

Peace building and Transformation from below: Indigenous Approaches to Conflict Resolution and Reconciliation among the Pastoral Societies in the Borderlands of Eastern Africa.

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ABSTRACT

Violence among the pastoral communities in the borderlands of Eastern Africa has escalated to such an extent that governments seem to be unable to contain the conflict. More is needed than efforts by states to restore law and order. If these conflicts are to be dealt with effectively, more will also be needed than western methods of conflict resolution. Traditional customs and values have to be utilised. Marginalised indigenous ways of approaching and resolving conflict have to be explored and utilised. Taking theoretical considerations and the historical background into account, this article focuses our attention on indigenous approaches that may promote a more peaceful coexistence. It shows how the application of such methods may result in a wider involvement of the communities concerned, which may contribute substantially to the actual resolution of conflicts and to real reconciliation.

INTRODUCTION

Violence and warfare, especially in the form of raids and skirmishes among pastoral peoples, have existed from time immemorial. However, the borderlands of Eastern Africa have witnessed unparalleled violence, anarchy, and insecurity in the last two decades. These acts often degenerate into war. Yet, the often wanton destruction of life and property and the rise of terror in all its manifestations tend to undermine the sense of value and dignity of human life.

The governments of the Eastern African states are finding it extremely difficult to maintain law and order in the borderlands through the use of security forces and other extra-judicial methods. Such measures seem to have failed to contain conflict and violence probably because they address merely the symptoms rather than the root causes of the conflict.

The principal concern of the study is to locate traditional customs and values that may be of significance in promoting security, peaceful coexistence and respect for human rights. The study posits that the devastating effects of the current conflicts among the pastoral communities in the borderlands could be minimised through the adoption of norms and values based on those of the indigenous cultures.

The term "pastoralism" is applied in the study to denote communities whose main mode of production is the herding of livestock on extensive bases or in combination with some form of agricultural activities. Such communities include the Turkana, the Pokot, the Samburu, the Somali, and the Boran of Kenya. Among others are the Toposa and the Merille of Ethiopia and Sudan, and the Karamojong of Uganda.

The terms "rustling" or "raid" are used interchangeably in the study to refer to armed attacks by one group on another for the purpose of stealing livestock and not necessarily for territorial expansion (Markakis 1993:124). On the other hand, the term "conflict" is used to denote "a dispute into which the threat of physical coercion (violence) has been introduced" (Amoo 1992: 3).

The phrase "conflict resolution" refers to the termination of a conflict or dispute through the elimination of the underlying bases or causes of the conflict (Burton & Dukes 1990:217).

THEORETICAL CONSIDERATIONS

Basically, this study is conceptualised as a critique of the western legal framework of conflict resolution. It points out that the marginalisation of the African indigenous practices of conflict principles and norms is to some extent a major contributory factor to the current incessant violence in Eastern Africa.

The upsurge of ethnic conflicts all over the world, and especially in Africa, has elicited a wide variety of theoretical explanations from scholars with divergent ideological standpoints. To some scholars, violent and non-violent conflicts between different ethnic groups within a nation-state are a normal phenomenon. This is attributed to the natural urge by human beings for self-realisation, identity and supremacy.

Another school of thought that emerged in the late 1980s and early 1990s posits that ethnic conflicts in the developing countries are a manifestation of a people's quest for self-identity, which they have been denied by the powers that be. Such conflicts tend to become more protracted and volatile, especially when they hinge on such people's cultural values.

Culture is an important component in conflict resolution (Burton & Dukes 1990; Kozan 1997; Bryne & Irvin 2000). Burton affirms that culture is vital because it is a "satisfier". Moreover, cultural values are important to most members of the community. He points out that indigenous societies were more inclined towards rituals that led to co-operative problem solving than to the type of confrontation and power bargaining which has become the vogue in the western world. Lederach and Coner (1990) also advocate the necessity of cultural and indigenous approaches to conflict resolution. In the African context, this would involve incorporating various traditional theories and practices into the contemporary general mechanisms of conflict resolution. Augsburger (1992) argues that in traditional cultures, there exist pathways in the ethnic wisdom for managing conflicts. This, he points out, may be lost due to the influence of westernisation.

Indigenous cultures viewed conflict as a communal concern. Thus, the society was seen as having ownership of both the conflict and its context. However, the westernised conflict resolution approach puts more premiums on personal and individual ownership. Most of the time it is a win-lose situation.

On the other hand, a grassroots peacemaking approach hinges on the premise that since most of the active players in any conflict situation are grassroots people, it becomes inevitable to involve this large segment of the society in the process of peace making and conflict resolution. This approach also presupposes that peace can be built from below. Traditional approaches of conflict resolution are an important component of the cultural heritage of African societies.

There are many assumptions that surround a people's perception and approach to culture in the field of conflict resolution. These assumptions rarely make explicit the fundamental concerns about the relevance, dominance and ideology underlying the meaning and purpose of conflict resolution.

The study, therefore, analyses the accumulated understanding of conflicts, and the traditional modus

operandi of conflict resolution and reconciliation among the pastoral communities. For example, practices in which symbols and rituals figure prominently are very vital in the process of peace building among many African societies.

HISTORICAL BACKGROUND

Pastoral systems are, to a large extent, products of climatic and environmental factors. The system of pastoralism in Eastern Africa is currently under intolerable stress. This is evident in an upsurge in cases of conflict and violence in the region.

According to Markakis, ethnicity is to some extent a factor in conflicts in the borderlands. This is due to the struggle by each group to enlarge its share of resources. The pastoralists clash among themselves and also with the agriculturalists. Occasionally such clashes culminate into serious violence.

From antiquity, conflict and warfare have existed in human history though confrontations had limits. As Salih points out "armed conflicts generally followed predictable patterns and were soon followed by pressures for truce or reconciliation. Killing was relatively limited partly because of the weapons used and partly because payment of compensation to aggrieved relatives could be expensive in terms of livestock" (East African Social Science Research Review 1993:24).

According to Fukui and Turton (1979), there are certain elements of social organisation that serve the "midwifery" role to heighten or lessen the intensity of conflicts. Thus "warfare among pastoralists has more in common with raiding than with large scale, set piece or pitched battles of European history" (Turton 1996:190). This distinction between raiding and war helps to differentiate two levels of armed conflict. Socially accredited values and beliefs determine the latter, while the former is an individual or small group act with limited or without societal approval (Turton 1996:191).

Mazrui on the other hand, plays down the dichotomy between raid and war. He posits that "the warrior tradition underlines all those issues linking precolonial combat to modern warfare, mediating between culture and politics, affirming the individuals' obligation to society and constantly drawing the boundaries between war and peace in human experience" (cited in Fukui & Turton 1979:191).

Traditionally, raiding among pastoral societies had three main objectives:

Firstly, it had a social and economic base. An individual without livestock could not actively participate in the socio-political affairs of the society.

Secondly, there was competition for grazing land and water. Due to scarcity or dwindling of resources as a result of overpopulation or adverse climatic changes, some groups are forced to move their livestock to territories that belong to other ethnic groups or clans and this causes conflicts.

Thirdly, there are survival strategies. Loss of cattle could lead to raids, which was one of the options of replenishing depleted herds. Or, raids could be undertaken as means of increasing one's stock as an insurance against unforeseen calamities. In other words, cattle wars constituted a communal response

to natural calamities (Ocan 1995).

The adoption of transhumance by some pastoral societies entailed the development of serious hostilities about grazing land among the various groups,. According to Dyson-Hudson "aggressive confrontation" is an essential component of pastoralists' strategy (Markakis 1993:1).

In pre-colonial times, pastoral societies tended to use migrations as a panacea to manage conflict and/or natural calamities. The pastoralists enjoyed friendly relations with most of their neighbours in spite of sporadic raids and conflicts, which to a very large extent were regulated by elders through the political system of gerontocracy (Odegi-Awuondo 1990:46). This peaceful intercourse included intermarriage between the pastoral neighbours.

But the imposition of fixed ethnic and national borders by the colonialists, with little regard to the seasonal variations and the needs of the people for pasture, had serious repercussions (Galaty 1990:145). The borders did not only limit free access to grazing land and water but also seem to have increased social conflicts among the pastoralists. As access to land diminished and populations of people and livestock increased against available resources, there emerged acute competition for water and pasture. These, in turn, tend to intensify both intra and cross border raids and conflicts.

Today, conflicts among pastoral communities have taken new exaggerated dimensions. They create misery, poverty, and insecurity among the populace.

CONFLICT, CONFLICT RESOLUTION AND RECONCILIATION: AN OVERVIEW

Conflict occurs when the parties involved try to achieve their objectives by destroying or disabling their opponents. Different occurrences of armed conflicts have varying characters and degrees of intensity. War can be seen as "one of the modes of destruction which varied in accordance with available technology" (Hutchful & Bathily 1998:11).

Proponents of a political approach regard warfare as an activity per se of sovereign political groups. As such, groups are seen to fight because conflict is inherent in social relations. Hence it is in their nature to do so unless they are restrained by the institutions of social control (Njeru 1998:4). This approach reflects both the Hobbesian and Durkheimian perspectives. The former posits that a propensity towards violence in pursuit of self-interest, is a fact of human nature, hence the purpose of the state is, to keep various forces in check. The latter holds that the source of peace and order in society lies in the moral authority exerted by the group over its members (Lamert 1999:89-99; Ritzer 2000:82-102).

The anthropological study of war focuses on attempts to explain armed conflicts as a universal feature of the human condition manifesting itself in culturally specific terms (Njeru 1998:4). The institution of war may take different forms. In a single society, various categories of armed conflict are recognised. These range from duels between two groups by appointment, wherein the participants seek to inflict non-mortal injury, to "mother-of-all-wars" battles, which are rare and result in many deaths (Fortes & Evans-Pritchard 1940:xx). Feuds or collective actions using force or the threat of force are not synonymous with wars since the actions are limited to obtaining satisfaction for a particular injury and are controlled by the norms of a given society. Raiding for cattle is only one aspect of conflict.

To a large extent, the economic system, the lineage structure and ritual ideology facilitated local cohesion as a factor of common solidarity. Among the pastoral societies, two neighbouring clans could occasionally arrange a feud, agreeing to put two similar age-sets against each other. Sometimes these engagements turned bloody. A third group normally intervened as arbiter in such a case.

The social structure of the pastoral groups is largely based on generational lines and age-sets. Elders form the senior generation set. In their role as political and spiritual leaders of the society, the elders laid down rules and procedures to initiate warriors, settle disputes, sanction raiding expeditions and determine grazing areas in their transhumant pattern. The society therefore relied on their wise guidance, prayers and blessings. Their advanced age and experience was seen as indicating their close relationship with the spiritual world. Thus, their decisions on any issue were sacrosanct. The warriors constitute the junior generation set. Their role in society was to execute decisions agreed upon by the elders.

The elders, therefore, played an important part in defusing tensions and conflicts, which usually centred on the control of grazing land or water. They had well laid down procedures for settling disagreements in which all the parties to the conflict got a chance to put across their views. The elders were recognised as having authority to act as arbiters and give judgement on the rights or wrongs of a dispute submitted to them and suggest a settlement though they may have had no power of physical coercion by which to enforce them (Fortes & Evans-Pritchard 1940:xviii).

The negotiation or reconciliation process in the traditional setting was seen as a re-establishment of relationships between people and also with their God and spirits who were regarded as witnesses and active participants. As Kiplagat (1998:7) points out: "There is a holistic approach to the process, working with the community as a whole, invoking spiritual forces to be present and accompany the community towards peace". The responsibility of the elders was to guide the negotiation towards an agreement, which would reflect as much as possible the consensus of all the parties involved.

Among the pastoralists, ties of kinship, marriage and friendship as well as cattle loans often bind neighbours. For example, the Luo people of Kenya have a proverb stating "kinship is strengthened through friendship". Many individuals, therefore, often have divided loyalties and interests in any conflict situation. Hence they would apply pressure for a quick settlement of any dispute. As Gordon and Gordon (1996:235) point out, "when people of different descent groups must marry, live among, and cooperate with one another, their cross cutting ties together with the pervasive fear of feud constitute an important mechanism for the maintenance of social order".

The ethical code of war ensured the respect and protection of women, children and the elderly. Respect for women was imperative since they represent the origin (source) of life. The child represents innocence, while the elderly were considered to be closer to the spirit of the ancestors (Njoya 1988:7). Generally, before the outbreak of conflict or hostilities, the parties to the conflict tried to settle the dispute peacefully. Only when all efforts to achieve reconciliation had failed did the parties resort to war. After any conflict, the question of reconciliation was put on top of the agenda. It was usual for the two protagonists to meet in the presence of an arbitrator from a neutral community. In many cases, treaties or agreements were entered into solemnly and were usually regarded as binding and sacred. The beliefs behind oaths were that God or some supernatural power would punish any individual who

breaks the requirements of the oath (Mbiti 1970:212).

Among the Turkana, when there was any serious conflict, the elders would call a traditional peace conference. The whole community would gather with one common objective, i.e. to restore the broken relationship and invigorate the process of healing. Such a meeting would be open-ended so that all the participants had time and opportunity to air their views. The meeting would be held in a "carnival" atmosphere, punctuated with stories, songs, dance, proverbs, etc. The name of God and the spirits would be invoked during the meeting. A bull would be slaughtered and its blood collected and sprinkled into the air as a way of binding the community to the peace covenant. As a gesture of reconciliation the whole group would eat the meat together. Thereafter, feasting, singing, dancing and celebration would continue for several days. The whole society would thus be part of the agreement and anybody who violated it could suffer some calamity.

For example, following a bloody conflict between the Luo and the Maasai of Kenya, negotiation and reconciliation would be arranged by the elders with rituals to solemnise the occasion. The elders and the "whole community" women, children and the youth would assemble at one point along their common border. A makeshift obstacle consisting of tree branches would be created along the border and the warriors would place their spears over it. A dog would then be slain and cut in half and its blood sprinkled along the border. Then, mothers would exchange babies with the "enemy" group and suckle them. The warriors would also exchange spears. Prayers would then be offered by the elders and a profound curse pronounced on any one who attempted to cross the border and create havoc to either side. After such an agreement it would be almost impossible for the two sides to fight again (Augsberger 1992:276). This was a form of creating blood brotherhood.

Thus, in the traditional set up, reconciliation was formally and informally characterised by the implicit involvement of the whole society. The peace message would then be conveyed and become incorporated in the people's oral tradition. The community therefore serves as the repository within which conflict resolution was performed.

As William Ury (1999:28) notes:

Emotional wounds and injured relationships are healed within the context of the emotional unity of the community. Opposed interests are resolved within the context of community interest in peace. Quarrels over rights are sorted out within the context of overall community norms. Power struggles are contained within the context of overall community power.

The mediators (elders) represented the norms and values of the society, especially on moral issues. They thus advocated a settlement that would accord with commonly accepted principles of justice in terms of custom, virtue, and fairness, and reflect community judgement about appropriate behaviour. Thus, to flout such a settlement was regarded as defying the moral order of the society. Conflicts and their resolution, therefore, were viewed as events in the comprehensive continuation of social life. As Malan (1997:24) points out: "A typical immediate goal is to reach an agreement which includes more than merely solving the problem or rectifying the injustice. What is specifically aimed at in the search for durable peace, is genuine reconciliation and, where necessary, restitution and rehabilitation". According to Lederach (1975:53): "Reconciliation is both a focus and a locus, a place where people and things come together) creating the possibility and social space where both truth and forgiveness

are validated and joined rather than a framework in which one must win over the other".

Today, respect by the youth for the elders and the traditional hierarchy of authority has been seriously diluted through westernisation. This has undermined the traditional motives of raiding, the raiding process and cordial relationships among some pastoral communities. Traditionally, the elders were actively involved in the planning process and the performing of traditional ceremonies before and after raids. The motives for raiding were geared to community survival and reproduction. At present, raids are mainly geared to individual accumulation. This aspect has led to a profound disregard for alliance among pastoral communities that were once allies. This in turn has created an atmosphere of animosity and vindictiveness.

Thus, the pastoral societies are currently undergoing transformation. The authority of traditional elders has dwindled as warrior-youth acquire more prominence. The incorporation of the pastoral communities into the market economy, through the sale of livestock and livestock products, has had some adverse effects. It has contributed to the emergence of "cattle warlords" thereby exacerbating a state of conflict and insecurity as these "merchants" compete to acquire livestock for sale.

There have emerged new trends, tendencies and dynamism leading to commercialisation and internationalisation of raids. It is no longer a cultural practice of testing a person's bravery and prowess, but a bloody warfare between various groups. All these pose serious challenges to societal structure, security, survival as well as traditional moral foundations.

Consequently, the primordial causes of cattle raids have been compounded and exacerbated by the effects of the modern economy in tandem with the unfolding and changing nature of social relations. The current struggles are waged with new sophisticated firearms and verge on ethnocide, where neither women nor children are spared. Is this a symbol of the breakdown of social norms?

Traditionally, women were excluded from political decision making among the pastoral communities. In most societies, this exclusion was ostensibly because of women's inability to keep secrets. Women, however, were allowed to attend general community meetings but were not legible to membership of the Council of elders. Most generally, therefore, parallel authority structure necessitated men and women to exercise authority over their own gender and its activities. Women thus had their own courts, market authorities and age grade institutions. These organisations reflected the sexual division of labour and the different roles for men and women. Thus, for women, power across the gender line could only be exercised indirectly or informally behind-the-scene. Nevertheless, women had some traditionally acknowledged rights to land, animals, etc.

Today there is need to give women a more prominent role in conflict resolution. In Africa there is a tendency of ignoring women as important agents of socio-economic transformation. Yet women have, in many respects, been the most conspicuous victims of ethnic conflicts. Thus, there is need to involve them more in the process of generating solutions to conflict by positively influencing men from engaging in such activities.

LESSONS FROM THE INDIGENOUS METHODS

The indigenous methods of conflict resolution stressed the need of fostering a spirit of peace and mutual respect for both individuals and groups, in times of peace and in times of conflict. This was effectively ensured through the institution of the council of elders and age-set organisations. The elders played an important role in defusing conflicts within and between societies. They were able to manage and counterbalance the aggressiveness and military orientation of the youth.

Conflict was viewed as a communal concern. Conflict resolution followed conflict patterns as embedded in the norms and customs of a society. Resolution processes, therefore, were culturally prescribed. Emphasis was placed on reconciling the protagonists with each other, rather than on establishing right and wrong, winner or loser. Thus punishment was not aimed at retaliation, but at restoring equilibrium, usually through the mechanisms of restitution, apology and reconciliation. There was emphasis on justice and fairness, forgiveness, tolerance and coexistence.

Conflicts were, therefore, seen as events in the rhythm of social life. A holistic approach to resolution was emphasised. The spiritual dimension was quite evident. Since cultural values are important to the people, a traditional approach was inclined towards rituals to promote a conciliatory community. The approach thus emphasises healing of emotional wounds created by conflict and restoration of social relationships. This was often done through public acts of reconciliation, which were entered into by all parties, and were binding on all the involved parties. The rule for breaches was exclusion from society. All these helped to transform conflict to harmony and reminded the groups of their shared unity.

Thus, in the African setting there is no "private dispute" of any seriousness, since a dispute affects everyone in one way or another. As one African philosopher, John Mbiti (1970), correctly says, the African philosophy is based on the "I am because we are) because we are therefore I am" principle. To the Africans, therefore, there is recognition of the importance of relationship and harmony in the community.

The ethical code of war ensured respect and protection for women, children and the old in times of conflict. For durable peaceful coexistence, tolerance and understanding are important elements in indigenous conflict resolution. This encompasses the adoption of joint problem-solving techniques incorporating dialogue, reconciliation, mediation and accommodation, which lead to the working out of a consensus.

CONCLUSIONS

African societies are undergoing socio-political transformation, which involves a change in values, often reflected in loss of traditional reference points and adoption of western values. This tends to create psychological stress within individuals and societies. Conflict among the pastoral groups, and between the elders and the youth have become more pronounced. There is intense competition and struggle for survival among these societies. Conflicts, therefore, appear to have become endemic. These phenomena may destroy the basic norms of social and ethnic cohabitation. The precursors and nature of these conflicts thus need to be identified and addressed.

The state of insecurity and conflict in the borderlands calls for concerted efforts from both the pastoral communities themselves and the governments if some semblance of law and order, as well as respect

for human life, is to be restored in the region. There is a need for pastoral societies to reinforce their institutional capacities with specific reference to traditional norms, rules and regulations, especially in tackling the twin phenomena of violence and insecurity. For durable peaceful coexistence to be achieved, the pastoral communities must accept the reality that each is part and parcel of the wider geo-political and economic entity.

Moreover, unless there is understanding of the history of a society and its people, and above all a process of reconciliation among the pastoral communities based on justice, the cycle of revenge can become normal and the violence unstoppable. The mayhem in Somalia is a classic example. The state, society and individuals need to adopt mechanisms and identify how the environmental or ecological threat to peace and security could be contained, lessened or eradicated.

There is a need to revitalise customary law in conflict resolution. It should be noted that such law is not sporadic, but has great significance for its adherents as it has "passed the test of time". Such customs are the result of some systematic, carefully planned and designated patterns of behaviour and thus not irrational or erratic. It is reflexive and adapts to reflect the changes in the society.

The study concludes that the incorporation of indigenous methods and cultural values could greatly contribute to restoration of peace, security, and stability and cordial relations among the pastoral communities in the borderlands of Eastern Africa.

Notes

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