

Governance Breakdown and Post conflict Reconstruction

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I. INTRODUCTION

It is ironic that post conflict reconstruction tends to focus on the restoration of physical infrastructure such as roads and tends to ignore the restoration of governance systems which were responsible for conflicts that led to the fighting that led to the breakdown of institutions of the state and the community. The central proposition of this paper is that there is need to design public policies to deal with conflict management, mediation and prevention, to establish conflict management institutions to implement projects and programmes, and to conduct vigorous programmes of mainstreaming conflict prevention practices and culture in governance institutions such as parliament, the public administration, and justice and security sector bodies. The paper begins with a survey of mini conflict cases, or conflict critical incidents², with emphasis on portraying their complexity in terms of multiple actors, claimants and interests. In any conflict there are conflicting interests at stake at different levels (the grassroots, the middle and top national levels). Some of the conflicts attract neighboring countries in support of different parties to the conflict. Thus regional, continental, and international actors may increase and complicate on going humanitarian emergencies.

The second focus of the paper is a description of the nature of post conflict governance. When a peace agreement is signed and a transitional government set up. This government is usually very weak. But the international development agencies and the bilateral donors quickly forget this child government and begin to expect it to perform and meet standards of mature governments. It is very important to bear in mind the low levels of governance capacity before inquiring about the extent to which these postconflict governments have put in place policies and institutions to deliver government public services.

While the paper recognizes and accepts the importance of grassroots and community based conflict management, mediation and prevention, it nevertheless advocates the need for an integrated model in which national policies and programmes are designed which community based conflict transformative and conflict civic education activities can relate and be interlinked in purpose and practices. The paper advocates the need to establish a Ministry of Conflict Management and Prevention at the national level as one of the key priority post conflict governance reconstruction Ministries. It would lead the design of policies, their approval by cabinet and parliament, and their

² The critical incidents approach is a modification of the case method used at the Harvard Business, and Law, Schools.

mainstreaming in Ministries in the public sector and at the community and grassroots levels of the country.

II. CAUSES OF EXTREME CONFLICT AND THE BREAKDOWN OF GOVERNANCE

1. Complex causes of conflict

The fault lines in the earth's crust along which earthquakes erupt and result in destructive natural disasters³ share similarity to fault lines in the social structure along which manmade disasters erupt. The typical social structural fault lines are indicated in fig. 1, *Potential fault lines in the social structure that result in the breakdown of peace in society*. The major fault lines along which social earthquakes erupt are (i) political and social exclusion maintained by the misuse of governmental instruments of coercion and authority, (ii) the fragmentation of society into ethnic groups, clans, tribes or races, that become the basic units of political and economic zero sum competition, feuding, and inter-group conflict and fighting, (iii) the existence of disputed, unclear domestic and inter-state boundaries inherited from colonialism, demarcations that cut across and separate tribes and ignore the principles of natural boundaries, and that re-enforce and intensify ethnic fragmentation, and (iv) the emergence of harsh, deep and widespread abject poverty for the majority of the population amidst a small proud emergent class of the super-rich millionaires that engage in a culture of spontaneous consumption that is highly resented by the rest of society. These fault lines do not automatically result in social explosions. They remain latent until they are activated. That is why in this paper they are referred to as potential fault lines. Radio Mille Colline was a major weapon in the mobilization⁴ and activation of latent hostilities between Tutsi and Hutu in Rwanda. It played the role of a trigger that set off the fire in smoldering embers of ethnic conflict. It should be noted that strong social cross cutting ties can develop across social fragmentation acting as an adhesive, or strong binding, that holds in check the potential explosion of social conflict⁵.

³ A current example is the Nyiragongo volcanic eruption that has covered Goma with lava flows.

⁴ See Schenectady, *The Semi-Sovereign people*

⁵ It reminds me of a story of about General Mustafa, Syrian Defense Minister, who was in love with an Italian actress, Gina Lollobrigida, and who ensured that Italian enemy positions were not shelled for he could not bear the thought of the actress sobbing in bereavement. Michael A. Ledeen, *Machiavelli on Modern Leadership*. New York: Truman Talley Books, 1999. Page 64

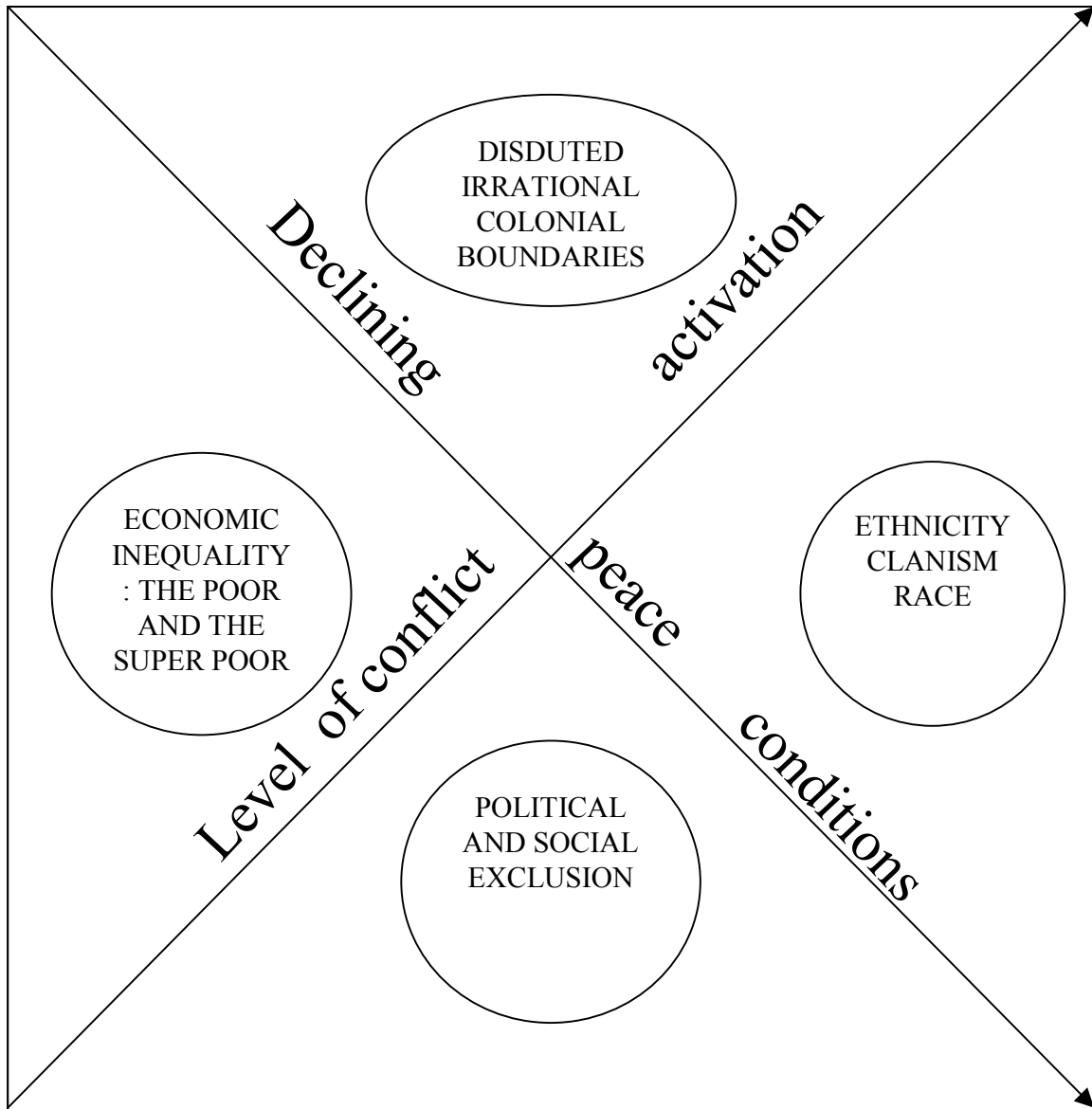
2. Political and social exclusion maintained by the misuse of governmental instruments of coercion and authority leading to breakdown of governance.

The guiding governance principle is that stability and peace depend on agreement and widespread consensus on the system of democratic governance and equal and open opportunities for participation and access by most social and political actors in the population. If the major actors and stakeholders in the population believe that the best governance system is what they have, there will be peace and stability in the country. The acceptability of a type of governance is what may be called legitimacy. This legitimacy is embedded in the culture of the society and supported and entrenched by child socialization and adult training. Governance legitimacy also depends on effective public administration, on the effective delivery of goods and services expected by the population. In the modern era, the most widely accepted governance system is democracy. In most countries, the citizens aspire to be governed under democratic principles.

At the same time, individual political leaders continue to be tempted to impose single personal rule, or rule by an oligarchy, on societies whose basic aspiration is democratic governance. A large number of people and groups who want to participate in the political system are excluded. Instead of political power being dispersed to many centers in the society, it is concentrated and monopolized.

This leads to so-called democratic struggles that in the end may result in anarchy, civil wars, destruction of the economy, and the collapse of the state. As excluded individuals and groups resort to armed conflict, the regime monopolizing political power resorts to the misuse of state institutions and instruments of coercion such as the army and the police. This is the crisis of participation and democracy that is widespread in Africa. Many rulers in Africa are overstaying in power by changing democratic constitutional provisions that limit the number of times a single individual may be a president of a country. Other leaders and groups then resist and this democratic struggle may translate into civil war and armed rebellions that may result in the collapse of the state (Zaire, Somalia, Uganda, Somalia, Burundi, Sudan, Algeria, Angola, etc).

Fig 1, Potential fault lines in the social structure that result in the breakdown of peace in society



The concept of social exclusion as used here may cover situations in which the excluded group is a distinct racial one (blacks in apartheid south Africa), ethnicity (Tutsi in Rwanda from about 1958 to the recent genocide); Chinese in Singapore and Malaysia; blacks in Sudan; and clans excluded by the Siad Barre regime in Somalia. Landless peasants constitute an excluded social category in feudal

systems in which one landed oligarchy controls most of the land (Latin America). The intensity of the exclusion increases exponentially where several of these bases of exclusion converge as in the South Africa case where one race had excluded the rest from the political, economic, and social arenas.

3. The Somali case of political and clan exclusion and personal rule

Somalia was one of the most culturally homogeneous countries in Africa. It was a case of a high degree of cultural homogeneity. The Somalis are one tribe with clans and sub-clans. They also belong to the same religion namely, Islam. However, there are divisions along segmentary lineage systems which can be the basis of inter clan warfare. Somalia was balkanized into colonial enclaves in which new and entirely different colonial cultural, economic, and governance institutions and traditions were introduced: British, French, Ethiopian, and Italian. Under the euphoria of independence, British Somaliland opted to unite with Italian Somalia. It should be noted that unlike many other African societies, Somalis have deeply entrenched culture and tradition of democratic governance the anthropologists have called pastoral democracy. So when the post-independence leaders in Somalia proceeded to establish personal, militarist, dictatorial rule, it sparked a great democratic armed struggle in civil society and communities. Faced with the fury of this opposition, Siad Barre, responded not only by the use of the ferocity of the national army, but also divide and rule methods pitting one clan, or a sub-clan against the others. The clans of the northwest and the clans of the northeast became marginalized and excluded as political, economic, and military power came to be concentrated in Mogadishu. The support of activities for the consolidation of a greater Somalia by militarily taking over Somali communities and territories 'lost' to neighboring countries resulted in irredentism in those countries and attracted external interference in Somalia by neighboring countries. This was intensified by exposing Somalia to cold war competition between the West and the Soviet bloc. A combination of all of these factors led to the collapse of the Somali state in 1991.

Peace-building efforts in Somalia need to understand and deal with the institution of "warlordism". This is a combination of a modern military figure, who may control several pick-up vehicles mounted with a gun, the so-called, technicals, which also mobilize the support of his clan or sub clan. This is a clan or sub-clan based armed wing of a military leader who using an armed group controls territory. These warlords are basically engaged in power struggles for the control of any national state that may emerge in the future. They have tended to follow the logic of zero sum competition of winner takes all. They balance each other and neutralize each other and prevent the emergence of a winning coalition⁶.

⁶ L. S. Sharpley and Martin Shubik, "A method for Evaluating the Distribution of Power in a Committee System" and William Riker, "A Test of the Adequacy of the Power Index" both in Roderick Bell, David V. Edwards and R. Harrison Wagner (eds.) Political Power: A Reader in Theory and Research. New York: The Free Press, 1969 pp.209-225

They seek support from rival neighboring countries that in turn are provided with the opportunity to promote their own political interests, which may be to keep Somalia disunited.

4. Fragmentation of society into ethnic groups, or clans or tribes or race, that become the basic units of political and economic zero sum competition, feuding, and inter-group conflict and fighting

Most people are aware about the civil strife that has from time to time engulfed societies that have deep divisions based on ethnicity, clanism, and race. Nigeria is an example of a country that is torn apart by deep ethnic rivalries between the Ibos, the Yoruba, the Hausa, and the Fulani etc. These divisions are being exacerbated by political mobilization based on religion and the introduction of the Islamic sharia law in federal states with Islamic majority, but with Christian minorities strong enough to create conditions for deep division and civil strife based on religion and ethnicity. Apartheid South Africa has already been mentioned as having excluded the black majority from political participation, leading to a prolonged war of liberation from what was perceived in racial terms as white supremacist oppression.

In the Sudan for over twenty years, the South⁷, which is inhabited by black people of predominantly animist religion, has been fighting a war of self-determination from Arabic and Muslim north. Burundi is a society deeply divided on the basis of ethnicity between the minority Tutsi and the majority Hutu. The introduction of majority rule resulted in Hutu domination and the minority Tutsi have used monopolization of military institutions to hold on to political power and to exclude the majority who in turn have resorted to armed warfare, plunging the country in protracted civil war. The main feature is the fragmentation of society into ethnic groups, or clans or tribes or race, that become the basic units of political and economic zero sum competition, feuding, and inter-group conflict and fighting.

5. The convergence of multiple causes of conflict and the breakdown of governance:

Even when, analytically, factors that contribute to conflict are isolated and examined one by one, seriatim, in the real world of events, the various factors operate together and this accounts for the fury that results. The convergence of several forces in one conflict incident may be illustrated with a recent event of social conflict in the Kibera slum of Nairobi. During the pre-colonial period this

⁷ The Arab North and the black South Sudan distinction is very simplistic. Prior to British colonization, the territory that became Sudan was composed of a mosaic of traditional kingdoms and empires: Fur kingdom to the northwest, Sennar kingdom to the north, and the northeast was part of a large Ethiopian kingdom called Axum. It was only the central area around Khartoum that was inhabited by Arabs.

area was grazing land belonging to the Masai. During the colonial period, the British colonial power brought Nubians from the Sudan who settled in this area. Even in Uganda Nubians were settled in the Bombo area close to Kampala city. In the Kibera slum, the Nubians erected simple slum housing structures, which they have been renting to Luos. So the emergent social structure is one ethnic group being the landlords and a separate ethnic group being the tenants. It should be noted that there are multiple claimants to the same land: the Masais who have pre-colonial rights, the Nubians who have lived on the land and put up improvements (even slums) since colonial days (over 100 years), the government which classified such land as crown (state) land and the Luos who are the tenants. These different groups belong to different political parties. All these are latent fault lines that crisscross each other like a web and account for the ferocity of the resulting explosion of social conflict.

What sparked off the current communal fighting is that some leading politicians went to the area and made statements that the landlords, the Nubians, should reduce rent by one half. The Luos, who have been renting the properties, stopped paying rent. Some politicians who belong to the opposite camp went there and told their followers to require the renters to pay the rent. Fighting then broke out between different groups, the police came in to quell the rioting and about 10 people were killed and several hundred injured. Very many families had to run away from the area to escape the violence. The analogy that we have used of fault lines need to be modified to reflect the crisscrossing of a web of fault lines that re-enforce each other and compound the magnitude of communal conflict explosions.

Many faces of conflict and interests have converged in the East Congo armed rebellions producing a major humanitarian catastrophe, leading to the deployment of United Nations peacekeeping force. The decades of Mobutu Sseko misrule, autocracy and developmental neglect of a vast territory produced armed democratic struggles that resulted in the collapse of the state. But the rebel groups that overthrew Mobutu Sseko disintegrated into armed fragments none of which has succeeded in uniting the country. The armed struggles fed on the underlying fragmented tribal groupings and identities. Then there were major international armed interventions involving the neighboring countries supporting different political and armed factions. While Zimbabwe and Angola armies fought to support and prop up the shaky post Mobutu government of Laurent Kabila, the former allies, Uganda and Rwanda, supported rebels intent on bringing down the Laurent Kabila government in Kinshasa. Laurent Kabila was assassinated and succeeded by his son, Joseph Kabila. The assassination and the succession further entrenched the deep divisions of tribal, militarily rebel groups, and their international supporting armies. The former allies of Uganda and Rwanda disagreed on strategy and objectives and fought each other several times in Kisangani. Ancient animosities between the communities of the Lendu and the Hema were aroused and mobilized into hatred and hostilities and intent on mutual destruction. Most of the groups involved have been accused of being

motivated by access to, plunder of, and aggrandizement of, vast mineral riches in the region. This example epitomizes the complexity of multilevel extreme conflicts.

6. Disputed Irrational Internal and External Boundaries and Economic Assets

Whereas at about 1000 A.D, Somalis had established a homogenous pastoral democratic society over the entire horn of Africa, colonization subjected them to the worst form of colonial balkanization into five colonial enclaves. The complexity of conflict in Somalia derives from the fact that Somali leaders and governments attempted to claim Somali communities left as parts of neighboring countries so as to regain what had been the Somali nation before colonization. This was dubbed the policy of greater Somalia. This was a major threat to neighboring countries largely because the Somali populations in those countries do want to join a greater Somalia nation state should this ever materialize. During the colonial period, the 'mad' Mullah waged a 21- year anti colonial war that on one occasion nearly achieved this goal of a greater Somalia. It was the invention of aerial bombing that stopped the 'mad' Mullah from achieving the goal of greater Somalia. Siad Barre nearly repeated a similar liberation of the Somali communities in neighboring countries. He was stopped by the combined might of the Soviet Union and Cuban counter offensive that crushed the Siad Barre occupation which partly led to the fall of the Siad Barre regime. Even today these irredentist sentiments still exist⁸. In 'Talk about Africa' on BBC, Nita Pat Bhalla, the BBC correspondent stated that there are about 8 million Somali⁹ living in what is known as Region 5 and that if a referendum were to be conducted in this region the majority would vote for merging with any newly recreated Somali state. She also stated that the region contains low-level insurgency. The Ethiopian government itself has been alleging that terrorism is being promoted and supported in this region.

While the OAU principle of the inviolability of post colonial boundaries may be accepted as a basis of peace and stability in Africa in general, which means that the Somalis have to accept the international boundaries inherited at independence, it is also valid that a regional political framework is required in which the Somalis in neighboring countries can be good citizens of those countries while at the same time enjoying intimate links with their kin and brethren in the Somali state. A common market evolving into regional political frameworks such as a European style union covering all the countries of the Horn would provide a widened political space in which Somali peoples would enjoy

⁸ 'Talk about Africa' on BBC, Nita Pat Bhalla, the BBC correspondent in Ethiopia

⁹ Note that there is inconsistency of figures as mentioned by Nita Bhalla of 8 million for Region 5 and Aideed's 7 million for both Region 5 of Ethiopia plus the northeast region of Kenya. But these divergences are not statistically significant to the crux of the situation of large irredentist Somali populations in neighboring countries

shared communication and association without demanding a purely Somali nation state. The neighboring countries of Ethiopia, Kenya, and Djibouti have the responsibility of maintaining the boundaries of the post-colonial state and the duty to develop all communities within their borders equally including the Somali communities within those borders.

The Uganda case, which represents the most predominant pattern of postcolonial boundaries in Africa, may be contrasted with the Somali case. Unlike Somalia, which is a case of cultural homogeneity, Uganda is a case of cultural heterogeneity. More than forty linguistic and cultural groups that had nothing in common were amalgamated into one colonial state. The common language that they currently use is English which is a language inherited from colonialism. The Baganda of central Uganda speak an indigenous language, the Luganda, which is totally different from that of the Acholi, or the Langi of the North. Even though European languages differ, they have common roots, such as Latin. Not so with the Luganda and the Acholi. Yet although these tribes are so dissimilar, they have no greater nation outside Uganda to aspire to join. Even in the case of the Basamia on the border with Kenya, who were split into two by the colonial border between the two countries there has been no irredentism demands for a separate identity¹⁰. The border tribes assume one identity or the other for pragmatic and practical advantages. They can co-exist with other tribes within Uganda because the Uganda state is constructed on the basis of heterogeneity. It has no other alternative.

Most post colonial African states are culturally heterogeneous and the challenges for peace and stability, in these countries, are to design governance systems that allow the democratic participation of cultural and ethnic diversities. Any other politics, especially, the politics of exclusion, would lead to disaster as it has done in several other countries. The Swiss are so culturally diverse but they have succeeded in constructing a viable stable state on top of that diversity.

What must be guaranteed to ethnic minorities are their basics rights: human rights, political rights, and economic rights. These rights must be guaranteed by the ruling elite and protected by the international community. Such rights would be enhanced by giving such communities federal types of relations as has happened in Ethiopian ethnic federalism or highly decentralized local governance as under the District Focus in Kenya and decentralization by devolution in Uganda. But such decentralization should not provide an excuse for benign neglect. If in fact the ruling elite were to mistreat ethnic minorities, then the principle of self-determination should be applied to give such communities the right to national independence. This would teach a lesson to other regimes not to mistreat ethnic minorities. In such extreme cases the OAU principle of the

¹⁰ The New Vision, "Kenyan and Ugandan Banyole to Meet", Kampala: Friday, 28 December 2001. The article claims that this meeting of a border divided tribe has been made possible by the reestablishment of the East African Community creating a regional political framework that transcends national colonial boundaries.

inviolability of post-colonial boundaries could be held suspended and inapplicable.

7. Economic Inequality: the emergence of harsh, deep and widespread abject poverty for the majority of the population amidst a small proud emergent class of the super-rich.

It has already been pointed out above, that monopolization of political power is often associated with monopolization of economic space. During the twenty years that the Indonesians imposed colonial administration over East Timor, they monopolized political power and excluded East Timorise except for the use of puppets for window dressing. They then proceeded to displace the Chinese who were controlling the key economic activities. At the height of Indonesian colonialism, the Indonesian ruling elite had acquired most of the land and the major plantations. The President, Surkano and his family, especially the wife, and key army generals, had come to monopolize the East Timorise economic system. Most of the positions in the public service, not merely, the top, but the middle and technical cadres (teachers, nurses, police) were monopolized by Indonesians. They came to control the housing estates, and trading systems. This is a pure case of a complete merger of political and economic control and monopolization. When a democratic struggle emerges under these conditions, it tends to be furious, prolonged, and murderous for to give up political power means also to give up easy sources of pure wealth (amassing wealth without effort).

During the African post independence period, gaining political power was tantamount to getting rich. In the African context most politicians are not well to do when they embark on a political career. They are usually poor like the rest of the population. It was Kwame Nkrumah's political adage, that "seek ye first the political kingdom and the rest shall be added unto you". Most African politicians on gaining political power embark on accumulating wealth. It is usually done by theft from state coffers but expropriating any existing rich groups in the society also does it. In Ugandan post-independence governments, especially under the Amin regime, it was the wealthy Indian community that bore the brunt of expropriation by the ruling regime. This situation contrasts with that in USA, where on the whole the motivation to gain political power is in the opposite direction. Individuals pursue a business career, and when they have reached the top of it and have become millionaires, the next arena of self-actualization is to move into politics and they may use accumulated economic power to gain political power¹¹. It is widespread use of political power to get rich that has resulted in the coming into being of a well-to-do class of political leaders in Africa. The emergence of harsh, deep and widespread abject poverty for the majority of the population amidst a small proud emergent class of the super-rich millionaires is steeped in a culture of spontaneous consumption that is highly resented by the rest of society. Since there is no guarantee that after leaving office, the acquired

¹¹ One of the reviewers of this paper has commented, "I can point to recent works that do not support your case". I am trying to get access to these works.

properties and wealth will not be seized by the new regime, the best insurance of such personal wealth is to stay in power, by hook or crook. This is one of the reasons why leaders in Africa perpetuate their political life. These fears appear to be well grounded, for in most cases where leaders have been chased out of power, their wealth has been taken over by the new regime.

8. Development of conflicting multiple claims and breakdown of governance

Post conflict countries face the complications of multiple claims to property and economic assets. In Rwanda in 1958 a Hutu revolution against the monarchy, marked the beginning of successive pogroms against the Tutsi and any Hutu sympathetic to them. These pogroms led to successive refugee waves of migrations into Uganda, where they stayed until they returned home in 1995 after the genocide. Most of them could not recognize their original homes. In many situations the homestead, or property, had passed through several owners and each had added developments that were not there at the beginning. The complication here is that several claimants from different generations and from different families have valid claims to the property. Who then should have it? This complication is often present in post conflict situations and must be resolved. But it cannot be resolved by asserting the rights of one group against all the other claimants. The land issue in Zimbabwe is a case in which there are multiple claimants each asserting a legitimate right. The peasant who owned the land during pre-colonial period has a right. The settlers who were given the land by the colonial administration have a right to the land based on a long period of occupation, prescriptive right, but also they have transformed the property by developments on the land (usufruct rights). The ideal solution is one in which all the claimants get something.

Peace building in Somalia is faced with similar complications of multiple claimants to the same properties and economic assets. In one interview I was told that 80% of Somalis are on land that does not belong to them. In another interview I was told that during the Siad Barre regime there was widespread confiscation of property and dispossession and that the ruling groups that displaced Siad Barre also dispossessed those who were regarded to have been the beneficiaries under the Siad Barre regime. One interviewee stated, “we lost land to individuals now active in the TNG¹². We shall never cooperate with the TNG as long as it does not have a policy of returning expropriated land to its original owners”. It seems also that the main objective of several warlords who are refusing to cooperate with the TNG are engaged in a war of liberating clan lands that have been occupied by other clans by force.

The phenomenon of multiple claims is likely to be acute in Mogadishu and the inter-reverine region where successive displacements took place. Italians

¹² The Somali National Transitional Government set in 2000 after the Arte conference in Djibouti

introduced plantation farming on land that was owned by farming clans and communities during the pre-colonial period. This automatically generates two property claimants. After independence, some of these farms changed hands, (mostly to the emerging Somali ruling elite) introducing another level of claims. What this suggests is that a peace building agenda for Somalia must also include the rectification of grievances over ownership of property.

The last complicating economic factor is the existence of a disputed wealth-building asset such as the oilfield in Kabinda, the oil field in the Sudan, the oil fields in the Niger delta, copper mines in Katanga, diamonds in Sierra Leone, oil in the East Timor Gap, etc. Where such a disputed asset exists in a post conflict situation, it becomes the basis of disunity, and motivations of exclusive control by one group and not the other in the conflict. It is the mineral riches of Zaire¹³ that have now complicated any efforts at peace building in the country. In Somalia, there are rumors of petroleum reserves on the East Coast and also near Garowe; there are rumors of mineral riches in the Ogden. While the Ethiopia government is planning to exploit natural gas and oil reserves in the Ogden, the indigenous Somali community has not been consulted or involved in any participatory planning for the development of the region.

III. REESTABLISHING GOVERNANCE SYSTEMS IN POST CONFLICT RECONSTRUCTION

9. The pressure to set very many Ministries and agencies to promote peace building by inclusion of most of the major fighting groups. The need to set up a Ministry of Conflict management, mediation and Prevention is ignored.

One of the key strategies in the ending of complex conflict is the establishment of a broad based transitional government of national unity. There is a need to have a government of many ministries and agencies to accommodate the many fighting groups that agree to abandon armed struggles. Ministries and agencies are allocated to supporters as a reward and to opponents as the carrot. Since social exclusion and inadequate representation in the government was one of the key factors in the conflicts that brought down the ancien regime, it is a sensible and rational response to neutralize this factor in the reestablishment of the post conflict reconstruction of the governance system. In the postconflict countries in which this policy has been followed (Uganda, Rwanda) it has ensured relative stability. In postconflict countries in which a winner takes all policy has been followed (Angola, Liberia), perceived new forms of exclusion have sparked off new rebellions.

¹³ Michael Bond and Colette Braeckman, "A moral minefield", *new scientist*, 7 April 2000 No. 2285. This is a discussion about the mineral tantalum that is used in computers and mobile phones and is found in the Bukavu area of Zaire now controlled by a Rwanda supported rebel force.

While the set-up of many Ministries and agencies must be acknowledged as political necessity for peace and political stability, it is a disaster for the recovery of governance. Post conflict governments depend on donors for financing their recovery. Usually, the population is extremely poor and cannot provide a source of tax revenue, and economic production will have been decimated by the civil wars. And so most of the postconflict governing institutions that are set up do not have the minimal financial and human resources to operate and deliver the most basic public services.

Yet the need to set up a Ministry to continuously analyze causes of conflict, to design conflict mediation policies, and to set up units within government to implement conflict mitigation and management is never perceived. Post conflict politicians do not see this as a priority for conscious and deliberate public policy. It is left to NGOs to handle through conflict-prevention civic education programmes.

10. The strategy of supporting capacity building for a select few strategic Ministries and agencies is unpopular. Important issues such as future conflict management are ignored.

It is often proposed to concentrate donor scarce resources and funding on a select few strategic ministries and agencies so that their internal capacity can be raised to a high level to have impact in the delivery of the most critical and basic public services. The post conflict governments often resist this strategy. As a result post conflict governments are characterized by unwieldy structures and ill-defined and duplicative roles and functions. Underpaid, and undereducated officials will staff them. The recruitment is usually driven by patronage, nepotism and cronyism. Thus the totality of the civil service in a post conflict setting may not be highly motivated to perform and deliver services. The ideal condition is where there is a Ministry of conflict mediation and management that conducts studies of current low-level conflicts, develops strategies and alternative policy and mediation options. It would also analyze potential sources of future conflict and develop prevention strategies. Such a Ministry would mainstream conflict prevention and mediation strategies, techniques and methods in all the public sector and thus raise the level consciousness among all officials about conflict management, mediation and prevention.

IV THREE OPTIONS IN CONFLICT MANAGEMENT, PREVENTION AND MEDIATION

11. Establishing a government and a civil service in which conflict management, mediation, and prevention are widely mainstreamed in institutions, policies and personnel. This is the hierarchic and public administration approach.

What has been described above may be referred to as the bureaucratic top down approach. It assumes that a well functioning state has a role in managing, preventing and mediating conflict. A national parliament in which all stakeholders are gathered must use its legislative powers to enact policies and laws that dampen current conflicts, make budget allocation for conflict mediation services, and anticipate and prevent future conflicts. The head of public administration would ensure that all civil servants are trained in the strategies and policies of conflict anticipation, mitigation, mediation and prevention and that consciousness of the need to control conflict permeates the government Ministries and agencies. The justice administration system: the judiciary, the police and the internal investigative agencies must develop strategies to handle communal conflicts such as race and ethnic riots and violence. Instead of waiting for the explosions to occur and then attempt to control and to stamp them out, it is better to proactively anticipate social conflicts and try to prevent them from occurring. Prevention is better than cure. Some countries have established conflict resolution centers. These centers need to be linked to the public administration network and the legislative bodies. The challenge is to establish a government and a civil service in which conflict management, mediation, and prevention are widely mainstreamed in institutions, policies and personnel. This is the hierarchic and public administration approach.

Joseph P. Folger who is leading expert on conflict mediation pejoratively refers to current public administration approaches as the top down approach:

"Top-down processes are clearly ones that do not hold the assumption that people are capable of making clear choices for themselves in the conflict, and at the same time balancing responsiveness to others with whom they are interdependent and have to live with in a diverse world and society. It becomes a kind of litmus test as you look around you and see the kind of interventions that are being done. And I would encourage you to keep an eye to the whole range of intervention work that you see in our society.

For example, several years ago, in Dayton, Ohio, Holbrooke and others were working on the Bosnia agreements, you may recall. If you looked at his rhetoric and the discussion of how he viewed that process, you might have noticed that he said, for example, "We need to lock these people in a room and not let them out -- these were his words -- until they agree." He also said they were not going to be able to change a word of the agreement after they left Dayton. Now there is every reason to believe that a more top-down approach was absolutely necessary to stop the violence in Bosnia. And many of us would totally agree. But I would ask you to think about whether the hard work of encouraging or allowing people to deal with diverse ethnic identity through a process of co-existence was worked on at all during that process. Or whether the fabric

of those kind of difficult issues were the focus of any attempt to work through. I would say no, that it was a very top-down process'.¹⁴

I think that Buch and Folger do not realize the importance of involving the state in conflict prevention and management. There may be inefficiency in bureaucratic implementation because of institutional and motivational weakness but this does not detract from the need to have endorsement of conflict management policies by the highest authorities in the nation (parliament and the government). We should note that Buch and Folger are criticizing what they regard as poor mediation in the USA justice system. By comparative standards, the level of conflict management and mediation services must be very high compared to those in developing public administration. Yet conflict mediation services in developing public administration are much higher than in the post conflict reconstruction setting, where public administration systems have collapsed. What this means is that mainstreaming conflict management, mediation and prevention through the institutions of a post conflict reconstruction government is much more challenging and requires conviction, perseverance, and sustained effort and resources.

12. Conflict management and mediation are best solved at the level of community, rather than the national level. At the community level you focus on the units and entities engaged in the conflict: interpersonal, inter-group, and intercommunity.

The premise of the Conflict transformative framework, developed by Robert A. Baruch Buch and Joseph P. Folger in *The Promise of Mediation: Responding to Conflict through Empowerment and recognition* (Jossey-Bass, 1994) is that a conflict is first and foremost a crisis in human interaction.

“Specifically, the occurrence of conflict tends to destabilize the parties’ experience of both self and other, so that each party feels both vulnerable and more self-absorbed than they did before the conflict. Further, these negative attitudes often feed into each other on all sides as parties interact, in a vicious circle that intensifies each party’s sense of weakness and self-absorption. As a result, interaction between the parties quickly degenerates and assumes a mutually destructive, alienating, and dehumanizing character.”¹⁵

However, the model posits that people are capable of shifting back to the sense of self confidence and self respect (**empowerment shift**) and regain openness or responsiveness to other (the **recognition shift**).

“ The model assumes that this transformation of interaction itself is what matters most to parties in conflict, even more than resolution on favorable terms”¹⁶.

¹⁴ **"Into the Woods: Mediation in Its Adolescence"**, Keynote Address by Dr. Joseph Folger to the Australian National Mediation Conference, May 1998.

¹⁵ From “The Transformative Framework” a one page summary of the Transformative Framework that can be found on the Eastern Mennonite University (EMU) website www.emu.edu

¹⁶ From “The Transformative Framework”. Ibid

In practical terms, the conflict transformation approach focuses on the interpersonal, small group, inter-group, and intercommunity levels at which confrontation and violence take place. The major limitations of this approach is that actors and stakeholders based at the national level may be ignored and this may limit the impact of grassroots level and community level conflict management, mediation and prevention activities and programmes. Wolfgang Heinrich, *Building the Peace: Experiences of collaborative Peacebuilding in Somalia 1993-1999* (Life and Peace Institute) is a compilation of widespread efforts at civic education in conflict prevention and resolution at the Somali grassroots and community level in a context of the collapse of the Somali state, i.e. in the absence of the hierarchic public administration structures denigrated as top down approaches. Ten years of Somali grassroots and community level interventions, without the encumbrance of a Somali national state have not helped the bottom up projects and programmes to succeed. Bottom up initiatives also require collaboration with national level actors, stakeholders, and public policies and institutions dealing in conflict management, prevention and mediation.

The pejorative remarks about the ineffectiveness of the top down approaches and the exhortations about efficacy of the bottom up approaches by Joseph P. Folger must be understood in its USA context. The transformative model of mediation was applied in a case involving two schoolgirls who are leaders of rival gangs in the Queens area of New York. Joseph P. Folger applied the interpersonal and interrelational third party mediation methods on the two-gang leaders and achieved a certain level of success. The existence of federal, state and city level administrative programmes and services that ensure most of the existing peace and social stability is taken for granted, and yet the conflict generated by the two gangs is a mere deviation to what would be massive governance breakdowns described in section II above. I do not see how a relational view of the world and the transformative framework based on it could be applied in the Kibera, Bunia, and Somalia complex conflict situations.

While it is presumably correct to claim that conflict management and mediation are best solved at the level of community, rather than the national level. At the community level you focus on the units and entities engaged in the conflict: interpersonal, inter-group, and intercommunity. It is correct to add that such community initiatives have better chance of success if they involve actors, stakeholders, and especially, the agencies of the state, at the national level and if such grassroots efforts are backed by strategies, policies and laws put in place by organs of the state at the national, state and grassroots levels. This calls for integrated conflict management and mediation approaches at all levels.

13. Integrated conflict management mediation and prevention.

The fundamental premise of an integrated approach is that identification of national, regional, and grassroots levels is for analytic purposes but in reality the three levels are unidimensional and there is no clear-cut demarcation between the bottom, the middle and top and one cannot exist without the others, especially the middle. Lederach, J. P at the Mennonite Conciliation center developed a conflict transformation and Peacebuilding approach that integrates leadership at all levels.

“ Top-level leadership consists of key political and military leaders and the highest representatives level of the parties in conflict. They are usually remote from the actual conflict situation but are perceived as having significant, if not exclusive, power and sufficient authority that is usually targeted by international diplomacy.

Middle range leadership is characterized by being within the conflict situation, experiencing the immediate impact on the communities. They are related, but not directly connected to or controlled by the parties in conflict. Middle range leaders have access to top-level leadership but they are more closely related to their constituencies. In this position they have the capacity to *‘connect both the top and the grassroots levels. They have contact with the top-level leaders, but are not bound by the political implications that govern every move and decision at that level. Similarly, they vicariously know the context and experience of people living at the grassroots level. Yet, they are not encumbered by the survival demands facing many at this level’*¹⁷

The third level of leadership is that of grassroots leadership. Life at the grassroots level is particularly affected by armed conflict. Day-to-day survival is the primary concern of people and communities at this level. Leadership at this level has to deal with crisis on a daily basis, struggling to find ways of meeting the communities’ fundamental needs for shelter, food, and safety”.¹⁸

It is important to bring into **an integrated model of community conflict management and prevention** two other important actors: these are the media and civil society groups. The tone and content of media messages and reports of social incidents can spark off riots and demonstrations that can degenerate into profound intertribal, interracial and intercommunity conflicts and violence. A televised incident of two white policemen whipping a black traffic offender led to riots in California. In most cases reports of a single incident may be out of context and not a reflection of the state of intercommunity relations. The power of broadcasting and the control of minds, thoughts and attitudes were confirmed in the era of communism. In the Rwanda genocide, radio mille colline played a key role in arousing and inciting Hutu to exterminate the Tutsi. It is important to assign a positive role to the mass media to be instruments in the creation of peace and security in intercommunity relations. The mind set of journalists and editors can be informed and educated through specialized courses in conflict prevention and transformation reporting. Moreover, programmes of civic education for peace and intergroup harmony may be conveyed through the media.

¹⁷ Lederach, J. P., “Building the Peace: Sustainable reconciliation in divided societies”, Paper submitted to the United Nations University Tokyo, 1994; Lederach, J. P., Preparing for Peace: conflict Transformation Across Cultures (New York, 1995) quoted by Wolfgang in reference 11 below.

¹⁸ Wolfgang Heinrich, Building the Peace: experiences of collaborative Peacebuilding in Somalia 1993-1996. Uppsala, Life and Peace Institute, November 1997 p.17

There are very many NGOs operating in civil society. Some are focusing on meeting the diversity of social deprivations that armed conflicts bring to the communities: the widows and orphans, the wounded and the maimed, and the internally displaced. There are also NGOs specializing on conflict mediation, and conflict mitigation. But they may not be equipped with the latest techniques, concepts and counseling resources. All of these NGOs need to be provided for in an integrated approach to conflict management and prevention.

V. AWAKENING THE INTERNATIONAL COMMUNITY TO FOCUS ON RECONSTRUCTION OF GOVERNANCE AND DEMOCRACY IN POSTCONFLICT RECONSTRUCTION.

International actors have had their fingers burnt when trying to intervene in complex emergencies. They are not to be blamed when they play it safe or pass the need for intervention around among agencies while Rome is burning. It is the international community that has been responsible for enabling communities to survive extinction from civil wars through generous financial contributions to reconstruction. There are institutional factors that limit the efficacy of multilateral postconflict reconstruction activities. The major structural and overall organizational limitation is that the appointment of the resident UN humanitarian coordinator usually produces coordinators who are preoccupied with security, food aid, physical infrastructure, and rehabilitation, with very limited focus, if any, nothing at all, on the resuscitation and reconstruction of governance and democratization processes which were the cause of the humanitarian crisis. The same officers are also expected to be the resident UN development Programme Representatives. In their humanitarian role, they report to OCHA¹⁹ and in their development programme they are supposed to relate to the UNDP administrator. Since their appointment is through OCHA their primary concerns are those of OCHA (who is their supervisory authority) and secondarily those of UNDP. The UN country offices have severe limitations to assist shaky post conflict governments with the design of governance and democratization since their preoccupation is with humanitarian and rehabilitation activities. If they are poorly equipped to deal with general governance reconstruction, how can they be expected to deal with the highly specialized activity of the planning and institutionalization of conflict management, mediation and prevention in the new post conflict government and society?

There is a very great need to awaken the international community at the country office level to focus on reconstruction of governance and democracy in the post

¹⁹ Office of the Coordinator of Humanitarian Affairs

conflict reconstruction and to include support to conflict analysis, policy-making, mediation and prevention. There is an urgent need to mainstream conflict mitigation methodologies and concepts (transformative framework) among staff in OCHA, BCPR (Bureau of Conflict Prevention and Reconstruction) and among supervisory staff (the Deputy Resident Representatives and the Assistant Resident Representatives) at country offices. The recent elevation of the UNDP emergency response Division (ERD) to the status of A Bureau (Bureau of Conflict Prevention and Reconstruction) has been a very positive step implying greater emphasis on conflict management, mediation and prevention as advocated in this paper. But still the fragmentation of mandates between OCHA and BCPR remains a very great limitation to effective conflict management and prevention at the country level.

VI. CONCLUSION: A THREE-YEAR PROGRAMME OF ACTION TO STRENGTHEN CONFLICT MANAGEMENT, MEDIATION AND PREVENTION IN POST CONFLICT GOVERNANCE AND DEMOCRACY RECONSTRUCTION.

The primary thesis of this paper is that a breakdown in governance and democracy is responsible for plunging the country into armed rebellion and the collapse of the state manifested in a humanitarian complex emergency and the reduction of society to a Hobbesian state of nature where life is short, nasty and brutish. But reconstruction arrangements tend to ignore promoting conflict management, mediation and prevention, which were the causes of the breakdown. The paper reviewed the main causes of governance breakdown and the limitations of postconflict restoration of the state and governance and democratization. As a way of concluding this analysis and presentation, *a three-year programme of action to strengthen conflict management, mediation and prevention* is outlined in Table 1.

Table 1, A three-year programme of action to strengthen conflict management, mediation and prevention	
Issues to overcome	Proposed activity

1	The causes of conflict are usually not well understood: who are the primary actors, what are their grievances against each other. Who is mobilizing who and what are the super optimum solutions? How can winner- take- all be avoided?	Mobilize funds to carry out depth analysis of potential bases of conflict in the society, monitor factors predisposing towards the breakout of conflict so that action can be based on concrete knowledge.
2	In many conflict situations actors respond by trial and error and learn through making costly mistakes. Actions based on ignorance and dilettantism need to be replaced by expertise and professionalism.	Provide for the design of conflict mitigation strategies. This should be the identification of alternative solutions and options by technical experts such centers of excellency in conflict assessment, mediation and prevention
3	Although failure to deal with conflicts was responsible for the breakdown of governance there is a tendency for conflict management to be ignored by post conflict governments.	Postconflict governments to be assisted to formulate and adopt conflict management, mediation, and prevention policies, laws to be implemented and mainstreamed in all government Ministries and agencies
4	The need for Ministry of conflict management, mediation, and prevention is often not recognized and provided for the set up of post conflict governments.	Establish institutions to manage, mediate and prevent conflict. In small states a minister of state for conflict mitigation may be adequate, but in large countries such as Nigeria and the Congo, a full-fledged Ministry for conflict Prevention should be given high priority.
5	There is limited awareness of techniques, methods, and concepts of conflict management, mediation and prevention in the government, the media, the civil society, who would be the channels for advocating and spreading them.	Borrowing a leaf from the experience of gender mainstreaming, conflict management, mediation, and prevention needs to be mainstreamed among key stakeholders (government, NGOs, donors, parliament, the media, and the security sector, schools and universities and especially, staff of international agencies such as OCHA and PCPR as well as senior staff in UN country offices.
6	The criteria for deciding on launching a mediation process in on going conflicts seems unclear. At what point should national, regional, and international mediation come into play so that mediation is timely.	A task force of experts should work out the criteria for deciding on launching a mediation process in on-going conflicts and clarify at what point national, regional, and international mediation may come into play singly or in combination so that mediation is timely.
7	What would be the strategy of dealing with a negligent government that is participating in the support of one party to the conflict and blocking international intervention (Zimbabwe)? The issue here is principles of sovereignty and non intervention in the domestic affairs of a country	Review and assess the situations of conflicts in which the government is one of the parties to the conflict and how these situations are to be handled.
8	One of the key causes of extreme conflict is marginalization of groups of political actors who come to believe that their access to power can only be achieved through the barrel of the gun. This often achieved by the ruling authorities monopolizing power, rigging elections, and using coercive state instruments to frustrate open political participation.	The international community should support and promote participatory governance and democracy in the very early stages of the reconstruction of governance in a postconflict country. Delayed action leads to re-emergence of authoritarian politics and public administration that led to conflict and violence and the collapse of the state.
9	One of the tactics used by autocratic rulers is to stifle the registration, and operation of a diversity of democratic political parties. If parties already exist, they are banned from operating. The police and the courts are used to harass, imprison, and kill opposition leaders.	Support and promote multiparty democracy through its adaptation to the history and culture of each country
10	The head of the main UN country office is usually designated as the UN Resident Humanitarian Coordinator and is appointed by the Secretary	Streamline and rationalize the UN Resident Coordinator system and in particular ensure that the country office are not torn between serving

	<p>General on the advice of the Office of the Coordinator of Humanitarian Affairs (OCHA). He also designated as the UNDP Resident Representative reporting to the UNDP administrator. This arrangement is not working. If a Humanitarian careerist officer fills the post, the UNDP functions suffer. If a UNDP careerist fills it, humanitarian concerns may not receive adequate attention.</p>	<p>several uncoordinated masters (OCHA, PCPR,) and that there is technical capacity to support the establishment of institutions and practices of conflict management, mediation and prevention in governance reconstruction of the postconflict country.</p>
11	<p>A UN country office in a postconflict country may be used as a dumping ground for UN personnel who have failed elsewhere but who are on fixed and permanent terms and who are backed by powerful home countries. In one country office the Resident Representative (RR), Deputy Resident Representative (DRRs), Assistant Resident Representative (ARRs) may all have this background and the entire office conforming to Parkinson's Law of officials being promoted (transferred in this case) to their highest level of incompetence.</p>	<p>The reprofiling of country offices affected the middle and the lower officers and left top management unscathed. The reprofiling process should now be applied to the levels of the RR, DRR and ARR and in particular the postconflict country offices should be spared deadwood and be given the best managers that the UN can find.</p>
12	<p>Some postconflict countries (South African) were able to establish centers of Conflict management and resolution that have played a key role in postconflict reconstruction. In many post conflict countries this vital institution does not exist. At the same time, World centers of excellency in conflict management tend to act in isolation and their products and services are unavailable to postconflict countries. There is need to systematically identify them and make their products and services available to postconflict countries.</p>	<p>The UN should lead and coordinate relevant stakeholders to ensure that it is standard practice to set up centers of conflict management, mediation, and prevention in all postconflict societies. Existing centers of excellency can be used as models. In particular it is essential to coordinate, co-opt and tap world leading conflict management centers. The centers need to identified {Colorado Conflict Research Consortium, South Africa Center for Conflict Resolution, Uppsala Life and Peace Institute, Mennonite Conciliation center, Center for Analysis of Conflict (University College, London), African Center for Development and Strategic Studies-ACDESS, the Consensus Building Institute (CBI), etc}</p>

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