

AFRICAN JOURNAL ON CONFLICT RESOLUTION

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**Democratisation in Africa:
The role of self-enforcing constitutional rules**

**'We cannot reconcile until the past has been acknowledged':
Perspectives on *Gukurahundi* from Matabeleland, Zimbabwe**

**Transitional justice and peacebuilding in the
Democratic Republic of Congo**

**Informal peacebuilding initiatives in Africa:
Removing the table**

**Women, war and peace in Mozambique:
The case of Manica Province**



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All references, according to the Harvard method, should be included. As far as possible, in-text references should include the page numbers of the sections of sources referred to. In the case of a direct quotation, the exact page number is absolutely necessary. For the purpose of adding extra details, comments or references which may distract attention from the argument in the text, footnotes may be used sparingly. For more information about the referencing system, please see the excerpt from ACCORD's Style Guide, which is available at <http://www.accord.org.za>.

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Lay-out by Keegan Thumberan.

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Foreword

Jannie Malan

Living up to ACCORD's responsibility as a highly rated think tank (see ACCORD's magazine, *Conflict Trends*, issue 1, 2015, inside of front cover), we are once again publishing a set of thought-provoking contributions.

With regard to Africa as a continent and five of its countries, these articles and book review address issues that are seriously disappointing, and inspire us to think about and promote remedies. The disappointment is due to the fact that where people-friendly principles were supposed to be in place, politician-expedient strategies were side-lining or even invalidating them.

Six decades ago in many African countries and two decades ago in South Africa, *democracy* was welcomed with euphoria. But in several cases, not long afterwards, self-seeking political leaders began hijacking the power of the people. Rhetorical lip-service was still paid to democratic ideals, but the disheartening realities were that crucial clauses in constitutions were circumvented and democracy was subverted by pseudo-democracy or even overturned and replaced by near autocracy.

One of the main aims of all the liberation struggles was to be delivered from the injustice inflicted by colonial regimes and to benefit from a dispensation of socio-economic and political *justice*. But there were the cases of deficient transitions and distressing backlashes. The transitional justice that had been craved for was overruled by inter-ethnic tensions and hostilities, and by a stubborn unwillingness to address the wrongs concerned.

There have also been attempts to move away from one group's superiority and towards a practice of *equality*, but inter-group, inter-class and inter-gender understanding and respect seem to be elusive objectives. And in the context of such relational breakdowns, there have been aspirations and gestures towards *reconciliation*, but disappointingly few results.

On our continent, justifiably renowned for its *ubuntu* philosophy, one expects democracy, justice, equality, reconciliation, and interrelated values to thrive. We have to cope, however, with a worldwide reality of antipathy, or at least indifference, to human altruism. Our responsibility is, therefore, to counterthink, countertalk and counteract *ubuntu*-defying values and to propagate *ubuntu*-embracing values. Pivotal questions in this regard are *what* may be done, and *how* it should be done. Wise answers to the how-question are especially important when deeply entrenched injustices – including transitional injustices – are to be confronted and uprooted. There will always be many cases in which dialogic talking may lead to breakthroughs, but there will inevitably also be the deadlock situations in which political power-wielders might be domesticated by coercive measures.

We trust that the papers and the book review in this issue will engender or further encourage ideas and approaches towards people-friendly principles as those mentioned above. There are explicit and implicit recommendations about the necessity of dealing with past wrongs, the efficacy of utilising both informal and formal methods, and the interrelatedness of attitudinal and structural changes. In all our specific and unique situations, however, our own clever and creative thinking may guide us further – into innovation and implementation.

Democratisation in Africa: The role of self-enforcing constitutional rules

*Sophia du Plessis, Ada Jansen and Krige Siebrits**

Abstract

Following several decades during which violent civil conflict was common in African countries, the period from 1990 onwards was marked by a spreading and deepening of adherence to democratic principles. Nonetheless, many African countries still experience political instability and civil unrest. This raises the question of why these countries have not succeeded in resolving conflict in a sustainable manner. Drawing on economic ideas about contracts and institutions, this paper outlines a conceptual framework for thinking about the role of constitutional rules in achieving political stability. It also elucidates a critical requirement for sustainable democratic systems, namely that constitutional rules must become self-sustaining to safeguard such systems and to avoid relapses into violent civil conflict. The experiences of selected African countries are presented as brief case studies that illustrate the relevance of the conceptual framework and the notion of self-enforcing constitutional rules.

Keywords: Constitutional rules, self-enforcing constitutions, informal institutions, democracy, civil war, Africa

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1. Introduction

Violent conflict has harrowing societal effects. Wars result in loss of life and leave a legacy of disability due to injury and disease. They create economic deprivation and traumatise people, and have regional effects in terms of disease and displacement (Hoeffler 2008:7–10; 12–20).

Violent civil conflict has been common on the African continent for several decades. Nearly 20 African countries have experienced at least one period of civil war between 1960 and 2000, and the proportion of country years since 1950 that have been marked by civil war is one in twelve in Africa compared with one in 20 in the rest of the world (Elbadawi and Sambanis 2000:244; Besley and Reynal-Querol 2012:2). As pointed out by Straus (2012), among others, the prevalence of civil war has tapered off in Africa since the turn of the century. In part, this trend has reflected a discernible shift from large-scale conflicts between well-structured armies aimed at securing control of states to smaller-scale conflicts involving factionalised insurgents that lack the capacity to capture capital cities or to hold large swathes of territory.

Attempts to identify the causes of civil war in Africa by means of statistical techniques have linked the probability of experiencing civil conflict to factors such as greed (e.g. the availability of state resources and lucrative natural-resource rents), grievances (e.g. suppression of the political rights of a population or parts thereof and high levels of poverty), and the financial and military feasibility of rebellion (Collier et al. 2009:2–5). Other significant factors in statistical analyses of the causes of civil war in Africa include a history of violent conflict even before the colonial era, low levels of trust among the population, a weak sense of national identity and a strong sense of ethnic identity, as well as the absence of strong democratic institutions (cf. Besley and Reynal-Querol 2012:20; Collier and Hoeffler 2002:25; Elbadawi and Sambanis 2000:244).

The statistical link between the likelihood of civil war and the absence of strong democratic institutions suggests that the establishment of such institutions might reduce the incidence of violent civil conflict in Africa.¹ While not proving a causal relationship, it is striking that the tapering off in civil conflict discussed by

1 The rarity of wars between democracies suggests that the notion that democracy promotes peace also holds for wars between states – the so-called democratic peace theory (see, for example, Russett 1993; Nzelibe and Yoo 2006:2528–2530).

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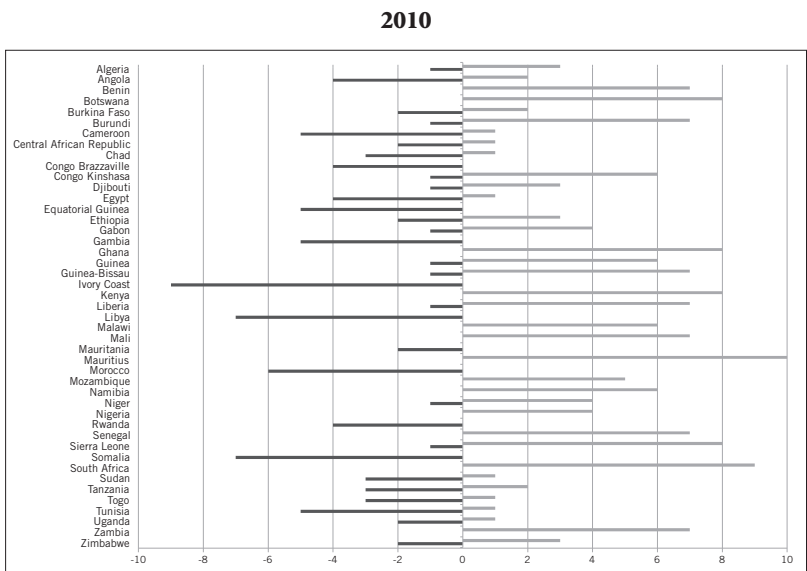
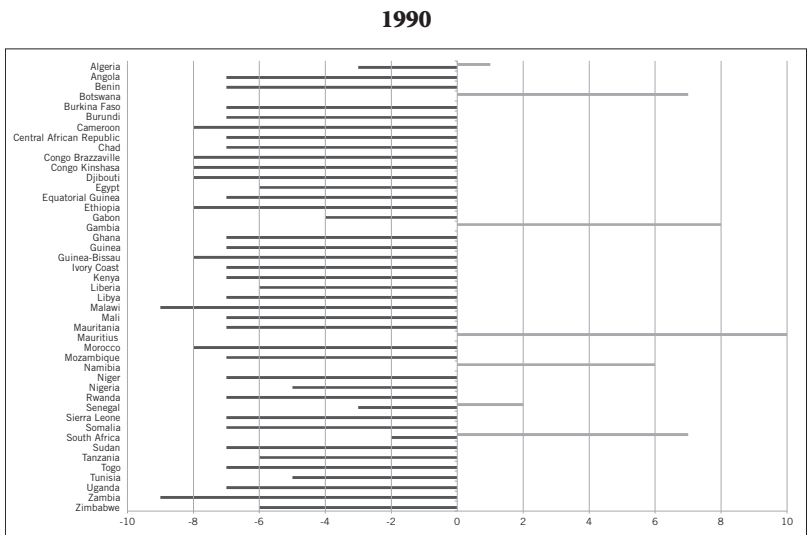
Straus (2012) coincided with a period of growing adherence to democratic principles in African countries. According to Diamond (2008:139–141), elections have become increasingly regular, frequent and contested from 1990 onwards, and the number of African countries classified as democracies by Freedom House jumped from three in 1990 to 24 in 2008. Figure 1 (on p12), which shows the Polity IV democracy scores of African countries in 1990 and 2010 (positive values indicating democratic systems and negative ones autocracies), confirms this increase in the degree of adherence to democratic principles.² Several other studies (e.g. Lynch and Crawford 2011; Posner and Young 2007; Radelet 2010) also discuss aspects of this trend. Posner and Young (2007:131–135), for example, note the drop in the number of what Prempeh (2008) labelled ‘untamed presidents’ of nominally democratic African states. Several powerful leaders have had to step down after unsuccessful efforts to change or ignore constitutional term-limit provisions.

The movement away from the earlier era in which one-party states were the norm has been incomplete, however. The Freedom House numbers cited above show that many African countries have remained autocracies, while some that have experienced change ‘hover in a grey zone between democracy and pseudodemocracy’ (Diamond 2008:139; cf. also Bates et al. 2013; Cheru 2012). The following list of advances and setbacks compiled by Lynch and Crawford (2011:275) confirms the incomplete nature of the democratisation process in Africa:

... increasingly illegitimate, but ongoing military intervention; regular elections and occasional transfers of power, but realities of democratic rollback and hybrid regimes; democratic institutionalization, but ongoing presidentialism and endemic corruption; the institutionalization of political parties, but widespread ethnic voting and the rise of an exclusionary (and often violent) politics of belonging; increasingly dense civil societies, but local realities of incivility, violence and insecurity; new political freedoms and economic growth, but extensive political controls and uneven development; and the donor community’s mixed commitment to, and at times perverse impact on, democracy.

2 The Polity IV Project (Marshall and Jagger 2002), which is undertaken under the auspices of the Center for Systemic Peace, provides annual scores for the structural characteristics of political regimes, institutional changes, and the direction of changes in the underlying dimensions of democracy, autocracy, and degrees of concentration of power. For more information and access to the data, consult <<http://www.systemicpeace.org/polity/polity4.htm>>.

Figure 1: Polity IV democracy scores of African countries, 1990 and 2010



Source: Marshall and Jagger 2002

This paper discusses the long-run implications for civil conflict in Africa of this partial widening and deepening of democracy. Drawing on economic ideas about contracts and institutions, it outlines a conceptual framework for thinking about the role of constitutional rules and applies this framework to identify a critical requirement for sustainable democratic systems that avoid violent civil conflict. This requirement is that constitutional rules must become self-sustaining in order to safeguard democratic systems. The paper also argues that certain conditions must be complied with to achieve self-enforcing constitutional rules, and uses the experiences of several African countries to illustrate the relevance of the conceptual framework and the importance of these conditions for avoiding recurrent civil wars.

2. An economic perspective on the role of constitutional rules

Some economic theories of political institutions model constitutions as contracts that regulate the relationship between governments and their constituents (for an early statement of this view, see Buchanan and Tullock 1962). According to this approach, a constitution indicates the rights and duties of the members of polities in the same way that a contract stipulates the rights and responsibilities of the parties involved in a transaction. Hardin (1989:101–102), among others, emphasises the inadequacy of this view by identifying three important differences between political constitutions and commercial contracts. First, while the aim of contracts usually is to resolve individual prisoners' dilemma situations, political constitutions serve primarily to regulate longer-term patterns of coordination within polities. Second, there is markedly less agreement behind a constitution than is the case with a typical contract – as Hardin (1989:101) puts it: 'In practice, acquiescence is more important than agreement for the working of a constitution, while agreement is crucial if the obligations under a contract are to make sense'. Third, business contracts usually include rights to third-party enforcement by the state in the event of non-performance. By contrast, the state is a major player as well as the holder of a legal monopoly on the use of violence in the domains governed by constitutional rules. This makes credible commitments to the enforcement of constitutional rights difficult, if not impossible.

Nonetheless, there are parallels that make it possible to use theoretical ideas about contracts to explain particular aspects of the roles of constitutions. One example of this is the work of Hart and Moore (2008), who model contracts as reference points that determine parties' entitlements. In their model, the degrees to which parties comply with contracts are determined by their comparisons of their actual gains from contractual relationships and the gains to which they feel entitled. In the event that a party is dissatisfied with the outcome of such a relationship, he or she neglects to fulfil some or all the terms of the contract. Such a response, which Hart and Moore (2008:3) label 'shading', causes a loss in welfare. In principle, such losses can be avoided by writing very detailed contracts that specify outcomes precisely and, hence, leave little room for subsequent disagreements about distributions of costs and benefits. Such contracts should prevent shading by ensuring that contracting parties receive their entitlements. In practice, though, the reality that transacting parties cannot anticipate all future contingencies makes it impossible to write such complete contracts. Furthermore, detailed contracts tend to be more rigid and complex to amend when circumstances change. Accordingly, parties tend to write incomplete contracts and rely on subsequent renegotiation as a mechanism for handling shocks. Yet such incompleteness means that the dangers of dissatisfaction with outcomes and consequent shading on performance are ever-present (Hart and Moore 2008; Fehr et al. 2011).

Broad features of Hart and Moore's (2008) theory can be used to explain the outbreak of civil war in the following way. Assume that the provisions of constitutions function as reference points that provide feelings of entitlement to groups in societies. The adherence of the groups to such constitutional provisions depends on the degrees to which their feelings of entitlement are satisfied. If they feel deprived of these entitlements, groups will apply de facto political power to amend the outcomes or the constitutional rules. De facto political power is held by those who have sufficient economic resources to organise peaceful or violent action against the de jure political leaders and who have overcome the problem of obtaining active participation by groups of people who as individuals would be tempted to 'free ride' on the efforts of others (Acemoglu et al. 2005:391).

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Various mechanisms of de facto political power can be applied, ranging from elections and referendums to violent skirmishes and other unconstitutional means. Generally, one would expect groups to dispel incongruities in a peaceful manner. Violence would receive consideration in some scenarios, for example, when significant benefits will result from the permanent removal of opposition groups (Skaperdas 2008:33).

Polities face many possible challenges, some of which may be linked to the factors regarded as the causes of civil wars in Africa (for example, high levels of poverty and inequality, the mismanagement of rich deposits of natural resources, and ethno-linguistic fragmentation). Hence, constitutions tend to be more incomplete than typical commercial contracts are (Dixit 1998:20). The incompleteness of constitutions as devices for structuring political activity is compounded by the enforcement problem alluded to earlier in this section. Furthermore, constitutions are inflexible by design, and the scope for renegotiation of constitutional rules is truncated deliberately because of the difficulty of choosing new rules and the importance of stable political institutions. This combination of incompleteness and inflexibility means that the likelihood of dissatisfaction with outcomes and consequent shading on performance is high. In essence, constitutional rules are ‘parchment barriers’ (Madison 1987:309) that cannot protect democratic systems from violent assaults by those with de jure political power and, in some cases, those with de facto power as well. This brings us to the argument that democratic constitutional rules can survive and flourish in Africa (and elsewhere) only by becoming self-enforcing.

3. Self-enforcing constitutional rules

The notion of self-enforcing constitutions remains less well explored than the normative aspects of constitutional design – such as the relationship between the legislative and the executive branches of government (e.g. Shugart and Carey 1992); the appropriate political institutions for divided societies (e.g. Belmont et al. 2003; Lijphart 2004) – and the political and economic effects of constitutional provisions, including the links between electoral systems and fiscal policy outcomes (e.g. Persson and Tabellini 2004) and those between federalist

institutions and the protection of private property rights (e.g. Weingast 1995). Nonetheless, it has been discussed by a number of prominent political scientists. Hardin (1989:119) argues that:

... a constitution does not depend for its enforcement on external sanctions or bootstrapping commitments founded in nothing but supposed or hypothetical agreement. Establishing a constitution is a massive act of coordination that creates a convention that depends for its maintenance on its self-generating incentives and expectations.

As was pointed out in Section 2, the incompleteness and non-enforceability of constitutional provisions mean that the effectiveness of such laws depends on the degree to which they become self-enforcing. According to Ginsburg (2012:95), a constitution is self-enforcing when it is in the interest of all the powerful factions in the polity to abide by its provisions. In such cases, all members of society perceive it to be in their interest to live with the constitutional arrangements. Not everyone may find the arrangements optimal, but the pursuit of change may not be worthwhile because of its costliness (one aspect of which is the cost of persuading a sufficient portion of the members of the society to support change).

This does not imply that self-enforcing constitutions are by nature inflexible. Ginsburg (2011:118, 120–122) shows that the most enduring constitutions – including self-enforcing ones such as those of India, Sweden and the United States – occupy an intermediate position along the spectrum from extreme malleability to extreme rigidity. Countries that rewrite their constitutions frequently (such as the Dominican Republic and Haiti) often fail to establish a stable system of political rules (Ginsburg 2011:123). The apparent benefits of a degree of flexibility reflect the reality that a constitution should incorporate the needs of a wide variety of citizens. Hence, it should leave room for inputs emanating from a wider pool of insights and experience than would be available to a particular group of constitution drafters.

Weingast's (2005) ideas about self-enforcing constitutions are helpful for interpreting the ongoing process of democratisation on the African continent. According to Weingast (2005:89), constitutions are self-enforcing when

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'... political officials have incentives to honour constitutional provisions.' Such incentives exist where the citizens 'have solved their differences over the content of rights and over the mechanisms of public choice', which allows them to act in a coordinated manner to resist attempts by political officials to threaten their rights (Weingast 2005:94). Weingast (2005) does not discuss the nature of such coordinated action against political officials; presumably, it could be any exercise of what Acemoglu et al. (2005:391) label 'de facto political power' ranging from non-violent struggle (cf. Sharp 1973) to violent protest.

Using a coordination game involving a sovereign (who determines the decisions of the government) and citizens, Weingast (2005:91–99) illustrates the difficulty of attaining united action by citizens when governments threaten fundamental constitutional rules. A repeated game scenario yields a self-enforcing liberty equilibrium, in terms of which citizens agree to act jointly to depose the sovereign in the event of a transgression against them. This forces the sovereign to honour their rights. Importantly, such action does not have to be rooted in altruism; it could also be based on the recognition by citizens that cooperation would enable them to maximise their individual utilities in the long run.

Weingast (2005:95, 98) emphasises that the self-enforcing liberty equilibrium is not a natural outcome in the illustrative game or in the real world. In practice, its attainment requires the deliberate creation of pacts among major groups in society. He identifies four conditions for successful pacts of this nature. First, such pacts should establish sets of citizen rights and governing rules for public decision-making that would also constrain the powers of states. Second, all parties should believe that they are made better off by signing such pacts. Third, all parties should be willing to change their behaviour if the other parties do so as well. Fourth, all parties should be willing to defend such pacts against transgressions by political leaders.

Periods of crisis – such as wars – sometimes provide the impetus for moving societies from asymmetric equilibria to self-enforcing liberty equilibria (Weingast 2005:96–98). Hence, African countries that have recently emerged from civil war may have windows of opportunity for designing self-enforcing constitutional rules. Walter (1999), however, points to a number of factors that

could hamper the creation of new political institutions in such environments. Former militants often require credible guarantees regarding their future security as preconditions for accepting negotiated settlements, and resume hostilities when such guarantees are not forthcoming. In such cases, other states and international organisations can help to cement peace settlements by providing the required guarantees. In addition, it is often the case in the immediate aftermath of civil wars that government institutions are too weak to prevent grabs for power and that civil cultures lack the strength to serve as secondary barriers to misconduct. In fact, war-weary populations sometimes prefer peace, order and economic advancement to vibrant democratic institutions.

Section 1 of this paper showed that a growing number of African countries are adhering to democratic principles. Others remain autocracies, however, while several find themselves in what Diamond (2008:139) describes as a 'grey zone between democracy and pseudodemocracy'. Weingast's (2005) ideas constitute a useful conceptual framework for studying democratisation in Africa: failure to satisfy the four conditions for pacts leading to self-enforcing constitutions seems to be a key reason why the process has stalled in a number of African countries, including some in which civil conflict has resumed after democratic institutions were established. Section 4 presents five case studies (Côte d'Ivoire, the Central African Republic, Mozambique, Kenya and Botswana) that illustrate the relevance of these ideas. Among other things, these examples show how the absence of self-enforcing constitutions contributed to recurring conflict in Côte d'Ivoire and the Central African Republic and highlight the factors that have prevented some African countries from creating self-enforcing constitutions.

4. Case studies from Africa

Côte d'Ivoire

After obtaining independence in 1960, Côte d'Ivoire was ruled for more than three decades by Félix Houphouët-Boigny. The constitution adopted at independence established an 'imperial presidency' that did not limit the power of the executive. To name but one example: a Supreme Court was created, but it lacked any executive power. Houphouët-Boigny was of the opinion that only the

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elite were skilled enough to take the country forward, and limited participation in government to those who served him unreservedly (Kimenyi and Mbaku 2011). The country experienced rapid economic growth under Houphouët-Boigny, and was regarded as an African success story in spite of the absence of multi-party elections (Corey-Boulet 2012:73). As pointed out by Bah (2012:3), however, Houphouët-Boigny's failure to establish a democratic system of government led to a destructive power struggle after his death in 1993.

Citizenship was a key underlying issue. In an attempt to retain political power, Houphouët-Boigny's successor as president, Henri Konan Bédié, instituted the doctrine of *Ivoirité*. This doctrine perpetuated ethnic division by distinguishing between indigenous Ivoirians and those of immigrant descent. It fuelled ethnic and nationalist sentiments and infiltrated other social spheres such as land tenure and employment policies (Bah 2010:602). The continued emphasis on ethnic differences prevented the formation of coalitions that could have opposed transgressions of the constitution by the government. The transgression of citizen rights by the government and the divisions it created within society clearly violated the first two of Weingast's conditions for pacts leading to a self-enforcing equilibrium. These problems were exacerbated by the reality that the first post-independence constitution did not provide citizens with effective institutions (such as a judicial system independent from the state) for challenging transgressions of their rights by the government.

Bédié implemented additional repressive measures prior to the elections in 2000. These included the widespread dismissal of civil servants from the northern regions of the country and their replacement by members of his own Baule group, as well as forced removal and disenfranchisement of the Burkinabé (Ivoirians originating from neighbouring Burkina Faso) (Toungara 2001:67–68). These plans, however, were thwarted by a military coup carried out under the leadership of General Robert Gueï, who subsequently headed the junta known as the *Comité National de Salut Public*. Gueï promised a constitutional referendum and free and fair elections, but eventually barred certain candidates from participating. These included Alassane Ouattara, a descendent of Muslim rulers in Burkina Faso and the leader of the *Rassemblement des Républicains* (Toungara 2001:68–70). Gueï declared himself the victor despite losing the

election, but had to flee after protests broke out. This paved the way for the only other strong candidate, Laurent Gbagbo, to assume the presidency in October 2000 (Bah 2010:603). In 2002, however, the country descended into civil war when rebel groups from the northern regions who supported Ouattara united under the leadership of Guillaume Soro to fight the political marginalisation of northerners and the *Ivoirité* policy more generally (Bah 2010:604).

According to Corey-Boulet (2012:73), the underlying ethnic divide fuelled by *Ivoirité* was evident yet again during the conflict that erupted when Gbagbo did not accept defeat in the 2010 elections. His decision to cling to power (with the assistance of the Constitutional Council) exacerbated tensions and led to violent conflict (Cederman et al. 2013:391). In a clear example of parties not honouring the ‘constitutional pact’, supporters of Gbagbo attacked immigrants and northerners, as well as supporters of Ouattara (Corey-Boulet 2012:74). Lapidus (2014:778) confirms that the root cause of the conflict was ethnic discrimination via the implementation of *Ivoirité*. Although the majority of northerners are Muslim, the attacks targeted Muslim and non-Muslim immigrants. Gbagbo was arrested after a bloody and destructive conflict, and, at the time of writing, was awaiting trial by the International Criminal Court in The Hague. Evidently, ethnic grievances fuelled political protests and civil war in Côte d’Ivoire. In line with Weingast’s exposition, this prevented political participation by all parties and, hence, the attainment of a self-enforcing equilibrium.

Central African Republic

The recurring pattern of conflict in the case of the Central African Republic is another example of the effects of the non-establishment of a self-enforcing political equilibrium. It provides an example of a country that had its constitution changed as a result of a crisis (a possibility predicted by Weingast), but the complete lack of adherence to the law by the government rendered it incapable of securing peace. Having gained independence from France in 1960 soon after the death in a plane crash of its most popular and charismatic leader, Barthélémy Boganda, the Central African Republic has had a series of inept and, for the most part, repressive leaders (cf. Steele 2005a; 2005b). Successive constitutions have had little impact on the country’s politics, which have been

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dominated by its presidents, the former colonial master France (via foreign aid and several military interventions), the struggle for control over the country's diamond wealth, the small elite in the capital Bangui, and the armed forces (Ghura and Mercereau 2004:11–13; Mehler 2005:128–129). This has prevented the emergence of effective constraints against abuses of power by political leaders, including united action by citizens when their rights are transgressed.

When a pro-democracy movement became active in 1990, society was not unified enough to support the movement. President Kolingba denied a request from a group of citizens in 1990 for the convocation of a National Conference, and a number of opponents were imprisoned. Outside forces tried to support the movement, a prospect Walter (1999) could predict. Responding to pressure from France and other Western countries, Kolingba agreed in 1992 to hold multiparty elections (Steele 2005b). Claiming election irregularities allowed him to extend his reign, Kolingba eventually acceded to external pressure and instituted a Mixed Electoral Commission consisting of representatives from all political parties (US Department of State 1994). The elections took place in 1993 and a new constitution was approved the year thereafter. As was the case with earlier constitutions, the new constitution unfortunately had no influence on the practice of politics. Change was driven by pressure from outsiders and not by a unified society – a clear case of the non-satisfaction of Weingast's condition that all parties should participate in the signing of 'constitutional pacts'. In the second half of the 1990s, the army launched three mutinies against the elected government of President Ange-Félix Patassé, destruction of property was rife, and the country experienced heightened interethnic tension. During 2001, rebels launched a failed coup attempt by attacking strategic buildings in Bangui (cf. Glasius 2008:51–52). Militias loyal to former President André Kolingba launched attacks against residents in the suburbs of Bangui, which caused severe destruction of property and loss of life. Hence, parties were unable to formulate and uphold or defend successful pacts aimed at attaining a self-enforcing equilibrium.

The 1995 constitution was suspended after the overthrow of President Patassé in 2003. A new constitution, which was approved by 87.2% of the electorate, came into force in 2004. This provided for a once-renewable presidential term of five

years (Bradshaw and Fandos-Rius 2013:271). However, General Yangouvonda, who won the presidential election in 2011 by capturing 64.37 % of the votes against the 21.4 % of Patassé (Bradshaw and Fandos-Rius 2013:259) did not respect the principles of this constitution. He did not uphold the 2008 peace agreement with rebels, which provided for their demobilisation and integration into a united force. This led to heightened tension in the country and, in December 2012, rebel movements took control of the northern and central parts of the country. Peace talks were held in January 2013, and agreement was reached about a coalition government that would have included the rebel leader. The coalition collapsed in March, however, and Yangouvonda fled the country to escape the advancing rebels. Rebel leader Michel Djotodia assumed the presidency in March 2013. The African Union, the European Union and the International Organisation of Francophone Countries all declared this development an unconstitutional regime change, despite the well-publicised autocratic practices of the Yangouvonda regime (Kotzé 2013:8).

The Central African Republic recently experienced an increase in violence between Muslim rebels and Christians (Muna 2014:15). According to a commission of inquiry of the United Nations (Muna 2014), the conflict dynamics and the involvement of various actors make it difficult to foresee a speedy resolution of the conflict. A preliminary report of the commission, which was submitted to the United Nations in June 2014, found that ample evidence exists to prove that individuals from both sides of the conflict have perpetrated serious breaches of international humanitarian law and crimes against humanity, as well as war crimes' (Muna 2014:26). Evidently, the constitution had failed to protect the citizens of the CAR. This confirms the very limited value of such documents when governments and citizens refuse to adhere to their stipulations.

Mozambique

Mozambique and Kenya are examples of African countries that show signs of progress towards achieving self-enforcing constitutions. Mozambique gained independence from Portuguese colonialism in 1975, but FRELIMO (*Frente de Libertação de Moçambique*, the main liberation movement) quickly established a one-party state that ruled until 1990. Apart from dealing with internal divisions

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and interregional tensions, FRELIMO also faced the emergence of RENAMO (Mozambican National Resistance), a liberation movement stemming from political instability in neighbouring countries (particularly the then Rhodesia). RENAMO was made up of disgruntled Mozambicans (including ex-FRELIMO fighters) who received external support to challenge the incumbent government (Weinstein 2001:147–148). Towards the end of this period, political and economic reforms were introduced, which resulted in a movement towards democratic rule. External assistance (particularly from the United Nations) played a prominent role in the transformation process (Weinstein 2001:148–149).

At independence there was a single-party authoritarian regime that made little distinction between party structures and the functioning of the state. The 1975 Constitution that was developed carried the approval of FRELIMO's Central Committee (Luiz et al. 2013:684). In the late eighties Joaquim Chissano became the new leader of FRELIMO and adopted more democratic principles. He suggested several constitutional revisions, including some that made the state more independent from the party (Luiz et al. 2013:684). The 1990 Constitution allowed all citizens to participate in political processes (Pereira 2009:10) – one of the important requirements for a self-enforcing political equilibrium identified by Weingast (2005). Giving effect to this principle, steps were taken in 1991 to enhance the functioning of political parties.

Concerns, however, have been raised about the stability of Mozambique's democracy. According to Manning (2010:151), the 2009 general elections were the least democratic yet. The adoption of new regulations violated the principle of universal participation by inhibiting small opposition parties from contesting elections. In addition, Manning (2010:152–160) lists FRELIMO's use of state resources and the lack of appropriate checks on its power as some of the dangers facing the fragile democracy. It seems as though not enough pacts were formed to act against transgressions by the ruling government, which means that Weingast's fourth condition for the emergence of a self-enforcing constitution remained unfulfilled. Manning (2010:160) states that 'The ruling party faces few internal or external checks on its power. FRELIMO now controls 75 percent of the legislature, 99 percent of municipal assemblies and mayoral positions, and all provincial assemblies.' 'Recent instability, particularly on the political front, has sparked

concern about a flare up of civil war' (Dzinesa and Motsamai 2013:1). The next few years may well reveal whether citizens have formed sufficiently strong pacts to constrain the powers of the state. In this regard, Dzinesa and Motsamai (2013:3) argue that civil society plays a critical role in Mozambique, especially during election periods.

Kenya

Compared with some other African states, Kenya has managed a fair degree of stability since independence (Hornsby 2012:1). This was the case despite changes in the political system and crises in some neighbouring countries.³ An accompanying benefit to Kenyans has been increased freedom, especially after the re-emergence of multiparty democracy. In 1997 the country revised certain oppressive laws (which limited free speech and assembly) dating from the colonial period, as part of a cross-party parliamentary reform initiative. This is an example of better citizen rights, as captured by the first condition for facts leading to self-enforcing constitutions identified by Weingast. The democratic and open elections that took place in Kenya in 2002, when Mwai Kibaki was elected president (Jennings 2013:640), suggested that Weingast's second condition (a widespread belief that participation in societal pacts are beneficial to all) was also satisfied at the time.

Kenya provides an example of how society can act as a countervailing force to government. The 2007 presidential elections were heavily criticised by international observers, who suggested that they did not meet regional or international standards and were beneficial to the incumbent president Mwai Kibaki (Jennings 2013:641). This resulted in significant unrest in the country, leading to the death of almost 1 000 people and the displacement of almost 500 000 (Jennings 2013:641). Yet the country was able to reach a diplomatic resolution that united the two rivals in a coalition government. This power-sharing arrangement was entrenched in the constitution. This is an example of parties that were willing to change their behaviour when others did likewise,

3 Uganda, Ethiopia and Somalia experienced conflict in every decade from independence to 2000 (cf. Gleditsch et al. 2002).

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i.e. accepting Weingast's condition three. According to the agreement, Kibaki and Odinga agreed to share power. Eventually a new constitution was adopted in 2010 (Jennings 2013:641–642).

Kenya is unfortunately also an example of a country with a strong interconnection between ethnicity and party allegiance (Broadberry and Gardner 2013:9). The result is that inter-party competition in elections is characterised as a competition between ethnic groups. The link in Kenya between ethnic violence and elections highlights the dangers of a divided society.

In 2010 Kenyans voted for a new constitution in a national referendum. The referendum saw a 72 percent turnout, and the proportions of the electorate that voted for and against the new constitution amounted to 67 percent and 31 percent, respectively (Githinji and Holmquist 2011:2). The adoption of the new constitution marked the end of a protracted process. This process had lasted since 1982, when constitutional change transformed Kenya's political system from the multi-party system adopted at independence to a *de jure* one-party state. Whereas most powers were controlled by the presidency under the 1982 constitution, the new constitution made politicians more accountable to the electorate. Githinji and Holmquist (2011:2), however, refute the claim that the Kenyan government is now more accountable: 'For us accountability means the end of political class impunity for corruption and encouragement of political violence, as well as a concerted effort by the political class to respond to popular demands for a better material life by dampening inequality and poverty. Accountability has made little progress under the multi-party electoral frame of rule'. Time will tell whether the constitution will hold government accountable for its decisions and actions.

The examples discussed above indicate that the constitutional arrangements adopted in the countries in question were incomplete. In these cases, the conditions for self-enforcing political equilibria were not satisfied. The fact that political stability still eludes these countries suggests that a self-enforcing equilibrium has not yet been achieved.

Botswana

Botswana is widely regarded as one of the most stable democracies in Africa. One of the respects in which it differs from the previous examples is that its (male) citizens had participated in political decision-making even before Botswana became a protectorate of Britain. Political decisions were made in an open environment that allowed everyone to express their views. The existence of and adherence to governing rules for public decision-making meant that Weingast's first condition for societal pacts leading to a self-enforcing political equilibrium was satisfied. This perceived openness facilitated a smooth transition to a democratic government after independence. Post-independence Botswana still used discussions in local communities to provide the government with feedback before new policies were implemented. As pointed out by Mgadla (1989) and Scapera (1940), openness and consultation have long been prominent aspects of politics in Botswana. There were limits to the openness, however: the Khoisan (a minority group) was excluded from such political expression.⁴

The transition to a democratic system in Botswana was not altogether without problems. For example, at independence the pre-colonial chiefs lost most of their powers (Holm 1988:187). To counter discontent with such a move, a House of Chiefs, similar to the House of Lords in Britain, was created to provide them with a safe environment to discuss their ideas and give feedback on possible policy changes. The chiefs no longer had executive powers, but made good use of their power to express concerns or support for policy changes. This shows a willingness to change behaviour successfully to accommodate different parties in the political process, complying with Weingast's condition three.

Not all the chiefs were happy with this new arrangement and were active in voicing their discontent with the government. Their first loyalty was toward their village communities and not to the central government. If they were under the impression that a new policy would divide their community or be to their detriment, they did everything in their power to prevent it from being implemented (Holm 1988:199–200). These acts of resistance were not suppressed, and this shows how society can form a pact against government

4 For a trenchant critique of the treatment of the San and other aspects of democracy in Botswana, see Good 1993, 1996 and 1999.

(Colclough and McCarthy 1980). Chiefs were allowed to enter the democratic process in a more formal manner, by being eligible for a seat in Parliament. Due to the strict rules on this, including having to give up their statutory income, only one chief (Chief Bathoen) risked standing for Parliament. He succeeded, and even ousted the then vice-president, Quett Masire. Due to the high cost of entry (giving up their income as chiefs), only the best-educated and most capable chiefs, who knew they had a good chance of success in the elections, participated in the election process (Holm 1988:193).

5. Concluding comments

Following several decades during which violent civil conflict was common in African countries, the period from 1990 onwards has been marked by a notable spreading and deepening of adherence to democratic principles on the continent. This paper uses aspects of a theory of contracts proposed by Hart and Moore, and Weingast's ideas about self-enforcing constitutions to comment on the likely long-run implications of this development for the incidence of civil conflict. It argues that democratisation should contribute to a reduction in the incidence of civil war in Africa, provided that the constitutional rules underpinning the new democratic systems become self-enforcing so that governments have incentives to adhere to these rules. The key requirement for self-enforcing constitutions is that citizens should solve their coordination problems in order to be able to act in unison whenever governments threaten fundamental constitutional rules. International organisations, such as the United Nations and the African Union, can contribute to the consolidation of the democratisation process in Africa by emphasising the importance of self-enforcing constitutions. In the final instance, however, external parties cannot create or sustain such institutions. In Africa (and elsewhere) the achievement of self-enforcing constitutions depends on the commitment to sustainable democracy of countries' governments and citizens.

Sources

- Acemoglu, Daron, Simon Johnson and James Robinson 2005. Institutions as a fundamental cause of long-run growth. In: Aghion, Philip and Steven N. Durlauf eds. *Handbook of economic growth*. Volume 1A. Amsterdam, Elsevier. pp. 358–472.
- Bah, Abu B. 2010. Democracy and civil war. Citizenship and peacemaking in Côte d'Ivoire. *African Affairs*, 109 (437), pp. 597–615.

- Bah, Thierno Mouctar 2012. Addressing Côte d'Ivoire's deeper crisis. *Africa Security Brief No. 19*. March. Washington, D.C., Africa Centre for Strategic Studies.
- Bates, Robert H., Steven A. Block, Ghada Fayad and Anke Hoeffler 2013. The new institutionalism and Africa. *Journal of African Economies*, 22 (4), pp. 499–522.
- Belmont, Katherine, Scott Mainwaring and Andrew Reynolds 2002. Introduction: Institutional design, conflict management, and democracy. In: Reynolds, Andrew ed. *The architecture of democracy: Constitutional design, conflict management, and democracy*. Oxford, Oxford University Press.
- Besley, Timothy and Marta Reynal-Querol 2012. The legacy of historical conflict: Evidence from Africa. *STICERD Discussion Paper No. EOPP/2012/36*. London, London School of Economics.
- Bradshaw, Richard and Juan Fandos-Rius 2013. Central African Republic. In: *Africa South of the Sahara*, 42nd ed. European Union, Europa Publications. pp. 255–260.
- Broadberry, Stephen and Leigh Gardner 2013. Africa's growth prospects in a European mirror: A historical perspective. *The CAGE-Chatham House Series*, No. 5, February.
- Buchanan, James M. and Gordon Tullock 1962. *The calculus of consent*. Ann Arbor, University of Michigan Press.
- Cederman, Lars-Erik, Kristian Gleditsch and Simon Hug 2013. Elections and ethnic civil war. *Comparative Political Studies*, 46 (3), pp. 387–417.
- Cheru, Fantu 2012. Democracy and people power in Africa: Still searching for the 'political kingdom'. *Third World Quarterly*, 33 (2), pp. 265–291.
- Colclough, Christopher and Steven McCarthy 1980. *The political economy of Botswana*. London, Oxford University Press.
- Collier, Paul and Anke Hoeffler 2002. On the incidence of civil war in Africa. *Journal of Conflict Resolution*, 46 (1), pp. 13–28.
- Collier, Paul, Anke Hoeffler and Dominic Rohner 2009. Beyond greed and grievance: Feasibility and civil war. *Oxford Economic Papers*, 61, pp. 1–27.
- Corey-Boulet, Robbie 2012. Ivory Coast: Victor's justice. *World Policy Journal*, 29 (3), pp. 69–79.
- Diamond, Larry 2008. The rule of law versus the Big Man. *Journal of Democracy*, 19 (2), pp. 138–149.
- Dixit, Avinash 1998. *The making of economic policy: A transaction cost politics approach*. Cambridge, MIT Press.
- Dzinesa, Gwinyayi and Dimpho Motsamai 2013. Renamo's war talk and Mozambique's peace prospects. *ISS Policy Brief No. 50*. Pretoria, Institute for Security Studies.
- Elbadawi, Ibrahim and Nicolas Sambanis 2000. Why are there so many civil wars in Africa? Understanding and preventing violent conflict. *Journal of African Economies*, 9 (3), pp. 244–269.
- Fehr, Ernst, Oliver Hart and Christian Zehnder 2011. Contracts as reference points – experimental evidence. *American Economic Review*, 101 (2), pp. 493–525.

Democratisation in Africa: The role of self-enforcing constitutional rules

- Ghura, Dhaneshwar and Benoît Mercereau 2004. Political instability and growth: The Central African Republic. *IMF Working Paper No. WP/04/80*. Washington, International Monetary Fund.
- Ginsburg, Tom 2011. Constitutional endurance. In: Ginsburg, Tom and Rosalind Dixon eds. *Comparative Constitutional Law*. Cheltenham, Edward Elgar. pp. 112–125.
- Ginsburg, Tom 2012. *Comparative constitutional design*. Cambridge, Cambridge University Press.
- Githinji, Mwangiwa and Frank Holmquist 2011. Transparency without accountability. *Department of Economics Working Paper No. 2011–19*. Amherst, University of Massachusetts.
- Glasius, Marlies 2008. The ICC, victims, and civil society in the Central African Republic. *African Affairs*, 108 (430), pp. 49–67.
- Gleditsch, Nils P., Peter Wallensteen, Mikael Eriksson, Margareta Sollenberg and Håvard Strand 2002. Armed conflict 1946–2001: A new dataset. *Journal of Peace Research*, 39 (5), pp. 615–637.
- Good, Kenneth 1993. At the ends of the ladder: Radical inequalities in Botswana. *Journal of Modern African Studies*, 31, pp. 203–230.
- Good, Kenneth 1996. Towards popular participation in Botswana. *Journal of Modern African Studies*, 34, pp. 53–77.
- Good, Kenneth 1999. The state and extreme poverty in Botswana: The San and destitutes. *Journal of Modern African Studies*, 37, pp. 185–205.
- Hardin, Russell 1989. Why a constitution? In: Grofman, Bernard and Donald R. Wittman eds. *The Federalist Papers and the new institutionalism*. New York, Agathon Press. pp. 100–120.
- Hart, Oliver and John Moore 2008. Contracts as reference points. *Quarterly Journal of Economics*, 123 (1), pp. 1–48.
- Hoefler, Anke 2008. *Dealing with the consequences of violent conflicts in Africa*. Background paper for the African Development Bank Report.
- Holm, John D. 1988. Botswana: A paternalistic democracy. In: Diamond, Larry, Juan Linz and Seymour Martin Lipset eds. *Democracy in developing countries (Africa)*. Volume 2. Boulder, Lynne Rienner Publishers. pp. 179–215.
- Hornsby, Charles 2012. *Kenya: A history since independence*. New York, I.B. Tauris & Co Ltd.
- Jennings, Michael 2013. Kenya. In: *Africa South of the Sahara*, 42nd ed. European Union, Europa Publications. pp. 639–644.
- Kimenyi, Mwangi and John Mbaku 2011. What next for the Ivory Coast? *Brookings Opinion*. April. Available from: <<http://www.brookings.edu/research/opinions/2011/04/08-ivory-coast-kimenyi-mbaku>> [Accessed June 2014].
- Kotzé, Dirk 2013. Africa's concept of 'Unconstitutional Change of Government' – How appropriate? Umhlanga Rocks, South Africa, African Centre for the Constructive Resolution of Disputes (ACCORD).
- Lapidus, Ira M. 2014. *A history of Islamic societies*. Third Edition. Cambridge, Cambridge University Press.

- Lijphart, Arend 2004. Constitutional design for divided societies. *Journal of Democracy*, 15 (2), pp. 96–109.
- Luiz, John, Luis B. Pereira and Guilherme Oliveira 2013. Constructing institutional measures: Indicators of political and property rights in Mozambique, 1900–2005. *Governance*, 24 (4), pp. 677–692.
- Lynch, Gabrielle and Gordon Crawford 2011. Democratization in Africa 1990–2010: An assessment. *Democratization*, 18 (2), pp. 275–310.
- Madison, James 1987. The federalist papers no. 48. In: Madison, James, Alexander Hamilton and John Jay eds. *The federalist papers*. London, Penguin. pp. 308–312.
- Manning, Carrie 2010. Mozambique's slide into one-party rule. *Journal of Democracy*, 21 (2), pp. 151–165.
- Marshall, Monty G. and Keith Jagger 2002. *Polity IV project: Political regime characteristics and transitions, 1800–2002 (version p4v2002e)*. College Park, Center for International Development and Conflict Management, University of Maryland. Available from: <<http://www.cidcm.umd.edu/inscr/polity/index.htm>> [Accessed June 2014].
- Mehler, Andreas 2005. The shaky foundations, adverse circumstances and limited achievements of democratic transition in the Central African Republic. In: Leonardo A. Villalón and Peter Von Doepp eds. *The fate of Africa's democratic experiments: Elites and institutions*. Bloomington, Indiana University Press. pp. 126–152.
- Mgadla, Themba 1998. The Kgosi in a traditional Tswana setting. In: Edge, Wayne A. and Mogopodi Lekorwe eds. *Botswana: Politics and society*. Johannesburg, Van Schaik. pp. 3–10.
- Muna, Bernard A. 2014. Preliminary report by a commission of inquiry into the Central African Republic. United Nations, Security Council. Report number S/2014/373.
- Nzelibe, Jide and John Yoo 2006. Rational war and constitutional design. *Yale Law Journal*, 115, pp. 2512–2541.
- Pereira, João C.G. 2009. The impact of democracy in Mozambique: Assessing political, social and economic developments since the dawn of democracy, *Centre for Policy Studies Research Report No 118*.
- Persson, Torsten and Guido Tabellini 2004. Constitutions and economic policy. *Journal of Economic Perspectives*, 18 (1), pp. 75–98.
- Posner, Daniel N. and Daniel J. Young 2007. The institutionalization of political power in Africa. *Journal of Democracy*, 18 (3), pp. 131–135.
- Prempeh, H. Kwasi 2008. Presidents untamed. *Journal of Democracy*, 5 (3), pp. 473–484.
- Radelet, Steven 2010. Success stories from 'Emerging Africa'. *Journal of Democracy*, 21 (4), pp. 87–101.
- Russett, Bruce 1993. *Grasping the democratic peace*. Princeton, Princeton University Press.
- Scapera, Isaac 1940. The political organisation of the Ngwato of Bechuanaland Protectorate. In: Fortes, M. and E.E. Evans-Pritchard eds. *African political systems*. London, Oxford University Press.
- Sharp, Gene 1973. *The politics of nonviolent action*. Boston, MA, Porter Sargent.

Democratisation in Africa: The role of self-enforcing constitutional rules

- Shugart, Matthew Soberg and John M. Carey 1992. *Presidents and assemblies: Constitutional design and electoral dynamics*. Cambridge, Cambridge University Press.
- Skaperdas, Stergios 2008. An economic approach to analyzing civil wars. *Economics of Governance*, 9 (1), pp. 25–44.
- Steele, Murray 2005a. Central African Republic: Nationalism, independence. In: Shillington, Kevin ed. *Encyclopaedia of African history*. London, Routledge. pp. 235–236.
- Steele, Murray 2005b. Central African Republic: 1980s and 1990s. In: Shillington, Kevin ed. *Encyclopaedia of African history*. London, Routledge. pp. 236–237.
- Straus, Scott 2012. Wars do end! Changing patterns of political violence in sub-Saharan Africa. *African Affairs*, 111 (443), pp. 179–201.
- Toungara, Jeanne Maddox 2001. Ethnicity and political crisis in Côte d'Ivoire. *Journal of Democracy*, 12 (3), pp. 63–72.
- US Department of State 1994. Central African Republic human rights practices 1993. Available from: <http://dosfan.lib.uic.edu/ERC/democracy/1993_hrp_report/93hrp_report_africa/CentralAfricanRepublic.html> [Accessed June 2014].
- Walter, Barbara 1999. Designing transitions from civil war – demobilization, democratization, and commitments to peace. *International Security*, 24 (1), pp. 127–155.
- Weingast, Barry R. 1995. The economic role of political institutions: Market-preserving federalism and economic development. *Journal of Law, Economics, and Organization*, 11 (1), pp. 1–31.
- Weingast, Barry R. 2005. The constitutional dilemma of economic liberty. *Journal of Economic Perspectives*, 19 (3), pp. 89–108.
- Weinstein, Jeremy M. 2001. Mozambique: A fading U.N. success story. *Journal of Democracy*, 13, pp.141–156.

‘We cannot reconcile until the past has been acknowledged’: Perspectives on *Gukurahundi* from Matabeleland, Zimbabwe

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Abstract

Since the Matabeleland massacres in the early 1980s, reconciliation remains unattainable in this region of Zimbabwe. Reasons for this include the fact that survivors of these atrocities have not received the acknowledgement they require from the government. As a result, their perception is that the government has continued to repress them by failing to provide for their needs. More so, the preceding episodes of violence in the region have engendered fear, anxiety and distress among a population that is battling to deal with its past. This article explores the attempts by the government and civil society representatives in the region to facilitate reconciliation and seeks to determine their ability to establish durable peace at the community level. Drawing from fieldwork undertaken in Matabeleland in April 2014, this article describes what the community identifies as central requirements for reconciliation to occur, as against what is provided by the national framework for reconciliation implemented by the government.

Keywords: *Gukurahundi*, acknowledgement, reconciliation, durable peace, Matabeleland

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Introduction

Reconciliation is a concept that falls under peacebuilding discourses, which refer to processes that facilitate the establishment of durable peace in times of democratic transition or gross human rights violations. Lederach (1997:26) argues that reconciliation is a peacebuilding process that assists conflicting groups in engaging with each other as humans-in-relationship. This is based on the view that when community members have a positive working relationship, they are likely to seek non-violent means to resolve any disputes that arise among them. Karen Brounéus (2003:20) defines reconciliation as ‘a societal process that involves the mutual acknowledgement of past sufferings and the changing of destructive attitudes and behaviour into constructive relationships towards sustainable peace’. These processes can be official (government sanctioned), for example the Truth and Reconciliation Commission in South Africa, or unofficial (community-based), for example the *magama* spirits rituals in Mozambique.

Reconciliation is a helpful tool for peacebuilding because it encompasses both official and unofficial processes that serve to build a community (people in a particular territory) with mutual respect for each other's co-existence. Brounéus' definition is adopted in this article because it emphasises the importance of a mutual acknowledgement of the past and the transforming of destructive behaviours and attitudes into constructive relationships. Such a perspective can help to guide the government, the civil society organisations (CSOs)¹ and the local community towards what ought to happen for reconciliation to occur in Matabeleland. Incidents of violence included for discussion are the independence struggle from 1965 to 1979, the *Gukurahundi* massacres (1980–1987) and the post-2000 electoral violence, which subjected various communities in the region to mass human rights violations (Eppel 2008:2–4).

Various scholars who have written about *Gukurahundi* and reconciliation in Matabeleland, such as the Catholic Commission for Justice and Peace in

1 CSOs operate in the context of the ‘supranational sphere of social and political participation, which involves various population groups who engage in dialogue, deliberation, confrontation and negotiation with each other and with the government and the business world’ (Salamon 2010:168).

Zimbabwe and the Legal Resources Foundation (CCJPZ 1997), Eppel (2006; 2008), Hapanyengwi-Chemhuru (2013) and Mashingaidze (2010), argue that the government has been reluctant to address the past injustices for fear of being implicated in the process. The unique contribution of this article is its focus on very recent expressions and perspectives elicited from community members, which show that after all this time, and with all the recent political changes in the country, the Matabeleland region continues to struggle with the violent conflict that occurred more than 30 years ago. Uniquely, it also brings attention to the effects of more recent conflict, such as the 2008 election-related violence, as well as to initiatives from recent institutions and policies aimed at reconciliation in these particular communities. Drawing from the narratives shared by the 36 participants in the study, this article argues that reconciliation in Matabeleland can only begin when the government acknowledges the past and puts in place effective measures to address the injustices incurred.

After the introduction, the article is divided into six sections. Firstly, it gives a brief account of the violence that has occurred in Matabeleland, followed by a description of the research techniques used to conduct the study. Thirdly, it describes how participants in the study perceived the manifestations of violence in the region in order to better understand their experiences. It then explores the efforts of the government and CSOs in facilitating reconciliation, followed by an account of what the participants shared about the processes that would facilitate reconciliation in their communities and region. Finally, it offers possibilities on a way forward as suggested by participants.

1. The Matabeleland violence

The history of violence in present day Matabeleland can be traced back to the pre-colonial era, but this article will focus on three episodes, namely, the Second *Chimurenga*, *Gukurahundi* and the election-related violence since 2000. This article acknowledges that violence in Zimbabwe has not been limited to the Matabeleland region, but focuses on this one region in an effort to understand the underlying issues that fuel the mistrust between the Matabeleland community (particularly victims of *Gukurahundi*) and the government (CCJPZ 1997:11).

The article serves as a reference point to exploring the effects of these periods of violent conflict on reconciliation in Matabeleland.

The Second *Chimurenga* of 1965–1979 was a war of liberation fought by liberation movements against the ruling white minority government to abolish the illegal occupation and control of the Zimbabwean territory by the former (Mlambo 2014:160). This war was brought to an end with the signing of the Lancaster House Agreement in 1979, which paved the way for democratic elections that formed a new government of Zimbabwe: made up of the minority Rhodesian Front (RF) Party, the Zimbabwe African People's Union (ZAPU), the Zimbabwe African National Union – Patriotic Front (ZANU-PF) and the United African National Council (UNAC) (Chitiyo and Rupiya 2005:337). Reconciliation efforts of this new government emphasised building a healthy relationship between the former repressive white regime and the nationalist movements, but were not extended to address the tribal tensions within the black community (Mashingaidze 2010:22). The then Prime Minister Robert Mugabe in his 1980 inaugural speech proclaimed that all parties should 'let bygones be bygones' (Mashingaidze 2010:22). This proclamation substantiated the Amnesty Ordinances of 1979 and 1980 which gave amnesty without trial to both the Rhodesian government and the liberation movements (Mashingaidze 2010:21). As a result, it precluded the opportunity for the victimised community to share their experiences and collectively acknowledge a past that claimed the lives of over 30 000 people (CCJPZ 1997:1). It also prevented the community from addressing the underlying issues amongst the black community that caused them to harbour a propensity for conflict amongst each other.

Mlambo (2014:147) points out that the black community in Zimbabwe was not integrated because during the liberation struggle there were many ethnic, personality and class differences within the liberation movement, which ultimately led to the split of ZAPU in 1963. The emerging parties, ZAPU led by Joshua Nkomo and ZANU-PF led by Reverend Ndabaningi Sithole, the former deputy president of ZAPU, subjected the nationalist movements to a period of intense rivalry. Political intolerance turned the parties against each other and presaged a cycle of political violence between the two movements during the liberation struggle and after independence (Mlambo 2014:148).

Gukurahundi became the inevitable conflict ensuing from the lack of deep rooted reconciliation amongst the former liberation movements.

Gukurahundi is a Shona term referring to 'the first rain that washes away chaff before the spring' (Eppel 2008:1). *Gukurahundi* was a code name for the Fifth Brigade² soldiers, an army that was sanctioned by Prime Minister Mugabe to dismantle ZAPU and the defected military wing Zimbabwe People's Revolutionary Army (ZIPRA) officials (CCJPZ 1997:45). The term has been simultaneously adopted to refer to the massacres of over 20 000 people and dehumanising acts against thousands by government-sanctioned security forces in the Midlands and Matabeleland regions between 1980 and 1987. The massacres were initiated by clashes in 1980 at Entumbane demobilisation camp in Bulawayo between the former ZANLA, the military wing of ZANU, and ex-combatants of ZIPRA. These two army groups were elements of the newly integrated army, the Zimbabwe National Army (ZNA) (CCJPZ 1997:6).

Widespread conflict in the region ensued after the discovery of arms caches in Matabeleland at ZAPU-owned properties in 1982. An altercation in parliament between ZANU-PF and ZAPU, which led to the expulsion of ZAPU officials, exacerbated tensions leading to the defection of ex-ZIPRA combatants into the bush in Matabeleland and Midlands (Chitiyo and Rupiya 2005:340). The defected ex-ZIPRA combatants, who were mostly comprised of Ndebele speaking people, easily blended with the population in the two regions, as they are largely Ndebele speaking. The terms 'dissidents', 'bandits' and 'Super-ZAPU' were therefore used by the government to depoliticise all defected ex-ZIPRA combatants (CCJPZ 1997:34). Suspicions of the government that 'dissidents' were receiving undercover support from South Africa under the code name 'Operation Drama' further destabilised the already volatile security situation in the region (CCJPZ 1997:29). The government regarded the 'bandits' as terrorists because during the liberation struggle the insurgent group ZIPRA had been trained by Russia and had operational tank and air units, which made it possible for the 'dissidents' to

2 Fifth Brigade was a special army mainly comprised of ex-Zimbabwe African National Liberation Army (ZANLA) combatants who were trained by North Korean commanders in response to the Entumbane clashes (Eppel 2008:4).

cause widespread terror (Mlambo 2014:161). A government official among the research participants shared that:

ZIPRA was a credible threat to the ZANU government because during the liberation struggle the Russians and Cubans had trained the former in guerrilla warfare methods. Therefore, ZAPU members were always associated with their military wing ZIPRA and whenever disagreements occurred in the new government, ZANU felt threatened that ZAPU would end up using its military wing. *Gukurahundi* was an opportunity to diminish ZAPU and its military wing, and the North Korean-trained Fifth Brigade and Police Intelligence did its best to ensure that the threat was eliminated.

This seemingly warranted the government to declare a state of emergency in 1982 and to deploy security forces to uproot the so-called 'dissidents', but the witch hunt exercise was extended to unarmed civilians who were suspected of having links with the 'dissidents'. Eppel (2008:2–3) challenges the actions of the government by arguing that the motive of the government to repress the so-called dissidents was misguided because it emanated from Mugabe's interest to create a de facto one-party state. She recalls that arms caches were also discovered across the country, including the territories controlled by ZANLA, but ZANU-PF used the discovery of arms in Matabeleland as a reference point to unleash a long-held political agenda. Eppel (2008:4) observes that the amount of force (about 5 000 armed footmen) used by the government was not proportional to the claimed threat of 'dissidents' (about 400 people). More so, the actions of the Fifth Brigade (who were predominantly Shona speaking) were unjustified because they associated being Ndebele with being a ZAPU supporter and a sympathiser of the 'dissidents' (CCJPZ 1997:44).

The fact that such atrocities occurred and that the government did not take adequate measures to prevent them, renders the government responsible for committing crimes against humanity. The *Gukurahundi* massacres were not part of a just war because the government used excessive force before it had exhausted negotiations with ZAPU officials who it accused of instigating its military wing to destabilise the country (Eppel 2008:4). *Gukurahundi* destabilised the

region and created a negative impression amongst victims and survivors that the government had a vendetta against the non-Shona speaking population. The Matabeleland massacres officially ended with the signing of the negotiated Unity Accord on 22 December 1987 between ZANU-PF led by Robert Mugabe and ZAPU led by Joshua Nkomo, which led to the amalgamation of the two parties into a de facto one-party state under Robert Mugabe's party (Mlambo 2014:199).

Minimal efforts have been made by the government to address the atrocities that occurred, including the Dumbutshena and Chihambakwe Commissions of Enquiry in 1981 and 1983 respectively, and the Organ for National Healing, Reconciliation and Integration (ONHRI)³ established in 2009 (Mashingaidze 2010:23). The reports of the two commissions regarding the clashes at Entumbane and *Gukurahundi* were never made public and in its work, ONHRI encountered many obstacles, particularly relating to the lack of political will from parties involved in coming up with a national framework for reconciliation. In spite of the gravity of the Matabeleland massacres, the government seemingly did not make provisions to prevent the use of excessive force by security agents and ZANU-PF militias against civilians in successive conflicts such as the food riots in 1998, fast-tracked land reform since 2000, electoral violence against opposition parties since 2000 and Operation *Murambatsvina*⁴ in 2005. The atrocities that occurred during these episodes remain unaccounted for and much of the work to address the past is being driven by community leaders and CSOs, with little support from the government (Hapanyengwi-Chemhuru 2013:91).

2. Research design

This article draws on fieldwork in Nkayi District (see map insert) in April 2014, examining the scope and limits of reconciliation processes in Matabeleland.

3 ONHRI was established in 2009 to investigate ways to address past injustices in the country, following the procedures set by the 2008 Southern African Development Community (SADC)-mediated Global Political Agreement (GPA) (Mashingaidze 2010:25)

4 Operation *Murambatsvina* refers to the militarised uprooting of informal settlements in the urban areas across the country, which resulted in the displacement of over 600 000 people and a direct loss of sources of income for 1.7 million people (Sokwanele 2005).

The fieldwork involved 36 participants drawn from government officials who served in the Joint Monitoring and Implementation Committee (JOMIC)⁵ and ONHRI, civil society representatives, community members in Nkayi and academics.



Map of Zimbabwe, adopted from Zimbabwe National Statistics Agency 2012.

The Nkayi District has a population of 109 135 people. It was selected as the site for this qualitative research project because of the plurality of its population (for example Kalanga, Ndebele, Shangani, Shona, Sotho and Tsonga speaking communities live there, among others) (Zimbabwe National Statistics Agency 2012), which made it possible for the researcher to capture a diversity of

5 JOMIC was established in 2009 to supervise the implementation of the GPA, which, in the process, led it to facilitate peacebuilding programs that included creating an atmosphere for mutual trust and open dialogue among the political parties (*Zimbabwe Independent* 2013).

perceptions on reconciliation. Empirical data were collected, using semi-structured interviews, focus groups and observations (micro level) and archival documents (macro level). Additionally, snowball and stratified purposive sampling methods were used.

The researcher was accompanied by an interpreter and co-researcher, and this small team faced several challenges, especially related to travelling, because the area is very remote. It has poor road networks and a large amount of time was lost to travelling, which included a 15 km trip on a donkey drawn cart on a route without regular conventional transport services. Upon arriving in the Nkayi District further challenges were encountered related to undertaking research in a rural setting and in a context in which security is a significant concern: an encounter with the police intelligence unit was one such challenge. These obstacles became part of the rich data that were collected as the research team experienced first-hand some of the realities experienced by these violence-stricken communities in Matabeleland.

3. Local perspectives of violence

The violence participants described in the Matabeleland region (including the Nkayi District) can be arranged into three categories, namely: physical (injuries on the human self), cultural (cultural actions used to legitimise the oppression of community groupings), and structural (institutionalised practices of society that harm or disadvantage individuals). These forms of violence are intertwined but minor distinctions can be made as discussed below.

3.1 Physical violence

Of the 36 participants in the study, 20 indicated that they had endured physical violence in the past 30 years. Most of the incidents of violence described by participants were associated with the *Gukurahundi* era, with a few incidents reported to have occurred after 2000. The participants identified the Fifth Brigade soldiers, the Police Internal Security and Intelligence (PISI), 'dissidents' and ZANU-PF youth militias as the main perpetrators. The tensions that facilitated the *Gukurahundi* massacres were ascribed to the mistrust between ZANU-PF and ZAPU that emanated from the Second *Chimurenga*, whilst the post-2000 violence

was blamed on the rejection of opposition movements by the ruling government. The latter phenomenon characterises the atmosphere of political intolerance that features throughout the country's history. Sachikonye (2011:1–20) observes that the government of Zimbabwe has a long-standing history of intolerance because political leaders have ruled the country for many years based on one-party-leadership models. Both the pre-independence regime (under Ian Smith) and post-independence regime (under Robert Mugabe) have been embroiled in political conflict aimed at destroying legitimate alternative political parties which could compel the incumbent party to account for past injustices.

According to Galtung (1969:168), physical violence is the intentional use of a body part or object to inflict pain, discomfort or injury on another in order to repress the victim. One (82-year-old) participant narrated her *Gukurahundi* encounter: 'I was beaten up by the soldiers, my husband was shot dead, my daughter and granddaughter were abducted and raped'. A similar encounter was shared by another participant (a 73-year-old male) who said, 'The Fifth Brigade soldiers beat me up and left me for dead because they said I was supporting dissidents'.

The researcher observed that some 'dissidents' inflicted physical violence on civilians. One (54-year-old) gentleman shared that:

Dissidents came to our house and gathered us in the kitchen. They beat me, my mother, father and other siblings. When my father was bleeding to death from the wounds, they took out a gun and shot him. They instructed me to get an axe and chop my father into pieces. They told me to put my father's head in a box and take it to the soldiers to inform them that they have dealt with their sell-out/informant. Upon returning from the soldiers' camp I found my mother dead; she had committed suicide by tying herself with a rope in that kitchen.

The violence narrated by these participants corroborated accounts recorded by the civil society organisations, the Catholic Commission for Justice and Peace and the Legal Resources Foundation (CCJP and LRF), during the 1990s. The CCJPZ 1997 report, *Breaking the Silence*, is the first unofficial document in the public domain that contains detailed information of the atrocities encountered by communities in Matabeleland and Midlands. In the absence of an account

of the incidents from the government, the report has become a source of reference with statistical figures that relate the extent of the atrocities, including an estimated 20000 deaths, torture and displacement of thousands (CCJPZ 1997:6). Nordquist (2007:9) argues that encounters of violence such as narrated above are mostly experienced by civilians, but little attention is given by some governments to address the effects thereof. As such, it can be observed with the Matabeleland massacres that the government of Zimbabwe has ignored calls by victims to address the violence in order to protect its own interests.

3.2 Cultural violence

All 36 participants related incidents of cultural violence in Matabeleland. The examples that follow show that pockets of cultural intolerance existed between the Shona and Ndebele speaking people. According to Farmer (1996:277), culture refers to the varying values, norms and practices of the population that are shared by a particular grouping. He adds that cultural tolerance enables a community with diverse groupings to share common modes of life and negotiate the differences. Cultural violence occurs in instances where the distinct features of a particular cultural group are used to suppress the other groupings (Farmer 1996:278). Ten participants in Nkayi emphasised that they were forced to speak Shona during *Gukurahundi* in order to survive the gruesome attacks by government security forces. A 49-year-old woman, who was 18 years old at the time of the attack, related that:

It was a Friday in April 1983. I remember that four men of the Fifth Brigade soldiers arrived at our compound early in the morning and called everyone out. They asked us [a family of eight] in Shona to tell them where the dissidents are hiding but no one could give an answer because we did not understand the language they were speaking [Shona]. They started calling us names; for example '*mapenzi evanhu muchadura kwaari madissidents enyu*' (you rascals you are going to tell us where your dissidents are hiding), and they beat the whole family with the barrel of their guns calling us to tell them about the whereabouts of the dissidents.

The above narrative indicates that the Shona language was used to suppress 'dissidents' and civilians who were suspected of supporting them. During the

massacres, the government security forces who were predominantly Shona, seemingly associated all non-Shona speaking people with the 'dissidents'. That exposed many civilians in the region to violence. *Gukurahundi* dehumanised the Ndebele ethnic group (who are a majority in the region) because if one could not speak Shona one faced torture or death. The CCJPZ report also documented that during *Gukurahundi* the Fifth Brigade soldiers often gathered people to a central point at gunpoint in the evenings, for example at a school (CCJPZ 1997:51). The people would be coerced to sing Shona songs that praised the ZANU-PF government. This trend of using the Shona language and practices to coerce people into committing particular actions seems to have continued even after the *Gukurahundi* massacres. Between March and June 2008, the ruling party is claimed to have used youth militias to terrorise the community after failing to win the March elections (Sachikonye 2011:20). One woman (28 years old) related:

The post-March 2008 contested election period was a difficult time because people felt threatened by the government, especially the ZANU-PF youth militias. They hosted overnight praises '*pungwe*', singing Shona songs and we were being coerced to attend.

The Shona language has become a symbol of domination in the region. Its continued use by the ruling party, as narrated above, reinforces the oppression of other ethnic groups, in this case Ndebele people.

3.3 Structural violence

According to Galtung (1969:170), structural violence comprises the subtle and often invisible systemic ways in which the settings of the community deny some individuals access to socio-economic progress.

Structural violence, as described by the research participants, has been instigated by government through policies that deny some people rights and privileges enjoyed by others. Whilst acknowledging that Matabeleland falls under climate region 5, which receives low and erratic rainfall that makes the area naturally uninhabitable, both the Smith and Mugabe regimes have done little to improve the living conditions of the people (Eppel 2008:1). As argued by Eppel (2008:2),

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the Land Apportionment Act of 1930 forced resettlement of the Ndebele people into infertile regions and the subsequent Land Husbandry Act in 1951 resulted in forced destocking and the subjection of many to hunger, poverty and starvation. This pushed the black community led by Joshua Nkomo to organise themselves into liberation movements and fight against the segregation practices of the Smith regime, but they faced further repressive policies, such as the Law and Order Maintenance Act (LOMA) of 1960 (Mlambo 2014:147). LOMA gave the white regime's security forces authority to arrest and detain supporters of the nationalist movements, resulting in the detention and banning of members of ZAPU in 1962. Further repression continued until the ousting of the white regime in 1979.

Even though the nationalist movements fought for the removal of repressive policies such as LOMA, ZANU-PF reinstated the policy during the *Gukurahundi* era, which led to the instigation of curfews and detention of ZAPU officials and defected ex-ZIPRA combatants (Eppel 2008:4). As it was the intention of the Smith regime to dismantle nationalist movements, it appeared that Mugabe's regime employed the same policy to eliminate rivalry from ZAPU and the so-called dissidents.

As documented by the CCJPZ report (1997:48), the food curfews in 1983 and 1984 sanctioned by the government exposed an estimated 400 000 people in Matabeleland to starvation. The ruthless actions of the government made people vulnerable considering that their region receives erratic rains which affect their agricultural outputs. Raftopoulos (2009:220) documents that the government further subjected over two million people in the country (Matabeleland region included) to poverty through its *Operation Murambatsvina* policy in 2005. He argues that the operation was a disguised political plot by ZANU-PF to dismantle the support bases of its long-standing political rival, the Movement for Democratic Change (MDC) led by Morgan Tsvangirai. A participant (a 38-year-old female) narrated that:

When my husband was killed in 2002 for supporting the MDC, I had to step in and look after our three children. I became a cross border trader, buying cheap clothes and selling them in the city. I have had to move back to the village because *Operation Murambatsvina* disrupted the clothing stall

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I owned when I was in Bulawayo in 2005. I have not been able to regain capital to start the business again and I am now struggling to look after my children.

Other features of structural violence that remain pertinent to the region as shared by the participants were inadequate water supply, the shortage of qualified educators and poor infrastructure. One participant (a 49-year-old female) shared that:

The quality of education in the Matabeleland region has been affected by the lack of resources, particularly educators, such that even the throughput rate of children in the region from primary to secondary is low, hence not so many children are making it to tertiary level. For example, NUST, which is a Science and Technology university in Bulawayo, is mostly recruiting students from the other regions and not Matabeleland in spite of the advantage that it is a home university to the region.

The above narrative reveals that the deployment of unqualified educators to the region is affecting the performance of students. According to Dube (2014), Ndebele speaking people living in Matabeleland have raised concern over the deployment in their region of Shona educators who cannot speak Ndebele, compelling their children to learn in a different language. In 2014 the Deputy Minister of Primary and Secondary Education, Professor Paul Mavhima, publicly acknowledged that there is a problem relating to the language of instruction in the Matabeleland region (*The Chronicle* 2014). The Deputy Minister informed the people of Matabeleland that the deployment of non-Ndebele speaking educators to the region was a contingency plan of the government to address the shortage of qualified educators who can teach in Ndebele. The main argument raised by participants to challenge the deployments of the government is that the use of Shona language by non-Ndebele speaking educators is affecting the level of literacy among non-Shona speaking students. In addition, it infringes on the constitutional right of learners to learn in a medium of instruction in which they have proficiency. As stated by the participants, the Shona language serves as a constant reminder to the community of their suffering during *Gukurahundi* and a symbol of oppression that has left survivors of the massacres with lasting negative associations with the language.

4. The contribution of the government and CSOs to reconciliation in Matabeleland

The official processes for reconciliation in Matabeleland have been reduced to reconciliation events. Long and Brecke (2003:7) describe reconciliation events as: direct engagements between senior representatives of the warring parties, a public ceremony shown on national media, or symbolic actions that portray peaceful relations between former enemies. Many senior members of the government and the opposition parties in Zimbabwe have superficially rubbed shoulders in public. One participant (a 73-year-old male) said:

In 2012 I attended a workshop at the community hall and benefitted a lot from the open discussions because it [JOMIC] presented a platform to speak openly about the past. As a result I learned to tolerate my fellow community members from the practical exercise where political party representatives [Movement for Democratic Change-Tsvangirai (MDC-T), Movement for Democratic Change-Ncube (MDC-N) and ZANU-PF] were interacting with one another in a friendly manner in public.

These gestures seemingly portrayed the warring parties as friends in a mutual relationship, but the continued fighting between ZANU-PF and MDC-T indicates a lack of reconciliation. This case can be illustrated by public statements of Morgan Tsvangirai and Robert Mugabe. Morgan Tsvangirai (leader of MDC-T) in June 2013 at a rally in Chitungwiza attacked his main rival Mugabe, calling him a puppet of the military. Similarly Mugabe has publicly used demeaning words to refer to Tsvangirai whom he labels a puppet of the Western bloc seeking to topple the ruling party for implementing the controversial land reforms (Chiripasi 2013). The government has even deployed security forces to terrorise MDC-T members resulting in the abduction, murder and torture of hundreds of opposition representatives and supporters since 2000 (Sachikonye 2011:20).

As mentioned earlier, the Lancaster House Agreement in 1979, the Unity Accord in 1987 and the recent GPA in September 2008 are further examples of events that produced cursory reconciliation (Mashingaidze 2010:21–24). The GPA was a mediated political agreement signed in September 2008 to resolve the June 2008 polarised elections between ZANU-PF, led by Mugabe, and the two MDC

formations, namely, MDC-T, led by the then Prime Minister Morgan Tsvangirai, and MDC-N led by Welshman Ncube (Mashingaidze 2010:24). This led to the formation of the 'inclusive government' in which ZANU-PF and the two MDC factions co-governed until the elections of 2013.

Long and Brecke (2003:7) argue that reconciliation should not be limited to an event because it is a process of change the community ought to go through. Reconciliation speaks to the lifestyle of a people previously divided by a gruesome past, by transforming the patterns of destructive behaviours and attitudes between former enemies into constructive relationships that foster sustainable peace. This means that reconciliation should be cultivated through on-going processes that inspire former enemies to live as humans-in-relationship (Lederach 1997:26). As mentioned earlier, the inability of the government to make public the findings of the Chihambakwe and Dumbutshena Commissions (1981 and 1983 respectively) over the years has derailed the deepening of reconciliation processes in Matabeleland. The Dumbutshena Commission of Inquiry was established to investigate the violence that occurred at Entumbane in Bulawayo and other demobilisation camps across the country following the 1981 clashes between ZANLA and ZIPRA ex-combatants. The Chihambakwe Commission of Inquiry was established to investigate the *Gukurahundi* massacres in the Midlands and Matabeleland regions (Mashingaidze 2010:24). The *Clemency Order No. 1 of 18 April 1988* which granted blanket amnesty to all parties who administered violence during the massacres has made the government reluctant to release the findings of the commissions, citing that digging into the past can incite further conflict (CCJPZ 1997:6). Many human rights activists on the contrary, for example the Zimbabwe Victims of Organised Violence Trust (ZIVOVT) and *Ibhetshu LikaZulu*, have been pushing the government to release the findings on the grounds that knowing the truth about the past provides closure and paves the way for healing and reconciliation (Ndou 2012).

The subsequent efforts at reconciliation by the government, namely, JOMIC and ONHRI in 2009, have been abortive, like the preceding initiatives. One participant (a 54-year-old male) said, 'I have attended discussion sessions held by JOMIC and ONHRI but I am disappointed that they have not done any follow-up sessions to assist us on matters of truth and justice we raised.'

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JOMIC was disbanded after the 2013 elections because its mandate to monitor the implementation of the GNU was redundant. The main criticism raised against JOMIC was its failure to address the issues surrounding politically motivated violence destabilising the community (*Zimbabwe Independent* 2013). ONHRI was dissolved in 2013 and is set to be replaced by the National Peace and Reconciliation Commission (NPRC) as stipulated by the new Constitution which was adopted by parliament in February 2013 (*The Zimbabwean* 2014). Regardless of efforts to establish various official processes for reconciliation, the lack of political will on the part of the government over the decades has rendered the processes merely cosmetic gestures designed to safeguard its political hegemony. As of the writing of this article the work of the NPRC had not commenced, but the aspirations of the affected Matabeleland community are for the commission to provide truth, justice, reconciliation and sustainable peace.

Several CSOs were identified by participants in the Nkayi District for their contribution as pillars of support and a voice for the wounded. The Roman Catholic Church, Red Cross International and Counselling Services Unit (CSU) in Zimbabwe have provided shelter, medical, psychological and social support. One lady (58 years old) shared the following:

My son and I received counselling from members of the CSU after we were attacked by ZANU-PF youth militias in 2007. I am grateful for their help because it gave me comfort to know that someone showed concern for my ordeal.

These organisations are sources of information with records of injustices suffered by the community, which can be used to give evidence in the future (as the participants believe they might be able to pursue justice through the courts, should a change of government occur). The government has been conducting strong surveillance on CSOs to prevent community engagements that delve into the past and might unveil truth by which it (the government) would be implicated. One CSO representative said, 'For the past three years our organisation has been stuck in a deadlock with a government official over the reburial of persons that died during the *Gukurahundi* massacres'. The consequence of these encounters is that 'controversial projects' are postponed for fear of victimisation by government security forces.

The Zimbabwe Lawyers for Human Rights (ZLHR) and Solidarity Peace Trust have assisted community members with legal representation for unlawful arrest and detention. The National Association of Non-Governmental Organisations (NANGO) and Bulawayo Agenda have conducted workshops providing them with voter education, and skills in political tolerance and non-violent conflict resolution mechanisms. Women of Zimbabwe Arise (WOZA), Habakkuk Trust and Radio Dialogue have strengthened the community by providing a safe space to share its experiences. One participant (an 82-year-old female) said, 'I attended a public discussion hosted by Radio Dialogue for victims of *Gukurahundi*. I felt liberated to know that I am not the only one who had been humiliated by government security forces'.

This narrative highlights the plea of many participants – that they need a safe environment to share their experiences with an audience that will not condemn or intimidate them. The following section will explore further ways, identified by community members, in which reconciliation might be facilitated in their communities.

5. Perspectives of reconciliation in Matabeleland

As mentioned in the introduction, this article is guided by the definition of Brounéus (2003:20) that reconciliation is a societal process of addressing the past through mutual acknowledgement of the sufferings incurred, and of transforming destructive behaviours and attitudes. The researcher asked participants what processes would facilitate reconciliation for them in their communities. Their responses included the need for acknowledgement of the past, truth-telling and apology among others, which will be discussed here in more detail.

Firstly, participants emphasised that the government needs to acknowledge the gross human rights violations it committed, from *Gukurahundi* to post-2000 electoral violence. President Mugabe superficially acknowledged the Matabeleland massacres in a speech he gave at the funeral of Vice-President Joshua Nkomo in 1999 by labelling the encounter a 'moment of madness' (Mashingaidze 2010:23). One participant (a 54-year-old male)

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said, 'Reconciliation is acknowledgement of past inactions that goes beyond announcing that it was a moment of madness'.

An academic expert among the participants asserted:

To begin reconciliation in Matabeleland we need to acknowledge violence at the executive and legislative level. Currently we have a constitution and a new commission set to address these issues, but what is its use if a Bill in Parliament does not enact it?

Participants have suggested some practical ways to acknowledge the past, including the exhumation and reburial of people in mass graves, the establishment of memorial sites and museums (like Germany's Holocaust Memorial Museum) for people to celebrate their history and collectively honour the past. One (a 49-year-old female) said:

There are many unidentified graves in Matabeleland, the least that the government can do to help survivors ease off the pain they have been holding for the past 30 years is exhuming mass graves, identifying the deceased, and giving bereaved families the opportunity to mourn and rebury their beloved ones in a proper manner.

Eppel (2006:263) concedes that during the *Gukurahundi* massacres many of the people that died were buried in mass graves because the communities were too unstable for people to conduct proper burials. She argues that many of the mass graves have not been exhumed and this has left communities without possession of the remains of their loved ones. In the Zimbabwean African culture, proper burial of the remains of a deceased party is a crucial element in the moral fabric of communities. Giving proper burial to deceased parties is a sign of respect to both the living and spiritual worlds. Eppel (2006:264) adds that to the living world, burial symbolises respect for human dignity. To the spiritual world, burial is a passage rite that allows the spirit of the deceased to reconnect with the ancestral family. The inability of bereaved families to bury victims of *Gukurahundi* and other episodes of violence in Matabeleland remains a contentious issue because of the moral obligation of the African community to respect both the living and spiritual worlds.

Secondly, truth-telling was identified as being important for reconciliation to occur. Thirty-five participants in the study indicated that truth-telling is a key component of reconciliation. One participant (an 82-year-old female) said:

Reconciliation for me means that the perpetrator is prepared to come to the victim with a genuine desire to engage in peaceful dialogue with the victim by giving the victim the opportunity to ask the unanswered questions they hold.

Truth-telling is central for many of the participants because it will allow the community an opportunity to come to terms with its memories of the past. Villa-Vicencio (2000:2011) argues that any mechanism that seeks to provide reconciliation should have an understanding of the past. Truth-telling can assist in creating the space for open dialogue on issues, after which communities can acknowledge or deny realities of what occurred and thus gain more understanding of the past. As mentioned earlier, the report developed by the Catholic Commission for Justice, Peace in Zimbabwe and the Legal Resources Foundation Zimbabwe in 1997 has become a key record (unofficial truth) with accounts of the injustices that occurred during the *Gukurahundi* era.

The government has not commented on the injustices documented in the CCJPZ report, leading the people of Matabeleland to assume that their experiences have been ignored (Mashingaidze 2010:23). These sentiments are exacerbated by the refusal of the government to make public the findings of the Chihambakwe and Dumbutshena Commissions of Inquiry. Other collections of truth about the injustices that occurred over the decades have emerged from academic writing and records made by CSOs, for example, Grace to Heal, Counselling Services Unit and the Zimbabwe Lawyers for Human Rights (ZLHR).

Thirdly, participants emphasised the need for the government to offer an apology to the people of Matabeleland, particularly victims of various episodes of violence, in order for the past to be recognised. One participant (a 39-year-old male) said:

The residual hatred in Matabeleland cannot be cured unless there is a deep regret, acknowledgement and apology from the perpetrators of violence. The government should move away from declaring 'let bygones be bygones' or it was a 'moment of madness'.

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A 46-year-old male participant asked, 'If *Gukurahundi* was a moment of madness, the question becomes, has the mad person regained sanity now? Has he atoned for the period of madness, and what should the aggrieved do about it?'

Rosoux (2008:548) points out that an apology is either a written or a spoken expression of one's regret or remorse for committing unkind actions. According to CCJPZ (1997:5), the late Minister of Defence, Mr Moven Mahachi, was the only government official who publicly expressed regret for the *Gukurahundi* massacres. The *Sunday Mail* of 6 September 1992 reported on an interview with the late minister, in which he was apologetic for the *Gukurahundi* atrocities and cautioned that no citizen of the country should repeat such injustices (CCJPZ 1997:5). Mashingaidze (2010:23) argues that if the government offers an apology to victims, this could be an indication that it is willing to acknowledge the past, show respect for the dignity of victims and take responsibility for the lives that were affected. Instead many government officials have publicly denied responsibility, including the newly appointed Vice-President Phelekezela Mphoko, who announced to the press in February 2015 that *Gukurahundi* was a plot of the Western bloc to destabilise the country (*Sunday News Reporter* 2015). The government continues to shift blame for the massacres onto Britain and America who, it alleges, were buying time to distract Mugabe from addressing the land question. Participants, however, feel the need for transparency about the massacres because it was the responsibility of the government to protect its citizens from such inhumane actions.

As participants highlighted the above-mentioned needs, they emphasised that reconciliation is a process. One participant (a 38-year-old female) shared the following:

The government should not assume that the signing of the Unity Accord in 1987 and labelling the *Gukurahundi* era a 'moment of madness' has atoned for the atrocities that occurred. People's lives were disrupted for seven years, they therefore need to be consulted on the processes of reconciliation that will resolve the issues they have and not be constricted [sic] to get over their experiences briskly.

One CSO representative (a 73-year-old male) who was also a victim of violence during the *Gukurahundi* era mentioned that:

Reconciliation requires forgiveness, but forgiveness should occur as a process and not an event. Christianity has helped me to move on at an interpersonal level, because I take from the Lord's Prayer that I must forgive those who trespass against me. I still require truth in order to be at peace with the past.

Hamber (2007:119) describes the forgiveness mentioned above as an act of good will, which means that the victim chooses to forgive in order to stop feeling disempowered by the past. This involves acknowledging that the victim is not a subject under a perpetrator but a survivor of an inevitable past.

Most of the participants did consider the possibility of pursuing justice for *Gukurahundi* violations through the courts, but the government has paralyzed the process. The blanket amnesty offered in 1988 prevented perpetrators from being held accountable as it may, arguably, have implicated government officials (Eppel 2008:4). Participants also cited that security forces have been used by the government to intimidate victims and prevent them from speaking out.

6. Conclusion

Over the past three decades the calls for truth and justice by victims of *Gukurahundi* have been ignored and the grievances of the victims have not been addressed. Current efforts of the government have created amnesties for perpetrators and the political decrees of the government have allowed for a complete avoidance of addressing the past. However, this 'amnesia' is not an option for the people of Matabeleland because, as the fieldwork evidence shows, they have not forgotten the suffering they experienced. To promote genuine reconciliation the participants want: acknowledgement from the government of its responsibility in orchestrating mass violations, an apology, truth-telling, exhumations and reburials, memorial sites or museums to honour those who perished, and a recognition of their collective history. Although CSOs have supported victims by providing shelter, medical, psychological, legal and social

services, they have faced obstacles, particularly in the form of victimisation from security forces sanctioned by the government to prevent CSOs from revealing past injustices.

It is yet to be seen if the needs of the participants will be addressed by the National Peace and Reconciliation Commission that is in the process of being established.

Sources

- Brounéus, Karen 2003. *Reconciliation – Theory and practice for development cooperation*. A Report for the Swedish International Development Cooperation Agency.
- Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ) & Legal Resources Foundation Zimbabwe 1997. *Breaking the silence, building true peace: A report on the disturbances in Matabeleland and the Midlands, 1980 to 1988*. Harare, Catholic Commission for Justice and Peace in Zimbabwe.
- Chiripasi, Thomas 2013. Mugabe a puppet of the military, says Tsvangirai as political temperatures rise. Available from: <<http://www.voazimbabwe.com/content/zimbabwe-prime-minister-tsvangirai-calls-mugabe-a-/1711766.html>> [Accessed 5 April 2015].
- Chitiyo, Knox and Martin Rupiya 2005. Tracking Zimbabwe's political history: The Zimbabwe Defence Force from 1980–2005. Available from: <http://www.issafrica.org/pubs/Books/Evol_Revol%20Oct%2005/Chap13.pdf> [Accessed 5 April 2015].
- Dube, Vusumuzi 2014. Uproar over non-Ndebele speaking teachers. Available from: <<http://www.zimbabwesituation.com/news/uproar-non-ndebele-speakers/>> [Accessed 29 June 2014].
- Eppel, Shari 2006. Healing the dead: Exhumation and reburials as a tool to truth telling and reclaiming the past in rural Zimbabwe. In Borer, Tristan Anne 2006 ed. *Telling the truths: Truth telling and peace-building in post-conflict societies*. Notre Dame, IN, University of Notre Dame Press.
- Eppel, Shari 2008. Matabeleland: Its struggle for national legitimacy, and the relevance of this in the 2008 election. Available from: <http://ibt.afrihost.com/boellor/files/zim_dossier_shari.pdf> [Accessed 23 July 2014].
- Farmer, Paul 1996. On suffering and structural violence: A view from below. *Daedalus*, 125 (1), pp. 261–283.
- Galtung, Johan 1969. Violence, peace and peace research. *Journal of Peace Research*, 6 (3), pp. 167–191.
- Hamber, Brandon 2007. Forgiveness and reconciliation: Paradise lost or pragmatism? *Peace & Conflict*, 13 (1), pp. 115–125.
- Hapanyengwi-Chemhuru, Oswald 2013. Reconciliation, conciliation, integration and national healing: Possibilities and challenges in Zimbabwe. *African Journal on Conflict Resolution*, 13 (1), pp. 79–99.

- Lederach, John P. 1997. *Building Peace: sustainable reconciliation in divided societies*. Washington, D.C., United States Institute of Peace Press.
- Long, William J. and Peter Brecke 2003. *War and reconciliation: Reason and emotion in conflict resolution*. Cambridge, MA, MIT Press.
- Mashingaidze, Terence M. 2010. Zimbabwe's illusive National Healing and Reconciliation processes: From independence to the Inclusive Government 1980–2009. *Conflict Trends*, 2010 (1), pp. 19–27.
- Mlambo, Alois S. 2014. *A history of Zimbabwe*. New York, Cambridge University Press.
- Ndou, Paul 2012. Release the Chihambakwe & Dumbutshena reports. Available from: <<http://bulawayo24.com/index-id-news-sc-local-byo-15284.html>> [Accessed 23 July 2014].
- Nordquist, Kjell-Åke 2007. Reconciliation as a political concept: Some observations and remarks. *Perspectives on Peace and Conflict Research*, 197.
- Raftopoulos, Brian 2009. The crisis in Zimbabwe, 1998–2008. In: Raftopoulos, Brian and Alois S. Mlambo eds. *Becoming Zimbabwe: A history from the pre-colonial period to 2008*. Auckland Park, Jacana Media.
- Rosoux, Valerie 2008. Reconciliation as a peace building process: Scope and limits. In: Bercovitch, Jacob, Victor Kremenyuk, and William Zartman eds. *Handbook of Conflict Resolution*. London, Sage Publications.
- Sachikonye, Lloyd 2011. *When a state turns on its citizens: Institutionalised violence and political culture*. Auckland Park, Jacana Media.
- Salamon, Lester M. 2010. Putting the civil society sector on the economic map of the world. *Annals of Public & Cooperative Economics*, 81 (2), pp. 167–210.
- Sokwanele 2005. Operation Murambatsvina: An overview summary. Available from: <<http://www.sokwanele.com/articles/sokwanele/opmuramoverview18june2005.html>> [Accessed 16 May 2013].
- Sunday News Reporter 2015. Gukurahundi conspiracy of the West: VP Mphoko. Available from: <<http://www.sundaynews.co.zw/gukurahundi-conspiracy-of-the-west-vp-mphoko/>> [Accessed 7 April 2015].
- The Chronicle 2014. Shona teachers shouldn't teach in Bulawayo: Education minister agrees with Bulawayo residents. Available from: <<http://www.myzimbabwe.co.zw/news/412-shona-teachers-shouldn-t-teach-in-bulawayo-education-minister-agrees-with-byo-residents.html>> [Accessed 1 June 2014].
- The Zimbabwean 2014. Current call for Independent Commissioners. Available from: <<http://www.thezimbabwean.co/politics/71668/current-call-for-independent-commissioners.html>> [Accessed 5 April 2015].
- Villa-Vicencio, Charles 2000. Why perpetrators should not always be prosecuted: Where the International Criminal Court and truth commissions meet. Available from: <<http://heinonline.org/HOL/LandingPage?handle=hein.journals/emlj49&div=11&id=&page=>>> [Accessed 29 June 2014].

'We cannot reconcile until the past has been acknowledged'

Zimbabwe Independent 2013. Zanu Pf dissolves Jomic. Available from: <<http://www.theindependent.co.zw/2013/10/11/zanu-pf-dissolves-jomic/>> [Accessed 5 April 2015].

Zimbabwe National Statistics Agency 2012. Zimbabwe Population Census 2012: Provincial Report- Matabeleland North. Available from: <http://www.zimstat.co.zw/index.php?option=com_content&view=article&id=65:census> [Accessed 26 June 2014].

Transitional justice and peacebuilding in the Democratic Republic of the Congo^{**}

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Abstract

Almost two decades ago, the Democratic Republic of the Congo (DRC) was confronted with a vicious cycle of internationalised armed conflicts in which between six and ten million people are estimated to have been killed. Those conflicts were resolved through peace agreements between the leaders of the warring parties, leaving affected populations to their predicaments. From among the mechanisms during peace talks aimed at dealing with the past, the Congolese opted for an international ad hoc tribunal and a truth and reconciliation commission (TRC). Unfortunately, the United Nations was unwilling to establish such a tribunal in the DRC and the TRC put in place did not investigate a single case. Therefore, the DRC lost opportunities to hold accountable alleged perpetrators, establish the truth of the past, promote reconciliation, and prevent further violence. The subsequent resumption of conflict is the result of failing to address the past.

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After the stabilisation of the country, a combination of judicial and non-judicial mechanisms of transitional justice could respond to past abuses and contribute to the peacebuilding process in the DRC. Hence, this paper endorses as a judicial mechanism, in addition to the International Criminal Court (ICC), the establishment of a hybrid international tribunal to hold accountable those who bear the greatest responsibility for events since 1996. This paper also endorses the promotion of the non-judicial indigenous mechanism *Barza intercommunautaire* to help resolve low-level disputes and pave the way for a new TRC that could promote reconciliation, formulate recommendations on institutional reform, identify criteria for the lustration and vetting process, identify victims and recommend reparations.

Keywords: DRC, armed conflict, transitional justice, peacebuilding, TRC, *Barza intercommunautaire*

1. Introduction

For almost two decades (1996–2015), the DRC has been confronted with a vicious cycle of internationalised armed conflict in which horrendous human rights abuses and serious violations of international humanitarian law have been (and are still being) committed. Between six and ten million people have been killed as a result of various armed conflicts since 1996. Regarding the many peace efforts undertaken, there is hope in the eastern DRC that all national and foreign armed groups will be defeated by the DRC Armed Forces or *Forces Armées de la République Démocratique du Congo* (FARDC), fighting alone or in coalition with the Intervention Brigade of the UN mission in the DRC, and that the country will begin reconstruction efforts. After violent conflicts that have created hatred among people, in order to move on, the nation must be rebuilt. Various activities can help to transform the conflict into efforts to restore peace, which are described as peacebuilding.

Indeed, peacebuilding is a process involving diverse actors in government and non-governmental organisations to address the root causes of the conflicts, trying to prevent their recurrence in order to build a sustainable, peaceful future. According to ACCORD (2013:11), peacebuilding seeks to help people

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recover from, prevent, reduce and transform violence. Abdalla (2009:49) argues that peacebuilding refers also to rebuilding relationships that have broken down between conflicting parties.

The aim of this paper is to analyse the application of peacebuilding as an approach to dealing with past abuses through transitional justice mechanisms, because the situation 'requires a clean break from past injustices so as to prevent their recurrence' (Buckley-Zistel and Zolkos 2012:3).

In order to rebuild the country and achieve a sustainable peace, it is important for people to talk about what happened to them or their loved ones in order for victims to know the truth. Hence, Borello (2004:13) concurs that transitional justice seeks to restore the dignity of victims and to establish trust among citizens and between citizens and the state. Kerr and Mobekk (2007:3) agree that the aim of transitional justice is to contribute to sustainable peace and rebuild a society based on the rule of law. In this light, each transitional justice mechanism, De Greiff (2010:22) asserts, may have its own aim, but all of them pursue the goal of providing recognition to victims as individuals and as victims, but also, and most fundamentally, as bearers of rights.

The guiding question of this paper is how transitional justice mechanisms dealing with the past can contribute to a sustainable peacebuilding process in the DRC.

The paper begins with a brief review of the literature on peacebuilding in the DRC, followed by an analysis of the mechanisms of transitional justice. It then presents a brief overview of the different armed conflicts and high-level attempts at addressing the past. Next, continued challenges to dealing with the past are analysed, followed by a discussion of *Barza intercommunautaire*. Lastly, concluding remarks are presented.

2. Brief literature review on peacebuilding in the DRC

Only a small portion of the research on peacebuilding in the DRC focuses on the legacy of past abuses. Among those, the research conducted by Lotze, De Carvalho and Kasumba (2008:31) acknowledges that the DRC is confronting

many challenges, including a lack of national ownership of the peacebuilding process and a lack of capacity to implement coherent structures. Thus, authors find that sustainable peace will only be achieved when peacebuilding structures and activities are owned and driven by the Congolese people. Besides, the International Crisis Group (ICG 2009:13–19) identifies five priorities as part of a peacebuilding strategy for the eastern Congo. They are: implementing an effective anti-FDLR¹ strategy; refocusing Security Sector Reform (SSR) on results in the east; fostering reconciliation and human security; improving governance; and sustaining stabilisation of regional relations. These correspond with transitional justice mechanisms because defeating and disarming the FDLR will help to recover areas previously under their control and therefore restore state authority, promote reconciliation and improve security. The FARDC is an integrated army made up of various armed groups; the SSR will help the FARDC to improve its capacity (including training in international humanitarian law and human rights), strengthen the management of military justice and therefore, it is hoped, eradicate the culture of impunity. With regard to regional relations and the culture of impunity, Carayannis (2009:5–6, 13) finds that neglect of justice in efforts to build peace, non-compliance with peace agreements and bad faith in the bilateral relations between the DRC and Rwanda have foiled a number of attempts to resolve conflict. Therefore, she suggests that any efforts to address impunity in the DRC wars have to address Rwanda's role in them; and as long as efforts to build peace in the DRC neglect that relationship, these efforts will fail. In order to end the culture of impunity regarding crimes committed by members of armed groups and of the FARDC, Davis (2009:7, 24) observes that holding individual perpetrators to account, truth seeking, vetting and SSR as transitional justice approaches will establish trust among citizens and between citizens and the state. This is a more suitable way of dealing with the past than rewarding past abusers with important positions within public institutions.

In the DRC, as a result of armed conflict, development and reconstruction projects were blocked and hundreds of thousands of civilians were killed (and are still being killed) by members of foreign and domestic armed groups and

1 The Democratic Forces for the Liberation of Rwanda or *Forces Démocratiques pour la Libération du Rwanda* (FDLR).

members of foreign and national armies. Through peace agreements, members of armed groups who fought in the conflicts were promoted and integrated within the security forces without being held accountable for their deeds. Fighting against armed groups is still ongoing and crimes continue to be committed. In this regard, the ICC has prosecuted only a handful of perpetrators and very few at domestic level. Besides, the TRC established in 2003 ended in 2006 without success. Research undertaken mentions the lack of security, lack of capacity to deal with widespread violations, and lack of political will to enable the judiciary to try such cases as the most important obstacles to prosecutions in the DRC (Borello 2004:17–26; Savage 2006:6–7; Davis and Hayner 2009:25–27; OHCHR 2010:§1014–1018). With regard to the TRC, researchers conclude that it must be reactivated in order to establish the truth of what happened in the country (Borello 2004:45; Davis and Hayner 2009:22; OHCHR 2010:§1065–1069). Furthermore, the persistent public demand for truth and justice through different peace agreements provides another reason for conducting this research because the aim of transitional justice is to deal with the legacy of large-scale past abuses, address the root causes of armed conflicts and contribute to the processes of peacebuilding.

3. Transitional justice and the peacebuilding process in the DRC

The term ‘transitional justice’ appears to be the driver of political change and is characterised by legal responses to confront the legacies of past abuses (Teitel 2014:xi, 49). Indeed, in defining the notion of transitional justice, most scholars and practitioners have endorsed the definition provided by the former UN Secretary-General, Kofi Annan:

[T]he full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof (UNSC 2004:4).

As mentioned above, societies in transition may adopt a holistic approach of judicial and non-judicial mechanisms or combine them in order to respond to past abuses. Kofi Annan has suggested the following framework for transitional justice: criminal prosecutions, truth commissions, reparations, institutional reform, and a vetting or lustration process. As the list is not exhaustive, memorialisation, amnesty and traditional dispute settlement systems may also be considered.

Indeed, when moving from massive violations to a peaceful future, transitioning societies are often confronted by the dilemma of whether to impose criminal sanctions in pursuit of legal justice or employ non-criminal sanctions to facilitate reconciliation and rebuild the nation. Dealing with apartheid-era crimes, the Republic of South Africa (RSA) is considered worldwide to be the ultimate model of how a TRC can contribute to the promotion of national reconciliation. In this regard, the Epilogue of the Interim Constitution of the RSA provides that ‘there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization’ (Doxtader and Salazar 2007:5). Therefore, Sarkin-Hughes (2004:371) argues that ‘the TRC has helped to uncover at least some truth about what occurred in South Africa. It has helped to piece together some of the many human rights abuses that occurred. It has also imbued the new government with a degree of human rights respectability’. Besides, the process of granting individualised amnesty for politically motivated crimes has encouraged perpetrators to make full disclosure in order for victims or their dependants to know what really happened and to receive recognition by the new nation that they were wronged (*AZAPO and Others v President of the Republic of South Africa and Others* 1996 (8):§17). However, for those who did not apply or to whom amnesty was denied, the TRC recommended prosecution where evidence exists. Thus, the Office of the National Director of Public Prosecutions has investigated more than 400 post-TRC cases (Nerlich 2008:109). Unfortunately, at the time of writing there are survivors still waiting for justice, but there is no political will to bring this about. Consequently, some of the alleged perpetrators of injustice who were fighting against apartheid became senior politicians, and highly-placed

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figures of the apartheid regime retired in luxury. In the same way, Nabudere and Velthuisen (2013:46) argue that '[w]hat is significant, however, is that the engineers of apartheid and the violence mongers among the leadership of the liberation movement were not brought to justice'.

For these reasons, in the case of the DRC, the combination of judicial and non-judicial mechanisms of transitional justice seems to be a feasible way of responding to past abuses and contributing to the peacebuilding process.

Judicial mechanisms

Judicial mechanisms of transitional justice include national judicial prosecution, if national courts and tribunals have the capacity and if they are independent. Failing this, as was the case in the former Yugoslavia, in Rwanda and in Lebanon, the UN Security Council has a duty to establish an international ad hoc tribunal when crimes committed constitute a threat to international peace and security. There are also hybrid tribunals composed of international and local judges created by a treaty or an agreement between the UN and the government concerned. To this list can be added the International Criminal Court (ICC) exercising its jurisdiction when states are unwilling or genuinely unable to carry out the investigation or prosecution.

Among judicial mechanisms, there is a case to be made that, in addition to the ICC, the establishment of a hybrid international tribunal is crucial in order to hold accountable those who bear the greatest responsibility for planning or ordering atrocities in the DRC since 30 June 1960 and those who still commit such atrocities. This was among the recommendations of delegates to the Inter-Congolese Dialogue (ICD) held in Pretoria, South Africa, in 2002. Resolution No. DIC/CPR/05 of the ICD recommended that crimes under international law that had been committed since 30 June 1960 and those committed during the armed conflicts of 1996 and 1998 that remained unpunished be prosecuted by an ad hoc criminal court (ICD 2002). In his address to the UN General Assembly on 23 September 2003, President Kabila requested the establishment of an ad hoc international criminal tribunal for the DRC, but the UN was unwilling to do this (Mpongola 2010:182).

Indeed, the Rome Statute establishing the ICC came into force on 1 July 2002, with the determination to put an end to impunity. Its Preamble recalls ‘the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes’ by emphasising it as ‘complementary to national criminal jurisdictions’ (CPI-ICC 2011). The ICC exercises its jurisdiction over persons for war crimes, crimes against humanity, genocide (Article 5), and aggression committed only after 1 July 2002, in accordance with the principle of non-retroactivity *ratione personae* (Article 24). For this reason, the court cannot deal with crimes committed in the period between 1996 and June 2002. That is why in the context of the DRC the establishment of a hybrid international tribunal composed of international and Congolese judges remains crucial for dealing with crimes not covered by the ICC’s jurisdiction. However, the national judicial system will avoid dealing with the past for various reasons. The national courts and tribunals that have jurisdiction over international crimes are unable to investigate large-scale serious crimes and prosecute large numbers of perpetrators due to lack of capacity and insufficient budget, among other challenges. Invoking the peace-versus-justice dilemma, President Joseph Kabila stated that ‘he faced a difficult choice between justice and peace, stability, and security in eastern Congo. Then his choice was to prioritize peace’ (HRW 2010:14). Thus, attempts to postpone justice in favour of stability have prompted the government to promote Congolese warlords and grant them important positions within the government, the army and the police. Failing to hold to account former Congolese warlords, under whose command and authority crimes have been committed since 1996, has created a vicious cycle in which some of those integrated into the army and police deserted and enrolled in new rebel groups, hoping to be rewarded with high positions in exchange for laying down their arms.

Besides the lack of political will to hold those warlords to account, it should be borne in mind that some prosecutions against Congolese soldiers were made following international pressure regarding crimes committed in the latest conflict of the *Mouvement du 23 Mars* (M23). However, several of the judicial actors complained about injunctions and interference in the administration

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and delivery of justice (OHCHR 2010:424). Therefore, the Congolese national judicial system needs to be reformed because, as Savage (2006:6) argues, from the colonial courts to Mobutu's machinations to Kabila's use of the courts to undermine critical opponents, the Congolese judiciary has effectively functioned at the pleasure of the executive.

Non-judicial mechanisms

Non-judicial mechanisms of transitional justice include a TRC; a lustration or substitute criminal proceedings and vetting process; institutional reform; an amnesty process; reparations and building memorials.

Truth and Reconciliation Commission

Defining a TRC, scholars refer to the leading authority on the subject, Priscilla Hayner, whose definition appears sufficiently flexible:

A truth commission (1) is focused on past, rather than ongoing events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (Hayner 2011:11–12).

Lustration or substitute criminal proceedings and vetting process

A lustration or vetting process is also known as screening, disqualification or purging. A number of scholars and practitioners (Smith 2012:148–149; Nalepa 2011:2; Van Schaack and Slye 2010:6–9; Teitel 2000:164) describe lustration as a process to remove or limit access to public office in the cases of those who committed crimes in the past. As there is a risk of those removed from the security sector re-enrolling in rebel groups, projects of national interest must be established in order to integrate them. The vetting processes, as asserted by Kova (2007:54), calls for those involved in past human rights abuses to take individual responsibility.

Institutional reforms

Institutional reform, according to the International Center for Transitional Justice (ICTJ n.d.), is the 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. It can include many justice-related measures, such as vetting; structural reform; oversight; transforming legal frameworks; disarmament, demobilisation and reintegration; and education.

Amnesty process

The granting of an amnesty, Van Schaack and Slye (2010:978) argue, is one of the most common responses of governments to abuses by their own officials or by their opponents in order to move on. Amnesties provide an individual with immunity from legal accountability, usually both criminal and civil liability. However, they are irrelevant for crimes under international law because they are imprescriptible, or, they are not subject to any limitations of time for them to be prosecuted.

Reparations

All wrongful acts committed by warring parties (state and non-state actors) need reparation that may be in the form of restitution, compensation, rehabilitation, material or moral reparations, and so on. In this light, the leading opinion of the Permanent Court of International Justice (PCIJ) in the *Chorzów Factory* case outlines that '[i]t is a principle of international law that the breach of an engagement involves an obligation to make a reparation in an adequate form' (PCIJ 1927:21). Reparations are an important ingredient of reconciliation and post-conflict reconstruction, and consequently an important measure of transitional justice that allocates a direct benefit to the victims.

Building memorials

Building memorials or museums and monuments is part of symbolic reparations. According to Gavin Stamp, the idea behind them is that every single missing man or woman receives a permanent memorial (Stamp 2006:101). Memorial museums can serve to educate future generations, making them aware of past abuses and engaging them to avoid their recurrence, but memorial museums can also draw the attention of foreigners as historical sites.

4. Brief overview of different armed conflicts

This section provides a brief overview of different armed conflicts in the DRC from 1997 to the present day. The first conflict began in the eastern part of the former Republic of Zaire in 1996 with the *Alliance des Forces Démocratiques pour la Libération du Congo/Zaire* (AFDL). The AFDL was a coalition movement² created on 18 October 1996 that successfully overthrew the government of President Mobutu in May 1997 in an internationalised armed conflict backed by a coalition of African states including Angola, Burundi, Eritrea, Rwanda, Tanzania and Uganda (Nzongola-Ntalaja 2002:95–97; Nest 2006:23; Kisangani 2012:117–118). Soon after bringing Laurent-Desiré Kabila to power, some of his allies began looting the minerals of the country (gold, diamonds and coltan); as a result, in July 1998 President Kabila decided to order the return of foreign armies in the DRC to their respective countries. They refused, which greatly angered the president (Clark 2010:24). On the other hand, the Rwandan and Ugandan armies also responded belligerently and consequently, on 2 August 1998, they turned against Kabila and decided to back a new rebellion, or the second armed conflict in the DRC.

On 16 January 2001, President Kabila was assassinated and was succeeded by his son, Joseph Kabila, who immediately restarted the peace process. On 16 December 2002, a meeting was held in Pretoria where various elements/groups and entities involved in the Inter-Congolese Dialogue (ICD 2002) signed a Global and Inclusive Agreement on Transition in the DRC, commonly known as the Sun City Accord/Agreement. In the peace agreement, armed groups agreed to become integrated within the Congolese national army, in order to combine their efforts and to safeguard the sovereignty and territorial integrity of the DRC. Additional institutions supporting democracy were also set up, together with transitional institutions; among them was the TRC (*Commission Vérité et*

2 The coalition was arranged by the Rwandan government in Kigali between the heads of several rebel movements. These were André Kisase Ngandu who led the *Conseil National de la Résistance pour la Démocratie* (CNRD), Déogratias Bugera who led the *Alliance Démocratique des Peuples* (ADP), a young former Rwandan Patriotic Force member, Anselme Masasu Nindaga, and Laurent Kabila who led the *Parti de la Révolution du Peuple* (PRP). See Deibert (2013:55).

Réconciliation) (ICD 2003: Resolution No DIC/CPR/04). The peace agreement established the objective of an integrated Congolese national army, meant to include all the previously hostile forces (ICD 2003: Resolution No DIC/CDS/04).

Regrettably, General Laurent Nkunda, former commanding officer of the rebel group, the *Rassemblement Congolais pour la Démocratie* (RCD), refused the offer to become a general in the new integrated national army because he wanted to provide more protection to his ethnic tribe, the Banyamulenge. He had the support of several of the integrated soldiers under his previous command. In 2004, Nkunda created his own rebel group – named the *Congrès National pour la Défense du Peuple* (CNDP) – and began to fight against the transitional government in June of the same year; this marked the beginning of the third armed conflict. Rwanda is alleged to have played a crucial role in recruiting and delivering arms and equipment in preparation for the attack and to have participated in the fighting (Reyntjens 2009:214–215).

On 23 March 2009, a peace agreement was signed between the government of the DRC and the CNDP, or *Accord de Paix entre le Gouvernement et le CNDP*, commonly called *Accord de Paix du 23 Mars 2009* (RDC 2009). Unhappily, at the end of March 2012, former CNDP combatants deserted from the FARDC and from the national police to start a new rebellion, claiming that the DRC government had failed to implement the peace agreement of 23 March 2009. Besides, it is agreed that the conviction of Thomas Lubanga³ by the ICC on 14 March 2012 sparked renewed calls for Bosco Ntaganda to be arrested. Therefore, former combatants of the CNDP started a mutiny that resulted in the rebellion of M23. Born in Kinigi (Rwanda) in 1973, Ntaganda was part of the Rwandan military that fought for Laurent-Desiré Kabila's AFDL to topple President Mobutu in May 1997. Facilitated by Rwanda, he returned to the DRC to join the CNDP and thereafter was integrated into the FARDC and promoted

3 Thomas Lubanga was the Commander in Chief of the *Forces Patriotiques pour la Libération du Congo* and Bosco Ntaganda was the Army Chief of Staff. Lubanga was found guilty by the ICC of the war crime of conscripting and enlisting children under the age of 15, and using them to participate actively in hostilities in Ituri. Thereafter, international pressure was exerted upon the DRC government to execute the warrant of arrest against Ntaganga who was prosecuted for the on the same charges and transferred to the ICC. (HRW 2012).

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to the rank of brigadier-general. In April 2012, he initiated a mutiny that led to the formation of the M23 armed group. Ntaganda is alleged to have personally commanded operations in Ituri and Kiwanja that resulted in serious violations of human rights and of international humanitarian law (Stearns 2013:1–3).

In North Kivu, the mutiny by former CNDP elements, which began in April, expanded. On 6 May, a communiqué was published announcing the creation of M23 by a decision of the military wing of CNDP as a result of what it claimed was the Government's failure to implement the peace agreements of 23 March 2009 (UNSC 2012:3).

In early November 2013, the M23 was defeated by the FARDC in a joint military operation assisted by the Intervention Brigade, operating under direct command of the Commander of the UN Forces in the DRC.⁴ The Intervention Brigade was established by Resolution 2098 (2013) of the UNSC (2013:6), following the initiative of sub-regional organisations such as the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC), in order to neutralise armed groups in the eastern DRC and therefore reduce their threat to state authority. Factors that may explain the military defeat of M23 include: international pressure and sanctions against Rwanda and Uganda, which allegedly supported M23; internal reorganisation and restructuring of the Congolese army; and the internal leadership struggles within M23 (Sadiki 2014:2). The voluntary surrender of Bosco Ntaganda to the United States Embassy in Rwanda, where he requested a transfer to the ICC, and the *communiqué* of the ICC Prosecutor announcing that the situation in the eastern DRC was being monitored and that high-level perpetrators of mass atrocities would be held liable for their actions, could also be factors.

Furthermore, during different stages of the armed conflicts described above, warlords were involved in serious human rights violations and had a hand in the commission of crimes against humanity and war crimes (Nest 2006:12). The next section analyses high-level attempts to address the legacies of the conflict.

4 The United Nations Organization Stabilization Mission in the DRC, or *Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo* (MONUSCO).

5. High-level attempts to address the past

As analysed by the ICTJ (2011:2), the scale and impact of violations require solutions that not only provide a meaningful measure of justice for very large numbers of victims but that also help reconstruct the basic element of trust between citizens and government institutions, which is necessary for the rule of law to function effectively. Among the attempts to deal with the past, the following may be mentioned.

The first initiative was the *Conférence Nationale Souveraine* (CNS) in 1991 dealing with the issues of justice, accountability and good governance. Unfortunately, it failed in its main goal because President Mobutu's collaborators did not want to face the truth and account for crimes, mismanagement and all kinds of violations against the Congolese people (Tunamsifu 2011:54).

The second was the Global and Inclusive Agreement on Transition in the DRC that opted for the creation of the TRC, created by law on 30 July 2004.⁵ Unfortunately, by the end of the transitional period, it had not opened a single enquiry due to a lack of political will and continuing insecurity in the country.

The third initiative was the transitional government's referral of crimes (ICC-OTP 2004) within the jurisdiction of the ICC committed anywhere in the territory of the DRC after the Rome Statute came into force on 1 July 2002. To date, the court has limited its activities by prosecuting only a handful of perpetrators out of thousands, if not millions. These include four warlords in the Ituri District and two leaders of the FDLR.

The fourth initiative was the 2008 *Conférence sur la Paix, la Sécurité et le Développement dans les Provinces du Nord-Kivu et du Sud-Kivu* that led to the signing of the *Acte d'Engagement* between the government and rebel groups such as the CNDP and the *Patriotes Résistants Congolais* (PARECO) (RDC 2008). At that conference the parties agreed on the possibility of a new TRC, but because the CNDP violated the cease-fire, the initiative was not implemented.

5 Loi N°/04/018 du 30 Juillet 2004 portant organisation, attributions et fonctionnement de la Commission Vérité et Réconciliation.

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The fifth was the peace agreement signed on 23 March 2009 between the government and the CNDP. Article 4(1) of *Accord de Paix du 23 Mars 2009* (RDC 2009) provides that ‘the Parties undertake to maintain a dynamic of reconciliation, of pacification of hearts and minds, as well as of good inter-cohabitation as a requirement essential for good governance’.⁶ On 14 March 2012, the ICC found Thomas Lubanga guilty of war crimes – enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities. Thereafter, on 10 July 2012, he was sentenced to a total of 14 years’ imprisonment (ICC-01/04-01/06-2901:\$107 2012). Consequently, Bosco Ntaganda (who was his general) was integrated into the FARDC, deserting from the National Army and claiming that the government of the DRC had failed to fully implement the peace agreement of 23 March 2009.

The sixth initiative was the Peace, Security and Cooperation Framework for the DRC and the region, signed on 24 February 2013. In this framework, the government of the DRC renewed commitments to reform the security sector, consolidate state authority and further the agenda of reconciliation, tolerance and democratisation, among other things. Member states of the region also renewed their commitment not to interfere in the internal affairs of neighbouring countries, and to facilitate the administration of justice through judicial cooperation within the region (PSC Framework 2013:2–4). On 24 July 2013 the general auditor of the FARDC issued three international arrest warrants. The government of the DRC sent these arrest warrants through diplomatic channels to the Rwandan authorities, requesting the extradition of former M23 rebels for insurrection, war crimes and crimes against humanity. However, on 8 August 2013 Rwanda refused to extradite these warlords due to the continued existence of the death penalty in the DRC. According to the Rwandan Minister of Foreign Affairs and Cooperation, Louise Mushikiwabo (2013), ‘One of the challenges we must address is how to extradite people to a country that still has the death penalty when we abolished it’.

6 Translated from the original French: «Les parties s’engagent à entretenir une dynamique de réconciliation, de pacification des cœurs et des esprits, ainsi que de bonne cohabitation intercommunautaire en tant qu’exigence primordiale de bonne gouvernance».

The seventh was the Joint ICGLR-SADC Final Communiqué on the Kampala Dialogue⁷ between the government of the DRC and M23, under the facilitation of Dr Crispus Kiyonga on behalf of President Museveni. The capitulation of M23 in November 2013 did not prevent the signing of separate declarations by the government of the DRC and by M23, which were combined in the Joint Final Communiqué. The parties thus agreed, among other commitments, to ‘national reconciliation and justice’ (ICGLR-SADC 2013:2).

The situation in the DRC demonstrates that civilians continue to pay the price of various armed conflicts, as they cannot defend themselves. From the above, it can be deduced that the need for the past to be officially recognised and publicly revealed is crucial because most of the mechanisms adopted by the Congolese during peace talks have not yet been implemented and those who bear the greatest responsibility have not yet been brought to justice. The reactivation of the TRC remains a need; however, at the time of writing the political will to do this was still not manifest and in the prevailing context, the ongoing fighting between some national and foreign armed groups does not allow such a process to take place.

6. Continued challenges to dealing with the past

Those Congolese who were directly or indirectly victims in the DRC continue to suffer from massive violations of human rights and of international humanitarian law due to the cycles of armed conflict. In order to move from such a situation to a peaceful future, there is a need to establish mechanisms that would hold perpetrators to account, reveal the truth about what happened and reconcile the nation. An ‘unreconciled’ society, De Greiff (2010:25) argues, is one in which resentment characterises the relations between citizens and between citizens and their institutions. Therefore, it is one in which people experience anger because their norm-based expectations have been threatened or defeated.

7 The Joint ICGLR-SADC Final Communiqué on Kampala Dialogue was signed by the Chairpersons of ICGLR, H.E. President of Uganda Yoweri Kaguta Museveni, and H.E. President of Malawi Joyce Banda, in Nairobi on 12 December 2013.

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Indeed, in a stable country, prosecution and punishment of individuals accused of any single crime in the territory of every state is the best way to enforce national criminal laws and therefore promote the rule of law. According to Burchell and Milton (1991:1), 'some forms of conduct are so deeply disapproved of as to cause the community to believe that some form of retaliation should be taken against those who engage in such conduct'. In this regard, Article 2 of the Congolese Criminal Code of 2004 provides that transgressions committed in the territory of the DRC be punished in accordance with the law.⁸ Besides, Boraine (2000:281) asserts that 'prosecutions are a guard against impunity and the risk of future violations'. That is why Burchell and Milton (1991:2) state that detection and apprehension of persons who contravene criminal law may bring them to punishment that involves the infliction of pain or suffering.

However, retributive criminal justice in the DRC cannot be the only way to respond to crimes; there is a need for the past to be officially recognised and publicly revealed, so that people can reconcile with the past and victims can be rehabilitated and compensated. In this way, Raoul Alfonsin (cited by Olson 2006:294) argues that 'punishment is one instrument, but not the sole or even the most important one, for forming the collective moral conscience'. That is why court proceedings, as pointed out by Giannini et al. (2009:6), may not be the best vehicle to uncover the truth, since it is generally in the defendant's interest to deny guilt in order to evade culpability.

Indeed, in addressing widespread mass violations of human rights and of international humanitarian law it seems impossible that everyone will have a fair trial. The Office of the UN High Commissioner for Human Rights assesses that 'the number of violations reaching the threshold of crimes under international law is so high that even a properly functioning justice system working at full capacity would not be able to handle such a large number of cases' (OHCHR 2010:450). Hence, alternative mechanisms to criminal law could be a suitable means for the DRC to re-establish peace and promote reconciliation between divided people in the eastern DRC that will lead to a shared future. In a deeply

8 Translated from the original French: '*L'infraction commise sur le territoire de la République est punie conformément à la loi. Code Pénal Congolais Journal Officiel de la RDC n° Spécial du 30 Novembre 2004.*

divided society, Boraine (2000:282) argues, punishment cannot be the final word if healing and reconciliation are to be achieved. Hayner (2011:8) points out that '[m]any attempts to prosecute and punish those responsible for severe abuses under a prior regime have seen little success'.

Thus, in dealing with past abuses, the continued challenges can be understood as follows: since 1996, widespread crimes have been committed in the DRC, but the UN was unwilling to establish an ad hoc tribunal to deal with them. The Congolese judiciary lacks the capacity to deal with widespread violations, and it does not have the political will to hold warlords to account. The ICC has prosecuted only a handful of perpetrators and the original TRC failed to investigate a single case. At the time of writing, the population is still waiting to know the truth about past abuses, but unfortunately conflict amongst armed groups is still ongoing and crimes continue to be committed.

7. *Barza intercommunautaire*⁹

This section analyses the importance of the *Barza Intercommunautaire* dealing with conflicts at the grassroots level in the North Kivu Province. The North Kivu Province has nine major ethnic groups (Hunde, Hutu, Kano, Kumu, Nande, Nyanga, Tembo, Tutsi and Twa), who share a local indigenous mechanism for preventing and solving low-level conflicts. In French, the *lingua franca* of the area, this mechanism is called *Barza communautaire*. But there are different names in the local languages, for example *Kyaghanda* in the Nande community and *Bushenge* in the Hunde community. These indigenous groups are combined in a super-organ at the provincial level called *Barza intercommunautaire* that helps to resolve low-level disputes before they escalate into violent conflicts. It is composed of elected wise men from the different communities who meet with the purpose of treating common problems: preventing and settling disputes between communities; healing the wounded after conflict; and promoting harmony in the society. Thus, *Barza intercommunautaire* tends to deal with interethnic conflicts, and is encouraged by both traditional and political authorities.

9 See Velthuizen and Tunamsifu 2014.

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Between 1998 and early 2004, the *Barza* structures generally succeeded in resolving ethnic disputes in North Kivu, particularly those over land ownership, ensuring there were few cases of ethnic violence in its sphere of influence.

The work of *Barza intercommunautaire* was very helpful for the North Kivu communities in setting up dialogue to solve common issues and deal with interethnic conflicts. It should be re-activated and restructured in order to sensitise all ethnic groups, rebuild communities affected by different rebellions, consolidate peace, reconciliation and development, and provide support to the TRC. However, for the *Barza intercommunautaire* to be able to prevent and resolve conflict and heal the wounded, the leaders should be independent of political parties to avoid political manipulation. Besides, every community must show a gender balance: for every male delegate, there must be a female delegate. Its budget must be supported by the government and donations from partners, and its organs must be decentralised in all six territories that constitute the North Kivu province, dealing directly, for example, with the land conflicts that have become an obstacle to good neighbourliness.

As a mechanism of conflict transformation in the North Kivu Province, the *Barza intercommunautaire* is needed in the peacebuilding process, to address the root causes of violence before, during and after violent conflict. Its ceremonies contain the acknowledgment of wrongful acts, a request for forgiveness, a promise not to repeat the offence, and rituals of purification. In facilitating peace and reconciliation between parties in the conflict, the '*Barza* involves disputants engaging one another through dialogue and ritual – usually under a tree, sharing food and drinking from a common calabash' as Villa-Vicencio, Nantulya and Savage (cited by Kamwimbi 2008:359–391) point out. Therefore, it is important that the *Barza intercommunautaire* is prioritised, promoted and restructured for its noble mission. In addition, it will sensitise all affected ethnic groups about pacification and reconciliation in order for the population to own the work of the requested TRC.

Because the original TRC failed to investigate even a single case, there is a need to establish a new TRC in response to the different peace agreements signed. In order not to replicate the problems of the previous TRC, and before the

new commission is implemented, conflict must be resolved, security restored, capacity and resources made available and the rulers engaged with political will. It is important that such a TRC be established after the 2016 presidential and parliamentary elections – even if Joseph Kabila remains in power beyond his constitutional mandate of two terms.

8. Concluding remarks

Since 1996 when various armed conflicts began, many peace agreements have been signed between warring parties. Various crimes have been committed, but unfortunately the affected population is still waiting to know the reasons behind those atrocities, the truth about what happened to them and/or loved ones, and for reconciliation, compensation and the prevention of further violence.

Instead of perpetrators being held accountable, they have been promoted and granted important positions within the government, the army and the police. The TRC established in 2004 with the mission to establish the truth and promote peace, justice, reparation, forgiveness and reconciliation did not open a single enquiry. Consequently, the root causes of armed conflicts have not yet been addressed, with the result that the DRC remains trapped in a cycle of armed conflict. In this regard, Newman (2002:35) observes that ‘[i]f impunity remains, the social divisions remain open and volatile; if the state has not granted a public acknowledgement of the wrongs of the past, these wrongs constitute a continuing affront to society’.

Justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. Advancing all three in fragile post-conflict settings requires strategic planning, careful integration and sensible sequencing of activities. Approaches focusing only on one or another institution, or ignoring civil society or victims, will not be effective (UNSC 2004:4).

The implementation of the national development plans requires a minimum of trust in institutions by the public. To respond to past abuses and address the needs and demands of victims, transitional justice measures may help to address the root causes of the various armed conflicts that continue to devastate the Congolese population.

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Judicial mechanisms operating through hybrid criminal courts may hold accountable those who bear the greatest responsibility, and provide reparations for victims. The TRC may provide an opportunity to promote national reconciliation; in addition, it may assist the perpetrators of atrocities to apologise, seek forgiveness and be sentenced to symbolic sanctions. The indigenous organ of *Barza intercommunautaire* may be helpful in the process of reintegration and the promotion of pacification. To avoid the risk that those removed from the security service sectors might become disputatious militias, a national service programme could be established. People removed from public institutions can be involved in agricultural and/or other projects that contribute to national development.

Finally, in order to address the root causes of various armed conflicts and to put an end to the persistent violations of human rights and international humanitarian law, international, regional and national actors should understand that political solutions between warring parties or top-down state building have shown their limitations. It is time to address the root causes of armed conflicts at the local level by involving the affected population, a bottom-up approach.

Sources

- Abdalla, Amr 2009. Basic principles of peace and conflict. In: University for Peace. *Peace education: Islamic perspectives. Curriculum/Teaching module for Asia and the Pacific programme*. Rawalpindi, Pakistan, Printing Avenue House. pp. 22–52.
- ACCORD (African Centre for the Constructive Resolution of Disputes) 2013. *ACCORD peacebuilding handbook*. 1st edition. Durban, ACCORD.
- AZAPO (Azanian People's Organisation) and Others v President of the Republic of South Africa and Others 1996 (8) BCLR 1015 (CC).
- Boraine, Alex 2000. *A country unmasked: Inside South Africa's Truth and Reconciliation Commission*. Cape Town, Oxford University Press.
- Borello, Federico 2004. *A first few steps in the long road to a just peace in the Democratic Republic of Congo*. New York, ICTJ.
- Buckley-Zistel, Susanne and Magdalena Zolkos 2012. Introduction: Gender in transitional justice. In: Buckley-Zistel, Susanne and Ruth Stanley eds. *Gender in transitional justice*. London, Palgrave Macmillan.
- Burchell, Jonathan and John Milton 1991. *Principles of criminal law*. 1st edition. Cape Town, Juta.

- Carayannis, Tatiana 2009. The challenge of building sustainable peace in the DRC. Switzerland: Henry Dunant Centre for Humanitarian Dialogue. Available from: <http://www.hdcentre.org/uploads/tx_news/69DRCPaper.pdf> [Accessed 3 February 2015].
- Clark, Phil 2010. *The Gacaca courts, post-genocide justice and reconciliation in Rwanda: Justice without lawyers*. New York, Cambridge University Press.
- CPI-ICC (Cour Pénale Internationale – International Criminal Court) 2011. *Rome Statute of the International Criminal Court 1998 (last amended 2010)*. Enschede, Print Partners Ipskamp.
- Davis, Laura 2009. Justice-sensitive security system reform in the Democratic Republic of Congo. Initiative for peacebuilding. Available from: <http://www.initiativeforpeacebuilding.eu/pdf/Justice_Sensitive_Security_System_reform_in_the_DRC.pdf> [Accessed 3 February 2015].
- Davis, Laura and Priscilla B. Hayner 2009. *Difficult peace, limited justice: Ten years of peacemaking in the DRC*. New York, ICTJ.
- De Greiff, Pablo 2010. A normative conception of transitional justice. *Politorbis*, 50 (3), Federal Department of Foreign Affairs, pp. 17–30.
- Deibert, Michael 2013. *The Democratic Republic of Congo: Between hope and despair*. London, Zed Books.
- Doxtader, Erik and Philippe-Joseph Salazar 2007. *Truth and reconciliation in South Africa: The fundamental documents*. Cape Town, Interpak Books.
- Giannini, Tyler, Susan Farbstein, Samantha Bent, Miles Jackson and John Kani 2009. *Prosecuting apartheid-era crimes? A South African dialogue on justice*. Boston, MA, Harvard University Press.
- Hayner, Priscilla B. 2011. *Unspeakable truths: Transitional justice and the challenge of truth commissions*. 2nd edition. New York, Routledge.
- HRW (Human Rights Watch) 2010. *Seductions of ‘Sequencing’: The risks of putting justice aside for peace*. New York, HRW.
- HRW, 2012. DR Congo: Rwanda Should Stop Aiding War Crimes Suspect. Available from <<http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aidi>> [Accessed on 11 June 2012].
- ICC-01/04-01/06-2901 (International Criminal Court) 2012. *Prosecutor v. Thomas Lubanga Dyilo*, Decision on Sentence pursuant to Article 76 of the Statute.
- ICC-OTP 2004. Prosecutor receives referral of the situation in the Democratic Republic of Congo. Available from: <http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/2004/Pages/prosecutor%20receives%20referral%20of%20the%20situation%20in%20the%20democratic%20republic%20of%20congo.aspx> [Accessed 1 April 2015].
- ICD (Inter-Congolese Dialogue) 2002. *Global and inclusive agreement on transition in the DRC: Inter-Congolese Dialogue – Political negotiations on the peace process and on transition in the DRC (2002)*. Available from: <http://www.issafrica.org/AF/profiles/DR Congo/icd/transgmt.pdf> [Accessed 15 May 2011].

Transitional justice and peacebuilding in the Democratic Republic of the Congo

- ICD 2003. *Inter-Congolese political negotiations – The final act*. Signed by the participating parties at the Inter-Congolese Dialogue, Sun City, South Africa, 2 April 2003.
- ICG (International Crisis Group) 2009. Congo: Five priorities for a peacebuilding strategy. Crisis Group Africa Report No. 150, 11 May. Available from: <http://www.observatori.org/paises/pais_57/documentos/150_congo____five_priorities_for_a_peacebuilding_strategy.pdf> [Accessed 3 February 2015].
- ICGLR (International Conference on the Great Lakes Region) and SADC (Southern African Development Community) 2013. Joint ICGLR-SADC Final communiqué on the Kampala Dialogue 2013. Available from: <http://www.sadc.int/files/8813/8718/4199/COMMUQUE_ENGLISH0001.pdf> [Accessed 13 December 2013].
- ICTJ (International Center for Transitional Justice) 2011. Transitional justice in the United Nations Human Rights Council. Available from: <<https://www.ictj.org/sites/default/files/ICTJ-Global-TJ-In-HRC-2011-English.pdf>> [Accessed 24 April 2012].
- ICTJ no date. Institutional reform. Available from: <<http://ictj.org/our-work/transitional-justice-issues/institutional-reform>> [Accessed 31 May 2013].
- Kamwimbi, Theodore Kasongo 2008. Between peace and justice: Informal mechanisms in the DR Congo. In: Aertsen, Ivo, Jana Arsovska, Holger-C. Rohne, Marta Valiñas and Kris Vanspauwen eds. *Restoring justice after large-scale violent conflicts: Kosovo, DR Congo and the Israeli-Palestinian case*. Cullompton, UK, Willan Publishing.
- Kerr, Rachel and Erin Mobekk 2007. *Peace and justice: Seeking accountability after war*. Cambridge, Polity Press.
- Kisangani, Emizet François 2012. *Civil wars in the Democratic Republic of Congo 1960–2010*. London, Lynne Rienner.
- Kova, Maja 2007. Vetting as an element of institutional reform and transitional justice. *Institute of Criminological and Sociological Research*, [Belgrade] XXVI (1–2), pp. 53–75.
- Lotze, Walter, Gustavo Barros de Carvalho and Yvonne Kasumba 2008. *Peacebuilding coordination in African countries: Transitioning from conflict case studies of the Democratic Republic of the Congo, Liberia and South Sudan*. Occasional Paper Series, Volume 3, Number 1. Durban, ACCORD.
- Mpongola, Diku D. 2010. Dealing with the past in the DRC: The path followed? In: Politorbis *Dealing with the past*. Bern, Federal Department of Foreign Affairs. pp. 181–184.
- Mushikiwabo, Louise 2013. Rwanda's Foreign Minister discusses DRC extraditions, FDLR and evicted Rwandans from Tanzania. Available from: <http://www.minaffet.gov.rw/index.php?id=886&tx_ttnews%5Btt_news%5D=593&cHash=c701d6cfd062606f7f0ea3733dd52bfc> [Accessed 9 September 2013].
- Nabudere, Dani Wadada and Andreas Velthuisen 2013. *Restorative justice in Africa: From trans-dimensional knowledge to culture of harmony*. Pretoria, Africa Institute of South Africa.
- Nalepa, Monika 2011. Lustration as a trust-building mechanism? Transitional justice in Poland. Available from: <http://www3.nd.edu/~mnalepa/index_files/13%20Lustration%20as%20a%20trust%20building%20mechanism.pdf> [Accessed 28 March 2013].

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- Nerlich, Volker 2008. The contribution of criminal justice. In: Du Bois, François and Antje Du Bois-Pedain eds. *Justice and reconciliation in post-apartheid South Africa*. Cambridge, Cambridge University Press. pp. 90–115.
- Nest, Michael 2006. *The Democratic Republic of Congo: Economic dimensions of war and peace*. Boulder, CO, Lynne Rienner.
- Newman, Edward 2002. Transitional justice: The impact of transnational norms and the UN. In: Newman, Edward and Albrecht Schnabel eds. *Recovering from civil conflict: Reconciliation, peace and development*. London, Frank Cass. pp. 31–50.
- Nzongola-Ntalaja, Georges 2002. Civil war, peacekeeping, and the Great Lakes Region. In: Laremont, Ricardo René ed. *The causes of war and the consequences of peacekeeping in Africa*. No city, Heinemann. pp. 91–115.
- OHCHR (Office of the High Commissioner for Human Rights) 2010. Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003. Available from: <www.genocidewatch.org/images/DRC10_06_xx_Report_Draft_Democratic_Republic_of_the_Congo_1993-2003.pdf> [Accessed 18 June 2014].
- Olson, Laura M. 2006. Provoking the dragon on the patio – matters of transitional justice: Penal repression vs. amnesties. *International Review of the Red Cross*, 88 (862), pp. 275–294.
- PCIJ (Permanent Court of International Justice) 1927. *Case concerning the Factory Chorzów*. Publications of the Permanent Court of International Justice. Series A. –N0.9.
- PSC Framework 2013. Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region. Available from: <<http://www.peaceau.org/uploads/scanned-on-24022013-125543.pdf>> [Accessed 22 September 2014].
- RDC (République démocratique du Congo) 2008. *Acte d'Engagement du 23 Janvier 2008*.
- RDC 2009. *Accord de Paix entre le Gouvernement de la RDC et Congrès National pour la Défense du Peuple (CNDP) du 23 mars 2009 à Goma*.
- Reyntjens, Filip 2009. *The great African war: Congo and regional geopolitics, 1996–2006*. Cambridge, Cambridge University Press.
- Sadiki, Koko 2014. The *Mouvement du 23 Mars* and the dynamics of a failed insurgency in the Democratic Republic of Congo. *South African Journal of International Affairs*, 21 (2), pp.1–18.
- Sarkin-Hughes, Jeremy 2004. *Carrots and sticks: The TRC and the South African amnesty process*. Antwerp, Intersentia.
- Savage, Tyrone 2006. *In quest of a sustainable justice: Transitional justice and human security in the DRC*. Pretoria, Institute for Security Studies.
- Smith, Christoffel Lodewikus 2012. *The rise and fall of war crimes trials: From Charles I to Bush II*. New York, Cambridge University Press.
- Stamp, Gavin 2006. *The memorial to the missing of the Somme*. London, Profile Books.

Transitional justice and peacebuilding in the Democratic Republic of the Congo

- Stearns, Jason 2013. *Strongman of the eastern DRC: A profile of General Bosco Ntaganda*. Rift Valley Institute Briefing. Available from: <http://riftvalley.net/publication/strongman-eastern-drc#.VCE6_WNcNWI> [Accessed 11 July 2014].
- Teitel, Ruti G. 2000. *Transitional justice*. New York, Oxford University Press.
- Teitel, Ruti G. 2014. *Globalizing transitional justice: Contemporary essays*. New York, Oxford University Press.
- Tunamsifu, Shirambere P. 2011. Culture of peace I: Conflict resolution, peace and law. Master curriculum development designed in the field of Peace and Conflict Studies. San José, UN-affiliated University for Peace.
- UNSC (United Nations Security Council) 2004. *Report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616)*. Available from: <<http://www.unrol.org/files/2004%20report.pdf>> [Accessed 10 August 2010].
- UNSC 2012. *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the DRC (S/2012/838)*. Available from: <<http://reliefweb.int/sites/reliefweb.int/files/resources/N1257423.pdf>> [Accessed 30 April 2013].
- UNSC 2013. *Resolution 2098 (2013)*. Adopted by the United Nations Security Council at its 6943rd meeting on 28 March 2013. [on extension of the mandate of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) until 31 Mar. 2014], 28 March 2013, S/RES/2098 (2013). Available from: <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2098.pdf> [Accessed 16 June 2013].
- Van Schaack, Beth and Ronald C. Slye 2010. *International criminal law and its enforcement: Cases and materials*. 2nd edition. St. Paul, MN, West Academic Publishing.
- Velthuizen, Andreas G. and Shirambere P. Tunamsifu 2014. Post-conflict reconstruction in the Eastern DRC: Current prospects for sustainable peace (working paper).

Informal peacebuilding initiatives in Africa: Removing the table

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Abstract

This article interrogates the practicability and efficacy of arts-based methods for peacebuilding as opposed to the formal negotiating table within African grassroots communities. It problematises the application of western liberal peace models at grassroots level. The article reviews and locates itself within the broader discourse of alternative or informal peacebuilding. Using the case study of Rwandan post-genocide dramatic reconstructions, the article illustrates specific participatory theatre techniques extracted from the applied theatre field and how these can be employed for peacebuilding at grassroots level. The article argues for a safe, aesthetic space, created by theatre as critical to peacebuilding activities. To give a rounded overview, the article finally reflects on potential disadvantages and controversies of using participatory theatre for peacebuilding and concludes that creative arts-based methods offer practical, inclusive, inexpensive space conducive for organic peacebuilding at grassroots level.

Keywords: grassroots, peacebuilding; African communities, participatory theatre, Rwanda, genocide

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All theatre is necessarily political ... and those who try to separate theatre from politics try to lead us into error and this is a political attitude (Augusto Boal 1979:x).

Introduction

Whilst theories of peacebuilding are ample and studies of their successes and limitations are abundant, more attention needs to be given to the role and efficacy of arts-based approaches to conflict resolution within post-conflict communities. The article discusses participatory theatre as an alternative and informal method for post-conflict peacebuilding within grassroots communities. The author does not claim that creative arts should be exclusive to grassroots communities; indeed they can be used in other formal settings such as simulations training. The main argument here is that arts-based mechanisms have great significance for grassroots communities.

To begin, the article provides a grounding framework about peacebuilding and where it is placed within the cycle of conflict. It then offers a brief overview of modern conflicts in Africa before it locates itself within alternative or informal peacebuilding discourse. The article then responds to the central question as to why participatory theatre should be employed for post-conflict reconstruction. It then assesses its applicability through the Rwandan post-genocide case study, as reported by Breed (2008). The article then addresses concerns of efficacy of theatre in peacebuilding work; and also describes shortcomings of formal mediation within grassroots settings before it offers its final conclusions.

The fundamental definition of participatory theatre refers to the use of theatrical techniques to sensitise the masses in order to raise their consciousness around particular issues with the hope of social action (Prentki 2009). Participatory theatre uses theatrical methodology to help people understand and rehearse solutions to their problems through addressing personal needs and socio-political concerns of a given group (Savidge 2012). It is acknowledged here that participatory theatre techniques overlap with other disciplines such as psychology, sociology and psychiatry (Blatner 2007), hence theatre techniques in this article will not be explained for their own sake, but as they interact with these disciplines and are applicable to peacebuilding.

Theoretical grounding

The article is framed by an understanding of Lund's (1996) conflict curve which locates peacebuilding within the conflict cycle. The practice of peacebuilding is located within the de-escalation phase of the conflict, at the back-end of the bell-shaped curve of the conflict course, where violence subsides and reconciliation begins.¹ The article also uses Lederach's model of peacebuilding, where he outlines: structure; process; relationships; resources and coordination as basic stages of peacebuilding practice. These stages indicate that people need the opportunity for 'an encounter to express with one another the trauma of loss, grief, anger, pain and the memory of injustice' (Lederach 1997:28).

Peacebuilding is thus understood as proactive reconciliation that seeks an encounter after conflict or violence, 'where people can focus on their relationships and share their feelings and experiences with one another with the goal of creating new perceptions and a new shared experience' (Lederach 1997:30).

The article thus asks: Which specific participatory theatre techniques can peace practitioners employ at grassroots level? How effective is participatory theatre in peacebuilding and conflict resolution within grassroots settings? The article contributes to the discourse by making an evaluation of how participatory theatre forms a pedagogy for peace practice.

Brief overview of conflicts in Africa

No less than 28 sub-Saharan African states have experienced conflict since 1980 (Shah 2014). These include Angola, Burundi, Democratic Republic of the Congo, Côte d'Ivoire, Eritrea and Ethiopia, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Sudan and South Sudan, Uganda and Zimbabwe. Some of these are currently on-going whilst others are recurring periodically.

1 Lund's (1996) curve of conflict shows how conflicts typically evolve over time and how different phases of conflict relate to one another. The bell shows an escalation from stable peace to growing hostility, increasing tension, and then the outbreak of violence. The mid-phase of the curve is where violent conflict peaks and then begins to subside. The back-end of the curve shows the de-escalation of conflict.

Conflicts in Africa have been attributed to legacies of slavery, colonialism and the scramble for Africa, which left divided societies with artificial boundaries and borders, the re-invention and codification of African traditions and customs, tribalism, one-party state systems, unequal international trade, International Monetary Fund/World Bank policies on economic structural adjustment, neo-colonialism and crippling debt. It is in this situation of civil unrest that this article attempts to promote the use of arts-based, informal peacebuilding in African grassroots communities.

Previous research

Although arts-based peace initiatives may not constitute the mainstream, there is literature that appreciates their efforts. Despite being marginalized, there is a growing body of literature illustrating the intersection between the arts and their role in post-conflict resolution. The article adds to this discourse by elaborating specific participatory theatre techniques for use in peacebuilding.

Many conflict mediation organisations do not have arts-based mechanisms in place. This is because arts are perceived as ‘soft’, compared to the ‘hard’ issues of conflict and violence. Therefore, peacebuilding practitioners have tended to come from the social and political sciences rather than from the arts and humanities fields (Shank and Schirch 2008).

Shank and Schirch (2008) are considered to be in the vanguard in shaping the conceptual framework behind strategic arts-based peacebuilding. Shank and Schirch (2008) note that there is still very little solid theory, empirical research, or evaluation of arts-based peacebuilding compared to the mainstream liberal peace models. However, whilst Shank and Schirch (2008) allude to the use of a variety of the arts, including: hip-hop music, mural painting, spoken word, documentary filmmaking, agitprop, installation art, and chants. This article is distinct in that it elaborates specific participatory theatre techniques. It examines these techniques with the aim of equipping practitioners without specialised knowledge in the applied theatre paradigm.

Major peacebuilding theories provide for the systemic dimension in the peacebuilding process, but rarely integrate cultural and practical indigenous

methodologies (Amollo 2008). Hence local culture and indigenous knowledges are ignored within mainstream peacebuilding and this can be dis-empowering to communities. The use of participatory theatre in peacebuilding therefore aims at creating bottom-up approaches that take into account indigenous knowledge and practices.

Peacebuilding scholar Lederach (1997) asserts that any peacebuilding work must start with narrating events of the past and what happened during the conflict. Acknowledgement through hearing one another's stories validates their experiences of each and is a way of moving forward. Furthermore, the story forms a basis for organising human experiences and reveals not only that which is already known, but that which is there but not yet understood (Booth 1994). This article finds an anchor in these assertions because the use of story in peacebuilding is an ice-breaker which precedes deeper penetration into the issues of surviving violence. The use of theatre creates a safe platform where participants can use their self-narratives to validate each others' experiences and begin the process of healing. These acts of self-narration enable self-recognition and self-crafting (Butler 2005). This is because the whole notion of 'self' is dependent on 'others', and as such, self-narration offers participants reconstructions of themselves that can be revised through drama to offer relief, affirmation, recognition, healing and possible solutions. The act of witnessing by others in itself creates recognition through the Hegelian concept of reciprocal recognition (Butler 2005:21). The immediacy of theatre enables participants to interrogate the peacebuilding process as it happens and arrive at new truths that can be immediately examined by all through the process of reflection and evaluation.

The article is also positioned in relation to traditional peacebuilding mechanisms. According to Boege (2011), traditional approaches to conflict resolution play an important role in contemporary conflict transformation because of 'new' wars which have emerged through a hybridity of political orders in the global South. Boege (2011) identifies 'new' wars as those that do not consider states, borders, sovereignty or territorial integrity. It may thus be argued that in light of these new wars, non-western approaches to conflict transformation will need to be given precedence.

Boege (2011) further laments that Western thinking has become so overwhelmingly predominant in today's world that it appears as the universal model, whereas other ways of thinking are merely perceived as 'the other'. There is, therefore, a need for new approaches to conflict transformation; in fact, conflict resolution methods need to be as diverse and complex as the human spirit (Shank and Schirch 2008).

Although participatory theatre can be regarded as a western concept in terms of its scholarship and origin, one argues that it cannot be entirely regarded as such, since it is understood through localised indigenous knowledges, customs, and norms. Theatre itself has for centuries been an important African social phenomenon, playing a central role in religion, ritual, communication and social practices (Ogutu et al. 2003).

Conteh-Morgan (2005) dissects the implications of the interactive relationship between peacebuilding and human security. He argues for bottom-up approaches to peacebuilding, taking into account culture and identity as critical factors. This article emphasises these assertions and asserts that a closer analysis of local indigenous knowledge, culture and identity offers considerable amounts of data relevant to understanding root causes of conflict, usually ignored by formal means of peacebuilding.

Participatory theatre, like traditional conflict resolution aims at the restoration of order and harmony of the community, but does not necessarily mean the return to the status quo (Boege 2011). Theatre seeks to focus on re-building relationships with the aim of co-existence in the future. Therefore restitution, reconciliation and restoration of harmony and relationships can be achieved when based on a common understanding of what went wrong in the past.

Why use drama/theatre?

Although 'drama' and 'theatre' are not the same within the applied theatre discipline, for the purposes of this article, these terms will refer to the same theatrical activities employed in peacebuilding work. It is important to ask the question: why use drama for peacebuilding in the first place? The answer to this lies in the basic nature of drama itself. Drama is a situation where relationships

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are in conflict; in fact, where there is confrontation, we tend to say there is drama. Therefore there are fundamental similarities between conflict and drama. To begin with, both drama and conflict use the same terms '*protagonist*' and '*antagonist*' to mean the main parties involved (Löfgren and Malm 2005). Secondly, both drama and conflict analysis depend on emotions. Empathy is a critically important emotional response if drama is to be effective and if peacebuilding is to be achieved; hence drama by its nature can systematically be used to study conflict. It is however critical for practitioners of drama for conflict transformation to frame and locate their methods in respect of local contexts, indigenous knowledges, cultural traditions, value and belief systems in order to access context-specific issues (Arendshorst 2005).

Drama, like conflict, concerns itself with taking action in resolving disputes. As informed by the article's opening quote, (any use of theatre is a political activity and an activity of resistance; of crossing the border between objectification and subjectivity (Prentki 2009:252). The strength of drama in peacebuilding work is in its power to open new and unimaginable insights by experiencing conflict at physical and emotional levels, which is learning by doing and feeling. The process of making theatre for peacebuilding is a political process that happens in the present and demands that people make a conscious effort to create and be involved in it (Kelleher 2009). Drama provokes actions that demand reactions and responses, thus it can influence, incite, inform and educate (Kelleher 2009:10).

In this increasingly economically oriented global village, relationships are reduced to economic and business transactions such that those with no purchasing power are excluded, not only from economic participation, but also from activities that affect citizenship and participation (Prentki 2009:252). Using theatre for peacebuilding thus restores participants' role as active citizens, able to take action in matters that affect them as opposed to being passive consumers of political processes.

Pragmatically, formal peace models cannot allow 'all' voices to be heard, but participatory theatre does away with pseudo-participation, where there is an illusion of participation, when in reality a privileged few act and think for

the benefit of the uninformed who have no access to the procedures. It may be argued that at the root of conflict is the human being with real human emotions, not abstract concepts; hence theatre should not be used exclusively for state building but for community building that allows pluralist, democratic and subaltern voices to be heard, so that the grand narratives of the privileged are no longer predominant.

Theatre has been criticised for focusing on microcosm communities and failing to effect structural and policy changes. However, as witnessed in Rwanda, the use of theatre for large masses of people was possible due to a large number of theatre ensembles. Over 300 theatre associations throughout the country emerged in the post-genocide period and these were able to have a national effect. In fact theatre ensembles were later recognised and supported by the government of Rwanda (Breed 2008).

Theatre is an accessible and sustainable process that is always available to those who want to employ it. As observed by the United Nations mission working in the Kivu provinces of the Democratic Republic of the Congo, arts-oriented peacebuilding efforts were highly successful in initiating peace dialogues because they were accessible to women and children, who are normally ignored in formal peace negotiations (Gordon and Myers 2001). Community theatre productions in the Kivu provinces were further adapted for radio and translated into various local language dialects after they were reported to be effective in opening peace dialogues. The major strength of these efforts was that they drew from the people's indigenous knowledge, cultural references, and languages, and were relatively inexpensive to facilitate. As a collective art, theatre encourages community cohesion and discourages community isolation and fragmentation. Furthermore, the use of a people's language in mediation processes is culturally empowering and offers transparency, as all involved can understand and contribute.

It is argued here that of paramount importance, though an unappreciated aspect of using theatre for peacebuilding, is mere involvement in the process itself. The author has observed elsewhere (Mtukwa 2013) the powerful underlying aesthetic pleasure derived from dramatic participation, what one may term 'the pleasure of playing' as participants take time off their daily life struggles.

Laughing, playing and the sheer enjoyment of dramatic activities within applied theatre interventions can be an end in itself, as participants appreciate the value and relief of laughing and playing within the aesthetic space. The author argues that this function of theatre is seriously underestimated regarding its ability to bring healing to affected people. The essence of freedom, fun and enjoyment provides participants with unusual access to fundamental components of their lives (Chinyowa 2005). Playing helps to relieve different forms of stress and anxiety and offers a space to practice spontaneity, which is necessary for vitality and healing (Blatner 2007).

Grassroots theatre associations of Rwanda: A case study

A brief background

In Rwanda, the presidential pardon of genocide prisoners saw over 20 000 prisoners in 2003 and 35 000 more in 2005 rejoining the Rwandan population (Breed 2008). This demanded that Rwandan citizens live side by side with their former enemies. Over 300 theatre grassroots ensembles, also called associations, were formed throughout Rwanda. They made use of theatre, music, dance and poetry to re-build communities after the genocide. These theatre groups naturally emerged from a genuine, organic need for people to interact in the aftermath of violence.

Participatory theatre can be carried out in any given space, including prisons, offices, hospitals, homes or even a corner of an abandoned building. However, what is crucial is the creation of an effective safe space in which theatre can take place. Aesthetic space in participatory theatre means a safe, creative environment that has rules of operation in order to protect, facilitate and enhance interaction amongst those who will operate within that space. This is the atmosphere that allows and encourages participation. The aesthetic space is a safe platform that 'stimulates learning; liberates memory; imagination and healing' (Boal 1995:21). According to Breed (2008:42), grassroots associations in Rwanda used theatre as a tool to foster reconciliation, and a space for 'intimate acts of confession and forgiveness'. Hence the aesthetic space is a place of sharing personal experiences, developing feelings of trust, acceptance and courage.

Participatory theatre and the aesthetic space in Rwanda

Central to creating an effective aesthetic space is an establishment of rules of the game, what applied theatre practitioners term 'dramatic contract' (see Mtukwa 2010). This may be an oral or written agreement that lists ground rules that help create group cohesion, identity and regulations. The contract clearly explains facilitators' and participants' roles, expectations, and how to deal with challenges that will arise from the process. After creating an effective aesthetic space, participatory theatre makes use of role-playing to represent the conflict parties. Role-playing in peacebuilding work refers to honestly assuming the identity, values and attitudes representing, informing and influencing the parties to the conflict. Role-playing in peacebuilding does not deal with the psychological immersion of prescribed character as in a written script, but is a safe re-creation and re-arrangement of the conflict in order to examine the underlying causes and possible solutions. This re-creation offers a chance for participants to ask questions and speak back to violence in a manner otherwise unavailable to them.

Theatre practitioners in Rwanda staged different roles in short scenarios depicting interactions between perpetrators and victims of the genocide, and participants were able to identify the roles depicted in the drama. Role-playing had a profound influence on a participant's decision to further participate and contribute to the process. Thus, role-playing influenced, informed and incited emotional reactions that enabled participants to discover and identify hidden realities, as informed by the following example.

The following was reported by a female member of the *Umuhanzi w'u Grassroots Theatre and Reconciliation Association*, whose 5 five children had been killed during the genocide:

This art and theatre gave me some kind of happiness. At first I would be discouraged, I would be lonely; as I associate and interact with people I begin feeling all right, I become happy. I can laugh. I can talk to people. I feel liberated. When you are with others singing, acting, performing ... [you] feel relaxed. Another thing is when you are in this mission; it leads others to understand things which they didn't understand before. It makes you interact with a person you used to fear. Another thing is that there

are things that were hidden from you which you get to know [...] and we go in this group to give an example of how people will live together (Breed 2008:41).

The above quote by a genocide survivor shows how theatre can evoke new insights and transformations that are otherwise unavailable. The aesthetic space created by drama empowered participants to re-understand the conflict through dialogue, and re-construction and creative co-learning (Arendshorst 2005).

Abiyunze United is another association formed by a perpetrator and his peers, dedicated to confessions and forgiveness. The initiator of the association stated that he saw the mistrust and unease in the community after the release of the prisoners back into the population. Hence he wanted to find a way to bring people together, to change the atmosphere of fear and decided to use theatre, music, and dance to reconcile the community.

‘Seraphine’,² a member of the *Abiyunze United* theatre ensemble, was a genocide survivor whose husband had been killed. Her husband’s killer, in the same ensemble had previously approached her several times asking for forgiveness and for her to join the ensemble. When she finally joined the association and granted her former enemy forgiveness, she reported the following:

We dance together, we sing, we make handicrafts, build houses. When they confess, it gives morality [...]. When we sing and dance, we feel happy and excited. I no longer see them as enemies; but those who share the same problems of surviving (Breed 2008:41).

From the above quotation, we note that theatre is able to give a platform which shifts and deconstructs the roles of former enemies and re-constructs relationships towards a focus on the future. In Rwanda, the use of theatre was perceived as safe; hence the level of voluntary confessions was high. According to Breed (2008), where theatre ensembles had fostered dialogue, the rate of voluntary confessions went up to 75%, compared to the national average of 35%. Witnessing of theatrical activities within the dramas aided participants’ memory and the release of images locked up in the subconscious.

2 Breed (2008) uses pseudonyms for the protection of those who participated in her interviews.

The magic of the aesthetic space is that it has the capacity of bringing in the here and now ‘that which had been lost in the mists of time, had deserted memory or fled into un-consciousness’ (Boal 1995:27). Therefore, the immediacy of theatre has the power to bring up, in a physical form, ignored or forgotten feelings and desires.

Some participatory theatre techniques

Role-reversal

Role reversal is one of the key techniques of participatory theatre. Role-reversing refers to the reversal of roles within the drama. It involves honestly exchanging roles within the drama and imagining what the other must be going through as a result of his or her own actions. The importance of role-reversal is that it promotes empathy skills and the imagination of what the other person might be going through. This is critical to the restoration and re-creation of new relationships. The uniqueness of this technique in peacebuilding lies in offering participants an opportunity to deconstruct and reverse the conflict under analysis and view and experience it from a totally different perspective. In Rwanda, the *Umuhanzi w’u Rwanda* Cultural Association made use of a version of role-reversal, where former enemies were able to hear each other’s story as they narrated how the genocide affected their post-conflict survival. Prior to joining the same theatre ensemble, both victim and perpetrator both reported feelings of loneliness, depression and isolation as effects of the genocide.. Although they did not reverse roles in the sense of the victim narrating the perpetrator’s story and vice versa, they both exchanged their experiences and feelings and gained an insight as to how each was affected by the other during the genocide. Therefore, story provides the community with an aesthetic framework for learning about itself, reflecting on its needs and aspirations and interpreting the meaning of its own experiences (Chinyowa 2008).

Mirroring

Mirroring in participatory theatre involves a participant using body, voice, mannerisms and expressions to convey a certain message from the conflict plot within the aesthetic space. A second person imitates all the mannerisms and

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expressions of the first performer, so that one may see themselves as in a mirror, and see exactly how they are also seen by others (Blatner 2006). Mirroring is important in peacebuilding because it dislocates power and shifts physical injustices through witnessing and physical imitation. This aspect of theatre had profound effects on those who witnessed the drama in Rwanda. The use of mannerisms, speech patterns and plot conflicts were created to mirror the events of the genocide. Former perpetrators reported that after witnessing the drama which replicated or mirrored their own past actions and the responses these received within the drama, they were inspired to imitate the drama in their own lives. One former perpetrator, after watching a drama, reported that the play evoked in him the memory of several additional killings towards which he had contributed. A second one further reported that the drama unfolded before him like a book and he had flashbacks of his own actions.

One of the former perpetrators reported:

‘The family was happy because they were able to find out where the bodies were buried and I helped them dig up the bodies. I had thought about confessing before, because I’m a Christian, but when I saw that nothing bad happened to the person in the drama, I felt it would be safe to confess without anything bad happening to me’ (Breed 2008:45).

From the above example, it is observed that the power of theatre lies in the process of identification and provoking an ethical ambiguity within individuals arising from the understanding of oneself in relation to others. The ‘self’ and ‘other’ paradox hence defines the potential efficacy of performance when the possibilities it raises resonate with the realities affecting the audience (Chinyowa 2008).

Hot-seating

Hot-seating in participatory theatre refers to a process where a participant is questioned by the rest of the group whilst in character. Characters may also be hot-seated in pairs or in groups (Mtukwa 2010). It involves participants asking carefully considered questions that are critical to understanding the conflict. Hot-seating is a safe, creative interview technique that does not attract real world hostilities associated with perpetrators of violence. The aesthetic space provides the protection needed for participants to respond in honest, constructive ways

that give deeper insights into the motives behind the conflict. This technique gives a creative opportunity to those seeking answers to questions that they would not normally ask. In Rwanda, participants witnessed a drama where ‘bodies’ were being carried by performers. A woman spontaneously began approaching the stage, asking, ‘Where are you taking them, down the Nyabarongo river?’ (Breed 2008:44). Although this development was not intentional, and may even be attributed to traumatic reaction to the drama, it cannot be denied that this participant started asking questions to show how the community was desperately asking questions and seeking to understand why the genocide happened.

Symbolism and distancing

Grassroots ensembles in Rwanda made use of symbolism and metaphor as safe mechanisms in communicating deeper and difficult to express emotions. The use of symbolism and metaphor in participatory theatre protects participants through distancing or disassociation, for those dealing with harsh realities such as abuse and violence (see Mtukwa 2010). Instead of using real guns, ‘perpetrators’ in the drama pointed long sticks as symbolic of real guns. Another example is a man within the aesthetic space, standing straight and stretching his arms wide, dropping his head to the side and a woman praying at his feet. This was symbolic of the cross of Jesus Christ or God. As the woman prays, the figure of Jesus walks off the stage to symbolise the rejection and abandonment people felt from Jesus/God during the violence. Further distancing for protection of participants occurred through comic-relief. This worked better with traumatised participants. Women were reported as turning away or covering their heads or eyes during traumatising dramas. However, after a comic presentation of the drama, they began re-engaging (Breed 2008). One comic scenario depicted a ‘perpetrator’ whose gun jams and cannot shoot anymore, his comic frustration and confusion towards his gun rendered bouts of laughter. Distancing through symbolism enhances participation because instead of disengaging from the drama due to trauma, participants can begin to re-engage through examining issues underlined within the metaphor. Through interacting with the metaphor, participants have chances to experiment and examine given norms, values and practices which govern their real lives (Chinyowa 2008). Hence metaphor engages participants at a deeper sub-conscious level.

How effective is theatre?

Peace practitioners employing arts-based mechanisms need to ask if their methods are effecting positive movement towards their desired goals. Thus there is the need to ask how effective theatre is for peacebuilding. It is argued here that theatre is an excellent tool for communication in communities experiencing hostilities and mistrust, especially those emerging from violence. The efficacy of theatre stems from its use of indigenous tools of communication such as song, poetry, dance and prayer, as opposed to foreign elements. However, theatre does not demand rapid and prescribed general results. It is a process that is created by those who find meaning in it. The essential value of the arts in peacebuilding is its ability to create a safe space for expressing individual or group experiences. Peacebuilding scholars emphasise the importance of the need to narrate the events of the violence as a basis for peacebuilding.

Critical to the efficacy of participatory theatre is the process of reflection that happens when the drama has ended. Reflecting allows for an evaluation of the drama and the process; thus it allows participants to find out which direction the group needs to take, if some participants are lost in the process or if they all discovered some common meaning. They must decide whether to end the process or leave off until a further agreed time (Neelands 2006). Reflecting encourages participants to learn from each other how their actions and attitudes affected others, and whether these are related to the real conflict. Therefore any given structure in peacebuilding work must allow those involved in the process the time to reflect and express feelings experienced during the process. This is a way of sharing and concretising new insights, meanings and solutions that can be agreed upon. Hence it allows for diverse interpretations of the conflict.

It can be observed that the use of participatory theatre in Rwanda was successful in creating conducive spaces for the journey of reconstruction and healing to begin. Apart from dealing with post-conflict recovery, theatre ensembles in Rwanda found themselves dealing with poverty reduction strategies. Hence participants realised that re-building communities includes eradication of poverty and the support of livelihoods. An example is the *Association des Jeunes pour la Promotion du Développement et de la Lutte contre la Ségrégation* (AJDS).

While several of their plays promoted unity and reconciliation, they were also very active in community building, development and establishing departments that dealt with unemployment, HIV/AIDS, human rights, and gender issues (Breed 2008). This success stems from the fact that community members have a vested interest in re-building communities and hence need to find organic as opposed to prescribed solutions.

Formal mediation at grassroots level

Having looked at the use of participatory theatre methodologies for peacebuilding, it is necessary to examine liberal peace mechanisms and consider the challenges they pose when applied within grassroots communities. According to Williams (in Jaye et al. 2011), the formal negotiation table in peacebuilding mostly involves facilitation, formulation and manipulation. Facilitation is performed by a mediation team to create an enabling environment for communication by parties involved in the conflict; formulation is the process whereby the mediation team suggests possible solutions to both sides for resolving the conflict; thirdly manipulation is where the mediation team is backed by the United Nations and powerful western states to influence parties to sign an agreement.

Formal mediation tends to prescribe pre-conceived solutions to the conflict through signing of peace agreements (Tsefamichael 2008). Imposing peace from above has serious limitations. Placing peace activities within the post-conflict stage of the conflict is problematic since it occurs within the victor's atmosphere of peace, rather than a negotiated peace atmosphere (Bogner and Dieter 2013). Therefore legacies of one-sided victory perpetuate conflict and attempts at its resolution. In Rwanda, peace was brought by victory of the rebel forces when the Rwandan Patriotic Front was not representative of the population in the first place (Longman 2004:64). Apart from that, representatives or leaders involved in the signing of these accords may not be legitimate. The Arusha Accords were widely unsuccessful because they were prescribed to end the war and create a coalition government. However, the challenge for government organs in Rwanda was that due to the devastation of the genocide, neither the government nor its institutions were prepared or had the tools to deal with mass-trauma.

Boege (2011) laments that Western thinking has become so overwhelmingly predominant and appears as the universal model; whereas other ways of thinking are merely perceived as 'the other'. Boege (2011) further critiques the application of Western liberal peace models to intra-state conflicts, when they were created to deal with inter-state conflicts. This application has had limited success and often disastrous effects (Hagg and Kagwanja 2007). Liberal peace models in Africa have tended to undermine the *process* of peacebuilding (Hagg and Kagwanja 2007:23).

Hagg and Kagwanja (2007) have observed three aspects that have limited the success of liberal peace as a conflict resolution model in Africa. Firstly, there is an emphasis on individual rights and freedoms and a disregard of African traditional perspectives on family and kinship; secondly, the principle of identity is based on inter-state conflicts and ignores intra-state identities; and thirdly the emphasis on majoritarian democratisation tends to ignore the role of traditional authorities (Hagg and Kagwanja 2007:22).

The application of international justice mechanisms may create stumbling blocks to peace, since there is a tendency by mediators to simplify liberal theory during implementation and stereotype local contexts. It may be argued that the problem with liberal peace models is that consultation takes place with a few political elites who make decisions on behalf of the citizenry. This top-down approach reduces citizens to mere watchers of political processes that affect them and takes away the subaltern voice. Final decisions tend to be too general, hence there is a need for context-specific solutions.

Challenges, limitations and controversies of drama in peacebuilding

The use of theatre poses risks in its application to peacebuilding. Firstly, using theatre requires a balance between communication and exaggerated performance rituals. Furthermore, opening up about personal struggles within a group can involve significant individual self-exposure. Most participants are usually not experienced performers and may struggle to communicate clearly in front of others for the first time (Löfgren and Malm 2005). Nevertheless, such setbacks

can be curbed by effective induction of participants into the process, sticking to the rules of conduct and maintaining an effective aesthetic space. This solution in itself gives rise to another challenge because meaningful transformation in participatory theatre is dependent on the process, the facilitator and the interventionist strategies applied (Prentki 2009). Apart from that, effective peacebuilding tends to depend on the capacity of activist and non-governmental organisations to support relevant transformation. Informal peace practitioners representing civil society run the risk of becoming the soft arm of government policy making (Prentki 2009). The inherent problem is the negative image and perception of arts-based interventions, hence their lack of legitimacy at state level.

Breed (2008) reports on re-traumatised participants during dramatisations in Rwanda. Young participants ran for refuge at a school hall near Murambi Memorial site after witnessing a traumatising drama. In other parts, during commemoration plays at Gisozi Genocide Memorial in Kigali, a traumatised child began to scream and had to be carried out by first aid workers (Breed 2008:45). One then observes that the core challenge for using theatre in such instances is that traumatised participants will need special interventions and care, such as counselling or psychotherapy. But facilitators may not have these specialised skills.

Another limitation to using theatre for finding solutions is that drama is transient and impermanent (Löfgren and Malm 2005). It becomes hard to analyse the drama cognitively or systematically because drama exists in moments, unless it is captured and recorded. However, to a large extent, the processes of reflection and evaluation at the end of certain activities, meet such challenges. Reflection and evaluation give participants the time to stop the action, make observations and come to solid conclusions on possible solutions as a group, which can then be recorded and documented for future relevant use.

There exists a tension between peace and justice due to the common difficulty of combining peaceful settlements with the punishment and compensation of war crimes (Bogner and Neubert 2013). Thus if creative methods of peacebuilding are to be successful, there is a problematic dichotomy which needs to be addressed. This may lead to a compromise, which results in the impunity of those involved

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in war crimes and human rights violations for the sake of 'peace'. As observed in Rwanda, theatre encouraged voluntary confessions by perpetrators of the genocide, but that was also incriminating for those not willing to confess. Thus theatre was used to open a can of worms even though it operates within an atmosphere of forgiveness and confidentiality.

Due to resources and time constraints, it may not be practical to organise and hear stories and concerns of millions of citizens, but as observed from the Rwandan case, over 300 theatre ensembles were able to have a national effect. However, the major controversy over using theatre for peacebuilding lies in whether theatre can effectively address structural injustices and oppressive institutions. To counter this challenge, theatre for peacebuilding should be concerned with creating concrete suggestions and solutions derived from the process. These can then be advanced to form frameworks for mediation and advocacy to lawmakers and government organs. Thus theatre can be an effective data gathering tool for advocacy and lobbying.

The use of theatre by those at the bottom structures of political power is problematic in that they may not have access to power or resources to make critical and structural changes (Arendshorst 2005). However, this can be countered by sharing and publishing data gathered from theatre processes for the benefit of other communities including government organs, mediators and lobbying groups who may advocate for change.

A danger posed by using creative peace processes is that the safe space created by theatre runs the risk of becoming a comfort zone, a place of habit and adaptation both for community members and facilitators (Prentki 2009). This is why modern citizens now have to work harder at building and maintaining their democracies. They must also actively participate in the economy. In fact, citizens of the twenty-first century can no longer afford to place their own destiny in the hands of select leaders and hope that these will have their best interests at heart.

The fact that peace practitioners may come into a community with the goal of peacebuilding may be problematic and viewed as top-down in approach. Practitioners from outside need to take time in studying the problems together with community members and agreeing on solutions. Hence their role is that of

enabling and guiding the process as opposed to imposing models, theories and solutions. Community members are innately intelligent, organic intellectuals who have the ability to identify their challenges and find possible solutions (Gramsci 1971).

Conclusion

Theatre associations in Rwanda were successful in their application of theatre to re-building communities; however, theatre techniques applied were not explicitly described and identified from the broader applied theatre field. Rwandan theatre ensembles applied theatre to re-build communities, open dialogue and mend broken relationships among former enemies, but they used whatever theatre knowledge they possessed without labelling or identifying their theatre as applied theatre or drama. Hence there is a need for further explicit use of applied drama empirical research examining how a participatory theatre paradigm can be used as a pedagogy for peace practice. Although it is tempting to build a theatre model for use by practitioners in similar contexts in Africa, one runs the risk of prescribing a model which is a remnant of Western liberal methods, while insisting on the universality of the process. However, a repertoire of established theatre techniques can be empowering to peace practitioners since they provide a bag of tricks and tools, thus equipping practitioners who do not have specialised knowledge in the applied theatre paradigm. Practitioners can then amend and customise these tools to suit context-specific needs and place indigenous knowledges, history, traditions and customs of communities at the forefront of peace initiatives. The rare strength of the Rwandan ensembles in successful peacebuilding was that they were organic and initiated by community members themselves, hence they were bottom-up initiatives.

Theatre inspires actions and thoughts which are inaccessible in everyday existence but which can be made possible by those willing to dare to de-construct the past and re-construct new realities. The fictitious nature of drama allows participants the freedom to express, explore and try out different solutions, to question authority and speak back to violence. In Rwanda, the act of participating in or witnessing the drama had profound effects on participants that led to new relationships between former enemies, voluntary confessions and subsequent forgiveness.

Theatre is inexpensive and accessible to women, children and the elderly – who may normally be excluded from the formal negotiating table. It brings together communities and is a local product embedded within indigenous knowledge as opposed to the enforced, foreign and prescribed peace found within liberal theory peace processes. Therefore, there is a need for peacebuilding in Africa that seeks to put participants in the forefront and encourage organic ownership of peace processes. The use of theatre can become an instrument for gathering data so that arts-based approaches will be able to effect structural changes to institutions. Furthermore theatre for peacebuilding may be most effectively used in tandem with other instruments such as advocacy and lobbying – that seek policy changes, crisis management and post-conflict governance.

Sources

- Amollo, Maurice 2008. The power of theatre in transforming conflicts at Kakuma Refugee Camp. Available from: <<http://www.beyondintractability.org/casestudy/amollo-power.html>> [Accessed 21 May 2015].
- Arendshorst, Thomas R. 2005. Drama in conflict transformation. Available from: <<http://www.beyondintractability.org/essay/drama>> [Accessed 21 June 2012].
- Blatner, Adam 2006. Theoretical foundations of psychodrama. Available from: <<http://www.blatner.com/adam/pdntbk/pdtheory.htm>> [Accessed 8 August 2009].
- Blatner, Adam 2007. *Interactive and improvisational drama*. New York, iUniverse Inc.
- Boal, Augusto 1979. *Theatre of the oppressed*. London, Pluto Press.
- Boal, Augusto 1995. *The rainbow of desire: The Boal method of theatre and therapy*. London, Routledge.
- Boege, Volkner 2011. Potential and limits of traditional approaches in peacebuilding. In: Berghof research centre for constructive conflict management ed. *Berghof handbook of conflict transformation*, Berlin, Berghof. pp. 431–457.
- Bogner, Artur and Dieter Neubert 2013. Negotiated peace, denied justice? The case of West Nile (Northern Uganda). *Africa Spectrum*, 48 (3), pp. 55–84.
- Booth, David 1994. *Story drama: Reading, writing and role-playing across the curriculum*. Ontario, Pembroke Publishers.
- Breed, Annanda 2008. Performing the nation: Theatre in post-genocide Rwanda. *The Drama Review*, 52 (1) (T197), pp. 32–50.
- Butler, Judith 2005. *Giving an account of yourself*. New York, Fordham University Press.
- Chinyowa, Kennedy C. 2008. Evaluating the efficacy of community theatre intervention in/as performance: A South African case study. *Applied Theatre Research/IDEA*, 4 (1), pp. 1–12.
- Conteh-Morgan, Earl 2005. Peacebuilding and human security: A constructivist perspective. *International Journal of Peace Studies*, 10 (1), pp. 69–86.

- Gordon N, and H. Myers. 2001. Theatre for Peace-building in Goma and the Kivu Provinces. Available from: <http://unescocommunity_theatre_in_kivu_/gordonandmyers/casestudy> [Accessed 13 July 2011].
- Gramsci, Antonio 1971. *Selections from the prison notebooks*. London, Lawrence and Wishart.
- Hagg, Gerard and Peter Kagwanja 2007. Identity and peace: Reconfiguring conflict resolution in Africa. *African Journal on Conflict Resolution*, 7 (2), pp. 9–35.
- Jaye, Thomas, Garuba Dauda and Stella Amadi 2011. *ECOWAS and the dynamics of conflict and peace-building*. Dakar, CODESRIA.
- Kelleher, Joe 2009. *Theatre and politics*. New York, Palgrave Macmillan.
- Lederach, John 1997. *Building peace: Sustainable reconstruction in divided societies*. Washington, D.C., United States Institute of Peace.
- Löfgren, Horst and Birgitte Malm 2005. *Bridging the fields of drama and conflict management: Empowering students to handle conflicts through school-based programmes*. Malmö, DRACON International.
- Longman, Timothy 2004. Obstacles to peace-building in Rwanda. In: Ali, Taisier M. and Robert O. Matthews eds. *Durable peace: Challenges of peace-building in Africa*. Toronto, University of Toronto Press. pp. 62–72.
- Lund, Michael S. 1996. *Preventing violent conflicts: A strategy for preventative diplomacy*. Washington, D.C., United States Institute of Peace Press.
- Mtukwa, Tendai 2010. Catch them young: Using process drama for children's rights education. Master of Arts thesis, University of the Witwatersrand, Johannesburg.
- Mtukwa, Tendai 2013. Theatre in the container: Border-crossing pedagogy among women living with HIV and AIDS. *Journal of Applied Theatre Research*, 1 (2), pp. 177–187.
- Neelands, Jonathan 2006. *Making sense of drama: A guide to classroom practice*. London, Heinemann.
- Ogutu, Sophia D., Fanta Coulibaly, Apolline N. Musengeshi, Douglas N. Numbi and Patience Munsahu 2003. Women's voices and African theatre: Case studies from Kenya, Mali, the Democratic Republic of Congo and Zimbabwe. Johannesburg, The global campaign for free expression. Available from: <<http://www.Article19.org/casestudies>> [Accessed 12 May 2015].
- Prentki, Tim 2009. Applied theatre in a global village. In: Prentki, Tim and Sheila Preston eds. *The applied theatre reader*. London, Routledge. pp. 251–253.
- Savidge, Dale. 2012. What is applied theatre. <http://www.appliedtheatrecentre.org>. [Accessed 25 May 2015].
- Shah, Anup 2014. Conflicts in Africa. Available from: <[http://www.globalissues.org/issue83/conflicts-in-africa/global issues](http://www.globalissues.org/issue83/conflicts-in-africa/global%20issues)> [Accessed 25 May 2015].
- Shank, Michael and Lisa Schirch 2008. Strategic arts-based peace-building. *Journal of Peace and Change*, 33 (2). Available from: <<http://www.performingtransformation.blogspot.com/2012/10/plethora-of-initiatives-has-been-and-is.html?m=1>> [Accessed 25 May 2015].
- Tesfamichael, Woldu S. 2008. Negotiating peace for Darfur: An overview of failed processes. Available from: <<http://www.beyondintractability.org/casestudy/tesfamichael-negotiating>> [Accessed 21 May 2015].

Women, war and peace in Mozambique: The case of Manica Province

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Abstract

The Mozambican civil war, 1977–1992, left an ambiguous legacy for women. Whilst women were among the most vulnerable victims of the war, in some ways they were also its unintended beneficiaries. The civil war, by weakening both the state and the traditional family, offered unprecedented opportunities for women to break free from patriarchal control. Especially decisive were women's own responses to the war, which in turn were a function of their pre-war situation, class, and personal history. Some women managed to see and seize opportunities in their predicament and prospered, especially as informal entrepreneurs, while many others succumbed to their fate. A few even engaged in civil society activism, for instance, setting up victim support networks and participating in peacebuilding. This paper shows that, while destroying society the war also catalysed the process of gender transformation, social fragmentation and civil society activism. It concludes that violent conflict is a moment of choice, in which individual and collective responses create opportunities and/or constraints.

Keywords: Women, war victims, activism, patriarchy, emancipation, Mozambique

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Introduction

Barely two years after independence in 1975 Mozambique was plunged into a vicious civil war, which ended in 1992 after the internationally-mediated Rome peace talks (Vines 1991; Chingono 2005; Berkley Center for Religion, Peace and World Affairs 2013). Pitting the Chinese and Soviet-supported Front for the Liberation of Mozambique (Frelimo) socialist government against the Rhodesian and (later) South African-backed rebel group, the Mozambique National Resistance (MNR or Renamo), the civil war claimed nearly one million lives, displaced one and a half million, and led to economic destruction totalling about US\$15 million (SaferWorld 1994:18). Not only did the war affect different groups of women differently, but with far-reaching ramifications, it also engendered fundamental transformations in gender relations and roles. With its short-term and long-term pains, gains and losses spread unevenly, the war was a mixed blessing for women.

On the one hand, the war exacerbated women's subjection and marginalisation. In particular, it increased their insecurities, vulnerabilities, pauperisation and exposed them, especially as refugees, informal traders, sex workers, or beggars, to new forms of violence. Class, age, marital status and personal life history determined the specific responses of individual women to the war, their survival strategies and their achievements. Not surprisingly, there was a perplexing and contradictory gender struggle characterised by a tantalising combination of radicalism and conservatism as well as divisions among women.

On the other hand, and as an unintended consequence, however, the war indirectly empowered some women by creating conditions that made it relatively easier for them to break free from patriarchal control. First, with male breadwinners absent – either on the frontlines, maimed or dead – women were forced to find means to support their families, and to become household heads. Second, the destruction of the male dominated formal and agricultural sectors undermined men's economic power over women. Third, the political and economic liberalisation of the 1990s, sponsored by the International Monetary Fund (IMF) and World Bank, and partly necessitated by the war, fostered new political, cultural and social values that allowed women easily to abandon

oppressive traditions. Finally, women's participation in the wartime informal economy and in religion-based support groups was especially empowering. In short, the social-political upheaval caused by the war was a mixed blessing for women; it contained both new possibilities for their emancipation as well as seeds of their further subjugation.

This paper draws its conclusions from the experience of Manica Province, where the author conducted field trips in 1992, 1994 and 2009. Since the war started in this province, the province had the longest experience of the war, and perhaps more enduring changes (Chingono 2005:52). Largely due to ethnicity and the fact that the leadership of the MNR came from this region, the rebels were relatively popular in the province (Chingono 2005:53). Randomly selected women in Chimoio and Manica towns, and women displaced by the war in peri-urban slums and in resettlement camps were asked to describe how the war had affected their lives, and to identify specifically things they had to do, or stop doing, because of the war. Their responses, and critical observations, suggest that the dynamics of the war, in numerous ways, challenged the traditional relations between women and men, and 'created the possibility for new gender relations and new family identities' (Arnfred 1988:7). The demands of surviving the civil war led to reversing some of the traditional patriarchal values, roles, stereotypes and myths, and replacing them with new emancipatory liberal ones. Ironically and unintentionally, Renamo's counter-revolution promoted Frelimo's feminist revolution.

Conceptualising wartime changes in gender relations

A critical reflection on the wartime changes in gender relations raises fundamental practical and theoretical questions. First, what did war do to women, what did it do for women, what did women do for themselves to survive the war, and what did they do to end the war? Second, did the wartime changes in gender relations constitute a sexual revolution or 'sexploitation'? In other words, what is the place of sexuality and the changing self-images of women in both their oppression and their project for emancipation? Third, were these changes fundamental or superficial, long- or short-term, and did they endure through post-war developments and dynamics? A final question is, which of the many feminist theories best speaks to these changes and adequately captures the Mozambican

experience? There are no easy answers to these difficult but important questions, and therefore what follows is a schematic attempt to delineate some of the key issues, if only to invite further debate.

There are two extreme positions on what war does to society in general, and to women in particular. A popular view, most typically represented by Nef (1950), and by Nordstrom (1992:1) with regard to women, posits that war is inimical to human progress. Its antithesis, articulated by Hall (1987:38), Giddens (1987:8) and Bayart (1993:xiv), contends that war is not a negation of human progress, but instead, as a constituent factor, it catalyses social change, innovation and human progress. According to Hall (1987:37), war was instrumental in the rise of the West and in strengthening the state; as Ehrlich (1987:123) argues, 'the longer lasting, the more comprehensive and intensive the conflict, the more salient will be its effects upon the social structure'.

Neither of these opposed perspectives is entirely correct or incorrect. As argued in this article, war can simultaneously cause destruction of society and bring about innovations and social transformation as well as lead to sexploitation and sex revolution. For women, war entailed increased gender violence, vulnerability and insecurity, while at the same time undermining the oppressive structures of patriarchy. Different women did different things to survive the war. Some became more vulnerable while others were empowered, especially as informal traders and peace activists. Such an ambiguous legacy presents serious practical and theoretical challenges to feminists opposed to war and to those who view women as passive victims of war.

Simone de Beauvoir (1964), described as the mother of modern feminism, made an important distinction between sex and gender when she declared that one is not born, but rather becomes a woman, and that biology is not destiny. Although feminist debate has moved beyond her analysis, and her followers have splintered into different ideological schools, her concept of women as 'the other, second sex' is still relevant. Today feminist ideologies, which include cultural, liberal, Marxist/socialist, radical (Ford 2002:21–24), ecofeminism (Sow 1997:253), post-colonial feminism (Oyewumi 2015:1) and post-modern

feminism (Butler 2006:1), although varying in their theoretical perspectives, recognise de Beauvoir's distinction between sex and gender. Only the most dominant and relevant of these theories will be considered here.

Liberal feminists 'believe that by reforming the legal and political system to allow women equal access to opportunities and resources, men and women can achieve a state of equality' (Ford 2002:21). In contrast, for Marxists/socialists, gender transformation requires structural changes in the economic, political and cultural fundamentals, that is, in the substructure of a body politic (McLellan 1972:51). Although the dichotomy between these rival feminist perspectives is somewhat dated, especially after the collapse of the socialist bloc, class remains an important analytical category in understanding changes in gender relations. Similarly, the liberal focus on levelling the playing field for the genders in terms of legal, social and political systems is equally important. Radical feminists believe that 'it is the "sex-gender system" itself that is the source of women's oppression ... and therefore advocate a total revolution' (Ford 2002:23) to end gender-based violence.

Post-colonial or Third World feminism considers colonial racial and economic oppression, and not traditional patriarchy, as the main cause of women's marginalisation in post-colonial societies. Oyewumi (1997:8), a leading African post-colonial feminist, in considering the meaning of gender in an African context, argues that, the 'women question' is a Western one, and not a 'proper lens for viewing African society'. She criticises the Eurocentric gender epistemologies that 'use gender as the explanatory model to account for women's subordination and oppression worldwide' (Oyewumi 2015:1). She concludes that, because 'gender is socially constructed, the social category "women" is not universal, and other forms of oppression and equality are present in society' (Oyewumi 2015:1). In a similar vein, Amadiume (1987:3), challenging received orthodoxies of Western feminist thought, argues that in pre-colonial African society, 'sex and gender did not necessarily coincide' and 'roles were neither rigidly masculinized nor feminized'. She shows that there were structures and values that enabled women to achieve power. In Mozambique, however, these were limited, otherwise Frelimo's gender revolution would not have been necessary.

Post-modernist feminists, such as Butler (2006:1), argue that 'women' is 'a questionable category, because it involves much more – class, race, sexuality, and other aspects of individualism'. According to Butler (2006:1) 'sex does not necessarily conscribe gender', and it is 'not constructive to separate human beings into one of two choices' or to 'to lump all women into one group, as if their interests could be uniform'. As shown in the next pages, wartime women in Mozambique were not a homogenous social group but were, instead, unique and different in many ways, and these differences were reflected in their responses to the war.

None of these contending perspectives, with their different emphases and solutions, is entirely correct or incorrect; they each give a partial picture of a far more complex reality. The reality is, today's feminism has become a kaleidoscope of 'many-faceted responses of a multitude of women wrestling with the question of self-determination, seeking social changes that will give them greater justice, power and dignity' (Keen 1996:195). Such complex and multi-layered struggles by women for emancipation are obviously not amenable to mono-causal analysis. Accordingly, this analysis, although drawing heavily from post-colonial and post-modernist as well as Marxist feminist thought, is based on eclectic and critical synthesis of these contending perspectives. To appreciate the extent and scope of the war-induced changes in gender relations, it is necessary first to understand the status of women in pre-war Mozambique.

The evolution of gender relations in Manica Province, Mozambique

Gender inequality and violence against women were not uncommon features of pre-colonial, colonial and post-colonial Manica Province of Mozambique. Rooted in political economy, the subjection of women was buttressed by patriarchal and religious ideologies and traditional institutions which defined and/or limited the rights, options and possibilities available to women. The subordinate position of women was reflected in their low participation in public affairs and in the exploitation of their labour power (Mumouni 1980:3). Notwithstanding this, women had some political spaces and spheres where they exercised power; they also gained influence with age, especially as advisors on spiritual and marital matters.

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In general, in pre-colonial central Mozambique, unlike parts of northern Mozambique where matrilineal gender relations existed, women were a subordinate 'second sex', who were conspicuous by their absence in the public sphere, especially in important political positions and decision-making processes. Women had limited access to power, and this was buttressed by the sex division of labour at the economic level, and by the ideology of patriarchy at the political level. However, although women were under-represented in the public sphere, this does not mean they were completely dominated and powerless.

Gaining influence with age, women wielded power as mothers-in-law who were respected by their sons-in-law and daughters-in-law, aunts consulted on marital matters, and spirit-medium bearers who were consulted for assistance in times of illness, misfortune, drought and war. Although men were household-heads, women were also producers of food, and in some cases controllers of such production. Women were often forced into early and polygamous marriage. But in some cases polygamy was preferred from a women's point of view, especially in cases where the senior wife chose her junior, usually a relative she liked. However, judging from folklore surrounding polygamy, rivalry, envy, back-biting and even bewitching were common among wives in a polygamous marriage, and junior wives were often hated by senior wives for being the husband's favourite (Webner 1991:33). With no rights to land, women comprised 80 per cent of the poor (Brandon and Rwomire 2001:1). It is noteworthy, however, that since men only obtained access to land when they married, there was some degree of interdependence between the sexes.

Portuguese colonialism did not completely destroy African traditional practices and institutions. Instead, in an attempt to enhance the image and legitimacy of their newly appointed *regulos* (chiefs) and colonial rule, the Portuguese went to great lengths to support and participate in African traditional rituals of succession, in what became known as 'Africanization of European institutions' (Isaacman 1972), and as a result ancient traditions still persist. Yet at the same time, and especially via Christianity, colonialism undermined some forms of traditional gender relations, such as polygamy and arranged marriages. To this extent, it gave women some limited political space, power and freedom. Colonialism also subjected women to new 'Western forms of sexism, which

are often more oppressive to women than previously existing social relations' (Sacks 1982:1). In urban areas especially, where strangers became neighbours, colonialism eroded the support mechanisms of the traditional extended family, kinship ties, and the 'economy of affection', and thereby exposed women to greater vulnerabilities and insecurities.

Post-independence Mozambique was ideologically committed to the emancipation of women, which it proclaimed a necessary condition for the success of the revolution (Arnfred 1988:7). Frelimo pursued a broad-based strategy that involved education and legal and constitutional changes to promote and protect the rights of women. Women were encouraged both to get 'proletarianised', by working in state farms and collectives, and to remain primarily responsible for the private sphere of the home (Urdang 1989:21).

However, Frelimo's initial success and promise did not lead to the total empowerment of women (Urdang 1989:34). As before, the family – because of the payment of bridewealth – remained the most fundamental oppressive unit for women, which entrenched patriarchal values and practices. The point is that because of a disjuncture between Frelimo's policy on paper and its political practice (Arnfred 2014:2) a gender revolution was thus not on track, and by the time the civil war erupted women had not yet enjoyed the same equal rights as men.

The civil war and its varied impact: Women as passive victims or active agents?

Women's responses to violence were not only varied, but also critical in determining their fate, and reflected their personal histories, age and class. Some women became refugees in neighbouring countries or in camps for internally displaced persons, others tried to earn a living through informal trade, either eking out a marginal existence or prospering, and yet others became sex workers or beggars. Women were thus simultaneously both victims of violence, succumbing to their fate, and active agents of change, transforming their situation and society.

Women as victims of violence

Depicting women as victims of violence and stressing their special needs, added burdens and responsibilities and new forms of victimisation, Nordstrom (1991:1) argues:

Dirty war tactics, elevated to a common strategy grounding many of today's wars, place women at the epicenter of conflict. Women stand as general targets, raped, maimed and murdered in the dirty war construction of terror.

Indeed, during the Mozambican civil war, in addition to suffering the lack of security, food, health and education, women were also victims of increased psychological, physical, sexual and other forms of violence (Interviews, Manica Province, 1992).

First, as the insurgency spread throughout the country like wild fire, there was an exponential increase in the levels of violence and insecurity. Second, new forms of gender-based violence, such as abduction, rape and being forced into being concubines for rebel commanders, emerged. Third, a few women embraced violence, abusing their children, spouses, relatives and neighbours. Fourth, and reflecting the erosion of traditional values in a context of increasing poverty, there was a dramatic rise in sexual liberty, permissiveness and sex work. In short, not only did women endure traditional forms of gender-based violence, but also the war brought with it new security threats, challenges, needs, wants, aspirations, attitudes and behaviours.

Women in the rebel army

The exact number and experiences of women who were combatants, especially on the rebel side, are unknown. In general, women in the rebel army were mostly captives, who were used as wives and concubines to commanders and as cooks and porters of weaponry. Given the hardships of a war situation, sometimes being a 'wife' to a commander was advantageous as it opened access to goods in short supply – food, clothes and protection (Interviews with former rebels' wives, Manica, 1992). Although in general the rebels reinforced the reproduction of gendered traditional inequalities and dependencies of women and men, the experience of women within rebel ranks is a subject that has yet to be fully researched.

Insecurity and pauperisation

The ever present threat of death meant that the need for security became a major priority for women. Even in their homes, women's security was never fully guaranteed. Often women were forced to seek protection from men, thereby reinforcing the traditional gendered dependencies. For security reasons many women left the comfort of their rural homes and became refugees in neighbouring countries, internally displaced persons or squatters in the sprawling peri-urban slums. At night, and for their safety, some of those in the peri-urban slums had to sleep on the verandas of shops in the town centre, and to travel to distant places, women had to join escort military convoys (Author witnessed these in Chimoio, 1992).

This deterioration in security caused by the war not only disrupted the normal life routine, but traditional sources of livelihood were also compromised or lost. The loss of traditional means of livelihood sustenance impoverished many, and meant that women's needs and wants could not be met normally. For instance, instead of getting vegetables from their gardens or food from the fields, they had to buy these, often at exorbitant prices. In addition, instead of living at their traditional homes for free, in peri-urban areas women had to pay rent. In these ways the financial dependency of poor women on powerful men was indirectly reinforced. Severely compromised by the war, security and financial freedom became the most pressing needs for women.

New forms of gender violence

War and the resultant breakdown in the social fabric of society, communities, families, social norms, and law and order led to new forms of gender violence. In their homes, camps for internally displaced persons, refugee camps, and in the bush with rebels, women endured new forms of gender-based violence, such as 'group rape', 'sex slaves' or concubinage for rebel commanders. Even within families, weakened males vented their frustration by being abusive and violent to their female relatives. Disabled women and girls were at higher risk of such forms of gender-based violence, often carried out by people they knew and trusted (Interviews, Chimoio, 1992). In the anarchy and chaos of war, sexual abuse, neglect, maltreatment and exploitation became a daily experience for many women.

Violent women, sexual liberty and sex work

Typical of cults of violence and counter-violence, not only did some women victims of violence adopt negative attitudes against local men, but some of them also embraced violence and ‘compulsive masculinity’. Quite a few men and children admitted running away from abusive and violent wives and mothers. A more subtle form of women-to-women violence was manifest in the ways some professional or middle-class women mistreated and exploited their female housemaids, by underpaying or paying them in kind with old second hand clothes or food. Such generalised violence and anarchy in a context of liberalism led to a disturbing rise in sexual liberty, permissiveness and sex work.

The devastation of the war, the decline of Marxist morality, urbanisation, liberalisation, and the influx of Western donors and foreign troops into the country all combined to make Mozambican culture more susceptible to increased Western influence. These developments effectively functioned as a decoder for erotic experiences which, as amply reflected in urban young women, subverted some of the expected traditional female behaviours and dress codes. Passing fads in fashion-wear, which were driven by a sudden mushrooming of Western sexual images in films, magazines, videos and music – sometimes containing pornographic material – were accompanied by an increase in sexual liberty, permissiveness and transactional sex. Unlike the stereotypical African traditional women suffocating under the burden of patriarchy, the middle-class young women of Chimoio projected in their dress and street manners far more liberty and boldness than what their grandmothers could ever dream of.

Sex work, the ‘oldest profession’ had existed in pre-war Mozambique, but wartime pauperisation and hardship led to its dramatic increase among young women (Mozambique News Agency 1994:3). The arrival of foreign troops and workers, who were relatively wealthier than most Mozambicans, increased the demand and supply of sex workers – and this despite the rising epidemic of HIV/AIDS – as a dangerous survival strategy, especially among poor women. Groes-Green (2013:1) argued that ‘eroticism, kinship and gender all intersected in transactional sexual relationships between young women known as *curtidoras* and older white men in Maputo’. Senior female kin were deeply involved in the process of seduction and extraction of money.

In a nutshell, Mozambican wartime women were victims of the war in numerous ways, and endured multiple new forms of violence. As men went to the war front or were killed, women, for better or worse, took on new male responsibilities. Some had increasingly to depend on men for food and protection. Paradoxically, and as an unintended consequence, while victimising and placing enormous burdens on women, the war also created new possibilities for their emancipation.

Women as active agents of change and gender transformation

The most important unintended consequence of the war to women was that it forced them to be active agents of change and of peacebuilding. As in the UK during the Second World War (Hall 1990:37), women's roles changed during the war as they took over formerly male responsibilities of looking after their families financially. Giving political legitimacy to women's transformed roles was the liberalisation programme of the 1990s, which undoubtedly also entailed immense economic hardship and suffering for women. Politically, however, liberalisation, by rejecting authoritarian control, enhanced the role of the individual in society. In particular, by relinquishing its monopoly of control of public life, through collectives and party structures, the state opened up political space for women and other civil society groups to take the initiative and fill the political void. Indeed, a number of women were involved in self-help support groups, praying, singing, dancing, and demonstrating for peace (Interviews, Chimoio, 1992).

The destruction of formal employment and farming undermined male control and domination of women. Consequently, women had to fend for themselves, and some women, especially via informal entrepreneurship, became financially independent household heads. Free from male control, such women explored, expressed and experimented with new ideas and identities (Interviews, Chimoio, 1992).

In short, the liberalisation programme of the 1990s, necessitated by the war as it were, created conditions that engendered the subversion of traditionally gendered identities and their replacement with new liberal ones. The new liberal political discourse and the expanded political space allowed women to be more active and assertive in subverting the traditional status quo, and in acquiring new values, roles, skills and identities.

Women as active agents of change

In spite of the increased vulnerabilities, burdens and miseries that women endured during the war, depicting them as mere passive victims is immensely flawed. Such a depiction underplays the resilience women have displayed in adapting survival strategies that have transformed their lives, situations and societies. As Hannan-Anderson (1993:121), aptly notes:

This focus on women as a vulnerable group has done women a disservice. Instead of being seen as actors (often major actors) ... women are portrayed as conservative and passive, and the important role they play remains invisible to planners.

Far from being passive victims, some women, forced by necessity, took action, individually or collectively, and this has led to their empowerment. Creatively and consciously, women actively engaged with their situations to meet their changing wartime needs, wants and challenges.

By taking the initiative to fend for themselves, support each other and work for peace, women became active agents of emancipatory change. With established social rules about ways to live and ways to respond to each other collapsing as an unintended consequence of the war, women were forced to develop new identities, behaviours and ideas about themselves. In so doing, they altered the political economy of war and immensely contributed to shaping the peace process. These transformations, 'a quiet gender revolution', were manifested in changes in the family structure, the rise in single women-headed households, marital instability, increased sexual permissiveness and child prostitution (Baden 1997:31).

Changes in family structure

With its economic basis undermined by the war, the patriarchal family ceased to be the sole family structure as new forms of cohabitation, and especially of female-headed households, emerged. The breakdown of family life and public institutions affected the interrelations between kin, friends and neighbours, and led to the emergence of new forms of family and association to replace kinship and extended family ties.

For example, and showing the demise of the extended family, out of the sixty households interviewed, only 6 per cent lived with four or more relatives, while about two thirds lived with none. About 5 per cent were headed by widowed mothers, 12.5 per cent by divorced or separated parents and 17.5 per cent constituted simple or complex co-habitation. In some instances, a 'family' consisted of formerly unrelated young boys brought together by war. In a nutshell, as family structure and form changed, there was a remarkable rise in single female-headed households.

Female-headed households and single mothers

Marital instability was one of the many unintended consequences of the war, and this is precisely because the mortality rate of men was far higher than that of women. The declining numbers of men in civilian communities, either because they were fighting on the frontlines, killed in action, or became refugees in neighbouring countries, produced a skewed population ratio of women to men. As Rodriguez (1983:134), a member of the Women's Organisation of Mozambique (*Organização da Mulher Moçambicana*, OMM) national secretariat, pointed out: 'In some areas we find 1 750 women and only 300 men. How can we combat polygamy in this situation?' Left to fend for themselves and to look after the children, women became active agents of change who assumed male responsibilities, such as becoming household heads and personally building their own houses. Responding to increased male violence within the household, many a wronged woman opted for separation or divorce, which in turn brought more autonomy. Whether married or single, women pursued financial independence via the informal economy.

Women, the informal sector and empowerment

Almost mortally wounded by the war, the state was forced to liberalise, and in the process created unprecedented opportunities for the informal sector to flourish. Forced to look after themselves and to take on formerly male responsibilities, women joined the informal sector in large numbers. For many women, the informal sector became the only decent source of livelihood and sustenance (Chingono 2005:53).

The informal sector as a vehicle for women's financial autonomy

Women's remarkable participation in the grass-roots war economy was the main vehicle for their political and economic emancipation. In the informal sector, women demonstrated a remarkable resilience that was rewarded by increasing economic independence and political autonomy. Free from dependence on their husbands, some women lived autonomous lives, making decisions on how to use their labour and income. Unrestrained by the strict morals pertaining to dependent and married women, such women had greater opportunities to explore their sexuality and express their needs.

In numerous instances, women ventured into areas that in the past were the domain of men, such as large-scale entrepreneurial activities, commercial farming, trading and smuggling as well as ownership of small shops. As a matter of fact, most of the popular and prosperous unlicensed houses that sold beer in wartime Chimoio city were owned by independent women. Similarly, the bulk of goods from Zimbabwe were imported or smuggled by women.

Remarkably, there was little or no involvement of men in women's businesses. Instead, women relied more on their female extended family members, kin and mutual aid associations, as well as on their adult children. When the pursuit of financial autonomy conflicted with their marital obligations, the latter were often the casualty. Financial autonomy also allowed women to defer marriage, get out of unhappy marriages and to express themselves more confidently.

In short, the expanding wartime markets in food, clothes and imported goods in Chimoio afforded informal women traders a much stronger basis for adjustment to an emancipated status than before. Through their action around production and consumption, and primarily in the informal sector, women laid claim to economic rights and citizenship. Ownership of an informal enterprise not only enhanced their security and freedom, but it also reconfigured gender power relations. In expanding their political space, women carried forward the 'gender revolution' initiated by Frelimo, yet stifled by its patriarchal ideologies and practices.

Women's support groups

Women's wartime support groups mainly took the form of religious groups. Membership of religious groups fostered love and community harmony as well as guaranteed caring and material support in times of need (Chingono 2005:55). Participation in religious groups also fostered a sense of belonging and community, and helped shape the process of re-defining individual and collective identity. Given the war-weary state's inability to provide social welfare, the vital social function which women's religious groups performed cannot be overstated.

Remarkably, in some church-based support groups, such as the Chigubhu, one found a surprising degree of egalitarianism and a counter-hegemonic discourse. Calling each other 'brother' and 'sister', members appeared to have assumed new identities that put aside, to some extent, the traditional respect for status, age and gendered inequality. Such groups and networks provided assistance to members in times of emergency such as illness or attack by rebels. As a response to new challenges and an expression of new aspirations, such support groups mobilised the poor in the struggle for survival and peace, and to that extent, were also anti-war and social critics of the status quo ante.

Women's role in peacebuilding

In their unique and different ways women contributed immensely to the peace process. Frustration with the politicians' inability to end the war led some women to become militant and get organised politically. For example, in July 1992 women demonstrated in Chimoio town against the government for the lack of jobs and of protection for women, and the failure to end the war. Earlier, on International Women's Day, (8 March) women in Beira demonstrated and sang for peace. Although in both cases women's immediate demands were not met, such acts of militancy marked a crucial phase in the contested relationship between the patriarchal state and women.

Not only did women pray, sing and hope for peace, but their church-based support networks also promoted peaceful conflict resolution in their communities. By helping those in need, the networks contributed indirectly

to building peace, as this dissuaded some unemployed youth from becoming criminals, pirates or rebels. For the individual women involved, working in groups for a common cause was a politically awakening experience in which they discovered the potential of collective action in the struggle for peace, equality and a fair distribution of power. Such women's grassroots activism and leadership were essential in the prevention of more violence, in the mitigation of its effects, and in rebuilding communities after the war.

Some of the socio-political, economic and cultural changes in gender relations and roles have endured into the post-war era while others have been reversed. Single mothers, female-headed households and the 'Westernised' women, are not only more common in the public sphere than before, but are also now more accepted. Increasing numbers of women are embracing these new free lifestyles, as opposed to imposed traditional gender identities. Baden (1997:x) observes: 'Women are, in many ways, more visible in economic activity and vocal in decision making', and indeed a few are in positions of power. However, and not surprisingly, this new feminist revolution faced many challenges and triggered a counter-revolution.

Challenges to women's emancipation

The feminist revolution that was unfolding in Manica Province faced many challenges, ranging from resistance from traditionalists to divisions among women. Poor organisational skills and the absence of a supportive environment further weakened the movement for women's emancipation. After the war, traditionalists and Christians, men and women alike, expected women to return to their traditional roles of being submissive wives, sisters, and aunts. They attacked women's new attitudes, behaviours and freedoms as 'unAfrican', and as a form of Western cultural domination, and blamed this for social decadence, marital breakdown, infidelity, social degeneration, juvenile delinquency and prostitution. Some even went further, claiming bizarrely, that natural disasters, such as drought and famine, were due to women's 'excesses' and freedoms. Some women have succumbed to these patriarchal pressures, while others continue to resist the reversal of their wartime gains. Such moral and counter-moral arguments were only one aspect of the always changing and

rough terrain of women's wartime struggles for survival and emancipation. In short, the resistance by some traditionalists suggests that Mozambicans do not agree on whether or not the changes in gender relations induced by the war constitute a progressive development or retrogression, a gender revolution or 'sexploitation'.

Divisions among women along class, age and the rural-urban divide remain a challenge to women's emancipation. Wartime women were not a homogenous social category, and were neither revolutionary nor conservative as a group. Instead, not only were they socially differentiated, they were also affected by the war in different ways. For instance, the experience of war for rich women who lived in protected houses in suburbia was far removed from that of poor rural women whose thatch and pole huts could easily be burnt or smashed down by the rebels. Indeed, some upper class women had security guards and access to weapons, such as pistols and even AK47 rifles, for self-defence. As Keen (1996:203) stresses:

The injustices that go with class and race are too severe to be confused with gender. All upper classes are composed of equal numbers of men and women.

Indeed, some urban upper class women prospered through, for instance, charging high rents to displaced rural poor women. Actually, the war amplified the divisions between rich and poor women, and precipitated the polarisation of wealth and class among women, making it almost impossible to work together for the common cause of gender equality.

In addition to class, there were also divisions among women based on their age, an apparently significant variable, which determined the options, opportunities and constraints open to wartime women. Age influenced women's ability to adapt and make the most of the war situation. In general, young children and the elderly were the most vulnerable, as they could not run for their lives, walk to safety or even look after themselves properly, and consequently they constituted the majority of beggars or donor dependents.

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Not only were women's experiences of war determined by their age, but women were also divided along age lines. Reflecting the tensions between the ages, on the one hand older women were ready to give the lesson of experience, yet on the other, young women thought older women too old-fashioned and out of tune with the requirements of the new challenging times. In addition, there was also the urban-rural divide among women.

Elite women of Chimoio, in their tastes, lifestyles and priorities, were a world apart from the displaced rural women who crowded the peri-urban slums without basic amenities. In fact, women from the rural areas complained about the apparent egotism of urban women who were, in their opinion, condescending, excessively materialistic and concerned with fashion, food and sexual pleasure.

More than two decades after the end of the war, women continue to face a myriad of other challenges. Unemployed women, in both urban and rural areas, live in grinding poverty. They lack finance, skills and knowledge for effective organisation and success in business and in their feminist revolution. With the national leaders locked in a power struggle with the opposition MNR, there is no supportive environment nor sufficient gender-sensitive counselling services for women traumatised by the war. Indeed, there is considerable poor health among women victims of war, with, for instance, 'women who were exposed to the conflict in early stages of their lives hav(ing) ... a weaker health ... reflected by a lower height-for-age z-score' (Domingues 2010:3). Further, women who had been abused or who abused others face difficulties in being accepted into communities. Finally, and of decisive importance, the poor representation of women in the public sector in general, and in parliament and government in particular, has further weakened women's position in society.

The different impacts of war on different social groups of women, and their different coping strategies, gave rise to divisions among women, which ultimately undermined the emancipation project. The war exposed and amplified divisions among women, along class, age and location, thus reducing them to 'enemies' in some social battlefields. Mozambican wartime feminism

had thus to confront, in addition to resistance from populist patriarchs, the divisions amongst women themselves as well as a myriad of other problems. In spite of these challenges, and as Baden (1997:x) aptly notes, 'there are considerable opportunities in the post-war situation to build on changes in gender relations which have occurred, in order to promote opportunities for women and gender equality'.

To recapitulate, social norms and rules confining women's lives were broken down in wartime, and while this made women more vulnerable, it also gave them space and scope for agency. The many-faceted responses of a multitude of women to war gave birth to 'a quiet gender revolution', whose complexity cannot be captured by a single feminist approach. Hitherto, the liberal focus on reform of sexist and gender discrimination has failed to give a more positive form to this revolution. While the Marxist stress on transformation of economic relations as crucial to women's emancipation is plausible, the point is, in addition to class, wartime women were also divided and united along age, ethnicity and religion. As post-colonial feminists, Oyewumi (1997 and 2010) and Amadiume (1987) have convincingly argued, taking the Western notion of male dominance/female subordination for granted in contexts of pre-colonial Africa can be misleading. Equally misleading are essentialist meta-narratives about 'African women', for as we have seen, wartime women were unique individuals with different aspirations, wants and priorities, and as such, lumping them together could be a form of violence to some of them. As Lorber (2015:1) notes, 'each perspective has made important contributions to improving women's status, but each also has limitations'. Therefore, to fully capture the essence of the tantalisingly contradictory processes of violent social change, a more holistic and multidisciplinary approach is needed.

Summary

Women in pre-colonial, colonial and post-colonial Manica province of Mozambique were subjected to various forms of gender oppression. While attenuating some of the traditional gender inequities, colonialism and Christianity ushered in new forms of gender discrimination. In the

post-independence period, and in spite of Frelimo's radical rhetoric, traditional gender inequities remained unchallenged. As one of its key unintended consequences, the civil war altered gender relations – fundamentally in some respects and superficially in others.

The war, by undermining the economic power base of patriarchy and the hegemony of its legitimating ideology, created opportunities for women to attain relative economic and political autonomy from domination by men. Ironically, the break-down of the traditional patriarchal family and the inability of men to provide for, and hence control, women led to a 'quiet gender revolution'. Forced to be innovative and enterprising in order to survive, some women emerged stronger and with a more critical outlook on gender relations. The position of women vis-à-vis men improved, accelerating in a liberal direction a process that had been initiated by Frelimo. This was reflected in the images young wartime women portrayed, which suggested that they were rejecting the coarseness, hardness and submissiveness of their mothers' generation and desired a more glamorous, feminine and independent identity. Unfettered by traditional patriarchal restraints, they expanded their political power in relation to men, experimented with Western fashion, and liberally explored their sexuality and pleasure.

However, the gains women made indirectly from the war and their narrow economic base in the informal economy did not present a formidable challenge to patriarchy. Today, women continue to be marginalised, exploited and oppressed because of the power imbalances between the sexes. Therefore, the definitive or total liberation of women may only be achieved when women are empowered and allowed to have significant representation in policy making and governance.

Conclusion

Wartime women's survival strategies and activities speak directly to us about the 'creative destruction' of war, and women's role as history makers changing their society. They have not dabbled in high politics as 'the art of the possible', but instead have changed what is possible, and in the process opened

new possibilities and opportunities for their emancipation. With wartime necessity becoming the mother of economic innovation and creative informal enterprising by women, there were changes in traditional gender roles and the organisation of society.

Such gender struggles were conditioned by the exigencies of surviving in a war situation. Within the limited possibilities thrown up by the war, wartime women made varied choices influenced by the exigencies of living in a war situation. Women's capacities to respond to the war situation, the options available to them and the livelihood strategies they adopted varied according to their previous experiences, social class and age. In addition, women occupying different positions in society wanted different things and had different beliefs, attitudes and priorities. The common denominator for these different groups of women was the need for security and financial independence, both of which seemed correlated more to one's class than to gender.

In conclusion, simultaneously challenging and entrenching the existing gender relations, the legacy of the war for women was ambiguous and contradictory. On the one hand, the war led to a radical change in the family structure and gender relations, yet on the other it entrenched the dependency of women on men. Containing both new possibilities for the emancipation of women as well as seeds of their further subjugation, war was a source of conflict among women. Some women were empowered as informal entrepreneurs, while others were further marginalised as prostitutes, beggars and refugees. Women were thus not mere passive victims of the war, but were also active agents, shaping the course of their lives, politics, and of the war itself. Therefore, an understandable emphasis on victimhood should not blind us to other ways in which women have been, and might become, active in the historically contested process of their emancipation in conflict settings.

Sources

Amadiume, Ifi 1987. *Male daughters, female husbands: Gender and sex in an African society*. London, Zed Books.

Arnfred, Signe 1988. Women in Mozambique: Gender struggle and gender politics. *Review of African Political Economy*, 41, pp. 5–16.

Arnfred, Signe 2014. *Sexuality and gender politics in Mozambique*. London, James Currey.

Women, war and peace in Mozambique: The case of Manica Province

- Baden, Sally 1997. Post-conflict Mozambique: Women's special situation, population issues and gender perspectives. Geneva, International Labour Office (ILO) consultancy report.
- Bayart, Jean Francois 1993. *The state in Africa: The politics of the belly*. London, Longman.
- Berkley Center for Religion, Peace and World Affairs 2013. *Mozambique: Religious peacebuilders broker end to civil war*. Washington, Georgetown University.
- Brandon, Dorothy and Apollo Rwomire 2001. Introduction. In: Rwomire, Apollo ed. *African women and children: Crisis and response*. London, Praeger. pp. ix–xxiii.
- Butler, Judith 2006. *Gender trouble: Feminism and the subversion of identity*. London, Routledge.
- Chingono, Mark 2005. Critical reflections on conflict resolution and peacebuilding in Mozambique. *Studia Africana: revista interuniversitaria d'estudis Africans*, número 16: Conflictes i resistències, octubre. pp. 51–59.
- de Beauvoir, Simone 1964. *The second sex*. London, Harper Collins.
- Domingues, Paulo 2010. *The health consequences of the Mozambican civil war: An anthropometric approach*. Paris, Université Paris 1 Sorbonne CES.
- Ehrlich, Avishai 1987. Israel: Conflict, war and social change. In: Creighton, Collin and Martin Shaw eds. *The sociology of war and peace*. London, Macmillan Press. pp. 121–142.
- Ford, Lynn 2002. *Women and politics: The pursuit of equality*. New York, Houghton Mifflin.
- Giddens, Anthony 1987. *The Nation-state and violence*. Berkeley, University of California Press.
- Groes-Green, Christian 2013. To put men in a bottle: Eroticism, kinship, female power and transactional sex in Maputo, Mozambique. *American Ethnologist*, 40 (1), pp. 102–117.
- Hall, A. John 1987. War and the rise of the West. In: Creighton, Collin and Martin Shaw eds. *The sociology of war and peace*. London, Macmillan Press. pp. 37–53.
- Hall, M., 1990. The Mozambique National Resistance Movement (Renamo): Study in the destruction of an African country. *Africa*, 60 (1), pp. 39–68.
- Hannan-Anderson, C. 1993. Integrating, not separating: Women in development. In: Kerr, J. ed. *Ours by right*. London, Zed and the North Institute. pp. 23–38.
- Isaacman, Allen 1972. *Mozambique: The Africanization of a European institution: The Zambesi Prazos, 1750-1902*. Wisconsin, Wisconsin University Press.
- Keen, Sam 1996. *Fire in the belly: On being a man*. London, Plaktus.
- McLellan, David 1972. *Karl Marx: His life and thoughts*. London, Longman.
- Mozambique News Agency 1994. Editorial. *United Nations Operations in Mozambique (ONUMOZ) troops encouraging prostitution*. Mozambique News Agency, Report Number 28, Maputo, 4 March.
- Mumouni, A. 1980. *Education in Africa*. London, Deutsch.
- Nef, John 1950. *War and human progress*. Cambridge, MA, Harvard University Press.
- Nordstrom, Carolyn 1991. Women and war: Observations from the field. *Minerva Quarterly Report on Women and the Military*, ix (1), pp. 1–15.
- Oyewumi, Oyeronke 1997. *The invention of women: Making an African sense of Western gender discourses*. Minnesota, University of Minnesota Press.

Mark Chingono

- Oyewumi, Oyeronke. 2010. *Gender epistemologies in Africa: Gendering traditions, spaces, social institutions, and identities*. London, Macmillan.
- Rodriguez, Anabella 1983. Mozambican women after the revolution. In: Davies, Miranda ed. *Third world, second sex: Women's struggles and national liberation*. London, Zed Books. pp. 127–134.
- Sacks, Karen 1982. An overview of women in power in Africa. In: O'Barr, J. ed. *Perceptions on power: Women in Africa, Asia and Latin America*. New York, Dules University Press.
- SaferWorld 1994. *The costs of conflict*. London, SaferWorld.
- Sow, Fatou 1997. Gender relations in the African environment. In: Imam, Ayesha, Amina Mama and Fatou Sow eds. *Engendering African social sciences*. Dakar, CODESRIA. pp. 251–270.
- Urdang, Stephanie 1989. *And still they dance: Women and struggle for change in Mozambique*. London, Earthscan.
- Vines, Alex 1991. *Renamo terrorism in Mozambique*. London, James Currey.
- Webner, Richard 1991. *Tears of the dead: The social biography of an African family*. Edinburgh, Edinburgh University Press.

Internet Sources

- Lorber, Judith 2015. The variety of feminisms and their contribution to gender equality. Available from: <<http://diglib.bis.uni-oldenburg.de/pub/unireden/u>> [Accessed 3 April 2015].
- Oyewumi, Oyeronke 2015. Conceptualizing gender: The Eurocentric foundations of feminist concepts and the challenges of African epistemologies. Available from: <<http://www.google.com/url?sa=t&rct=j&q=&e>> [Accessed 3 April 2015].

Interviews

Provincial Director of Labour

Frelimo Provincial Secretary

Officials at the Provincial Administrative Headquarters in Chimoio city

Donor agencies officials

Zimbabwean troops guarding the Beira Corridor

Radio Chimoio journalists

Members of Women's Organisation of Mozambique (OMM)

Roman Catholic sister

Pastors from different churches, including the Roman Catholic, Assemblies of God, Jesus Lives Evangelic Church, Africa Zion Church, Chigubhu sect, Holy Spirit Congregation, Marfora Missionaries, and Jesus Lives Gospel Reach Ministries

Amnestied former MNR rebels and their families

Government forces

150 displaced persons in peri-urban slums of Chimoio and Manica towns and in resettlement camps in Manica Province

Book review

The new South Africa at twenty: Critical perspectives

Peter Vale and Estelle H. Prinsloo eds. 2014

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*Reviewed by Priyal Singh, researcher in ACCORD's Knowledge
Production Department*

South Africa's democratic transition in 1994 remains one of the most analysed, lauded and respected political transitions, for numerous reasons, in modern times. The definitive character of the transition, with respect to a number of international and domestic factors, elevated the significance of the process, and ultimately assigned the country a status that was nothing less than the de facto poster-child of the emergent post-Cold War international system. From the largely peaceful nature of the transition process, the emphasis on thorough and effective political dialogue and negotiation, and the arguable extent to which liberal values imbued almost all facets of the country's political, social and economic transition, South Africa emerged as one of the greatest early success stories – which could be used time and time again to validate the dominant international politico-economic ideology of the time.

Twenty years later, however, many of the deep-seated structural and systemic factors that were either left unaddressed or inadequately addressed through the formative years of the transition process have re-emerged in ways that have given rise to a host of new concerns surrounding the long-term prospects of the country. The re-emergence of race, or the politicisation of race to be precise, is one such consideration, along with the deleterious aspects of crippling high levels of income inequality. At the centre of these new concerns remain questions over the governance record of the post-apartheid state, and its associated policies and records of delivery in key areas, primarily around the development of human capital (education and health) as well as infrastructure, energy and the mitigation of pervasive rent-seeking behaviour – through all levels and sectors of the state apparatus.

It is within this context that *The new South Africa at twenty: Critical perspectives*, edited by Peter Vale and Estelle H. Prinsloo, aims to make a contribution to current discourse and analysis surrounding some of the most critical issues at play in contemporary South Africa. Composed of ten chapters, each individually authored and covering a particular thematic area, the book provides exemplary insights on a range of issues, by drawing upon forms of analysis that are grounded in critical theory, and which seek to delve more deeply into the structure, substance and nature of the post-apartheid state. With all but three of the book's chapters having previously appeared in the Australian-based journal *Thesis Eleven* in 2013,¹ there are of course marked academic undertones throughout the book, along with the analytical and investigative rigour that one would expect of such writing; which is particularly refreshing given the often relentless onslaught of largely superficial social commentary that surrounds such critical issues in contemporary South Africa. Moreover, the book's chapters progress in a manner that largely accounts for the distinct 'narrowing' of contemporary understandings, analysis, research and even vocabulary on the study of governance – writ large – which has become increasingly concerned with technical and materially-oriented policy issues.

1 The respective authors of each of the chapters have, however, updated their contributions since their work first appeared in *Thesis Eleven*.

Indeed, one of the book's greatest strengths is the value provided through the critical-theoretical grounding that informs each respective chapter, and the subsequent conclusions drawn that speak to the world of ideas as much as they do to policy and current political, social and economic realities. An important idea that emerges in this regard throughout the book, concerns questions about the search for viable alternatives to entrenched social pathologies despite South Africa's much lauded democratic transition. Thus, discerning instances and trends of continuity, as opposed to change, within the country's broad political, social and economic life becomes vitally important in order to specifically interrogate what has gone wrong with the transition, what has gone right, and the reasons behind each of these.

The first chapter, by Deborah Posel, considers the politicisation of race in contemporary South Africa by focusing on the historical development path of the youth league of the African National Congress (ANC). It is particularly interesting that Posel within her examination of the chapter's subject matter centres upon the ANC Youth League, which she asserts has positioned itself at the forefront of debates surrounding race in South Africa. In the process of associating the two, Posel considers the fuzzy logic underlying the constitutional autonomy – but not independence – of the youth league vis-à-vis the ANC itself, the growth of recklessness, fractiousness and conspicuous consumption within the youth league, and the manner in which upward social mobility and the economic aspirations of its constituents have manifested and informed the re-politicisation of race at the forefront of contemporary South African public discourse. By highlighting the rise, arguable fall, and re-emergence of the youth league's charismatic former leader, Julius Malema, Posel then draws parallels between the very different grand-narratives offered to the public between South Africa's first democratically elected leader, Nelson Mandela, at the dawn of the country's political transition, and Julius Malema, twenty years later, and questions the role and place of race within these two competing frameworks.

Attention then shifts to the country's 'Political economy of pervasive rent-seeking' in chapter two, by de Kadt and Simkins, in relation to politico-economic policies and practices in pre- and post-apartheid South Africa.

While one of the more technically oriented chapters in the book, alongside the Chapter 5 case study concerning ‘Neoliberal restructuring and the fate of South Africa’s labour unions’ by Hlatshwayo, there is considerable insight provided into, inter alia, current policy directions through careful consideration of a number of key issues. Chief amongst these are the country’s industrial policy post-1994, the nature of South Africa’s labour market with particular regard to the creation of standards for black participation in the private sector, the significant shortcomings of the country’s education sector, the effectiveness of state administration, and the implications of a historical service delivery deficit – with particular regard to a growing welfare and developmental state.

Helliker and Vale then go on to provide a critical appraisal of Marxist literature within South Africa since the 1970s in Chapter 3. The underlying rationale behind this brings into sharp focus the fact that, more than twenty years after the formal end of apartheid, the country’s social transformation remains – for better or worse – mired within the overriding logic of neoliberal capitalism. To this effect, the authors trace the historical evolution of Marxist thought within the country, its contribution to the anti-apartheid project, and the nature of its conceptual entanglement with the country’s Black Consciousness Movement. In spite of this significant historical role, however, it is argued that the country’s government, and its partners, now rely on a form of populist politics that is devoid of any meaningful progressive content. Moreover, it is argued that although the state has pursued a number of redistributive programmes, these have largely been contextualised within and subordinated to an orthodox neoliberal economic programme. What follows is a rebuke of not only the pace, but the very direction of social change in post-apartheid South Africa, and the decisions of the ANC-led government which, in the authors’ opinions, have paid scant regard to history – through efforts aimed at firmly integrating the country within a global economic system that reinforces the divide between rich and poor.

Chapter 4’s interview with the late Jakes Gerwel truly stands out as one of the most insightful and telling parts of the book. In this chapter, Higgins

engages Gerwel on a number of critical pillars of South Africa's transition, with the questions being unsurprisingly oriented from a left-leaning perspective. What follows is a particularly well-rounded and meaningful set of reflections that span issues as diverse as the growth and implications of a pervasive rent-seeking class, the role of the humanities in pre- and post-apartheid South Africa, the uneasy relationship between education and economics, as well as musings on the role and behaviour of socialist-inclined thinkers in a post-Marxist world. Chapter 5 follows with an intimate investigation into the inner workings and considerations of South Africa's labour unions vis-à-vis neoliberal restructuring, whereby Hlatswayo traces and examines key developments within the National Union of Metalworkers of South Africa (NUMSA) in response to the management practices and strategies of ArcelorMittal SA at its Vanderbijlpark Works plant. Specifically, great attention is paid to the waxing and waning positions of NUMSA in light of broad international and national trends, with particular regard to privatisation and technological change, and the ways in which this (as indicative of a global 'crisis of capitalism') exacerbates political tensions and works to the long-term detriment of social transformation in South Africa.

This is followed, in Chapter 6, by Maré, who provides a thoroughly detailed overview of the ways in which 'race thinking' continues largely to inform the day-to-day behaviour of South Africans, with particular regard to social organisation. He goes on to provide an overview of this racialism in its many hues and manifestations as it influences and defines the lives of South Africans, despite the country's constitutional and political commitments to the idea (fuzzy as it may be) of non-racialism. In Chapter 7, Pithouse speaks to issues surrounding the value of the 'local' as a starting point with which politics could be articulated in order to address some of the greatest and growing concerns of our time. He considers a number of social movements, and the popular politics which accompanied these, in conjunction with the way theory interacts with local politics, and argues that – in South Africa particularly – local politics need to be taken much more seriously.

Attention is then shifted to a discussion of the education crisis in South Africa, which proceeds in two parts, through a prolegomenon, by Vally, to the thoughts of the late Neville Alexander who penned part two, namely 'Education in crisis'. Resonating with some of the earlier remarks by Gerwel, Alexander underscores the fact that the country's post-apartheid shortcomings with regard to education cannot be understated, should not be seen as a mere technical issue, and are indicative of a much broader crisis that works to the detriment of almost every other sector of society – with particular regard to the development and accumulation of human capital. By first examining some of the fundamental aspects of the crisis, Alexander goes on to consider viable, practical initiatives which could be used to address the situation – and which more deeply consider the effective *raison d'être* and design of such an education system, in line with post-apartheid South Africa's vision of a just society.

Following this, Walker considers the uneasy relationship between women, gender equality and tradition, and the particular salience these issues have acquired within the broader debate surrounding the meaning and nature of democracy in the new South Africa. By referring to a deep-seated conservatism surrounding gender relations within the ruling ANC as well as growing party support of traditional institutions and authority within its governance frameworks, Walker questions the gains made by the broad women's movement since 1993. Lastly, attention shifts to art and culture in contemporary South Africa, in Chapter 10, whereby Klopper focuses on the way in which late- and post-apartheid experiences have driven and informed creative expression and innovation.

Taken together, the book provides certain exemplary readings into a range of issues at play in contemporary South Africa, by delving deep into the subject matter and offering critical insights that go far beyond the everyday, comfortable analyses that many South Africans may have become accustomed to. There are times where the jumps between chapters appear to be particularly disjointed, as well as a few occasions on which the authors tend to stray too far and get lost in the world of ideas, but this does not detract from the overall well crafted and nuanced contributions of each.

It would, however, for the sake of greater analytical balance, have been good to see the inclusion of authors whose views may be diametrically opposed to those presented here, within the collection of chapters – as well as a more balanced selection, by certain individual authors, of the cases they sought to highlight in order to support their respective arguments. But again, the overall quality of critical scholarship throughout the book more than makes up for this. In conclusion, this is a definite must-read for anyone interested in understanding post-apartheid South Africa's political, economic and social trajectory, the pace and direction of social change in the country, and the persistence of certain deep-seated social pathologies that fester despite the ongoing development of a robust, albeit young, democratic tradition.



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