted in the loss of thousands of lives and the destruction of property. In recent times, for instance, the militarisation of Boko Haram has undermined Nigeria's stability and placed the country under constant threat.

Despite some exceptions, such as the Yoruba being made up of both Christian and Muslim segments, ethnic identities generally overlap with

religious identities in Nigeria. For that reason, it is difficult to distinguish ethnic conflicts from religious ones in this country. However, it can be said that ethnic differences in Nigeria would not have been such a prominent cause of conflict if they had not overlapped with the religious identities, or vice versa. In other words, in many instances, religion provides a mobilisation frame for conflict and this effect is amplified when religious and ethnic cleavages run parallel. And there is no doubt that inter-religious conflicts in Nigeria form part of the dynamics of identity politics. As stated above, while some sources (Lewis and Bratton 2000) reveal the importance of ethnicity as a causal factor of cleavages, others (Ruby and Shah 2007; Pew Research Center 2010; Green 2011) underline religious identities as a more determinant element in the perception of difference. The diversity in the scientific findings and literature was probably caused by researchers focusing on different groups in Nigeria. Basically this means that for some groups ethnicity is more binding, while in others religion plays a dominant role in group identification and a sense of belonging. Since this paper has been mostly concentrated on conflicts in the North, the religious factor might be highlighted – due to the decisive religious cleavages in this region.

Of course, there is much ethno-religious conflict in Nigeria, not only in the North and in the Delta, but also in the Middle Belt. However, the importance of the conflict in the North comes from its global origin. It is apparent that this conflict is a manifestation in Nigeria of religiously oriented global-scale violence. There are similarities between Boko Haram and other radical Islamist groups like Al-Qaeda, Al-Shabaab, Al-Nusra and the IS in terms of discourse and praxis. This makes the conflict in the North more interesting for the rest of the world and this is the main reason for the emphasis on the subject in this paper.

It is generally accepted that the inefficacy of politicians in Nigeria at the points of good governance, national consolidation and economic development has caused political cleavages, social disintegration and massive unemployment (Kura 2010:36; Mu'asu 2011:19–20; Ogbeidi 2012:21). This, together with the absence of social control mechanisms and a high level of corruption, has stimulated ethno-religious conflicts.

Finally, the nation-state model is in danger in Nigeria, as in many other so-called nation-states. Of course, globalisation feeds this process, but the main reason is related to inherent features of the model. The majority of modern states consist of different groups and usually one of them tries to rule the system while provoking the objections of others. Consequently, the ethnic, religious and maybe ideological groups compete for dominance and this weakens the basis of any achieved unity. This is then seen as the inevitable character of heterogeneous nation-states (Gordon Anderson 2010; Çancı and Şen 2010:290).

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The role of civil society in conflict resolution in the Democratic Republic of the Congo, 1998–2006: An appraisal

*Sadiki Koko**

Abstract

The second Congo war (1998–2003) was a very complex conflict that involved a vast array of actors, interests and issues. After a stalemate was reached on the battlefield with none of the warring parties able to achieve military victory, peace negotiations became the only viable option to end the war. Civil society organisations were directly involved in both the peace process and the subsequent transitional dispensation designed to resolve the conflict, providing some sort of popular legitimacy to these two processes clearly dominated by politico-military forces. The central argument of this article is that while civil society involvement in the peace and transitional processes was instrumental in resolving the conflict underpinning the second Congo war, it entrenched a legacy: the politicisation of the civil society movement as inaugurated in the early 1990s. Indeed, although ground-breaking, the direct involvement of civil society in the management of transitional institutions contributed to weakening its member organisations as many of their leaders were either directly recruited into existing political platforms or simply decided to establish their own political organisations and join active politics.

Keywords: civil society, conflict resolution, second Congo war, civic engagement, politicisation, Democratic Republic of the Congo

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Introduction

Between 1998 and 2003, the Democratic Republic of the Congo (DRC) experienced what has been dubbed the world's most violent conflict since World War II (Malan and Porto 2004). The war involved the national armies of at least eight African countries,¹ as well as Congolese and non-Congolese armed groups. It caused the death of 3.9 million people while displacing over 8 million more both within and outside the country (Coghlan et al. 2006:49).² The war eventually resulted in a stalemate, precipitating the balkanisation of the DRC into several autonomous fiefdoms controlled by armed coalitions immersed in the rush for natural resources to sustain their war efforts and make a return on their 'war investment' (ICG 2000:66). As protagonists in the war explored ways to militarily defeat their opponents on the battlefield, civil society throughout the country emerged as the 'voice of reason', not only denouncing war-related exactions and crimes, but also calling for a negotiated mechanism to resolve the conflict.

Cognizant of the crucial significance and role of civil society in the country, the facilitation team of the Inter-Congolese Dialogue (ICD) led by former Botswana President Ketumile Masire – with support from all belligerents – agreed to the participation of civil society in the peace negotiations held in South Africa in 2002–2003. Subsequently, civil society sent representatives to all transitional institutions at both national and provincial levels, including the five civic institutions tasked with entrenching democracy during the transition, namely the Independent Electoral Commission, the Truth and Reconciliation Commission, the Commission on Ethics and Fight against Corruption, the High Authority of the Media, as well as the National Observatory of Human Rights. The direct inclusion of civil society in the transitional institutions was partly conceived as a strategy to

1 They include Angola, Burundi, Chad, the DRC, Namibia, Rwanda, Uganda and Zimbabwe.

2 Coghlan et al. (2006) further argue that not all those who died were killed by direct fighting. Instead, the vast majority of deaths were caused by preventable diseases that the war-affected and poorly equipped medical system could not manage.

avoid a potential polarisation of the transition in case it only consisted of former warring groups.

Notwithstanding the persistent instability in the two Kivu provinces, the transition process (2003–2006) was hailed as a success, culminating in the organisation of the first multiparty free and fair elections in the DRC in 41 years. While several Congolese and non-Congolese stakeholders were instrumental in contributing toward the success of the transitional process and the resolution of the conflict, the role of civil society cannot be overlooked.

This article analyses the role played by civil society in the resolution of the conflict brought about by the second Congo war (1998–2003). The scope of the study extends from the beginning of the war in August 1998 to the conclusion of the transitional process in December 2006. The central argument of this article is that, in spite of its sterling contribution to the resolution of the conflict brought about by the second Congo war, civil society remained a divided entity unable to pursue coherent objectives and vulnerable to the influence and manipulation of the main national political groupings. The next section clarifies the concept of civil society and presents its historical background in the DRC context.

Conceptual framework and historical background

Civil society: from theory to practice

In spite of its common usage in social and academic discourse, civil society ‘resists easy definition, especially when discussing it as a global development’ (Barnes 2007:11). Generally, civil society is considered to encompass all spheres of organised societal activities located outside the realm of active politics. Proponents of this school of thought distinguish the civil society from the political society – the domain of government institutions and political parties. Others view civil society as the society itself, whether organised or not, as long as it is different from the sphere of active politics.

Whatever perspective one may prefer, there is an agreement that civil society has tremendously grown in strength and prominence in Africa in the last three decades. It is also widely accepted that groups making up civil society differ significantly in terms of their membership, goals, size, level of professionalism, and impact on policy processes and social transformation. According to Thomson (2004:5), civil society can be defined as '[t]he organisations that arise out of the voluntary association within society, found between the extended family and the state. Included in this group are professional organisations, labour unions, trade associations, women's groups, church assemblies, businesses, special interest companies, community groups, and so on, right down to sports and social clubs'.

Civil society is thus usually defined in relation to the state (Bayart, cited by Okuku 2002:82–83); that is, the way society is organised outside the state, meaning 'the set of voluntary organizations and groups not created by the state' (Belloni 2008:182). Nevertheless, much of civil society work is geared toward complementing state or government efforts. For instance, in a study on local civil society's involvement in the provision of education and health services in the DRC's Kivu region, Seay (2010:517–533) demonstrates that civil society has the ability to deliver quality basic services, but that this can be used by state institutions to escape from their responsibility, although such a trend may actually disrupt the process of state-building in post-war societies.

In an attempt to define civil society from both the nature of its membership and its overarching objective, Fiedler-Conradi (2003:9–10) identifies 'two types of civil society associations, both of which are driven by a particular form of solidarity'. On the one hand, civil society associations 'for mutual benefit' are based on the organised relationship of a group of people who share a common interest. They include trade unions, sports clubs and small-scale farmers' self-help groups. These types of associations are strictly membership-based. On the other hand, civil society associations 'for public benefit' are based on an organised relationship between one group of people and another, in the interest of one of the two. This type includes charity organisations and human rights groups. While Fiedler-Conradi (2003:10)

acknowledges that ‘any one association may, transiently or permanently, develop both types of solidarity at the same time’, she further argues that both ‘types of associations do have in common that they respond to needs arising in society that are not – or need not be – catered for otherwise’.

Despite the general characteristics mentioned above that cut across societies as far as understanding civil society is concerned, there is an ongoing debate over the necessity to contextualise civil society, both as a concept and as a reality, taking into account the specific society in which it develops and/or is operating. Barnes (2007:11) argues in this regard that ‘[e]very society has its own distinct forms of social organisation, cultural and political traditions, as well as contemporary state and economic structures – all of which are central to the development of civil society and shape its specific features’.

In light of Law No 004/2001 of 20 July 2001 that regulates the activities of civil society organisations in the DRC, the concept ‘non-profit organisation’ (used in the Law to refer to a civil society organisation) applies to every association that does not engage in industrial or commercial activities and does not provide material gains to its members (Article 1). According to the Law, non-profit organisations are apolitical by their nature and may be divided into three categories, namely cultural, social, educational or economic associations; non-governmental organisations; and religious organisations. A non-governmental organisation strives to contribute to the economic development of the country. Cultural, social, educational and economic associations are, in general, membership-based while religious organisations focus on the moral and spiritual transformation of the individual within the context of his/her social community. Notwithstanding this legal categorisation of non-profit organisations, the most identifiable types of non-governmental organisations in the DRC are human rights, civic education and advocacy groups; private media (radio, television, printed); religious organisations; labour unions; professional associations; student, youth and women’s organisations; business corporations; social, cultural and sports associations; developmental associations, as well as academic and scientific associations.

According to Fiedler-Conradi (2003:10), '[t]he shapes civil society can assume, and the impact it can make ... in a given society do to a large extent depend on resources, power relations and legal frameworks as well as on culturally, socially, economically or politically determined opportunities and limitations'. In this regard, the flourishing of the civil society movement in the DRC has thus responded to two major developments in the country, namely the economic decline and the subsequent deterioration of the social conditions of the masses, as well as the quest for political participation brought about by the wave of democratisation in the early 1990s. Faced with a failing state, continuously 'privatised' by the ruling elite to the detriment of the majority of citizens, civil society has emerged as both an alternative to the public sector – in terms of provision of employment (Romkema 2001:36) and other services – and the channel through which the authoritarian tendencies of the state can be challenged. The result of this process has been the continuous growth of the civil society movement, both in terms of its numbers and its importance within the national socio-economic and political landscape.

However, it has been observed that there is a sharp discrepancy between the impressive growth of civil society organisations in the DRC and the quality of their interventions within the sectors in which they freely choose to operate, leading many observers to question the real motive behind the decision by many Congolese to establish associations and non-governmental organisations. According to Trefon (2005:141–142), establishing non-governmental organisations in the DRC is just one among several forms of coping strategies imagined by ordinary Congolese in times of hardship. In this regard, associations and NGOs are formed 'because of their links to international funding opportunities'.

Lastly, three main characteristics cut across civil society organisations in the DRC. Firstly, they are highly politicised and ridden by power struggles. Secondly, they are often built along ethnic lines, especially those located at local levels, as they tend to defend specific communities' interests. Thirdly, they are highly dependent on foreign funding and easily pliable to donors' agendas with the latter seeking to steer civil society activities toward their

own goals instead of letting them inform their programmes after rigorous analysis of their specific situation (International Alert 2012:43).

Civil society in the DRC since 1990: A short historical background

Although some forms of organised civil society existed under the single-party system that ruled the DRC between 1965 and 1990, the necessary space for the full emergence of civil society organisations independent from state patronage was only provided as a result of the democratisation process decreed by President Mobutu on 24 April 1990.

One of the implications of the context of political liberalisation under which civil society emerged in the early 1990s was the similarity of its policy positions with those of political opposition parties (most of which were also established in the same period). The *de facto* alliance between opposition political parties and civil society organisations was instrumental in requesting the convening of the National Sovereign Conference which took place between 7 August 1991 and 6 December 1992. Designed as a national political dialogue, the Conference brought together 2842 delegates, representing all strata of society, with the aim of identifying the causes behind the country's post-colonial failure and making recommendations on a new path for the country's development (Nzongola-Ntalaja 2002:190).

The Conference was the first instance of the politicisation of civil society in the DRC, especially after it was agreed that the Conference would be responsible for the establishment of political institutions needed to manage the country during the transition (Nzongola-Ntalaja 2002:190). Civil society soon realised its power as an influential force between the irreconcilable government and political opposition. Unsurprisingly, one of its members, Archbishop Monsengwo (from the Roman Catholic Church), was elected as the presiding officer of the Conference. As a result of the permeation of its member organisations by the politics of the time, the civil society movement split into two factions. The first faction was comprised of organisations that joined the main opposition coalition known as the Sacred Union of the Radical Opposition (USOR) which was subsequently

renamed Sacred Union of the Radical Opposition and Allies from Civil Society (USORAS). The second faction was made up of organisations that held a conciliatory view *vis-à-vis* the regime. Until 1997 when the Mobutu regime was toppled, civil society remained aligned to political parties, regarding itself as both a (political) power broker and contender.

The rise of Laurent-Désiré Kabila to power in May 1997 brought about new dynamics with regard to state-civil society relations. Throughout the war period, the AFDL³ under Kabila did not hide its mistrust and hostility toward civil society organisations that it accused of being accommodative of the Mobutu regime. On their part, civil society organisations never blunted their criticisms toward the AFDL for the group's role in human rights violations committed against civilian populations, especially Rwandan Hutu refugees. Civil society organisations were also concerned with the prospect of losing the space they had gained during the transition should the AFDL emerge victorious on the battle front (De Villiers and Omasombo 1998:57). They openly advocated for a negotiated settlement of the war, to the AFDL's utter dismay.

Upon assuming state power in May 1997, the AFDL embarked on a process of reducing civil society's space of operation, setting thus the stage for future confrontations between the two entities. According to the International Crisis Group (1999:13), 'leaders of NGOs and churches presented a different type of challenge to the regime. In principle, their policy options were similar to the non-violent opposition parties. They urged rapid moves towards elections and democratisation and they affirmed the legitimacy of the National Sovereign Conference ... which was the one time in the Congo's constitutional development, when they participated formally'.

As was the case during the National Sovereign Conference and the subsequent period, two major factions of civil society held competing views regarding the AFDL regime: the Congolese Civil Society (SOCICO) – whose origins may be traced back to the group that formally drew closer to

3 Alliance of Democratic Forces for the Liberation of Zaïre/Congo

the Mobutu regime – appeared more conciliatory toward the regime and opted for ‘constructive engagement’. The Civil Society of the Democratic Republic of the Congo – whose origins can be traced to the bloc that associated itself with the political opposition during the first transition – adopted a ‘confrontational approach’. This latter group, more effective than the former, consisted of dynamic networks such as the National Council of Development Non-Governmental Organisations (CNONGD) with its vibrant provincial structures known as Regional Councils of Development Non-Governmental Organisations (CRONGD).

In June 1997, CNONGD successfully organised a national conference on reconstruction in Kinshasa, attended by over 250 delegates representing all the country’s provinces. Among other things, the conference ‘declared its concern for the protection of fundamental liberties’ and about ‘the absence of political dialogue, indiscipline in the army, the absence of a clear-cut division between the state and the AFDL, and ... the absence of a constitutional framework’ (ICG 1999:13). A month later, CNONGD’s complaints were echoed by the Roman Catholic Church as its Bishops’ Permanent Committee expressed concern over the new authorities’ decision to reject the constitutional project adopted by the people at the National Sovereign Conference and ‘noted that certain acts were being committed by members of the new regime which did not respect the dignity of the human person’ (ICG 1999:13–14), acts that negated the rule of law. In response, the regime attempted – albeit unsuccessfully – a number of strategies to gain control over civil society including directing through government channels all NGOs’ financial and other aids coming from abroad, arresting activists, centralising NGOs’ registration process through the ministry of justice and dissolving NGOs that failed to comply fully with the new legislation. However, the eruption of the second Congo war in August 1998 resulted in the Kabila regime adopting a more conciliatory approach in its engagement with civil society, as discussed below.

The Second Congo War: Civil society under ‘uncivilised’ politics

The second Congo war was caused by internal contradictions within the AFDL alliance that toppled the Mobutu regime in May 1997. At the national level, Kabila’s Kinyarwanda-speaking allies within the AFDL were dismayed by his reluctance to overrule existing nationality laws that appeared to threaten their right to Congolese citizenship. They subsequently united with the Rwandan civilian and military contingents deployed in the DRC in antagonising and undermining the regime from within. At the regional level, the gap between Kabila and his Rwandan, Burundian, Ugandan and Angolan allies never stopped widening as the latter grew disillusioned by Kabila’s lack of commitment in addressing their respective countries’ security concerns. In fact, all these countries had supported Kabila’s military campaign against the Mobutu regime in the hope that his rise to power would provide them with a trustworthy ally who would enable them to tackle their respective military oppositions based on Congolese territory.

If anything, the eruption of the war led Laurent-Désiré Kabila to reconsider his engagement with national civil society. Three main reasons may have contributed to this shift. Firstly, the departure of Rwandan contingents alongside the AFDL’s Banyarwanda elements removed the main sticking point that had prevented a smooth cooperation between the regime and other national socio-political stakeholders. According to Kisangani (2012:142), ‘the minority Banyamulenge and Tutsi in government never wanted a broader political base because it could have marginalized their authority, given an already acute anti-Tutsi sentiment in the 1990s in the DRC’. Secondly, the eruption of the war compelled Kabila to realise the role civil society organisations were likely to play in legitimising his power to the masses, which would subsequently ensure the much-needed public support in the war period (Sadiki 2010:331). Thirdly and especially after a stalemate had been reached on the war fronts, Kabila was eager to build an alliance with civil society and favourable political parties in anticipation

of a possible national dialogue, which was being called for by all internal and external role players as the best mechanism to resolve the country's conflict.

Kabila's courting of civil society organisations for political survival became evident when he announced the organisation of a 'national debate' designed to end the country's war. In preparation of the national debate, a national consultation was held in Kinshasa on 29 February 2000, attended by representatives of churches, government, civil society and political parties. According to Fourie and Solomon (2002:11), although much of the discussion centred on requesting Rwandan and Ugandan troops to withdraw from the country, 'the meeting also gave civil society the much-awaited chance to openly and directly criticize Kabila'. Nevertheless, the main outcome of this interaction was that Laurent-Désiré Kabila became open to the idea of civil society's participation in all future initiatives designed to resolve the country's ongoing crisis.

Meanwhile, when a stalemate was reached on the fighting fronts starting from mid-1999 and the country fell into a *de facto* balkanisation, civil society organisations filled the vacuum left by the banned or weakened political opposition. In areas controlled by rebel movements, civil society organisations emerged as the most reliable sources for the provision of basic social services, including those in the fields of health and education. The humanitarian crisis resulting from the war also contributed to placing civil society organisations as the interface between the afflicted populations and international role players seeking to provide humanitarian assistance. Perhaps the most critical role played by civil society during the war was not only its mobilisation for negotiations as the sole mechanism to resolve the conflict behind the war, but more importantly its persistent denunciations of human rights abuses and other crimes perpetrated by all belligerents. The ability of civil society to denounce these abuses served as an advocacy tool toward the international community's decisive intervention in the DRC.

Although belligerents on both sides of the war spectrum could not embrace civil society organisations wholeheartedly as a consequence of the latter's continued denunciations, they all avoided antagonising such organisations

in an absolute manner. At best, they sought to infiltrate civil society so as to divide it from within. Furthermore, both the national government and rebel groups used intimidation, arrests and imprisonment as strategies to extract submission from civil society. However, a new era emerged following the assassination of Laurent-Désiré Kabila on 16 January 2001 and his replacement by Joseph Kabila. In contrast to his predecessor who was reluctant to negotiate directly with the rebels, Joseph Kabila lifted all obstacles preventing the launch of an all-inclusive negotiation process designed to end the war. As an uncontested national stakeholder, civil society was accepted by all warring and political parties as a critical participant in the different phases of the peace negotiation process that ended the second Congo war.

Searching for peace: Civil society in the peace negotiation processes

Initial attempts to resolve the conflict behind the second Congo war emerged as early as the very beginning of the war. They came from internal political players (such as Etienne Tshisekedi), African statesmen (including then South African President Nelson Mandela) and international actors (as was the case with the Italy-based Community of Sant'Egidio). However, none of these early attempts bore fruit as protagonists remained inclined to seeking military victory on the battlefield. These early initiatives targeted the warring parties and put emphasis on securing a ceasefire, a precondition for direct political negotiations among all major Congolese socio-political stakeholders. In this context, the Lusaka Ceasefire Agreement, signed on 10 July 1999, represented a significant breakthrough, although it remained dormant for nearly three years while war continued unabatedly. This situation changed in January 2001 following the advent of Joseph Kabila to the presidency. Under his leadership, national government not only committed to upholding the Lusaka Ceasefire Agreement but also lent the necessary support to the facilitation team under Ketumile Masire for the organisation of the Inter-Congolese Dialogue (ICD) provided for in the aforesaid agreement. Of course, this development was only made possible

thanks to the rise of George Bush to the USA presidency, replacing Bill Clinton and subsequently abandoning Clinton's policy of 'open-ended support' toward Rwanda and Uganda (Khadiagala 2009:317).

The ICD took place in South Africa and officially lasted between February and December 2002 with various interruptions caused by disagreements among the parties, as well as the inability of the negotiating parties to stick to the initially set timetable. Participants to the ICD were divided into two main categories. The first category was comprised of five 'components', namely the national government under President Kabila, the Congolese Rally for Democracy – Goma (RCD-Goma), the Movement for the Liberation of Congo (MLC), the political opposition, as well as civil society. The second category was made up of three 'entities', namely the Congolese Rally for Democracy – Kisangani / Liberation Movement (RCD-K/ML), the Congolese Rally for Democracy – National (RCD-N) and the Mai-Mai militias.

In theory, the inclusion of civil society and political parties in the ICD process could be seen as consistent with the need to instil some legitimacy to the process, a critical ingredient to the emergence of durable peace (Jarstad and Sisk 2008:11). As Zanker (2013:3) argues, '[s]ince the entire population cannot attend peace negotiations, civil society groups become the people's representatives and their involvement improves the prospect of ownership of both the negotiations and the outcome'. However, as far as the DRC is concerned, the inclusion of civil society and political parties could be explained through three different lenses, depending on the parties involved. For the facilitation team and external stakeholders, such inclusion was expected to render the entire process inclusive and lay the ground for its endorsement by the vast majority of Congolese socio-political stakeholders and ordinary people. For the Congolese warring parties, civil society and political parties' representatives were regarded as potential allies in the game of alliance building during the negotiations and even beyond. For civil society and political parties themselves, the ICD process provided an opportunity not only to shape the country's future at

one of its most critical historical junctures, but also to lay claims on one's right to partake directly in the management of the pending transition.

The ICD brought together a total of 362 delegates representing the five components and three entities mentioned above. As each of the other four components, civil society brought in a total of 66 delegates, representing a wide range of interest groups including churches, business organisations, human rights organisations, youth and women's associations, labour unions, and the private media. As was already the case with the National Sovereign Conference referred to earlier, the direct participation of civil society organisations in the ICD threw them into the arena of political manoeuvre and bargaining, although the return of peace seemed to remain the primary interest of all its members.

The ICD resulted in the signing of two separate agreements, namely the Political Agreement for a concerted management of the transition (henceforth Political Agreement) and the Global and Inclusive Agreement for transition in the DRC (henceforth Global and Inclusive Agreement). The Political Agreement was signed on 19 April 2002. Although the vast majority of delegates endorsed it, the Political Agreement did not involve all parties to the ICD. The agreement was propelled by national government and the MLC and provided for President Kabila to maintain his position for the entire transition period while MLC's leader Jean-Pierre Bemba would serve as prime minister. Kabila and Bemba justified their move to initiate the Political Agreement as a response to the approaching official deadline of the negotiations compounded by the RCD-Goma's perceived deliberate foot-dragging strategy. Forty five out of the 66 civil society delegates signed the agreement for at least three main reasons. Firstly, there was their shared concern for the return of peace in the country for the sake of the citizenry, as well as their own work. Secondly, there was a widespread anti-rebels (rather anti-RCD-Goma) sentiment among civil society activists, many of whom shared the dominant view among Congolese citizens that the war was designed by Rwanda and Uganda to serve their own interests in the DRC. Thirdly, the political bargaining that preceded the signing of the Political Agreement may have provided some of the civil society delegates

with incentives to be part of this process. This related to promises and other deals, including those on political appointments in the transitional institutions.

The Political Agreement was never implemented as it was totally rejected by the facilitation team, regional states including host country South Africa, as well as all international role players involved in the process, including the African Union (AU) and the United Nations (UN). Meanwhile, parties opposed to the Political Agreement, namely the RCD-Goma and a number of political parties and civil society representatives, coalesced to form the Alliance for the Safeguard of the Inter-Congolese Dialogue (ASD) under the leadership of Etienne Tshisekedi (national leader of the Union for Democracy and Social Progress – UDPS). Upon its establishment, the ASD embarked on lobbying Congolese, African and international role players for the resumption of the political negotiations with the ultimate aim of achieving an all-inclusive agreement on the transition (Mangu 2003:249). Ultimately, the negotiations were reconvened in South Africa in September 2002, paving the way for the signing of the Global and Inclusive Agreement on 17 December 2002.

In contrast to the Political Agreement, the Global and Inclusive Agreement was endorsed by all delegates to the ICD, the facilitation team and the international community. It was based on two main pillars, namely the unification of the (dismembered) country and the power-sharing-based consensual management of the transition. The inclusion of civil society groups in the ICD process was regarded as ‘one of the greatest achievements of the negotiations in the DRC ...’ (Kabemba 2004:8). However, although this view was shared by many Congo experts, at least one observer has questioned the overall contribution of civil society to the outcome of the ICD. He argues that whereas ‘most of the substantial resolutions adopted at Sun City were initiated by civil society organisations’, the decision by several of their members to align themselves with armed groups meant that these organisations ‘gave up the peacebuilding role they were expected to play by polarising further and reducing the scope of the talks’ (Rogier 2006:112).

Between civic engagement and politicisation: Civil society in transitional politics

Following the successful organisation of the ICD and the signing of several agreements both among Congolese parties and between the DRC and its neighbours (mainly Rwanda and Uganda), the transitional process was launched after President Joseph Kabila was sworn in as transitional president on 30 June 2003. The role of civil society during the transition encompassed two separate but interlinked spheres. Firstly, a number of civil society representatives were directly involved in the management of the transitional institutions. Secondly, the bulk of civil society activists remained outside the sphere of active politics and focused on pursuing their conventional activities.

With regard to the direct participation of civil society in transitional politics, it ought to be stated from the onset that civil society was not allocated any position within the 'presidential space' encompassing the president and his four deputies. The exclusion of civil society from the presidential space was surprising for two main reasons. Firstly, it overlooked the fact that, in the context of the ICD, civil society was considered as a component on the same level with the former national government, political parties, the RCD-Goma and the MLC and should, therefore, have been entitled to the same privileges (just as it was entitled to the same number of delegates to the ICD!). Secondly, the case for civil society's inclusion in the presidential space should have stemmed from the fact that the former national government was allocated a position of deputy president in spite of already securing that of the transitional president as represented by Joseph Kabila. Unfortunately this apparent injustice extended to the composition of the national transitional cabinet in which civil society was awarded two ministries (Human Rights and Public Administration) and three deputy ministries (International Co-operation, Trade, and Agriculture), a far cry from the seven ministries and four deputy ministries granted to each of the other four components (the former government, the RCD-Goma, the MLC and the political opposition).

However, the situation was fairly balanced with regard to the composition of the transitional parliament. Civil society received the same number of seats (94 out of a total of 500 in the National Assembly and 22 out of 120 in the Senate) as the other four components. More importantly, civil society was allocated the position of Speaker of the Senate which was awarded to Bishop Marini Bodo of the Protestant Church.

The distribution of powers among national stakeholders in the DRC's transitional institutions was further extended to provincial executives (governors and deputy governors), senior managerial positions within state-owned enterprises and diplomatic postings. At all these levels, civil society shared power proportionally to its member organisations to the ICD and in equilibrium with the other four components.

But, of much importance was the agreement reached by all parties to the ICD to devote the chairpersonship of all transitional institutions tasked with entrenching democracy to civil society. These included the Independent Electoral Commission, the Truth and Reconciliation Commission, the Commission on Ethics and Fight against Corruption, the National Observatory on Human Rights and the Media High Authority. Each of these 'civic' institutions was made up of 21 members proportionally selected from all groups that took part in the ICD, including civil society. However, it ought to be noted that all these institutions, except the IEC and to a lesser extent the Media High Authority, were unable to perform their duties adequately due to financial difficulties, and more importantly, due to the total lack of support from all the parties to the transition.

The IEC represented the most critical of all transitional institutions tasked with entrenching democracy as the transitional process itself was designed to lead to the organisation of free and fair elections throughout the country. Although national parliament dragged its feet in adopting the necessary legislation expected to set the IEC in motion and national government only reluctantly committed to providing financial means to the commission, the IEC secured much of its financial, logistical and expertise support from its international partners led by the UN (DRC) Country Team. Under the

stewardship of Roman Catholic priest Apollinaire Malu-Malu, the IEC was able to deliver a referendum and electoral processes considered to be the best organised in Africa in recent years (Mangu and Budeli 2008).

As stated earlier, civil society not only had its representatives included directly in the transitional institutions, but also continued unceasingly playing its traditional role during the transition period. Civil society organisations persisted in denouncing abuses committed by the warring parties, as well as their shaky commitment to ceasing hostilities. They continued to mobilise the international community on the ongoing humanitarian crisis in the country, especially in regions that witnessed the worst cases of violence during the war. Furthermore, inasmuch as nearly all important national political platforms either participated directly in the transitional institutions or simply endorsed the transitional process (by virtue of signing the Global and Inclusive Agreement), civil society equally assumed the role of a *de facto* political opposition. In this regard, civil society organisations repeatedly denounced the mismanagement that characterised the transitional institutions. They incessantly reminded the former warring groups of their duty to offer agreed upon disarmament and reintegration programmes to former combatants and to ensure the success of those programmes. They equally called upon the parties involved in the transition to work in a cohesive manner so as to increase the likelihood of the success of the transition, especially with regard to the organisation of free and fair elections in the country.

Although commendable, the newly found role of civil society as a *de facto* political opposition was not wholly constructive. In the words of at least one UN officer (cited by De Heredia 2011:12), '[t]he role of civil society is to check the government In Sun City they were given seats. These have been the main constraints for civil society to stay away from politics We got to the stage where civil society was doing 90% of political activity: questioning processes ... and advocating for appointments! They were not doing such things as demanding services or rights, but ... typical things that should be done by political opposition ...'. According to Kabemba (2004:8), '[w]hat the transition has done ... has been to politicise civil

society by including its influential members into government institutions, Parliament and the Senate'. Although this trend has equally been observed in other societies emerging from protracted conflicts, in the DRC '[p]olitical ambition seems to have become the main driving force of civil society leaderships and has seriously weakened the social force it pretends to present' (Vlassenroot and Romkema 2007:14–15).

Above all, in spite of the inability of the Truth and Reconciliation Commission to fulfil its mandate, civil society organisations embarked on peacebuilding activities with specific attention to capacity building, mediation, reconciliation, as well as the implementation of programmes designed to build trust within and among communities (Romkema 2001:41; International Alert 2012:43). Civil society organisations were also involved in activities relating to the reintegration of former combatants, including former child soldiers, into civilian life by offering them counselling services, capacity building and skills development training. Others worked directly in the collection of weapons and ammunition from former combatants and other illegal arms from the civilian population, taking advantage of the enacted amnesty laws. A case in this regard was the Ecumenical Programme for Peace, Conflict Transformation and Reconciliation (PAREC) – led by Reverend Ngoy Mulunda – which spearheaded a national campaign of collecting illegal weapons and ammunition in exchange for financial payment (US\$100 per surrendered weapon).

Perhaps, the most outstanding contribution of civil society during the transition period centred on its involvement in the electoral process. Not only were the national chairperson and all 11 provincial chairpersons of the electoral commission selected from civil society, the platform played a significant role in campaigning for the elections, providing voter education to the people and working in partnership with the electoral commission and international non-governmental organisations in the implementation of targeted projects in the field of the elections. To this effect, the role of the private media and the churches was outstanding. In a vast country faced with daunting transport and communication challenges, as is the DRC, the media and the churches emerged as the most effective and reliable

channels for the dissemination of election-related information. Ultimately, civil society organisations played a critical role in the voting process itself through the deployment of thousands of electoral observers throughout the country.

Appraising the role of civil society in conflict resolution

It ought to be noted that the second Congo war took place in the context of the entrenchment of civil society in the country. Although slightly disrupted in the early months of AFDL's advent to power, this trend was consistent with socio-political developments taking place in the DRC since April 1990 when President Mobutu introduced multiparty politics. As it rose to national prominence in the context of an ongoing democratisation process, civil society was committed to playing a meaningful role in shaping the emergence of a new democratic political order in the country. Rather than tempering its resolve for civic engagement, the eruption of the second war simply contributed to motivating civil society to explore ways and means to play a more assertive role in national politics.

It is therefore important to observe that, throughout the war, civil society did not seek to provide mediation services to the warring parties. Instead, it regarded itself as an equal partner to be directly involved alongside other national socio-political stakeholders (including the warring groups and political parties) in the search for peace in the country. The adoption of this position by civil society could be explained by how it perceived the second Congo war. For much of the civil society, the persistent instability in the DRC since the early 1990s in general and the second Congo war in particular were merely symptoms of a quest for the new democratic order expected to succeed the dismantled single-party system. In this regard, any proposed negotiation framework should seek to go beyond merely reconciling the warring parties to provide an opportunity for all national socio-political stakeholders to chart a new democratic path for the country. This perspective was to a large extent based on the experience accumulated during the National Sovereign Conference of the early 1990s.

Furthermore, civil society questioned the legitimacy of the warring parties on both sides and challenged their respective claims of pursuing national interests through their struggle. Instead, civil society regarded all belligerents as regime factions seeking to annihilate their real and perceived opponents in order to monopolise power. In this context, civil society considered itself and opposition political parties as critical players in the search for the new democratic order, given their entrenchment within the society. Lastly, many civil society activists embraced the idea of direct participation in the peace/political negotiations and the subsequent management of transitional institutions due to the attractive benefits this process would provide and the opportunity such participation would bring in easing their passage from civic engagement and advocacy to active politics.⁴

Although all groupings making up the Congolese civil society agreed to the principle of negotiations as the only mechanism to resolve the conflicts motivating the second war, as well as on the necessity of their involvement in the negotiation process, they could not permanently resolve the internal cleavages in their own midst. As was the case with opposition political parties, the civil society movement remained divided among several platforms often vying for prominence. The need to unify these two important constituencies prompted Belgian Foreign Affairs Minister Louis Michel to organise consultations for the civil society and the political opposition in Brussels in January 2002. Officially, the consultations were designed to assist the two constituencies to build internal cohesion, a critical factor for their playing a meaningful role in the ICD. However, critics – including political opposition leaders who declined the Belgian invitation – perceived a manipulative hand of the national government under President Kabila throughout the consultations, seeking to secure the support of these two constituencies prior to the ICD (Luaula 2010). Notwithstanding its internal differences, civil society – just like the political

4 Since the experiences of the colonial period, activism within civil society has always been regarded in the DRC as the ideal springboard to a political career.

opposition – emerged from the Brussels consultations as a more cohesive entity with a unified consensus-based leadership. This partly explains the collective decision by both factions of civil society to endorse the ill-fated April 2002 Political Agreement between the national government and the MLC. Such a sense of cohesion was preserved throughout the second phase of the ICD (September – December 2002) and was regarded by civil society organisations as key to their contribution in shaping the transition as designed by the Global and Inclusive Agreement.

However, it is important to observe that, although all political parties and warring groups agreed to the principle of civil society's participation in the ICD as a fully constituted component (on the same level with the former national government, political opposition parties, the RCD-Goma and the MLC), they were all reluctant to share power equally with civil society representatives. As discussed earlier, civil society was totally excluded from the presidential space and received less than half of the total number of ministerial positions allocated to the other four groups. The general understanding shared by representatives of warring groups and political parties was that, although civil society's direct participation in the management of transitional institutions was necessary, its involvement should remain minimal within the executive sphere – regarded as the preserve of politicians. Instead, civil society ought to focus its participation on the legislative sphere – regarded as the domain of national representation and policy formulation. As a consequence, civil society was allocated the same number of seats in the two houses of the transition parliament as the other four components of the ICD and was even granted the position of the Speaker of the Senate.

But, it would be mistaken to assume the role of civil society during the political negotiations and the transitional period as totally impartial. Throughout the negotiations and the transition, the three dominant forces on the Congolese political landscape, namely the national government, the RCD-Goma and the MLC, 'fought' for the support of civil society groups and even of the opposition political parties. In the end, the national government was the biggest winner in this game of alliance building for

a number of reasons.⁵ Firstly, there was an ‘unintended convergence’ of perceptions between the national government and civil society groups over the role of the rebels (regarded as Rwanda’s and Uganda’s proxies) in the second war and the negative consequences of the war in terms of human casualties and displacements, the collapse of the economy, the destruction of social infrastructures, the worsening of people’s living conditions and the total disruption of the democratisation process. Secondly, the fraught relations between the rebel movements and civil society organisations in the areas under the former’s control throughout the war had planted the seeds of mutual distrust among them that became visible during the negotiations, as well as the transition. This was compounded by the fact that civil society activists from rebels-controlled territories were fully aware of the level of the rejection of the rebels by the people. They could therefore not afford to be seen siding with the rebels at any stage of the negotiation or transition processes without risking the loss of their own legitimacy in the eyes of ordinary Congolese. Thirdly, by virtue of controlling the state, the (former) national government could afford to disburse patronage at a level unmatched by any other players in the political landscape, including the RCD-Goma and the MLC which held territorial control over some regions of the country for several months.

One of the main areas in which the impartiality of civil society came under serious scrutiny was the media, both printed and broadcast. The public broadcasting network (television and radio) remains under the tight control of the state, a trend that has prevailed in the DRC since the Mobutu era (1965–1997). However, as a consequence of the political liberalisation of the early 1990s, private ownership of media outlets has grown tremendously, especially in major cities such as Kinshasa and Lubumbashi. Yet, inasmuch as the emergence of a large private media network has contributed to the vibrancy of the sector and civil society in general, it ought to be admitted

5 According to Vlassenroot and Romkema (2007:15), this trend continued beyond the transition and especially during the 2006 national and provincial elections when several prominent civil society leaders openly campaigned for the coalition supporting President Kabila’s candidacy.

that the majority of private media outlets are aligned to political groups and interests. During the transition, private media outlets became the targets of the struggle for influence from the main stakeholders in government. Other media outlets were simply owned by political actors directly involved in the management of the transition as was, for instance, the case with Digital Congo television channel (close to the Kabila family) and the two Canal Kin television channels (that belonged to Deputy President Jean-Pierre Bemba). If anything, the nature of private ownership of media outlets in the DRC and the struggle for influence over them by political role players contributed to placing these structures in an ambiguous position during the transition. On the one hand, they provided a critical platform for constructive debates, lobbying and information dissemination for public interest. On the other hand, they became the frameworks for the pursuit of conflict by other means (Mandjem 2009:138). Although the Media High Authority was committed to fulfilling its task of ensuring that all media outlets abide by the principles of professional ethics throughout the transition, its lack of resources and the fluctuating commitment of the main transition role players to respect the ruling of the Authority meant that many media outlets were turned into political propaganda machines during the 2006 elections.

Conclusion

As the second Congo war erupted in August 1998, the vibrant Congolese civil society movement refused to regard itself as a neutral peacemaker waiting to step between national government and rebel groups fighting for the control of state power in the country. Instead, cognizant of the complexity that surrounded the war, civil society organisations presented themselves as important national stakeholders expected to play a meaningful role in the quest for peace alongside national government, rebel groups and political parties. In this regard, it ought to be acknowledged that the direct involvement of civil society organisations in the peace/political negotiation and the management of the transition was ground-breaking. Although such involvement cannot be regarded as the sole reason behind the success

of the transition process, this model ought to be carefully studied and its relevance assessed for application in other conflict situations in Africa and beyond.

However, it ought to be admitted that the direct involvement of civil society in the management of political institutions contributed to depleting its member organisations, as many of their leaders either were directly recruited by existing political parties and platforms or simply decided to establish their own political organisations and join active politics. Whereas this development may be regarded as a contributing factor toward the renewal of the Congolese political class, it runs the risk of setting a pervasive trend of civil society activists perceiving themselves as future politicians. Should this trend persist for a long period of time, it bears the potential of preventing civil society from entrenching expertise and professionalism in its midst. But above all, the direct involvement of civil society in the management of transitional institutions and the subsequent decision by a number of its prominent leaders to join active politics have significant implications for the credibility of its member organisations, especially taking into account the mistrust borne by ordinary Congolese towards politicians. In this regard, it should not be entirely surprising if civil society happens to be blamed (by the population) alongside political parties for the observed resistance of the Congolese political system to undergo meaningful qualitative transformation since the completion of the transition in December 2006.

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Book review

Africa uprising: Popular protest and political change

Branch, Adam and Zachariah Mampilly. 2015

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This is arguably one of the most penetrating and insightful books on the variety of protests that have engulfed a number of African countries in recent times. It is my interpretation, that among other things, this book sets out to provide answers to some of the following simple but vexing questions. What are the drivers of the recent protests in Africa, and what is their nature? To what extent are these protests providing a meaningful account of socio-economic and political challenges faced by ordinary peoples in the continent? Who and what are behind these protests? And what meaningful political changes, if any, have they brought, subsequent to their ‘uprising’? In instances where some of the protests appear to have not brought about any meaningful changes or substantive reforms, what are the reasons that account for such limited outcomes?

The book is significant in more than one respect. It attempts to shift the geography of reason by looking at the question under examination from an African standpoint, rather than submerging it under a ‘universal narrative’ (p. 205). This is done by locating the recent wave of protests, and analysing them, as the authors argue, through looking ‘inward to Africa’s own past and its own history of protest before looking outward to events in the rest of the world...’ (p. 3).

Approaching the issue of protests inwardly is reflected in how the book is structured. Chapters one to three set out to provide two things. Firstly, a theoretical lens through which to analyse the recent protests in Africa. This is done by, on the one hand, giving an account of the different political and conceptual positions adopted by Nkwame Nkrumah with his approach to protest action as a form of change by rallying organs of civil society; and, on the other hand, reflecting upon Franz Fanon’s belief that out of necessity, political change can be advanced concretely by going beyond civil society, and rallying what is defined in the book as political society. Secondly, this theoretical lens is followed by a very enriching historical account of what the authors frame as three different periods (‘waves’) of protests in Africa: the anti-colonial protests of the 1940s; the ‘anti-austerity’ protests of the 1980s that began in Benin; and the third wave which they periodically locate as starting around 2000 (p. 67).

The subsequent chapters, five to seven, then zero-in on four different case studies falling within what the authors frame as the third wave of protests, namely, Nigeria, Uganda, Ethiopia, and Sudan. In these four case studies, among other things, the common thread that runs through the analysis, and indeed the very subject of the book, is the way in which these protests emerged, the issues raised by those at the forefront, and the way in which they all ended without seemingly achieving any of the decisive changes for which they were initiated. In essence, and this is the currency of the book, it leaves the reader with several questions, such as whether protest actions in these four countries were a failure or not, and whether they succeeded to lay foundations for some other action in the future. Among key issues that the book exposes are the limitations to the twin promises that ‘multiparty’

democracy and a 'liberal agenda' would strongly contribute to more secure, stable, and prosperous nations and states.

While any reader may assume that the book only provides a wealth of information about protests in terms of the mentioned case studies, it is enriching to realise that even in the earlier theoretical and historical sections, there is enough information about specific moments of change or protests in countries like Ghana, Benin, Niger, and Zaire. Additionally, in the context of what is a very eloquent exposé of the limits of the 1990s multiparty democracy promise, the book describes how different organs of power outside of the state continue to see and consider a need for reforms and changes across different countries in Africa.

In all the cases studies analysed in the book, there is a further message that the authors drive home which relates to the challenges of building and maintaining cooperation between civil society and political society. They assign the lack of such allied activity to the absence of 'accessible unifying political ideologies' and of 'clearly viable alternatives to the dominant political order'.

Among other things, one of the significant arguments made in the book is locating what has become popularly known as the Arab Spring within the continent's (especially Sub-Saharan Africa's) historical and contemporary developments at large, as opposed to the dominant narrative and analysis that divorced these occurrences from Africa south of the Sahara, and compare and link them to other protests elsewhere in the world. This is quite significant because among other things it leads the book to insist upon African agency, in matters that have the possibility of creating political changes on the continent.

Lastly, the book is particularly significant in that it sounds an important caution against what appears to be an overextended focus on a narrative that speaks of an 'Africa Rising'. This is a narrative which 'champions the professional, globalized middle class as leading Africa's transition towards deepened democracy' (p. 202). Unfortunately, and as the book correctly implies, such an overextended focus on this 'Africa Rising' narrative results in a situation in which the ongoing struggles of the vast majority

of Africans, who remain politically oppressed, culturally undermined and economically exploited, are excluded from the narratives and analysis of the contemporary trajectory of Africa's development. The book is a worthwhile and very informative read for anyone who has an interest in having an enriched conceptual and political understanding of the dilemmas of protest action in Africa, especially as they relate to the continent's recent past.

