

# AFRICAN JOURNAL ON CONFLICT RESOLUTION

*Volume 12, Number 3, 2012*



Structural violence and the struggle for state power in Rwanda:  
What Arusha got wrong

Building trust and playing hardball: Contrasting negotiating styles  
in South Africa's transition to democracy

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Peace in the minds and hearts of soldiers?

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and African humanistic mediation

Citation patterns in Peace and Conflict Studies: A case study of the  
*African Journal on Conflict Resolution*



# African Journal on Conflict Resolution

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# Contents

<b>Foreword</b>	5
<i>Jannie Malan</i>	
<b>Structural violence and the struggle for state power in Rwanda: What Arusha got wrong</b>	7
<i>Andy Storey</i>	
<b>Building trust and playing hardball: Contrasting negotiating styles in South Africa's transition to democracy</b>	33
<i>Barry M. Shapiro</i>	
<b>Peacekeeping operations and adjustment of soldiers in Sudan: Peace in the minds and hearts of soldiers?</b>	53
<i>René Koopman and Gideon A.J. van Dyk</i>	
<b>Longing for home: Pre-genocide and post-genocide refugees in Rwanda</b>	77
<i>Cori Wielenga</i>	
<b>A humanistic approach to divorce and family mediation in the South African context: A comparative study of Western-style mediation and African humanistic mediation</b>	101
<i>Amanda E. Boniface</i>	
<b>Citation patterns in Peace and Conflict Studies: A case study of the <i>African Journal on Conflict Resolution</i></b>	131
<i>Oluchi O. Okere and Joseph Kehinde Fasae</i>	
<b>Book review</b>	
<b><i>Community of insecurity: SADC's struggle for peace and security in Southern Africa</i></b>	147
<i>Reviewed by Marie-Christine Schwager</i>	





# Foreword

*Jannie Malan*

This issue has turned out to be one of ‘case studies’. Not that we called for papers on case studies or planned an issue filled with case studies. During the process of assessing the available papers and deciding which ones to include, it just happened that this group of six emerged as the articles to make up this issue.

A case study brings with it the advantages of exploring a particular aspect or situation in detail and in depth, but it may also have to put up with the limitations of a narrowly concentrated focus. Among the readers of a case study paper, there may therefore be those who are more interested in wider perspectives and general conclusions. We are sure, however, that these articles will bring across their topic-specific data, discussions and findings, but will also prompt inductive reasoning, and insights into more generally applicable results.

In the human sciences, however, case studies bring across more than just theoretical views and practical recommendations. They also communicate, or at least imply, an anti-reifying message. The receptive receiver may pick up this message and realise that ‘case study’ is a rather clinical and even metallic term for ‘a human life situation study’ and that the people involved in the ‘samples’ are not ‘cases’ with convenient reference labels, but real people who have lived through certain experiences together with other real people. And that the memories and/or methods they share with researchers are not things, but bits of living.

So, however scientific and academic we are trying to be, we should constantly remember the fellow-humanness of the people involved in our 'case studies'. As an eye-opening example, we may think ourselves into the thoughts and feelings of those in a hospital scene as the following: a patient, suffering from a rare disease, and a professor bringing a group of students to observe the 'case'. The patient, for instance, may realise that her/his 'case' may indeed be utilised as a learning opportunity for medical students and as a research opportunity for medical researchers, but may mainly be yearning for his/her own healing. And the professor and students? Will they only be thinking on a medical wavelength or also feeling on a human level?

Incidentally, something I wrote about conflict resolution wisdom from Africa has been cited in one of the articles in this issue. It was a suggestion to use analysing and categorising sparingly, and to follow up such justified procedures with synthesising and integrating. My impression is that the articles in this issue do reflect a comparable orientation towards responsible analysis as far as necessary, but consummated by integrative recommendations. Sincere thanks to the authors of the first five articles.

The last article, specifically called a 'case study', deserves a special explanatory note. After our previous regular issue (Vol 12, No 1) had a foreword of which more than half was devoted to the use of sources by authors, this article on citations arrived. It was not solicited, but was self-initiated by two librarians, and it simply turned up as a welcome coincidence. We include it as a very interesting supplement to the citation part of the above-mentioned foreword, with sincere thanks to its authors for taking our journal as their case study.

From the editor's desk then, my best wishes for meaningful reading and implementing. With two articles on Rwanda, two on South Africa and one on Sudan, and with one article in which negotiating styles are compared and one in which mediating styles are compared – there is much to weigh up and ponder. There is also ample opportunity for imagining oneself into the life situations of citizens, politicians, peacekeepers, refugees, and divorcing partners and their children.

# Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

*Andy Storey\**

## **Abstract**

The 1994 Rwandan genocide occurred despite the existence of a peace and power sharing agreement (the Arusha Accords) to which all parties to the conflict had ostensibly subscribed. This paper addresses the failings of the Arusha peace and power sharing process and makes three core arguments. The first argument is that the Arusha process was more a part of the problem than it was part of any putative solution because it heightened tensions within élite circles (whose monopoly of state power was seriously challenged) and provided a channel through which aspirant élites could pursue their dangerous goals. Even more fundamentally, the Arusha process failed to tackle the most pressing problems of Rwandan society, including chronic and worsening poverty and the oppressive presence of the state in all aspects of social life. This disastrous cocktail – creating what Uvin (1998) calls a situation of ‘structural violence’ – laid the basis for mass participation in the genocide of 1994. Far from helping

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\* Dr Andy Storey lectures in the Centre for Development Studies, School of Politics and International Relations, University College Dublin. He expresses his thanks to Jennifer Todd for helpful comments on an earlier version of this paper.



solve these problems, certain international interventions – especially economic ‘structural adjustment’ that ran parallel to the Arusha negotiations – worsened the situation. The Arusha Accords also therefore failed, and this is the second core argument, because they neglected (or worsened) the structural conditions of life for the vast bulk of ordinary Rwandans. The concluding section of the paper examines post-genocide Rwanda and how the legacy of the Arusha Accords has, amongst other devices, been used to legitimise new forms of repression at the same time as the abuse and violence inflicted upon ordinary Rwandans (and their neighbours) have continued. Again, and this is the third core argument of the paper, a seemingly reasonable political agreement to share power is being co-opted for a very different purpose – to legitimate the power of a new ruling élite.

## Introduction

Between April and July of 1994, 800–850 thousand people were slaughtered in Rwanda (Prunier 1995:265). The vast majority of the dead were members of the minority Tutsi ethnic grouping. However, members of the majority ethnic grouping – the Hutu – were also killed if they were seen as opponents of the genocide’s (Hutu) organisers. The genocide occurred despite the existence of a peace and power sharing agreement (the Arusha Accords) to which all parties to the conflict had ostensibly subscribed, and which this paper seeks to critique.

There are three main dimensions to this critique. The first dimension is an argument that the Arusha process heightened tensions within élite circles and provided a channel through which aspirant élites could pursue highly dangerous goals. In Rwanda, such goals tend to be pursued in a zero-sum or ‘winner takes all’ manner – state power is not easily *shared* in such circumstances. Nor were matters helped by the duplicitous and sinister role played by the French government. Thus, the Arusha Accords, while formally reasonable and conventional, generated intense reactions and dynamics by virtue of the structural characteristics of political élite competition.

However, even more fundamentally, the Arusha process, rooted as it was in power sharing modalities between various élite and aspirant élite actors, failed to

## Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

tackle the most pressing problems of Rwandan society: chronic and worsening poverty; entrenched and intensifying inequality; the treatment of the poor with contempt; a pervasive sense of impunity in the context of egregious human rights abuses; and the oppressive presence of the state in all aspects of social life (Uvin 1998:45). This disastrous cocktail – creating what Uvin (1998) calls a situation of ‘structural violence’ – laid the basis for mass participation in the genocide of 1994. I argue that, far from helping solve these problems, certain international interventions – especially economic ‘structural adjustment’ that ran parallel to the Arusha negotiations – worsened the situation. The Arusha Accords therefore failed, and this is the second dimension of the critique, because they neglected not just the actual dynamics of élite political competition, but also the (worsening) structural conditions of life for the vast bulk of ordinary Rwandans.

The third dimension of the critique concerns post-genocide Rwanda and how the legacy of the Arusha Accords has, amongst other devices, been used to legitimise new forms of repression at the same time as the abuse and violence inflicted upon ordinary Rwandans (and their neighbours) have continued. A seemingly reasonable political agreement to share power is being co-opted to legitimate the inequitable and oppressive power of a new ruling élite.

In terms of structure, the paper begins with an overview of Rwandan history until 1994, before doubling back to examine: the crucial role of a state-based governing élite (the *akazu*); the rise of poverty, inequality and ‘structural violence’; and the rise also of protest against the *akazu*-dominated regime. This is the context in which the Arusha Accords are then assessed and critiqued. Finally, the paper focuses on the post-1994 experience.

### **Rwandan history**

Rwanda is a small country in central Africa but with a large population size – approximately 7.2 million before the genocide and growing by more than 3 percent per annum – making it the most densely populated country in Africa (World Bank 1994:1; Uvin 1998:180). Prior to 1994, Rwanda’s population consisted of two main, indigenous ethnic groups – the Hutu, who accounted for

approximately eighty-five per cent of the population, and the Tutsi, who accounted for most of the remaining fifteen per cent (with the Twa group accounting for probably less than one percent). The two main ethnicities lived side by side, spoke the same language (Kinyarwanda), and shared membership of ethnically cross-cutting clan, religious and neighbourhood groups (Van Hoyweghen 2000:2).



The Tutsi (associated with a pastoral lifestyle) are frequently portrayed as invaders who came from the Horn of Africa and imposed a harsh monarchical regime on the earlier arriving Hutu (usually associated with cultivation of the soil). However, other assessments indicate that *all* of the different groups may have arrived in migratory waves over many centuries, and that theories of conquest must be abandoned (Takeuchi 2000:185). Some commentators suggest that the terms Hutu, Tutsi and Twa referred more to social status than to ethnicity in pre-colonial times (Hintjens 2001:27–28). In parts of the country, especially the north-west, Hutu rulers enjoyed large measures of autonomy from the royal court (Takeuchi 2000:189).

## Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

The German colonial administration was established at the end of the nineteenth century and was succeeded by that of Belgium after the end of World War I. Both the German and the Belgian administrations exploited the hierarchical structure of Rwandan society as a mechanism of indirect rule, with a certain stratum of Tutsi deployed as a colonial ruling class (Mamdani 2001:27). The Hutu kingdoms in the north-west of the country that had previously enjoyed a measure of autonomy were brought under the control of the central Tutsi court with the military assistance of the colonisers, and Hutu chiefs throughout the country were replaced by Tutsi at the instigation of the colonial powers (Van Hoyweghen 2000:4). Whatever fluidity and ambiguity had previously existed in the system was greatly restricted as a system of ethnic identity cards was introduced (in 1933) and ethnicity thus became a strict (patrilinear) inherited characteristic (Hintjens 2001:30). Tutsi were systematically favoured in employment and education and accorded the status of a superior 'race'.

The run-up to independence (in 1962) saw a reversal of the colonially imposed order, with some Hutu seizing control and beginning a series of pogroms against the Tutsi population, with tens of thousands killed and many others forced into exile (Human Rights Watch 1999:39). The post-colonial regime was initially dominated by Hutu from the south of the country, but from 1973 onwards power became concentrated in the hands of a northern Hutu élite under the leadership of President Habyarimana, who took power in a military coup. He instituted a single-party state, with every citizen an automatic member of that party – the *Mouvement Révolutionnaire National pour le Développement* (MRND).<sup>1</sup> Parallel state-party structures tightly monitored and controlled the population (Longman 1999:342). Those Tutsi who remained in Rwanda after 1962 were subject to discrimination in education, employment and other areas.

Meanwhile, those Tutsi driven into exile – many of whom grew up in refugee camps in Uganda – became the main source of a rebel movement, the Rwandan Patriotic Front (RPF) with a military wing called the Rwandan Patriotic Army (RPA), which was to attack the regime in 1990, demanding the right to return

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1 In July 1991, the words 'et la Démocratie' were added to the party's name, thus turning the acronym into MRNDD. I mainly use the term MRND(D) to denote the party under both monikers.

to the land they and/or their parents were expelled from.<sup>2</sup> After being initially repulsed by the Rwandan army, the RPF regrouped and undertook a prolonged guerrilla campaign involving sporadic offensives from their northern bases and occasional (short-lived) captures of large towns. However, the RPF found little in the way of popular support inside Rwanda (from Tutsi or Hutu), and the war contributed to the 'structural violence' of Rwandan society (discussed below).

Following the mysterious killing of Habyarimana himself in April 1994,<sup>3</sup> the army and government-run militias initiated and led the genocide. The RPF succeeded in militarily defeating the government forces in July 1994 and the present government is dominated by the RPF – its record will be discussed in the last section of this paper.

### **The *akazu*: at the heart of the state**

*Akazu* is a Kinyarwanda word meaning 'little house'. In the 1980s, it came to be applied to the country's ruling clique – the northern-based politico-commercial network centred on President Habyarimana's family (Reyntjens 1994:189). The *akazu* was heavily involved in criminality and corruption, using its control of the state to enrich itself and its allies (Braeckman 1994:109–111; Reyntjens, 1995:284). After October 1990 the *akazu* focus tended to be on diverting resources – including funds from the state employees' pension fund – towards military ends (Hintjens 1999:257; Melvern 2000:64–68). The director of a local magazine published, in 1992, an article identifying 25 members – including the President and members of his family – of a group operating as 'death squad' organisers targeting those seen as threats to the regime (cited in Reyntjens 1996:247). A report from Amnesty International in May 1992 documented the involvement of state agents in mass murder and torture (Amnesty International 1992:1).

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2 The RPF also contained some prominent Hutu members who had broken with Habyarimana's regime (Mamdani 2001:159–184).

3 It has long been thought that the most likely explanation of his death is that he was killed by members of the ruling élite itself, concerned at his alleged betrayal of the Hutu extremist cause (Prunier 1995:213–229). However, more recent evidence from (not necessarily fully reliable) RPF defectors suggests that it was the RPF which shot down Habyarimana's plane (Lemarchand 2006; Robinson and Ghahraman 2008).

## **Structural violence and the struggle for state power in Rwanda: What Arusha got wrong**

Amnesty's findings were confirmed by an international commission of inquiry on human rights abuses in Rwanda – its report, in March 1993, found that the Rwandan government had, since October 1990, been responsible for the deaths of some two thousand people and that these deaths were sanctioned by the very highest forces in the land (cited in African Rights 1995:33).

What above all else facilitated the practice of illegal and repressive activities on the part of the *akazu* was control of the state. Without state control – direct and indirect – over the economy and society, the *akazu* could not function, economically or politically (Cart 1995:476). Habyarimana, for example, could demand that private enterprises contribute to his cause because they needed state approval and concessions to ensure business profitability (Human Rights Watch 1999:43), and foreign aid 'could only be appropriated through direct control of government power at high levels' (Prunier 1995:84). In Rwanda, battles over the distribution of economic resources were (and are) battles over control of the state. The question of who would retain or assume 'ownership' of this apparatus of control was the key stake of political struggle in Rwanda in the early 1990s.

### **Mass impoverishment, growing inequality, rising protest**

Impoverishment was on the rise in the Rwanda of the 1980s and early 1990s. A principal problem lay in the evolution of global commodity markets: between 1985 and 1992, the real world price of coffee (Rwanda's main export) fell by seventy-two per cent; between 1986 and 1992, the real purchasing power of Rwanda's export earnings fell by 59 per cent (Woodward 1996:19, 21). This very severe foreign exchange problem arose in the context of an agricultural sector already structurally crisis-ridden by a chronic shortage of land and rapid population growth (Moodley, Gahima and Munien 2010). By the early 1990s, more than half of all Rwandan farmers occupied farms of less than one hectare, often on ecologically fragile soils, while up to 25 per cent of the population was landless (Mullen 1995:23). Forty-three per cent of all farm households lacked enough land to subsist upon (Uvin 1998:113). One desperate response to the tightening population-land pincer movement was to switch from cereal and

bean cultivation towards that of root crops, so that many people's diet became increasingly protein-deficient (Mamdani 2001:146).

In addition, the arrival of the AIDS virus in the early 1980s, drought (in 1984), excessive rain (in 1987) and plant disease (in 1988) all weighed in to contribute to declining production and food security levels (Uvin 1998:57). By 1989, an estimated one in six Rwandans was affected by famine (Pottier 1993:5), one quarter of all children was severely malnourished (World Bank 1991:1), and some 50 per cent of all children suffered from stunting (Uvin 1998:112). From October 1990 civil war was costing an estimated \$100 million per annum and was causing massive displacement and disruption, especially affecting the most fertile northern regions (Marysse, De Herdt and Ndayambaje 1994:10). This resulted in the displacement of 15 per cent of the population – 1 million people (Marysse, De Herdt and Ndayambaje 1994:83).

Falling levels of income were increasingly unequally distributed. *Akazu* members and associates were taking over land previously under the control of smaller, often indebted farmers (Braeckman 1996:106). In the rural areas, the percentage of income held by the richest 10 per cent – themselves often traders or civil servants not actually resident in those areas – is estimated to have risen from 20 per cent in 1982 to 41 per cent in 1992 (Maton 1994:29; see also André and Platteau 1998). The inequality-enhancing effects of land concentration were compounded by the scarcity of non-farm employment opportunities, and by the fact that those opportunities were themselves unequally distributed (Clay and McAllister 1991:37).

Peter Uvin (1998) argues that the Rwanda of the early 1990s had become what he terms a 'structurally violent' society. This condition is characterised by extreme poverty – Rwanda, proportionately, may have had more absolutely poor people (perhaps 90 per cent of the population) than anywhere else in the world (Uvin 1998:117). But it was also characterised by (rising) inequality, injustice, discrimination, corruption, and treatment of the poor with contempt. The poor – the vast majority of the population – were subjected to humiliation and a state of permanent exclusion from the benefits of 'development', benefits that neither they nor their children could ever hope to achieve but which were flaunted in their faces by wealthy locals and foreigners. 'Peasant life was perceived as a

## Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

prison without escape in which poverty, infantilisation, social inferiority, and powerlessness combined to create a sense of personal failure' (Uvin 1998:117).

Thus, the activities of a ruling élite were contributing to societal inequality, mass impoverishment and a situation of 'structural violence'. This was generating resentment on the part of the mass of the population (the vast majority of whom were Hutu) and undercutting the legitimacy of the regime. A demonstration of this resentment was the action of southern (mostly Hutu) farmers in tearing up anti-erosion devices and destroying communal wood lots which they had been forced to dig or construct under the government's compulsory communal labour programme (*umuganda*) (Mamdani 2001:147), and the uprooting of up to 300 000 coffee trees, cultivation of which was also meant to be compulsory (Kimonyo 2000:50).

The advent of multi-party democracy provided a channel through which popular discontent could be further expressed, and raised the very real prospect of the *akazu* losing its grip on the organs of state power. Longman (1999:344) describes a situation characterised by 'declining legitimacy of the regime, decreasing compliance with state directives, increasing criticism of state officials and practices, and growing formal and informal protest'.

### **Threats to *akazu* control of the state**

Habyarimana was forced by international pressure to legalise opposition political parties in 1991, and a large number of such parties quickly became active (Prunier 1995:126). The most important of these were: the Mouvement Démocratique Républicain (MDR), the largest party and broadly representing the southern Hutu who had been marginalised after Habyarimana's 'northern' coup of 1973; the Parti Libéral (PL), a party associated with the business sector and including a number of Tutsi business people; the Parti Social Démocrate (PSD), a largely anti-sectarian and left-leaning party; and the Parti Démocrate Chrétien (PDC), associated with the Catholic Church. By early 1992, 'Prominent opponents of the regime and democracy activists were confident that power was on the brink of changing hands' (Longman 1999:339). In April 1992 Habyarimana formed a new, coalition government, consisting of ten ministers from his own party and nine from the erstwhile opposition (still mainly referred to as opposition parties



in this paper, to minimise confusion). The new ministers moved to ensure that their own supporters gained key posts in central and local government, and also sought to end the systematic discrimination in education policy which had assured children from north-west Rwanda disproportionate access to school places (Human Rights Watch 1999:54–55; Prunier 1995:145–146).

Such moves prompted, by way of reaction, a powerful coalition of interests determined to defend the old order. This extended beyond the *akazu* itself to include state employees who feared that the new political forces would use state patronage to employ their ‘own’ people at all levels of the hierarchy. With economic crisis and ‘structural adjustment’ (discussed further below) simultaneously placing a cap on the total number of jobs available, ‘[l]ow-ranking officials in the villages – including administrators, teachers, agricultural extension workers, health workers and policemen – saw their prospects of promotion vanish, and even faced the possibility of losing their jobs altogether’ (African Rights 1994:19). If the Arusha Accords (see next section) had been implemented, all administrative positions were to be reviewed within three months of the formation of a new government (Human Rights Watch 1999:126). And to this list should be added the members of the newly expanded army, who lived ‘relatively well – from exactions if not from salary’, and who ‘dreaded demobilisation’, an especially acute fear amongst the senior officers who were targeted for first-stage demobilisation (Human Rights Watch 1999:60, 125; see also Prunier 1995:150).

Despite the ability to draw on this constituency of support, the *akazu* still faced a powerful threat because most Hutu were excluded from the benefits of state patronage, a situation which particularly rankled some southern Hutu who bitterly resented the north-western monopoly over power (Voyame et al. 1996:139). How was the *akazu* to deal with this challenge? One response was simple violence, including targeting and repression of opposition activists (Longman 1999:348). Ruling party militias disrupted opposition party rallies and became more generally involved in what Longman (1999:348–349) terms the ‘organisation of chaos’ – the carrying out of seemingly random bomb attacks, robberies, rapes and other crimes, with the apparent intention of simply

## **Structural violence and the struggle for state power in Rwanda: What Arusha got wrong**

heightening public insecurity and therefore generating ‘nostalgia for single-party authoritarian rule’ (Longman 1999:350).

Another tactic was to seek to manipulate the democratisation process. Crucially, in early 1992 a party called the Coalition pour la Défense de la République (CDR) was formed, pushing a Hutu extremist agenda and criticising the MRND(D) for conceding too much to the RPF and the other opposition parties. This party is widely reckoned to have been a creation of the *akazu* itself, and its role was to state positions that Habyarimana and the MRND(D) themselves believed but preferred not to be seen saying (Human Rights Watch 1999:52–53). Co-option of leading figures in other opposition parties was also a favoured regime tactic, with Habyarimana establishing ‘Hutu Power’ (usually referred to simply as ‘power’) factions within the main opposition parties (Prunier 1995:181; Uvin 1998:65). It was in this context of extreme violence and instability that the Arusha Accords were negotiated.

### **Arusha and its discontents**

#### **Process and outcome**

As mentioned above, in April 1992, Habyarimana had installed a multi-party government consisting of ten ministers from his own party and nine from the opposition. Between May and June 1992, representatives of three of those ‘opposition’ governing parties – the MDR, the PSD and the PL – met with the RPF and it was agreed that peace negotiations between *all* parties should be initiated (Mamdani 2001:210). The Arusha peace negotiations opened in July 1992 under the auspices of the Organisation for African Union (OAU) and facilitated by the government of Tanzania. As well as the various Rwandan parties, there were also delegations from other African and Western countries. The only major party to be excluded from the negotiations was the CDR. The RPF refused to negotiate with the CDR on the grounds that it was simply a front for the MRND(D) and that it was overtly racist – no one with even a Tutsi grandparent could join the CDR (Melvern 2000:54). All other parties to the talks wanted the CDR included and British and US diplomats pressured the RPF to agree to this, but to no avail: ‘Western governments saw the exclusion of the CDR as a departure from

constructive negotiations, insisting that a more substantive role should be given to those who stood to lose power' (Melvern 2000:54).

The Rwandan government delegation was first led by the Minister for Foreign Affairs – Boniface Ngulinzare of the MDR – and later by the Minister for Defence – James Gasana of Habyarimana's MRND(D) (Mamdani 2001:210). Neither man spoke for the hardline Hutu faction – Gasana fled into exile later in 1993 and Ngulinzare was killed in the genocide in April 2004 (Mamdani 2001:210). The hardliners *were* represented by Colonel Théoneste Bagosora, who frequently attended at Arusha to monitor developments (but not to negotiate) and who would go on to be the main coordinator of the genocide (Prunier 1995:163). It was also far from clear that the government delegation spoke for Habyarimana himself, whose exact relationship to the hardliners was itself unclear. In November 1992, Ngulinzare stated: 'the MRND keeps talking in contradictory ways. On the one hand, it pretends to support the peace negotiations and on the other hand it keeps sabotaging them' (Prunier 1995:171). This tension was evident when a provisional power sharing agreement was agreed in January 1993 that envisaged the creation of a Broadly Based Transitional Government (BBTG) with 5 cabinet posts allocated to each of the MRND(D) and the RPF, 4 to the MDR, 3 to each of the PSD and the PL, and one to the PDC. MRND(D) and CDR supporters demonstrated in Rwanda against the deal and the MRND(D) national secretary claimed that his party had rejected the agreement (Prunier 1995:173).

In claimed response to government-organised massacres of Tutsis, the RPF broke a ceasefire in February 1993 and restarted the war (Prunier 1995:174). France sent military aid and troops to support the government. Between February and March 1993, the 'opposition' parties met with the RPF (in Burundi) and issued a call to, amongst other things, renew the peace negotiations (Prunier 1995:179). However, by now Habyarimana had created the 'power' factions of each opposition party (see above) and representatives of these factions simultaneously grouped with the MRND(D) and the CDR in Rwanda to condemn the RPF (Prunier 1995:179).

As late as July 1993, Habyarimana was resisting signing up to a deal. However, in late July aid donors (including the World Bank) insisted that aid to the

## **Structural violence and the struggle for state power in Rwanda: What Arusha got wrong**

government would be halted unless a deal was reached; even Habyarimana's most ardent supporter, France, joined in this effort (Human Rights Watch 1999:124; Kuperman 2005:75). The composition of the BBTG (with cabinet seats to be allocated as agreed in January) was confirmed in the August 1993 agreement – this was to hold power for a maximum of 22 months until elections could take place (Melvern 2000:53). The agreement also contained provisions for a merged national army made up of the existing Rwandan army, the FAR (60%), and the RPA (40%), with the officer corps to be split 50:50, and the right of return for all refugees accepted – a crucial demand of the Tutsi exiles (Mamdani 2001:210–211). There was no provision for any amnesty for human rights abuses (Melvern 2000:53). The Accords also covered a range of other areas, including the establishment of the rule of law and the creation of institutions to oversee the political transition.

Habyarimana almost immediately sought to derail the agreement by insisting that the MDR, PL, PSD and PDC government ministers come from the 'power' factions of those parties and that the BBTG be broadened yet further to include the CDR (Kuperman 2004:76). The appetite for implementing the agreement was also weakened by the assassination in October 1993 of neighbouring Burundi's first Hutu president by Tutsi soldiers and subsequent massacres of Hutus in that country, events that were portrayed as confirming the dangers of allowing *any* Tutsi role in government and, crucially, the army (Kuperman 2004:76).

### **What derailed Arusha? Or, whose interests did Arusha serve?**

#### **A fragmented Rwandan government delegation**

The negotiators for the Rwandan government were disproportionately drawn from MRND(D) 'liberals' and from the opposition parties who had entered into coalition with the MRND(D), in part because Habyarimana wanted to distance himself from the process (Clapham 1998:203). In part, they were using the Arusha negotiations to enhance their own power *against* that of Habyarimana and the MRND(D) (Prunier 1995:163; Stettenheim 2002:225). (And they were also in opposition to the 'power' factions within their own parties). It was therefore not surprising that the final settlement –

gave an extraordinary weighting in the proposed transitional government to parties with no military strength, no control of territory, and an as yet undetermined level of popular support. Confident in their ability to capitalize both on their Hutu ethnic identity (which would enable them to sideline the RPF), and on the unpopularity of the Habyarimana regime, the minor parties then hoped to establish themselves more firmly in power through early elections (Clapham 1998:205).

But these parties were vulnerable to the charge that by granting so many concessions to the RPF, they were ‘betraying’ the Hutu people – a charge vociferously levelled against them by the CDR and their own ‘power’ factions (Mamdani 2001:211). They were not helped by the lack of external support available to them relative to that available to the RPF (from Uganda and the wider Tutsi diaspora)<sup>4</sup> and to the MRND(D)/CDR (from France especially). Nor were they helped by the belligerence of the RPF.

### **The strategy of the RPF**

Kuperman (2004) attributes much of the blame for the genocide to the RPF. His list of charges includes: invading in the first place; launching military offensives in 1991 and 1992; being opposed to compromise during peace negotiations in 1992 and 1993; breaking the ceasefire in early 1993; refusing any renegotiation of Arusha in late 1993; refusing ceasefire offers at the start of the genocide in April 1994; and pursuing a military strategy during the genocide that prioritised military victory over the protection of ordinary Tutsi (Kuperman 2004:62). The RPF is itself estimated to have massacred tens of thousands of civilians between April and September 1994 (Reyntjens 2004:194). In addition to those civilians they themselves killed, from the beginning of their campaign, Kuperman (2004:61) argues, ‘the rebels expected their invasion to trigger a violent backlash against Tutsi civilians in Rwanda’. To this charge list may be added the (contested) claim that it was the RPF that shot down Habyarimana’s plane and directly triggered the genocide in April 1994 (Lemarchand 2006:6; Robinson and Ghahraman 2008).

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4 There is circumstantial evidence that the RPF was backed, to some extent, by the US government (Herman and Peterson 2010).

## Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

Specifically in the context of the Arusha Accords, the RPF – the most capable and determined party to the negotiations – pursued a maximalist agenda, especially with regard to the division of the military. According to the then US Assistant Secretary of State for Africa, ‘RPF demands concerning the future of the military were guaranteed to push the regime into a state of total paranoia’ (Kuperman 2004:75). The insistence on excluding the CDR may be seen as another example of this approach (Mamdani 2001:211; Melvern 2000:54).

### **Excluding the CDR**

Spears (2000:115) argues that ‘the lesson of Rwanda is that one cannot afford to leave anyone out of the political process’. A diplomat who was involved in the Arusha negotiations is quoted as claiming that ‘the 1993 Arusha Accords were the perfect example of the failure of power-sharing because of a basic decision to exclude a group of people’ – the CDR, who were left to choose between losing power or violently subverting the Accords (Lemarchand 2006:5).

But whether the CDR *could* have been included in the government has been forcefully challenged by Clapham (1998:205–206):

These groups [CDR/*akazu*] were fundamentally irreconcilable to any resolution of the conflict through a negotiated settlement .... The incorporation of such groups into the Arusha process could only have aborted the process itself. It could certainly be argued that this would have revealed the futility of the negotiations, and compelled a resort to war ... but there is no plausible basis for the belief that it could have led to a viable settlement.

A ‘settlement’ involving the CDR could only have been premised on their being in charge or their being defeated (Clapham 1998:209). But the CDR could not easily be defeated so long as they received external backing from France.

### **French intervention**

France consistently and substantively supported the Habyarimana government and the *akazu* (Prunier 1995:162–163). French military support was crucial in repelling the RPF offensive of early 1993 (300 new French troops were rushed

to the country), and French instructors deployed at this time trained the militias who would go on to perpetrate the genocide the following year (Prunier 1995:164–165, 176). The French Secret Service spread disinformation about the RPF offensive (such as massacre allegations) to help justify further French intervention (Prunier 1995:176).

In February 1993, the French Minister for Cooperation, during a visit to Kigali, asked non-MRND(D) parties to ‘make a common front’ with Habyarimana in opposition to the RPF (Prunier 1995:178), a direct undermining of the ostensible French commitment to inclusive negotiations at Arusha. Though the French government did press Habyarimana to agree to the deal in July 1993, Habyarimana expected the French to back him in subverting the Accords after their signing (Stettenheim 2002:226). France supplied arms to Rwanda in January 1994 in contravention of the Arusha Accords (Stedman 1997:23), and French military aid continued even after the genocide had begun in 1994 and a UN Security Council arms embargo had been imposed (Andersen 2000:441).

### **Arusha: preparing the apocalypse?**

Those who had most to lose from a power sharing agreement in Rwanda did not meaningfully participate in the Arusha negotiations, and even if they had done so they would not have been willing to genuinely commit to any significant diminution of their power. And their stubborn refusal to cede power was backed up by the military and political support of France. Those who did participate on the ‘opposition’/government side were mostly seeking to enhance their own political prospects rather than, necessarily, instituting a stable and sustainable settlement. The RPF pursued a hardline approach that heightened the insecurities of the *akazu* and their allies, making it more rather than less likely that extreme violence would be precipitated, which may well have been what they really wanted all along (Kuperman 2004). This was a recipe for disaster.

### **The role of structural adjustment**

Economic ‘structural adjustment’, simultaneously pushed at this time by Western actors and institutions, also wreaked considerable harm. The most notable short-term impact of adjustment was a massive increase in development aid to

## **Structural violence and the struggle for state power in Rwanda: What Arusha got wrong**

help (or so it was intended) the Rwandan government implement the economic reform measures (Uvin 1998:87–88, 91). This funding of the Rwandan state enhanced its legitimacy and may well have encouraged it to believe it could get away with still further abuses (Storey 2001).

Structural adjustment also impacted directly on ordinary Rwandans through devaluation-induced food price rises (Woodward 1996:20), while increased user fees for health and education services ‘contributed significantly to social tensions and fears’ (Newbury 1995:14). This last point is also made by Sellström and Wohlgemuth (1996:20) who cite ‘ample evidence that the introduction of higher fees for health and education, among other things, added to the already heavy burden on Rwanda’s poor’. Even for those not at the cutting edge of poverty – state employees – adjustment’s cap on public sector recruitment would have contributed to fear and insecurity, especially when allied with the Arusha-related threat of new political masters making new appointments (see above).

The structural violence under which Rwandans lived has been persuasively argued to be a key motive force for mass participation in genocide (Uvin 1998). Hundreds of thousands of people perpetrated atrocities (Mamdani 2001:5–6). Uvin links this to the frustration, hopelessness and anger engendered by structural violence. These, in turn, Uvin argues, provoked a desire for scapegoating because the identification and persecution of a scapegoat, at a socio-psychological level, helped to combat low self-esteem and provided some sense of hope and direction. The existence of deeply rooted racism meant that a scapegoat (the Tutsi) was readily to hand and élite (*akazu*) manipulation ensured that was the direction towards which anger was channelled. By enhancing élite capacities and adding to structural violence, structural adjustment made its own contribution to this explosive mix.

### **Back to the future: the legacy of the Arusha Accords**

Rwanda at the end of the genocide was a devastated country: at least 800 000 people were dead; 2 million refugees had fled abroad; 1 million people were living in ‘internally displaced’ camps inside the country; some 500 000 ‘old caseload’ Tutsi refugees had returned after many years in exile; and most civil



servants were dead or were refugees (Reyntjens 2004:178). Furthermore, the country's infrastructure lay in ruins, crops and livestock were mostly destroyed, and banks and businesses had been ransacked (Reyntjens 2004:178). In the midst of this chaos, the victorious RPF affirmed it remained committed to the Arusha Accords, though insisting that the MRND(D) be excluded as having been a party to genocide. A minister in the new government argued that 'Arusha was well negotiated. It offered the promise of political stability. It was our bible' (Bruce 2007:11).

The government that was inaugurated on July 19, 1994, was a genuine government of national unity. It was fully in the spirit of the Arusha Peace Agreements of August 1993 .... The new president, Pasteur Bizimungu, was an RPF Hutu who had been a government civil servant in the 1980s. Of the twenty-one ministries, the lion's share (eight) had gone to the RPF; the rest were evenly distributed, with four ministries going to the ... [MDR], three to the ... [PSD], three to the Liberals, two to independent personalities, and one to the small Christian Democratic Party. In ethnic terms fifteen of the new ministers were Hutu and only six were Tutsi. After such a catastrophe the new cabinet looked like a small miracle of reason in a sea of madness' (Prunier 2009:7).

And yet, within barely a year, that 'miracle of reason' would be revealed as a shallow façade. On a range of issues – justice (the often arbitrary arrest and detention of alleged genocide suspects), the possession/repossession of property, monopolisation of economic resources (Dorsey 2000:324–326) and others – a clique within the RPF leadership began to monopolise power (Prunier 2009:43). In April 1995, government troops massacred thousands of Hutu 'internally displaced people' at a camp in southern Rwanda (Prunier 2009: 37–42). The Minister for the Interior, Seth Sendashonga (unusual in being a Hutu member of the RPF), opposed this and other human rights abuses. In August 1995 Sendashonga, along with other ministers, was fired and he and the Prime Minister (Faustin Twagiramungu, an MDR Hutu) were placed under house arrest (Prunier 2009:46). Both fled the country in late 1995, and Sendashonga was murdered by RPF agents in Kenya in 1998 (Prunier 2009:365–368).

## Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

Tens of thousands of civilians were killed by government forces in 1997 and 1998 in counter-insurgency operations (Reyntjens 2004:195). Another wave of high-profile political resignations (forced or otherwise) followed in 2000, including that of the Hutu President, Pasteur Bizimungu (to be replaced as president by the head of the RPF, and *de facto* national ruler, General Paul Kagame), and the MDR was banned as a political party in 2003 on the grounds of promoting 'divisionism' (Reyntjens 2004:184). Kagame won a presidential election in 2003 in a context of widespread intimidation and vote rigging (Prunier 2009:295). Parliamentary elections later in 2003 saw all candidates not members of, or allied to, the RPF debarred or intimidated out of the electoral running (Reyntjens 2004:186), following a pattern established at deeply flawed local elections in 2001 (Reyntjens 2004:182). Kagame won another presidential election in 2010, again in a context of systematic exclusion and harassment of the opposition (Beaumont 2010).

After 2001, abuses such as extra-judicial killings had escalated even outside periods of electoral contestation (Front Line 2005). Media freedom became increasingly circumscribed through legal and extra-legal measures (Reyntjens 2004:181; Human Rights Watch 2010:151). The space within which civil society can genuinely contest government policy is severely circumscribed (Beswick 2010; Front Line 2005). In 2004, a number of national and international non-governmental organisations (NGOs) were accused by a parliamentary organisation of contributing to 'divisionism' and were either suppressed or expelled (Buckley-Zistel 2009:47).

Meanwhile, '[t]he benefits of the country's economic progress have been channelled almost exclusively to the new elites living in their large villas in Kigali, while 90 per cent of the people continue to scrape together an existence below the poverty line in rural areas' (Oomen 2005:900). Food and asset vulnerability, along with continuous food shortages, remain pervasive in rural areas (Hintjens 2008:20). 'Distress sales' of land are once again common, dependence on food aid for survival is common, and many of the rural poor lack access to even basic healthcare and education services (Hintjens 2008:20, 21).

The population is, as in the past, closely surveilled and tightly controlled (Ansoms 2009:304–305; see also Ingelaere 2010a). This has a pronounced ethnic dimension: control is exercised through appointed (not elected) officials who draw state salaries and whose career prospects are dependent on following government diktats – these people are often Tutsi (though a small number of all Tutsi) with no prior connection to the area and who are accountable upwards to central government but not downwards to the people (Ingelaere 2010b:288–290).

In addition to its regressive record at home, the RPF government has attracted significant international condemnation for its direct interventions in neighbouring Democratic Republic of the Congo (DRC). Initially, in 1996, this involvement had the main objective of closing the refugee camps in which the former genocidal forces and hundreds of thousands of civilians had become ensconced after their flight from Rwanda in 1994 – these camps were indeed closed, and mass killings of civilians by the RPF and its allies were carried out in the process (Reyntjens 2004:205). A second major phase of conflict began in August 1998 and has led to considerable criticism of all parties involved (including several other governments in the region) over extensive civilian deaths, other human rights abuses, and the looting of DRC resources (Human Security Report Project 2010:36–48). A UN Panel report on the issue in 2001 constituted a damning indictment of the Rwandan government's piracy of DRC resources – including coltan and gold (UN Panel 2001:3). Another UN-established expert group on the DRC reported in 2008 that Rwanda maintained support for murderous militia groups within the DRC (Group of Experts 2008), and a further UN report released in October 2010 documented massive human rights violations in the DRC, in which the armed forces of Rwanda (and other countries) are implicated (Onyango 2010).

Despite overwhelming evidence of its murderous brutality (at home and abroad), the absence of any real democracy in the country, and the (at best) uneven nature of economic progress, the Rwandan government retained substantial external support, particularly from Britain and the USA. Hayman concludes that 'donors have remained largely supportive even in the face of signs of increasing authoritarianism and poor political governance' (2009:177). Why should this be the case? One answer is that some donors are impressed at the government's reconstruction and development efforts (Beswick 2010:246; Uvin

## Structural violence and the struggle for state power in Rwanda: What Arusha got wrong

2001). Another is that the RPF government has been highly effective at creating and cashing a 'genocide credit'. By portraying itself as the saviour and defender of the Tutsi ethnic minority, and highlighting the past failure of external actors to protect that minority, it has enhanced its negotiating hand with Western powers in particular (Pottier 2002). The Rwandan government has also proved very skilled in speaking the language of international development, as manifested in strict adherence to neo-liberal economic policies and stated commitments to 'poverty reduction', 'participation', and other beloved buzzwords of the international development sector (Hayman 2009:175; Oomen 2005:901). For the staff of aid agencies who rarely venture into rural areas this may be a persuasive discourse (Ingelaere 2010a).<sup>5</sup>

The RPF élite has, in summary, decisively established its domination over Rwandan society and has been able to align itself sufficiently well (rhetorically or in reality) with the goals of international actors so as to attract substantial international support and ward off any particularly significant international censure. Crucially, one such international goal is the idea of power sharing and 'national reconciliation', as conceived under the Arusha Accords. According to the official Rwandan government website,<sup>6</sup> the '[Arusha] principal provisions now constitute the Fundamental Law of the Republic of Rwanda'. Non-RPF and Hutu ministers continue to hold cabinet positions (however non-existent their real power is). The letter of Arusha is (partly) observed even as its spirit is violated.

## Conclusion

At the start of this paper, I argued that the Arusha peace process was flawed in three main ways. The first was that it provided a channel through which élites and aspirant élites could pursue state power – power that they had little or no interest in genuinely sharing. The second was that it did not address the structural violence of Rwandan society – the chronic impoverishment, and deep senses of deprivation and humiliation, that laid the bases for mass participation

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5 Jacques and Tuckey (2008) also claim that US support (the US is the largest single aid donor to Rwanda) is based on the interests of US companies in accessing DRC resources and Rwandan cooperation in the US-led 'war on terror'.

6 <[www.gov.rw](http://www.gov.rw)> [Accessed 7 March 2012].

in the 1994 genocide. Indeed, another external intervention at that time – structural adjustment – actually made this structural violence worse. The third was that Arusha has, since 1994, been co-opted by the RPF élite to legitimise its grip on power.

Indeed, the current Rwandan situation parallels the early 1990s in important ways. The new ruling élite uses its claimed commitment to the Arusha Accords as a device to legitimise its monopolisation of state power – both because that power is essential to its (political and economic) reproduction as an élite, and also because any diminution of its grip on state power would expose it to severe, quite possibly fatal, threat. The fig leaf of power sharing conceals a naked refusal to share any real power with anyone outside the élite. And while the Arusha Accords are being strategically appropriated to legitimise the élite claim to monopoly power, the underlying condition of ‘structural violence’ for the vast mass of ordinary people is, if anything, intensified.

Allowing a state to claim adherence to a power sharing settlement (as the current Rwandan government does vis-à-vis Arusha) while it is violating the rights of its citizens discredits the whole conflict resolution project.

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# Building trust and playing hardball: Contrasting negotiating styles in South Africa's transition to democracy

*Barry M. Shapiro\**

## **Abstract**

This article examines two contrasting and complementary negotiation styles employed by the African National Congress (ANC) during the negotiation process that ended apartheid in South Africa. Taking its cue from the work of negotiation theorists who have distinguished between 'cooperative' and 'adversarial' negotiation styles, it presents the August 1991 replacement of Thabo Mbeki as chief ANC negotiator with Cyril Ramaphosa as a pivotal turning point in the ANC's drive to secure agreement on a majoritarian constitutional settlement. Through a historical analysis of Mbeki's efforts to build trust and alleviate 'other-anxiety' and Ramaphosa's subsequent use of brinkmanship and other 'hardball' tactics to enhance the ANC's bargaining position, the article suggests that the success of Ramaphosa's 'adversarial' approach was largely dependent on Mbeki's earlier success in cultivating sufficient trust and confidence between the two main parties as to enable them to come to an ultimately 'irreversible' understanding of their mutual interest in making peace.

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\* Barry Shapiro is Professor of History at Allegheny College in Meadville, PA. He holds a Ph.D. from the University of California, Los Angeles. After focusing and publishing on revolutionary justice and the impact of the emotional experience of revolution, especially with regard to the French Revolution, he has turned his attention in the past few years to a study of the South African transition to democracy.

Without such an understanding, Ramaphosa's confrontational approach might easily have torpedoed the negotiation process itself. The article concludes with reflections on the possible relevance that the pattern of interaction between 'cooperative' and 'adversarial' styles revealed in this case study might have for the analysis of other 'negotiated revolutions'.

As 30 000 protesters against the notorious pass laws gathered at the Cape Town central police station on 30 March 1960, the rally's leader, Philip Kgosana, persuaded the crowd to disperse in return for the promise of what would have been an unprecedented meeting with South Africa's Minister of Justice. But when Kgosana, a 23 year old university student and Pan African Congress activist, arrived back at the station that evening for his scheduled meeting with the Minister, he was immediately arrested and the meeting itself, needless to say, never took place (Lodge 1983:221–222; Dubow 2000:63–64).

Coming in the midst of nationwide unrest which was triggered by the pivotal Sharpeville Massacre and which led to the banning of both the Pan African Congress and the ultimately dominant African National Congress, this incident can be seen as a kind of bookend to a 30 year period marked not only by an almost total absence of legal African nationalist opposition to the apartheid regime and by the pursuit of armed resistance to it, but, inevitably, by a seemingly total absence of basic trust between African nationalists and the white government. Before these antagonists could even imagine the possibility of negotiating any kind of 'solution' to their seemingly intractable conflict, some level of confidence in the reliability of promises, especially those relating to the very safety and security of the negotiators themselves, would somehow have to materialise.

Flashing forward now to what can be thought of as a closing bookend to the aforementioned 30 year period, let us listen to the comments of Mike Louw, deputy chief of the government's National Intelligence Service, regarding what is said to have been the first direct meeting between the regime's intelligence operatives and their ANC counterparts. Waiting in September 1989 in a Swiss hotel room for the arrival of ANC intelligence head Jacob Zuma and chief diplomat Thabo Mbeki (both of course future presidents of post-apartheid South Africa), Louw recalls wondering: 'How can we expect these guys to

## Contrasting negotiating styles in South Africa's transition to democracy

trust us? ... I mean, we might have been sitting there with guns and the moment they opened the door just blown them away. So we opened the door so that they could see in, and we just stood there in full view' (Sparks 1995:113).

Now obviously a number of factors had intervened between 1960 and 1989 to make the calculated risk that Mbeki and Zuma took in entering that hotel room a far more 'rational' and well-considered leap of faith than Kgosana's naïve decision in 1960 to rely on the promise made to him by Cape Town's police chief. Most prominent perhaps would be the fact that by the late 1980s, the apartheid regime's international standing had fallen so low and its economy had consequently become so vulnerable to various forms of pressure being applied by various sectors of the international community that its range of options for dealing with resistance to it had clearly narrowed considerably. In particular, even if the top ANC leadership had not yet begun to rely on indications that key elements within the regime, and especially in National Intelligence Service circles, had already concluded that it was necessary to come to some kind of agreement with the ANC, the embarrassment to the South African government that would have resulted from international reaction to an assassination of Mbeki and Zuma in that Lucerne hotel would in and of itself probably have precluded such an option.

Beyond such rational calculations, however, I will argue in this article that getting negotiations between the government and the ANC off the ground also required a certain degree of personal confidence and mutual understanding, a level of personal trust that had been built up in the half decade or so before that September 1989 meeting in a series of informal meetings and encounters in which Thabo Mbeki had played a crucial role. Moreover, I will further contend that Mbeki's historic role as chief ANC negotiator until August 1991 was to serve as the chief architect, at least from the side of the ANC, of the process through which a tacit centrist alliance between the government and the ANC against forces on both the left and the right took on more and more consistency and weight to the point where numerous commentators began to refer to the 'irreversibility' of the negotiations, to the idea, that is, that 'whatever crises arise ... both sides have no choice but to press ahead with negotiations. Each

is stuck with the other' (Sparks 1991).<sup>1</sup> Finally, I will argue that once this 'irreversibility' was thought to be reasonably well-established, the usefulness of Mbeki's conciliatory negotiating style had run its course, and he was therefore replaced as chief ANC negotiator by trade union leader Cyril Ramaphosa, whose more hard-nosed negotiating style would serve the ANC well in the later stages of the negotiating process.

## Building trust

According to the intelligence operative Mike Louw, as he and his colleague Maritz Spaarwater waited on that September 1989 evening in their Lucerne hotel room for the arrival of Mbeki and Zuma, 'we could hear them coming, talking, and then they came around the corner and they could see us standing there. Thabo walked in and said, "Well here we are, bloody terrorists and for all you know fucking communists as well". That broke the ice, and we all laughed, and I must say that from that moment on there was no tension' (Sparks 1995:113). While the statement that 'from that moment on there was no tension' is obviously a huge exaggeration (Mbeki himself is reported to have whispered to Zuma that 'sitting here with the enemy I feel my stomach moving' [Waldmeir 1997:145]), it is worth analysing how effectively Mbeki's opening gambit worked to undermine assumptions regarding 'otherness' and to provide a platform on which common ground might be found.

At first glance, it might be thought that the purpose of Mbeki's declaration was to distance himself and Zuma and the ANC in general from (and in effect deny) the conventional white identification of the ANC with terrorist violence and communist revolution, to suggest that, dressed as they undoubtedly were in their sensible business suits and quick on the draw with self-deprecating

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1 Also see Nyatumba (1991) where a similar perspective was presented by Helen Suzman, president of the South African Institute of Race Relations, and *Africa Confidential* (1992:1), where, even as formal constitutional talks were collapsing, knowledgeable observers were assuming that 'both the government and the ANC, however, remain locked into a negotiation process.' On the formation of a tacit centrist alliance between the ANC and the governing National Party, see for example Van Zyl Slabbert (1994:110–111). Also see the apt reference to a 'process alliance' between the government and the ANC in Spitz and Chaskalon (2000:30).

## Contrasting negotiating styles in South Africa's transition to democracy

humour and small talk, they hardly fitted the conventional white stereotypes of how terrorists and communists were supposed to look and act. However, a more subtle reading of the situation would incorporate the idea that Mbeki was actually affirming rather than denying assumptions about the ANC, and, in that way, empathising with and showing respect for the thought processes of his enemies. 'Yes', he would seem to be saying, 'you are right, we are terrorists and communists, but still we are only human beings just like you and we can even laugh about our differences. So maybe we can begin to talk'. Moreover, lurking behind this suggestion of human commonality is the gentle insinuation that these apartheid functionaries were, in their own way, also violent terrorists and, moreover, the functional equivalent on the political right of communists.

'You had to start from where they were,' Mbeki would later tell journalist Patti Waldmeir (1997:69), 'then you would understand'. For Thabo Mbeki, who, as the son of imprisoned ANC leader and Nelson Mandela co-defendant Govan Mbeki, was sent in the early 1960s to study economics at Sussex University in Britain, 'starting from where they were' meant cultivating a charming, erudite, and, above all, non-threatening image. Discussing the famous pipe which has always been one of Mbeki's favourite props, Waldmeir (1997:67) comments that he 'sporting his pipe as a badge of sophistication and urbanity, and used it to suggest a cultivated reserve inconsistent with white stereotypes of primitive Africans. One of his interlocutors of the period remembers that the pipe made Mbeki look like a "black Englishman", by which he meant, of course, that the ANC leader was a sort of "honorary white man"' (Waldmeir 1997:67). Now one can only imagine how virtuous and sophisticated and perhaps even touched with redemption more than a few embarrassed cogs in the apartheid system must have felt in the late 1980s when given the opportunity to drink whiskey and share 'quality time' with a 'black Englishman' like Mbeki. But whatever feelings of personal guilt may have been partially assuaged in Mbeki's long series of meetings with numerous Afrikaner and other white journalists, businessmen, intellectuals, and other public figures, some of whom were operating with a direct pipeline to the government itself, these encounters, more importantly, helped to foster a foundation of trust and confidence between African nationalists and Afrikaner notables that eventually served to enhance the possibility of a

successful negotiation process. As negotiations researchers Jenai Wu and David Laws have written (2003:330 [emphasis in original]): ‘It may not be necessary to trust to negotiate, but negotiations proceed more readily under conditions of trust than of persistent skepticism, suspicion, and doubt about the intentions and behavior of the other. It is easier to share information and jointly explore controversial issues, to understand interests, (and) invent options ... when we **feel** we can trust the other side, even if provisionally.’

Indeed, alleviating what Wu and Laws call ‘other-anxiety’ and thereby evoking the feeling that he, and by extension the ANC, could be trusted was clearly Mbeki’s specialty as a negotiator. As a group of prominent white businessmen hosted by Zambian president Kenneth Kaunda gathered to meet an ANC delegation in September 1985, one of the white visitors stated that ‘I keep thinking of Piet Retief’ (a legendary 19<sup>th</sup> century Afrikaner martyr who had supposedly been tricked into entering a negotiation session with the Zulu leader Dingane without any weapons and had then been slaughtered along with his men). But as if to belie this primal white South African nightmare, which might serve for us as a kind of mirror image of the cynical betrayal of Kgosana in 1960 with which this article began, Anglo American Corporation chief Gavin Relly later recalled ‘one of the nicest days I’ve ever spent. A picnic among South Africans talking about their future together’, and, referring specifically to Mbeki, stated that ‘I’d be happy to have that guy as my president’. In a similar vein, corporate executive Tony Bloom reported that ‘at lunch I gravitated towards Thabo .... I felt an instinctive connection’, while the journalist Hugh Murray, who had been instrumental in setting up the meeting, noted that Mbeki was ‘very direct, very funny, puffing on his pipe. A natural *savoir faire*. **Very comforting**’ (Gevisser 2007:502–504 [emphasis mine]). Maintaining the focus on alleviating ‘other-anxiety’, Mbeki created a sensation in introducing himself to a plenary session of a well-publicised meeting in Dakar, Senegal in July 1987 between an ANC delegation and a group of Afrikaner intellectuals and media figures by stating: ‘My name is Thabo Mbeki. I am an Afrikaner’. Appropriating the hated Dutch-derived term for ‘African’, Mbeki had ‘abstracted’, as his biographer Mark Gevisser explains (2007:510–511), ‘his origins into a double entendre to harness the mood of the moment, collapsing his own identity into those of his tense

and anxious interlocutors.' According to theologian Theuns Eloff, this move 'just broke the ice .... It was him saying, "I'm part of South Africa. We are the same people." It worked' (Gevisser 2007:511).

The success of Mbeki's 'seductive' methods, to use a term that frequently recurs in commentary on this period, is perhaps most strikingly demonstrated in the testimony of two leading Afrikaner intellectuals, sociologist and reformist politician Frederik van Zyl Slabbert, and political philosopher and National Intelligence Service (NIS) 'asset' Willie Esterhuysen. 'Shit, I'd die for that bugger', Van Zyl Slabbert told Gevisser (2007:496) soon after several long one-on-one sessions with Mbeki during the aforementioned Dakar encounter, then reinforced the same point in a less adulatory and indeed disillusioned register years later: 'Thabo creates a level of intimacy .... You assume the solidarity's there. It creates friendship. He is hospitable, urbane, friendly, but he uses his friendliness and urbanity to get close to the enemy' (Gevisser 2007:522). As for Esterhuysen, he echoed Slabbert's 1987 visceral sense of trust in Mbeki in telling Patti Waldmeir (1994) that 'I have an admiration for Thabo that I have not even for (Minister of Constitutional Development) Gerrit Viljoen. I will entrust my life to him'.<sup>2</sup> Asked in late 1987 by NIS head Niël Barnard to provide information regarding another series of 'pre-negotiation' encounters between Afrikaner notables and the ANC (the so-called 'Mells Park meetings') that were about to begin, Esterhuysen responded that he would do so only if he informed Mbeki that he was acting as a government intermediary, that he was 'prepared to act as a sort of informal messenger but (wouldn't) be an informant' (Waldmeir 1994). As Mbeki stated, 'he squared with me right at the beginning ... I knew all along that he was talking to Barnard – and that Barnard was reporting to P. W. Botha' (Sparks 1995:78–79; Harvey 2001:138–139). Indeed, it would be Esterhuysen, who contacted Mbeki to arrange the September 1989 meeting with NIS operatives discussed at the beginning of this paper, telling Allister Sparks that 'I gave Thabo a personal assurance that if I picked up anything that indicated to me that it was a trap, or that something could go wrong, I would alert him' (Sparks 1995:109–110).

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2 Also see Gevisser 2007:498), where Esterhuysen is quoted as telling NIS agents: 'I'm prepared to entrust my life to this fellow.'



In terms of substantive messages, Mbeki's 'personal trust offensive' was closely linked to convincing white South Africans that they could 'do business' with the ANC, that whatever 'solution' or 'deal' might ultimately emerge if the nascent 'talks about talks' were actually to lead to successful formal negotiations, the basic interests of whites would not be seriously compromised. Thus, as he told Gevisser (2007:524), it always remained 'uppermost' in his mind that 'we must understand the fact that these people are scared of us and they have educated themselves to know us as ogres .... You need continuously to be saying, 'No, no need to fear, we are perfectly OK .... South Africa is not going to break apart or start slaughtering you and all that'. In the meantime, as Mbeki was spearheading efforts in the late 1980s to build trust in a wide range of Afrikaner circles, Nelson Mandela himself was engaged in parallel 'talks about talks' with various government officials from his prison cell. As Mandela later explained, one of his central concerns in these talks was to deal with 'the question of allaying the fears of the whites; this was one of the questions the ANC and the government would have to address because that fear is genuine. It is mistaken but it is genuine' (Uys 1991).

Now it is extremely difficult to decipher to what degree and at what point those elements within the ruling National Party who were most invested in pursuing the negotiation route privately understood, whatever public signals were being sent to their anxious constituents, that reaching agreement with the ANC would have to entail the ultimate acceptance of some form of majoritarian democracy, that, in other words, coming to an agreement with the ANC, which clearly enjoyed overwhelming support among Africans, would, in essence, mean the handing over of governmental power to the ANC.<sup>3</sup> Certainly, as 'talks about

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3 Similar difficulties arise in attempting to decipher to what degree National Party proponents of negotiations with the ANC thought of them (both before and after the February 1990 release of Mandela) as a means of cultivating the appearance of 'reasonableness' as opposed to actually thinking of them as a means of pursuing a real agreement. In the meantime, whatever public signals were being sent to the National Party's constituency after February 1990, at least some informed observers thought that the legalisation of the ANC and the release of Mandela meant that the outcome was obvious: 'There can be only one ultimate consequence of President F.W. de Klerk's unbanning of political organizations and release of Nelson Mandela – majority rule in South Africa. It is no longer possible to turn back' (*Africa Confidential* 1990:1).

talks' morphed into four years of formal negotiations after the February 1990 release of Mandela, the public position of the National Party and the government slowly evolved from a defence of so-called 'group rights' to a commitment to a variety of schemes for 'power-sharing' to an eventual acceptance of little more than a fig-leaf of 'power-sharing', a five year transitional period in which the outgoing white President F.W. de Klerk would serve as a deputy president in a Government of National Unity.<sup>4</sup> At the same time, however prescient National Party negotiators may or may not have been regarding the eventual political outcome of the talks, it is clear that Mandela and Mbeki and their allies in the ANC were intent from the very beginning of the process on reassuring whites, and especially corporate elements, that their economic interests would be protected, that an ANC government would be prepared to operate within the general framework of global neo-liberalism and would be particularly sensitive to the economic damage that the loss of white skills and experience would entail (Harvey 2001:136–138, 149; Spitz and Chaskalon 2000:17; Terreblanche 2002:95–96; and Natrass 1994:343–346). Indeed, as American radical and Pan-Africanist Stokely Carmichael later commented, the South African 'solution' could be described as 'a classic neo-colonial situation where the government changes hands but the revolution is not implemented' (Carmichael 2003:775).

Moreover, though I have not yet found direct evidence to corroborate this point, I believe that we can assume that credible early assurances were given that whites would have little to fear from the ANC on the judicial as well as on the economic front. Surely at least the possibility of some kind of future prosecution of the agents of apartheid, including of course the government negotiators themselves, could not have been absent from the minds of these negotiators as contacts with the ANC were established. While the detailed and contentious

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4 In one of its principal ads in the run-up to the first democratic elections of April 1994, the ruling National Party proclaimed that 'we have kept all our promises. We have got a Government of National Unity, which means that the political parties will share power' (as cited by Giliomee 2003:643). But as Adrien Guelke points out (2005:167), this ad made no reference to 'the fact that participation in government of minor parties did not restrict the right of the majority in the cabinet (that is, the ANC) to determine the country's policies'. Even more importantly, as Guelke further notes (2005:173), the 'face-saving' provision for a Government of National Unity itself was only agreed to by the ANC 'on the basis that it would be temporary and not part of the final constitution'.

discussions on amnesty which eventually led to the establishment of the Truth and Reconciliation Commission would take years to complete, at least a hint that the ANC provided some manner of early assurance that it would pursue a non-punitive policy with respect to the crimes of the apartheid regime would seem to be contained in cabinet minister Gerrit Viljoen's reflections on the Mells Park meetings: 'The unofficial contacts worked against demonization .... The ANC's reasonableness and lack of bitterness came across. It was clear that their priority was not to destroy their opponent' (Lieberfeld 2005:116). Spelling the point out more explicitly, though without indicating exactly how far back this 'point of departure' went, President De Klerk stated in his autobiography (1999:288) that 'throughout the negotiations, it had been accepted as one of our basic points of departure that there should be a comprehensive process of amnesty for all those, on all sides, who had been involved in the conflict of the past'. In a similar vein, a statement published in March 1990 would also seem to suggest, however obliquely, that the ANC had privately made some kind of commitment to a non-punitive judicial policy: 'Africans', Mbeki told journalist Phillip van Niekerk (1990), 'come from a tradition of absence of hatred and of a spirit of vengeance. Despite the damage that's been done by the apartheid system, there's an absence of bitterness towards white people'.<sup>5</sup> Indeed, it might be postulated that, in the early stages of the negotiation process, the term 'absence of bitterness' served as a kind of code for amnesty or pardon.

In any case, if Mbeki's central purpose in the negotiations process was to build a modicum of mutual trust with whites and to reassure them that they would be safe if they were to give up the reins of political power, it seems fair to say

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5 Also see Mbeki's more explicit public statement of August 1990 (Mbeki 1990:7): 'The ANC has no plans and no intention to carry out acts of vengeance and retribution against anybody. There is therefore no reason for anybody within the present security forces to oppose change in the belief that such change will create a situation in which their lives and livelihood will be threatened'. Though this statement is more explicit than the statement of March 1990 cited in the text, it should also be noted that it would seem much more likely to reflect developments after the legalisation of the ANC and the release of Mandela than would the earlier statement. In this regard, it could therefore be argued that it provides less compelling evidence than the earlier statement for my supposition that there was a pre-February 1990 private assurance that the ANC would pursue a non-punitive policy.

that he was wildly successful. So successful that F.W. de Klerk's brother, Willem de Klerk, who attended some of the Mells Park meetings, told Allister Sparks (1995:80) that the 'essence' of the message that he sent back to the Broederbond, a kind of Afrikaner semi-secret 'super think tank', was as follows: 'Look, boys, everything is OK. We can do business with the ANC. They are not that radical. They are willing to compromise. They see the Afrikaners as an indigenous part of the South African population. They are not that dangerous.' Indeed, it might be said that Mbeki's efforts to reassure his interlocutors were so successful that he was, in effect, able to work himself out of a job. For once the formal negotiation process had actually gotten off the ground and the ANC had gone from an illegal revolutionary organisation with its top leadership and most of its effective operatives either imprisoned or in exile to a legal political party which could now engage in something bearing at least a resemblance to 'normal politics', it could focus on doing what a normal political party normally does: exert pressure on the political system for purposes of fulfilling its own interests. The coddling, the reassuring, the hand-holding of fearful whites had served its purpose in creating the political space that allowed the ANC to emerge from the shadows. Now with the broad outline of early assurances on the economic and judicial fronts largely remaining in place, the ANC could be less restrained in pushing its interest in a unitary majoritarian system of government.

### **Playing hardball**

In this regard, it is not surprising that long-standing dissatisfaction and skepticism within the ANC with Mbeki's approach to negotiations took on a more public and more insistent tone in the months following the February 1990 unbanning of the ANC and the May 1990 opening of formal talks at the Groote Schuur presidential palace in Cape Town and, in particular, following the signing of the August 1990 'Pretoria minute' between the government and the ANC in which the ANC agreed to suspend the remnants of its armed struggle against the regime in return for the government's promise to release all remaining political prisoners and to facilitate a more rapid return of exiles. With the government dragging its feet on its side of the bargain and with police and security forces seemingly stepping up repressive activities in the townships, a magazine with

strong ties to leftist elements in the ANC noted that ‘the terror of recent weeks has taken its toll. It has left people wondering why the ANC gave so much in suspending the armed struggle and saying the police would change their ways when they haven’t. People wonder why the government was able to obtain the Pretoria minute without conceding real dates for the release of more political prisoners and the return of exiles’ (*Work in Progress* 1990). With Mbeki clearly in its sights, the same publication declared in its following issue that ‘currently the ANC teams leading and facilitating talks are entirely dominated by people recently returned from exile. Should the ANC not be drawing on the immense experience of union leaders in negotiating?’ (Cargill 1990:6)

The frustration among much of the ANC rank-and-file, and in particular among many trade union militants, surfaced publicly at the organisation’s Consultative Conference held in Johannesburg in December 1990, where, as one reporter recalled (Sello 1991a), ‘bitter feelings’ were on display because ‘it was felt that the ANC had conceded much, while the government expediently continued to allow violence to be waged against the townships’. As *Africa Confidential* reported (1991:1), ‘delegates to the December conference were particularly hard on two NEC (National Executive Committee) members, Thabo Mbeki and Jacob Zuma, reproached with being over-enthusiastic for negotiations. Mbeki in particular is not helped by his elitist image. There is a growing feeling that he is more concerned with placating white fears than with articulating black aspirations’. Lurking behind this impatience with the perceived lack of progress in negotiations was a conviction that Mbeki shied away from confrontation and was reluctant to promote and unleash the popular protest and mass action that was thought to constitute the ANC’s most important source of potential leverage throughout the negotiation process. As one militant explained, ‘Thabo misread us as rejectionist, but he didn’t understand our two-tier strategy: to talk with a big stick. It seemed to us that he was scared of the big stick. He didn’t really know how to use it, so he wanted to throw it away’ (Gevisser 2007:596). Using the same metaphor, *Work in progress* described the government as ‘an unwilling traveler down the road towards democracy, a disobedient beast, requiring the sting of a stick on its backside to keep it moving’. Specifically identifying Mbeki as the proponent of an ‘alternative perspective’ and clearly alluding to the nature of

his negotiating style, the magazine sarcastically asserted that 'personal chemistry between the donkey and its driver may make the process more pleasant, but provides no substitute for the stick' (Niddrie 1991:5–6).

These complaints about how the ANC was conducting negotiations became part of a full-fledged political offensive against ANC 'moderates' in spring 1991. Speaking for a coalition of grass roots militants, trade union activists, and leftist elements within the ANC, Communist Party luminary Joe Slovo told an April meeting of the ANC National Executive Committee that the organisation's lethargic response to government sponsored violence was 'creating a gap ... between the ANC and the people' (Gevisser 2007:599–600). Mandela responded to Slovo by defending Mbeki and his negotiating team at an NEC meeting in May, asserting that whatever the 'ups and downs' of the moment, 'we have succeeded in forcing the regime to abandon its own basic stand and come over to ours' (Gevisser 2007:600). However, in truth, though Mandela's iconic status made him virtually immune to direct assault within the ANC, the attacks upon Mbeki essentially amounted to indirect attacks upon Mandela himself. Thus, it was that the 31 July decision of the NEC to replace Mbeki as lead negotiator with National Union of Mineworkers leader Cyril Ramaphosa came while Mandela was on a trip to Cuba. Indeed, Mbeki was also out of the country when the decision was made, appropriately enough at a conference in Cambridge, England (Sello 1991b; Gevisser 2007:603–604; Butler 2007:261–262).

The son of a Soweto police officer, Cyril Ramaphosa was a lawyer who had been deeply involved in the trade union movement for almost a decade and who had played a central role in steering the recently-formed Congress of South African Trade Unions (COSATU) into a firm alliance with the ANC. Identified by Bobby Godsell, his chief opponent in mining industry negotiations, as 'the most skilled negotiator I have ever met' (Sparks 1995:179), and by the *City Press* (1991) as a man whose 'track record as a shrewd negotiator is well-known', Ramaphosa was depicted in the aftermath of his appointment as lead negotiator as 'the most experienced of the ANC's Young Turks' and as 'warm and charming but devastatingly efficient' (Katzin, Qwelane and Breier 1991). More crudely, a journalist for the *Star* (Johnson 1991) recalled how Ramaphosa had been pictured in a well-known newspaper cartoon with a hand 'up in between

(a mining magnate's) legs, squeezing his sensitive parts'. Like any good negotiator, Ramaphosa was always prepared to accept what, under the circumstances of the moment, seemed to be necessary compromises, and indeed, though put forward in summer 1991 as the candidate of the ANC left, the ideological distance between him and Mbeki was actually not very great. Moreover, also like most good negotiators, Ramaphosa had great expertise in using charm and, yes, personal chemistry to grease the wheels of compromise. But what appealed to the left about him at this point was his readiness, at appropriate times, to mix in a heavy dose of threat and brinksmanship with the ever-present charm.<sup>6</sup> Operating in labour-management negotiations in accordance with the principle that, as his biographer Anthony Butler puts it (2007:154), union leaders sometimes 'must stoke up members' anger so as to scare the bosses into backing down', Ramaphosa, whose negotiating style would no doubt be classified by negotiation theorists as 'adversarial' or 'competitive' (at least in comparison to Mbeki's more 'cooperative' or 'problem-solving' style) (Nelken 2005; Williams 1983), was just the man to oversee the application of the same principle to the constitutional negotiations between the government and the ANC.

The summer 1991 replacement of Mbeki with Ramaphosa was, as already indicated, part of a general offensive against ANC moderates, one in which figures identified with the left, and in particular with policies and strategies advocated by COSATU, were appointed to several major policy-making and administrative positions. Indeed, this 'coup', as it was termed by many observers, amounted to what Butler (2007:261) calls 'the first major realignment of forces in the liberation movement for decades'. With the left in the ANC now largely calling the shots, the 'two-tier' strategy mentioned above of talking with a big stick would now become dominant. After months of wrangling about the details of how large a majority in an elected Constituent Assembly would be necessary to enact a final constitution and with the government seemingly

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6 See Ramaphosa's comments on brinksmanship in an interview with Pdraig O'Malley (1998): 'I stood the risk of wrecking the talks and I know that some of my colleagues thought I had overstepped the mark and at one stage I actually thought that that would bring the talks to a halt so I took things to the precipice because it was important that we should win that battle and once and for all gain the upper hand'. On this point, also see Gumedde 2007:49–51.

still dragging its feet on a number of other issues, Ramaphosa, who, according to Butler (2007:294–295), ‘had engineered a crisis’ and engaged in ‘deliberate deadlocking’, announced on 15 May 1992 that the ANC was withdrawing from the working group that had been focusing on Constituent Assembly procedures (Sparks 1995:136). This led to the immediate collapse of formal constitutional talks, and, with COSATU activists in the lead, to the launching a month later of a mammoth ANC campaign of ‘rolling mass action.’<sup>7</sup> ‘But then’, as Patti Waldmeir commented (1997:203–204), these constitutional talks were ‘not really about doing a deal; (they were) about showing how unwilling the other side was to settle .... The ANC needed to test its strength, as much to bolster its own confidence as to impress the other side. The government felt too strong to settle and its rivals felt too weak. The ANC set out to reverse that equation’.

In serving, as Allister Sparks put it (1995:140), to ‘literally paralyze the country’ and in thereby conjuring up memories of the massive insurrectionary activity of the mid-1980s, it was, as numerous analysts suggest, this campaign of mass mobilisation, with its accompanying strikes and boycotts, that ultimately turned the balance of forces in the soon-to-be resumed formal constitutional negotiations decisively in favour of the ANC (Barber 1999:294–296; Johnson and Schlemmer 1996:8–9; Sisk 1995:215–217; Marais 1992:13–15; Africa Confidential 1992b:3–4). For this clear demonstration of the ANC’s disruptive capacity and, in its most basic sense, its overall political strength essentially left F.W. de Klerk with a choice which was not really a choice: either unleash the power of the state in an old-fashioned security crackdown or, recalling this article’s earlier reference to the ‘irreversibility’ of the negotiations process, acknowledge that, if conditions in the country were to be in any way ‘normalized’, he would indeed actually have to do a deal with the ANC. Like Louis XVI in July 1789, if a scholar who has worked for many years on the French Revolution can be indulged a comparison which might seem out of place, De Klerk, for a variety of reasons the exploration of which would require a separate article, could not when push came to shove pull the trigger on a full-out employment of the state’s coercive apparatus and was thus ‘locked into’ a reluctant partnership with the ANC. Moreover, whatever

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7 For the key role played by COSATU in driving the ANC to implement ‘mass action’, see Cullinan 1992:8–9.



expectations about the final outcome that De Klerk might have had when he made the momentous decision in February 1990 to release Mandela and legalise the ANC, it had become clear by the end of 1992 that, in such a partnership, the National Party would have to be the junior partner. When presented with the idea of a five-year transitional Government of National Unity joined to an explicit commitment to a process of amnesty and the protection of the jobs and pensions of white civil servants, De Klerk essentially handed over the reins of government to the ANC and entered the pages of history as the Gorbachev of South Africa.

Backed up as it was by the 'big stick' of mass protest, Ramaphosa's brinksmanship at the negotiating table had therefore served the ANC well.<sup>8</sup> Yet, the success of Ramaphosa's adversarial tactics was largely dependent on the earlier success of Mbeki in helping to generate sufficient trust and confidence between the two sides as to enable them to come to a gradual and ultimately perhaps 'irreversible' understanding of their mutual interest in making peace. Indeed, it can be argued that brinksmanship and hardball tactics could only have succeeded in an environment in which an overarching mutual commitment to keeping the process alive already existed. Without the presence of such an overarching commitment, manifested in this case by ongoing informal contacts, confrontational behaviour would in all likelihood, have served to threaten the continuation of the process itself and, as a result, to gravely endanger the possibility of reaching a peaceful outcome. Just as a certain degree of conflict and disagreement can serve to enhance the stability of an established political system so long as this conflict and disagreement occur within the parameters of an overarching agreement on what political scientists call 'the rules of the game', so it would appear that appropriately timed resorts to tough negotiating tactics can contribute to the completion of a 'negotiated revolution', provided that sufficient trust exists between the antagonists to serve as the functional

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8 As Hein Marais (1992:15) notes, the implementation of the campaign of 'rolling mass action' can itself be regarded as a kind of 'brinksmanship'. Indeed, as Allister Sparks (1995:137) suggests, the COSATU activists who had spearheaded the campaign saw as 'fundamental to shop-floor bargaining that there should be a demonstration of strength outside the negotiating forum to strengthen the hand of the negotiators within'.

## Contrasting negotiating styles in South Africa's transition to democracy

equivalent of the 'rules' that allow conflict to be managed in more established political systems.

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If the summer 1991 replacement of Mbeki as lead negotiator with Ramaphosa was indeed 'the first major realignment of forces in the liberation movement for decades', it turned out to be a realignment that didn't last very long. For whatever ascendancy that the left had acquired within the ANC soon disappeared when, after the organisation easily won control of South Africa's parliament in the country's first democratic election in April 1994, Mbeki was chosen over Ramaphosa to become the nation's first deputy president, and then selected as ANC deputy president in December 1994. These appointments, to all intents and purposes, anointed Mbeki as a kind of prime minister during Mandela's presidential term of 1994–1999 and designated him as Mandela's successor after the election of 1999. Without going into any detail on South African post-apartheid politics, most commentators seem to agree that the trade union movement, the Communist Party, and other leftist elements in the ANC alliance have been largely marginalised since the ANC became the ruling party and, in effect, began to see the 'big stick' of mass mobilisation as something that potentially threatened its own hold on power rather than as something that could help it attain power (Ginsburg 1996:97–101; Duncan 2010). In the meantime, Mbeki's nine year presidency, which made little progress in alleviating South Africa's mind-boggling degree of economic inequality and abject poverty, was especially marred by the worldwide opprobrium he incurred through the disastrous impact of his HIV/AIDS denialism. As for the trade union veteran Ramaphosa, with his own political ambitions thwarted by Mbeki's return to the spotlight, he turned, no doubt to the disappointment of many, to the business world. Taking advantage of various ANC programmes to facilitate the development of a black bourgeoisie and, in all likelihood, his own unique political connections, he is today probably one of the wealthiest people in South Africa.

These earthbound realities, which have certainly been difficult to digest for many of those who hold dear a kaleidoscope of heroic images and visions of the South

African liberation struggle, cannot, however, erase the contributions that both Mbeki and Ramaphosa made towards achieving a relatively peaceful transition to majority rule in a society which was ‘considered for many years’, as Pierre du Toit puts it (2001:85), ‘to be a least likely case for successful peacemaking’. Perhaps a careful analysis of how agreement was reached in other ‘negotiated revolutions’, for example those that took place in Eastern Europe and Latin America in the 1980s and 1990s, would reveal that the pattern of interaction between Mbeki’s ‘cooperative’ and Ramaphosa’s ‘adversarial’ negotiating styles that has been brought to light in this case study has similarly impacted the outcome of negotiations in other times and places.<sup>9</sup> More importantly, it remains to be seen whether the manner in which these complementary styles combined to produce a relatively bloodless conclusion to what had seemed to be one of the world’s most intractable conflicts might serve as a model that could have some future relevance in helping to bring other such conflicts to an end.

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# Peacekeeping operations and adjustment of soldiers in Sudan: Peace in the minds and hearts of soldiers?

*René Koopman and Gideon A.J. van Dyk\**

## **Abstract**

United Nations (UN) peacekeeping missions have become a reality for soldiers in Africa, specifically for members of the South African National Defence Forces (SANDF). In Sudan, SANDF members have to deal with severe challenges. On the one hand, Sudan is a vast, sun-baked desert land. Temperatures are extremely high, making the heat unbearable for foreigners. On the other hand, the nature of the conflict includes dealing with death, mutilated bodies, rape and aggrieved communities. These factors can be very traumatic and require tremendous adjustment skills from members in peacekeeping operations from foreign countries like South Africa.

The article discusses the circumstances in Sudan which contribute to the adjustment challenges of members. The researchers interviewed five members (Capt. to Lt. Col.) of the SANDF on their experiences in Sudan. The article focuses on the stress reactions of members during the adjustment process, and makes recommendations on the selection of members of peacekeeping

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\* Ms René Koopman and Prof Gideon van Dyk are both lecturing in the Department of Industrial Psychology at the Faculty of Military Science of the Stellenbosch University.

operations, their training and preparation, their support by leaders during the operation, and by their families after the operation. These recommendations are relevant for international peacekeeping forces and specifically for the SANDF.

## **1. Introduction**

United Nations (UN) peacekeeping missions have become a reality for soldiers in Africa. Many countries, from all over the world, are involved in peacekeeping operations. Although peacekeeping operations are frequently associated with a lower stressor intensity than combat situations, peacekeepers are still subjected to stressful situations. During deployment, soldiers may be exposed to life-threatening situations like shootings, being taken hostage or the possibility of being killed. In addition to this, peacekeepers are increasingly providing humanitarian aid and may very likely witness human distress, such as starving, sick or wounded people. Meanwhile, the principle of non-use of force except for self-defence is central to the concept of UN peacekeeping; therefore it is of utmost importance that personnel involved in peacekeeping operations must be able to restrain their reactions and control their impulses, even while being exposed to threatening situations. Thus, peacekeeping operations may make great demands upon peacekeepers and may saddle them with new stressors. Exposure to threatening situations can also result in psychological and physical adjustment problems.

Therefore the aim of this paper is to discuss the stressors experienced by soldiers during peacekeeping operations in Sudan, and their adjustment process. In order to achieve this, it is necessary to know what peacekeeping operations are and entail, what the appropriate profile of a peacekeeper would be and how we could go about training these peacekeepers. The paper focuses on an evaluation of the stressors in the operational environment in Sudan, on the relevant adjustment processes, and on necessary life skills for coping in Sudan.

## **2. Peacekeeping operations in Sudan**

According to Van Dyk (2009:115) peacekeeping is described as the deployment of military and sometimes civilian personnel under international command and

control, usually after a cease-fire has been achieved and with the consent of the parties. The aim of peacekeeping operations is to restore and maintain peace between conflicting parties without the use of force other than in the case of self-defence (Neethling 2000:1–5). Peacekeeping is also necessary to reduce the effect of threat and violence that exist between conflicting parties or states.

### **3. Characteristics of Sudan that may affect adjustment**

It is very important to know the characteristics of the country where the peacekeeping mission is being conducted in order to understand the conditions under which the peacekeepers have to perform. Apart from the stressors that are already existent in any operational environment, there may be added stressors that are prevalent in the country concerned. These added stressors contribute even further to the stress levels of the soldiers and impact on their well being.

With regard to Sudan, the following information was taken from Peterson (1999:1–5). Sudan is a vast, sun-baked dessert land with frequent dust storms. Temperatures are extremely high, making the heat unbearable especially for those who are not used to it. The heat makes one thirsty; but the water in Sudan is subjected to contamination through its distribution system. This means that the peacekeeping soldiers should take extra measures when it comes to drinking water, because it can affect their health and hygiene. The soldiers' hygiene and health are not only affected by the water, but also by the state of hygiene in the country. Due to the extreme heat that occurs nine out of the twelve months of the year, uncollected garbage dumped on vacant land quickly becomes fermented. Some of the sewage pumps are very old and not working at all. Lack of toilet facilities, inadequate refrigeration, and poor hygiene facilities make it necessary to use extreme care in preparing food and selecting where to socialise.

The latter can hamper the soldiers' leisure time, because everyone wants to enjoy a good meal now and again. Alcohol consumption is also prohibited by the Government of Sudan due to religious beliefs. This means that soldiers are restricted, and this can lead to frustration. Further frustration is caused by the language barrier between them and the local Arabic-speaking population of



whom not many understand English. The communication and interaction with the local population is therefore limited. Most of the local population is Islamic and have their own belief system especially when it comes to gender issues. In the SANDF there are females who are in leadership positions, such as platoon commanders, and this can result in conflict when they are deployed in Sudan, due to the fact that in Sudan the male is still seen as being superior. There is also a lack of infrastructure in Sudan, making the operation difficult and posing safety threats on the peacekeeping soldier.

The research shows there are many added stressors, making things even worse for the peacekeeper who is used to different circumstances. He/she is totally unfamiliar with the surroundings and needs to find the best way to adjust to the situation.

#### **4. Field research in Sudan**

The researchers used five members of the SANDF, ranging from Captain to Lieutenant-Colonel, to evaluate their adjustment process and stressors experienced in Sudan during peacekeeping operations. The researchers used open-ended questions with a structured interview to develop an indication of the five members' experiences. The researchers wanted to enrich existing theoretical discussions with the results of field research in order to develop a more realistic perception of the adjustment process of members in Sudan. Table 1 shows the typical questions used in the structured interviews with the five members deployed in Sudan, and representative examples of their responses.

**Table 1: Questions and summary of sample responses**

<p><b>1. How did you feel when you found out you are going on deployment?</b></p> <p>Excited, the deployment will influence my life/career positively Excited, I did the military observer's course and want to deploy to use this knowledge I volunteered for the deployment</p>
<p><b>2. How did this news impact your wife or family?</b></p> <p>Negative, my family complains and this was stressful for me Positive, good money, good experience Uncertain My family needs to adjust without me</p>
<p><b>3. What changes in your life took place prior to the deployment?</b></p> <p>Needed to take out a lot of debit orders My wife took over my responsibilities I had to develop my own computer and tech skills</p>
<p><b>4. What planning took place prior to the deployment from the SANDF side to prepare you?</b></p> <p>We did SANDF and African Union modified tests Administration of last will I did the military observer course</p>
<p><b>5. What expectations did you have before leaving on deployment?</b></p> <p>Harsh living conditions, no support from SANDE, work in isolation as military observer I anticipated a sense of urgency [on the part of the SANDF] to deploy members as soon as possible</p>

**6. Were your expectations met after you arrived at your deployment area?**

I was part of a professional, well-trained and disciplined force

The military observers were left on their own in isolation

No, there was a ten days transit delay for Sudan in Addis Ababa, because the AU structures were insufficiently staffed to address the admin burden

At the force headquarters things happened very slowly, with insufficient ablution facilities, poor communication with a three week delay in deployment

**7. Mention or explain the typical stressors or challenges you experienced in the operational environment**

*Physical stressors:* extreme weather conditions, insufficient resources, overcrowded basis

*Cognitive stressors:* ambiguity of mandate, not getting involved with population

*Emotional stressors :* feeling powerless, dealing with death, mutilated bodies, rape, grieving communities, poverty

*Social stressors:* lack of support system of families, boredom, smoked a lot, food, not SA food

**8. How did being away from your family affect you and your work?**

After a while you don't concentrate on the mission, you just think of your family in South Africa

Even in a group you feel lonely, I packed the loneliness in a 'box' to survive

**9. What did you do to keep you busy during your deployment period?**

Did patrols at high risk routes

Reading, played games on laptop, socialising with group

Exercise

**10. What support did you receive from the SANDF side while being on deployment?**

Visit from Chief SANDF

Satellite phones were used by members

Regular email updates from Joint Ops

**11. What support did you receive from your family side while being on deployment?**

Telephonic contact

Parcels

**12. After the completion of your deployment period, did you receive any debriefing session? If so, what did it entail?**

Some were not debriefed

Others do SWOT analysis of operation

**13. Explain the different psychological adjustment phases you went through during deployment**

Endure the different cultures, attitudes, habits, lifestyle of Sudanese, lack of admin and support

**14. What adjustment processes did you have to go through after deployment**

Routine at home, adjusting to family, sort out roles at home

**15. Mention the themes that are necessary to prepare people for such deployments. Explain the Sudan-related challenges that need to be managed**

Mandate with 'teeth' is difficult to implement

Mentally well prepared

Good admin support

How to deal with disappointment

Independent functioning, cultural openness, tolerance, patience

## **5. Stressors and adjustment in Sudan**

Soldiers' bodies and minds are conditioned to deal with and handle stress. Sometimes, though, the level of stress soldiers face overwhelms their defences. When this happens, they start to feel vulnerable and can experience adjustment problems. Whether these stressors are mild or serious and whether they last for a short time (dust storms) or a long time (dessert) depends on the nature of the stress and the strength of our defences at the time the stress occurs. Keep in mind, though, that the strength of everyone's defence mechanisms varies over time – based on what else is going on in their lives and their overall health (Bruwer 2003:25). Table 1 illustrates that the weather, trauma of dead bodies and the frustrations to cope with, were challenging for members involved.

### **5.1 The demands of operational life**

Psychologically demanding experiences can involve a range of events which individuals may interpret differently. What is stressful to one person may not be stressful to another. The impact of various stressors may also not be the same. Some stressors may affect an individual's ability to concentrate; another stressor may affect an individual's mood. According to NATO Task Group (2007:10), however, there are certain basic characteristics associated with high-stress events. These include events that are:

- Threatening: being shot at during a fire fight
- Overwhelming: being confronted with the death of a unit member
- Unexpected: being surprised by bad news from home while deployed
- Uncertain: being on a mission with an unclear return date
- Ambiguous: having to respond to an incident when rules of engagement seem unclear.

When an event has these characteristics it is likely to be considered demanding. Members may experience many different types of demands. According to Bartone (1998:115), demands in operational life may be categorised into two groups:

- Daily hassles: deployed life stressors include missing family and friends and living in unfamiliar, culturally strange surroundings. Other sources of chronic stress associated with deployed life can vary widely across operations, but include lack of privacy, sexual deprivation, maintaining hygiene and exposure to extreme weather conditions. Daily hassles may be tolerable, but the cumulative effect of exposure to hassles potentially takes a toll on deployed personnel.
- Operational stressors: the duties performed on operations can expose military personnel to stressful and traumatic events. This topic will be discussed later in this article.

It is important to know what the demands are in the operational environment because these demands bring about stressful situations.

The results of the interviews (Table 1) state clearly that the terrain (sandy, and muddy when it rains), the heat and the witnessing of dead men, women, children, mutilated corpses and severed limbs are very stressful in Sudan.

## **6. Stress defined**

Stress is a term that means many things to many people. Stress has been so conflated that it can mean almost anything (Joy 1996:56). According to Statt (1998:515), stress is described as physical and psychological strain that usually lasts for a period of time and which threatens the ability of a person to go on coping with a given situation. Bartone (1998:120) says that stress is frequently used to describe two very different kinds of phenomena: the first is the stimuli in the environment (both physical and psychological) that impinge upon the organism, and secondly, the physical and psychological responses of the organism itself to such forces.

### **6.1 Stress in the military context**

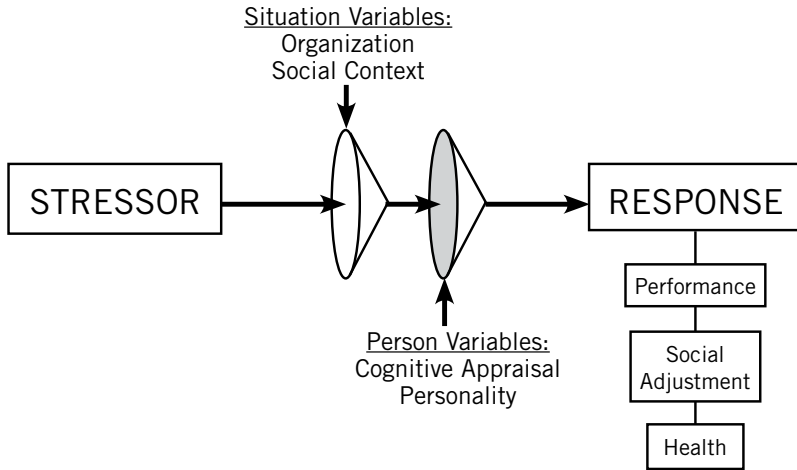
Therefore when looking at stress in the military context, Bartone (1998:114) says: 'In considering stress in the military context, it is best to preserve the term stress to refer to events or forces in the environment, outside the person, as opposed to subjective, internal responses. The application to environmental stimuli is emphasized by the stressor or stressors instead of just stress.' By looking at what

Bartone is saying, one can make a deduction that he is describing stress within the military context as originating from forces in the environment. These forces impact upon the individual, which results in a response. The members reported 'boredom' in the interviews (Table 1), which causes a lot of smoking, drinking and loneliness where members withdrew from their groups.

**Figure 1** clearly illustrates what Bartone's views are. It depicts the pathway of stressors in the environment (stimuli) to responses of the organism. Stressors are filtered through situation variables and person variables. The three principle classes of response are performance, social adjustment and health. They are also known as the outcome variables. The stressors represent forces in the environment that impinge on the person. These forces can be physical or psychological, and sometimes both at once. Experiencing fire power is very much a physical threat to the soldier, and can result in physical bodily wounds or even death. At the same time, such physical events for most people also carry the psychological threat of one's own possible death or injury, or of friends and family. But the stress on outcomes is rarely direct and immediate; usually, it is processed or filtered through both organisational, social context variables, and personal variables. Examples of social context variables that might influence how stressors get processed in the military environment are unit cohesion and leadership climate. Person variables that could influence the stress-outcome relation include past experience, pre-existing psychopathology, and personality characteristics (Bruwer 2003:35–37). Personality characteristics include strong ego-power, good interpersonal skills, coping skills and healthy defence mechanisms (Lloyd, Van Dyk and De Kock 2009:57).

The ability to perform physical and mental tasks quickly and accurately in the military is essential. Likewise, the capacity to sustain effective performance over an extended period of time under adverse conditions is also important. Performance in the military context includes both individual and group tasks and functions. Stress in the military can also contribute to a range of social adjustment problems, for example, high consumption of alcohol and substance abuse. Stress can also have a profound influence on the soldier's physical and mental health in a peacekeeping operation. The health of the force is a concern to the organisation because health in turn influences performance and achievement of organisational goals (Bartone 1998:130).

**Figure 1. The pathway of stressors in the environment (stimuli) to responses of the organism**



Source: Bartone 1998:116.

## 6.2 Effects of stress and adjustment of soldiers in Sudan

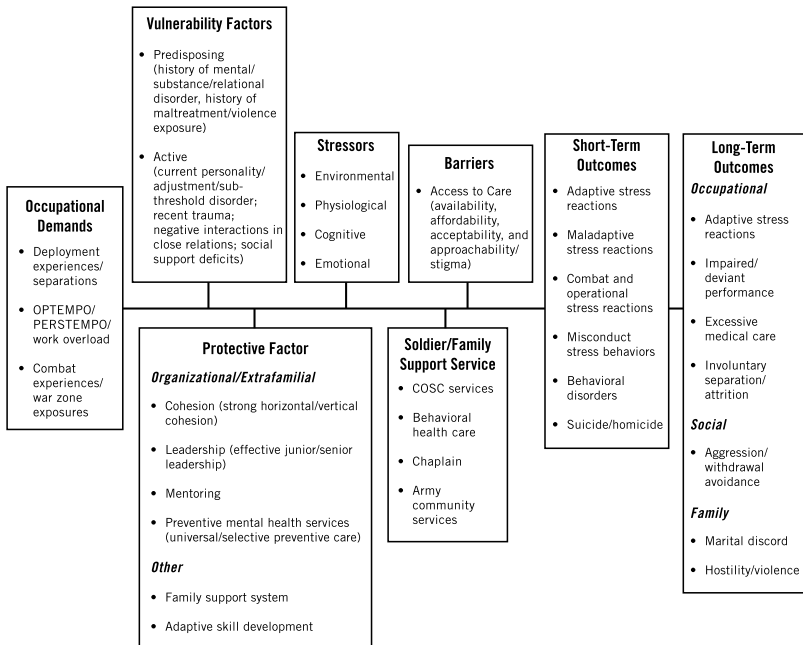
Focused stress is vital to survival and mission accomplishment. However, stress that is too intense, or prolonged, results in stress reactions that impair the ability of soldiers to function effectively (Van Dyk 2009:116). High levels of stress over a long period of time cause impairment of concentration and memory, wrong decision making, conflict in interpersonal relations and the break-up of good cohesion or esprit de corps (Dhlahla and Van Dyk 2009:29). Some stressors contribute to misconduct that requires disciplinary action and may take the soldier from duty for legal action. In a broader context stress may cause battle and non-battle injuries through inattention, clumsiness, and reckless behaviour. These resultant injuries can include equipment losses and friendly fire incidents. Stress may increase disease rates by disrupting hygiene and protective measures, and impairing the body's immune defences (Bruwer 2003:45). It is clear from the interviews (Table 1) that the members experience high levels of stress at the beginning of their operations in their adjustment process with the climate, culture, food and routine. Some started to smoke more, while others ran and exercised more.



### 6.3 Model for stress control interventions

Figure 2 below is a conceptual model of stress, its mitigating and aggravating factors and its potential outcomes for soldiers and families. This model can be helpful when designing stress control interventions to improve short-term and long-term outcomes.

**Figure 2. Model of stress and its potential soldier and family outcome**



Source: USA 2006 (Field Manual on Combat and Operational Stress Control):1-3

Figure 2 outlines a process that starts with the demands of a peacekeeping operation, includes the vulnerable and protective factors in the operation, the stressors that may contribute to high levels of stress, the frames and support available, and ends with possible short and long term outcomes of the operation.

**Figure 3. Examples of operational stressors**

<b>PHYSICAL STRESSORS</b>	<b>MENTAL STRESSORS</b>
<p><b>ENVIRONMENTAL</b></p> <p>Heat, cold, wetness, dust                      Vibration, noise, blast                      Noxious odors (fumes, poisons, chemicals)                      Directed-energy weapons/devices                      Ionizing radiation                      Infectious agents                      Physical work                      Poor visibility (bright lights, darkness, haze)                      Difficult or arduous terrain                      High altitude</p> <p><b>PHYSIOLOGICAL</b></p> <p>Sleep deprivation                      Dehydration                      Malnutrition                      Poor hygiene                      Muscular and aerobic fatigue                      Overuse or underuse of muscles                      Impaired immune system                      Illness or injury                      Sexual frustration                      Substance use (smoking, caffeine, alcohol)                      Obesity                      Poor physical condition</p>	<p><b>COGNITIVE</b></p> <p>Information (too much or too little)                      Sensory overload or deprivation                      Ambiguity, uncertainty, unpredictability                      Time pressure or waiting                      Difficult decision (rules of engagement)                      Organizational dynamics and changes                      Hard choices versus no choice                      Recognition of impaired functioning                      Working beyond skill level                      Previous failures</p> <p><b>EMOTIONAL</b></p> <p>Being new in unit, isolated, lonely                      Fear and anxiety-producing threats                      (of death, injury, failure, or loss)                      Grief-producing losses (bereavement)                      Resentment, anger, and rage-producing                      frustration and guilt                      Inactivity producing boredom                      Conflicting/divided motives and loyalties                      Spiritual confrontation or temptation                      causing loss of faith                      Interpersonal conflict (unit, buddy)                      Home-front worries, homesickness                      Loss of privacy                      Victimization/harassment                      Exposure to combat/dead bodies                      Having to kill</p>

Source: USA 2006 (Field Manual on Combat and Operational Stress Control):1-4

Figure 3 provides a list of different types of stressors and different levels that may help commanders to be sensitive to the stress reactions of their members coping with such stressors. The results of the interviews (Table 1) give evidence of physical stressors (weather, overcrowded basis), cognitive stressors (ambiguity

of mandate), emotional stressors (powerlessness, dealing with rape, poverty, death), and social stressors (cultural, lack of support from home) encountered during the peacekeeping operation in Sudan.

## **7. Selection and training of peacekeepers to prevent adjustment problems**

According to Langholtz and Leetjies (2001:15–20), United Nations (UN) peacekeeping was established to contain and limit violence by applying the techniques of conflict resolution, and the tools of persuasion and trust to limit fighting. This statement confirms that deployed soldiers need to be equipped for the mission in order for it to be a success. In this regard some soldiers will have a more competent profile to adjust to peacekeeping operations than others.

### **7.1 Profile of a peacekeeping soldier**

A special kind of soldier is needed in the peacekeeping environment – one that is capable of meeting challenges that arise and of doing the job most effectively. Such a soldier needs to possess certain qualities and characteristics in order to contribute to the success of the mission. According to Hundt (1996:37–38) the following requirements are important to have:

- **Adaptation** The peacekeeping soldier is expected to adapt and respond well to change. Adjustment to a different and challenging geographical area as well as to emotional and conflict situations is also very important. The results show the members' struggles with the climate and terrain in Sudan.
- **Professionalism** The peacekeeping soldier should display professional behaviour like discipline, punctuality, etc, at all times when they are executing peacekeeping tasks. According to Langholtz (1998:45–50), however, this professional appearance can have a clear psychological impact on the individual like for example, focusing too much energy in one direction while overlooking other issues, especially when they place too much emphasis on being perfect.

- **Stability** Stability refers to emotional stability (not allowing emotions to control a person) as well as relationship stability (not allowing relationship-related issues to distract a person). This will enable the peacekeeping soldier to endure lengthy periods away from his home and family. It will also enable the soldier to cope with long hours of working, stressful situations, setbacks and feelings of isolation, anger and fear. Some of the members in Sudan experienced high levels of loneliness, lack of support and emotional challenges.
- **Self-discipline** Professionalism and self-discipline go hand in hand. Self-discipline is unconcealed behaviour based on an acceptable code of conduct. For example, going out, drinking and having sexual encounters with the locals is unacceptable. This should be a prominent characteristic especially when it comes to interacting with the local population.

A peacekeeper should be able to understand the ethnic, language, religious and cultural systems of the local population (Bruwer 2003:39). This will enable them to understand the local population and act as a mediator in order to meet their needs. Once a peacekeeping soldier is selected that has the appropriate profile as stated above, then this soldier can and should be trained to execute his/her tasks with diligence. The results in Table 1 show that forging links to the population with their culture, food, language and habits was quite a challenge!

### **8. Training and preparation in necessary skills required for a peacekeeping soldier**

Today, training of military and civilian personnel for peacekeeping is widely recognised as a necessary factor in the effectiveness of peacekeeping missions on the ground. Training is also essential for the improvement or the development of the characteristics or competencies that a peacekeeping soldier should possess. Unlike the civilian employees, who are recruited individually for a specific professional speciality, military personnel almost always come to peacekeeping missions as part of a national contingent. These are soldiers who have already been trained in the basic soldiering skills of survival on the battlefield, organisation, and communication (Hundt 1996:37–38). But because of the new complexity of

peacekeeping missions and the challenges encountered by peacekeepers on the ground, there have been a number of additional requirements to training needs.

These include, but are not limited to, gender issues, children's rights and child protection, sexual exploitation and abuse, human trafficking, civil-military cooperation, and cultural awareness and sensitivity (United Nations Association in Canada 2007). Cultural awareness training, as well as human rights and gender training, contributes significantly to the peacekeeper's adjustment to the local environment. Indeed, there have been many arguments that there needs to be greater understanding of the contextual framework of peacekeeping. Language barriers among peacekeepers themselves, differing rules of engagement, and different backgrounds have also made it much more difficult to bring different contingents together in the field, which emphasises the need for a level of commonality in training across contingents (Langholtz 1998:95).

Pre-deployment training is seen as an essential part of preparing the peacekeeping soldier for deployment. The purpose of this training is to prepare personnel to perform peacekeeping functions. Another purpose is to assist the individual to cope with and adjust to the new environment. During pre-deployment training peacekeeping soldiers need to learn about the geographical environment – its circumstances, dangers and threatening factors – so that the unknown can become more known to them. It will be helpful to empower them with stress management skills and conflict management skills to facilitate higher levels of adjustment for them in Sudan.

In some cases, military personnel view family concerns in terms of the conflict between meeting their family's needs and meeting work demands (Bartone, Adler and Viatkus 1998:590). Interestingly, results also showed that thinking about family was considered by the overwhelming majority of deployed soldiers to be a positive way of coping with the other stressors of the mission. However, difficulties in establishing communication with family members at home can be significant sources of frustration (McCreary et al. 2003:35–37).

Stress due to family separation is greater for soldiers who are married, as well as for personnel who have been deployed multiple times. Deployed single parents may have special issues regarding child care. They are forced to make alternative

child care arrangements for an extended period of time. These arrangements may mean relocating children for the duration of the deployment, causing further upheaval in the lives of these families (Thomas and Gignac 2001:237). This also causes instability for the children and can have an effect on their personality and learning. Family issues become an overriding consideration well before soldiers leave on deployment. Prior to deploying, soldiers and their families report anticipatory anxiety and feelings of bereavement. Family conflict also may increase at this point as families deal with financial, spousal, and parental role changes (Blount, Curry and Lubin 1992:77). Therefore it is important that pre-deployment should be a crucial time when coping strategies are put into place and tested out by soon-to-be deployed members and their families. In this regard Van Dyk and Kalamdien (2009:285) developed a psychological support programme for peacekeeping soldiers and their families with actions on communication and support for families with special needs to keep the force combat-ready. Table 1 shows that members experience most of these factors as relevant challenges (money, family, ambiguity etc.) to deal with, during their operation in Sudan.

### **9. Leadership and adjustment in peacekeeping**

Military leaders handle a range of problems affecting unit readiness. Military leaders at all levels have a key role in sustaining the mental readiness of service members under their command. They also play an important part in maintaining morale on the home front for military families (United States of America 2006). Whilst most military personnel do well on deployment, it is the leader's responsibility to manage psychological support and better adjustment when individuals are affected by operational stressors. The unit leader may facilitate solutions when faced with crises or issues such as conflict within the deployed unit. The way in which leaders address these challenges has a profound impact on unit readiness and performance (NATO Task Group 2007:37–39).

## **9.1 Leader influence on mental hardiness**

Very hardy people typically interpret life experience as interesting and worthwhile overall, something they can exert control over, and challenging, that is, presenting opportunities to learn to grow (Bartone, Adler and Viatkus 1998:1–9).

In organised work groups such as military units, this meaning-making process is something that can very likely be influenced by leaders' actions and policies. Leaders are frequently put in a position to exercise substantial control and influence subordinates. By the policies and priorities they establish, the directives they provide, the advice and counsel they offer, the stories they tell, the amount of accurate and timely information they disseminate, and perhaps most importantly the examples they set, leaders can alter the manner in which their subordinates adjust in peacekeeping operations in Sudan.

Leaders who are very hardy and understand the value of the kinds of frames they use for making sense of experience can encourage those around them to process stressful experiences in ways characteristic of hardy persons. Leaders of this kind are likely to have a greater impact on their groups under high-stress conditions, when by their example, as well as with the explanations they provide, they encourage others to interpret stressful events as interesting challenges that can be met and offer opportunities in adjusting to the unknown. This process itself could be expected to also generate an increased sense of shared values, mutual respect, and cohesion (NATO Task Group 2007:49).

## **9.2 Adjustment and coping to bring peace in soldiers in Sudan**

It is very important to keep track of everything that has been said thus far. The researchers spoke about different stressors, threats, demands and challenges that can be experienced by a peacekeeping soldier during peacekeeping missions. It is very important that the soldier possesses the characteristics that Hundt (1996:37) mentioned. If the soldier does not have the necessary characteristics or competencies it is unlikely that he or she will survive – and it may even lead to an adjustment disorder.

According to Gal and Mangelsdorff (1991:38–45), adjustment is the dynamic process by which a person, by means of mature, effective and healthy responses,

strives to satisfy internal needs and at the same time to successfully cope with demands posed by the environment in order to achieve a harmonious relationship between the self and the environment.

As soon as the harmonious relationship between the self and the environment does not exist, adjustment disorder sets in. Adjustment disorder occurs when an individual is exposed to stress, causing a reaction that results in significant distress or impairment.

This reaction can involve depression, anxiety, disturbance of conduct, or any combination of these. In general, adjustment disorder does not last for extended periods of time (Britt and Adler 2003:65–68). But while present, it can destroy the ability of soldiers to cope in peacekeeping operations and make them vulnerable to high risk behaviour – leading to vehicle and shooting accidents, for example.

Coping, on the other hand, is defined as the cognitive and behavioural effort to manage specific external and/or internal demands that are appraised as taxing or exceeding the resources of a person (Dirkzwager, Bramsen and Van der Ploeg 2003:1549). In general, according to McCreary et al. (2003:38), coping has three major functions:

- **Problem-focused coping:** Dealing with the problem that is causing the distress.
- **Emotion-focused coping:** Strategies to manage or reduce the emotional distress associated with a stressful or traumatising event.
- **Avoidance coping:** Behaviours aimed at denial of, or distraction from, the stressful or traumatising event or at suppressing the emotions associated with the event – for example, consuming alcohol, pretending that the event did not really happen or focusing on other, unrelated matters. These functions are very necessary for peacekeeping soldiers to adjust well in peacekeeping operations. The members reported many challenges concerning food and recreation facilities which needed solutions. The death of men, women and children in Sudan



asked coping skills on an emotional level, and some members became so lonely that they started to avoid their fellow members.

### **9.3 Post deployment adjustment**

Everyone who went through deployment and experienced stress has to find a way of coming around, redefining and establishing his/her position in society. Their adjustment depends on intact social support, active coping, and a positive homecoming reception (Bolton et al. 2002:244). These adjustment processes determine the re-integration of peacekeepers into society and back to their loved ones:

#### **9.3.1 Homecoming reception**

The type of homecoming reception the peacekeepers receive from friends, family and society will determine the extent of their adjustment. A negative homecoming is normally associated with psychological distress, whereas a positive homecoming reception is mostly associated with positive adjustment. Studies showed that the response of the family and community at home has a significant restorative role in the adjustment of soldiers (Bolton et al. 2002:246). The study also showed that soldiers with post-traumatic stress disorder (PTSD) were more likely to report negative homecoming experiences from families, friends and society than those without PTSD.

Bolton et al. (2002:250) states that a hostile homecoming reception can discourage the soldier from expressing his/her thoughts and feelings associated with the trauma and may foster the maladaptive pattern of avoidance that may maintain the stress reaction. It also creates social isolation which makes them unable to talk, and thus fully process the potentially traumatic aspects of their experience. This has an impact on their psychological well-being. Members coming back from Sudan made it clear that during the integration phase with their families it was difficult to share, to synchronise with home routine and to talk about their experiences.

#### **9.3.2 Self disclosure/active coping**

Verbalising feelings and thoughts about the experience and stressful events helps the soldiers to adjust and deal with their feelings. The members from Sudan said

that it was difficult to share experiences with their families. Experiences with death and mutilated bodies were traumatic. Members mentioned they needed expertise to manage trauma and care for their mental health (Table 1).

### 9.3.3 Social support

Assistance and comfort supplied by a network of caring, and interested people are good to those who live under stressful circumstances (Feldman 2001:49). Family and community support plays an important part in the soldier's adjustment during and after peacekeeping deployments. Social support tends to restore individuals, physically and psychologically. In this regard Ambaum and Horstman (2006:220) wrote that in the Royal Netherlands Army they have an Aftercare Section to care for military members after operations.

## 10. Recommendations

This article recommends that all countries need to give attention to proper selection of members (Hundt 1996:37–38), specific training for specific operations and countries (Van Dyk 2009:115), psychological support (Bartone 1998:113–114) and support with families (Van Dyk and Kalamdien 2009:285) for peacekeeping operations to facilitate healthy adjustment of members.

Recommendations to the SANDF for future operations in Sudan include the above mentioned, but also focus on the following:

- Sensitising members with a video on the weather conditions to make the unknown more known.
- Educating them on the culture, language, religion and rituals.
- Empowering them with sports equipment like volley ball, soccer, etc.
- Giving them specific training, as in a military observers course.
- Developing a checklist to prepare during the pre-deployment phase.
- Applying a support programme for the families.
- Equipping them to 'manage stress yourself'.

- Providing them with proper psychological debriefing and rehabilitation programmes to integrate with families.

## 11. Conclusion

The military is a high-risk, high stress occupation. Stress experienced during peacekeeping operations may result in detrimental consequences for both the individual and the organisation. Although during peacekeeping operations, peacekeepers are not usually engaged in active combat, the possibility still exists that peacekeeping soldiers might be exposed to distressing and potentially traumatising events.

Because of the various stressors the peacekeeper is exposed to during peacekeeping operations, it is important that the soldier is psychologically, physically and emotionally ready for the mission. It is the leaders'/commanders' duty to see that the peacekeeper is ready and gets support throughout the mission. If the peacekeeper is not prepared for what lies ahead, adjustment disorder will set in and this could affect mission success as well as the psychological well-being of the soldier.

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# Longing for home: Pre-genocide and post-genocide refugees in Rwanda

*Cori Wielenga\**

## **Abstract**

Rwanda has a history of violent conflict resulting in mass exoduses of people to neighbouring countries, both prior to the 1994 genocide and after it. This article will consider the experiences of Rwandan refugees in terms of their relationship to their home country. Their differing attitudes towards Rwanda after the genocide will be explored through four life stories that were collected between 2007 and 2009. Two of these life stories are from Rwandan Tutsi who were refugees in Uganda until 1994 and returned to Rwanda after the genocide. The other two are from Rwandan Hutu who have been refugees since the late 1990s. Their relationship to Rwanda while being refugees and their experience of what it means to be a refugee are significant for their differences and for their similarities. This article will explore these and will argue that the similarity of the refugee experience may open the way for dialogue between those still in exile and those within Rwanda. In the case of all four refugees, there is a shared desire for a place to call home.

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\* Dr Cori Wielenga is a post-doctoral fellow in the department of Political Sciences at the University of Pretoria.

## **Introduction**

The genocide in Rwanda in 1994 left in its wake profound devastation and political turmoil. Analysis and commentary have abounded about the complexity of recovery and reconciliation in this context. One aspect of this complexity involves the continued existence of Rwandan refugees. The Rwandan government is calling these refugees back to Rwanda, insisting there is no viable reason for staying outside of the country. And yet refugees in Europe, North America and other African countries insist it is unsafe for them to return. This article will describe the position of current Rwandan refugees, and place this in dialogue with pre-genocide refugees who share the Rwandan government's views that it is safe to return to Rwanda.

There are four distinct periods in Rwandan history during which a mass exodus of people to neighbouring countries took place. The first was with the transition to independence in 1959, the second was during the transition from the First Republic to the Second Republic in the 1970s, the third was directly after the genocide of 1994 and the fourth was in the late 1990s. This article will explore the experiences of Rwandans whose parents had gone into exile in the 1970s and who grew up as refugees in Uganda, and Rwandans who became refugees after the genocide, in the late 1990s. The experiences of refugees will be explored through four life stories that were collected between 2007 and 2009.

## **The Rwandan refugee context**

The first refugee exodus in Rwanda occurred with the end of colonialism and the first democratic elections in the late 1950s. Mahmood Mamdani describes how the Belgian colonisers sided with the Tutsi, so that the Tutsi were seen as colonisers as well, and as having come to Rwanda from elsewhere (Mamdani 2001:70). With the birth of the United Nations and shifts in international dynamics, the Belgians changed their allegiance to supporting the Hutu and helped a group of Hutu elite take power in Rwanda through a violent and bloody revolution. At the end of the revolution, tens of thousands were dead and many more, particularly Tutsi, were fleeing the country. An election took place in 1961 in which Grégoire Kayibanda was elected president by majority vote.

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

His one-party state blatantly supported the Hutu cause, and particularly that of the southern region of Rwanda (Prunier 1995:63).

In the early 1970s, violence broke out against the Tutsi, which some blamed on the northerners wanting to create disorder in order to overthrow the southern-dominated government (Des Forges 1999:61). During this period, a second exodus of Tutsi from Rwanda took place. In 1973, Juvénal Habyarimana, who was from the north, took power, claiming that it was to restore order and national unity in Rwanda. During this period, Rwanda was described as being poor, clean and serious, but the one-party state left no room for political debate or opposition (Prunier 1995:77). Although there were positive signs during Habyarimana's presidency in terms of stability and order in Rwanda, Tutsi were largely marginalised from public life through restrictions to education and employment. All Rwandans had to carry identity cards indicating their ethnicity.

While this was the situation within Rwanda, the Tutsi who had fled Rwanda in 1959 and again in the 1970s were in a very different social and political environment. 'As the years passed and memories of the real Rwanda began to recede,' writes Prunier, 'Rwanda slowly became a mythical country in the refugees' minds ... Contrasting an idealised past life with the difficulties they were experiencing, their image of Rwanda became that of a land of milk and honey' (Prunier 1995:73). This diaspora was experiencing increasing marginalisation in their host countries, yet was also successful economically and educationally in the world arena. Where Rwanda was becoming progressively more a closed off island, the diaspora was drawing from multiple resources internationally.

The Ugandan-based Tutsi refugees struggled to be assimilated in Uganda, and formed an organisation to assist refugees suffering oppression. In 1987, this group became the Rwandan Patriotic Front (RPF), an offensive political party dedicated to the return of exiles to Rwanda, by force if necessary (Prunier 1995:90). They started high-level political negotiations around their return to Rwanda which included several violent attacks on the country in the early 1990s, followed by further negotiations and cease-fire agreements. Not only did the RPF want the right to return to a free Rwanda, they also believed that conditions in Rwanda needed to change. Kinzer quotes Paul Kagame, current Rwandan



president who was one of the leaders of the RPF at that time, as saying that the level of oppression and injustice in Rwanda 'was simply unacceptable' but that many Tutsi in Rwanda had learnt just to 'bow their heads, keep their opinions to themselves and do whatever was necessary to placate their Hutu masters' (Kinzer 2008:99).

On 7 April 1994, the aeroplane which was carrying President Habyarimana and the president of Burundi was shot down. This event, which remains under investigation, sparked off the genocide in which almost a million Tutsi and moderate Hutu were killed (Des Forges 1999; Prunier 1995). When the RPF liberated Rwanda in May, 1994, there was great relief. Their victory brought with it the end of the horror of genocide as well as hero status to the victorious party. The expectation of many, within and without was that order, good governance, democracy, stability, equality and peace would come to Rwanda. Some others, however, feared revenge, retribution and a reversal of the status quo in Rwandan society with Tutsi being favoured over Hutu in terms of employment and education.

Immediately after the genocide, Special Representative of UNAMIR Shaharya Khan, described Rwanda's capital as being 'macabre, surrealistic and utterly gruesome' (Khan 2000:297). In July, 1994, Rwanda was a country devastated of people and resources. While the press and humanitarian aid organisations concentrated their attention and resources on the millions of refugees outside of the country, little aid or assistance was being offered to those within. Apart from the fact that some 150 000 mostly Tutsi homes had been destroyed, hundreds of thousands of old case load refugees<sup>1</sup> were seeking a place to live in a country already over-populated. In this situation, it was not uncommon that the homes of either the fleeing Hutu refugees or deceased Tutsi were 'taken' by these newcomers and survivors. Prunier (1995:324) describes how some 400 000 old case load refugees had entered Rwanda by November, 1994, entering a country devastated of resources and infrastructure. Each group of refugees came from

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1 Rwandans who were refugees prior to 1994 are often referred to in the literature as 'old case load refugees', and those who became refugees after 1994 are referred to as 'new case load refugees'.

different countries, the vast majority never having lived in Rwanda at all, and brought with them their unique cultures and lifestyles.

Amidst this, the government was working hard to rebuild Rwanda. The new government was welcoming people back, inviting all Rwandans to help rebuild their country. The message they were sending was one of national unity; of all Rwandans standing together for a common cause. Government rhetoric and policy supported this vision and new laws were implemented, such as the divisionism law.<sup>2</sup> Also implemented, in 2000, were the *gacaca* courts, a traditional form of justice to help try the hundreds of thousands of cases of genocide related crimes. These developments will be discussed from the perspectives of the refugees further in this article.

### Research methodology

This article is based on research undertaken for my doctoral research on reconciliation in Rwanda between 2005 and 2009. An aspect of the research was collecting life stories from four Rwandan men between the ages of 25 and 35. All four spoke fluent English and had similar educational backgrounds. These men were purposefully selected for having comparative life circumstances but representing differing ideological positions.

The life stories were collected between October 2007 and September 2008. One of the reasons for this long time period was due to geography, as two of the participants were in Rwanda and two outside, so the interviews depended on my travel schedule. Another reason was the hesitancy of participants to participate and the need for several conversations prior to the actual interviews.

The life stories of the four young men were exchanged between them and they were given an opportunity to respond to these during follow-up interviews that were held in 2009. Ideally, the four young men should have dialogued with one another directly, but in the case of the Rwandans who are currently refugees, there was a strong sense that it would not be safe for them to say what they

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2 The divisionism law bars any propaganda of ethnic, regional, racial or divisive character or based on any other form of divisionism. Public incitement to discrimination or divisionism is punishable by up to five years in prison, heavy fines, or both.

shared with me in a public space. On asking one of the post-genocide refugees if he would consider being part of a focus group, his response was: 'I could not expose myself. It would not be safe. It is not even safe talking to you. I still have family in Rwanda.'

The methodology used for collecting these life stories followed the framework of narrative research, which works with a small sample and aims at gathering in-depth, rich data. It is a time-consuming research methodology that requires a sensitivity on the part of the researcher. Lieblich, Tuval-Mashiach and Zilber (1998:10) describe it as 'dialogical listening' to three voices: the voice of the narrator as represented by the transcribed text, the voice of the theoretical framework, which provides the tools for interpretations, and a reflexive monitoring voice, namely, self-awareness in drawing conclusions from the material. Narrative research provides ways in which to learn about the inner world of people and gives insight into how people experience their identities. These narratives are not seen as factual accounts, nor can they be dismissed as mere fiction; they are taken seriously for the interpretation on reality that they provide. Rosenwald and Ochberg (1992:8) take this point further in referring to the embeddedness of our narratives in our social-cultural and political contexts and the dialogue that takes place between our own narratives and broader ones.

## **The life stories**

This section will briefly outline the four life stories. Although participants were all relatively prepared to share their stories, there was uncertainty about the possibility of being asked 'political' questions which might compromise them. Three of the four participants requested me not to ask them any direct question about the president or anything that might force them to take political sides. Participants were regularly reassured that they did not have to answer any question with which they might be uncomfortable. Interestingly, though, alongside the fear of being compromised in terms of what they said, all four participants expressed a desire to tell the truth as they saw it. For the protection of the participants, their names were changed with their consent.

### **Life story 1: Robert**

Robert grew up in Uganda during Idi Amin's rule. His family lived with other Rwandans who were called 'Ugandan Rwandese'. For a period, he and his family experienced living as refugees in a Rwandan camp in Uganda. After he completed his secondary education, he joined the Rwandan Patriotic Army<sup>3</sup> (RPA) to fight for the refugees to be allowed to return to Rwanda. During the interview it became evident that his ethnic identity had little significance, and even being a Rwandan meant less to Robert than having a place in which he could determine his own future. While living in Uganda this was threatened, and returning to Rwanda was more about securing his future for education, a career and self-determination than about performing a patriotic act per se. He emphasised his desire for an East African community which would allow people to move freely across borders, saying that the denial of re-entry into Rwanda to Rwandan refugees prior to 1994 was at the heart of much conflict.

### **Life story 2: Fred**

Fred also grew up in Uganda. His parents owned their own home in the capital city and lived with other Rwandan families. They never had the experience of being in a refugee camp but did experience being negatively treated because they were Rwandan. Fred completed his studies in Uganda while the RPA were at war in Rwanda. It was only after the war and genocide were over that he went to Rwanda to see if he could find a job there or make a contribution. He did find a job with a humanitarian aid organisation and has stayed in Rwanda since then. Being a Rwandan is important for Fred largely because it allowed him a sense of belonging that he did not experience while living in Uganda.

### **Life story 3: Francois**

Francois' family was from the south but he grew up in the north, and the north-south divide plays a significant role in his story. It was only due to the events of the early 1990s that he became aware of ethnicity. Because he came from mixed ethnic parentage, his sense of belonging to either ethnic group has always been in contention. He stayed in Rwanda after the war in the hope of being part

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3 The Rwandan Patriotic Army was the military wing of the Rwandan Patriotic Front.

of something new. After completing school, Francois was sent to an *Ingando*<sup>4</sup> camp and was told he needed to fight in the DRC, but he was not interested in going to fight and instead left the country. During the interview, Francois stressed repeatedly his love for truth and justice and how he felt that these were two things lacking in Rwandan society today. He had a strong desire to return to Rwanda but only if he could feel free to express his views and bring attention to the injustices he saw. He felt strongly that no person should be forced to live outside of his/her own country.

#### **Life story 4: Reginald**

Reginald's family was from the north and his father was a mayor of his district. His father was accused for allegedly participating in a coup against president Habyarimana. As a result, he spent time in jail and later died in mysterious circumstances when Reginald was nine. Reginald's family, although Hutu, was thus seen as siding with the RPA against the current government. This placed his family in a difficult position during the war as they were seen as the enemy by both sides. After the war, Reginald pursued his schooling in Kigali, and then attended an *Ingando* camp where he received military training and education. During this time he became increasingly aware of injustices in Rwandan society, and like Francois, when he was called to fight in the DRC, chose rather to leave the country. Reginald, too, would like to return to Rwanda were he allowed to speak freely and be himself.

### **Stories from pre-genocide refugees**

Fred and Robert were both refugees in Uganda. Their parents fled Rwanda in the 1970s. Both describe how they were unaware of their ethnicity while growing up, but were reminded that they were Rwandan and 'other' all the time by their Ugandan peers. Robert describes an experience at school while playing volleyball. He accidentally knocked into another player who turned to him angrily and said, 'I've been hit by a Rwandan!' The way in which this was said implied that being

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4 *Ingando* solidarity camps were initially created for the purpose of re-educating ex-prisoners and reintegrating them into society, but have been extended to all those entering tertiary education as well as various other groups in Rwandan society.

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

a Rwandan was intrinsically negative. Similarly, Fred describes how at school if children were irritated with him, they would say, *akayirwanda*, which is like saying, 'you're tiny or useless', which made him very frustrated, especially as his family was better off in every way (educationally and economically).

These experiences of being seen as something 'lesser than', just because of your identity and not because of anything you have done, was a repeated theme in Robert and Fred's life stories, and the emotions expressed when mentioning specific incidents were of frustration, a sense of injustice and an underlying anger. When Robert was around ten years old, Ugandan policy towards Rwandans changed and he and his family watched as their homes were burnt down by their neighbours. They spent a year in a refugee camp with other Rwandans who described being badly treated on numerous occasions. It was while in the refugee camp that Robert began to learn about Rwanda and what it meant to be Rwandan. In the early 1990s, when he heard that Rwandans were fighting to re-enter their country, he decided to join them.

Robert described his experiences with the RPA very positively and appreciated its Pan-Africanist philosophy, with its focus on the African continent and a united Rwanda. Their training was not only military but also included Rwandan and African politics and history. Robert says,

In the RPA, Hutu and Tutsi wasn't spoken about. They dealt with segregation, with military discipline and strictness. They wanted to show that Rwandans could live without those, and it was forbidden. You couldn't even speak of being Tutsi. They promoted patriotism and unity.

When asked if he felt any hatred towards Hutu during the war, he replied, 'Not at all. In the military we were mixed and what we were doing was a military operation. I never had a background which gave me a reason to hate anyone.'

Robert suggests that his first experience of ethnic stereotyping was when the war started and he heard how Tutsis were classified as animals. After that, the survivors and those who came back from the diaspora where there had been a lot of segregation, especially in Burundi, wanted to glory in the fact that they had survived. According to Robert, Rwandan Tutsi suffered a great deal in Burundi and celebrating their ability to survive was a matter of pride.

Robert's primary aim in joining the RPA and returning to Rwanda was to be able to settle in a country where he would be a recognised citizen with access to education and employment. This was similarly the case for Fred. What frustrated him the most living in Uganda was that it didn't matter that his family was well off, worked hard, were honest, good people, were well educated and so forth – he was always seen as 'less than' just because of being Rwandan. When the RPF invaded Rwanda, Fred was still studying and chose to complete his studies, waiting to see what would come of this. In August of 1994 he went to Rwanda and secured a job. Even though he grew up in Uganda, Fred does not feel like an outsider in Rwanda. He says it feels like home. 'Even when I go to Uganda to visit my family, I don't feel that is my place. I have a home here'.

But what kind of home do they envision Rwanda being? Both Fred and Robert support the strong policies and actions the government has taken. In response to the divisionism law, Robert says,

To stop all the division one has to be very strict. It's not something you can theorise about... It takes too much to hate someone, to kill someone, to kill your wife, your kids. Anything that can save future generations from a mentality that will lead to that, is worth it.

He argued that the government needed to step in and protect people from allowing their differences to lead to genocide through strict policy and legislation.

A strong policy can assist the process of leaving behind differences – until people are ready to talk and think about these things without it inciting violence. The issue is very sensitive, the wounds are very fresh.

In terms of the route of justice that Rwanda is taking through the *gacaca* courts, Fred says,

[Those guilty of genocide] should be punished and they should pay back .... If we feel sorry, or say this is a child, it was his father who killed, we shouldn't touch his property as the son will stay poor, I don't think that is the way it should work. We have a justice system and the justice system should do its work. People should be brought to justice. The whole world

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

should understand this was a crime that was performed that should be punished ... If they bring people to justice, people admit they were wrong, we can sit at the same table and say, okay, how will we move forward.

In the excerpt above, Fred is referring to the strong emphasis that Rwanda has on justice in the reconciliation process, over the alternative that South Africa chose of truth telling and amnesty. In the following extract Fred supports the approach the government has taken in terms of reconciliation, comparing it to the failures of the International Criminal Tribunal of Rwanda (ICTR) held in Arusha, Tanzania.

I think [Rwanda is] moving on because the phases are so clear. One, the justice system is doing their work. We feel they are doing something. The international community is disappointing us, it is not doing what it's supposed to be doing. If you are to bring people to justice let us do it in the quickest possible time and then we forget all about that phase. But they take too long on that. And Rwanda stepped in with the *gacaca* system. Groups of people are judged. Sometimes there are failures of people being competent in justice but there are other levels to rectify that. But whatever the case, it is faster than the Arusha court. People are brought to justice, and after most of the *gacaca* courts are closed, people have been judged and need to pay back by doing physical work ... doing something for the community. Justice is taking its steps, and if that one is going on I see reconciliation as not being very far. We are about to move on which is the way forward.

These interviews with Robert and Fred show their frustrations with having been treated as 'less than' while living as refugees in Uganda. They were less concerned about ethnic identity than they were about being part of a Rwanda where everyone was welcome. They express being in support of the policies, laws and approach to justice and reconciliation that Rwanda has adopted since the genocide. They speak positively of the Rwanda they live in today. In the following section, the experiences of those who lived in Rwanda all their lives and left it as refugees in the late 1990s will be described and compared to Robert and Fred's experiences.



## Stories from post-genocide refugees

Both Francois and Reginald survived the genocide and remained in Rwanda for a few years afterwards, pursuing their studies. Both left Rwanda in the late 1990s, saying they no longer felt welcome or at home in the new Rwanda that the RPF was creating.

Growing up in Rwanda, Francois and Reginald seemed to have a clearer sense of ethnic identity and stereotyping than Fred and Robert did growing up in Uganda. Reginald told the following childhood story:

When visiting my friend, the son of the family next door, there was an argument between his friend and his sister as to whether a friend who was visiting them would buy enough bottles of Fanta to include me or not. I was in the room but only my friend knew. As the two children were fighting the visitor turned to the mother and said, 'Oh my goodness, your children have turned into Hutus! This is not the behaviour of *imfura*'. *Imfura* means 'first born' and Tutsi consider themselves as having the position of the first born in Rwandan society. They continued having this conversation and when they discovered I was in the room there was a shock.

Francois expressed experiencing a distinct lack of belonging in either ethnic group as a result both of his appearance and his mixed parentage. He says,

You can even hear it amongst people, you can sit down, and the people you are with think you are Tutsi so they start telling me certain things, then they realise I'm a Hutu and change what they were saying. When I'm with a Hutu they don't tell me anything. They think, they don't know with this guy. You have to fight to convince someone you are a Hutu or a Tutsi. You have to fight to say that no matter what I am doing, I am still a Rwandan.

When discussing ethnic stereotypes, Reginald commented that:

Tutsi are considered to be superior, more collected, more intelligent, more secretive. Hutus are considered to be indifferent, don't care what will happen tomorrow, concerned only with today; derogative depictions were used, people who are greedy.

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

Francois was much more direct in response to the questions of ethnic stereotypes:

I don't want to lie now, I'm going to tell you as a Christian, mostly the Tutsi they are manipulative. Secondly, Hutu, they are stupid. I say this because Hutu sometimes don't know what they want .... I don't know how to put this, Hutus have a reaction now and it's over. You will never see a Tutsi being angry now. They keep quiet and you think everything is fine and after a while something happens. Hutu get angry quickly. Tutsi try to be clever, which doesn't mean they are clever but they think they are which adds to their arrogance.

Being 'less than' because of affiliation with the Hutu category was repeated again after 1994. Francois describes being made to feel guilty or responsible for genocide even though he had no part in it. Both made mention of what they felt to be an injustice in Rwanda: that the son of an RPF soldier who died is looked after by a government supported fund but the son of a former Rwandan government soldier is held responsible for his father's behaviour, even though both children were caught up in a war not of their own making.

In addition to this, frustration was expressed about the fact that the current government only makes mention of crimes committed by the former government during the genocide, but remains silent about the crimes committed by the RPA, prior to and after the genocide. Francois says,

If someone were to say, 'Tutsi did not kill people' but then in five years the truth comes out that they did, what then? But you only want to believe what you already know. Always, we are busy lying. Now if my parents, I know were killed by the RPF, maybe in Rwanda or probably in the DRC [and] it happens that you become my friend and your parents have been killed by Hutu or *interahamwe*, now I have someone to pay for me but you don't have anyone to pay for you for school fees. Just because of what your tribe has done, you are not responsible and yet you have no school fees.

Another theme that arose was that of being forced to do military training and fight in the DRC. For both Reginald and Francois, this was not in line with their

expectations of a democratic country at peace. When asked why he did not want to stay in Rwanda and rebuild the country, Francois responded:

So, rebuilding a country, so I really thought we would be in a country that would be having peace, but my expectations were not met. I was keen to help but the system did not allow it. If you take a high school student and force them to military training, that is not right .... It happened to me three times that I was called from high school for military training but each time I escaped .... The system did not allow me to do what I dreamed to do.

Further, Francois argued that no one is innocent and this makes punishing people a complex issue. Rather, he argues that only punishing some or unjustly punishing the wrong people can result in yet another crisis requiring justice and reconciliation.

If you deny as a Hutu that Hutu killed, you are either one of those killers or there is something wrong. But also Tutsi are not innocent. The innocent people are those who were killed .... The solution, if one hits you is not to hit back .... But you find that this person is not in jail. Probably, he is innocent. But we don't want to see him because he is Hutu. So we put him in jail because we have the power and the rights to do it. So now the survivor is no longer innocent. We are creating something similar as what was done.

I asked Francois what would need to be in place for him to return to Rwanda. He said that he wanted to see a government that was not obviously affiliated to any ethnic group. Further, he would want a leadership in place that allowed all Rwandans to feel free and punished those who were guilty, regardless of their ethnicity. 'What is happening now is that people with power who have any links to the opposition are being removed, accused of crimes. Or else, people from the street are being jailed without knowing or understanding what they did'. Reginald adds to this that the problem in Rwanda is that its history has always been one-sided in support of those in power. The truth about history needs to be revealed, according to him, in order for justice and reconciliation to take place.

For Reginald and Francois, a major issue is the contradiction they see in the government's position on ethnicity. According to them, on the one hand the

## **Longing for home: Pre-genocide and post-genocide refugees in Rwanda**

government preaches the message that ‘we are all Rwandan’ and has outlawed the use of ethnic categories. On the other, they insist that a ‘genocide of Tutsi’ took place and that it is Tutsi survivors that need to be looked after by the government. Both advocate accepting and coming to terms with ethnic identity rather than denying or disallowing its existence. As Francois says, ‘We need to sit down together, without denying you are a Hutu – because I don’t agree with the RPF idea of saying we are all Rwandan. No, no, no. We can’t deny our identity. If you feel you are a Hutu or a Tutsi, fine, but can you allow each other to stay together’.

Reginald believes that a reappropriation of ethnic identity as something positive and unifying, as opposed to the suppression of ethnic identity, is the way forward.

My argument is that we must be able to display those [ethnic] traits without hurting others, in a way that is accepting of others .... People say Hutu were in slavery but we are here now. So what? If you take pride in having such a difficult past and making it to where you are now, out of slavery, then that is something to celebrate! Why wouldn’t you, rather than feeling victimised? Also, [with regard to Tutsi history], so what? In all typical definitions of Hutu and Tutsi that I’ve seen in literature and experienced there are good and bad qualities, things I wouldn’t necessarily take on. But there are others I would like to be associated with.

In this section, Reginald and Francois’ experience of feeling ‘less than’ because of being Hutu was described. Both outlined their reasons for leaving Rwanda and their continued belief that they could not return to Rwanda for reasons of truth, justice and security. They also differ with the current government’s position on ethnic identity and feel that they would put themselves in danger in terms of the divisionism law were they to speak openly about their own views on ethnicity.

### **Longing for home**

All four Rwandans emphasised the importance of every person having access to their home country and having the freedom to decide their own future. When asked what it meant for him to be a Rwandan, Fred said the following:

All in all, I have a home, I belong somewhere. I feel an added value being in my own environment. I feel I need to protect my own identity as a Rwandan. I wouldn't enjoy seeing any Rwandan out as a refugee.

In a Working Paper around the topic of refugees and belonging, Kebede (2010:11) argues that 'home' refers to both a geographical place and a community in which one experiences a sense of belonging. Although all Rwandans may now be allowed to live in the geographical area called Rwanda, some still feel they do not have a sense of belonging there. Both Fred and Robert could see no reason for anyone to stay outside of Rwanda but Reginald and Francois said it was impossible for them to live in Rwanda at this time. They gave as reasons the injustices, the lack of freedom of speech and the inability to freely be who they are, without apology.

Being able to call a place 'home' is closely related to feeling accepted and feeling that one can be oneself (Kebede 2010). Further, Kunz (1981:43) discusses the phenomenon that refugees who do not feel accepted by their home country may be ambivalent or embittered in their attitudes towards their former compatriots and their home country. They would like to return but feel unwelcome, thus holding both positive regard for their home country and frustration with their home country for rejecting them. Not only are the feelings about the home country ambivalent, but also regarding the host country, to which refugees may feel both gratitude and again, frustration, for not being accepted as full citizens. This experience of being seen as something lesser because of your identity as refugee was a repeated theme in Robert and Fred's life stories, and the emotions expressed when mentioning specific incidents were frustration, a sense of injustice and an underlying anger. These same emotions were expressed by Reginald and Francois as they described their lives in Rwanda after 1994.

The experiences of Reginald and Francois in terms of being a refugee thus hold many similarities to those of Fred and Robert. While the latter two experienced feeling discriminated against because of their identity while being outside of their country, Reginald and Francois experienced being discriminated against within their own country. And yet all four long for the same thing; the right to make decisions about their own future, access to education and a career, a family

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

living together freely in their own country, and the freedom to be who they are without being made to feel like they are 'less than'.

But a recurring theme in both Francois' and Reginald's interviews was that being Rwandan today seemed to go hand in hand with accepting a certain version of Rwandan history and of what happened during and around 1994. Further, being Rwandan seemed to require being trained for the military and being sent to fight in the DRC, at least in the late 1990s. Francois struggled to be proud of being a Rwandan as every time he mentioned where he came from he sensed people were wondering if he had been a killer.

When I suggested to Robert that many people were afraid to discuss anything genocide-related due to the divisionism law, he said they should not be afraid as, 'You are not arrested for talking. You are arrested for inciting'. I then described the fear of some of my Hutu friends outside of Rwanda. His response was,

The fear is not substantiated. There are very distinct things you can be punished for by law. Through staying outside of Rwanda they have not seen how the country has progressed. I think it has to do with exposure to changes over time .... They have not gone through the process of the country's changes. They have been targeted by oppositional media with negative stories.

Yet both Reginald and Francois feel they cannot speak out about the injustice they see. Francois said,

As a Christian I don't like to see injustice happening. If you're my brother and you're missing the point I will tell you. I won't keep quiet because you are my brother. When I see injustice somewhere I don't tolerate it, I have to say, this must stop .... Someone you know is innocent is treated unjustly because he is who he is. You can't participate in that system.

Francois insists that the truth must come out. 'What is known in Rwanda is only one side of the story. If both sides of the story are known no one is going to ask questions .... Now, someone reads an article about Rwanda and asks if it is true I have to explain that this is half the story but there is more to it too'. It is difficult

for Francois to endorse the punishment of those guilty of genocide when others just as guilty of heinous crimes walk free just because of their ethnic identity.

During his interview, Fred repeated that those who are abroad need to 'come home'. He says that only if they are in Rwanda can they begin to work through some of the issues that remain in the reconciliation process. Robert says that it is not easy for young Hutu but that they need to be part of the process. But Francois insists, 'I don't feel okay to go home'. He stresses that it is not because he could be accused of any crimes but cites again the injustice and people being jailed even when they are innocent. 'I don't know what will happen if I speak out over there.'

Fred suggested that Rwandans would only choose to stay outside for their own advantage, but Keller (1975:90), in his research with refugee communities, dispels the idea that refugees would flee their country for opportunistic reasons, describing the trauma, pain and loss that someone experiences when they leave behind all that is familiar to start over in a country where nothing is certain or secure, particularly when this change has involved fleeing without the kind of preparation that would form part of an emigration process. The insistence that they would prefer to remain in Rwanda but did not feel it was possible was evident in Reginald and Francois' stories. Reginald reiterates that he is not free to voice his opinions in Rwanda. 'You can't stand in Kigali and say the RPF killed people'. He describes how many Rwandans in the north have lost family members to the RPF but that you never hear from them. 'Do you think their pain has healed?' he asks. 'If there is no fear in Rwanda, why are we not hearing their stories?'

Fred found it difficult to understand why someone would choose to be a refugee and remain away from home. He described how several Hutus he knew had returned to Rwanda, and through the legal system had reclaimed their properties. He added that Rwanda needs all the educated people from the outside to come back to help rebuild things and kept reiterating that those outside must 'come home, feel free'. But, like Keller, Barry Stein (1981) suggests that most refugees do not leave their home country for opportunities elsewhere. He argues that refugees are normally not 'pulled out but pushed out'. 'They have

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

not failed within their homeland; they are successful, prominent, well educated individuals who fell because of persecution' (Stein 1981:322). This describes Francois and Reginald's experiences well. They are both resourceful people who have fled Rwanda not out of opportunism but out of fear and frustration.

What is evident from Francois' interview is the high level of fear. He expressed fear that I was a government spy and fear that some Rwandan refugees may have been planted by the Rwandan government to secure information about other refugees. There was a sense that Francois could not trust anyone, even being outside of his country. This same fear was not shared by Robert and Fred, who seemed confident of the freedom of all Rwandans who wanted to contribute to the development of the country. Fred said that he would like to buy flight tickets for people who are outside the country to come and have a look at how things have changed and then to decide if they want to stay or go. The fact that Fred and Robert defend Rwanda is not surprising. Bernard (1986:620) describes how refugees are a symbol of 'profound critique' of their home countries as their very existence suggests that their home country 'has failed to provide them with the minimum requirements of life' forcing them to flee at great cost to themselves.

All four participants have revealed a similar desire for all Rwandans to be free to be themselves in the new Rwanda, but they differ on how to make this a reality. For Robert and Fred, the strict government laws and policies, such as the divisionism law, the protection of survivors, and the execution of justice for genocide related crimes, seemed the best way forward for reconciliation. Such an approach seemed necessary due to the risk of renewed violence. For Reginald and Francois, these laws and policies were seen as the root cause of injustices and an impediment to freedom of speech and the freedom to be themselves.

All four have experience of what it means to be a refugee and what it feels like to be treated badly, not because of having done anything wrong but merely for belonging to a particular identity classification. This common experience between participants holds the potential to be a starting point for dialogue. The shared desire for a country in which all Rwandans can build a home and live freely is a vision all four participants share and may be willing to build on.



As each of the four Rwandans grapple to make sense of a constructed yet prevalent ethnic identity, each of the participants would most likely agree with Fred's words:

I would claim I'm a Tutsi because that's what I've been told; but genetically, if I look back a hundred years, am I one? Where do I belong? I don't know. I am Rwandan. That one cannot be denied, whatever I am, I am Rwandan.

Perhaps the shared experiences, and shared Rwandan identity, are enough of a starting point for pre- and post-genocide refugees to begin the dialogue that will allow post-genocide refugees to feel heard and pre-genocide refugees to begin to understand the challenges post-genocide refugees feel they face in today's Rwanda.

## **Concluding summary and recommendations**

This article, through the words of four young Rwandan men, has described some of the complex realities in that country. The deep-seated inferiority and superiority complexes that the literature describes in terms of Rwandan identity dynamics, as well as ethnic stereotyping (see for example Prunier 1995; Pottier 2002; Mamdani 2001), is evident in the excerpts in this article. The excerpts also reveal the one-sided history and double-standard justice that seem to exist in Rwanda, or are at the very least perceived to exist by certain groups in Rwandan society and the diaspora.

Another strong theme in the excerpts is that of belonging or not belonging. The new case load refugees describe how they feel they are not able to be themselves or express their concerns and frustrations openly. Their excerpts express feelings of fear and frustration. These feelings are reminiscent of those experienced by refugees (Kebede 2010; Kunz 1991).

Perhaps the theme that most significantly draws together what the four Rwandans have been expressing is the idea of 'home'. What are their expectations of Rwanda as 'home'? In the excerpts they describe recognised citizenship, accessible education and employment, freedom of speech, determining one's own future, and equal-handed justice as important factors when experiencing a

## Longing for home: Pre-genocide and post-genocide refugees in Rwanda

place as home. All of these are also factors that are seen to promote reconciliation (Kriesberg 2001; Lederach 1997). These are thus important themes to be considered in the post-genocide Rwanda.

Much important work has been done in Rwanda in healing the relationship between victim and perpetrator (Clark 2010). Far less attention has been paid to the relationship between new case load and old case load refugees.<sup>5</sup> Dialogue between these two groups is significant for several reasons. Firstly, they have the shared experience of having been refugees, longing for their home country. Secondly, ideologically, they are often on opposite sides of the political divide in terms of understanding the past and envisioning the future in Rwanda. Thirdly, these groups have often gained skills and education during their time outside of the country, making them particularly resourceful, either as contributing citizens within the country or dissenting voices outside of it (Turner 2008).

One recommendation this article makes is that these groups are brought into dialogue with one another through the efforts of NGOs and the Rwandan government's National Unity and Reconciliation Commission (NURC). For those in the diaspora, dialogue can be facilitated through online mediums, which are used extensively by those outside of the country (Turner 2008). International NGOs working with Rwandans in the diaspora are in a position to facilitate dialogue between old case load refugees who are studying abroad and new case load refugees who fear to return.

Another recommendation is that the government publically acknowledges the important role that being a refugee has played in Rwanda's history and recent past. The NURC has worked significantly in the area of encouraging community dialogue around a range of themes related to reconciliation (Clark 2010). This article recommends that they include the concept of 'home' as one of their areas of dialogue. What would it mean for Rwanda to be 'home' to all Rwandans? How could communities and the government work together to create the kind of environment that would be more inclusive to those currently outside?

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5 Although in the recent Rwanda Reconciliation Barometer, of the nine social categories in Rwanda that were officially recognised as significant, old and new case load refugees were amongst them.

Those outside are quickly labelled as guilty of genocide or opportunistic, but perhaps their concerns need to be heard for what they offer in terms of creating a more inclusive Rwandan society.

Other factors that need to be considered but fall outside of the scope of this article include reconsidering the legal rights of returning refugees, particularly new case load refugees, in terms of land and employment, the support and reintegration of returning refugees, and creating incentive programmes for particularly skilled and resourced refugees to return to Rwanda to contribute their skills in their country of citizenship.

Various other researchers have made recommendations that the government becomes more inclusive and equalitarian in their policies (Clark 2010; Pottier 2002; Mamdani 2001). There has been particular criticism of the emphasis by the government of punishing genocidaires but turning a blind eye to crimes committed by the RPF (Clark 2010; Pottier 2002). These criticisms, however, need to come from Rwandans themselves so that change and transformation can be brought about from within. This article suggests that through dialogue between old and new case load refugees, facilitated by NGOs and the NURC, shifts in government policy and within communities may be brought about.

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# A humanistic approach to divorce and family mediation in the South African context: A comparative study of Western-style mediation and African humanistic mediation

*Amanda E. Boniface\**

## **Abstract**

This article explores the principles and processes of Western-style divorce and family mediation, as well as the principles and processes of African humanistic mediation, as they are applied in South Africa. Critique, as well as the advantages of both approaches, is dealt with. Similarities between the principles are explored. This strategy is informed by holistic knowledge. The knowledge relied upon sometimes demonstrates conflicting worldviews and is in a specific cultural context. The challenge is to find a holistic way of mediation in South Africa. This article proposes ways in which humanistic mediation can be used to positively influence and change the current family mediation practice in South Africa.

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\* Dr Amanda E. Boniface (BLC, LLB, LLM, LLD (UP)), Certificate in Advanced Divorce and Family Mediation, Post-doctoral Research Fellow at the Institute for Dispute Resolution in Africa, UNISA, Advocate of the High Court of South Africa, Divorce and Family Mediator.

## Introduction

In South Africa the type or style of divorce and family mediation used by trained mediators that are affiliated with one of the recognised bodies of mediators<sup>1</sup> is generally based on the system of mediation practised in Western countries. The question is whether this Western model of mediation adequately accommodates the needs of diverse cultures within South Africa and reflects the principles of African humanism.

This article will look at the principles and processes of both Western-style divorce and family mediation and African humanistic mediation, and deal with the advantages and limitations of each approach. Then similarities between the two styles of mediation will be explored. The ways in which the principles of African humanistic mediation and Western-style mediation<sup>2</sup> can be incorporated<sup>3</sup> in order to form a holistic way of mediating in divorce and family matters in South Africa will be proposed.

## Western-style divorce and family mediation

‘Divorce mediation’ and ‘family mediation’ are forms of alternative dispute resolution. Mediation is a co-operative negotiation process where a third party, the mediator, assists parties to negotiate over issues in dispute, in order to try to reach an agreement or settlement (Roberts 1998:4–6; Stintzing 1994:37; Van Zyl 1997:142). The parties need to be oriented through conciliation<sup>4</sup> to communicate with each other objectively and rationally (Scott-MacNab and Mowatt 1987:50; Levy and Mowatt 1991:65).

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1 E.g. SAAM, the South African Association of Mediators, and FAMAC, the Family Mediators’ Association of the Cape.

2 Predominantly American- or European-style mediation.

3 Incorporation means to take in or contain (something) as part of a whole, include; (also) to combine (ingredients) into one substance (Oxford dictionary).

4 Conciliation is essentially an applied psychological tactic aimed at correcting perceptions, reducing unreasonable fears, and improving communication to an extent that permits reasonable discussion to take place and, in fact, makes rational bargaining possible (Moore 1996:161).

## A humanistic approach to divorce and family mediation in the South African context

The mediator initiates, nourishes and sustains the process of discussion, but does not make decisions for the parties and is an ‘impartial umpire’ (Singer 1990:20). The parties determine the outcome of the mediation (Van Zyl 1997:142; Goldberg et al. 2003:111). Mediation is a private process and relatively informal (De Jong 2008:631). The agreement reached by the parties during mediation may be drawn up by the mediator or by lawyers (Parkinson 1997:2).

In family mediation the mediator helps parties to reach a mutually satisfying agreement that recognises the needs and rights of all family members. The mediator uses various methods such as empathic listening, power balancing and rephrasing in order to achieve this (De Jong 2009:112). Mediation is not family therapy, but the mediator may suggest that parties go to therapy. The mediation may at any rate result in there being less bitterness and conflict between the parties,<sup>5</sup> but the objectives of mediation may differ, depending on the style of mediation that is used (Roberts 1998:15–16).

Mediation is a process that is ancient, but it has been re-engineered to suit the needs of highly industrialised, urbanised societies. Western mediation has discarded the social context that once supported it<sup>6</sup> and has been remodeled to fit within a confrontational approach model of dispute resolution (Faris 2011:2). Western-style mediation came to South Africa with its own ideologies, historical narrative, code of ethics, standards of training and method of dispute process and outcome (Faris 2011:2). In South Africa divorce mediation is mainly based on the British and American models (Van Zyl 1997:143). Only since the 1980s and 1990s has Western-style alternative dispute resolution become more common in South Africa. The South African

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5 Mediators give the parties a chance to vent their emotions, but then manage any conflict that results in order to proceed with reaching a settlement. In comparison, therapists explore the conflict between the parties in order for the parties to understand themselves better (Singer 1990:40).

6 These remarks were made in the context of the legal field. In the field of mediation, mediation by community organisations is found, and here the social context may be taken less seriously than in typical African humanistic mediation, but it is not discarded altogether. See further ‘social network mediators’, discussed below. There are also instances where confrontation between a mediator and an obviously guilty party may be discerned in African mediation.



Association of Mediators (SAAM), which was founded in 1988, was the first organisation in South Africa that dealt exclusively with divorce and family mediation. Other associations include the Family Mediators' Association of the Cape (FAMAC), the KwaZulu-Natal Association of Family Mediators (KAFAM) and the Arbitration Foundation of Southern Africa. Private family mediators in South Africa are mainly attorneys, psychologists or social workers who have at least forty hours training in family mediation. These mediators work either individually or in a team and charge professional fees for the services they offer (De Jong 2010:528). There are also community mediation services, such as Family Life and FAMSA<sup>7</sup> that offer mediation services either for free or at minimal cost. The National Accreditation Board for Family Mediators (NABFAM)<sup>8</sup> has been established as a national regulatory body for mediators and sets out standards with which all accredited mediators, as well as accredited mediation training courses, must comply.<sup>9</sup> In future, all mediators will have to be accredited by the national regulatory body (De Jong 2010:528–529).

### **General principles of Western divorce and family mediation**

Within the field of divorce and family mediation there are general principles with which mediation should comply. Amongst these principles are:

- Mediation occurs within the boundaries or 'shadow' of the law<sup>10</sup> (Levy and Mowatt 1991:64; Clark 1993:459; Mnookin and Kornhauser 1979:950).

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7 The Family and Marriage Association of South Africa.

8 Launched 23 March 2010.

9 For a copy of these standards, see National Accreditation Board for Family Mediators (NABFAM) 2012.

10 The Children's Act 38 of 2005 provides for mediation, e.g. in certain disputes concerning parental responsibilities and rights over children, and the Mediation in Certain Divorce Matters Act 24 of 1987 provides for evaluative mediation to be provided by the office of the Family Advocate. The South African courts have increasingly ordered that mediation must take place in care (custody), contact (access) and guardianship disputes. See for example *Van den Berg v Le Roux* 2003 3 All SA 599 NC; *G v G* 2003 5 SA 396 ZH; *Townsend-Turner v Morrow* 2004 1 All SA 235 C; *MB v NB* 2010 3 SA 220 GSJ and *S v J* (695/10) [2010] ZASCA 139. See further Boniface 2008:151.

## A humanistic approach to divorce and family mediation in the South African context

- Mediation is a multi-stage process (Moore 1996:14) and the stages followed depend on the model of mediation being followed (Van Zyl 1997:156; Singer 1990:22) but are generally similar.<sup>11</sup>
- Mediation is private and confidential, except for the outcome that may be incorporated in a settlement agreement (Roberts 1998:95). In 'closed mediation' all other information, other than the settlement agreement, given to the mediator will remain confidential.<sup>12</sup> In 'open mediation' the mediator can include in his or her report any information relevant to the issues being mediated, but if there is a resolution of issues, the report will usually only contain a description of the agreement reached (Landau, Bartoletti and Mesbur 1997:20–21).
- Mediation is a multi-disciplinary field, and mediators may refer clients to other professionals.
- The mediator is impartial (Parkinson 1997:13–14). Mediation has its own values, such as encouraging agreement, promoting informed decision making and helping parents to take their children's needs into account.
- The parties control the outcome of the mediation (Scott-MacNab and Mowatt 1986:199).

There are three mediator roles (Moore 1996). Firstly, there are social network mediators, who have existing relationships with the parties and are usually respected members of the community. They are not neutral, but they are seen as being fair, they are concerned with maintaining long-term social relations and may even participate in the implementation of the agreements. Secondly, there are authoritative mediators, who are in a position of authority over the disputing parties, for example managers; they may be neutral or they may have a vested interest in the outcome in the matter being settled. Thirdly, there are individual mediators who do not have a prior relationship with the parties and

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11 The stages of mediation are discussed below.

12 Other than the information that a mediator must by law disclose, such as the reporting of child abuse.

help the parties to settle their disputes on grounds that are mutually acceptable for the disputing parties.

Various styles or models of mediation are found due to emphasis on process in mediation instead of structure (Faris 2006:444). However, the majority of these styles focus on the relationship between the parties and do not look at the community. In evaluative (or directive) mediation,<sup>13</sup> the mediator plays an active role in the decision-making process and assists the parties in reaching resolution by pointing out the weaknesses of their cases, predicting what a judge would be likely to do, and makes formal or informal recommendations to the parties as to the outcome of the issues. The mediator may provide additional information, make an assessment of the issues in dispute, look at probable options at the disposal of the parties and give advice regarding settlement (Faris 2006:442). In this form of mediation, party autonomy is compromised in order to reach settlement (Faris 2006:442). The mediator usually has substantive expertise or legal expertise in the area of the dispute, many are attorneys. In facilitative (non-directive) mediation, the mediator only acts as a facilitator for the communication or negotiation that takes place between the parties. The mediator does not make recommendations to the parties about how to resolve the issues or offer an opinion on how it should be done (Faris 2006:442). Multi-generational family mediation may occur here; parties are encouraged to reach a settlement within a range of likely court outcomes and the mediator is usually an expert in child and/or family law (Cooper and Brandon 2007:292–293). The mediator who facilitates assumes that the parties are intelligent, understand their situation and can create better solutions than any the mediator might create.<sup>14</sup> Due to the mediator focusing on the process, party autonomy is guaranteed. The parties control the outcome of the process, whilst the mediator controls the process (Faris 2006:442). In transformative (therapeutic) mediation the mediation focuses on trying to change the dispute from a negative dispute into a positive and growth-oriented event. The mediator works with these

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13 Often found in court-mandated or court-referred mediation (Zumeta 2000).

14 Faris (2006:446) reminds us that '[a] dogmatic distinction between the facilitative and evaluative models of mediation is artificial' and that every mediation has both a facilitative and an evaluative element.

opportunities to support the parties' mediation process of making deliberate decisions (Folger and Bush 1996:264). The mediators meet with both the parties together so that they can give each other 'recognition'. There is an emphasis on exploring the relationship as a means of determining the future conduct between the parties, rather than on the dispute, and the dispute is defined in terms of emotional and behavioural factors (Faris 2006:446). The parties structure the process and the outcome of the mediation and the mediator follows their lead (Zumeta 2000; Folger and Bush 1994). The mediation offers the parties the opportunity to strengthen their capacity for self-determination as well as responsiveness to others and fosters empowerment and recognition (Folger and Bush 2006:264–265, 277). In narrative mediation, the dispute is seen as providing one view of the relationship between the parties and the narrative mediator helps the parties to develop an alternative story of their relationship. The behaviour is not seen as a pattern or dynamic but rather as a story that has become problem-saturated (Paquin and Harvey 2001–2002:167). Narrative mediation may result in psychological and moral growth of the parties (Paquin and Harvey 2001–2002:167).

### **Advantages of Western-style mediation**

Amongst the advantages of Western-style mediation are that it:

- can be adapted to accommodate the needs of the parties and the context of the dispute;
- allows for direct communication between the mediator and the parties, thus preventing a 'broken telephone' scenario (Singer 1990:39);
- may help, through the mere presence of the mediator, to get the parties to talk to each other (Roberts 1998:64);
- can give parties the confidence to talk and work out disagreements on their own (Stintzing 1994:48; Van Zyl 1997:185);
- allows for 'venting talk' (Shailor 1994:11);
- can include children in the mediation process, thus fulfilling their rights to be heard and to participate in matters affecting them

(Art 12(1) and 12(2) CRC; Davel 2006:118; Art 4(1) and Art 4(2) of the ACRWC);

- may be beneficial for children and minimise the emotional effect of divorce on children (Davel 2006:118);
- gives parties greater control over the decisions made in their case;
- assists the parties to recover dignity and self-respect (Roberts 1998:23);
- is an informal process that is easy to understand;
- is a private process (De Jong 2005:95–97);
- is time-saving (Van Zyl 1997:191; Stintzing 1994:48);
- costs less than contested litigation (King et al. 2009:133; Van Zyl 1997:190);
- avoids unnecessary conflict or helps reduce conflict (Crouch 1982:219);
- accommodates different cultural and religious beliefs and can incorporate specific customs (Goldberg 1998:755); and
- produces agreements that are longer-lasting (King et al. 2010:132).

Several of these may be seen as advantages for the justice system as a whole (De Jong 2008:631–633).

### **Limitations and concerns in Western-style mediation**

Mediation may be unsuitable where:

- there is a substantial power imbalance that the mediator is not able to address;
- there is domestic violence,<sup>15</sup> as women may be powerless in the mediation environment (De Jong 2008:455; Field 2006:54);

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15 The Domestic Violence Act 116 of 1998 defines domestic violence as not only physical violence or abuse but emotional; verbal; sexual and psychological abuse as well as intimidation; harassment; stalking; damage to property and so forth.

## A humanistic approach to divorce and family mediation in the South African context

- women do not have the same bargaining power as their husbands and they may agree to agreements that are unfavourable to them (De Jong 2008:454–455; Heaton 2005:567; Van Zyl 1997:20–22);
- women and family systems theory obscures unequal social power and sex role socialisation (King et al. 2010:133; Grillo 1991:1545);
- the fact that women may be generally prejudiced socially, psychologically and economically by the mediation process are not taken into account by the mediators (Clark 1993:454);
- mediation may not always be better for children (Van Zyl 1997:199);
- there is a risk of child abuse or alcohol, drug or mental health problems;<sup>16</sup>
- one or more of the parties are unwilling to participate or totally unassertive during mediation;
- there is an assumption that the parties in mediation are able to articulate issues that are important to them but not everybody has this ability (Stintzing 1994:49);
- parties who attend mediation may be unable to go to court afterwards as the combined costs may be too high (Stintzing 1994:49);
- there are large estates and formal disclosure of documents is essential; and where
- there are very complicated legal issues; and if there are very high conflict cases, such as allegations of parental unfitness (De Jong 2010:522).

There is concern that mediators:

- may be interested in compromise and that agreements could result that are 'not equal', reinforce gender inequalities and should rather be heard by society (King et al. 2010:133; Grillo 1991:1545);

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16 Mediation is not suitable where a parent has a severe personality disorder (Gilmour 2004:38).

- can never be truly independent as our society is patriarchal (De Jong 2008:455);
- may see themselves as advocates for children and disregard women's rights (Van Zyl 1997:183);
- may be biased towards joint care of children, which may result in ex-husbands controlling their wives and children and hampering their efforts to make a new start, and in women 'bargaining away' property and maintenance in order to obtain sole care (Van Zyl 1997:199);
- may never truly be 'neutral', as all are influenced to some extent by their cultural background (Van Zyl 1997:182);
- may, if they are from a different cultural background than the parties in the mediation, be unable to understand the cultural context within which the dispute occurs; and
- may be incompetent and not properly trained.

## **African humanism**

African humanism, unlike the Western humanistic concept, does not see jurisprudence as linear and hierarchical, descendent from on high and imposed on the subjects below. African humanism sees law and rights as coming from below, as being ascendant or horizontal, and therefore emphasising the needs of those on the ground and the 'primacy of the whole' (Woods 2003:53–54, 56). In African humanism, human beings matter and there is no dichotomy between the spiritual world and the material world, there is a continuity that is reinforced by interrelationships and interconnectedness (Mphahlele in Woods 2003:55).

Afrikology<sup>17</sup> can be used as a new means of humanising people in society. The origins of the African dictum 'I am, therefore I exist' are consistent with the Ubuntu dictum 'I am because you are' (Nabudere 2011:30–33). In African

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17 Afrikology seeks to retrace the evolution of knowledge and wisdom from its source to the current epistemologies, and to try and situate them within their cultural and historical contexts, especially with a view to establishing a new science for generating and accessing knowledge for sustainable use (Nabudere 2011:4).

humanism, '[I]anguage is not only strategic to human understanding; it is at bottom *constitutive* of human beings themselves' (Nabudere 2011:39). Parties need to be able to express their feelings so that they can 'realise a new kind of awareness about our relation to the world' and to 'describe their situations,' 'in which their feelings can have full realisation'. The importance of language, and of gaining control of the words of language, is stressed in African humanism. Words need to be well-defined and used consistently (Nabudere 2011:86).

Knowledge in African societies is not seen as something abstract and separate from everyday life, it is bound up in humanity's social behaviour and daily life (Nabudere 2011:88). In these societies a 'connective justice'<sup>18</sup> held individuals together and connected consequences with deeds. African humanism recognises the relationship between the body, the soul and spirit. It believes that communities need to emphasise sharing and equitable resource distribution, and to revive cultural values that foster a climate in which peace can flourish. Ubuntu 'tries to capture the essence of what it means to be human' (Murithi 2006:28), it states that 'we belong in a bundle of life' and that 'a person is a person through other people'.

In African humanism a person is connected to the community; one must fulfil one's obligations to self, family and community, and interdependence is an essential characteristic of the human being (Woods 2003:56). Rights that one has in society are transformed into duties that one has to other members of society.<sup>19</sup> Spirituality shapes the concept of humanness and the concept of the enjoyment of life and caring for each other is stressed (Masango 2006:930–931). An individual's humanity is expressed through personal relationships with others in the community, and others in turn reciprocate the individual's humanity (Nyaumwe and Mkabela 2007:152–153). Ubuntu is associated with *seriti*, a life-force by which a community of persons are connected to each other, it demands us to care, to be responsible and not to live in such a way that we are diminished as persons (Bohler-Muller 2007:144).

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18 The ancient principle of Ma'at. This principle is found in diverse African languages, for example in the principle of Ubuntu (Nabudere 2011:107–108).

19 E.g. the right to be nursed as a baby transforms into the duty to care for one's mother in her old age (Woods 2003:57).



## **Inter-mediation in African perspective**

In African societies, customary law was known to everybody and was handed down from the ancestors, and thus there was no 'sharp distinction' between what ordinary people regarded as proper conduct and what was decreed to be law (Dlamini 1991:72). In African societies, many rights are exercised in a group context, with family members co-operating in the exploitation of family resources and in the protection of their interests (Dlamini 1991:72; Woods 2003:55).

Marriage in African customary law concerned the families of the spouses, not the spouses themselves<sup>20</sup> (Bennett 2004:188). If *lobola* had been paid, then the wife was absorbed into her husband's family and generally had to live with them. If wives experienced problems in their marriage, they had to first approach their husband's family and thereafter their own male relatives. As a last resort they could approach their traditional leaders (Curan and Bonthuys 2004:9). Customary marriages provided for checks and balances which tend to discourage divorce (Dlamini 1991:76).

The essence of the African judicial system is reconciliation (Choudree 1999:10) and the restoration of harmony is more important than stating the rule of law (Dlamini 1991:83–84). The nature of the proceedings is informal and flexible, enabling litigants and witnesses to feel that 'justice is done' (Dlamini 1991:84).

Negotiations between families are mandatory when family breakdown occurs (De Jong 2010:526). In Nigeria, the non-judicial way of dissolving marriage was through consideration by the families, appropriate compensation being made to the woman (Ozoemena and Hasungule 2009). In Botswana, first the family, consisting of a man, wife and children, handles the dispute; and if not settled the household group, made up of one or more families, living in the same collection of huts, then does so. If the conflict is not resolved, the wards<sup>21</sup>, then

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20 It was thus technically possible, although socially undesirable, that a bride could be forced to contract a marriage that suited kinship policies or the venal motives of her guardian (Bennett 1991:24). Now the consent of the bride and groom is essential for the validity of the marriage.

21 Local administrative units.

the headmen can be approached (Department of Justice and Constitutional Development South Africa Undated). In Ubuntu societies in South Africa, especially among the Xhosa, disputes were resolved through the Inkundla/Lekgotla, which was a 'group mediation and reconciliation forum' (Murithi 2006:30). The entire community was involved at various levels. The proceedings were led by the Council of Elders and the Chief, and in the case of large disputes by the King. The process of identifying the wrong doing and finding a resolution included family members of the victims and perpetrators, including women and the young. Members of the society could question the victims, perpetrators and witnesses and could make suggestions to the Council of Elders on ways to move forward. The Council of Elders acted as an intermediary, and had an investigative function as well as an advisory role to the chief. The Council of Elders 'listened to the views of the members of the society and advised on solutions which would promote reconciliation and sustain the unity and cohesion of the community' (Murithi 2006:30). This peacemaking process dealt with a variety of offences, including family and marriage disputes (Murithi 2006:31).

Customary courts today resemble mediation facilities to some extent. Parties try to resolve conflict between the families of the parties; if unsuccessful they approach the ward head. An 'appeal' is also possible to the Court of Chiefs. Currently, these courts are not allowed to hear cases relating to nullity, divorce or separation arising from a civil or customary law marriage.<sup>22</sup> Section 8(5)<sup>23</sup> of the Recognition of Customary Marriages Act 120 of 1998 to a certain extent

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22 The Recognition of Customary Marriages Act 120 of 1998 gives recognition to customary marriages. Customary marriages are now dissolved in the High Courts or Regional Magistrate's Court but the traditional courts may still decide on issues relating to *lobola* (see further Dlamini 1991:74). Many people have interchangeable modern and traditional identities and may rely on either customary or civil law (Curan and Bonthuys 2004:6-7). It has been suggested that a hybrid approach to marriage is needed in South Africa (Herbst and Du Plessis 2008).

23 Nothing in this section may be construed as limiting the role, recognised in customary law, of any person, including any traditional leader, in the mediation, in accordance with customary law, of any dispute or matter arising prior to the dissolution of a customary marriage by a court.

acknowledges the role of mediation in the African culture. There are also legislative provisions and case law that refer to Ubuntu in South African law.<sup>24</sup>

### **General principles and methods of African humanistic dispute resolution**

The principles found in African humanism include (Murove 2005:208–217):

- an emphasis on communal belonging (see also Murithi 2006:209–210);
- the importance of promoting good in our existence;
- the need to be sympathetic to the suffering of others;
- the considering of the consequences of our actions on the present and the future;
- the importance of communication; and
- the fact that relationships involve the past, present and future (see also Choudree 1999:11).

Generally, principles and methods of dispute resolution include that:

- harmony is important and rituals are performed to maintain it;<sup>25</sup>
- peace is a communal matter (Zulu 1998:185);
- the family council and traditional courts are used to maintain peace and harmony;

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24 For example, the term Ubuntu appears in the postamble of the Interim South African Constitution: there is a need for understanding but not for vengeance, a need for repatriation but not retaliation, a need for *ubuntu* but not for victimisation. See also *S v Mokwanyane and another* 1996 61 BILP 665 CC and *Dikoko v Mokhatla* 2006 6 SA 235 CC. The Promotion of National Unity and Reconciliation Act 34 of 1995 uses the concept of Ubuntu to mean a shift from confrontation to conciliation and contains the key values of group solidarity, human dignity and conformity to basic norms. The Child Justice Act 75 of 2008 indicates that we need to take the child's family and community into account and steer away from revenge and move towards conciliation (Sloth-Nielsen and Gallinetti 2011:70/351, see further Skelton 2005).

25 There is belief that one can only be in harmony if ancestors are in a good relationship with you (Zulu 1998:185).

## **A humanistic approach to divorce and family mediation in the South African context**

- indabas are held to get consensus in a community;<sup>26</sup>
- trust and openness are important, facts need to be brought into the open so that the truth can be known and the parties can heal (Murithi 2006:31);
- unwritten rules are enforced to guide people's behaviour and consensus is reached in the community on common behaviour and practices; and
- reconciliation must involve all the parties concerned (Zulu 1998:187).

### **Stages of the African humanistic dispute resolution process**

There are five stages found in African humanistic dispute resolution as it occurs in public forums. Firstly, fact-finding occurs, where the views of the victims, perpetrators and witnesses are heard. The perpetrators would be encouraged to acknowledge guilt or responsibility, if it was thought that they had done wrong. Secondly, the perpetrators are encouraged to repent or show genuine remorse. Thirdly, the perpetrators are encouraged to ask for forgiveness and the victim to show mercy. Fourthly, the perpetrators are required to pay compensation (a symbolic re-payment) as repatriation for the wrong done (Murithi 2006: 30–31). Lastly, the consolidation of the process takes place, by encouraging parties to commit themselves to reconciliation (Murithi 2009:221). This process was family-inclusive and groups would be encouraged to work towards healing their relationship and contributing to restoring harmony in the community. There is a threefold process of renewal after resolving a dispute. First, one must be right with the ancestors, then right with the community and then right with oneself (Zulu 1998:187–188). This is done by admitting wrongdoing or guilt, explaining what the motivation for the offence was, and then asking for mercy and forgiveness. Thereafter cleansing and renewal by means of a ritual, for example drinking of herbs or making a sacrifice to the ancestors, occurs. After this, reintegration into the community is symbolised by a handshake or sharing a meal together. Offences between individuals require minor rituals,

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26 Consensus at indabas was reached based on principles that promote group cohesion and upheld the values of the community. Deterrent fines were given at indabas and it was shameful to receive such a fine.

but offences against the clan (ancestors) require elaborate rituals (Zulu 1998:187–188).

During mediation in African societies there is an opportunity for everyone to ‘tell their story’. The term ‘story’ refers to the structure of account giving. ‘Narrative’ refers to the way in which stories cohere together. Narrative contact allows subordinate groups to have a voice and mediation can provide this opportunity (Trenary 1999:40). In terms of African humanism, all viewpoints need to be taken into account (Woods 2003:57). Mediators are ‘storytelling facilitators’ and ‘managers of the storytelling process’ (Rifkin, Millen and Cobb 1991:161). The focus must shift ‘from the transmission of message to the reciprocal interaction of storytelling’ (Rifkin, Millen and Cobb 1991:160–162). Instead of asking ‘why’ a message was delivered, we are concerned with ‘how’ the ‘sending of the message plays a part in the social construction of reality’ (Rifkin, Millen and Cobb 1991:160–162). The narrative is influenced by the way the mediation session is structured and also by interventions<sup>27</sup> along the way. The problems of identifying and dealing with disputants’ sides are eliminated if mediators focus on the conjoint process of storytelling (Rifkin, Millen and Cobb 1991:161).

### **Advantages of African humanism for mediation**

There are many advantages that may flow from applying the principles of African humanism in divorce and family mediation. Amongst these the following may be listed:

- The essential unity of humanity is re-emphasised (Murithi 2006:29).
- People are given a sense of shared destiny (Murithi 2006:29).
- Attitudes and values based on the sharing of resources are promoted (Murithi 2006:29).
- Norms and values that are beneficial in mediation are promoted – including justice, respect for persons and property, tolerance, reliability, compassion, sensitivity towards the aged, the physically challenged and less privileged (Masenya 1997:448).

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<sup>27</sup> For example, the asking of questions.

## **A humanistic approach to divorce and family mediation in the South African context**

- Cooperation and collaboration in solving problems are emphasised (Murithi 2006:29).
- A value system for giving and receiving forgiveness is provided (Murithi 2006:29).
- A rationale is given for letting go of the desire of revenge (Murithi 2006:29).
- The members in the community may form a 'uniting force' that could care for the wellbeing of others (Nyaumwe and Mkabela 2007:155–157).
- When forgiveness is granted it generates goodwill and a renewal of social trust (Murithi 2006:31), and it maintains social harmony and brings prosperity (Zulu 1998:187).
- The mending of relationships and reconciliation of groups is emphasised (Choudree 1999:11, 16).
- The need to harmonise relationships at the macro-level may impact upon the greater whole (Choudree 1999:25).
- The parties may experience emotional benefits due to the healing that occurs in the relationship encounter in the present, as humanistic mediation is an intrinsic healing (Umbreit 1997:201).
- The process is less forbidding and intimidating to participants than Western-style courts.
- When parties get the chance to tell their stories, they are heard and allowed to vent anger or frustration.
- Disagreements can be heard quickly (Palmary 2004).
- The majority of disputes can be resolved through mediation within or between families, so that only serious cases are referred to the traditional courts (Choudree 1999:17).
- Family processes are the preferred method of dispute resolution (Choudree 1999:17).

- Since marriage is between families (Mabuza v Mbatha), it is families who deal with marriage disputes, violations and abuse and may do it in a way that is reconciliatory and not adversarial (Ozoemena and Hasungule 2009).
- It can be used to improve the situation of women (Masenya 1997:448; Oduyoye 1994:181).
- The meaningful involvement of men and women of all ages is emphasised (Malan 1997:17).
- The duty of care may benefit the community and the participants (Onazi 2009).
- The procedure of resolving conflict is regarded as an event in the continuum of social life (Malan 1997:25).
- The effect of improving life relationships may prevent conflict from occurring (Malan 1997:25).

### **Limitations of African humanism in mediation**

Arguments that the use of African humanism has limitations are:

- People may not want to bring events out into the open and could withhold forgiveness, thus resulting in the process being stalled (Murithi 2006:31).
- ‘The traditional values on which ubuntu was based may no longer be relevant to the contemporary African experience’ (Nyaunwe and Mkabela 2007:153; Masango 2006:940).
- The community also has a dark side, the bonds of unity may not extend beyond the boundaries of the community and the individual may ‘disappear into the community’ or the community ‘absolved into the individual’, as seen in patriarchal societies and religious sects (Onazi 2009:10).
- The group may demand oppressive conformity and loyalty (Onazi 2009:10) and exclude through rhetorical or other violence (Bohler-Muller 2005:271).

## **A humanistic approach to divorce and family mediation in the South African context**

- As marriage in African societies traditionally unites two families, this makes it difficult – especially for women – to dissolve a customary marriage, and the lobola may have to be paid back (Anderson 2007:151).
- Polygamy may result in women not being regarded as equal partners with men, and thus having unequal power during mediation. They may even be regarded as servants (Ozoemena 2006:40–42).
- Women may not know enough about their rights and about the provisions of our law, for example in relation to property and domestic violence (Curan and Bonthuys 2004:10; Ozoemena 2006:38–39).
- The neutrality or impartiality of the mediator, especially when from the same cultural background or living in the same area as the parties, may be questioned (Mayer 1987:75–76).
- We must be careful not to ‘legislate’ traditional dispute resolution processes, as this could have an adverse effect on indigenous law systems (Ozoemena and Hasungule 2009:6), but changes should rather be introduced from within traditional institutions.

### **Incorporating an African humanist approach to divorce mediation in South Africa**

There are some similarities between the stages of mediation in African humanistic mediation and in Western-style mediation. In both styles, for instance, ‘venting’ of anger is allowed during the first mediation sessions and is recognised as a process whereby parties rid themselves of their anger so that it does not stand in the way of reconciliation. Western mediation also attempts to get parties to see each other as human beings and not just as opponents, to look at the needs of others, and to treat people with dignity, thus incorporating some of the elements of humanistic mediation. There is an opportunity to tell one’s story in both mediation approaches; and there is an opportunity to heal and to empower people.

Narrative mediation and transformative mediation, encountered in both African and Western-style mediation, allow an opportunity for healing, not just



settlement (Paquin and Harvey 2001–2002:167). These approaches tie in well with the concept of ‘therapeutic jurisprudence.’<sup>28</sup> The strengths of both of these models can be combined in mediation (Paquin and Harvey 2001–2002:186–188). Storytelling is central to the ‘I-thou’ relationship that is found in Ubuntu<sup>29</sup> and ‘[i]t encourages a move away from the paradigmatic “I think therefore I am” towards “I participate therefore I am”’ (Bohler-Muller 2005:139).

An important difference between the two approaches is that in humanistic mediation ‘openness’ and ‘public disclosure’ are common and can be seen as helping people heal as the truth is ‘made known’ and ‘brought into the open’; whereas in most Western mediation styles it is common for mediation to be held ‘behind closed doors’ – although in activist mediation the community is involved.

An indigenised, hybrid mediation is being practised in some South African communities already (Nina undated). This mediation took elements from official mediation and incorporated aspects of African tradition, and is characterised by development considerations and collective participation. For example, in the community of Zwelethemba, mediation does not resemble a two-party, one-mediator, Western approach, but is a holistic process of handling disputes and solving them. It involves containing the anger of the parties and identifies the structural and other social aspects that influence or encourage the conflict. Interpersonal conflict is solved by mobilising all available resources towards achieving peace and regaining stability in the community. Although Nina’s study did not focus on divorce mediation but on community mediation, the encouragement of a community that solves problems in a holistic way would be welcomed within the sphere of divorce mediation in South Africa.

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28 ‘An interdisciplinary approach to law that builds on the basic insight that law is a social force, having consequences for the mental health and functioning of all those it touches’ (Paquin and Harvey 2001–2002:169).

29 We are not bound by a single, traditional concept of Ubuntu, as found in African humanism, but new meanings are shaped by our courts and writers that concentrate on values critical to South Africa’s changing social order (Bennett 2011:47/351).

## **A humanistic approach to divorce and family mediation in the South African context**

South Africa needs an 'adapted' method of mediation.<sup>30</sup> The system of mediation would have to comply with current legislation governing human rights. Concerns regarding women's rights will need to be addressed (Curan and Bonthuys 2004:23). Proper and comprehensive mediation services should be made available to everyone and must be representative of all ethnic and cultural groups, religions, age groups and socio-economic levels (De Jong 2008:640). Community mediators should also undergo training.<sup>31</sup>

In some respects, this model of humanistic mediation parallels a humanistic style of psychotherapy or teaching – in that the importance of empathetic understanding, unconditional positive regard and genuineness is emphasised (Umbreit 1997:204). However, the model that is proposed is not to be confused with therapy and is still mediation. This model of mediation contains certain core principles or beliefs such as in the connectedness of all things and all humanity and in the healing power of the mediation process and of dialogue (Umbreit 1997:205).

Mediators need to demonstrate a caring and nonjudgmental acceptance of the person's humanity; help people listen to their innate wisdom, their preference for peace and create a safe place for dialogue; as well as share the journey to healing and acknowledging brokenness.

'Social network mediators' may be needed more in South Africa. In African mediation, mediators are traditionally from the same community as the disputants. There should be more training of community mediators so that mediations can occur within the community. More co-mediation should be practised, that simultaneously comply with the parameters and requirements of our law with regard to divorce and family disputes. Co-mediation, accommodating two mediators of different cultural backgrounds or schools of training and the inclusion of mediators from the same community as the disputants should be encouraged. These mediators can either be community

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30 Dlamini (1991:74) proposes that we need an adapted customary law, stating that law can develop and adapt to altered circumstances, but needs the instrumentality of State actions.

31 But should not be disqualified from mediating if they do not comply with this requirement, as we cannot afford to lose their valuable services (De Jong 2008:640).

mediators and do the mediation in the community, or may be mediators within the community who are not trained in divorce mediation but can take part in co-mediation with a qualified divorce mediator. All aspects of African humanistic mediation may not always be included in the mediation, for example the notion of asking for forgiveness and paying a fine or making an offering may not fit in with all cultural and religious beliefs. However, when these elements do fit in with the person's belief and culture then they could be included in the mediation process.

Should we have the same view of Ubuntu as that in the Child Justice Act (2008), that is 'one without an overtly (or expressly) public face' (Sloth-Nielsen and Gallinetti 2011:73/351)? Do we within divorce and family mediation need to reconcile this aspect of Ubuntu with the 'behind closed doors' policy that is prevalent in Western-style divorce and family mediation? It would not be far-fetched to allow parties in mediation to have mediation sessions that remain private. Families and communities need to be included and a sense of dignity and worth maintained and fostered during the mediation process. In divorce and family mediation some of the principles can be incorporated, such as the shift from confrontation to conciliation. The extended family should be included in the mediation process and it should allow for participation of children, to comply with international and South African legislation.

We need to be aware of cultural differences during mediation. For example, conflict is generally viewed in Western culture as a difficulty that has to be dealt with but then left behind, whereas another culture may show a tolerance of conflict as something that reasserts social bonds (Brigg 2003:289–290). Western-style mediation may have difficulty recognising and respecting non-Western understanding and functions of conflict and may have difficulty seeing the dispute as a broader issue relating to culture, gender, class, power and other factors (Brigg 2003:293). Western-style mediation expects that parties deal with disputes in a rational rather than emotional way (Brigg 2003:296). Due to the larger role that family and communal relations play for non-Western cultures, individuals may not be in a position to articulate their interests outside of the context of broader relationships (Brigg 2003:296).

## A humanistic approach to divorce and family mediation in the South African context

We should not force a Westernised system of mediation onto a community, as this will do more harm than good (Nader and Grande 2002:589). We need to take local realities and existing mechanisms into account.<sup>32</sup> Traditional humanistic mediation principles could be included in divorce and family mediation in South Africa in private mediation practice, community mediation, public mediation and in the process provided for by the draft rules of court.

Elements that should be included in divorce and family mediation in South Africa are:

- Mediation must be multi-generational where possible.
- Storytelling must take place.
- Parties to the mediation must be allowed to express themselves.
- Mediation must allow for venting of anger and release of emotions.
- Emotional and spiritual spheres may be integral to the mediation (Brigg 2003:302) and parties must be seen as consisting of body, mind and soul (spirit).
- The mediation and divorce process or family dispute must be viewed holistically in its political and social contexts and as part of a broader facilitated negotiation process.
- Mediators may become more personally involved with the parties than is usual in Western-style mediation, for instance through visits to individuals or family homes (Brigg 2003:302).
- Instead of undue analysing and categorising during mediation, the focus should rather be on synthesising and integrating (Malan 1997:18).

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32 The Traditional Courts Bill has restorative justice as one of its aims but the court may not hear divorce matters. For criticism, see Hawkrigde Traditional Courts Bill a Travesty <<http://www.africanscene.co.za/2012/03/traditional-courts-bill-a-travesty/>> accessed 10-04-2012 and Swart Traditional Courts Bill out of Step Mail and Guardian online <<http://mg.co.za/article/2012-02-17-traditional-courts-bill-out-of-step>> [Accessed 10 April 2010].

- Agreements reached during mediation should include ‘more than merely solving the problem or rectifying the injustice’ (Malan 1997:24).
- The objective should be genuine conciliation and, where necessary, restitution and rehabilitation (Malan 1997:24).
- The mood should be one of co-operation and honouring of reciprocal obligations (Malan 1997:24).
- Parties should be supported and encouraged as they go through the process of peacemaking (Murithi 2006:32).

## **Conclusion**

We need to develop an intra-cultural model of mediation in South Africa, which includes an African humanistic approach to mediation in the mediator’s toolbox and in this way accommodate a ‘jurisprudence of care’ (Law Society of South Africa 2011).<sup>33</sup> Ubuntu should form the foundation for developing a system of divorce and family mediation that fulfils the needs of all South Africans. We need to encourage and provide support for community mediation in communities and co-mediation at court and in private practice.

Although elements of or similarities to African humanism can be found in Western-style mediation, such as narrative mediation and inter-generational family mediation, many key elements of African humanism are absent from the current practice of Western-style mediation. The Western system does not accommodate all aspects of the spiritual and does not currently regard divorce as another event in the social life of a person but rather as an event that needs to be moved past. The focus in the Western-style mediation is on the future, and the past is only briefly dealt with. The social, cultural and family influences and contexts need to be dealt with in detail during mediation.<sup>34</sup>

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33 The draft mediation rules are however unclear as to whether there is a possibility of such mediation.

34 Culture-related challenges encountered in South African divorce and family mediation need to be addressed; either African humanistic mediation or Western-style mediation or a holistic approach can be used to do so.

## A humanistic approach to divorce and family mediation in the South African context

Amongst the advantages of African humanism in mediation is that of emotional healing. It is essential that this aspect is no longer seen as a side-line benefit of mediation, with the main goal being one of settlement, but that divorce mediators strive to see their clients as multi-dimensional human beings and are trained to deal with all these aspects of personhood. Mediators must be willing to become involved with their clients, at least to a degree, in order to assist their clients in implementing the decisions made during mediation. In order to adapt a humanistic, culturally sensitive approach to mediation in South Africa, training in humanistic mediation principles must be included in the accredited training courses offered to mediators in South Africa and must be accommodated in court-mandated mediation once such mediation is in force in South Africa.

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## Amanda E. Boniface

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# Citation patterns in Peace and Conflict Studies: A case study of the *African Journal on Conflict Resolution*

*Oluchi O. Okere and Joseph Kehinde Fasae\**

## **Abstract**

In this study, citation analysis was used to investigate the growth pattern and trends in peace and conflict studies as a subject discipline. The significance of peace and conflict studies as an evolving discipline in the social sciences and an area of contemporary interest makes this study relevant. A total of 3761 citations from the 20 issues (108 articles) of the *African Journal of Conflict Resolution* published from 2004 to 2011 were analysed using frequency counts and percentages. The findings show that books (42.44%) were the most prominent source of information. The books range from current publications to retrospective literature of age above 20 years. Journals (22.7%) and Internet sources (11.11%) also rank high as sources of information. The list of the most cited journals shows a strong geographical bias but a multi-disciplinary scope in which the political sciences feature prominently. The pattern of the average

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\* Mrs Oluchi O. Okere is a Librarian in the Federal University of Technology Akure, Ondo State, Nigeria. She holds a master's degree in Librarianship. Her research interests are publishing and scholarly communication.

Mr Fasae Joseph Kehinde is a Librarian in Afe Babalola University, Ado-Ekiti, Nigeria. He has a master's degree in Library and Information Science.

citations per year shows that conflict resolution as a field of study is fast maturing into a distinct body of knowledge. The study recommends that librarians and information users in the field should take cognizance of these trends to enable them to access or utilize the literature optimally. It also recommends that further studies be carried out in the near future to test how well the findings hold.

## **Introduction**

The field of peace and conflict studies is a growing field of knowledge that reflects contemporary realities in human communities. Conflict resolution is concerned with techniques, procedures and processes involved in facilitating the peaceful ending of disputes and conflicts. Issues such as negotiation, mediation, diplomacy, peace-building, dispute resolution, arbitration, litigation processes, international conflict, arms races, political interactions, foreign policy, decision making and theories and models of conflict resolution are of interest to practitioners and researchers in this field. Conflict studies as an evolving discipline is complex and its complexity is evident in the number of other disciplines, such as economics, psychology, sociology and political science, that are represented in peace and conflict studies.

In identifying the various impacts of scholarly publications on productivity and quality of work, citation analysis can be used. A citation is a reference to a published or unpublished source. Citation gives researchers or authors the opportunity to acknowledge the intellectual input of ideas from other authors. Citation analysis is a branch of information science in which the researcher studies the way articles in scholarly fields are accessed and referenced (Meho 2007). Citation analysis is the aspect of bibliometric research which deals with the study of these relationships (Smith 1981). Citation analysis, which is the application of statistical methods to citation studies, is also used to determine the impact or popularity of works or authors. It also assists librarians in selecting and evaluating their stock. It is a veritable mine of information about information needs and information-seeking behaviour of users of information in various disciplines. Citation studies enable researchers to study trends in the literature of disciplines in order to determine the characteristics of those

various disciplines. Bibliographic coupling, co-citation and citation counts are all varieties of citation studies that have been applied in bibliometric research.

This effort to carry out a citation analysis of the *African Journal on Conflict Resolution* will investigate an evolving discipline in order to observe trends in the field. Åström (2009) has explained, scientometric /infometric methods like citation analyses help to map the intellectual and social structures of research fields. This is a major motive of this research.

### **Literature review**

According to Stigler (1994), whatever the motive of a citing author may be, whether to accept, refute or review earlier works, citation counts provide measures of the flow of 'intellectual influence' in scientific literature.

Alabi (1989), in his study of the citation pattern of Nigerian scientists, ranked some scientific disciplines in order of scholarliness, basing this on the average number of references per subject area. He also identified the most cited journals. Nwagwu and Egbon (2009) carried out bibliometric research of Nigerian publications in social sciences, arts and humanities listed on the online database of Thompson Scientific in June 2008 to understand the international perspectives of research production and the dynamics of the fields in Nigeria. In a more extensive investigation, Maheswarappa and Usha (1989) studied seed pathology literature and found that in that field citations from journal literature are more prominent than those from books. They also studied the subject-wise scattering, country-wise distribution, chronological distribution, language-wise distribution and language-wise scattering of the journals cited in the two volumes of the book *Seed Pathology*.

In a study of Cross-Disciplinary Citation Patterns over the 20th century, Zuckerman (2003) studied the relationship between citations in sociology, economics and political science using flagship journals in the three disciplines. He found an increase in sociologists' interest in economics over the final three decades of the twentieth century as well as an increase in economists' attention to political science in the last two decades, while sociologists increased their attention to political science. Sridhar's (1985) findings about the citing patterns

of Indian space technologists include a tendency towards self-citation, the citing of journals more than other sources (60.6%), and citing that slanted more towards foreign sources (88.8%). Ajegbomogun and Akintola (2004) identified that 24.20% of the source materials cited in *Gateway Library Journal* were between five and nine years old and that authors who contributed to the journal preferred to carry out research single-handedly.

Åström (2009) acknowledged the role of citation analysis as an indicator of scholarly productivity, quality and impact, but also points out that using established quality indicators – such as Garfield’s journal impact factor and the *h*-index – creates the problem of not considering the differences of publication and citation practices in different research fields or the variations between different kinds of articles – such as research and/or review.

Citation frequency is a function of many variables besides scientific merit – such as an author’s reputation, controversiality of subject matter, circulation, availability and extent of library holdings, reprint dissemination, coverage by secondary services, and priority in allocation of research funds. The way these factors interrelate is not easy to determine (Garfield 1972).

## Methodology

The data used for the research was collected from volumes 4–11 of the *African Journal on Conflict Resolution (AJCR)* published from 2004 to 2011. The 20 issues generated a total of 3761 sources in the 108 articles. This represents 100% sample size. Only articles are included for analysis, some other forms such as preprints, reviews and brief communications included in the journal are excluded from analysis but are considered if they occur within the references as cited matter.

On its copyright page, this journal is described as follows:

The *African Journal on Conflict Resolution* is a biannual peer-reviewed journal published by the African Centre for the Constructive Resolution of Disputes (ACCORD) for the multidisciplinary subject field of conflict resolution. ... ACCORD is a non-governmental, non-aligned conflict resolution organisation based in Durban, South Africa. ... The Journal seeks to publish articles and book reviews on subjects relating to conflict,

its management and resolution, as well as peacemaking, peacekeeping and peacebuilding in Africa. It aims to be a conduit between theory and practice.

A frequency count and analysis of the citations was carried out to investigate the following variables: frequency distribution for the forms of the sources cited, the sources/forms cited by year of publication, the ages of the different citations according to their forms, the average citations per year, geographical affiliation of contributors, most frequently cited journals and most cited authors.

The group of sources classified as *others* include formats such as unpublished reports, letters, newsletters and bulletins, personal correspondence, news, archival materials and other grey literature.

## Results and discussions

### Section 1: Sources of Information

A count of the citations in all the volumes in the study provided the following data:

**Table 1: Sources of cited material**

	Sources	Frequency	Cumulative Frequency	Percentage
1.	Books	1596	1596	42.44
2.	Journals	834	2430	22.17
3.	Internet (e-journals/ e-books/websites)	418	2848	11.11
4.	Reports	362	3210	9.63
5.	Conference proceedings	206	3416	5.48
6.	Newspapers	94	3510	2.50



7.	Oral interviews	59	3569	1.57
8.	Govt. documents	57	3626	1.52
9.	Theses and dissertations	54	3680	1.44
10.	Others	81	3761	2.15
	<b>Total</b>	<b>3761</b>		<b>100</b>

Books (42.44%) were the most cited materials in the Journal, followed by journals (22.17%) and the Internet (11.11%). This shows that these researchers in conflict and peace studies depended more heavily on books than on other information sources. Archambault and Vignola-Gagné (2004) confirm that in social science and humanities books play a greater role than articles, unlike in the sciences and engineering. Gooden (2001), in her citation analysis of chemistry doctoral dissertations of Ohio State University between 1996–2000, also confirms more reliance on journals (85.8%) than on monographs (8.9%), and similar patterns were also indicated for other disciplines in science and engineering (Eckel 2009) and seed pathology (Maheswarappa and Usha 1989).

Books might also be more common with peace and conflict researchers because of the relative youthfulness of the discipline. It can be assumed that until it gets to be more prominent as an independent field of study when the research base is more developed, research may still depend heavily on books. Dalton and Charnigo (2004) found that historians consulted books very heavily (indicated by 99% of the respondents) as well as journal articles (indicated by 98% of the respondents) and manuscripts (indicated by 94% of the respondents). This was, however, different from earlier researches which indicated a wider difference in the frequency count between books and journal articles. They therefore raised questions concerning the unusual ratios.

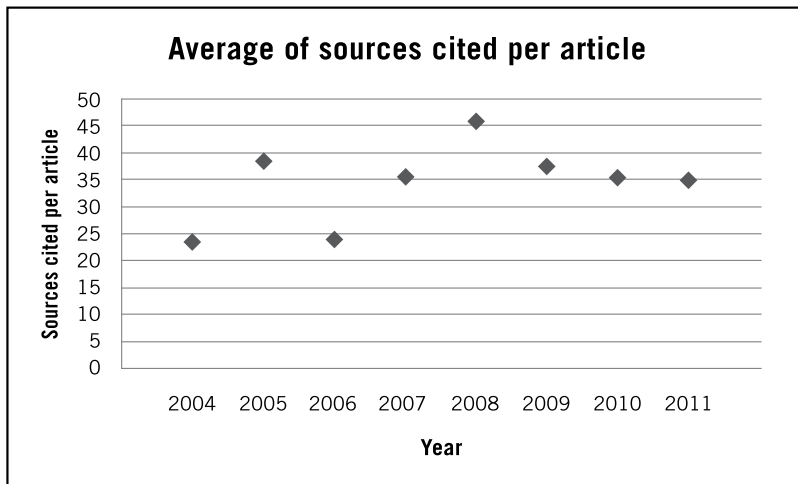
## Section 2: Distribution of citation by year of journal publication and by article

The distribution of the citations according to the year of publication is tabulated below. The table also shows the average citations per article per year. The graph is a scatter diagram that illustrates the distribution.

**Table 2: Distribution of citation by year of journal publication**

Year and numbers of issues, and articles	Number of sources cited	Percentage of total number of sources cited	Average of sources cited per article
2004 (2, 11)	258	6.86	23.45
2005 (2, 9)	347	9.23	38.56
2006 (2, 9)	216	5.74	24.00
2007 (2, 16)	569	15.13	35.56
2008 (3, 12)	549	14.60	45.75
2009 (3, 14)	525	13.96	37.50
2010 (3, 19)	670	17.81	35.26
2011 (3, 18)	627	16.67	34.83
<b>Total</b>	<b>3761</b>	<b>100</b>	

**Figure 1: Average of sources cited per article in each year**



The citation distribution indicates that across the years from 2004 to 2008 there was an irregular pattern in the number of materials cited by year. In 2008 there was a peak and then a fall in 2009, but from 2009 to 2011 the trend becomes regular. Archambault and Vignola-Gagné (2004) suggest that citation counts can be used to identify an emerging field since the annual number of publications in an emerging field is bound to be low but tends to increase each year. They explain the potentials of this type of model to generate rough estimates of the future growth of disciplines as well as a method of analysing structural dynamics. From the observed pattern it may be assumed that the field of peace and conflict studies is attaining a level of maturity among other social science disciplines.

### Section 3: Age of information material cited

Table 3 shows the age of the materials cited, broken down by form of publication.

**Table 3: Age of information materials cited**

Format/Age	<5 yrs	5–9 yrs	10–14 yrs	15–19 yrs	20 yrs and above	Total
Book	382	359	291	217	347	1596
Conference	74	64	34	22	11	206
Government pub.	12	14	11	10	10	57
Internet	292	78	30	12	6	418
Journal	293	238	131	77	95	834
Newspaper	37	23	3	5	26	94
Oral interview	38	20	1	-	-	59
Report	148	109	62	21	22	362
Thesis and Dissertation	20	16	7	8	3	54
Others	15	10	13	9	34	81
<b>Total</b>	<b>1311</b>	<b>931</b>	<b>583</b>	<b>381</b>	<b>554</b>	<b>3761</b>

In Table 3, the total cited materials below 5 years constitute 34.9% of all the citations, while the total number of articles below 10 years constitutes 59.6%. The Table thus shows a heavy dependence on materials below 10 years. Books

(19.7%) and journals (13.9%) below 10 years old ranked highest followed by Internet (9.8%) and reports (6.8%) of that age range. This agrees with the findings of Garfield (1972) whose studies have shown that the typical cited article is most heavily cited during the 2 years after its year of publication and that in any given year, 21 to 25 percent of all references are to sources that are 3 or fewer years old. This is significant since none of the articles used in this analysis is older than nine years old (2004–2011). Materials between 15–19 years were the least consulted among the materials. Interestingly, however, books, journals and newspapers of over 20 years have a higher frequency than those of 15–19 years, thereby reversing the observed growing trend of dependence on more current information resources. The oldest cited material was a treatise on *Liberty* by J.S. Mill in 1869 and another book entitled *Lebensformen* written in 1921 by Spranger. The most recent one was a reference to an article by Andrea de Guttry published in *AJCR* in 2011. The implication is that conflict and peace research require both current and older/archival resources.

The pattern of use of Internet resources shows an astronomic growth in the more recent years. This shows a growing dependence on the Internet as a source of information for peace and conflict researchers. Oral interviews and theses/dissertations also become steadily more relevant in recent times as observed in Table 3.

#### Section 4: Most frequently cited journals

Table 4 lists 20 most frequently cited journals in ranked order.

**Table 4: Ranked list of most cited journals**

	Names of Journals	Rank	Frequency	Cumulative frequency
1.	African Affairs	1	21	21
2.	Journal of Modern African Studies	2	19	40

### A case study of the African Journal on Conflict Resolution

3.	African Journal on Conflict Resolution	3	18	58
4.	African Research Bulletin	4	14	72
5.	Journal of African Elections	5	9	81
6.	International Peacekeeping	5	9	90
7.	Conflict Trends	7	8	98
8.	African insights	7	8	106
9.	Journal of Democracy	7	8	14
10.	Review of African Political Economy	7	8	122
11.	Ocean & Coastal Management	7	8	130
12.	Political Geography	12	7	137
13.	Journal of Southern African Studies	13	6	143
14.	Journal of Conflict Resolution	13	6	149
15.	African Security Review	13	6	155
16.	Yale Law Journal	13	6	161
17.	World Development	17	5	166
18.	Review	17	5	171
19.	Comparative Studies in Society & History	17	5	176
20.	International Affairs	17	5	181

Citation analysis can also be used to determine the core journals in a field of study. The list above shows a ranked list of the most cited journals in peace and conflict resolution. *African Affairs*, *Journal of Modern African Studies* and *African Journal on Conflict Resolution* are the most cited journals in that order. However, the geographical bias (African) observed in the geographical coverage of the journals indicates that at least nine of the journals have African affiliations. This shows that the discipline depends heavily on the social and political environment, unlike a similar list of twenty core journals in chemistry Gooden (2001) which does not indicate any geographical bias in resources consulted/cited.

Bradford's Law (1985) states that a set of cited journal titles can be subdivided into subsets with one subset representing a few titles that account for a large percentage of works cited, and the other subsets representing a group of many journal titles that are less frequently cited in a regular pattern of dispersion. The list above agrees with that law. This Law is also affirmed by Gooden (2001) and other studies.

### Section 5: Most cited authors

Table 5 shows a ranked list of the most cited authors.

**Table 5: Most cited authors**

	Author	Rank	Frequency
1.	Mamdani, Mahmood	1	19
2.	Mayer, Claude-Hélène	2	13
3.	Ake, Claude	2	13
4.	Apuuli, K.P.	4	11
5.	Ranger, Terence	4	11
6.	De Coning, Cedric H.	6	10
7.	Osaghae, E.E.	6	10
8.	Schwartz, S.H.	8	9

## A case study of the African Journal on Conflict Resolution

9.	Young, C.	8	9
10.	Adebayo, Adekeye	8	9
11.	Kriesberg, Louis	11	8
12.	Okon, R.N.	11	8
13.	Turner, N.S.	11	8
14.	Burton, J.W.	14	7
15.	Goldblatt, Bret	14	7
16.	Matlosa, K.	14	7
17.	Okelo, M.M.	14	7
18.	Omotola, J. Shola	14	7
19.	Anstey, Mark	19	6
20.	Chambers, R.	19	6
21.	Collier, P.	19	6
22.	Nathan, Laurie I.	19	6
23.	Sithole, Masipula	19	6
24.	Zartman, I. William	19	6

Oyeniya and Bozimo (2004) who studied author characteristics of sorghum researchers explained that identifying core authors in a field has value in terms of providing information by direct contact and interpersonal communication to such experts as well as providing information to assist in acquisition and dissemination activities by librarians. The ranked list shows the most prolific authors in the field of conflict resolution according to the citation count of AJCR. The list highlighted that Mahmood Mamdani was the most cited author (cited 19 times). He was followed by Claude-Hélène Mayer and Claude Ake cited in 13 times respectively. Other authors highly cited in AJCR were also ranked in accordance with the number of times they were cited.



## Conclusion

Citation studies have been found to be a useful basis for collection development and also in understanding trends in research in various disciplines. This citation study has analysed various variables in peace and conflict research to investigate trends in citation by researchers whose articles appeared in the *African Journal on Conflict Resolution*. This study is particularly relevant since within the social sciences the field of conflict resolution has earned much significance because of the ever increasing level of conflict and dispute situations in Africa and all over the world.

The findings include a prevalent dependence on book sources but journal and Internet sources follow closely behind. The books consulted ranged from current literature to a large percentage of literature more than 20 years old. The discipline is also geographically biased towards African affiliated journals. The twenty most cited journals in the case study indicate peace and conflict studies to be multi-disciplinary with a tendency towards political science, law and economics. These findings do not only have implications for librarians, publishers and editors of journals but also for discerning researchers whose goal is to optimally cover the literature of the field.

Further studies may seek to find out if these findings point to a continuing trend or whether these characteristics will change as the literature of the field matures. The geographical bias indicated in this study may also be confirmed by observing its occurrence with other collections of journals in the field in other geographical locations.

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## Book review

# *Community of insecurity: SADC's struggle for peace and security in Southern Africa*

*Nathan, Laurie 2012*

*The International Political Economy of New Regionalisms Series*

*Farnham, Ashgate Publishing Limited, 196 pp.*

*ISBN 9781409430445*

*Reviewed by Marie-Christine Schwager*

*Intern in the Training Unit of ACCORD, 2012*

What are the reasons for the Southern African Development Community's (SADC's) failure to establish a viable security regime and engage in effective peacemaking? Has SADC attained, or is it likely in the foreseeable future to attain, the status of a security community?

Laurie Nathan,<sup>1</sup> who served as an advisor for the Southern African Development Community for several years, answers these questions in his book *Community of insecurity*. He gives a defined understanding of the establishment of SADC, its

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1 Laurie Nathan is the Director of the Centre for Mediation at the University of Pretoria as well as a member of the United Nations Mediation Roster.

problems as well as its failures. He analyses the stated goals and objectives of the organisation and argues that SADC was not very successful in relation to them. His book aims to explain the reasons for this failure.

Nathan's book reads itself as a critique of the SADC and its member states: Since its establishment in 1992, SADC was marked by several internal conflicts among its members and Nathan argues that SADC's failure to create effective security arrangements is due to the following problems: the absence of common values, the surrendering of a measure of sovereignty to regional structures, and weak states.

The absence of common values is marked by division between democratic and authoritarian orientations in the member states, and between pacifist and militarist tendencies in their foreign policies. Absence of common values prevented the organisation in practice from addressing violence and insecurity generated by authoritarianism and repression in some member countries.

The fear of losing sovereignty stems from the political weakness of states and from the lack of common values, mutual trust and shared vision in the security regime. This fear precluded the prospect of establishing and embracing a collective security regime that encompasses formal rules, binding decision making and the possibility of interference in domestic affairs.

Weak states are impacting the effectiveness of all SADC's forums and programmes: For many years, a decentralised model with a small secretariat that lacked authority and decision-making power was favoured. The informal and flexible approach affected the institutional cohesion, continuity and predictability of SADC.

Nathan's arguments are based on Deutsch's theory that a 'security community' can only exist when a group of people has attained a level of integration, a sense of community and a common identity to be able to settle disputes peacefully. Therefore Nathan questions if SADC is a 'security community' in Deutsch's terms, with reference to the absence of common values and existing intra-state violence within the member states. 'The inhabitants of a country wracked by violence cannot plausibly be said to live in a security community' (Nathan 2012:152).

SADC has since its foundation been an organisation where members are divided along democratic/authoritarian and military/non-military lines and are unable to meet SADC's set goals of promoting economic integration, poverty alleviation, peace, security and the evolution of common political values and institutions.

Several key debates and developments within its body couldn't bridge the gap between different values held by its members over the past decades and SADC accordingly fails in peacemaking, diplomatic engagement and critical comment. Nathan shows in four examples, how SADC's peacemaking efforts in the region failed – due to its lack of unity. One of these examples was the way SADC dealt with the war in the Democratic Republic of the Congo (DRC). The member states deeply disagreed upon the way to deal with the conflict: While Angola, Namibia and Zimbabwe announced that they would deploy troops in the DRC on behalf of the SADC, South Africa, Botswana, Mozambique and Tanzania sought to solve the crisis diplomatically. SADC tried to present a unified front only afterwards, although the war had created a rift within the organisation.

With this book, Nathan draws a dark picture of SADC's future. He doesn't believe that a change within the organisation is likely since these problems cannot be solved at the regional level. The member states define SADC, and they are the only ones that can allow the organisation to transform and give it a transcendent status and authority.

The author believes that the members will stay reluctant 'to surrender a measure of sovereignty to a regional security regime with binding principles and rules, partly because some of these states have a tenuous hold on sovereignty and partly because of their normative differences on the orientation and strategies of the regime' (Nathan 2012:97). He proposes that democratic systems are necessary within the states as well as in SADC.

Working for SADC enabled Nathan to access unpublished material, interact with officials and get a good insight into SADC's work. Since the member countries often do not publish their policies on regional security arrangements and do not feel obliged to keep their citizens informed, the book offers a unique inside view of SADC. Nathan hardly gives any positive examples about SADC's work

and outcomes to balance his perception of the organisation. This feeling of one-sidedness could be the only weak point of this book.

Nathan's book helps to understand the complexities SADC faces in attempting to establish Peace and Security in the region. He gives a deep analysis of its effectiveness and underpins his points with a strong theoretical background.

*Community of insecurity* has a logical structure and is easy to read. Nathan repeats his questions as well as his arguments within each chapter to guide the reader through his book. His extensive references invite one to read further into the topic of 'security communities'.

Nathan reflects actual theoretical debates revolving around the concept of 'security community' and sets a theoretical framework for his critique. This critique is illustrated with powerful examples from the past decades on how the member states were unable to make strong decisions. His clearly written book is well argued and *Community of insecurity* is an insightful read for both academics and practitioners working within the African context or around the concept of 'security community'.



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ACCORD House • 2 Golf Course Drive • Mount Edgecombe 4300 • RSA  
Private Bag X018 • Umhlanga Rocks 4320 • South Africa

Tel +27 (0)31 502 3908 Fax +27 (0)31 502 4160  
email [info@accord.org.za](mailto:info@accord.org.za) Website <http://www.accord.org.za>