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Contents

Foreword

Cedric de Coning

The second volume of 2021 consists of six articles covering a very interesting and comprehensive spectrum of conflict resolution themes. In fact, this collection can serve as an overview of the range of challenges peacebuilders in Africa have to contend with. Two articles address communal conflicts, albeit from different perspectives. The others deal with the effects of climate change, the impact of companies engaged in oil and gas extraction, the role of traditional leaders in conflict resolution, and the value of national dialogue processes. Together these six articles cover country case examples that include Mali, North Central Nigeria, Nigeria's Niger Delta, South Africa, and Zambia.

In the first article, Nnaemeka Madumere examines conflicts between oil companies and host communities in Africa. He finds that one way in which to establish a mutually beneficial relationship between host communities and extractive companies is to find ways to involve communities in the ownership of the operations. He argues that this benefits the company by obtaining a social license to operate in the area and builds trust between the company and the community.

The second article by Lovelyne Mboh investigates the role and shortcomings of using traditional leaders to resolve conflict in the Mahikeng Local Municipality in South Africa's North West Province.

In the third article, Kabale Ignatius Mukunto analyses the national dialogue process in Zambia. He considers three critical questions. First, how best can a national political dialogue process build social cohesion? Second, what has been the Zambian experience with the 2019 national dialogue process? Finally, what lessons can be learned for future national dialogues in the country?

In the fourth article, by Al Chukwuma Okoli and Damian Ukwandu reflect on communal conflicts in Nasarawa State in North Central Nigeria and challenge the traditional focus on identity when analysing communal conflicts. Instead, they employ a liberal political ecology lens in their conflict analysis and show that such conflicts are often opportunistic and dynamic. This implies that the specific context needs to be taken into account to interpret, analyse and mitigate such conflicts.

In the fifth article, Colin Walch argues that impartiality is essential for the ability of informal institutions to resolve climate change related resource-based conflicts. The article looks at the situation in central Mali, where partial informal institutions, in conjunction with other factors, have led to increased violence in the region.

In the sixth and last article in this volume, Mathias Jarikre explores the role of legislation in designing paths to peace in fragile ethnically divided communities, with a special focus on Nigeria's Niger Delta.

We hope that you will find this collection of articles insightful. We are pleased to be able to showcase research into various topics related to conflict resolution in Africa and to publish the work of African researchers.

The impact of stakeholder management on the oil and gas industry in Africa: A case study of oil companies and African host communities

Nnaemeka Madumere*

Abstract

The oil and gas industry is regarded as one of the most dynamic, complex and controversial industrial sectors and involves activities that generate a whole range of diverse viewpoints. This has resulted because the industry has several stakeholders who can influence and, at the same time, be impacted upon by activities associated with the value chain of oil and gas oriented business. However, one extremely important stakeholder is the community. Many researchers (Orsini 2016; Wall 2012; Mascarenhas 2011; Kinslow 2014; Boladeras, Wild and Murphy 2016) agree that the viewpoints of communities where oil and gas operations are carried out should be given high priority due to their significant influence over industry activities in their region, as well as the fact that they are the entities most impacted by these activities. This research examined notable conflicts experienced between oil companies and host communities in Africa with the aim to identify means by which relationships between the two aforementioned parties could be made cordial and sustainable. An integrated literature based research method and a case study strategy were adopted for this

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research. Two frameworks that will support organisations in effectively engaging and establishing cordial relationships with stakeholders were developed by the author; and the key findings of this research are that an effective means of establishing sustainable cordial relationships with host communities in Africa is by involving them in the ownership of operations in their region. This will naturally instil in them some sense of responsibility over the operations, which will in turn enable oil and gas companies to gain the trust, cooperation and support of host communities, as well as the social license to operate in their region. This relationship can be sustained if both parties work collaboratively to determine ways in which benefits from the operations may be maximised.

Keywords: Oil and gas resource; stakeholder management; environment; sustainability; oil and gas companies; community

1. Introduction

The oil and gas industry is regarded as a very dynamic industrial sector and involves numerous activities that may be viewed from several perspectives. These could include social, political, legal, environmental, technological, economic and commercial viewpoints. These reflect an industry which has several stakeholders and their interests can also be viewed through the aforementioned perspectives. A stakeholder is an individual, group or organisation with interests in a venture and can influence or be influenced by activities associated with the venture (Dooms 2019:64, Freeman 2010:53). In other words, we can refer to a stakeholder as an individual or group with potentials for enabling one to achieve the objectives regarding a particular venture and can also jeopardise the prospects for achieving objectives as well.

Effective management of stakeholders involved in the value chain of oil and gas businesses is vital for the success and sustenance of the industry from both short and long-term perspectives. The Association for Project Managers (2019) defined Stakeholder Management as 'the systematic identification, analysis, planning and implementation of actions designed to engage with stakeholders'. Stakeholder Management could also be regarded as a set of techniques that aim at harnessing the

positive influences (which may include sustained interest, involvement, goodwill and support) of stakeholders while minimising the effect of their negative influences (which may include disinterest, disruption, sabotage and delays) towards actualising the benefits of a given venture (Hinrich 2014; Nikolay and Aime 2004; Lehtinen, Aaltonen and Rajala 2019; Jim and Peter 2004; Reeman 2012). From the aforementioned definition, we can deduce that the main goal of stakeholder management is to establish cordial relationships among stakeholders of a given venture through effective and careful management of their expectations and objectives while attempting to achieve one's own. As with other management aspects, stakeholder management will involve planning and formulation of effective strategy by utilising data gathered in the analysis of a given situation, then the careful implementation of the strategy developed.

Lester (2007:27); Fritz, Rauler Baumgartner and Dentche (2018:65); Chanya, Prachaak and Ngang (2013:481) agree that the type and interest of stakeholders are of immense importance to organisations, as these can be utilised to enhance performance from corporate, business and operational perspectives. The aforementioned researchers regard Stakeholder Identification and Categorisation as the most significant step in Stakeholder Management and support the classification of stakeholders into two distinct categories, which include Direct (Primary) Stakeholders and Indirect (Secondary) Stakeholders. Direct stakeholders are entities that play a visible role in a particular venture and are impacted by it, while indirect stakeholders are those not involved in the venture but interested in it and inclined to monitor its progress (Lester 2007; Fritz, Rauler Baumgartner and Dentche 2018; Chanya, Prachaak and Ngang 2014).

In the context of an oil and gas operation, the direct stakeholders will include the oil and gas company, host community, government (both local and national), financial institution, investors and regulatory authorities (Wall 2012; Ahmed 2019, Fritz, Rauler Baumgartner and Dentche 2018; Genter 2019; Orsini 2016; Linnen 2016; Boladeras, Wild and Murphy 2016). The indirect stakeholders will then include NGOs, academia, media and foreign governments (Wall 2012; Ahmed 2019,

Fritz, Rauler Baumgartner and Dentche 2018; Genter 2019; Orsini 2016; Linnen 2016; Boladeras, Wild and Murphy 2016).

As mentioned in the definition of stakeholders presented earlier in this report, each of the aforementioned stakeholders have their respective influence on the success of an oil and gas operation. However, many researchers (Orsini 2016; Wall 2012; Mascarenhas 2011; Kinslow 2014; Boladeras, Wild and Murphy 2016; Mumma-Martinon 2014) agree that host communities of oil and gas operations are stakeholders of significant influence, as their reaction to industry activities in their region can heavily impact on the value chain of oil and gas businesses.

Recognising the critical importance of the community as stakeholder, the main objective of this research is to examine the community engagement policies and strategies of notable oil and gas companies operating in key oil producing countries in Africa and identify measures and frameworks for improvement. The questions this research seeks to answer are: how has the oil and gas industry fared in engaging with host communities in Africa and how can the relationship between both parties be improved and sustained?

The Integrative Literature Based Research Methodology was combined with the Case Study Research Strategy in order to assess how the oil and gas industry has fared in its dealings with host communities in Africa, as well as identify dilemmas that have emanated in the process.

Findings from this research will support oil and gas companies in formulating effective policies and strategies that will enable them to establish and sustain cordial relationships with communities in Africa where operations associated with the value chain of their businesses are based. The Academy will also benefit from the concepts introduced in this report which could be further explored in subject areas associated with social science, business strategy and policy studies in the African context of language as a symbol of power and resource, and an instrument that can exacerbate conflict when there is a symbolic emphasis on one language in communication and writing over others; when language is used as an instrument to undermine the social and economic advancement of another group; and when used to consolidate economic and political power.

2. Theoretical framework

Several researchers (Leonidou, Christofi, Vrontis and Thrassou 2018; Pollak, Bow and Hanson 2017; Webler, Tuler and Krueger 2001) have established that a significant component of value creation in business is the development and management of sustainable cordial relationships with a variety of stakeholders. Leonidou, Christofi, Vrontis and Thrassou (2018:245) further recognise stakeholder management as a task of growing significance and constituent for a win-win outcome for the parties involved. The conventional procedure for managing stakeholders involves a series of interdependent activities, each of which must be effectively carried out in order to achieve favourable results. These activities include identification of stakeholders; analysis of stakeholders; prioritisation of stakeholders; formulation of stakeholder engagement strategy and implementation of the stakeholder engagement strategy (Shah and Bhaska 2008; Shropshire and Hillman 2007). In the course of embarking on the aforementioned activities, there are important factors that must be considered which could significantly impact on the stakeholder management process. These factors include organisational/reporting structure, communication, consultation, risk, ability to negotiate and compromise (Hinrich 2014, Jim and Peter 2004; Nikolay and Aime 2004). Lehtinen, Aaltonen and Rajala (2019:62) recommend the establishment of decision-making boundaries and transparency as means of achieving continuous dialogue between stakeholders and avoiding possible conflicts. Reeman (2012) supports this by highlighting the need to factor into consideration the inequality of perception on aspects of concern between parties involved. Rempel, Holmes and Zana (1985:97), in their report, emphasised the importance of 'trust' in establishing a sustainable, cordial relationship with stakeholders. Trust is recognised by other researchers (De Oliveira and Rabechini 2019; Mayer Davis and Schoorman 1995) as an intrinsic motivation for partnership between two or more parties. Mayer, Davis and Schoorman (1995:710) demonstrate the importance of trust in developing cordial relationships, and illustrate that one of the parties in the relationship accepts vulnerability to the actions of the other party – basing this on the expectation that the party carrying out the action will monitor and control its impact. Aubert and Kelsey (2000:10) share similar viewpoints, but argue that understanding interdependencies

between parties involved in a given venture is a good foundation on which cordial relationships can be built. In line with the opinions of these authors, we could infer that engaging with stakeholders is an intensive process that entails critical analysis of the situation and planning at the preliminary stage in order to establish mutual understanding, trust and cordiality between the parties involved. In addition, an effective stakeholder engagement process must be legal and fair; it should also be transparent in areas of concern and reflect the rights of the parties involved as emphasised by Lehtinen, et. al (2019) and Webler, Tuler and Krueger (2001).

Several of the conflicts experienced in the oil and gas industry have inadequate involvement and management of stakeholders as one of the major root causes (Orsini 2016; Reeman 2012; Mascarenhas 2011). In terms of involving stakeholders, Eberhard and Olsen (2014) recognise that the industry has not fared well in effectively identifying and communicating with stakeholders, resulting in several conflicts, past and present. These highlight the need for Stakeholder theory, which stresses the need for organisations to adopt appropriate business ethics in their processes and effectively communicate with stakeholders while addressing areas of concern in order to achieve both short and long-term objectives (Freeman 2014; Henry 2011). Dunham (2012); Pollard and Bennun (2016) identified some benefits of stakeholder management with respect to the oil and gas industry. These include: collection of traditional knowledge which could be used to shape progress and development; opportunity to address regulatory issues from relevant perspectives; formulation of effective plans that will integrate participation of stakeholders towards project success; collection of data that will be used in balancing the benefits of a project with its costs; enhanced transparency with improvement of reputation; and social license to operate. Though it is evident that effectively managing stakeholders will bring the industry significant benefits, the concern is to what extent is this being achieved in the oil and gas industry? According to Reeman (2012), there is a growing practice in the industry that involves engagement with relevant stakeholders using stakeholder engagement tools, with emphasis on the process of greater consultation towards implementation of strategies derived from feasibility studies and impact assessments. But taking note of aggrieved stakeholders and

the conflicts experienced in the industry, one would question the industry's approach to engaging with its stakeholders – depriving the industry from achieving the full benefits of establishing cordial relationships with stakeholders of significant influence.

Wall (2012) emphasised that oil producing communities should be regarded as stakeholders with very great influence in the oil and gas industry. They are the most severely impacted by industry operations (from socioeconomic and environmental perspectives) – and are capable of causing significant disruptions to operations in their region. However, if host communities give consent and social license to operate, the industry operations can achieve huge levels of success. Orsini (2016); Kinslow (2014); Boladeras, Wild and Murphy (2016); are all in support of this view. Reeman (2012) highlighted that one of the main concerns regarding how the industry has fared in managing its stakeholders, is its dealing with oil producing communities on the societal impact of its operations. This is also consistent with Mascarenhas' (2011) observation, that most oil and gas operations experience oppositions from communities during application stages or after the operations have commenced. Parshall (2014) highlights key concerns which indigenes of oil producing communities have regarding industry operations in their region. They include environmental issues of water use; contamination of ground water aquifers; waste disposal; emissions; traffic of heavy moving vehicles and noise. There is glaring evidence that in several cases the industry has not performed well in engaging with oil producing communities, resulting in these communities experiencing the resource curse phenomenon. These concerns have been raised by the European Parliament (2011) in their report which blames oil and gas companies for conflict and social unrest experienced in the African communities where they operate.

2.1 Cases of Conflicts between Host Communities and Oil Companies in Africa

The following table provides a summary of notable conflicts between oil companies and host communities in Africa, as well as the underlying causes of the conflicts.

Table 1: Cases of conflict between communities and oil companies operating in Africa.

Country	Community	Oil and Gas Company operating within the region	Cause of conflict
Nigeria	Bodo and Ogoni	Shell	Environmental degradation caused by spillage from oil installations in the region
Angola	Cabinda	Chevron	Environmental impact caused by oil spillage and perceived unfairness in terms of allocation of revenues
Chad	Doba	ExxonMobil	Environmental and Health impacts of oil and gas operations in the region
Sudan	Dinka and Nuer	GNPOC	Politically induced displacement of communities to allow for oil and gas exploration and production
Democratic Republic of Congo (DRC)	Muanda and Communities bordering Virunga	Perenco, Soco International PLC	Environmental and Socioeconomic impacts of oil and gas operations in the region
Algeria	Ain Salah	Consortium made up of Sonatrach, Total and Halliburton	Environmental and Socioeconomic impacts of oil and gas operations in the region
Ghana	Keta	Swiss African Oil Company	Environmental and Socioeconomic impacts of oil and gas operations in the region
Gabon	Obangue	Addax	Environmental degradation caused by poor waste management practice

Sources: Vidal 2015; European Parliament 2011; Redvers 2012; Petitjean 2014; Environmental Justice Atlas 2015; WWF Global 2014; BBC 2018; Human Rights Watch 2003; Cooke 2017; Watanabe 2017; Simon and Weber 2017; Daragahi 2015; FCWC 2018; Gadugah 2018.

As it has been established that host communities are amongst the highly influential and most impacted stakeholders in the value chain of oil and gas oriented operations, it would be right to emphasise that the effectiveness of an oil company in engaging with host communities will determine the success of the company's operations in that region. The community engagement strategies of some notable Multinational Oil Companies are reviewed in the next paragraph.

Shell's approach to community engagement involves identifying concerns of host communities, which inform their planned activities in the region; as well as implementing corporate social responsibility programmes, which include providing scholarship to indigenous students; supporting sports programmes organised by indigenous communities; providing health facilities and employment (Shell 2018). Several oil and gas companies including Chevron, ExxonMobil, Perenco, Addax and Soco International Plc also share a similar approach in implementing corporate social responsibility programmes in regions where they operate (Chevron 2018, ExxonMobil 2018, Perenco 2018, Addax 2018, Soco International Plc 2018). Kabir and Thai (2021) and Singh and Misra (2021) agree on the notion that the Stakeholder Theory inculcates corporate social responsibility initiatives as an organisation's commitment to its respective stakeholders, and also, obtains legitimacy from the concerned stakeholders. Kabir and Thai (2021) further expatiated on this view by stating that conflict of interest between an organisation and a stakeholder should determine the corporate social responsibility undertaking of the organisation with the stakeholder in concern. This is also in line with the conventional stakeholder management procedure which necessitates the identification of stakeholders as well as their concerns, and work towards establishment of mutual grounds, which will enable the organisation gain their support in achieving set objectives. But the recent conflict between Shell's subsidiary in Nigeria (Shell Petroleum Development Company) and the Bodo community in the Niger Delta region of Nigeria has presented evidence regarding the inefficiency of Shell's approach in engaging with host communities. According to the Business and Human Rights Resource Centre (2017), Shell's conflict with the Bodo community in the Niger Delta region of Nigeria started as a result of two oil spills which occurred in the region in year 2008 and 2009. This resulted in the Bodo community filing a lawsuit against Shell at the London High Court on the 23rd of March 2012 which lasted for three years (Business and

Human Rights Resource Centre 2017; Vidal 2015). The circumstances that led to the conflict between Shell and the Bodo community are in line with Reeman's argument that the main concern regarding how the oil and gas industry has fared, is its dealing with oil producing communities regarding its operations (Reeman 2012). It was reported that the reason for the oil spills in the region were as a result of poor maintenance of Shell's oil pipelines in the region. Shell was alerted of this by the community, but reacted slowly to the concern (Business and Human Rights Resource Centre 2017). Shell was found liable by the London High Court for the oil spills in the region and agreed to pay $55 million in compensation to the Bodo community as well as clean up the oil spill (Business and Human Rights Resource Centre 2017; Vidal 2015). Another concern regarding Shell's community engagement policy and their relationship management with communities is the extent to which they learn from previous events, as the Bodo case is just a recent development. Long before the issue between Shell and the Bodo community, Shell had a serious conflict with the Ogoni community in the same Niger Delta region of Nigeria during the 1990s (BBC 2017; Olawoyin 2017; Aljazeera 2016; Pilkington 2009). The Ogoni community suffered a high degree of environmental degradation caused by Shell's operations in the region (BBC 2017; Aljazeera 2016). As a result of the numerous oil spills the region has experienced due to Shell's operations, a group known as MOSOP (Movement for the Survival of the Ogoni People) led by the late Ken Saro Wiwa was established to act as a human rights group for the Ogoni indigenes against Shell and the Nigerian government (Olawoyin 2017; BBC 2017; Aljazeera 2016; Pilkington 2009). It is believed Shell provided support to the Nigerian Military which led to the arrest and execution of the group's leader and eight of his accomplices (Olawoyin 2017; BBC 2017; Pilkington 2009.). The execution of the MOSOP leaders sparked an international outcry, which eventually resulted to Shell being ordered to cease its operations in the Ogoni region, with several environmental and human right lawsuits filed against Shell by the indigenes of Ogoni ever since the 1990s till date (Olawoyin 2017; Amnesty International 2017; Waronwant 2015; BBC 2017).

The case between Chevron and the indigenes of the Cabinda region of Angola has similarities with that of Shell and the communities in the Niger Delta region of Nigeria. According to Redvers (2012), Chevron via its subsidiary in Angola (Cabinda Gulf Oil Company) has been operating in

the Cabinda region of Angola since the 1970s. There are concerns regarding how Chevron have engaged with and managed their relationship with the communities in the Cabinda region where a majority of the indigenes make their livelihood from fishing (Redvers 2012; European Parliament 2011). The indigenes have expressed concerns that their fishing profession has been heavily impacted due to oil spillage from Chevron's installations in the region and they are not appropriately compensated for this (Redvers 2012; European Parliament 2011). They have also further expressed that inasmuch as the resource extracted from their region contributes significantly to Angola's commodity exports, they have not fairly benefited from this and the region is regarded as one of the poorest provinces in Angola (Redvers 2012; European Parliament 2011). The European Parliament (2011) in their report, stated that indigenes of oil producing regions in Angola are discontented and feel neglected by the oil companies operating in their region and the Government. As a result of these, there have been series of agitations by the indigenes of the Cabinda region which resulted in some kidnapping incidents of Chevron's employees (Redvers 2012).

There is a similar situation in ExxonMobil's activities in the Doba region of Chad as highlighted by the European Parliament (2011), where indigenes of the region have voiced their plight resulting from the socio-economic, environmental and health impacts of ExxonMobil's operation in the region.

A similar situation is also noted in the Dinka and Nuer region in Southern Sudan, where thousands of indigenes from these tribes were forcefully displaced from their area by the government in order to allow for oil and gas operations by the Greater Nile Operating Company (GNOPC) (Human Rights Watch 2003).

In Algeria, the case between the Ain Saleh community and the consortium comprising of Sonatrach, Total and Halliburton is also identified. The Ain Salah community reside in the southern part of Algeria, they depend on agriculture as their means of livelihood (Cooke 2017; Simon and Weber 2017). Their conflict with the Angola's state oil company Sonatrach and its partners which erupted in 2015 was as a result of concerns regarding water pollution by the shale oil and gas exploratory projects carried out in their region (Cooke 2017; Watanabe 2017; Simon and Weber 2017; Daragahi 2015). The community source almost all their water from aquifer systems and there are fears that the underground water deposits they depend on would be contaminated by the exploratory projects being carried out in

the area (Cooke 2017; Watanabe 2017; Simon and Weber 2017). According to Cooke (2017), another factor that led to the agitation by the Ain Salah community is the concern that the indigenes feel neglected in terms of social and economic development of their region.

Another case worthy of note is that of the Muanda and Virunga Communities in the Democratic Republic of Congo. The Muanda community predominantly depend on agriculture for their means of livelihood, and on several occasions have voiced their concerns regarding the environmental degradation caused by the activities of Perenco since operations began in 2002 (Petitjean 2014; Environmental Justice Atlas 2015). Another conflict still within the DRC is that between the communities bordering Virunga versus the Government and Soco International Plc (WWF Global 2014; BBC 2018). The Virunga community of the Democratic Republic of Congo in 2014 were agitated by the government's approval for oil exploration activities to be carried out by Soco International Plc in their region, which also happens to be a World Heritage Site due to its habitation of endangered mountain gorillas, bush elephants and apes (WWF Global 2014). They made protests due to concerns that their agricultural activities, which serve as their major source of livelihood, will be affected by oil and gas projects in their region (WWF Global 2014; BBC 2018). They also expressed concerns that Soco did not provide them with enough information regarding the risks associated with the exploration activities (WWF Global 2014; BBC 2018).

Similarly, in Ghana where there were protests by the Keta community against the Government and Swiss African Oil company (FCWC 2018; Gadugah 2018). According to Gadugah (2018), indigenes of the region bordering the Keta basin had protested the prospective exploration activities in the area approved by the Government to be carried out by Swiss African Oil Company, a joint venture owned by Swiss African Petroleum Ag and PET Volta Investments. The residents in the region had concerns about the environmental impact of such exploration and its effect on the agricultural activities on which they depend for their livelihood (FCWC 2018; Gadugah 2018).

The conflict situation in Gabon between the communities around the Obangue River and Addax petroleum is also noted (Environmental Justice Atlas 2015). The Obangue River, which the communities depend on for their domestic and commercial purposes, was polluted due to Addax poor waste management practice, and resulted in series of protests by the communities (Environmental Justice Atlas 2015).

3. Establishing cordial relationships between oil companies and African host communities.

From the cases discussed above, it is evident that the industry has not fared well in managing their relationship with host communities in Africa where their operations are based and have not experienced to a fair degree the benefits of effective stakeholder management. Also, from the cases presented, one can deduce that the impact of poor stakeholder management on oil and gas companies would include: loss of reputation; violence and sabotage due to community protests; financial loss due to prohibitions of operations in the region backed by court orders. For instance in the Shell-Ogoni case, in addition to the $55 million agreed to be paid by Shell as compensation to the Bodo community for the oil spill, several agencies like the United Nations Environmental Programme, Business and Human Rights Resource Center and Amnesty International estimate that it will cost Shell $1bn to clean up the oil spill in the Bodo community (UNEP 2017; Business and Human Rights Resource Centre 2015; Amnesty International 2015). Though each oil and gas company have policies and strategies in place regarding engaging with host communities, it is evident that these are not sufficient.

This research builds on the concept that a stakeholder will support you only if: 1. They feel they have been respected, 2. They feel their concerns were taken into consideration before decision-making, 3. They feel they will benefit from the decision in a fair way. If all these conditions are not met, then there will be issues with the stakeholder concerned.

According to Wall (2012) and Orsini (2016), communities where oil and gas operations are based do have expectations that they will benefit socioeconomically from oil and gas projects in their region. Failure to effectively read, understand and fulfill these expectations will result in issues with the communities (Wall 2012; Orsini 2016). A key requirement regarding managing the relationships with host communities is to effectively consult and engage with the indigenes to understand their expectations, fears and concerns regarding planned operations and confirm that expectations will be met. Concerns must be resolved or managed, with appropriate reassurances to allay their fears before the decision to commence operations in the region is made. The essence of this, is to establish 'trust' between the oil companies and host communities. Opportunities must be provided for both parties to better understand the interdependencies that exists between them. A framework that could

guide and inform the decisions of oil companies on how to effectively engage with host communities is the 'Stakeholder Influence Vs Cost of Commitment Matrix' developed by the author of this article. The framework seeks to support managers in determining suitable approaches for engaging with stakeholders based on stakeholder influence and cost of commitment. The framework is similar to the Power Vs Interest Matrix developed by Mendelow (1991) in the sense that they both agree power (influence) is a key factor that should be considered when categorising and prioritising stakeholders. But the 'Stakeholder Influence Vs Cost of Commitment Matrix introduces an economic factor in place of 'interest' due to the fact several decisions made in the industry are mainly influenced by economic viewpoints. The cost of commitment refers to the overall monetary cost of meeting the expectations of, and sustaining the relationship with the stakeholder throughout the duration of the operation. Several researchers (Mistrot 1974; Duong 1984; Heydinger and Bovaird 1972) reveal that economic perspective is a major factor that informs decisions in the oil and gas industry. Hence, the Stakeholder Influence Vs Cost of Commitment Matrix is a modification of Mendelow's Power Vs Interest Matrix and provides a framework specifically tailored to the needs of the oil and gas industry. This will achieve effective categorisation of stakeholders and inform the engagement strategies to adopt factoring in economic requirements. The Stakeholder Influence Vs Cost of Commitment Matrix is provided below:

Stakeholder Influence Vs Cost of Commitment Matrix
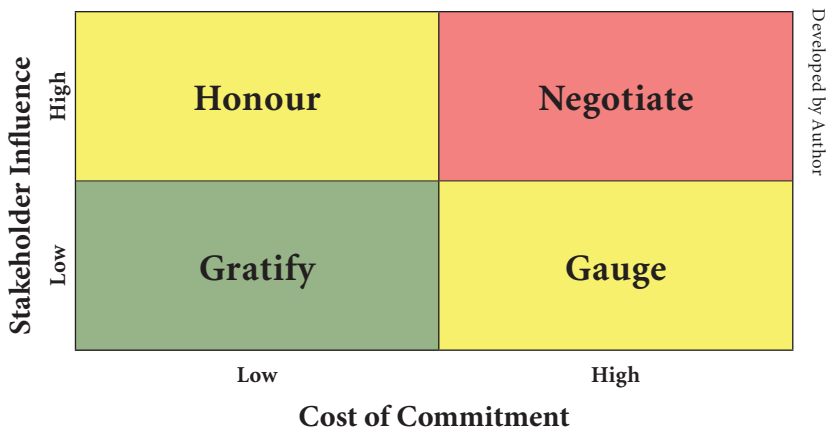
The framework above provides managers with different approaches on how they could engage with stakeholders depending on their levels of influence and the costs for fulfilling the expectations of the parties concerned.

Based on the framework, the 'Gratify' approach should be used in situations where a stakeholder with low influence on the project/operation is involved and the cost of fulfilling expectations of the stakeholder is low. The 'Gratify' approach requires that you swiftly proceed to resolving expressed concerns of the stakeholder and meet their expectations when and where required – bearing in mind that your project or operations might still be affected by the stakeholder though they may have low influence on the venture. The 'Honour' approach should be used when a stakeholder of high influence is involved and the cost of meeting the expectations of that stakeholder is low. The 'Honour' approach requires that you treat such stakeholders with utmost respect, bearing in mind the huge impact their actions could have on the venture. It will be beneficial if the expectations of the stakeholder are met – and prudently exceeded – in order to gain their trust, support and devotion to the success of the venture. The 'Gauge' approach should be adopted in cases when a stakeholder of low influence is involved and the cost of meeting expectation of the stakeholder is high. The 'Gauge' approach requires the identification and ranking of the concerns expressed by the stakeholder and determining the extent to which the organisation has the resources and capabilities to resolve the major concerns. The objective is to manage the expectations of the stakeholder while resolving the major concerns expressed. This will make them feel respected and have the impression that their concerns are being considered. The 'Negotiate' approach should be used when the stakeholder involved has high influence on the project/operation and the cost of fulfilling their expectations is high. Here, one must carefully liaise with the stakeholder, establish and enhance common grounds between the parties involved. This will allow for the understanding of interdependencies between the parties, establish trust and enable the successful execution of the project or operation.

In the case of the oil and gas industry, the host communities are seen as stakeholders with high influence (Reeman 2012; Mascarenhas 2011). This means that the 'Honour' and 'Negotiate' approach is more applicable when dealing with host communities, the appropriate approach between

the two will depend on the cost of commitment. In the African host community context, cost of commitment would range from cost of alleviating the impact of industry operations within the region to the cost of providing community welfare benefits. It is also imperative to take into consideration the fact that new expectations and concerns from communities could emerge after operations have already commenced, but these should be monitored and managed in order to maintain favourable relationships with host communities – eliminating or mitigating risks of conflict. It will be beneficial for oil and gas companies to develop a vision on the positive nature they would want the relationship with host communities to take, and work towards its actualisation from both short and long-term perspectives.

The CAS Matrix (Stakeholder Influence Vs Duration of Relationship), also developed by the author, provides guidance on the nature of the relationship that should exist between organisations and stakeholders – always considering the influence of the stakeholder and the duration of the project/operation. The CAS Matrix is presented in the following diagram.

CAS Matrix: Stakeholder Influence Vs Duration of Relationship

Developed by Author

	Short Term	Medium Term	Long Term
High	Alliance	Alliance (strong)	Strategic
Medium	Concordance	Alliance	Alliance (strong)
Low	Concordance	Concordance	Alliance

Stakeholder Influence (vertical axis)

Duration of Relationship

Concordance – Lead in establishing harmony

Alliance – Collaborate/Liaise

Strategic – Offer part ownership

The 'Concordance' relationship should be established in situations where the stakeholder involved has medium to low influence on the venture and the duration of the project ranges from short to mid-term. This relationship requires the organisation to lead in establishing peace and harmony between the parties, to resolve any concerns expressed, and ensure an amicable affiliation between the parties throughout the duration of the project. The 'Alliance' relationship should be established in situations where the stakeholder has high level of influence on the project. This requires continuous collaboration between the parties involved in resolving concerns that would emanate before and during the project execution. The parties involved should see themselves as partners who will benefit from the venture, and work collaboratively towards its success and maximisation of benefits. The 'Strategic' relationship should be established in cases where the stakeholder has high influence on the project and the project has a long-term duration. This requires that the stakeholder involved be given part ownership of the project in order to lock in and sustain the interest and commitment of the stakeholder towards the success of the project.

In the case of the oil and gas industry, the 'Alliance' and 'Strategic' relationships are more applicable between oil companies and host communities in Africa due to the nature of the projects and operations carried out by the industry and the high influence these host communities have on such ventures.

As it has been acknowledged that most of the conflicts between oil and gas companies and host communities result from the impact of oil and gas operations on the communities (Reeman 2012; Mascarenhas 2011; Orsini 2016), it is important for oil and gas companies to ensure that part of their community engagement activities include periodic socio-environmental impact assessments on their operations and provide host communities with adequate information regarding the impact of their activities. There must be agreement with communities on strategies to alleviate the impact of their operations. Where adequate information on the impact of operations is not provided, and where there is a failure to alleviate the impact of operations in the region, the result will be loss of trust in the oil company and increased conflict between both parties (Wall 2012).

Although the development and implementation of corporate social responsibility programmes (of which some oil and gas companies are known to be doing well in) are encouraged in order for the communities to gain some benefits from the presence of industry operations in their region and to some extent cushion the effects of the impact of these operations, a sustainable and more effective means of establishing good relationship with host communities is by involving them in the ownership of operations and allocating them a share of the returns. This would encourage host communities to build trust in oil companies and naturally instill a sense of responsibility in them. This will further encourage host communities to cooperate and provide support towards the success of industry operations within their region. Though this concept would generally result in a cut in profits accruing to oil and gas companies, past experience (as in cases discussed earlier) has shown that costs resulting from conflicts between host communities and oil companies by far outweigh costs associated with establishing and improving relationships with host communities. Further, we must not forget the devastating effects this could cause on business continuity and the reputation of oil and gas companies both regionally and globally. Relationships between oil and gas companies and host communities could be further strengthened by both parties working collaboratively towards determining ways through which the benefits of the operations in host communities can be maximised and sustained. The underlying objective of all these, is to establish trust between host communities and oil companies, which will in turn make the host communities feel respected and assured that their concerns are, or will be taken into consideration in the decision-making process regarding operations in their region. They will also see that they will benefit fairly from the operations.

4. Conclusion

In conclusion, it is evident that effectively managing stakeholders associated with the value chain of oil and gas oriented business is very important for the success and continuation of organisations in the industry. The host communities, where oil and gas operations are based, are recognised to have significant influence on the success of these operations and are the entities, which are most seriously impacted by those operations. Though several Africa-based oil and gas companies have policies and strategies for engaging with host communities, it is

evident that these have not been effective in establishing good relationships with host communities. This has been largely due to their inadequate and poor implementation, as seen in the cases discussed in this report. Apart from timely and continuous consultation with host communities to understand their concerns and expectations which should inform decisions regarding industry activities in their region, an effective means of establishing sustainable cordial relationship with host communities is by having them share in the ownership and profits of operations/projects in their region. Inasmuch as this may cause some reductions in the gross income of oil and gas companies, it is evident from the cases discussed in this report that the costs associated with conflicts between host communities and oil companies far outweigh the costs of implementing preventive measures to avoid conflicts between both parties, also taking into consideration the business/operational continuity risks and reputational damage the oil and gas company could face. By having host communities share in the ownership and profits of operations within their region, oil and gas companies will gain the trust and cooperation of host communities. Once trust has been established between both parties and their interdependencies understood, both parties would be encouraged to work collaboratively towards the continuous success of operations. At the same time, ways for maximising the benefits of the operations can be determined. These achievements will naturally result in cordial relationships being established and sustained. These measures are in line with the requirements of the Stakeholder Influence Vs Cost of Commitment Matrix and the CAS framework presented in this report – which categorises host communities as stakeholders of high influence. They will require a high-level approach of engagement that is distinguished by fairness, transparency and respect of rights.

5. Recommendations

Having recognised the significance of effectively engaging with and managing affairs with host communities where oil and gas operations are situated, it is recommended that ideas presented in this report be considered by oil and gas companies in the development of stakeholder engagement policies and strategies towards establishing sustainable cordial relationships with host communities in Africa and other stakeholders associated with the industry. It will be advantageous if the

stakeholder engagement concepts proposed in this report are included in academic discussions concerned with licensing, policymaking, community relations and business strategy in the African context.

It is also recommended that additional research in this area that will include a comparative analysis of the nature of relationships that exist between oil companies and host communities in developed regions such as North America and Europe and those of developing regions such as Africa, South America and Asia be conducted. Such research could identify innovative ideas, effective tools and frameworks peculiar to the oil and gas industry that will further assist oil and gas organisations to establish sustainable cordial relationships with host communities where their operations are based.

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An investigation into the role of traditional leaders in conflict resolution: The case of communities in the Mahikeng Local Municipality, North West Province, South Africa

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Abstract

For many decades, traditional leaders have been occupied with solving conflicts in African indigenous communities. Nevertheless, their contributions to conflict resolution have not been as widely documented as work in the area of formal conflict resolution. The core of this investigation was to explore the roles traditional leaders play in resolving conflict among indigenous communities in South Africa. The study also explored shortcomings of traditional authority institutions as they carried out their roles in peace building. A qualitative research methodology was adopted to answer the objectives of the article. The research found that conflict remains an element peculiar to communities and, as such, the need for traditional leaders to intervene and maintain peace. Traditional leaders were guided by moral values and belief systems which have been passed down from one generation to the next. These authorities used processes such as mediation and arbitration in achieving peace. However, in some instances, these traditional leaders have experienced disrespect from community members. Most of the participants in this study are knowledgeable about traditional practice and have played vital roles in local conflict situations.

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1. Introduction

Conflict is a constant feature in all human societies, though the nature of these conflicts may vary. The same is true for means of resolving conflict; they vary from society to society. In the cultural history of indigenous communities, the institution of traditional leadership has succeeded in retaining its status and, continues to play a role as custodian of the culture, customs, origins, and history of its people. Prior to the colonisation of Africa, the institution of traditional leaders was the only form of social organisation of the African peoples. In this context, traditional leadership could be defined as a body of governance in a particular place that is based on the application of customary law (Eberbach et al. 2017:34) which was developed centuries ago. This applies especially in Africa (Enwereji and Uwizeyimana, 2020:129). Traditional leaders served their people through wars, slavery, colonialism, and struggles for independence, famine, economic and political reforms and the apartheid eras (De Vos, 2013:54). In Africa, traditional leadership functions as an umbrella under which traditional leaders work. It is a type of leadership rooted in the peoples' culture, and the practice is still noticeably legal in some post-colonial African countries. Furthermore, the institution enjoys awe-inspiring support; manages and unites communities in times of famine; strengthens the social fabric; and ensures a respect for the communities' way of life – especially through maintaining peace in times of conflict. Traditional leaders are prominent in the mediation of disputes, especially in Africa and South Africa. They are often perceived as leaders with the wisdom to navigate the negotiation process. They are also highly valued and regarded in African institutions as a central part of African culture (Achieng, 2015:5). As evidenced by data collected from 15 Sub-Saharan African countries in a study conducted by Logan (2008:5), traditional authorities, chiefs and elders undoubtedly still play an important conflict resolution role in the lives of not only Africans, but for many around the world. Further, in many countries, traditional authorities play a major role as mediators of both violent and non-violent conflicts. However, recent developments in most Sub-Saharan countries have led to these institutions and their occupants

to be treated in a pitiable way. Though sometimes courted, indulged, and paid state salaries, traditional leaders have also been prohibited, deposed and incarcerated, often at the hands of the same governments as they fight to adapt to their own shifting fortunes (Logan 2008:4).

Traditional leadership in Mahikeng could be termed as a practice where power is given to the leader based on traditions of the past. At its 50th National Conference in 1997 in Mafikeng, the African National Congress (ANC) noted that traditional leaders were to be responsible for the administration of communal land. The ANC demarcated and allocated plots for residential and subsistence agricultural use. Traditional leaders were to perform judicial functions through tribal courts by resolving certain categories of disputes. They would also assist members of the community to deal with the State; lobby government departments to promote development of their areas; act as custodians of customers and culture; serve as symbols of authority; and advise government on matters of concern through the House and Council of Traditional Leaders (ANC 1997:81).

They were to assist members of community in dealing with the State by promoting the development of their areas by lobbying government departments, by acting as custodians of customers and culture, and by serving as a symbol of authority and advising government on matters of concern through the House and the Council of Traditional Leaders (ANC 1997:81).

The 1996 Constitution of the Republic of South Africa recognises customary law and traditional leadership in South Africa. The following national instruments have further promoted the role of traditional authorities through the Communal Land Rights Bill 2003; Communal Land Rights Act 2004; Council of Traditional Leaders Act 2007; Traditional Leadership and Governance Framework Act 41 of 2003. The Traditional Courts Bill of 2008, originally developed in order to replace sections 12 and 20 of the Black Administration Act of 1927, empowered traditional leadership to adjudicate certain disputes and offences in Traditional Courts. Revised in 2012 and 2017 the Bill aimed at regulating traditional courts, was put on hold amid concerns over its legality. In addition, the North West Traditional Leadership and Governance Act (2/2005) signed a Provincial Notice on issuing and withdrawal of Recognition Certificates to Traditional Leaders in Mahikeng.

Besides, Chapter 11 of the Constitution states that the institution, status and roles of traditional leadership, according to customary law are recognised. Government acknowledges the critical role of traditional leadership institutions in South Africa's constitutional democracy and in communities, particularly in relation to peace and conflict resolution. It therefore remains committed to strengthening the institution of traditional leadership. But despite the important part played by traditional leaders in the protection of cultural values, settling of disputes therein, presiding over customary law courts and the maintenance of law and order, traditional leaders are still plagued with major challenges, especially in maintaining peace through indigenous conflict resolution processes.

Against the foregoing background, this article argues that the institution of traditional leadership in conflict resolution is still valuable in South Africa, and can positively affect peace and social justice in the development of South African society at large and indigenous communities in particular. Commencing with a review of the respectable and relevant literature, the article then articulates its aims, methodologies, and analyses the data therein.

2. Literature Review

Statistically, Africa has the highest number of conflicts in the world (Nwadike and Ekeanyanwu 2012:3; Adedeji 1999:3; Bujra 2002:1). For instance, between the 60s and 90s, there were about 80 violent changes of governments in the 48 Sub-Saharan African countries (Gurr, 1991:153; Adedeji 1999:3; Bujra 2002:1). Conflicts can take place at all levels – from the local to global level; from inter-individual to group level, including small to large communities (Tsongo, 2012:1). Conflict can either be functional or dysfunctional (Slabbert, 2004:83). Functional conflict is healthy, constructive disagreement between groups or individuals. Dysfunctional conflict is unhealthy disagreement that occurs between groups or individuals. Disputes could result from a breach of contract, theft, slander, witchcraft and sorcery accusations (Maakor, 2011:34). They could as well result from marital misunderstandings, injuries to persons, and damage to property. Because conflicts are unavoidable and often occur within communities under the jurisdiction of the traditional leader, the role of traditional leaders in achieving and maintaining peace and security in the said communities needs to be re-emphasised.

Nevertheless, an indigenous system of conflict resolution through traditional leaders is still regarded by many, especially those living in indigenous communities as an improved system than the formal conflict resolution systems such as courts, which is time-consuming, and with large caseloads. Both internal and external factors contribute to the root causes of conflicts in communities: such as limited resources, unmet basic needs and different values and beliefs (Brock-Utne, 2001:42). The processes and regulations for resolving such conflicts are deeply rooted in the customs and traditions of the people of South Africa. The importance and utility of such processes lie in the fact that they strive to restore balance by moderating differences and thus settle conflicts and restore peace (Choudree, 1999:1).

In indigenous communities of South Africa, both violent and non-violent conflicts have become a common feature (Rukini et al. 2015:4). Indigenous knowledge systems provide a basis for problem solving in indigenous communities, especially for the rural and urban poor (Rudolph, 2012:12). These traditional processes are relatively informal and consequently less intimidating, and those who use them are more at ease in a familiar environment. The role of chiefs, elders, family heads, and others is not only to resolve conflicts but also to anticipate and stop or intercept such conflicts (Choudree, 1999:32). In many pre-colonial African societies, community-wide gatherings known variously as *pitso* (Lesotho), *kgotla* (Botswana), *shir* (Somalia), *baraza* (Kenya), and by many other names, offered an opportunity for a wide array of community members to voice their opinions on community affairs and participate in consensus-based decision making (Logan, 2008:4).

As in any human society, conflicts occur in indigenous communities and thus, processes/mechanisms have been developed over time to address such conflicts through traditional authorities (Boege, 2011:45). Rukuni et al. (2015:8) and Boafo-Arthur (2001:140–157) argue that traditional authorities have an important role in social and economic development, including tourism development, trade and the promotion of peace and order. According to Boafo-Arthur, 'the role of chiefs in social and economic development has been minimal and chiefs appear to have a limited participation in partisan politics because of the 1992 constitutional provision'. The mode of settling disputes and resolving conflicts in indigenous communities vary depending on the nature and character of the claim and whether the society concerned has a central

authority or not (Ajayi and Buhari, 2014:132). The existence of traditional authorities is a primordial institution, predominant across South Africa (Nthai, 2010:1–3). Traditional leadership is at the heart of the indigenous or traditional South African system. The institution promotes the idea of reconciliation and restoration of harmony in respective communities. The role traditional authorities play in resolving conflict and maintaining peace in their communities remains vital even though, in South Africa, they need more recognition from government.

In the post-apartheid era, especially marked by popular democracy, the Traditional Leadership and Governance Framework Act No. 41 of 2003 were promulgated to standardise traditional-related affairs in South Africa (Khunou, 2011:72; Hagg and Kanyane, 2013). One of the purposes of the Act is to advance collaboration between traditional leaders and government departments. A specification was made in Sections 19 and 20(1) of the Traditional Leadership and Governance Framework Act on the roles of traditional leaders: to be efficient in promoting leadership and communal governance (Enwereji and Uwizeyimana, 2020:129). This Act was in alignment with the roles specified by the White Paper on Traditional Leadership and Governance (WPTLG) of 2003. Scholars like Amoateng and Kalule-Sabiti (2011:22); Khunou (2013:297) and Mathonsi and Sithole (2017:4) are of the view that traditional leaders are entrusted with responsibilities such as promoting arts and culture; promoting environmental activities and tourism; health services; home affairs; housing and the promotion of justice amongst citizens. In a study by Enwereji and Uwizeyimana (2020:129), the role of traditional leaders in municipal functions was explained in South Africa. Sekgala (2018:34) further holds that traditional leaders also facilitate arts and cultural programmes in communities. Assist in retrieving human dignity by collaborating with the Department of Arts and Culture to protect and preserve indigenous knowledge systems in rural communities; and identify and introduce new institutions, designed to restore abandoned cultures and histories.

As pointed out in the White Paper on Traditional Leadership and Governance (2003), traditional leaders are tasked with the important role of maintaining and facilitating the justice system. Ntonzima and Bayat (2012:12) specify that traditional leaders are allowed to smooth the introductions of modern judicial systems and to protect national legislation and the Constitution of South Africa. They are also at liberty

to settle tribal disputes among residents through customary courts before such cases can be transferred to local and provincial courts for further trials. Traditional leaders further ensure the safety and security of its local communities (Shembe, 2014:26). The stipulation for providing protection offers community policing and the development of ways to reduce theft; robbery; and conflicts as well as to promote peace within communities – a view that is endorsed by Enwereji and Uwizeyimana (2020:129).

Adelakun-Odewale (2017:8) explored the role of traditional authorities in conflict management in Nigeria where he argued that traditional leaders have the moral duty to contribute to the lives of their community members in particular and to the nationals of their country as a whole. Rukuni et al. (2015:10) further emphasise the role of traditional leaders in conflict resolution in Zimbabwe. Achieng (2015:50), in her study on the the role of traditional leaders in conflict management in Africa, focuses on the role of traditional leaders in resolving conflicts in Somalia. One of her key findings, as observed in peace processes employed in conflict management, was that the role of traditional leaders representing two parties at odds is to be complementary rather than competitive in their attempt to moderate the conflict, as compared to the formal system of resolving conflicts. These authors draw on descriptions of the important roles played by traditional authorities in different geographical settings and from different perspectives. This paper, on the other hand, investigates traditional leaders' role in conflict resolution in indigenous communities in South Africa.

3. Research Problem

There are an assortment of worries about indigenous views of conflict and the actors in those conflicts in indigenous conflict resolution (Achieng, 2015:14). For instance, it could be argued that traditional leaders are excluded from legal decision-making processes in conflict resolution. Despite the presence and influence of the indigenous traditional leaders among indigenous communities in South Africa, they were not given appropriate recognition in the peace processes. Instead of taking up important roles in the achievement of peace, the elders were given less prominent and not well-defined roles (Enwereji and Uwizeyimana, 2020:127). Many (formally) educated Africans have also retreated from traditional concepts of conflict resolution and favour

solutions offered by formal courts systems and Western-styled mediation even when they are costly, time-consuming and inaccessible (Bello and Olutola, 2016:74). Some youths go as far as suggesting that traditional African conflict resolution systems are barbaric and have no place in the modern world. Traditional leadership has also been strongly rejected in places such as South Africa where there are high levels of corruption, poor economies and low standards of living yet – the Kings and their councils continue to live in lavish lifestyles (Logan, 2008; 20).

Although the 1996 Constitution of the Republic of South Africa dedicates a short chapter (Chapter 12:Sections 211 and 212) to the establishment and recognition of traditional leaders, their role remains problematic. Under the title Recognition, Section 211 states that 'the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution'. In spite having gone to great lengths to acknowledge the role and place of traditional authorities in South Africa in terms of their functions, the Constitution fails to articulate the traditional authorities' specific roles and responsibilities in relation to conflict resolution (Khan and Lootvoet, 2015:4). Women in almost all traditional communities in Africa do not enjoy equal rights and status in matters such as being role players in conflict resolution-especially in matters such as marriage, divorce, inheritance, community decision-making and governance, and land ownership (Logan, 2008:5). These barriers make the prevention of conflict, peace-building and reconciliation a challenge, and in need of urgent attention given traditional leaders' invaluable role in achieving sustainable development for communities in South Africa in particular, and for Africa in general (Rukuni et al. 2015:9).

With the ever-increasing complexity of conflict resolution processes, developing from the (competing and co-existing) indigenous and western cultures (especially in South Africa), there is a need to investigate the role of traditional leaders in democratic South Africa. It could thus be argued that indigenous conflict resolution is embedded within traditional systems of belief, making it indispensable for efforts at reconciliation and peace to include traditional leaders in indigenous conflict resolution. Therefore, there is the need to explore and utilise this indigenous institution in resolving conflict. This, however, begets a question on the effectiveness of the role of traditional authorities in performing the task of conflict resolution. Answering this question is

actually beyond the scope of this research, but we are optimistic that it will be taken up for rigorous investigation by other researchers. Pre-empting the findings, however, one must also cautiously state that even the Western-styled conflict resolution arrangements have been debunked on many grounds and their effectiveness challenged. The question then is whether both systems can be developed to the fullest, offering options to the users on which trajectory to follow.

4. Aim and specific objectives

This article aims to investigate the importance of the role played by traditional authorities in conflict resolution within indigenous communities, in the Mafikeng Local Municipality of the North West Province of South Africa and South African society. Hopefully the results would apply to broader South African society. In doing this, the article will identify and stipulate some of the causes of conflicts in indigenous communities and explore the role that traditional leaders play in achieving the peaceful resolution of conflicts in such indigenous communities like the Mafikeng Local Municipality.

5. Methodology

a. Selection of study site

Situated in the Mafikeng Local Municipality in the North West Province of South Africa are Lokaleng and Dibate communities. These communities are located in the Ngaka Modiri Molema District, positioned in the central part of the North West Province (Statistics South Africa, 2017:47). The people are mostly known as 'the Batswana' who speak a common language known as 'Setswana'. In addition, the multifaceted nature of conflict resolution processes within a social context and the need for the indigenous people to have an increased understanding of the importance of traditional leaders in conflict resolution processes supported the choice for the study area.

b. Research method(s)

The study adopted a qualitative research method in order to achieve the realisation of the aforementioned objectives. The qualitative method provides a basis for a more interpretive, descriptive and thematic analysis that paves the way for understanding human phenomena within contexts

in which they occur (Babbie, 2014:309). This method was considered the most appropriate methodology for this study because of its ability to provide in-depth data for understanding the role of traditional leaders in conflict resolution in the Mahikeng Local Municipality.

c. Research design

The article was achieved with case-study design. According to Kumar (2011:32), a case-study design allows the researcher to explore the study in-depth by utilising a variety of data collection methods. The methods produce evidence leading to the understanding of the case study while answering the research questions: what causes conflicts and why are traditional leaders still being used in conflict resolution processes in Lokaleng and Dibate communities?

d. Sample size and sampling

The sample size of the study was 80 participants. It was comprised of community members; traditional leaders; traditional councilors and members of the Department of Traditional Affairs. The sample size included three traditional leaders from the communities (Lokaleng and Dibate), four members of the House of Traditional Leaders, and four traditional councillors (headsmen). Further, two members from the Department of Traditional Affairs were also part of the study; these are the key informants for the study. Lastly, sixty-seven community members (heads of households) and elders who are knowledgeable about the research topic were interviewed. In terms of sampling, a non-probability method was used to select participants. Convenient sampling methods were used to recruit participants for the study. The participants were chosen based on their willingness and availability to take part in the study.

e. Data collection and data analysis

The study was based on primary and secondary data collection. Information was put together through in-depth interviews. Open-ended unstructured questionnaires were administered to participants from October to November 2020. The advantage of using in-depth interviews included gaining insights into people's shared understandings of daily life relating to traditional authorities roles' in conflict resolution. The main rationale for using in-depth interviews, as already explained,

was to draw upon participants attitudes, feelings, beliefs, experiences and reactions in a way that would not be feasible using other methods (Bless et al. 2006:45; Kumar, 2011:15). Importantly, COVID-19 protocols such as hand sanitising, wearing of facemask, checking of temperatures, social distancing and less than 50 people in a well-spaced setting were observed.

Secondary data were obtained through literature reviewed from reports, documents and books from Statistics South Africa and Department of Arts and Culture. In addition, respectable literature relevant to the topic was consulted, explored and interrogated from various philosophical standpoints.

Data were analysed using content analysis. In this process, responses were presented by identifying the themes and organising them into coherent categories. Themes represent the main objectives of the study, while categories represent the various responses from the participants according to each objective. Ethical Guidelines for data gathering research were adhered to.

6. Results and discussion

Traditional leaders provide a mechanism through which conflicts over local problems can be resolved in the indigenous communities of Mafikeng (Lokaleng and Dibate). The causes of conflict and the roles traditional leaders play in resolving them are presented herewith. Traditional leaders, with the assistance of the traditional council, act as mediators and negotiators in cases of conflict.

6.1. Causes of conflicts

During the in-depth interviews, which included interviews with key informants in Lokaleng and Dibate, conflict was defined as the unrest that occurs when residents of these communities fail to get along with each other (an absence of social cohesion). A community member explained that differences in opinions and not feeling the same way about or towards something often escalates to, or becomes conflict. One member of the traditional council also noted that conflict usually starts within a household, spreads to neighbors and then to the community at large. For instance, when neighbors are not getting along, it generates disagreements and these can be expressed as conflict. This disagreement

between two or more people results in tension and this may affect the relationships of community members. This tension usually has negative effects on such parties. Another participant described conflict as lack of mutual understanding between people in the community, and this may result in under-development. In addition, conflict was explained to include subjective elements, such as attitudes (good or bad), which are usually present in a family. When, for example, the young fail to respect the elderly, it results in bitterness among members in a household, thus, conflict. Such attitudes were attributed to the erosion of moral values in modern youth, who see indigenous values as outdated (In-depth interview, October 2020). But the participants in these indigenous communities revealed that they were, in fact, very aware of the community issues pertinent to the conflict.

Participants, including key informants, perceived conflict amongst the Batswana stemmed from differences in opinions, interests and needs. Changes in language tone could signal conflict. Individual differences were also seen as a starting point for the escalation of conflict. A participant explained that, where there are two or more individuals such as husband and wife, there are always differences in opinions, interests and needs, which might eventually lead to conflict. Disagreements could also cause conflict when people have different tolerance levels. Furthermore, in the reality of life, it is a daily occurrence for people to differ in opinions, thoughts, and interests. These perceived differences, though considered by participants as a normal part of life, become a concern when they result in conflict (In-depth interview, October 2020). The types of conflict the participants described tallies with Tillett and French's (2005:23) findings and include; domestic relationship conflict, family conflict, neighbourhood conflict.

Livestock theft, Lobola (Bride price/dowry) negotiations and disagreements over boundaries and farming land disputes were affirmed to be some of the main reasons for the continuation and escalation of conflicts in Lokaleng and Dibate communities. However, these conflicts may have arisen in different times and circumstances, cause tensions which remain even after the conflict has been resolved. Mengesha et al. (2015:87) further explain that the causes of conflicts in indigenous communities do not always have a wide range of difference; they tend to have very similar characteristics. Bujra (2002:56) makes an observation regarding the various causes of conflicts existing in communities in

Mafikeng: he explains that the circumstances that give rise to conflict are associated with unbalanced life-changes leading to poverty.

It could be deduced from the above views that conflict is unavoidable among members in these communities. This would also imply that conflicts have usually had particularly negative effects on these community members and lead to both emotional and physical distress. Furthermore, this has been the cause of poor relationships among community members. The existence of these conflicts, then, highlights the need for traditional leaders to take up their roles in resolving conflicts.

6.2. Role of traditional leaders in conflict resolution

The traditional authority's role encompassed numerous functions which revolved around the cardinal theme of guiding, protecting, defending and providing for the needs of the society they served. Traditional leaders are the intermediaries between the ancestors, the living and the unborn. These holistic approaches involved religious, military, legislative, executive, judicial, social and cultural features. Traditional leaders have assigned responsibilities such as promoting arts and culture, promoting environmental activities and tourism, health services and the promotion of justice through conflict resolution among members in their communities (Enwereji and Uwizeyimana, 2020:129). During the interviews, most of the participants, including the key informants, stressed that the social organisation of the Batswana communities determines who plays what role in a conflict resolution process. Although the focus here is on traditional leaders, some conflicts are dealt with at the household level and can only be brought to the chiefs' council if there is failure to achieve a peaceful and satisfactory outcome. According to some participants, these other actors include the following: the family head, who at the lower family level is known as the *batsadi ba lolwapa* (family elders); the *batshereganyi* (headmen of record); *dikgosana* (headmen); *meomela kgosi-kgolo* (the chief's representative); and lastly the *Kgosi-Kgolo* (paramount chief). These heads of the family were understood to be in charge of handling conflicts of a family nature, for instance, 'lobola' which is bride price negotiations upon the marriage of a female in the family. One elder noted that conflicts were likely to arise from this as women were not often allowed to participate in such negotiations (In-depth interviews, Lokaleng October 2020).

One participant explained that family heads included aunts and uncles, and these were mostly consulted in cases of marital conflicts. Usually, these aunts and uncles "*borakgadi le bomalome*" were tasked with decision making within the family level. It is at this level that they will mediate and find a way of resolving disputes that arose from adultery and lack of trust (In-depth interviews Lokaleng, October 2020). Putnam and Alone (2000:78) support the above assertions by noting that the institution of the elders is one of the vital institutions for conflict resolution in most African societies.

On the other hand, Traditional Councilors, not the family heads, are involved with conflict resolution at the level of the community. These councilors mostly deal with cases that could not be dealt with at the family level. As such, they listened to the parties involved in dispute and then mediated or arbitrated the case at hand – finally coming to a common verdict. Some participants pointed out that the councils are very gender inclusive with males, females and youths well-represented (Interview Key informant, Lokaleng and Dibate, October 2020). The roles of family heads, headmen and traditional councilors lessen the conflict resolution burden, which is carried by the traditional leaders in these communities.

The chief is the leader of the whole village and he is at the highest level of the tribal leadership that intervenes in conflicts. Unsatisfied parties in conflict at family levels can take their case before the Chief. He works together with the council of elders and decides cases from minor to major conflicts in the communities. Besides, he has the ultimate say in most conflict cases and the chief is regarded as the highest power in the land. In these communities, this structure is comprised of the traditional Councilors (made up of 25 members), a Chair, a Secretary and the Chief. Traditional leaders are born, not elected or appointed by some political entity or institution. For someone to be a traditional leader, they should have royal blood. During interviews with key informants, it was added that most people are pleased with traditional leaders because they liaise with government authorities to bring development into their communities. Many communities in South Africa still believe in the institution of traditional leadership because the traditional leader lays more priority on the welfare of the community members. Traditional authorities still hold a significant social, cultural and political force and exercise their influence predominantly in indigenous communities

(Gerritet et al. 2007:43). In stating the importance and role played by traditional leaders in conflict resolution, it was deduced from the in-depth interviews with the community members that the traditional leader facilitates development in the community. About those who resolve indigenous conflict cases in these Batswana communities, it was pointed out by participants during the interview that there are complainants and the accused with no formal representation unlike in the formal courts (interview, Lokaleng, October 2020).

In explaining the importance of family as a mechanism for conflict resolution, it was earmarked by participants that the people cannot do without family because they uphold values: every family has a name by which its members are recognised, and in times of conflict, the elders come to look for solutions based on their family's recognition. The strength of each family is thus recognised and maintained in the community, and this is a part of the indigenous knowledge of the community. This highlights the importance of indigenous knowledge (interview, community member, October 2020). The traditional authority, traditional councilors and family heads play a crucial role in conflict resolution. This role is rooted in the truth that most conflicts start at the family level before escalation to the traditional councilors and then to the Chiefs. This view is supported by Zartman (2000:43) who noted that the most important elements involved in indigenous conflict resolution mechanism include the tradition of forgiveness, the respect for elders (because of their symbolic authority to enforce decisions), and the transfer of resources as compensation. Participants further explained that the main player in the traditional justice system was the traditional leader of the community frequently known as the chief (*Nkosi*) (In-depth Interview, October 2020). The role and importance of moral value in indigenous conflict resolution processes have been elaborated by Omisore and Abiodun (2014:130) and supported by Prozesky (2009:3), who described moral values, as lived and practiced beliefs about right and wrong, good and evil. It is these beliefs as expressed by community members that guide traditional authorities in being efficient in conflict resolution, as explained by participants during interviews. Besides, moral values also stand as a conflict prevention technique. Being polite and respecting one another might prevent community members from insulting each other, thus, preventing conflict. And they are also used to guide the way conflicts are resolved. These values have been instilled in community members over time in order to avoid conflicts.

Dispute resolution in South Africa, like many other African countries, was managed by the customs and practices of the different tribal communities before colonisation. After colonisation, the white rulers enacted the Black Administration Act of 1927. This Act, according to participants, has been repealed several times, and although it does not create a traditional court, it allows both civil and criminal powers to be dealt with by traditional leaders who use customary law to resolve conflicts under their jurisdiction. A claim has to be based on customary law, the race of the parties must be African and the parties or defendants must be resident within the traditional leader's jurisdiction (interview key informant, October 2020). Disputes of a civil nature that could be heard by the traditional leader (*Nkosi*) includes dowry negotiations (*Lobola*) or damages in cases of adultery. In this case, one participant explained that the *Nkosi* chief could however, not determine divorce, nullity or separation matters but that this must go to the Magistrate Court. Moreover, Chiefs, headmen and other traditional leaders can deal with certain offences only under the authorisation of the Minister. These exceptions, as listed in the Third Schedule to the Black Administration Act of 1927, can be dealt with by traditional leaders include common law, statutory and customary cases. The traditional leaders can have jurisdiction only if both offender and victim are South Africans and in such instances, the leader can impose fines not exceeding R1000, imprisonment or corporal punishment (as noted by one member of the Disaneng Traditional Council – In-depth Interview, October 2020).

Participants including the key informants stressed that to resolve conflicts, mediation and negotiation were the commonly used methods of dispute resolution. According to most participants, traditional courts are the main mechanisms for resolving indigenous conflicts in their communities. The word *Kgotla* often refers to the highest public gathering, community council or traditional law court in a village. The main aim of the *Kgotla* is to unite, reconcile, mediate and restore people to peaceful lives. The *Kgotla* is actively involved in community building and its aim is to at unify local communities. It is headed by the chief (*Nkosi*). In the *Kgotla*, conflicting parties are brought together only after family elders had looked into such conflict, especially if it is of a family nature. Then members present at the *Kgotla* listen to both the offender and the victim, and come to a verdict. At the end of the sitting, one party apologises to the other or pays a small fine (maximum of R1000)

depending on the nature of the conflict. Participants further explained the significance of the traditional courts by pointing out that during the '*Lekgotla*', members gather as a community together with the traditional authority and discuss how an agreement or settlement can be achieved. The *Lekgotla* method is a primary means of resolving community conflicts because of the mediation done by the traditional leader and his headsmen or elders. Besides, peace is the main goal during any mediation. The importance of dialogue during these peace hearings remains paramount (In-depth interview, October 2020). The role traditional leaders play in indigenous conflict resolution stems from these afore-mentioned processes.

6.2.1 Mediation

The indigenous mediation process found in the *Kogtla* is a way of achieving peace for members in those communities. Traditional leaders are the hierarchical administrators of indigenous communities in the mediation process. Adelakun-Odewale (2017:8) and Leviton and Greenstone (2004:1) support the importance of mediation as an intervention of a skilled and impartial intermediary working to facilitate a jointly acceptable and negotiated settlement on the issues that are the core of the dispute between the parties. Traditional authorities have become famous in the mediation of disputes especially in Sub-Saharan Africa and are often perceived as leaders with the requisite wisdom to direct negotiation processes. They are also valued and regarded in African communities as essential part of the African cultures and institutions (Achieng, 2015:13).

Mediation (*poisano* in Sestwana) means a third party intervention in a conflict resolution process. The mediation process is incredibly important, even requiring that there be an elder for mediation (*mogolo mo poisanong*), as stressed by one participant. In this case, the mediator goes to the complainant and pleads on behalf of the wrongdoer. Mediation could thus be seen as a conflict-lessening process that implies the avoidance of conflict (Okrah, 2003:2). In this light, one party may admit guilt and plead for mitigation. The mediator would plead on behalf of the offender. Where mediation is used, the mediators are sought within the community of the parties. Mediators are people with status, recognition, integrity and experience in the community. Interviews with participants revealed that where a case is pending for a hearing at the

chief's *kgotla*, it might be withdrawn for settlement at home. The chief may on his own volition, refer a case to the elders for resolution. Otherwise, a third party may implore the case to be withdrawn for settlement at home. The mediators accept responsibility to settle the dispute outside the traditional court and to report to the chief. The mediators may use pressure, persuasion, recommendations, suggestions, (relevant) norms, and rules to arrive at a solution (Brock-Utne, 2001:23). Furthermore, the mediator leads and channels discussion of the problem being resolved. Parties typically do not address each other, eliminating direct confrontation. Interruptions are not allowed while parties state their case. Statements are followed by open deliberation which may integrate listening to and cross-examining witnesses, the free expression of grievances, caucusing with both groups, reliance on circumstantial evidence, visiting dispute scenes, seeking opinions and views of neighbors, reviewing past cases, holding private consultations, and considering solutions.

Participants explained that conflict could sometimes escalate and in such instances, it goes to the level of traditional courts especially disputes of family nature. During such instances, the parties may want third party intervention such as chiefs or headmen. In mediating such a case, one party (victim) reports the case to the chief or headmen and then, the chief summons the other party for a hearing. In most cases, reported matters are addressed without public interference (depending on the sensitivity of the issue). The chief and the headmen are the sole adjudicators of sensitive matters. Additionally, both parties express their side of the story and the jury then evaluates the matter and passes judgment. In most cases, the intervention of the *Lekgotla* in conflict resolution is communal in character: in other words, the entire community acts as the jury, and is involved at various levels in the resolution of the conflict. The *Lekgotla* is both the jury and judge in most of the cases, unless the chief himself wants to make an ultimate ruling. The *Lekgotla*'s decision is final in any case, and parties to the conflict are expected to respect the final judgment. It is crucial to note that in the *kgotla*, there are no legal representatives: a key contrast to proceedings in the formalistic legal system. This mechanism is similar to that engaged by the Acholi community of Northern Uganda wherein conflict resolution is the responsibility of the entire community and where the 'Muto Oput' mechanism is open to all natives. The public gathering of

Acholi (*Kacoke Madit*) investigates the victim and perpetrators in the presence of witnesses, and finally refers the case to the council of elders (Murithi, 2008:23) – which is similar to the practices in the Mahikeng communities.

6.2.2 Negotiation

Negotiation can take many forms, from trained negotiators acting on behalf of a particular organisation or position in a formal setting to an informal negotiation between friends. In addition, it is a bargaining relationship between parties, who have a conflict of interest (Adelakun-Odewale, 2017:11). According to Rukuni et al. (2015:10), negotiation is a discussion between two or more people or parties who anticipate reaching an understanding, resolving points of difference, or gaining some advantage from the dialogue. The aims of this mechanism are to produce an agreement on a course of action; to bargain for individual or collective advantage; and to construct outcomes to satisfy various interests of two people/parties involved in the negotiation process. This is a structured and planned process. It is generally considered a communal structure that is participatory, relevant and adaptable. Negotiation might take place openly between the contending parties but rarely between representatives of both parties, in order to avoid bias (Adelakun-Odewale, 2017:7). This process, as explained by a participant, begins with discussions based on the circumstances of the case at hand, and can involve parties such as family, extended family, and the immediate and larger community (In-depth interview, 15 October 2020).

Another participant explained that this process is most used in the case of land disputes. In such an instance, parties are allowed to articulate their arguments, and then the mediator (Chief) allows them (disputing parties) to concur on how to resolve the issue within a particular timeframe (Interview, 15 October 2020). It was observed from participants that the mechanisms used by traditional leaders in conflict resolution are geared towards looking for a solution to the problem at hand rather than finding fault; and the mediator who facilitates this process renders advice based on traditional norms and values. Brock-Utne (2001:34) support the real meaning of this process of negotiation by noting that it is very positive as it looks towards sustainable peace. It could thus be asserted that mediation and negotiation led by traditional leaders are most commonly used during indigenous conflict resolution

in indigenous communities of the Mafikeng local municipality. Avolio and Locker (2002:34) note that the traditional leaders' behavior and actions in conflict resolution becomes a point of examination by the community. The participants expect the traditional leaders to possess qualities such as impartiality; patience; knowledge; empathy; integrity; trustworthiness; understanding; ability to consult with lucidity and to be readily available when they are called upon to. Bello and Olutola (2016:32) state that indigenous conflict resolution mechanisms are not simply about the arbitration of who is right or wrong. Indigenous approaches to conflict resolution aim at restorative justice, restoration of peace and harmony, and maintaining good relationships within the community reintegrating feuding parties with the assistance of traditional authorities at the helm (Boege, 2006:12). It could be deduced from the findings that the institution of traditional leaders and the methods they use in resolving conflicts are holistic and consensus-based, and often engage all parties to the conflict and the entire community at large. As a result, views from participants strengthen the argument that the role of the traditional leaders is still vital for conflict resolution in South Africa.

Even though their role is quite important, as narrated by participants, there are challenges. A few community members noted that they do not have much knowledge of the existence and role of traditional leaders: meaning that such community members may not make optimal use of these leaders in the event of a dispute. Interviews revealed that though these actors and mechanisms exist, most actors involved in such processes of conflict resolution are inadequately trained. The lack of expertise reduces the overall potency of traditional authorities in indigenous communities (Zeleke, 2010:63–64). To some participants, indigenous knowledge embedded in the roles of traditional leaders is a bygone practice from olden times. But although some participants see the indigenous mechanisms and processes of resolving conflict as outdated especially, in their use of traditional leaders, many indigenous people still want to make use of it – as endorsed by Eyong (2007:123).

Although their role in conflict resolution was acknowledged as important, some community members fail to obey outcomes reached at the tribal office, especially the youth. The youths view indigenous knowledge in conflict resolution as awkward, and prefer only the modern or formal ways of resolving conflict, such as the police, courts and/ or legal

mechanisms. This is because these youths think the indigenous ways are outdated. In addition, because the youth fail to see the decisions made at the level of traditional authorities as binding, it sometimes compels the traditional council to end up sending parties in conflict to the court. Where community members disrespect traditional leaders, the authority and standing of this institution are compromised. To some participants, traditional leaders are biased and corrupt, and they tend to favour some members over others in their judgments. This lack of respect for this institution tends to obstruct the effective functioning of the authorities, thus slowing the pace of achieving effective resolutions for the indigenous communities of South Africa. Lastly, the inadequacy of essential resources and equipment, such as tables, chairs, computers and personnel, was found to be a further setback for the effective resolution of disputes.

7. Recommendations

Despite objections, the majority of the participants felt that the degree of knowledge and the skills possessed by the traditional leaders for conflict resolution and peace building was adequate. Considering the challenges faced, however, further effective strategies for conflict resolution should not be overlooked.

- Policy-makers and service providers should reflect on the most effective means of assessing indigenous dispute resolution services. Mainstream policy-makers should respect and allow the development by indigenous people of new indigenous-specific conflict resolution systems. Traditional leadership should be involved in talks about the government conflicts and be given a role. The fact that government encroached on the indigenous system requires that government advance very sensitively when teaching traditional leaders about indigenous conflict-management.

- A national indigenous conflict resolution network should be created in order to support local dispute resolution initiatives. Such a network could study and distribute information on best practice, promote information sharing among traditional leaders and indigenous practitioners, and provide traditional authorities, with knowledge for improving conflict resolution outcomes. In addition, the inclusion of indigenous knowledge at schools, both at the basic and tertiary levels, would decrease the notion of younger generations who see indigenous knowledge as outdated.

- In order to curtail the ineptitude of traditional authorities in indigenous conflict resolution, parties in the resolution processes should be trained in various methods of resolving disputes. Matters of ethics, protocols and cultural values should be brought to their attention. This can be done with the assistance of identified knowledgeable members from each community – in workshops and conferences held within these communities. If carried out, these suggestions might minimise the problem of disrespect during processes of resolving conflicts and reduce the level of bias when meting out judgments. When these above-explained solutions prove to be practical, the importance of the traditional leaders' role in conflict resolution will be improved and thus re-claimed for younger and future generations.

8. Conclusion

The unavoidable existence of conflict in society warrants the need for actors to maintain peace. Traditional authorities in South Africa, although recognised by the Constitution, still face challenges in performing their role as mediators in conflict resolution. The causes of conflict, such as differences that stem from beliefs, were indentified and the various role players discussed. The processes of resolving conflict such as mediation and negotiation, as implemented by traditional leaders at the head of conflict resolution processes were examined. For the most part, participants during the study noted that indigenous processes of conflict resolution provide less punishment, save time and are more accessible from an economic standpoint when compared to the formal, Western-style of justice. In addition, most participants were of the view that both indigenous and western processes be incorporated and used alongside each other. Although there are challenges, traditional institutions and traditional authorities still have the prospect and aptitude for effectively maintaining law and order, performing security functions and fostering social cohesion in such small communities. Traditional leaders should be given due recognition and protection in the legislative arrangements in South Africa, and a policy should be shaped along those lines so that conflict resolution is not the exclusive ambit of the Western-court system. It is recommended that further studies be carried out to more fully discuss indigenous conflict resolution procedures as observed in traditional courts. A broader portrayal of conflict resolution events continues to be necessary.

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National dialogue and social cohesion in Zambia

Kabale Ignatius Mukunto*

Abstract

National dialogues bring all major political stakeholders, decision-makers, and interest groups together following serious conflicts. In response to political differences that emerged from the 2016 general elections, Zambia enacted a National Dialogue (Constitution, Electoral Process, Public Order and Political parties) Act, 2019, which provided for holding a national dialogue forum (NDF). However, this trajectory has been turbulent and the outcome fiercely contested. This article is an appraisal shedding light on Zambia's strides in hosting a post-2016 general elections national political dialogue process and an attempt to answer three critical questions. First, how can national political dialogue be best organised to build social cohesion? Second, what has been the Zambian experience with national dialogue, with particular reference to the 2019 NDF? Last, what lessons can be learned for future national dialogues in the country? The article offers some perspectives on how national dialogue can support the broader society to cohere. It also advances descriptive lessons for the future to vouch for an all-inclusive national dialogue process.

Keywords: National Dialogue, Social Cohesion, Conflict, Constitution-making, Zambia

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1. Introduction

Zambia may have legislated national dialogue and held a 'national' dialogue forum (NDF)[1] in 2019; however, the process was more polarising than unifying. Not only were efforts within the Zambian polity to mount an inclusive process in 2018 turbulent, but the outcomes were also fiercely contested. Initially, conversations around the acceptability of the convener were particularly sticky and sluggishly ground to a halt. Although the credibility of a convener is crucial to avoid perceptions of bias (Siebert 2014; Siebert, Kumar and Tasala 2014; Goswami 2017), exchanges that characterised the pre-dialogue were needlessly protracted. Beyond the convener, the effectiveness of the national dialogue hinges to a greater extent, as Stigant and Murray (2015:2) observe, on providing space for all groups with divergent interests to participate. An inclusive dialogue process carries the potential to clarify and address fundamental drivers of conflict between the parties involved.

Participants refuse to accept representations of needs and aspirations by limited elites. It is a social and political imperative to ensure realisation of all stakeholders' needs and aspirations. As Hartmann (2017: 5) aptly notes, within the realms of national dialogue, political settlements that tend to be elitist run short of valuable peace dividends, such as socio-cultural relations, coexistence, political tolerance, unity, harmony, peace, and respect of human rights. There is, however, one aspect meriting particular reflection: the aspect of social cohesion. This aspect is partly an offshoot of these abovementioned benefits, and is particularly relevant in a context such as Zambia. In short, a national dialogue process not only reveals a national character by providing space for perspectives from those considered to be on the periphery but enables the broader society to cohere.

To maximise dialogue's potential to deal with the actual 'drivers of conflict, argue Stigant and Murray (2015:2), all interest groups should be invited to participate – including women, youth, and other traditionally excluded groups. Non-participation would negatively affect their appreciation of the benefits associated with the dialogue process and

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1   President Edgar Lungu signed the National Dialogue Bill into law on 9 April 2019 after controversially passing its third reading in Parliament. The forum was launched on 24 April 2019 and sat for 16 days.

ultimately impede opportunities for social cohesion. This article is an appraisal of Zambia's strides in mounting a post-2016 general elections national political dialogue process. It attempts to answer three main questions. First, how can national political dialogue be best organised to build social cohesion? Second, what has been the Zambian experience with national dialogue, with particular reference to the 2019 NDF? Last, what lessons can be learned for future national dialogues in the country? While these questions focus on Zambia as a case, an appreciation of dialogue as a concept is imperative.

2. Understanding dialogue

The word dialogue is derived from a Greek word, *dialogos* which can be split into 'dia' or 'through' and 'logos' or the 'word'. Thus, dialogue suggests a deeper meaning – a movement of the word (Berghof foundation 2012; Goswami 2017:20). Bohm and Nichol (1996) advance that a dialogue can take place among any number of parties and not just two. Even an individual can have dialogue within oneself, if an appreciation of dialogue is present. Four elements keep dialogue afloat. First, dialogue is often immersed in 'deep communication' which is not a mere exchange of words. Communication is viewed by some as one of the most ethical of actions since it carries several critical attributes – valuing individual dignity and self-worth as well as involving parties in conversations, mutual understanding, and decision making (Jeong 2010:201; Taylor and Kent 2014:388).

Second, dialogue brings parties' power relationships to the fore. In his critical reflective discussion, Freire (1993), characterised dialogue as closely related to power, as well as efforts to engage, reveal and liberate. While power may be a barrier, Freire contended that this can be eliminated by 'acts of love and commitment to their cause, humility as opposed to acts of arrogance; and faith in parties themselves (Freire 1993:90). He concluded that 'faith in people' is an a *priori requirement* for dialogue – a call for participants to believe in others even before they meet face to face. That, 'without which dialogue may remain a farce with the potential to reprobate into paternalistic manipulation' (Freire 1993:91). Dialogue is also associated with what may be described as a 'safe space', both physically and psychologically, in which participants may have constructive conversations. It is an enabling space for parties, as noted by Maddison (2015:1015) notes, for parties in divided and post-

violent conflict communities to engage across differences and transform their relationships.

Last, dialogue may be conceived as a 'going concern'. In other words, given that the core or primary resource needed is parties' involvement, then human communities ought to embrace dialogue as a relationship-enhancing mechanism for many uses. Dialogue can be applied 'interpersonally as a one-time event, within a large event like a conference, in series of meetings, or a sustained process over many years' (Schirch and Campt, 2007:26). As a one-time event, dialogue may be called upon to mobilise community members to explore a specific subject or to address an imminent conflict's crisis point. On the other hand, large-scale dialogue brings together hundreds or even thousands of participants centrally arranged with small group conversations providing space for the expression of diverse perspectives. This, according to Schirch and Campt (2007:29) gives people a more palpable sense of community.

3. National dialogue overview

National dialogue can be defined in different ways, depending upon varying social, economic, and/or political contexts. For example, national dialogue is associated with political settlements that yield developmental results and peace dividends as well as serving as a means of managing crises in socio-political contexts that are considered fragile and violent (Hartman 2017). Second, it is an inclusive process argues Murray (2017:4) for 'creating national consensus about social, political or economic concerns through an open and tolerant exchange of ideas'. National dialogues are also seen as internally developed and owned tools for addressing issues of national relevance, such as political transformation (power-sharing, preparations for national elections of drafting of new constitutions). They can be seen as holistic national projects that also help national state and non-state actors transform their social and political conflicts (Siebert, Kumar and Tasala 2014; Stigant and Murray 2015; Odigie 2017).

For this paper, national dialogue is understood as an inclusive platform and process for society's stakeholders to overcome social, economic, and political hurdles to the development of a more tolerant and peaceful society. This definition supports the core principles or ideals which assist us to understand how national dialogue contributes to political

transformation and peace. Three of such fundamental ideals merit mention. First, *inclusiveness.* That is providing space for all stakeholders with divergent or common interests and perceptions to attend, and maximise dialogue's potential to deal with root causes of the conflict. Second, *transparency and public participation* hinge on the need to reach out to the public or the broader population to be kept informed even if they are not part of the conversations. Third, ensure that the *Agenda addresses the root of the conflict.* For the latter, participants' full appreciation of the historical context driving the conflict is critical as national dialogue seeks to reach an agreement on crucial issues (Siebert 2014:44; Stigant and Murray 2015:3; Goswami 2017:22).

Broad-based negotiation and efforts toward the transformation of political crises have taken place during the last two decades in processes similar to a national dialogue. Some of these cases include Somalia (2000); the Democratic Republic of the Congo – DRC (2001–2003 and 2015/2016); Togo (2006); Egypt (2011); Yemen (2013/2014); Tunisia (2014); South Sudan (2015/2016) and Zimbabwe (2019) (Paffenholz, Zachariassen and Helfer 2017:28). In terms of the underlying object, they have sought to peacefully settle political differences, heal and reconcile parties. Zambia's 2018/19 national dialogue endeavours began following the disputed 2016 general elections. It will now be a primary focus of this paper to explicate the connection between dialogue and social cohesion.

4. Social cohesion

As an emerging and international policy concept, social cohesion is associated with early historians, philosophers, political scientists, economists, and sociologists who were concerned with social order and cooperation. Emile Durkheim, one of the pioneering sociologists, considered social cohesion as an organising feature of a society, its members' connectedness, and a symbol of shared loyalty and solidarity (Berger-Schmitt 2000:2–3; Dragolov et al. 2016). From extant literature, four aspects merit particular mention. First, despite its appeal to these disciplines, there are assertions that the concept lacks definition consensus, has no generally accepted description and there is a relative dearth of studies (Bottoni 2018:837; Burns et al. 2018).

Second, social cohesion is anchored on concerns about the threats of or degeneration, in the sense of community manifest in inequalities, social cleavages, and polarisation, or strained relations (Dragolov, et al. 2016; Bottoni 2018; Taylor and Davies 2018). The restoration of this spirit, therefore, hinges on individual members' contributions to social cohesion. Friedkin (2004:412), for example, argued that the measures of social cohesion 'encompass any attitude or behaviour that could be construed as indicative of a person's attraction or attachment to a group (and other members)'. Third, while there is no defining agreement, attempts are made to pull together some operational concepts. To some, social cohesion concerns the horizontal interaction among members of a society as well as vertical (state-society) relations. These are characterised by certain attitudes, norms, and behavior, including: *'trust; willingness to participate and help; a sense of belonging; behavioural manifestation and recognition of society's rules and institutions'* [emphasis added] (Cox and Sisk 2017:15; Bottoni 2018:840).

Last, social cohesion in some contexts is associated with nation building. In the case of South Africa for instance, Palmary (2015:63) associated social cohesion with national building. Similarly, a cohesive society is seen by some as characterised by resilient social relations, positive emotional connectedness, common sense of identity, respecting fellow citizens and upholding their dignity, and acting in solidarity with those marginalised (Dragolov et al. 2016; Burns et al. 2018). In keeping with these explanations, social cohesion may be condensed as a derivative of conditions that generate positive attitudes and conduct among members of society.

So how can national dialogue be best organised to build social cohesion? National dialogue provides an opening for exchange to foster understanding and unity. To build social cohesion, national dialogue will need to be anchored on at least four aspects:

a) First, it should be inclusive: ensuring that all stakeholders with divergent or common interests and perceptions attend, and maximise dialogue's potential to deal with root causes of the conflict. While national dialogue ought to work toward restoring a sense of community, it should also be organised to engender positive attitudes among ordinary citizens. In other words, rather than encouraging debate, national dialogue would need to be voluntary, collegial, and

encouraging citizens' identification with and confidence in the country's institutions (Dragolov et. al. 2016:7). People's confidence in social and political institutions remains a crucial element within the social cohesion jurisdiction;

b) Another aspect that reinforces social cohesion is the need to structure national dialogue so that it reaches out to the public or the broader population who should be kept informed. The approach not only fosters citizens' willingness to participate but stimulates a sense of belonging. Thus, all stakeholders must be engaged in an open-minded, consultative, and civil dialogue process that should inspire political tolerance and reconciliation. Social cohesion-oriented dialogue is, in addition to being national and all-inclusive, a process that seeks 'the genuine national transformation of hearts, governance systems, and procedures to promote unity, respect for human rights and peace for all' (Phiri, 2018:1). A society would cohere when as Bottoni (2018:839) notes, individuals have a sense of belonging, see opportunities for both political participation and respect and tolerance of diversity.

c) Third, riding on inclusiveness and public awareness is joint ownership. That national dialogue should be organised in a way that ensures that all concerned parties own the process and not allow a few powerful participants to dominate. The fulfillment of joint ownership parallels individual-level indicators of social cohesion which according to Friedkin (2004: 410) include participants' desire or intention to remain in a group and their identification with or loyalty to a group. A national dialogue with willing participants is better able to attain higher levels of cohesion and accordingly contribute to peace in society.

d) Last, national dialogue can foster social cohesion through an agenda that addresses the roots of the differences between disputing parties. Akin to inclusive participation, an all-encompassing agenda not only respects diversity but also allows people (citizens) to feel strongly connected to their country and identify with it. In other words, inclusive participation and agenda support social cohesion through an open and tolerant exchange of ideas, which in turn facilitates national consensus about social, political, or economic concerns (Murray, 2017:4). And, as an internally developed and owned mechanism, national dialogues have been part of Zambia's nascent

democracy. Therefore, it is imperative to appraise the country's national dialogue strides since the reintroduction of multiparty politics in 1990.

5. Zambia's national dialogue experience

During Zambia's third republic[2] at least three instances of national dialogue' can be identified. First, at the summit of the return to multi-party politics in 1991, leaders from Christian churches successfully organised a dialogue session that brought leading figures, Kenneth Kaunda from then ruling United National Independence Party (UNIP) and Frederick Chiluba, from the newly formed Movement for Multi-party Democracy (MMD) together. While the dialogue was political, it also had a national character as the MMD was a broad-based and inclusive coalition of students, businessmen, and women; trade unions, and civil society organisations. In the case of students, even before supporting the MMD dialogue engagements, they had mounted serious anti-Kaunda demonstrations to press for his resignation (Mwanakatwe 1997:173). Although Kaunda was initially unyielding, he succumbed to the massive opposition from the coalition and not only agreed to dialogue but accommodate the latter's demands (Joseph 1992:199).

The Church has a responsibility to pass moral judgment on matters affecting the social and political order of the country (Komakoma 2003:225). As such, the conveners of the July 1991 dialogue between representatives of the MMD and UNIP with their Presidents were not only credible but had the moral authority as church leaders. The churches' involvement in the dialogue process, upon which principally hinged on the transition from a one-party state to multi-party democracy, provided a neutral arbiter which was necessary to avert a possible impasse between UNIP and MMD. The responsibility to convene and chair the dialogue sessions was given by mutual agreement of both parties to the church leaders. Thanks to the church leaders' determination – anchored in their commitment to foster peace, reconciliation, and justice – an agreement was reached on the implementation of the outcomes of the dialogue.

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2   The period from 1991 to date.

President Kaunda and UNIP as the incumbent, for example, fulfilled the reintroduction of multi-party politics by amending Article 4 of the country's constitution which prohibited the creation of other political parties. Further, with this amendment, Kaunda agreed to facilitate national elections on 31 October 1991, welcomed election observers, and invitations were extended to several world leaders and international organisations (Joseph 1992:200; Zvanyika 2013:30). Despite his earlier unyielding stance, President Kaunda's change of mind towards accommodating the MMD brought a sense of joint ownership to the process. This was inevitable because the MMD was a broad-based coalition, and a primary advocate for wide-ranging constitutional changes. It was important (Phiri 1999:342) that a constitution acceptable to all stakeholders be established. With the MMD threatening to boycott elections if constitutional amendment calls were not met, the country was at risk of sliding into anarchy (ibid).

The second national dialogue efforts coincided with the launch of the Zambia Centre for Inter-party Dialogue (ZCID)[3] in 2007, an initiative pioneered by the Netherlands Institute for Multiparty Democracy (NIMD). Leading the engagement were then third republican President Levy Mwanawasa and opposition leader, Michael Sata who had competed in the 2006 presidential elections, with the former garnering 43% while the latter 29% of the national vote. As in the Kaunda-Chiluba case, the contention was around constitutional reform. The participation in the summit of the dialogue session was to a greater extent inclusive as there was then representation from all major political parties.[4] While there had been several unsuccessful meetings between President Mwanawasa and other stakeholders, the ZCID-led summit provided an enabling space to reach a consensus on various issues including the constitution-making process.

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3   The centre was set up in 2006 as a platform for national dialogue. Its membership include the Forum for Democracy and Development (FDD); MMD; Patriotic Front (PF); United Party for National Development (UPND) and political parties outside parliament. Presidents of these four major political parties and their respective secretary generals theoretically form parts of ZCID with two representatives from parties outside parliament.

4   These include the MMD, PF, UNIP, United Party for National Development (UPND), Forum for Democracy and Development (FDD), United Liberal Party (ULP), National Democratic Focus (NDF) and the All Peoples Congress (APC) party.

While the agenda (broadly, the constitution-making process) was clear, some stakeholders raised procedural concerns. For example, PF leader Michael Sata wanted full recognition as a stakeholder in the national dialogue process and was allowed to speak at the launch (Phiri and Saluseki 2007). The demands by the PF leader may have been valid, but dialogue is a national process that calls for the interest of the nation to come first while political leaders' and their followers' rigid positions changed. This rigidity was in sharp contrast to the will and commitment from the incumbent who, on behalf of his party, pledged to provide leadership in the enactment of a new constitution through an inclusive process. The political commitment was augmented by ZCID's role as a lead facilitator of the national dialogue process. However, despite drawing quasi authority from its composition, ZCID's intermediary responsibility was without partiality allegations. The PF which was not represented on the Centre's oversight board at the time protested the involvement of an MMD official as chair under ZCID jurisdiction. In this case, PF's call for the replacement of the official with someone of neutral status was justified – as a convener or facilitator's credibility hinge on acceptability, respectability, and neutrality. This avoids any perceptions of bias.

Because the ZCID was closely connected with almost all the major political parties, its function as a convener of the dialogue process was a subject of suspicion. In its evaluation of the Zambian programme, for example, NIMD noted that 'reactions from the public and civil society revealed that ZCID was an extension of government or that the ZCID was now an MMD steered vehicle' (Molenaers 2007:26). Furthermore, there was considerable tension between 'ZCID as a process facilitator (giving room for inter-party dialogue) and ZCID as a political player involved in the game' (Molenaers 2007:27). Although this situation also strained ZCID's working relations with civil society organisations (which normally would be the ones holding consultations/ working with opposition political parties), the ZCID managed to steer the 2007 dialogue to some reasonable conclusion.

In sum, an agreement was reached on the implementation of the dialogue outcomes. The summit of parties' engagement for example resolved to hold a constitutional conference instead of a constituent assembly for enacting a new constitution (Sichalwe and Phiri 2007). Parties succeeded in coming up with this roadmap, partially because they put aside their

political differences and personal or party positions as subordinate to national interests. However, the road ahead still had hurdles that called for further engagement such as the enactment of a constitution conference bill into law and determination of the existence, composition, and functions of the conference. Notwithstanding the enactment of the National Constitutional Conference (NCC) Act No. 19 of 2007 and the successful convening of a forum to alter the constitution, differences within the Zambian polity were still recurrent.

During the PF administration, the first 'form of national political dialogue' was a three-mother bodies-led process in early 2016. The intervention was aimed at responding to several electoral and human rights concerns during electoral campaigns. The Churches' moral authourity over political differences was once again brought to the fore. Despite their strong theological distinctiveness, they have in Phiri's (1999:326) view 'tended to put their differences aside when it comes to church-state issues'. As such, in calling for this national dialogue, church mother bodies agreed that to deal with the escalating political violence before the 2016 elections, political leaders were key as stakeholders (CCZ 2021). Thus, eighteen political party leaders were successfully brought together and committed to ending the use of military attire, machetes and pangas used to fan violence (Ibid). The engagement culminated into a peace accord by all participating political parties.

However, parties across the political spectrum could not stand by their peace commitments, particularly to end what the church mother bodies, characterised as 'political violence, misapplication of the public order Act' and 'electoral malpractices' (Phiri 2018:2). Several arguments may be advanced for this failure. First, as a once-off day event, not all parties may have taken the dialogue session seriously and there was a lack of political will to end political violence. All the leaders made a firm commitment by signing a communique detailing their pledge to promote and advocate for a violent-free political environment (Phiri 2016). Second, the resurgence of political violence before and after the August 2016 elections was suggestive of a lack of commitment to bring to fruition agreements reached on 29 March 2016. Not even moral or ethical guidance provided through pastoral letters by the church mother bodies helped avert violence before and after the elections.[5] In 2018,

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5   The ZCCB, for instance, issued a pastoral letter less than a month before elections calling for peaceful, credible and transparent elections.

fresh calls for 'national political dialogue' were driven not only by these failures of the churches' efforts, but by renewed political divisions. Then the chaotic aftermath of the 2016 presidential and general elections also motivated action. Aside from the results being disputed, there were unprecedented levels of post-election violence. However, after two years of protracted conversations and debates, the church mother bodies launched the national political dialogue and reconciliation in early 2019.

Without the ruling PF and most of its aligned 'opposition' parties and Civil Society Organisations (CSOs) including the ZCID, the launch drew in representatives from 16 of the over 30 registered political parties including the UPND. Traditional leaders and some of the ambassadors accredited to Zambia as well as representatives from professional bodies such as the Law Association of Zambia (LAZ) were part of the launch. Not part of the church-led process, the PF instead presented a national dialogue bill to parliament which was later enacted into law.[6] The Act provided for the constitution of a national dialogue forum (NDF) which met for 16 days and came up with three bills.[7] Bill 10 remained contested until it failed to garner a two-thirds majority in parliament to be passed into law in 2020. The basis of all the bills were resolutions (the Siavonga resolutions) relating to constitutional, institutional, and electoral reforms adopted at a ZCID convened meeting in Siavonga in June 2018 (Lumina 2019).

As a culmination of the national dialogue process, the aims of NDF merit spelling out. Theoretically, the aim of the forum was to create space to 'alter the constitution, based on the draft amendments proposed to the constitution based on submissions from the stakeholders following the constitutional amendments of 2016 and additional submissions from the church'. Further, 'reform the law on the electoral process, public order and regulation of political parties based on submissions from various stakeholders'; 'vary, confirm, add or remove any provision of the draft amendments or repeals and replacements proposed to the Constitution, the Electoral Process Act 2016, the Public Order Act and the draft provisions of the Political Parties Bill, 2019 that the forum

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6   National Dialogue (Constitution, electoral process, public order and political parties) Act. No. 1 of 2019.

7   The Constitution (Amendment) Bill # 10 of 2019; The Electoral Process (Amendment) Bill # 11 of 2019 and The Public Order Bill # 12 of 2019.

considers appropriate' (National Assembly of Zambia 2019:5–6).Further, 'that the business of the forum be conducted openly and is guided by the respect for the universal principles of human rights, gender equality and democracy'. Additionally, 'ensure that the outcome of the review process faithfully reflects the wishes of the people of Zambia' (Ibid).

While these goals do not speak to building social cohesion directly, the pre and post-election violence that characterised the 2016 general elections severely (or gravely) polarised the country. This was on account of the disputed election outcomes that the UPND and their supporters deemed not a representation of the will of the Zambian people. Therefore, some stakeholders saw the need for national dialogue as not only about constitutional amendments but an opportunity for the nation to reconcile and restore unity. The church mother bodies, for example, argued that the punitive clauses[8] included in the Act contradict the objective of a national dialogue process that fosters reconciliation. The UPND contended that the forum was created by an Act of parliament that criminalised its character and that the assembly was coercive, lacked cohesion and consensus by the people of Zambia. It was in short a PF monologue (Lusaka Times 2019a).

Some stakeholders maintained that the country needed genuine, sincere, and inclusive dialogue aimed at national reconciliation and that even if its constitution was amended, the NDF left out a large part of the country. Such a national process ought to be mandated by the people (Malung 2019). The assertions are valid insofar as they present the inconsistencies within the provisions of the National Dialogue Act. For example, the Act clearly states that the forum, in the execution of its functions, shall be accountable to the people of Zambia. And, recognise the importance of confidence-building, engendering trust, and developing a national consensus for the review process (section 4, (3), 'a', 'b'). To other stakeholders, the facilitation of NDF was questionable. One of the opposition party leaders, for example, withdrew from the forum claiming the chair was biased and described the proceedings as a sham. He alleged that PF-aligned delegates had more time to participate (Zambian Watchdog, 2019). Even if this may seem like a lone voice, perceived partiality brings the spirit of an inclusive national assembly into question.

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8   For example, one clause provides that, any person who contravenes a particular subsection commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months or to both.

6. National dialogue social cohesion nexus

A sense of belonging (or connectedness) and common good pursuit are two domains of social cohesion that are pertinent in considering the national dialogue and social cohesion nexus. First, connectedness 'promotes cohesion through identification with the country, a high level of confidence in its institutions and a perception that social conditions are fair' (Dragolov et al. 2016:7). However, positive association and confidence in the institutions diminish and stifle buy-in, as was the case when an opposition leader from the UPPZ withdrew from the NDF. As noted earlier, genuine national dialogue is a collective endeavour. Further, the alienation of major stakeholders such as the church mother bodies, LAZ, and the main opposition UPND parliamentarians from the NDF and its resolutions, undermined the national dialogue's cohesive efforts. The failure of Bill 10 to garner a two-thirds majority[9] in parliament revealed the detachment of the UPND parliamentarians from the NDF outcomes.

Besides minimising national dialogue's potential to restore unity, these detachments have a spiral effect on constituencies served by these actors. For example, envisaged peace dividends including social cohesion remain unattainable as the cooperation between citizens for and against the national dialogue forum and its outcomes is impeded. Ensuring social cleavages and polarisation, although unarticulated, have a negative bearing on horizontal and vertical relations, which ultimately affects society's peace and prosperity (Cox and Sisk 2017; Burns, et al. 2018). Such divisions not only impinge on society's connectedness, but it is also an affront to *Ubuntu*. As Bialostocka (2017:277) argued, with *Ubuntu*, 'one's humanity is defined in conjunction with what the other brings to the dialogue table; and appreciation and respect for an individual remain core'. No citizen is less important during national dialogues.

In essence, the call to have all concerned parties own and be part of the national dialogue process is the pursuit of the common good. In committing to the common good, one crucial dimension is 'civic participation that is people participating in society and political life and enter into public discussion' (Dragolov et al. 2016:7). Participation espoused here is social, political, and inclusive, allowing all groups

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9   The Bill required 111 votes to pass but only managed to get 105 yes votes.

within society to be equally involved. It is also about enhanced state-society relations and averting any possible social and political polarisation. The dialogue-social cohesion nexus within the realm of quests for the common good invokes national efforts to achieve a just society that encourages national unity through positive social and political interactions.

However, guaranteeing positive relations within the polity during the NDF was especially difficult as the forum was seen to be dominated by representatives with undue influence from their appointing authority (Lusaka Times 2019b). This would, to a great extent, allow partisan positions to take precedence over national interests or even individual preferences. In other words, it creates a situation that drags along, or silences those that may hold divergent views, or indeed stifles buy-in – only admitting those who conform. While constitutional changes are essential, several stakeholders had initially hoped that politicians would subordinate their personal and partisan benefits to national interests (The Mast 2017; Lusaka Times 2018). For example, the common good pursuit suffered, being reduced to what might be termed 'a triviality'. In support of a legalistic approach to the national dialogue, a former justice minister and leader of an opposition political party during a television interview laughably argued that there was no need for national healing and reconciliation as 'no one was sick to be healed' and that, 'it was an exaggeration to call for national reconciliation as the NDF was not about uniting the country but only about refining the legislation' (Sunday Interview 2019). Perhaps a different nomenclature would have been appropriate if the process was ultimately not about national healing and reconciliation as claimed by the former justice minister.

By assuming a legalistic trajectory, the process deviated from fostering national harmony, not just among political actors but all stakeholders. Further, the new law and its legalistic trajectory, caused the national dialogue's processes and outcome to become more polarising than uniting. In short, cultivating a sense of belonging and fostering the common good within the social cohesion realm remained elusive. The failure of the national dialogue process to reflect the wishes of the people of Zambia remained elusive. As stakeholders previously cited in this article averred, the national dialogue process failed to reflect the wishes of the people of Zambia, failed to encourage social cohesion and predicted an uncertain future for the 2021 electoral campaign.

7. 2021 elections and implications for social cohesion

While the post-2021 election period was relatively calm following the peaceful transfer of power from the PF to the UPND, the electoral campaigns were unpredictable, especially in fostering social cohesion. A cohesive society can act together and intervene on behalf of the common good (Barolsky et al. 2016:1). Thus, if leaders across the political divide can enhance such collective efforts through genuine and civilised engagements, then election-related violence would be avoided. However, in an apparent exacerbation of the polarity within the polity arising from the NDF, as noted earlier, the approach of some leaders aligned with the PF during the 2021 electoral campaigns was a serious affront to social cohesion. At least three aspects characterised this unwarranted practice.

First, there was extensive and unjustified hate language against the Tonga ethnic group and Mr Hakainde Hichilema (current President of Zambia), who is a Tonga. These verbal attacks unquestionably induced 'social cleavages and polarisation' and increased the likelihood of political violence. Acts of violence may not only result in fatalities and intimidating voters but has the potential to disrupt the electoral process, including disenfranchising voters and other contenders. For example, two weeks before elections on 12 August 2021, President Edgar Lungu authorised the deployment of the Army in response to increasing incidences of violence as election day approached. Some argued that this deployment was not necessary as there was no public emergency or national disaster to warrant such action. Further, that the presence of soldiers and cordons on streets had the potential to negatively affect voter turn-out (Kyambalesa 2021).

While this may be true, on the contrary, it can be argued that the spread of tribal prejudices against the UPND[10] and Mr Hakainde was an inherent factor and stimulus that may have steered young voters especially to act in solidarity with the UPND. In other words, political cleavages triggered by reckless campaign messages shaped young voters' participation in the electoral process. Additionally, their voting en

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10 There is a persistent and unproven assumptions that the United Party for National Development (UPND) is a party of and for Tongas.

masse[11] in the August 2021 elections also revealed increasing frustration with the adverse socio-economic conditions under the PF administration.

Second, communities' sense of belonging was increasingly fractured by continued tribal utterances during campaigns. Some PF political leaders developed a canvassing style that was often greased with negative tribal sentiments. A society will join together when individuals have a sense of belonging and see unconstrained prospects to participate in their county's social and political affairs. The hate language during 2021 elections campaigns not only sparked the 'Us versus Them' dichotomy but revived tribal lines that Zambia's first president, the late Dr Kenneth Kaunda, fought and erased. Besides perpetuating exclusion and maligning some sections of society through messages propagated by PF-aligned leaders. This also sow seeds of disunity. With some benefits accruing to the polity or the broader society, social cohesion additionally enhances citizens' willingness to individually or collectively contribute to a common vision of sustainable peace and unity.

Third, it can be argued that campaign messages that were interwoven with hate speech and tribal rhetoric against Mr Hichilema and the UPND brought to the fore, perpetrators' trivialising of the common good. In a polarised political atmosphere as witnessed after the NDF, electoral campaign messages ought to have been expressed in tones that heal, foster peace, unity and harmony. Within social cohesion parlance, committing to the common good implies taking part in keeping the country's philosophy of 'One Zambia, One Nation' afloat. Akin to the tribal lines that characterised colonial times, the 2021 electoral campaigns mutilated the maxim relentlessly through hate language. And, while inflaming relations between ethnic groups (for example the Tongas versus other groups in Zambia) is a direct assault on this motto, as noted earlier; it also undermines social cohesion by igniting polarisation and prejudiced practices.

As such, concerned with the injurious effect that prejudiced hate speech and tribal rhetoric has on a nation, some observers insisted that perpetrators should be punished severely by handing down a lengthy

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11 It is estimated that over half (4 million) of the registered voters in 2021 were aged between 18 and 24 years. See also Restless Development Blog available at <https://restlessdevelopment.org/2021/08/zambia-election-a-young-peoples-vote/> (Accessed 28 October 2021).

suspension from participating in politics (The Mast Online 2021). However, such punitive measures may be counterproductive for both the incumbent and opposition political players. For example, the ruling party needs the opposition to sustain its local and international legitimacy. It is said and correctly so, that the only appropriate mode of transfer of political power currently, is elections. However, there should be guidelines for the conduct of elections and those participating (candidates, campaign managers, and sponsors) must act with honesty and integrity.

8. Lessons for the future

Dialogue remains a principal apparatus through which contending parties can connect and amicably gravitate toward transforming their differences. It is a form of communication that prevents situations from degenerating into polarisation and increased hostility. Given our current case, at least four lessons are offered that may help the national dialogue process to foster national healing, reconciliation, and encourage the broader society to cohere. First, an all-inclusive national dialogue process is still feasible. The current National Dialogue Act was enacted to allow for the 'alteration of the constitution and reform the law on the electoral process, public order and regulation of political parties.

However, a bottom-up national process can be launched to deal with social issues such as hate speech, ethnicism, and perceived inequalities, all of which fuels polarisation. This is particularly crucial because of the August 2021 general elections that saw heightened hate speech and negative tribal sentiments in turn sustaining political polarisation. As noted earlier, an all-inclusive national dialogue process has a good chance of encouraging constructive exchange, a precursor not only to social cohesion but entrenching the country's nascent democracy. As the case was in 2016 with district and provincial consultations preceding constitution amendments, a bottom-up approach would be actualised through a similar framework.

Second, all stakeholders should strive to avert any elitist leanings in the organisation of a conference of such national significance. CSOs and the church mother bodies that have consistently spoken out against election-related violence and other social, economic, and political ills are stakeholders whose input deserves unrestricted inclusion. Fostering such

a culture of dialogue remains Zambia's social and political imperative, given its fragmented national dialogue efforts since 2018. The participation of these stakeholders may also predispose their respective constituencies to cohere as members of the broader society. However, the success of such unity rests on the political will and commitment from all stakeholders to stimulate interest and a sense of belonging among ordinary citizens.

Third, the national dialogue architecture, from inception to the final phase, ought to remain inclined to cultivate a cohesive society. There needs to be a consistent focus on the common good and the participation of common citizens. The Siavonga meeting unanimously resolved to have the national dialogue process facilitated by ZCID, and chaired by the church mother bodies. And most importantly, the constitution must be adopted by a people's assembly (Lumina 2019). A departure from this trajectory to a more legalistic process suppressed the essence and ownership of a national dialogue that fosters healing and reconciliation. The pursuit of dialogue processes with firm national and local tiers is an opportunity for an inclusive, broad, and participatory formal negotiation framework which can assist and transform social cohesion challenges, including stifled civic participation. Rather than community-level consultations to build a grassroots informed national dialogue framework, members of the public were invited to make submissions to three proposed bills that constituted agenda items for the NDF.

Ensuring that national dialogue has an agenda that speaks to the root of differences between parties within the polity is another lesson worth reiterating. Taking into account post-2016 election issues, the national dialogue efforts in 2019 ought to have gone beyond constitutional refinement. It is said, the value of Zambia's dialogue engagement lies in addressing the cause of tensions, discord, and polarisation to promote 'reconciliation, national consensus, and social cohesion' (The Mast Online 2018). The design of an agenda envisaged here is that it should be participatory and concerted.

Last, reinforcing the feasibility of an all-inclusive national dialogue and thwarting elitist learning, there is also a need to call for fresh 'buy-in' from stakeholders within the polity. Bottom-up, district, and provincial level engagements, as noted earlier, would support a grassroots informed national dialogue framework. While the earlier lesson emphasises

contributions toward the agenda, the current highlight is on broad-based participation and not just a few individuals taking the lead. The enactment of the National Dialogue Act restricted participation given its prescription of attendees. Thus, invitations for submissions through the justice ministry and subsequent participation in the NDF in 2019 notwithstanding, membership was not all-inclusive. The need to reach out to the public or the broader population remains essential.

9. Conclusion

Consolidating social cohesion is now an imperative of the 21st century. Sisk et al. (2020:10) argue that 'as we move into the 2020s, widespread concern exists about worsening conditions of conflict that threaten respect for diversity, inclusivity and fundamental human rights'. In the design of national dialogues' support structures, attention ought to be paid to these aspects. While national dialogue processes' initial focus may be the upper and middle levels of society, the rationale for dialogue and social cohesion nexus is 'guaranteeing the well-being that allows the power of the people to exist' (Cuellar 2009:5). In short, the design and holding of a national dialogue should place the well-being of the people at the center, in terms of the content and the process. A people-centred approach will motivate citizens of all backgrounds, gender, professionals and even ethnicities to buy into dialogical interventions without coercion.

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Communal Conflicts in Nasarawa State, North Central Nigeria: A Socio-Contextual Rethink

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Abstract

Nasarawa State in North Central Nigeria has been notorious for communal conflicts. Such conflicts have often assumed complicated dimensions reflective of the social dynamics of the state. Oftentimes, the conflicts are framed in terms of identitarian differences and contestations, whilst the underlying drivers derive essentially from the socio-structural dynamics of the conflict context. By way of mixed research that is predicated on a combination of field and desk sources, this article interrogates the contemporary manifestations of communal conflicts in Nasarawa State through the combined lenses of liberal political ecology and conflict analysis. The article observes that the ethno-primordial cleavages of the focal state have provided veritable pretexts for the prevalence of communal conflicts, making such conflicts problematic to understand as well as resolve. The outcome of the analysis indicates that communal conflicts in the focal state have been both dynamic and opportunistic, often feeding into the existing primordial and structural fault-lines to assume multiple complications. There is therefore a need to understand the peculiar nature and dynamics of such conflicts in order to know how best to interpret, analyse and mitigate them.

Keywords: communal conflict, conflict analysis, farmer-herder conflict, political ecology, Nasarawa State, North Central Nigeria

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1. Introduction

The history of Nigeria has been punctuated by a spate of communal conflicts. Such conflicts have manifested variously as ethnic, religious, sectarian, clannish, as well as allied incidents of ethno-religious configuration. Cases in point include the various episodes of Kano and Kaduna religious riots, the perennial Jos crisis, the internecine Jukun-Tiv crisis, the Ife-Modakeke crisis, the Bassa-Egbura crisis, to mention but a few (Gyuse and Ajene 2006; Alimba 2014). These crises have not only brought about instability in the affected areas; they have equally engendered dire social outcomes that threaten harmonious intergroup relations as well as sustainable national unity in Nigeria.

North Central Nigeria is situated within the critical hotbed of Nigeria's communal conflicts' (henceforth also referred to as communal crises) axis. The region has, over the years, witnessed varying degrees and dimensions of ethno-communal incidents, often resulting in widespread violence and instability. Nasarawa State, since its creation in 1996, has had to grapple with virulent incidences of communal conflict, especially in the various parts of its vast and isolated hinterlands (Ajodo-Adebanjoko et al. 2015; Okoli and Nnabuihe 2019). Expectedly, there exists a gamut of literature on communal conflict in North Central Nigeria in general and the Nasarawa State in particular (Best 2004; Gyuse and Ajene 2006; Blench and Dendo 2014; Adamu and Ben 2016; Alozieuwa 2016; Okoli and Nnabuine 2019). Whilst the existing studies have variously emphasised some crucial aspects of communal conflict in Nasarawa State, especially its general causes and impacts, there has not been much attempt to systematically account for the socio-contextual dynamics of such conflicts, particularly their opportunistic dialectics in the contemporary period.

This article therefore interrogates the prevailing narratives of communal conflict in Nasarawa State with a view to leveraging a perspective that highlights its contemporary socio-contextual complexities. Adopting a mixed methodology that appropriates field, desk and documentary evidence, the article argues that communal conflicts in Nasarawa state occur in a dynamic context wherein the existing primordial cleavages form the fault-lines of inter-group contestations, often leading to combustible outcomes. In addition to the foregoing introductory section, the article is broadly divided into five sections as follows: conceptual and methodological thrust, nature of communal conflict in Nigeria, overview of communal conflict in

Nasarawa State, rethinking communal conflict in Nasarawa State, conclusion and recommendations.

2. A Note on Conceptual and Methodological Thrusts

Communal conflict refers to low intensity conflict that occurs between or among groups of people who are bound by communal ties. It thrives in primordial societies where groups are differentiated along the parochial lines of clan, religion, ethnicity, and caste (Okoli and Nnabuihe 2019). This article adopts a socio-contextual approach whose point of departure is that conflict occurrence and dynamics are determined by the forces of its socio-organic context (UNDP 2016). The socio-contextual conflict analysis approach combines elements of liberal political ecology and a contemporary conflict analysis paradigm in an attempt to proffer a holistic analysis of a conflict – laying emphasis on both proximate and structural factors underlying the occurrence of a conflict. A UNDP Report maintains that this approach entails 'a macro-micro analysis' of conflict. The Report elucidates:

> Common to inter-group conflicts in many ill-defined federal states with plural identity groups is the skewed distribution of socio-economic and political resources, which breeds inequalities amongst culturally and sometimes religiously different groups. Such practices constitute the structure within which certain groups perceive injustice and marginalisation, leading to the construction of enemy images of the government and other groups who appear to be favored by it. Without recognition of such structures, which differ from place to place, responding to conflicts will only be like addressing the symptoms while neglecting the causes. This is why the structural analysis of the cause of conflict must cover the social, economic and political spheres, intending to identify the grievances that might make taking to violence inevitable for groups that feel maligned. This helps to understand how socio-economic and political needs intersect with ethnic or/ and religious identities – providing a shared narrative of exclusion and marginalisation that might provide self-justifying rationalisation for violence. (UNDP 2015:52).

Alongside the underlying structures and contexts of conflict is the factor of subjective agency, which mobilises social energies around existing grievances and fault-lines in a manner that complicates or escalates conflicts. Conflict occurrence is thus a complex social process whose dynamics are often

opportunistic and dialectical (Okoli and Nnabuihe 2019). This has been the character of major communal conflicts in Nigeria and more importantly, in North Central Nigeria.

The article focuses on Nasarawa State, which is a microcosm of North Central Nigeria in terms of the pattern of conflict being engaged herewith. North Central Nigeria in this context designates the six States of Benue, Plateau, Kwara, Kogi, Niger, and Nasarawa States, in addition to Abuja (the Federal Capital Territory – FCT). The region bears some striking socio-demographical peculiarities. In addition to its marked geo-political and socio-cultural diversity, the region is characterised by marked religious and cultural pluralism. It hosts an avalanche of ethno-linguistic and religious groups, which makes it prone to inter-group contestations and conflicts, often exacerbated by its highly polarised political elites.

The article is a mixed research that combines elements of field, desk and documentary sources. The field component was piloted in 2019 and refers to empirical and anecdotal insights from personal observations and in-depth interviews arising from an ongoing study in the focal area. This is complemented by documented evidences elicited from relevant library sources. Data generated from the aforementioned sources were qualitatively harnessed and thematically presented under the various sections that make up the article.

3. Nature of Communal Conflicts in Nigeria

Communal conflicts have been a recurring social phenomenon in Nigeria. According to Abada (2004:234), 'in spite of the level of social, political and economic development of Nigeria, cases of intra-communal or intra-ethnic feuds have been recurring'. Abada (2004:24) adds that:

> Since the end of the Nigerian Civil War, many communities have fought each other either over a piece of land, the site of a market, protest against sitting of local government headquarters or police station, or inclusion in a state or local government area they do not like. In some cases, as well, communities have fought each other because of mere hatred … especially in some semi-cosmopolitan societies.

Communal conflict in Nigeria has been precipitated by struggles for competitive advantage by contiguous communities. The objects of these struggles have varied from cultural, economic, political, to socio-ecological

factors (Alimba 2014). These factors have been variously implicated in different instances of communal conflict in Nigeria by scholars. In a relevant study, Ikurekong, Udo and Essin (2012:98) attribute the cause of communal conflict to 'aggressive resource competition' in the context of ethno-identity struggles. This implies that communal conflict is often informed by inter-communal struggles for competitive advantage in relation to ownership, control or access to an economic or political resource.

One of the veritable material sources of communal conflicts in Nigeria is the factor of land. In a study on 'Causes and Effects of Communal and Ethnic Conflicts in Tiv-land', Oravee (2015:10) identifies struggle for farmlands as a principal and critical conflict determinant. The significance of land as a crucial factor in communal conflict in Nigeria must be understood beyond economic consideration. Apart from being a veritable economic resource, land is seen as an important socio-political and cultural asset (Egwu 2015). Hence, land-based communal conflicts are not always motivated by economic or livelihood concerns, such as quests for farmlands or grazing fields (Ayokhai 2013; Okoli and Atelhe 2014; Okoli and Ogayi 2018; Okoli and Lenshie 2018). They have oftentimes been motivated by real or misplaced political or cultural concerns. For instance, the Aguleri-Umuleri-Umuoba Anam crisis in Anambra State was land-related. Nonetheless, the land in question was being contested not as a means of livelihood (economic asset), but rather as an aspect of ancestral heritage as well as a symbol of socio-political prominence (Abada 2004:234).

More often than not, communal conflicts in Nigeria have been caused by an articulation of identity-based, livelihood-related and political (partisan) considerations. In this regard, Uzuegbunam and Nwobia (2014:1404) argue that communal conflict could be a consequence of an admixture of cultural differences, struggles for access for resources or livelihood opportunities, as well as issues relating to political participation or representation. In most instances of communal conflict in Nigeria, these factors have often reinforced one another in bringing about critical outcomes.

There are instances where ethno-cultural differences and prejudices have informed communal conflict in Nigeria. A case in point is the Sagamu crisis between the Yoruba and the settler-Hausa communities in late 1990s. In this respect, Olobomehin (2011) notes that the conflict was rooted in cultural intolerance, groomed and matured in a context of competitive inter-group socio-economic relations. Cultural differences or prejudices have also

featured prominently in some instances of communal conflict where indigene/ settler contestations are at issue (Asiyanbola 2007:10). A case in point is the Ife-Modakeke crisis, where ethno-cultural prejudices played a prominent role in aggravating inter-communal animosities.

Contemporary trajectories of communal conflicts in Nigeria have borne out elements of politicisation and elite manipulation (Okoli and Uhembe 2014:13). Hence, communal conflicts have often resulted from the contradictions of elite's politicking and competition (Egwu 2006:406). According to Adetoye and Omilusi:

> The political class (elites), in collaboration with their religious counterparts has exploited ethnicity and religion as symbols of mobilization and instruments or negotiation for patronages and sharing of national resource. (Adeyote and Omilusi 2015:51)

The implication of the above is that the political elites have often provoked communal conflict by their desperate opportunistic penchant for political power. This was the case with respect to the Ombatse crisis in Nasarawa State (Alozieuwa 2016).

The recent episodes of communal conflict in Taraba State (2011-date) have also borne out critical trappings and traits of politico-elite manipulation. Viewing the Wukari crises, Nwanebo, Odigbo and Ochanna (2014:8) opine that the crises were '… as a result of accumulated grievances, anger and frustration arising from suspicion, mutual distrust and manipulative indigenship and citizenship status in the struggle for power and scarce communal resources'. The instrumentalisation of communal conflict by the political elites has added a dangerous twist to the problem (Egwu, 2006). It has raised the stakes of hostility and accentuated the contours of crisis. This explains the apparent intractability of communal conflict in contemporary Nigeria. As observed by Nwagwu (2016:218), 'The problems of communal and ethnic rivalries seem to have overwhelmed the government as they are (merely) being managed rather than being resolved'. Amidst the rising incidence of communal conflict in Nigeria, the nation pays so dearly in terms of human security and sustainable development (Asiyanbola 2007:1).

The phenomenon of communal conflict in Nigeria can be explained with reference to its 'sources', 'fault-lines', and allied 'catalysts' (Okoli and Nnabuihe 2019:123). The 'sources' are the root-causes of communal conflict,

such as land, boundary, and chieftaincy disputes. These factors have persistently played the role of primary precipitators in most instances of communal conflict in Nigeria (Alimba 2014). 'Fault-lines' in this context refer to the opportunistic socio-cultural and political variables that have often given communal conflict its virulent character. These variables include ethnicity, religion, identity politics and cultural prejudices. It is under the influence of these primordial factors that communal conflict often assumes its critical salience (Egwu 2006). The rest of the factors are designated allied 'catalysts' or 'enablers'; they include sundry socio-ecological, demographic, socio-economic, and governance issues that complicate communal conflict. Examples include climate change (Blench and Dendo 2005), urbanisation and population explosion (Asiyanbola 2007:61), and governance-related issues such as insecurity and socio-economic crises (Okoli and Ayokhai 2016). The significance of 'fault-lines' in relation to communal conflict in Nigeria has been succinctly captured thus:

> Violent communal conflicts have been a recurrent phenomenon during the last two decades of Nigeria's history. In Africa's most populous country, the fault-lines along which conflicts can arise are manifold: ethnicity, religion, politics, distribution of riches, and modes of economic production (Schuab 2014:49).

Consequently, in keeping with the existing socio-cultural and political fault-lines, communal conflicts in Nigeria have often been framed along the dividing lines of native (indigene)-settler, Christian-Muslim, farmer-herder, and inter-clannish closures (Gyuse and Ajene 2006). This has, to a reasonable extent, been the case in Nasarawa State, which forms the immediate locus of the present discourse.

4. Historical Overview of Communal Conflict in Nasarawa State

The political history of Nasarawa State has been punctuated by varying patterns and dimensions of communal conflict. From the creation of the State in 1996 to date (2021), various patterns and dimensions of communal conflict have been witnessed in different parts of the state. The history of communal conflict in Nasarawa State has followed a dynamic pattern whose contours are highlighted in Table 1.

Table 1: Historical Trends and Dynamics of Communal Conflict in Nasarawa State

Period	Feature	Instance(s)	Outcome(s)
Pre-2000	Varying intensity contestations over land, boundary, and rangelands/ farmlands in isolated rural localities	Localised farmer-herder, chieftaincy, land-related, and clannish skirmishes; the onset of Bassa-Egbura crisis in 1986	Isolated skirmishes, often mediated through localised community agency; the Bassa-Egbura crisis escalated in 1990s
2001–2005	Onset of active inter-communal hostilities, especially between ethnic Tiv and others in the Southern Senatorial District	The Azara incident of 2001 where the killing of the community's paramount ruler by suspected Tiv assassins led to violent backlashes	Inter-communal suspicion and antipathies; anti-Tiv resentment
2006–2010	Emergence of communal self-help vigilantes and local militias	The rise of Sojan Patari (for Tiv) as well as bands of localised Fulani fighters	Increased inter-communal tension and animosity
2011–2012	Rise of organised ethnic militancy and arms bearing	The Ombatse onslaught on various communities; increased externalised herdsmen (Fulani) violence against settled native communities	Increased inter-communal tension and animosity
2013–2014	Militarisation of conflict and conflict mitigation	Prevalence of scorched-earth raids on rural communities by Fulani assailants; massacre of dozens of police personnel by Ombatse; spate of cattle rustling and rural violence; militarised state operations to arrest the situation	Complex emergency, leading to mass human displacements, fatalities and morbidities
2015–2020	Incremental stabilisation	Gradual de-escalation of conflict	Relative peace and stability

Source: Authors, Pilot Study, 2019.

5. Perspectives on Communal Conflict in Nasarawa State

The origins and sources of communal conflict in Nasarawa State must be understood from a multi-causal perspective. This is in view of the fact that 'conflicts and their causes are usually rooted in a complex set of political and historical factors' (Ibenu, Garuba and Ibrahim 2009: xiii). Historical antecedents to communal conflict in Nasarawa State could be traced to land, boundary, and chieftaincy-related matters in the defunct Lower Plateau, some of which had colonial origins (Onwurah 2016:65). Onwurah observes that the Toto-Umaisha conflict of 1986, which culminated in the Bassa-Egbura crisis, was the flagship of communal crisis in the State. It was also noted that the crises were rooted in the politics of colonial penetration and indirect rule wherein the dominance of the Bassa people by the Egbura and Hausa-Fulani extraction was entrenched, partly as a consequence of the former's 'resistance to colonial administration' (Onwurah 2016:77).

The Bassa-Egbura crisis is significant because it represents the foremost instance of communal disturbances in Nasarawa State (Best 2004). More importantly, it has been one of the most protracted cases of communal conflicts in Nasarawa State since its creation (Best 2004). Although this conflict is said to be 'a colonial creation' (Onwurah 2016:77), the substantive issues at stake were land and chieftaincy politics. To be sure, colonialism created the material basis for the conflict by creating the enabling conditions under which land and chieftaincy matters would become both disputable and politicised.

Essentially, the issues of land (including boundary) and chieftaincy, as well as the competitive entitlements thereof, have been the principal drivers of communal conflict in the state. This position has been affirmed by Ajo and Upav (2017) who opine that the roots of communal crisis in the state 'revolves around such issue as the issue of indigeneship, the issue of ownership and usage of land as well as chieftaincy matters'. Contemporary manifestations of communal conflict in Nasarawa State, however, point to the fact that new conflict drivers are emerging. In this respect, Onwurah (2016:73) rightly posits that contemporary 'sources of (communal) conflict in the present day Nasarawa State could also be traced to religion, sectionalism, politics, socio-economic and personal disagreements'.

Literature on the sources and causes of communal conflict in Nasarawa State can be categorised into three broad narratives, namely: farmer-herder perspective, ethno-hegemony perspective, and Islamic agenda perspective. The farmer-herder narrative is by far the most dominant perspective on communal conflict in Nasarawa State. It emphasises the ecological contestations between the crop farmers and nomadic herders in the context of climate-change-induced environmental (resource) scarcities (Okoli and Atelhe 2014:76). Representing this viewpoint, Ayih (2003:20) opines:

> Some farmers sometimes attack and kill stray cows for meat. This often leads to bitter conflicts between the farmers and the Fulani (herders). The most frequent causes of conflict are farmers farming across herdsmen's migration routes known as *labi*. There are also *labis* to sources of drinking water. Farmers sometimes farm on these *labis* deliberately. When the Fulani come across such farms, they would have no alternative but to drive their animals across them, causing damage to crops. Farmers have small farms scattered about that the Fulani cannot easily identify. During the dry season, farmers often engage in fishing and hunting. They sometimes fish by using chemicals to poison the water, rendering it dangerous for cows to drink. This is another source of conflict.

The farmer-herder perspective on communal conflict in Nasarawa State is best understood within the epistemological framework of 'environment and conflict' (Ibeanu 2009:1). In this regard, the conflict is seen as one of the consequences of the adversities of climate change. The impact of climate change has accentuated the problems of desertification and drought in the far north, leading to a southward drift of herding activities, with Nasarawa State as a critical locus of activity. This has rather intensified resource and livelihood competitions between the migrant herders and settled farmers on that common ecological corridor, often resulting in violent confrontations (Okoli and Atelhe 2014:76). The 'climate change' or 'climate variability' narrative of communal conflict in Nasarawa State resonates with the theories of 'eco-violence', 'eco-survivalism', and 'ecological existentialism' (Okoli and Atelhe 2014:78). The common underlying assumption in these hypotheses is that the imperative for survival in a context of stiff environmental scarcity and insecurity, largely occasioned by the adversities of climate change, is the major driver of communal conflict in the focal state and the environs (Ajodo-Adebanjoko et al. 2015:243).

Another important perspective to communal conflict in Nasarawa State is the ethno-hegemonic narrative. This associates communal conflicts in the state to struggle for ethnic supremacy and dominance (Okoli and Uhembe 2014:13). This is to be understood within the context of the prevailing identity politics and volatile inter-group relations in the state over the years (Okoli and Iortyer 2016:1). With reference to the *Ombatse* crisis of 2012–2014, Alozieuwa (2016:16) notes:

> Within its identity politics framework, the *Ombatse* crisis espouses Eggon outrage over their feeling of marginalization and oppression by the Hausa-Fulani hegemony and subsequent resistance hinged on a claim of earlier arrival in Nasarawa area by the former over the latter.

The ethno-hegemonic perspective is of limited analytical utility for explaining the phenomenon of communal conflict in Nasarawa State. It could be reasonably plausible in explicating the political dimensions of the multifarious instances of ethno-clannish flare-ups in the state (Ayuba 2014). Nonetheless, it would be grossly inappropriate in explaining other patterns of communal conflict in the state where ethnic identity is not at issue. It suffices to note that the ethno-hegemonic perspective only offers a reductionist explanation of communal conflict in Nasarawa State.

Another important perspective on communal conflict in Nasarawa State is the Islamic agenda hypothesis. This holds that the contemporary incidence of communal conflict in the state is largely a part of the sinister grand-design by the neo-jihadists to Islamise the non-Muslim population of the State (Adamu and Ben 2016). The Islamic agenda narrative assumes that the various attacks by herdsmen militants against native Christian-dominated communalities in Nasarawa State, but also elsewhere in North Central Nigeria, are borne out of the jihadist machinations geared towards forceful Islamic proselytisation. This viewpoint has been supported by the prevailing popular anecdotes that the Fulani herdsmen have been carrying out selective but systematic attacks on native communities that do not subscribe to Islam (Adamu and Ben 2016). This perspective appears to be gaining ground against the rising tendency of communal conflict towards 'exploring and exploiting' the fault-lines of religion and sectionalism (Okoli and Nnabuihe 2019). However, it must be pointed out that the bulk of the literature canvassing the Islamic 'conspiracy theory' is merely advocacy write-ups that are inherently subjective and value-laden.

The next relevant perspective on communal conflict is the rural banditry narrative. This perspective stresses the interplay of criminality and violence in driving communal conflicts in the hinterlands/countrysides of Nigeria (Okoli 2015; Egwu 2015; Okoli and Ochim 2016:43). The perspective implicates occurrences, such as cattle rustling, armed robbery, and ethnic militancy as critical predicators of communal conflict (Olaniyan and Yahaya 2016:93).

Communal conflict has been prevalent in Nasarawa State since its creation. Whereas the phenomenon has been witnessed in all local government areas of the state, it has been most pervasive, endemic and intractable in the Southern Senatorial Zone (Adjodo-Adebanjoko et al. 2015). In effect, apart from the Bassa-Egbura conflict in Toto Local Government Area already mentioned elsewhere, most of the violent communal conflicts in the state have occurred in the southern axis, the foremost of which was recorded in early 2000s. Of this conflict-situation, Ayuba (2014:126) avers:

> Communal conflict occurred between Tiv and Kwala ethnic groups in Azara of Awe Local Government Area in 2000. The Fulani herdsmen were blaming the Tiv for harassing them and killing their cattle and therefore engaged the services mercenaries (sic) to help protect them and their cattle. The crises eventually led to the murder of the then Sarikin Azara, Alhaji Musa Ibrahim Azara, in June 2001 by unidentified persons. This tragic incident aggravated the situation by setting the Tiv against other ethnic groups in the entire Nasarawa South Senatorial Zone.

Insights from extant studies and narratives indicate that patterns of communal conflicts in Nasarawa State have been varied and dynamic. For the purposes of analytical illustration, Table 2 provides some useful information in that regard.

Table 2: Patterns of Communal Conflicts in Nasarawa State

Pattern of conflict	Parties/Belligerents	Issue(s) at stake
Land conflict	Native communities and clans	Land ownership; boundary issues; loyalties and tributes
Entitlement conflict	Native communities and clans	Chieftaincy title; customary rights and entitlements; communal inheritances
Indigene-settler conflict	'Original natives' (indigenes) and settlers (second-class natives)	Political and economic competition; autochthony; identity politics
Farmer-herder conflict	Settled farming communities and migrant pastoralists	Land-based resource use; farmland-rangeland contestations
Ethno-sectarian conflict	Ethnic communities and clans	Political and economic competition; clannishness; primordial differences and antipathies
Religious strife	Christians, Muslims, and Traditional worshippers	Faith-based differences, prejudices and antipathies; politicisation of religion
Criminal and political violence	Criminal gangs, militias, vigilantes, politicians and their cohorts	Militancy, brigandage, mercenarism, thuggery, etc.

Source: Authors, Pilot Study, 2019.

6. Rethinking Communal Conflicts in Nasarawa State through a Socio-Contextual Prism

To begin with, let it be reiterated that conflict is a dynamic process within a dialectical socio-existential context. Every instance of conflict has its own history, trends, dynamics, and dialectics. These characteristics define the process of conflict. Conflict context encompasses the structural and circumstantial social forces that underlie the occurrence of conflict. This embodies variables such as ambience, causes, actors, interests, and faultiness associated with a particular instance of conflict. Understanding the organic and dialectical relations underlying the processes and

contexts of conflict constitutes the crux of the social ecology of communal conflict as espoused herewith.

So, to what extent have the communal conflict situations in Nasarawa State been reflective of the socio-contextual logic in occurrence? This question forms our major concern in the remaining sub-section. To begin with, it is pertinent to restate that communal conflict has been a dominant feature of Nasarawa State since its creation in 1996. The foremost and most primitive pattern of communal conflict in the State is ethno-communal crisis. Cases in point include the Bassa-Egbura conflict of the 1990s; the Tiv versus 'native/ autochthons' crisis of early 2000s; the perennial Tiv-Fulani conflicts; the Eggon-Fulani conflicts, the Eggon-Alago disturbances; the Eggon-Kambari, etc.[1] The aforementioned crises have been simplistically described as ethnic-based on their manifest appearances. Beneath their apparent ethnic appearances lie deeper political, economic and ecological stakes and interests. The material foundations of the crises have had to do with ownership of land, entitlement to landed resources (rangeland, farmland, freshwater), local power struggles, and civic entitlements (employment, scholarship, elections, etc).

The struggles for competitive advantage within a highly circumscribed political, economic and ecological space have been one of the most critical objective drivers of the crises. For instance, the anti-Tiv violence of the early 2000s was geared towards checking the rising dominance of the Tiv in the state's public service, against the backdrop of the evolving politics of autochthony. On the other hand, the virulent conflict between the Eggon and the Alago was primarily based on land ownership and land holding contestations. Land in this context is not to be understood merely as means of production. It is to be more appropriately understood as a premium of ancestral heritage.[2]

Even the perennial farmer-herder conundrum in the state has equally demonstrated similar tendencies. This has been between the nomadic/ migrant Fulani and the settled/ native farming communities. The conflict has its roots in the age-long land-use cum livelihood struggles within an ever shrinking ecological space; an ecological space that has been

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1   Pilot Study, 2019.

2   Ibid.

endangered by the adversities of climate change, modernity, and urbanisation (Okoli 2015; Ajodo-Adebanjoko et al. 2015). Contemporary realities, however, indicate that the conflict has often assumed ethno-religious complications. Nearly all the herders are Fulani. Also, most of the herders are Muslim, or at least non-Christians, while most of the native farmers are Christian, or non-Muslim. This scenario has presented ample pretexts for the framing of a hitherto ecological/economic struggles in ethno-religious and identitarian terms. Consequently, any aggression carried out by the herders on a native farming community is saliently interpreted as either ethnic or religious violence. The reverse is also the case. This tendency has provided impetus for the seeming intractability of farmer-herder clashes in Nasarawa State and neighbouring states within the north-central belt (see Adamu and Ben 2016).

The indigene-settler conflict is also one of the crucial dimensions of communal crisis in Nasarawa State. The crisis has often arisen from claims and counter-claims of indigeneity within the wider remit of politics of identity and autochthony in the state. Some salient contours of this mix can be found in many cases of communal conflicts in the state. For instance, the anti-Tiv violence of early 2000s was to a large extent premised on the perception that the Tiv are not 'originally' indigenous to the state. Similarly, the conflicts between the Eggon and other ethnic entities in the State (Alago, Kambari, Hausa/Fulani) have been, to a significant level, occasioned by the what some locals perceive as the Eggon's hegemonic quest as well as their exclusionary claim to indigeneity (Okoli and Uhembe 2014).

Essentially, on the surface of communal crises in Nasarawa State lies the issue of ethno-identitarian cleavages. However, what have made such crises salient are the underlying complex material foundations: contestations for power, resources, livelihoods, civic entitlements, etc. The socio–cultural attributes of the State (its ethnic, religious and primordial composition and diversities) have merely provided handy fault-lines for the prevalent worsening dynamics of such crises. The situation has been mediated and complicated by the sundry structural anomalies of the Nigerian governance system, exemplified by the unresolved indigeneship question, ambiguous land tenure/holding regime, resource cum security governance debacle, and lack of efficient conflict management mechanism.

The point being established in the foregoing is to the effect that communal conflicts in the focal area have been characteristically dynamic and opportunistic, often reflecting a tendency to trans-mutate. In effect, such conflicts have more often than not been associated with narratives and dynamics that are more incidental than fundamental to their real essences. To further buttress this viewpoint, a review of the socio-contextual ancillaries of relevant instances of communal conflict in the area would suffice.

In the case of the *Ombatse* crisis (see Table 2), the original precipitating factor was the quest for cultural revival by a segment of the indigenous Eggon people. Soon afterwards, the organising movement – *Ombatse* – evolved a militant youth vanguard that was committed to the protection and propagation of the cultural identity and heritage of the Eggon (Alozieuwa 2016). In the run-up to the 2015 general elections, the movement transformed into an ethno-political interest group (with mass and cult-like youth following) that sought to 'restore' the 'lost' political hegemony of the Eggon in the politics and governance of Nasarawa State.[3] In that context, the movement assumed a partisan motivation and inclination, and was patronised by prominent politicians of Eggon origin, who were involved in the electioneering of that period. It was under such circumstances that the movement became both ethnicised and politicised.

Subsequently, the *Ombatse* was significantly involved in the partisan contestations that foregrounded and attended the 2015 elections in Nasarawa State. Galvanising primordial patronage and solidarity for the emergence of an Eggon candidate as the governor of the state (with the slogan: Time has come!), the movement got embroiled in an ethno-sectionalist agenda that pitted it against other ethnic groups in the state. Part of the outcome of this was a widespread Eggon political militancy as well as a resultant anti-Eggon resentment which accentuated the hitherto volatile inter-group relations in the state, with the Eggon as a major adversary or aggressor.

The various episodes of farmer-herder conflict in the focal state have also reflected the tendency to contextual transmutation and transubstantiation. Nearly in all instances, the conflicts have been

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3   Pilot study, 2019.

precipitated by isolated local skirmishes over farmland/rangeland trespassing (Okoli and Atelhe 2014). However, in view of the combustible social dialectics of such occurrences already highlighted elsewhere in this article, primordial narratives are often (mis)appropriated in interpreting and framing the disputes. In this regard, possible framing options would include narratives such as: 'nomads against natives'; 'jihadists invasion of nativeland'; and 'fulanisation agenda'.[4] The cynical interpretation of herders' aggression as religious and/ or ethnic agenda is common in Central Nigeria, where indigenous Christians and traditional worshippers tend to be imbued with the palpable fear of forced islamisation (Okoli and Nnabuihe 2019). The salience of such fear derives from the fact that most herders are non-Christians, although all of them are not necessarily Muslim. Narratives like that feeds dangerously into the existing conflicts faultlines to engender outcomes that complicate inter-group antipathies and animosities.

7. Conclusion

Communal conflicts have been perennial and prevalent in Nigeria, particularly in the North Central region. In most instances, such occurrences have been opportunistic, manifesting a tendency to feed into existing primordial cleavages. By way of a mixed research design that is predicated on a combination of field and desk insights, this paper uses the example of Nasarawa State to illustrate the character and dynamics of communal conflict in the North Central Nigeria. The article probes the organic socio-contextual forces that underpin the occurrence of communal conflicts in the area, recognising such conflict as a phenomenon that begins, becomes and transforms within a dynamic socio-organic context that embodies divergent and dialectical interests.

The outcome of the analysis reveals that in most instances, what are at stake are a mosaic of deep-seated socio-structural, economic, ecological and political interests. The fact that these interests are vested in groups with divergent primordial affinities presupposes that conflicts arising can therefore readily assume an identity-based (socio-cultural) character. Hence, ecological, economic or political contestations among communal groupings have, more often than not, exploited the existing faultlines of ethnicity, religion, clan, and sect. This tendency has been accentuated by

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4   Pilot study, 2019.

the other structural anomalies of the Nigerian polity which make communal conflict not only possible but inevitable. The article thus submits that the prevalence of communal conflicts in Nasarawa State, but also elsewhere in North Central Nigeria, needs to be understood from the standpoint that recognises its nuanced, dynamic and complex social contexts. Essentially, too, any meaningful attempt to mitigate such conflicts must necessarily address their ramifying socio-contextual undercurrents and dynamics. Hence, it is recommended that:

i)   Conflict analysts and practitioners as well as policy makers working in the focal area should seek to understand the dynamic and opportunistic dialectics of communal conflict in that context in order to be able to understand, interpret and diagnose them.

ii) Mitigating communal conflict in the focal area will require paying attention to the complex and multifaceted variables that intersect to determine and define conflict dynamics in that context.

iii) A dynamic conflict analysis and remediation approach that is capable of identifying and assuaging the multiplicity of structural and primordial drivers of conflict in the focal area is a desideratum.

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Too partial to work? Informal institutions in the midst of climate change and armed conflict in central Mali

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Abstract:

In situations characterised by armed conflict and climate change, can informal institutions resolve conflict around shrinking resources? It is widely acknowledged that low state capacity increases the likelihood of violence in the context of climate change. In such context, informal institutions should play a crucial role in preventing and mitigating violence in the absence of formal institutions. However, little is known of the characteristics of these informal institutions and existing literature on climate change and conflict has examined them in isolation from national contexts and actors. This paper seeks to address this gap and argues that impartiality is essential for the ability of informal institutions to resolve resource-based conflict, a by-product of climate change, and prevent violence escalation. However, when institutions are partial, because of co-option by the state or other external actors, their decisions may further increase communal violence and prolong civil conflict. Partial institutions can encourage people to take justice into their own hands, and push individuals to join rebel groups offering more favourable

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options in redressing grievances. This theoretical argument is explored through a case study on central Mali, where partial informal institutions, in conjunction with other factors, have led to increased violence in the region.

Keywords: Climate change, Mali, informal institutions, armed conflict

1. Introduction

In situations characterised by armed conflict and climate change, can informal institutions resolve conflict around shrinking natural resources? In the last decade, concerns have increased about the link between climate-related shocks affecting agricultural production and food security as a factor in armed conflict. However, most scholars recognise that environmental scarcity (increasingly induced by climate change) is rarely the sole – or sufficient – cause of large-scale violence. Instead, they point to the importance of economic, political, and social factors in influencing the environment-conflict linkage (c.f. Mach et al. 2019). It is therefore essential to examine climate factors together with other conflict drivers – such as the functioning of institutions – to avoid simplistic causal pathways between climate change and conflict. This article explores which factors makes informal institutions (un)able to mediate conflict in a context of climate change and scarce resources in central Mali.

Informal institutions are particularly important in fragile countries with weak formal institutional presence (Menkhaus 2007). According to the United Nations, 80% of conflicts are managed through informal justice mechanisms in most developing countries (UN 2019). While informal institutions have long been studied for their role in managing natural resources (c.f. Ostrom 1990), their role in mitigating the negative effect of climate-induced resource scarcities on violent conflict has yet to be fully defined. Indeed, previous research has indicated that informal institutions can increase tensions (Raleigh 2010; Benjaminsen 2008) or decrease them (Bogale and Korf 2008). The most recent study on the topic argues that while traditional or customary rules may moderate conflict risk in some contexts, this is not true in all places (Linke et al. 2018:30). This article intends to provide insights into why some informal institutions supposedly created to resolve conflict around resources fail to do so in the context of climate change, scarcities and ongoing armed conflict.

The study argues that informal institutions do not operate in a vacuum and are influenced by several actors, particularly the state, local elites and existing rebel groups (c.f. Brosché and Elfverson 2012; Walch 2018). Looking at the informal institution of the Dioros, one of the most important institutions in charge of resolving conflict around natural resources in central Mali, this article argues that the influence of, and co-option from the state has impacted the impartiality of the institution, reducing its ability to resolve conflict. As a result, the Dioros are no longer perceived as providers of impartial decisions, affecting their role as neutral arbiters mediating conflict between herders and farmers in the central region of Mali. The lack of impartiality of this informal institution allows communal disagreements around access to resources to escalate, as aggrieved parties may choose to impart justice themselves or join rebel groups, intensifying and prolonging the ongoing civil conflict in Mali. Rebel groups may also actively gear their recruitment's efforts in zones lacking resources and where there is a high level of dissatisfaction with existing institutions (Walch 2018; SIPRI 2020).

By exploring the role of informal institutions in situations of climate change, resources scarcity and conflict, this article makes three main contributions to existing literature. First, it provides new insights into causal mechanisms between climate shocks and conflict. While existing research has highlighted the importance of exploring institutions and actors (Buhaug 2015; Koubi 2018), few studies have actually provided an in-depth examination of these context-specific dynamics. Second, this article also contributes to the literature on institutions and civil wars, by showing how biased informal institutions can fuel existing armed conflict (c.f Wig and Tollefsen 2016). It provides additional evidence that when informal institutions fail to provide impartial judgement in matters related to justice, security and access to resources, rebel groups are likely to profit from this partiality, capitalising on the frustrations they engender among citizens. Armed groups may, in fact, gear their recruitment strategies towards these particularly aggrieved populations. Third, this article provides rich evidence of how communal violence feeds into civil war dynamics, by creating a need for security and justice that rebel groups can meet. It indicates how localised violence contributes to larger civil wars dynamics (Brosché and Elfversson 2012; Krause 2019).

The study is organised as follows. First, the article briefly reviews the existing research on climate change and armed conflict, demonstrating the importance of exploring institutions and actors for understanding causal mechanisms. Second, the article develops an argument about the impartiality of informal institutions and their (un)ability to mediate conflict around scarce resources. After discussing case selection and methods, the third section explores the role of the informal institution of the Dioros in the central region of Mali. The last section concludes the article offering avenues for future research.

2. Point of departure

Climate change continues to exacerbate the impact of hazards on agricultural production and on natural resources such as water and vegetation (Cohn et al. 2017). These effects are already felt by various communities worldwide and are projected to increase in the future (Calzadilla et al. 2013). According to experts, climate change is increasing the intensity and frequency of a variety of natural hazards, such as heat waves, floods, and storms, which have negative impacts on agricultural and livestock productivity (Cohn et al. 2017). As a result, smallholder farmers and herders, who do not have access to modern technology and only rely on natural resources to cultivate their fields and feed their animals, are being particularly affected by the impacts of climate change (Cohn et al. 2017).

Researchers have linked loss of livelihood with conflict through the so called "opportunity cost" model. This model suggests that when expected returns from fighting outweigh income from regular economic activity, the likelihood of people joining an armed group increases (cf. Grossman 1991 and Collier and Hoeffler 2004). In other words, communities unable to survive on their traditional livelihood, will therefore consider joining an armed group as an alternative to feed themselves or their family (Miguel et al. 2004; Maystadt and Ecker 2014; Vesty 2019), particularly if they are convinced that the government is to be blamed for their misery (Hendrix and Salehyan 2012). When the state is not seen as the main cause of communities' loss of livelihood, but another ethnic group, communal violence is more likely. Directing violence against other societal groups can prove a more efficient short-term strategy to mediate access to resources critical to sustain livelihoods (Fjelde and von Uexkull 2012). Armed groups may also direct their recruitment activities

in populations who bear the brunt of the impact of climate change (Walch 2018).

While it is beyond the scope of the paper to review the rich and fast-moving literature on climate change and conflict[1], the paper takes as a point of departure that the political and institutional contexts of the conflict is crucial to understand the conditions under which climate change may increase conflict. While the opportunity cost framework is the most often mentioned link between climate and increased conflict, peace and conflict research is not always in line with this theoretical framework and indicate a more nuanced picture of participation in armed conflict, highlighting other factors such as social or ethnic bonds and leadership (c.f. Berman et al. 2011). Joining armed groups may also come with security benefits for participants (Kalyvas 2006) and other non-material benefits such as status or the pleasure of agency of fighting against perceived injustices (Woods 2003). Structural factors such as endemic poverty and weak state institutions have also been found to greatly increase armed conflict (Hegre and Nygard 2015).

Hence, more is at play in the relationship between climate change and conflict, and according to a wide variety of experts, low state capacity is a crucial factor therein (Mach et al. 2019). The role of institutions (formal and informal) is increasingly highlighted as a crucial conditional effect between climate shocks and conflict. For example, Ngaruiya and Scheffran (2016) and Linke et al. (2015; 2018) highlight the role of some local institutions and traditional conflict resolution mechanisms in mitigating the security risks posed by erratic climatic conditions. Linke et al. (2015; 2018) found that when communities value their institutions, they are less likely to use violence during times of scarcity due to drought. In examining local conditions of drought-related violence in sub-Saharan Africa, Detges (2016) found that state institutions and their service provisions – in this case road infrastructure – decrease the level of violence following climate-induced disasters. There is a rich literature on informal institutions (cf. Choudree 1999; Ogbaharya 2008; Ajayi and Buhari 2014) that has potential to theoretically inform the fast-growing literature on climate change and conflict.

Understanding micro-level variation between climate change and conflict requires both attention to the ability of the informal institution

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1   See Mach et al. 2019 for a more complete review.

to cope with climatic and livelihood shocks and the potential conflicts these shocks may trigger. Exploring these local and informal institutions is particularly relevant as 80% of conflicts in many developing countries are resolved through informal justice systems (UN 2019). The next section explores the role and characteristics of these informal institutions in resolving conflict over resources.

3. Informal institutions and violence around resources

In many African countries, informal institutions are valued for their accessibility in resolving conflict at the local level (c.f. Ndubuisi 2017; Wig and Kromrey 2018). Defined as 'socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (Helmke and Levitsky 2004:727), informal institutions often shape the political orders in these contexts (Husken and Klute 2015). For example, informal institutions have been shown to play a central role in land tenure security (Boone 2014; Honig 2017), public goods provision (Wilfahrt 2018) and conflict resolution (Ndubuisi 2017; Logan 2013; Mohammed and Beyene 2016; Wig and Kromrey 2018).

While informal institutions have long been studied for their role in managing natural resources (c.f. Ostrom 1990; Rupiya 1999), their role in mitigating the negative effects of climate variability on violent conflict has yet to be fully comprehended. Indeed, previous research has indicated that institutions can increase tensions between competing groups (Raleigh 2010; Benjaminsen 2008) or decrease them (Bogale and Korf 2008). There is therefore a strong variation in the effectiveness of informal institutions; some do better than others at addressing needs. While informal institutions may moderate conflict risk in some contexts, we know that this is not true in all places. Even within one country, certain informal institutions are influential in some areas and not at others (Linke et al. 2018), or cause tensions or place a high value on warfare (MacGinty 2008). Knowing better the conditions under which informal institutions are more likely to peacefully resolve conflict arising from climate shocks and/or resource scarcity is an important contribution to existing research.

This article argues that this variation in the ability of informal institutions to peacefully resolve conflict lies in their impartiality and capacity to be perceived as neutral arbiters by the population. 'For an institution to act

impartially is to be unmoved by certain sorts of considerations – such as relationships and personal preferences. It is to treat people alike irrespective of personal relationships and personal likes and dislikes' (Rothstein and Teorell 2008). Impartiality is thus an attribute of the actions taken by judges, local and traditional leaders.

While the concept of impartiality has been mostly applied to formal institutions (c.f. Rothstein and Teorell 2008; Rothstein 2014), this article argues that it is equally crucial for informal institutions. Indeed, informal institutions usually give more weight to leadership compared to formal institutions and there is usually no written code of conduct or laws on how the informal institution should behave (Rothstein 2014). As the institution is often based on the inherent character and status of the leader, a lack of impartiality might therefore be even more obvious in the eyes of the community. In this vein, Williams (2010) found that impartiality is an essential trait for traditional leaders in South Africa. When leaders of informal institutions are perceived to be impartial they can more easily arbitrate the delicate issues of access to and distribution of resources in rural areas.

Impartiality is also a quality of institutions and leaders highly valued by citizens. Surveys in India clearly indicate that it is 'very important' that civil servants should 'treat everyone equally, regardless of income, status, class, caste, gender or religion' and also that the civil servants 'should never under any circumstances accept bribes' (Windeman 2008). In Sri Lanka, Lindberg and Herath (2014) suggested that impartiality of institutions dealing with land is crucial for peacebuilding. Similarly, a SIPRI's study on Mali (2020) found that communities mostly trust impartial institutions.

The impartiality of informal institutions changes over time as they are not isolated from the socio-political context of the country (Roland 2004). These changes can occur abruptly because of exogenous shocks or critical junctures that lead actors to remake or re-imagine existing social institutions (Capoccia and Kelemen 2007). These informal institutions do not operate in a vacuum: the central government and opposing rebel groups may influence the institution and affect its impartiality (Walch 2018). The state and other external actors such as rebel groups may co-opt or influence the leaders of these institutions and may force them to adopt certain rules over others. This behaviour may negatively affect the

informal institution by reducing its impartiality. The informal leaders might be seen as corrupt and responding to its patrons rather than providing fair decisions. In being co-opted by the state or a certain rebel group, partial institutions create a very narrow reciprocal exchange with only certain members of the community at the expense of the majority. As a result of this lack of impartiality, institutions will be perceived as biased and unable to play a neutral arbiter role in mediating disputes regarding resources. This may increase violence in two interrelated ways.

First, partial institutions may push aggrieved parties to impart justice themselves, allowing for personal vendettas, riots, and communal violence. Partial institutions may antagonise some of the community members, increasing communal violence, particularly in a society divided along ethnic lines (Lieberman and Singh 2012). Communal violence – often defined as non-state armed conflict between social groups that define themselves along identity lines, such as ethnicity, religion, and livelihood – is most likely to increase when informal institutions have communal bias (Fjelde and von Uexkull 2012). In this context of partial institution, violence is used as a strategy to secure access to livelihood essentials such as land for farming and grazing or water holes, given the lack of a neutral arbiter able to mediate access to these resources. Escalation of communal violence is likely when the lack of access or dispute is related to the behaviour of a specific ethnic or livelihood group (e.g. farmer vs herder). Directing violence against other societal groups might be a more efficient short-term strategy to access to resources critical to sustain the livelihood in the absence of an impartial institution (Fjelde and von Uexkull 2012).

Second, the lack of impartiality of informal institutions over time can accumulate large-scale grievances that inspire people to take up arms against the state or join existing armed groups. In this type of rebellion, the sources of grievances must be related to the behavior of the state; for example, for its lack of response to environmental hardships. Indeed, grievances may be further increased by absent or unfair aid assistance by the state following disaster and motivate a larger pool of individuals to join and/or support an active rebel group to redress their grievances (Eastin 2018; Wischnath and Buhaug 2014). Increased recruitment and troop size will in turn increase armed conflict intensity and the number of deaths (Wischnath and Buhaug 2014).

This article argues that partial institution results in increased conflict around access to resources, intensifying different types of violence and prolonging the ongoing intra-state conflict. While an impartial institution can play a neutral arbiter role in mediating tensions over resources and preventing conflict from escalating, partial and biased informal institutions may actually increase tensions and fuel armed conflict. In a context where climate change is increasing resource scarcity and therefore the need for conflict resolution mechanisms, the lack of impartial institutions is worrying for peace. The next diagram illustrates the theoretical argument made in the article. Alternative explanations are discussed in the concluding section.

Figure 1. Theoretical mechanisms
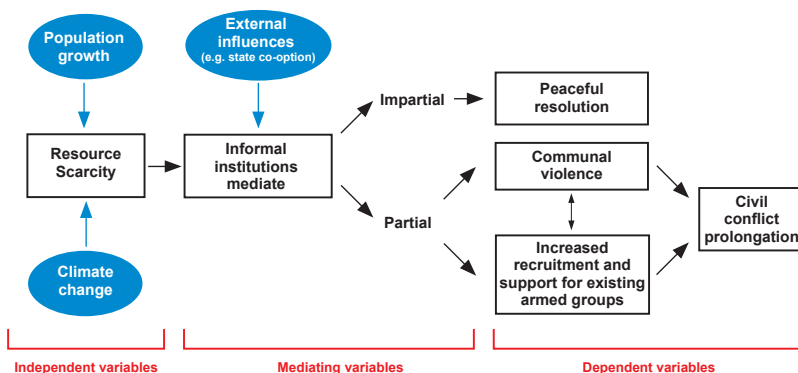
Source: Author

4. Methods

To explore the theoretical mechanisms mentioned in the previous section, the article takes on a qualitative method examining the case of central Mali. By exploring a single case, this study focuses on identifying micro-level dynamics, which are useful to theoretically inform existing literature, in need of 'more nuanced theoretical approaches' (Buhaug et al. 2015:271). An in-depth case study is particularly well suited to explore the role of informal institutions in mediating (or not) conflict around resources and armed violence. A single case study allows the researcher to obtain data that is not easily available through quantitative studies.

It also permits the researcher to carefully trace the causal process by which a disagreement around resources may escalate to armed violence when informal institutions are partial. The objective of the method is therefore to explore the theory in the context of Mali and not to test the generalisability of the theoretical framework across cases.

For theory development, it is useful to identify causal pathways and variables, which can be explored through one or more cases. To do so, this article uses process-tracing, which consists of 'attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable' (George and Bennett 2005:206–207). Since the study attempts to establish sequential steps from cause to effect, process-tracing is a very useful method. In addition, this analytical procedure helps the researcher to uncover omitted variables and assess alternative explanations, while focusing on the main variation of interest for the study. It therefore improves theoretical parsimony and keeps some degree of explanatory richness at the same time.

Mali provides an ideal case in this regard as the country is affected by climate change and suffers from different levels of resource scarcity and violence, while it has clear informal institutions to deal with access to resources. The country therefore represents a 'typical case' (Gerring and Seawright 2007) and a 'hot-spot' for climate-conflict links (de Sherbinin 2014). A number of reports are highlighting the connection between climate change and conflict in Mali (c.f Mitra 2017, ICG 2019; NUPI 2021).

The case studies build on unique interview material collected during two field trips in 2017 and 2019 in Mali, and on data collected by a team of local researchers from the sociology department at the University of Bamako. While the author directly conducted 15 semi-structured interviews and two focus group discussions mostly in Bamako, the local research team in Mali did 40 interviews following semi-structured interview guidelines written by the author in the central region of Mali, around the city of Mopti. Typical respondents include local leaders, resource user (such as farmer, herder and fishermen), government officials, religious leaders, community groups, military personnel, UN representatives, and NGO workers. The language used in the interviews were Peul, Bambara and French (or a mixture) depending on the choice of the respondent. The questions asked were about what climate/

environmental challenges they experience, how the use of resources has changed, who is responsible for land management, the role and perception of traditional and state institutions, the relations between farmers and herders, the type of violence affecting their communities and how conflicts are managed? Questions were open-ended and were mostly used to guide the interviews. Appendix with the original questions is available upon request.

Given the level of violence in the central region, most interviewees preferred to talk anonymously. The interviews were organised according to categories of people interviewed, i.e. local official, community leader, professors/ researchers, herders, farmers and traders (see Appendix for a list of respondents). The respondents were approached through the research team's network and 'snowball sampling' (Biernacki and Waldorf 1981). While this method can limit generability and bias samples because access to respondents is contingent on existing networks, personal referrals often provide the only access to respondents, especially in armed conflict settings (Cammett 2006). Having said that, the study tried to capture a broad sample of respondents with different background and views in order to get a holistic picture of the situation. Secondary documents, such as policy papers or newspaper articles are also used in addition to the interviews, facilitating 'triangulation' and ensuring the reliability of the data collected.

5. Informal institutions and impartiality in the contested region of central Mali

The context in central Mali

The central region of Mali has always been inhabited by different ethnic groups and cultures. Five major groups have been living in the region: the Bambara (mostly farmers), the Peul (mostly pastoralist), the Dogons (mostly farmers and hunters), the Bozo (mostly fishermen) and the Moors/Arabs (mainly traders).[2] The central region of Mali is composed of eight 'cercles' (or provinces) and has a population of 2 million.[3]

Over the past 50 years, natural resources, such as water and grazing land, have been under increasing stress. While rainfall fluctuates substantially

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2   Academic Researcher 1, Bamako, 4 March 2019.

3   Professor 3, Bamako, 22 January 2017.

from year to year, it has tended to decrease over the past 50 years (Cotula and Cisse 2007; NUPI 2021). This decrease in rainfall has in turn led to a reduction of the flooded area, and to a shortening of fertile lands (Cotula and Cisse 2007). This observation is supported by several people interviewed during fieldwork, who reported reductions in rainfalls and fertile lands.[4]

Communal violence between the Peul, the Dogon and the Bambara, together with Jihadist groups attacks against the Malian governments, and the Malian army's responses to these attacks, have made the central region of Mali one of the most violent regions of the country.[5] Since 2017, there are more than six rebel groups active in the central region, including Katiba Macina (KM), Ansar Dine, Al-Qaeda in the Islamic Maghreb, (AQIM), Al-Mourabitoun, Movement for Oneness and Jihad in West Africa (MUJAO) and the Islamic State in the Greater Sahara (ISGS). Most of these Jihadist rebel groups supposedly merged together in March 2017 under the new group Jama'at Nusratul Islam wal Muslim (JNIM) (ICG 2019). The KM, with its charismatic leader Amadou Kouffa, has been of the most active groups in the region.

Map 1. Mali

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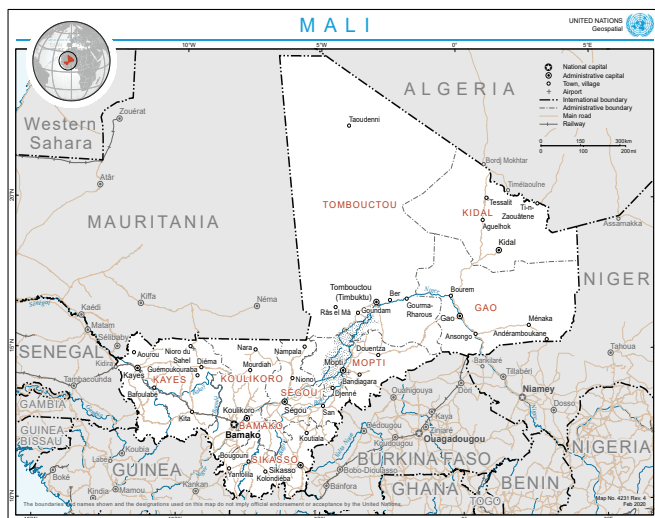
4   Farmer 1, Tenenkou, 17 March 2019; Herder 3, Tenenkou, 23 March 2019; Professor 4, Bamako, 28 February 2019.

5   UN Peacekeeping, Bamako, 19 January 2017.

Map 2. Central regions of Mali
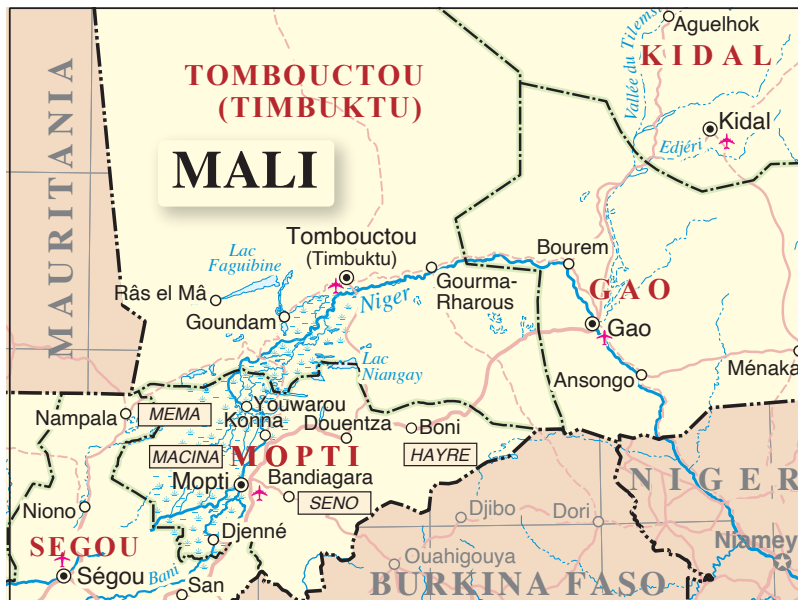
Source: Based on a map by International Crises group (2016).

While the complexity of resource uses and of ethnic composition have led to many different informal systems in the central region of Mali, one of the most important one in charge of resolving conflict around natural resources is the Dioros (or Jowros) system.[6] Created in the 14th century during the Ardobé period (see Turner 1999 for a full description of the history of this institution), the Dioros still play an important role in managing access to wetlands, Bourgoutière, (burgu pasture/grazing land) and in establishing entry routes for transhumance livestock (Benjaminsen and Ba 2018). The Dioros are made of local chiefs and descendants of aristocratic families who have a special status in the community.[7]

In practice, conflicting parties reach out to the Dioros in charge of the area to resolve a conflict over lands or access to resources. The Dioros

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6   Academic Researcher 4, Bamako, 22 February 2019.

7   Professor 1, Bamako, 4 March 2019.

usually starts by assessing each party's grievances and calls for witnesses who can provide information around the conflict.[8] Once the Dioros has a clearer idea of what happened, a decision to resolve the conflict is given. In a typical case of a herder damaging the field of a farmer, the herder might be asked to give one of his animals for reparation.[9]

The assessment of party's grievances and witnesses' testimony has to be done in an impartial manner by objectively assessing grievances on both sides. From its creation, the primary focus of the Dioros was the management of common pool resources. The impartiality of the institution of the Dioros is rooted in its interest in peacefully resolving conflict on the territory under its traditional authority. Impartiality was therefore imbedded in principles of reciprocity and mutual interest. The traditional and aristocratic status of the Dioros further established its role as a neutral arbiter of conflict around access to land. However, the impartiality of the Dioros has deteriorated over time.

Deteriorating impartiality and increasing communal conflict
Increased land pressure caused by climate change, rapid population growth, and development projects favouring large scale farming have generated more communal tensions, particularly between farmers and herders.[10] As available grazing land shrinks and farmers occupy corridors previously used by animals to reach water points, herders have begun to take their animals through the farms to access water, causing significant damage to crops (Benjaminsen and Ba 2018). While usually farmers use the land during the wet season and herders access it during the dry season, climate change is affecting weather patterns (Santer et al. 2018) and this rotation in sharing the lands. Disputes arise because herders have to bring their animals to the wetlands earlier than before, sometimes before crops are harvested, causing significant damage to farmer's fields.[11] Herders complain that farming has encroached on pastoral land leaving no choice for them but to enter the farms either for passage or for grazing (Benjaminsen and Ba 2018).

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8   Local official 1, Tenenkou, 19 March 2019.

9   Farmer 3, Tenenkou, 13 March 2019.

10   Professor 5, Bamako, 27 January 2017

11   Local Leader 6 (Farmers representative) Youwarou, 16 April 2019.

In this context of shrinking resources and needs for conflict resolution mechanisms, the informal institutions of Dioros and local officials saw it as an opportunity to ensure their power and personal enrichment. For their role in managing the land, the Dioros are usually entitled to receive rents from herders passing their lands. This rent used to be a sort of barter and was only monetised in the 1990s because of the growing scarcity of lands due to increased agriculture and larger cattle (Jourde et al. 2019). This introduction of a 'fee' to access pastureland was also the result of a growing collusion between state officials and the Dioros. This damaged the perceived impartiality of the Dioros and the rent was increasingly seen as extortion. Most herders feel they are unfairly taxed and that their rent has become a business for the local elite.

According to a Peul herder from Youwarou: 'How we see the Dioros has changed. Before we saw them as traditional chiefs interested in the welfare of the entire community but now they only serve their own interests and those of corrupt government officials. Some of them have even become mayors and their decisions about land disputes always are on the sides of the farmers and other elites that are supported by the government'.[12] Another respondent argues that both informal and formal justice systems are only designed to racket the herders. To prove this point, herders explain the rent to access land has increased exponentially over the last decade and that they are not financially able to pay the access fee to 'Bourgoutières'.[13] They believe there is a strong collusion between state officials and the Dioros to make money from the herders and favour sedentary groups involved in farming.[14]

The distrust towards the Dioros has dramatically reduced their ability to manage tensions between farmers and herders over access to water and grazing lands.[15] As mentioned by a Peul leader: 'At the end, the outcome of informal or formal justice decision boils down to which party has more money. More money enables you to bribe local officials and Dioros or to access more jurisdictions. For example, a rich farmer has more

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12 Herder 6, Youwarou, 20 May 2019.

13 Herder 2, Tenenkou, 22 March 2019.

14 Herder 1, Tenenkou, 14 March 2019; Academic Researcher 2, Bamako, 3 March 2019.

15 Academic Researcher 1, Bamako, 4 March 2019; Academic Researcher 3, Bamako, 21 March 2019.

jurisdiction to choose from than a poor Peul herder'.[16] While herders feel decisions are often taken in favour of farmers, small-holder farmers also feel that institutions are biased in favour of farmers with larger farms and connections to the government, or in favour of Peul local elites who are often landowners.[17]

With this absence of impartial institutions to resolve disputes around resources, herders, and farmers instead take matters into their own hands, creating self-defense groups or joining rebel groups.[18] Since 2016, communal conflicts have steadily increased (UCDP 2020, ICG 2020) in Mali. For example, 160 Peul civilians were killed in Ogossagou in March 2019 by an armed ethnic Dogon militia in revenge for a Peul attack a couple of days before (Le Monde 2019). This communal violence is not isolated and other attacks killed 37 Peuls in another village of central Mali in January 2019. In June 2019, it is 75 Dogons that were killed in the villages of Sabane Da, Gangafani and Yoro by Peul militias (The Guardian 2020). While violence has mostly affected Peul communities, the Dogons and the Bambara have also been hit by indiscriminate attacks, fueling a cycle of reprisals. Already in 2018, the Simon-Skjodt Center for the Prevention of Genocide had already raised the alarm by publishing a report about this increase of communal violence, mentioning the failure of conflict resolution systems as the main trigger to this spiral of violence (Ibrahim and Zapata 2018).

Aware of the lack of impartial institutions to prevent the ethnic tensions from escalating, the international NGO Centre for Humanitarian Dialogue has tried to play a mediating role between the communities and facilitated a sort of local peace agreement.[19] In this peace agreement, the importance of impartial institutions to peacefully resolve conflict in the community was clearly highlighted. An idea was to have local chiefs of several ethnic groups (Dogon, Peul and Bambara) in charge of conflict resolution to improve the impartiality of the decisions taken.[20]

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16   Herder 3, Tenenkou, 23 March 2019.

17   Focus group 2 (representatives of Dogon community), Bamako, 29 January 2017.

18   Local leader 4, Koro, 18 March 2019.

19   This Peace agreement is available here: <https://www.hdcentre.org/wp-content/uploads/2018/08/Accord-de-paix-entre-les-communautés-Dogon-et-Peulh-du-cercle-de-Koro-28-août-2018.pdf>

20   NGO 1, Bamako, 30 February 2019.

From these interviews with NGOs workers and community members, it is worth noting how impartiality of institutions in charge of conflict resolution was highlighted as a core factor to prevent disputes from escalating. While they claim that this local peace agreement facilitated by Centre for Humanitarian Dialogue has temporarily reduced violence in the region, it may not last very long once the NGO leaves.[21] They believe that impartial institutions, through more ethnic representation, should be more generalised and encouraged by the state to prevent armed groups from capitalising on the existing partiality of the informal institution and justice vacuum.[22]

Rebel groups benefiting from partial institutions and communal violence

Jihadist rebel groups in the region have been among the first ones to decry the partiality of the Dioros and other formal institutions. Amadou Kouffa, the leader of the rebel group KM has often criticised the Dioros' collusion with corrupt government authorities.[23] While he does not question their right to manage pastures, he denounced the partiality of the Dioros because of their collusion with the state in collecting fees from pastoralists.[24] The denouncement of these practices was very well received by the herder community who saw in Amadou Kouffa and his KM rebels an opportunity to restore a more impartial justice.[25] These rebel groups have been particularly successful in using existing cleavages, conflict and partial institutions to ensure their power and control.[26] Rebel groups have used this opportunity to increase their popularity and to justify their attacks against the Dioros and the political elite that display predatory behaviors through taxation and racketeering.[27] Some respondents said that 'Since the arrival of KM, the Dioros and other elites cannot do what they want with the herders. They are less comfortable in imposing fees or arresting herders with the help of state official because they might be attacked by the rebel group later.'[28]

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21   Local Leader 1, Bamako, 5 March 2019.

22   Local leader 4 (village chief), Tenenkou, 18 March 2019.

23   Military 2, Bamako, 24 January 2017.

24   Professor 3, Bamako, 22 January 2017.

25   Academic Researcher 3, Bamako, 21 March 2019.

26   UN agency 1, Bamako, 18 January 2017.

27   Local official 4, Tenenkou, 28 February 2019.

28   Herder 6, Youwarou, 20 May 2019; Herder 3, Tenenkou, 23 March 2019.

Rebel groups clearly responded to the perceived lack of impartiality in informal institutions, noticing that it was a particular source of grievances for the herders. Peul communities have long complained about the reduction of the grazing space, the high fees they have to pay to the Dioros and local authorities, and the conflicts they have with farming communities.[29] While the state ignored these grievances, JSIM (and particularly the KM) has addressed them by providing alternative justice mechanisms and by targeting corrupt officials and Dioros. This has led many Peuls to join the KM (ICG 2019). This rebel group plays a role of 'justicier' (righter of wrongs), which resonates well among communities that feel neglected and unfairly treated by the state and local elites (Sangare 2016).

Looking back, the rebel group's control during 2012 was welcomed by some of the Peul community. They particularly welcomed the fact that the Dioros lost their rights in managing access to Bourgoutière and other status they may have in the society.[30] Some people interviewed from the Peul community argued that the security situation was better under Jihadist control in 2012. During this period, however, it is worth noting that the Bambara and the Dogons were particularly marginalised compared to the Peul.[31] The return of the state with the help of the French military in 2013 brought back the Dioros system and further increased the partiality of the institution who perceived the Peul community as Jihadist supporters.[32]

In such contexts of failing institutions and communal violence, the Jihadist rebel groups have gained popular support and new recruits (ICG 2019). Instead of trying to restore impartial institutions, the government of Mali response to this increasing violence has been equally biased against the Peul community, who are perceived as jihadist supporters, resulting in abuses and exactions against this community (ICG 2019). The government of Mali has tolerated and sometimes collaborated with Dogon self-defense groups involved in indiscriminate killings of Peul civilians (ICG 2019). A Peul village chief argues that his people are

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29 Professor 5, Bamako, 27 January 2017.

30 Local Leader 1, Bamako, 5 March 2019.

31 Farmer 1, Tenenkou, 17 March 2019; Local official 2, Tenenkou, 20 March 2019.

32 School teacher 2, Youwarou, 17 April 2019.

'victims of mistaken affinity,' because for the Malian security forces, every Peul is a de facto jihadist. 'They are killed and attacked for that. Not only civilian Peul are targeted by the army, they are also the target of militias close to the government, such as the Dogon hunter groups.'[33] The manipulation of the ethnic ties of the population by both state and rebel groups has had a detrimental effect on communal dialogue and the impartiality of institutions in the region (Sangare 2016). A local leader from Tenenkou summarises the situation: 'The ethnic aspect of the conflict is used by the armed groups to confront people. For me, the real problem is the lack of an impartial authority, formal or informal, that is respected by the population and the armed groups.'[34]

6. Conclusion

This single case study has highlighted the importance of examining informal institutions charged with conflict resolution to fully understand the links between climate change, scarcity of resources, and increased armed conflict. The role of informal institution is crucial given their accessibility and presence in regions where the reach of formal institutions is limited. However, the ability of informal institutions to resolve conflict might not be taken as a given. Indeed, the paper indicates that when informal institutions are co-opted by the state, they lose their impartiality and ability to mediate conflict around resources and access to land. Partial informal institutions can lead people to independently impart justice and push individuals to join rebel groups that propose more favourable options to redress their grievances, increasing communal violence and prolonging civil conflict.

The vast majority of respondents mentioned that climate change is increasing the stress on already dwindling grazing and agricultural lands. While this increases poverty, the link with armed conflict is often mediated by informal institutions. However, when informal institutions do not function properly due to their partiality, an issue of resource or land access that should be a minor complaint within the informal justice system can escalate to violence involving entire communities. This feeling of injustice has reinforced the will of communities to rely only on

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33   Local leader 4 (village chief), Tenenkou, 18 March 2019.

34   Local leader 3, Tenenkou, 20 March 2019.

themselves or on armed groups (rebel or self-defense militia) to seek revenge or justice, thereby contributing to the vicious cycle of violence. In such context, the best option to survive is often to join an armed group.

By unpacking the relationship between climate-related scarcities, armed conflict and the partiality of informal institutions, this paper makes three main contributions to existing research. First, it provides new insights into causal mechanisms between climate shocks and conflict. While existing research has highlighted the importance of exploring institutions (formal and informal) and actors (Buhaug 2015; Koubi 2018), few studies have actually provided an in-depth examination of informal institutions and their actual (un)ability to resolve conflict. By examining the (im)partiality of informal institutions, the paper moves beyond black box approaches and specifies causal mechanisms (Mach et al. 2019).

Second, this article contributes to the literature on institutions and civil wars by showing how partial informal institutions can fuel existing armed conflict. It provides additional evidence that when informal institutions fail to provide impartial judgement in matters related to justice, security and access to resources, rebel groups are likely to profit from this partiality and weakness in institutions, capitalising on the frustrations engendered among citizens (Wig and Tollefsen 2016). While literature on formal institutions and good governance has highlighted impartiality as an essential condition (Rothstein and Teorell 2008), the article has found that it is equally as important for informal institutions.

Third, this article provides rich evidence of how communal violence feeds into larger civil wars dynamics in the context of Mali. It also indicates that communal conflicts, which in theory do not directly challenge the national government, are not purely 'ethnic' and 'apolitical'. Such conflicts do not take place in isolation from national politics and the article has shown that the central state and existing rebel groups play an important role in these communal conflicts, by siding on the side of the local elites (or fighting against them in the case of rebel groups). This provides additional evidence that communal conflicts require a thorough understanding of horizontal and vertical linkages between national and local power arrangements and customary law (Krause 2019).

The method of process-tracing used in this article has facilitated the identification of alternative explanations, while keeping the focus of the paper on the variables and factors derived from the theoretical argument. Among these alternative explanations that future research could explore is the behavior of the rebel groups and their objectives to disrupt communities and informal institutions to impose new ideological and political orders. In order words, these groups may have autonomous imperatives and their presence or impact need not be seen as a mere by-product of resource-driven conflict. Indeed, there is evidence that they actively take advantage of climate change disruption on people's livelihood to recruit individuals.

Another alternative explanation is related to population growth, particularly the youth aspect. There is an increasing youth population who struggle to emancipate in rural societies in Mali, which are mostly managed by elders and aristocratic families. Some interviewees felt that the Dioros system restricts their ability to climb the ladder in rural areas and leave them with few other opportunities than working the land of their families. While this topic has been researched by several researchers in Mali (c.f Arnaud 2016), this an important factor that was not sufficiently explored in this study.

Climate change is one of the most pressing issues of our time (UN 2019) and it has a tangible negative effect on people's livelihoods and natural resources. While the effects of climate change on conflict are mostly indirect in this instance, the breakdown of informal conflict resolution mechanisms is key for explaining the escalation of conflicts in central Mali. In many countries, impartial institutions both formal and informal can contemporaneously mitigate the negative effects of climate change on populations, but if drastic global action is not taken to curb greenhouse gases significantly, even functioning institutions may not be able to manage its overwhelming and unpredictable impacts.

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The Legislative Framework: A Path to Peace in Ethnically Divided Communities in Warri Conflict Area

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Abstract:

The literature on conflict interventions in Nigeria's Niger Delta region have shown profound interest in Government attempts to prevent ethnic fragmentations and the proliferation of armed militia groups. Legislative structures have often generated the multi-track approaches adopted by government to mitigate the conflicts. Though significant, the results of these efforts have remained unclear. The article explores the role of legislation in designing paths to peace in fragile, ethnically divided communities. Specifically, the article examines the Delta Development Administration Committee Law 2004. The legislative plan to promote the development administration law was to enable the executive, with participatory governance assistance, to implement key strategies for conflict transformation and peacebuilding. The article concludes that, contrary to the fears that the establishment of exclusive ethnic Community Development Committees (CDC) is a dreadful anachronism that will increase the dangers of ethnic exclusivity and offensive actions, the CDC will in fact generate conflict transformation and peacebuilding.

Keywords: Legislative Framework, Peace, Warri conflict area, Ethnically Divided, Community Development Committee, conflict transformation, peacebuilding

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Introduction

> As the representation of the people in this democracy, you have the mandate to initiate the historic process. You have a duty to assist the Warri ethnic groups to embrace this peace process in order to find a lasting solution … Government expects the outcome of your intervention without delay, so as to enable it through a legislative process design, a framework for achieving enduring peace and harmonious inter-ethnic relationship in the state (Gov. James Ibori 2004).

The above dictum is a charge by the then Executive Governor of Delta State, Chief James Ibori (1999–2007) to the Delta State House of Assembly to produce 'the road map to peace' in the ethnically divided Warri conflict area. At present, the area is reminiscent of the Hobbesian state of nature, when life was brutal, nasty, selfish and short; when the sovereigns' edicts rather than any philosophy, positive morality, ethics or any other social process gave rise to some sort of orderly society. More like 'the state of nature', the spectrum of violent conflicts in Warri was as a result of the renewed hostility and agitation for exclusive ethnic local government councils by the Warri ethnic groups (Ijaw, Itsekiri and Urhobo speaking people of Warri). The conflicts, perennial in nature, appear formidable and pose exponential challenges which required/require multi-track diplomacy. Without prejudice to the other intervention efforts of government (military and panels of inquiry) and civil society, the issues in the Warri conflict were/are predominantly constitutional and simply beyond their competences. Irrespective of constitutional complexities in creating new local government councils at the national level, the state government felt one way to assuage the grievances of the ethnic groups was to evolve a legislative strategy for peace: creating along ethnic divides, Community Development Committees/Centres 'for people sharing or having ethnic or linguistics association or other indigenous ties in the Warri area' (CDC Law 2004). This is because, as Taylor (2005:105), observes, the legislatures are the guarantors of pluralism and can play a significant role in ensuring the proper workings of government while protecting the interests of minorities (Dutta et al. 2007).

The Delta Development Administration Committee Law 2004 is an enactment of the Delta State House of Assembly for the establishment of Development Committees and Centres as an interventionist agency for communities, villages and people having and sharing a common affinity in culture, values and language. It is aimed at confronting ethnic violent conflicts and the multifaceted socio-political challenges of the Warri area by transforming hostility into cooperation. Generally speaking, development administration is a model specifically designed to address development needs and challenges in highly complex situations with exponential difficulties. In this sense, special public institutions or organisations are sometimes created, or existing ones are restructured to appropriately address such development challenges. A functional perspective of development and the need to address ethnic hostility and sundry developmental challenges in the highly complex Warri area motivated the government to enact legislation for the creation of development administration.

The charge by Governor Ibori is a precursor of the thrust and concern of this article. The article, therefore, interrogates the legislative branch of government and its role in conflict transformation and peacebuilding. Few studies have paid attention to how the respective arms of government make their input when a contentious matter is at stake. An attempt at disaggregating their roles according to the depth of involvement may add to an overall understanding of the contributions and interactions between the different arms of government as they deal with conflict transformation and peacebuilding. The broad objective of this article, therefore, is to disaggregate the legislative component from the democratic dyad — executive/legislative – and examine its role in transforming the violent ethnic conflicts accompanying territorial claims in the Warri area. Specifically, sixteen years after, has the legislative construct achieved its objectives of promoting paths to peace in ethnically divided Warri area? The article, therefore, examines the peace-inducing and conflict-inhibiting as well as the peacebuilding components of the legislative practices in order to track conflict trajectories and efforts to promote socio-economic and political development in the Warri conflict area.

The legislature is a significant component of democratic governance and studies exist to explain its role in conflict management. In fact, according to Egobueze (2016), the legislature is increasingly involved in conflict

management, hence creating political stability. Perhaps, one reason that appears to account for the trend is that legislative bills designed to address social disorder in society have predominantly emerged as government bills for legislative debate, rectification and passage, to be signed into law by the executive. In this sense, the two distinct arms of government (executive and legislature) are often treated within the peace studies and conflict analysis as one. Ostensibly, the thrust of this legislative construct was to adopt a development administration model to mainstream community development and peacebuilding anchored on tapping into the community resource and knowledge, as a key strategy for preventive diplomacy, conflict transformation and peacebuilding.

Assessing the Inputs of the Legislative Branch

In democracies, the most significant index of political representation is often hallmarked by the legislature. The term 'legislature' in its narrowest modern usage in Nigeria denotes the enactment of rules of law by a specialised state institution like the Delta State House of Assembly and the National Assembly which comprise the Senate and House of Representatives, both invested with high authority and representatives of the general population. The term also denotes the rules that result from the process. This concept of legislation identified by democratic norms and by the participation of a representative body in the enacting process is given prominent position in the state's scale of norms. Several representational activities of the legislature share a connection between the legislative field and other public fields comprising the citizenry of the nation. They refer to one of the central characteristics of the legislature. Such that these institutions like the Delta State House of Assembly consists of elected officials whose role as elected officials is to act on behalf of the general public that elected them. It presupposes that elected officials actually represent people or citizens and it is one important factor among others, for ensuring that equity, justice, equality and fairness prevail.

Within the Nigeria context, there is a very low public opinion of the legislature which can be described in the words of Gordon Skilling (1966:116) as a 'rubber-stamp for decision taken elsewhere'. This is because most legislative outcomes are mere affirmations of executive decisions. It is important to note here that the legislature is the only arm of government introduced into Nigeria's governance space which can be

described as democratic. Prior to the civilian regime in 1999, the other two arms of government (executive and judiciary) had carried on the business of government without the legislature. Therefore, its inclusion through the election of representatives of electoral constituencies to formulate, debate and consider bills to enact laws has significantly transformed the governance process into democracy.

The question of a legislature's functions revolves around the fact that different institutions, which fit under the definition of a legislature, might perform very different functions depending on the political system in which they are found. Nonetheless, whatever the conceptual anchor of these many 'functions and roles', the activities can be grouped into three broad categories: policy making activities, representational activities, and system maintenance activities. A cursory look at these three broad categories shows that, when it comes to a legislature's policy making activities, the invention and enactment of public policy has been traditionally thought of as the main legislative function. In most cases, as Rosenthal (1999) argues, comparing legislatures is tricky. Nevertheless, the legislatures (state houses of assembly and national assembly) in Nigeria, however, have not been effective in this respect, which has led to the conclusion that most of them do not play significant roles in initiating policies.

A legislature's system maintenance is defined as activities that contribute toward the stability and survival of the political system, as well as activities that increase the support of the system from the public and significant political elites. Since members of the Delta State House of Assembly are representatives of most groups and interests in society, the assembly becomes a practical instrument for conflict management. Chief James Ibori, the Executive Governor succinctly captured this essence when he observed that "as the representative of the people in this democracy, you have the mandate to initiate this historic process. You have a duty to assist the Warri ethnic groups to embrace this peace process in order to find a lasting solution". In other words, the Delta State House of Assembly may be viewed as an institution that can tackle conflict. That is, it is an institution that keeps conflict within the system and within limits acceptable to policy making elites. As Puengpak and others (2007:2) noted, 'the legislature, as the representative body of government, has the potential to be an extremely effective institution for conflict management'. Furthermore, once the State House of Assembly is

successful in managing conflict, it directly contributes to the integration of the political, social systems and national elites. Since the Delta State House of Assembly has representation from the various ethnic groups and ideological viewpoints, it may assist in creating a greater sense of national identification and social integration for the corporate existence of the State and Nigeria as a nation.

In most democracies, legislation can be initiated as an executive, private, or civil society bill, etc., which the legislature examines, debates and amends. However, the final form is usually not fundamentally different from the original proposal. It must be stated here that whether a bill originates from the executive or the legislative arm, it must as a matter of obligation and due process, pass through many stages and be subjected to intensive and prolonged scrutiny. It stands a high risk of being killed or altered beyond recognition.

The only activity that the Delta State House of Assembly seems to be handling successfully in the fledging democratic system is its system maintenance activities. For instance, on assumption of duties in 1999, the House considered and passed the law relocating the headquarters of the Warri South-West Local Government Council from Ogidigben to Ogbe Ijoh, the present site. It is also on record that this was the first bill passed into law by the Delta State House of Assembly in the fourth Republic. In addition, the Delta State House of Assembly system maintenance functions extended to delineation of electoral wards spread across the entire state. It is worthy of mention that the Local Government elections for the three Warri Councils were deliberately delayed until such exercise of delineation of electoral wards to correct the imbalance, hence, a violence free election in December, 2004.

Finally, the question that may be raised is, what does the legislative arm of government such as the Delta State House of Assembly do to contribute to the adjustment and adaptation of the system that is in tandem with the maintenance of the system? Puengpak and others (2007:2) provide an answer to the above question when they observe that 'legislatures that perform the three functions of representation, law-making, and oversight have the greatest potential to effect meaningful conflict resolution and peacebuilding measures'. As stated earlier, the contentious issues of the Warri conflict area are beyond the competency of non-state actors. For instance, the creation of new local government councils is the exclusive

preserve of the Federal Local Government with its attendant constitutional requirements and complexities. But in the interim, as Iain Atack (2003/4:22) has noted, 'they need to acquire the capacity and the institutions to deal with conflict non-violently'. In this way, government should 'search for a model of governance and social relations that enables all groups in society to deal equitably and creatively with conflict' (Lerche 2000:74) and to address the root causes of the Warri conflict. In order to provide considered and rational judgments for the solution to these problems, it became imperative for the Delta State government to democratically legislate and construct the Delta Development Administration Committee Law 2004.

Warri Area in Perspective

The Warri area is located in the western coast of the Niger Delta region, also referred to as the South-South geo-political zone. The span of land and sea covered by this area is approximately 1520 square miles. Politically, the area is delineated as one federal constituency (Warri Federal Constituency), four state (House of Assembly) constituencies and comprises three local government areas namely: Warri North, Warri South and Warri South-West. The area is predominantly a riverine area with a large expanse of mangrove forest which encompasses traditional farming Urhobo villages, seafaring Ijaws and Itsekiris who stayed in the rivers and creeks of the Niger Delta. Three groups – Ijaws, Itsekiri and Urhobo, according to William Moore (1970) are 'culturally and linguistically' very different though their economies are interdependent. Notwithstanding, it will suffice for this article to deliberately ignore the issues of origins of these people, as each one has significant oral traditions which seem to support their claims of ownership of the Warri area.

The pre-existing ethnic groups in the Warri area include; Warri Ijaw, Itsekiri and Urhobo. The Warri Ijaw form an integral part of the Ijaw ethnic nationality classified as the fourth largest ethnic group in Nigeria that spreads across six states of the Niger Delta region which include Akwa Ibom, Bayelsa (with the largest concentration), Delta, Edo and Ondo States. For the purpose of clarity, the area covered in this study is the Western Niger Delta also known as the Warri Ijaws. The Ijaw lived on the lands and islands of Escravos, Forcados, and Ramos rivers. All names reflect Portuguese interactions and activities with the area. The homeland of the Itsekiri is the Western area of the Niger Delta and the estuary of

the Benin River. The Itsekiri ethnic nationality and culture is unique due to their early contact with and subsequent impact of the Portuguese. The Urhobos in Warri are found on the landward edge of the mangrove swamps where the British traders and consular officials also occupied. They are predominantly farmers with a large amount of pepper and palm oil. Undoubtedly, they were the producers of the palm oil marketed by the Itsekiri middlemen. The Trans-Atlantic economies and early contact with Portuguese merchant ships along the coast of western Niger Delta in the 1840s were pivotal in the development of the cosmopolitan Warri – oil city.

The oil and gas rich Warri conflict area accounts for about thirty percent (30%) of Nigeria's crude oil deposit. The cosmopolitan city of Warri popularly known as the oil city is a meeting point for Ijaw, Itsekiri and Urhobo. The city was a British settlement. According to Lloyd (1970), 'the British traders and consular officials built their own settlement on the landward edge of the swamps and this has grown to embrace pre-existing Itsekiri, Urhobo and Ijoh settlement to comprise the modern Warri (n.p.)'. As a British settlement, cosmopolitan Warri served as a transit route of the trans-Atlantic world economies between the European nations and the people of the hinterland of the Niger Delta. Thus, the city attracted much physical development and evolved to be the colonial provincial headquarters and district administrative headquarters of the defunct Mid-Western region. However in 1990, the city ceased to be the headquarters of the Delta province with the creation of Delta State but continued to serve as the headquarters of Warri South Local Government Area.

Prior to the Warri Conflict in 1997, the city proudly offered diverse attractions in the areas of a breath-taking coastline and container port (Nigeria Port Authority – Warri Port) and world class investment opportunities which had already convinced a number of leading international players – like Shell Petroleum Development Company (S.P.D.C), Chevron, Elf, Agip and different oil and gas exploration support services – to make Warri, their global base. This was in spite of the conflicts in the area. Warri had the potential to facilitate private endeavours in several fields that offered excellent commercial growth opportunities and profit potentials. These potentials attracted both foreign and local investors of other ethnic groups like the Isoko, Hausa, Igbo, Yoruba, and Edo, which are not amongst the conflicting groups of

Ijaws, Itsekiri and Urhobo. The dreadful punctuation marks of violent conflict still hindered harmonious relationships of these three ethnic groups in Warri, and no doubt hindered security and development. The Warri area, like many others in the federation, has had a fair share of the destruction of lives and properties which in turn affects revenue generation.

Conflict Profile

The violent conflicts that engulfed the Warri area at the turn of the 21st Century (1990s–2000s) were the climax of age-long rivalry and animosity between the three ethnic groups – Ijaws, Itsekiri and Urhobo who were hitherto dwelling amongst themselves in tolerance and peace. The history of the Western Niger Delta is fraught with struggle for land ownership and control of political power and economic resources among the three major ethnic groups in the Warri conflict area. The conflictual relationship amongst them since the colonial authority's creation of Warri Province in 1914, manifests in the form of ethnic animosity and is characterised by agitations, petitions and litigations. These court cases buttress the antagonistic relationship of unabated animosity, rivalry and tension upon which the later crescendo of violence was built.

In 1991, the Federal Military Government created new Local Government Areas. In Warri area, two Local Government areas, namely, Warri North and Warri South Local Government areas were created. The Ijaw protested against the creation and perceived it as a calculated political, social and economic exclusion strategy by the Federal Military Government. The Federal Military Government, in response to their cry, redirected their relocation to Warri South. The Itsekiri contested the Federal Military Government relocation in court, 'a posture that the Ijaws perceived to be geared toward their economic exploitation, political oppression and cultural extinction' (Peretomode 2000:1).

In October 1996, the Federal Military Government created new local government areas. Warri South-West Local Government area with its headquarters at Ogbe Ijoh was announced but five months later, the gazette of the Federal Military Government Decree No 36 of 1996 creating new states and local government areas, was released. On the contrary, the gazette had Ogidigben, an Itsekiri community, as its headquarters. The relocation of the Local Government headquarters

from Ogbe Ijoh to Ogidigben as contained in the gazette was perceived to be teleguided and influenced by the Itsekiris, their archrival. 'The action created misgivings amongst the Ijaws who were hitherto pursuing their course of agitations for separation through peaceful means to exert pressure on the Government to redress the issue and threatened to fight if that was not done' (Peretomode 2000).

Considering the perceived marginalisation and exclusion experienced by the Ijaw communities of Ogbe – Ijoh, Isaba, Gbaramatu and Egbeoma in an Itsekiri-dominated Warri Division, it was obvious that the least provocation could fertilise the seed of wild oats sown on fields of marginalisation. For instance, on 25 March 1997, some Itsekiri youths in a premeditated and pre-emptive action attacked some illustrious sons of Ijaw extraction in Warri metropolis, burning down their houses and properties. Reaction and retaliation from the Ijaw caused an escalation of the crisis in the riverine communities (Peretomode 2000). The violence that ensued lasted for three months between March and May, 1997. Similarly, the ethno-political dimension of the Warri conflicts became more apparent as a result of the zero-sum and winner take-all nature of the legislation. The local government council election of March 1997 was marred by massive rigging and electoral fraud to sustain the political status quo of gerrymandering. There were mass protests against the electoral malfeasance which recorded the loss of many lives and properties worth millions of naira. Also, at the traditional level, when the Oro-Suen of Okere-Urhobo Warri was installed and given the staff of office as the paramount traditional ruler on 17 April 1999 against the Olu's strong opposition and unsuccessful contention in court, the Itsekiri unleashed unprovoked bloody attacks on the Udu Urhobo area of Okere – Urhobo, and the palace of the Oro-Suen was razed to the ground by arsonists. He was fortunate to have escaped with his life.

On 29 May 1999, a democratic government was put in place in Nigeria. This ushered in some measure of peace. It began with the mediatory role of Chief James Ibori, then Executive Governor of Delta State, who embarked on extensive consultations and constructive engagement with critical stakeholders. His efforts mediated the first legislative path on the peace process with the relocation of the Council headquarters to Ogbe-Ijoh. He thereafter managed to impose a curfew with a heavy presence of security operatives, while receiving additional support from civil societies' interventions. The worst outbreak of violent conflict occurred

in March 2003, when six soldiers, one policeman, a contractor and three employees of a multinational oil and gas company were killed. The violence escalated with the razing of several Itsekiri villages and an attack on the company aircraft which was evacuating displaced persons and employees of the company.

With somewhat of a resolution to the contentious issues of the Warri conflict by the state government, the militant youths of the three ethnic groups did not immediately sheath their swords; rather, they re-directed their energy and arsenal to confront the multinational oil and gas companies operating in the area. Ostensibly, they transformed into militant groups and camps like Tompolo's Camp 5, which constituted the supporting structures for renewed Niger Delta violence and insecurity – until the proclamation of the presidential amnesty programme in 2009. The likelihood that societies emerging from violent conflict can relapse into violence cannot be overlooked. For instance in 2013, Ijaw militant youths were reported to have attacked Itsekiri creek communities in Warri North Council Area, unleashing terror and completely sacking Ajamita, Udo, Gbokoda, Obaghoro and Ayerode-Zion on the Benin River axis. The attack was provoked by the fear that the Egbema people would imminently be denied the position of the Chairman in the forth-coming local council elections (Jarikre 2014).

Delta Development Administration Committee Law, 2004: A Path to Conflict Transformation

In examining the legislative construct (law) as a path to peace or a strategic platform for conflict transformation, this first section is devoted to exploring the linkages, nature, goals, theories and definitions against the backdrop of the content of the law and the functions of CDC. Also, using the conflict transformation lens as elucidated in Galtung's (2000) Transcend Method, the second section examines the activities, potentials and outcomes of the CDC law as an agent of conflict transformation.

The role of government in the management of community (ethnic) conflict is not limited to using the instruments of force to reduce violence, but also includes mobilising state resources for conflict prevention, peacemaking and peacebuilding. Considering the escalated violent conflicts exacerbated by exogenous factors such as political marginalisation and exclusion from the benefits of the oil and gas

extractive industry amidst the relocation of council headquarters, the then state governor charged the state legislature to evolve into an instrument to enable government to address the complex situation in the Warri area. One window of opportunity open to the state government for overcoming the constitutional complexities and challenges of creating new local government councils was the option of establishing development administration committees and centres within existing local government areas. Puenhpak and others (2007:2) observe that the essence of development administration is to redesign the institutional architecture of the state in order to address structural deficiencies that contributed to the conflict. Similarly, Albert (2001) proffers that, it is more important for the government to invest more in the establishment of state institutions and put in place physical structures and democratic processes that can reduce the inter-group conflict. In this case, there is a need for separate administrative units (community development centres) that could bring government to the grassroots as well as provide opportunities for participation in the socio-economic planning and development. In a democratic space, the legislature is the competent organ of government that has the constitutional mandate to redesign state institutional architecture. The Development Administration and Committee Law 2004, therefore, articulated government's desperate quest for conflict transformation and peacebuilding through a legislative construct. This would hopefully address structural deficiencies that exacerbated the conflict.

The nexus between the development administration and conflict transformation lies deeply entrenched in the goals of conflict transformation theories, as elucidated by Simon Fisher and others (2001) in *Working with Conflict: Skills & Strategies for Action*. According to them, conflict transformation theory 'assumes that conflict is caused by real problems of inequality and injustice expressed by competing social, cultural and economic paradigms'. They enumerate the goals of conflict transformation as: '(i) to change structures and framework that causes inequality and injustice including economic redistribution; (ii) to improve longer term relationships and attitudes among the conflicting parties; and (iii) to develop processes and promote empowerment, justices, peace, forgiveness, reconciliation and recognition.' (Simon Fisher et al. 2001:8). This dialectic nature of conflict transformation explains the interconnectedness between development administration and conflict

transformation. As stated elsewhere, the CDC members' forum which meets at the Community Development Department (CDD) level is often used to brainstorm and build synergy to facilitate joint problem solving in relation to CDC activities, welfare, and remuneration of members. This process has engendered organic solidarity, re-orientation of values, goals and opportunity for social interactions (Jarikre 2014). The development administration with its community development committee as interventionist agency sets out to alter the course of violent conflict trajectories by a deliberate erection of peace building structures to correct inequality, injustice and economic redistribution. It can be argued that the community development committee in its function is designed to redirect the energy of parties from violent manifestations to mobilisation for development and peacebuilding – through empowerment of youths and women, promotion of harmonious relationships, and infra-structural development and maintenance. These are some of the unassailable goals of conflict transformation.

According to Argyris (1970: 15), intervention means 'to enter into an on-going system of relationship, to come between or among persons, or objects, for the purpose of helping them'. Similarly, *A Toolkit: Peace Practice in Nigeria,* explains that 'conflict intervention is a response mechanism and a process that helps conflicting parties to confront the roots of that conflict and restore harmony, using different approaches and methodologies'. It further elaborates that conflict intervention is the tail of a peace action whereby information collated from conflict tracking is thoroughly analysed and pulled into practical action to alter conflict dynamics.

Governance is conflict management (Zarman 1997). This is particularly so because the state is a central actor in ethnic conflict management. This is more so in Africa where the state is the producer and distributor of resources amongst competing groups (Osaghae 1994). Undoubtedly, the escalated trajectories of ethnic violent conflict in Warri can be ascribed to government mismanagement of grievances. By mis-management, we mean government strategies or policies that are complacent in addressing ethnic grievances in a multi-ethnic society like the Warri area. In fact, government complacency and mishandling of ethnic grievances was a major factor that exacerbated violent conflicts. Borrowing from Duchackeck (1977), 'the management of ethnic conflict is the devising of strategies to reduce the disruptive effect of such conflict

to the barest minimum to transform irreconcilable conflicts into conciliable relations'. The state is the central actor in governance issues, and therefore it became imperative for the state to devise conflict transformation and peacebuilding strategies to reduce the disruptive tendencies of the conflict. In this way, the legislative framework is carefully designed to prescribe strategies through the functioning of the Community Development Committees/centres, which place a premium on mobilisation of local capacity for security and peacebuilding. The key strategies include non-violent approaches to acts/issues of ethnic provocation, inhibition of mutual hostility, youths and women empowerment, protection and promotion of cultural values, and participatory development.

The law as a legislative framework is an assemblage of peacebuilding priorities such as community development, empowerment, community mobilisation of local resources and capabilities that are germane to cooperation and collaboration in joint problem solving models. This is one of the senses in which Luc Reychler (2001:90) describes peace building efforts as 'compilations of one-dimensional measures ... a clear and compelling vision of peace we want to create, a comprehensive assessment of what is needed to realise this peace, a coherent plan, an effective implementation of the plan.' As Jarikre (2014) has noted, the CDC which is a creation of law, promotes community roles in peacebuilding through community mobilisation and participation. It facilitates cooperation and development at community level to enhance security (Jarikre 2014).

The principles of conflict transformation, according to Johan Galtung's Transcend Method Conflict Transformation theory and practice, and process/es comprise:

- Map the conflict formation: all parties, all goals, and all issues;
- Negotiating overarching goals acceptable to all parties;
- Describing the tasks for all parties to implement those goals; and
- In these dialogues identifying acceptable goals in all parties (Galtung 2000:4).

The forces and factors that make a society more prone to intense violent conflicts are prevalent in the Warri area. In other words, in a multi-ethnic society where the socio-economic and political context is characterised by marginalisation, deprivation and gerrymandering, violent conflicts are inevitable. The structure of the Warri conflict is characterised by group mobilisation for political aims through ethnic and communal identities. It is in this sense that Ronmi Suberu (1999) aptly describes as '… new ethnic minorities who are adept at giving coherent expressions to communal grievances and mobilising their communities in response to changing political development and opportunity'. Violent conflicts may ensue as the ethnic groups attempt to alter or sustain the course of the socio-economic and political imbalance in their favour. For instance, for the Itsekiri, it is considered as an affront when Ijaw and Urhobo settlers and customary tenants to ask for separate Local Government or refuse to accept the over lordship of the Olu of Warri. Given the political context of the above scenario, the legislative framework (CDC Law 2004) provides a practical problem solving measure for transforming relationships between the ethnic groups. The minority opinion is that it is merely a government calculated attempt to empower ljaw and Urhobo settlers in Warri by providing them the opportunity to share in the wealth and politics in areas where they do not belong. The CDC law 2004, however, identifies minority disposition as part of the conflict trajectory by making provisions to address their fear, frustration, and exploitation. The general consensus is that the legislative construct brings government nearer to the communities and avails to all the ethnic groups an opportunity to take part in the decision making process and, ultimately, the development of their area. But it must be quickly stated that the Itsekiri vehemently opposed the establishment of the Development Administration and the creation of Community Development Centres in the Warri area. In fact, they challenged it through a court process which delayed the inauguration of the Centres. Also, it does explain the mindset of the ltsekiri, who would not support any plan to accede any part of their land to any ethnic groups in Warri. Their contention is that Warri is the home land of the Itsekiri while the Ijaws and Urhobo are settlers and customary tenants. Therefore, their quest for separate administrative units is an affront because Itsekiri are settlers in other local government areas of the State, yet have not requested an exclusive separate administrative unit.

The law depicts government's deep understanding of the existential needs of the various ethnic communities in Warri, the capacity of each ethnic group to prevent the other from realising its goals, and how none can achieve its own goals without the co-operation of the other. The CDC law 2004 not only identifies the historical perspective, sociological dichotomy, structure and trajectories that sustained the ethnic hostilities, but also addresses them with the structure, functions and composition of community development committees/centres. Considering the complex mix, the CDC law 2004 provides for the existential needs of the various ethnic communities in Warri. The contentious issues in the Warri conflict reside more in the incompatibility of individual and collective goals, and this is a challenge to the core objectives of the CDC initiative. The goals vary from natural resources (land and its resources – oil wealth) to political power, and are essential to human existence in Warri. To this end, determining who holds political power and who controls the land and its resources is the *casus belli*. The CDC law 2004 has altered the structure of the conflict by providing opportunities for participatory administration and development of the area by the people.

The CDC law 2004 can be considered as a constructive conflict transformation mechanism for the way it facilitates an effective co-operative problem solving process. The CDC fulfills the conceptualised aims of increasing contact, and developing harmonious interethnic relations. Ethnic mistrust and animosity should wither away as the parties share the same basic institutions that offer sociological and developmental support for the Warri. This process is capable of engendering organic solidarity, a re-orientation of values, and creating the goals and opportunities for social interactions. This is also capable of creating a significant measure of understanding and mutual respect for one another. There is improved and increased relations amongst the groups. The membership was comprised of committed and selfless members of the communities and the operational framework assisted them to galvanise a peace process. The author gathered that most of these members had been deeply involved in conflicts in defense of their communities. This also explains why the CDC membership is overwhelmingly male. The operational framework at the CDD includes CDC members' forum where they meet to synergise, deliberate and brainstorm for joint problem solving, and reduce violent behaviours to least provocation.

Prior to the enactment of the CDC Law 2004, the argument was that government lacked the political will and was not committed to follow the path of truth, justice and fair play in dealing with the contentious issues of the Warri conflict area. The circumstances supporting this assertion was government's inability to either release or implement the findings of its numerous panels of inquiry and develop the area in spite of the huge wealth accruing to the nation from the area. The CDC law 2004 proved to be a deliberate attempt to address the earlier positions and failures of the Government to fulfil its constitutional responsibilities. Though the CDC is a Delta State government creation which does not have constitutional legitimacy as a tier (federal, state, local) of government, it did afford the people a sense of participatory administration for development.

The CDC law 2004 underscores a comprehensive blue print to mainstream the state government political and socio-economic engagements within the communities for sustainable development and conflict transformation. Ostensibly the Itsekiri were opposed to the establishment of CDC in the Warri area because of the other ethnic groups in Warri who they termed as settlers. Conversely, the Ijaw and Urhobo, the perceived victims of marginalisation, political and economic rights, were also opposed to the establishment of CDC. To them, the CDC option does not resolve their quest for own Local Government Area and political emancipation from the dominance of Itsekiri. It further explains the notion that each ethnic group was poised to circumvent the plans of the other from achieving its goals, even when none can achieve its own objectives without the co-operation of the opponents. Here is where some broader viewpoint is necessary, and Lederach's (2004:87) postulation that 'conflict transformation represents a comprehensive set of lenses' becomes apt. In spite of the opposing interests as manifested in their different postures mentioned earlier, the State Government was undaunted and went ahead to establish the CDC, affirming its desire to enthrone peace in the troubled Warri.

Conclusion

The intractable domestic conflicts in the Western Niger Delta between the Ijaw and Itsekiri on the one hand and between Itsekiri and Urhobo on the other hand over the ownership of Warri constitute a challenge to peace and development in the area. Equally intractable are issues around

who controls the political affairs and economic activities, the placement of the Olu over the other ethnic groups in Warri, relocation of Council headquarters and denial of rights of employment and attractive political offices to some ethnic groups. It explains why multi-track diplomacy was deployed to track and resolve the conflicts. The use of multi-track diplomacy also explains the employment of the various conceptual frameworks designed to reflect the activities, policies and programmes as well as capabilities of interveners that contributed to the peace process.

Although, the contentious issues of the Warri conflict are deeply entrenched in the constitutional authority of the federal government, several civil society groups (including faith based) and non-governmental organisations contributed immensely to the achievement of peace. These include: The Academic Associates Peace Work (AAPW), the International Foundation for Education and Self Help (IFESH), and the Niger Delta Professionals (now known as Lite Africa) These interventions have revealed that 'the expertise to successfully deal with the multidimensional issues of the Warri conflict does not reside solely within the instrument of government'. Rather, as Diamond and McDonald (1996:2) noted, citizens from a variety of backgrounds and with a variety of skills have something to offer and can make a difference.

So far, the success of the CDCs proves wrong the expectation and apprehension that the establishment of exclusive ethnic community development committees is a dreadful anachronism which portends the dangers of ethnic exclusivity and provides ample opportunity for easy mobilisation of offensive actions. The legislative framework that encouraged the path to peace in ethnically divided Warri area tacitly and overtly settled the issues of ownership of the area. The salience of the operational framework lies in its potency for inhibiting conflict, inducing peace, and providing an early warning system. In this way, it has aggregated empowerment and mobilisation of local capacity, co-operative problem solving, and community ownership as strategic tools for conflict transformation, security and peacebuilding.

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