

Civil Society Conflict Prevention Network KATU &
Southern African Conflict Prevention Network SACPN

**REPORT OF THE PEACE BUILDING SEMINAR ON
"DEVELOPING REGIONAL CIVIL
SOCIETY APPROACHES FOR CONFLICT
PREVENTION IN SOUTHERN AFRICA"**

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Content

Foreword

Part One: Introduction

- 1.1 Executive Summary
- 1.2 Opening Remarks
- 1.3 Opening Speech of Dr. Isaias Mondlane,
Permanent Secretary of the Ministry of Foreign Affairs of Mozambique
- 1.4 Seminar Expectations
- 1.5 Peace Building and Civil Society Partnership, paper by Sean Tait

Part Two: Current Conflict Situation in Southern Africa

- 2.1 Country Position Papers
 - 2.1.1 Angola Country Paper
 - 2.1.2 Botswana Country Paper
 - 2.1.3 Lesotho Country Paper
 - 2.1.4 Malawi Country Paper
 - 2.1.5 Mozambique Country Paper
 - 2.1.6 South Africa Country Paper
 - 2.1.7 Swaziland Country Paper
 - 2.1.8 Zambia Country Paper
 - 2.1.9 Zimbabwe Country Paper
- 2.2 Conflict issues from country papers
- 2.3 Conflicts ranked according to severity

Part Three: Opportunities for Regional NGO Peace Building Interventions

- 3.1 SACPN- A tool for Regional Peace Building Interventions
 - 3.1.1 Overview of SACPN
 - 3.1.2 Towards an effective SACPN
- 3.2 The Role of Regional Bodies in Peace Building
Paper by Dr Siteke Mwale
 - 3.2.1 The Role of Regional Bodies in Peace Building in Southern Africa;
Possibilities and Limitations of Government/NGO Collaboration
 - 3.2.2 Suggestions for COMESA/NGO collaboration in Peace and Security

3.3 Introduction to Active Non Violence
Paper by Jayne Mbakaya

- 3.3.1 Introduction to Active Non-Violence and its Relevance to Peace Building in Southern Africa
- 3.3.2 Steps towards an Active Non Violence Campaign
- 3.3.3 Active Non Violence: Case Study
- 3.3.4 Suggested Strategies for SACPN- Zimbabwe Case study

Part Four: Programme

- 4.1 Programme of the seminar

Foreword

Africa is often seen as a continent of human suffering, conflicts and war. The global development towards democracy and respect of human rights has also had an influence in the development of African countries. Building up a new civic society based on principles of democracy and justice creates basis on economic and social development. At the same time many problems and social contradictions have led to increased instability, violence and civil wars in various African countries.

KATU has given attention to conflict prevention in Africa since its establishment in spring 1997. Together with the Ministry for Foreign Affairs of Finland and International Alert an international conference on the role of the international cooperation in conflict prevention in Africa was organised in December 1997 in Helsinki, Finland.

As a second phase in its Conflict Prevention Project in Southern Africa the Citizens' Security Council KATU organised two conflict prevention workshops in Africa in 1999: in April in Livingstone, Zambia on the role of youth in conflict prevention and in June in Maputo, Mozambique on the natural resources.

In the final document (Working Document) of the Livingstone workshop the participants agreed upon (among other things) the following text:

" KATU, assisted by KEPA Zambia, will facilitate an interim focal point for Southern African NGOs interested and / or working in the area of conflict prevention and resolution. This focal point will facilitate the provision of, and dissemination of information, as well as establishment of contacts and linkages between African and Finnish NGOs."

This is the background of this project that aims at assisting the Southern African NGO's to start regular cooperation with each other in the field of conflict prevention and finally establishment of a loose network on conflict prevention. KATU's project started in late spring 2000 and is estimated to go on until summer 2003.

KATU's project's main aim was to establish a focal point for Southern African NGOs interested and / or working in the area of conflict prevention and resolution. This focal point will facilitate the provision of, and dissemination of information, as well as establishment of contacts and linkages between African and Finnish NGOs. The focal point will serve the Southern African NGO's (who have identified themselves as willing the join the loose network) in the fields of training, networking, and information sharing on various conflict prevention issues, and it also can strengthen the regional identity. The process has already led to establishing a Southern African NGO-based conflict prevention network called *Southern African Conflict Prevention Network (SACPN)*.

KATU organised the first regional conflict prevention seminar of the Southern African Conflict Prevention Network in 22-26 July in Maputo, Mozambique.

The objectives of this Peace Building Seminar on 'Developing Regional Civil Society Approaches for Conflict Prevention in Southern Africa' were:

- To provide an overview of current conflicts and successful NGO interventions in Southern Africa

- To provide a forum to explore the relevance of a regional Conflict Prevention NGO network or Southern African Conflict Prevention Network
- To develop a clear mandate, focus, and structure for a regional NGO network
- Share concepts experiences, expertise, and discuss possibilities and limitations of regional collective peace building interventions.

Key elements of the programme of the seminar were:

- Share knowledge of current conflicts (root causes and significance) in Southern Africa and successful NGO interventions
- Identify and discuss both limitations and opportunities for effective regional networking so as to enhance collective peace building NGO intervention
- Learn various ways for collective regional action with a focus on Active Non-Violence
- Lay out mandate, modalities, and structure of a regional NGO Conflict Prevention Network.

This book is the final report of the seminar. It includes all the speeches, comments and results of the group work.

Almost 40 participants from Angola, Botswana, Kenya, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe participated very actively in the seminar.

KATU wants to thank all the participants for building up such an active and positive experience, especially Yaliwe Clarke Kamuhuza for doing all the preparations and facilitating the seminar, Rinos Simbulo for writing the report as well as Alfiado Zunguza and Salomao Mungoi for their kind help.

KATU also wants to express its sincere gratitude to the Ministry for Foreign Affairs of Finland for funding the seminar and the publication of this report.

Helsinki, September 2001

Anne Palm
Secretary General
KATU

Part One: Introduction

1.1 Executive Summary

By Mr Rinos Simbulo, Rapporteur of the Seminar

Peace is one vice that has been elusive for mankind from time immemorial. The world has invested billions of dollars in search for peace but with no signs of achievement. After the Second World War the birth of the United Nations provided hope for mankind towards attainment of peace. However, this has not been fully realized as conflicts, violence and loss of life have continued to be the order of the day around the globe. The respect for humanity is slowly being lost. It is against this background that the emphasis in peace building should move away from focusing at institutions but towards communities with their local structures. The world should move towards a new social order where the respect for humanity becomes central.

The hope of world peace will only be realised if basic community structures and systems particularly at family levels are used to embrace value systems that are there to provide peace. The new world order should also recognise the root causes of conflict. The major one being the inequalities and imbalances in the share of the world natural resources. There will be no sustainable peace when the world resources continue to be controlled by a few, while the majority are wallowing in poverty. The question of social equity is critical in the quest for sustainable world peace.

The world should also reconsider their investment in weapons of destruction from small light arms to the very sophisticated military hardware. This investment can be used to rescue millions of world citizenry that are in abject poverty. It is not through peacekeeping missions with the armies that will bring peace to the world. It is maybe time to begin using non-uniformed personnel from civil society in dealing with peacekeeping that will change the face of the world. The active non-violence methodology towards peace building is one such important aspect that needs to be explored in the new dispensation. The world through the United Nations systems should begin to offload some of its resources to civil society to begin to address active non-violence in peace building.

Lastly it is through such efforts like the one being pursued by KATU that the world should begin to respect humanity through the evolution of a value system whose main focus would be peace. It is the dream of every world citizen to live in sustainable peace and development now and in the future.

1.2 Opening Remarks

Mr Alfiado Zunguza from Justapaz, welcomed the participants to Mozambique and in particular to the seminar with pleasure and excitement. He urged the members to feel free in their stay in Mozambique and not to hesitate to be in touch with him for anything should they feel that things are not in place.

He then called upon the KATU Secretary General, Anne Palm to give some welcoming remarks in her welcoming remarks Ms Palm provided yet another warm welcome to the participants. In her opening remarks she alluded to the fact that peace building was a new method of conflict prevention

hence the need to promote peace through early warning systems. This she said could only be achieved through coherent and appropriate tools.

She further said that KATU identified gaps in peace building. Among the gaps identified were the lack of updated information on the nature and type of conflicts, lack of local experts to deal with issues of peace building. There was also no clear record, database, of who was doing what among the interest groups in the field of peace building. She also said that monitoring and evaluation was lacking among those that are involved in the process. There was therefore a need for more resources to work with if anything meaningful could be achieved in peace building.

Ms Palm went on to say that due to the gaps identified by KATU (Citizens Security Council, a network of Finnish conflict prevention NGOs); a group of Finnish NGOs started the process of resource mobilization to assist the Southern African NGOs. She said she came from Finland with an open mind and that the Southern Africans should determine their own destiny, as they find it fit. She emphasized the need to have a regional approach to issues of peace building and that the network must make itself bigger to allow it to engage itself with the governments.

1.3 Opening Speech from Dr. Isaias Mondlane, Permanent Secretary of the Ministry of Foreign Affairs, Mozambique

It is a great honour for me to participate in this opening ceremony and a privilege for our country, the Republica de Moçambique, to host in its capital city, this important seminar, which will discuss the best of involving the civil society in conflict prevention in Southern Africa.

The implementation of this seminar in Mozambique shows the importance that the civil society and the Mozambican Government give to conflict prevention, management and resolution. For us it is clear and the experience teaches us that only with peace and stability socio-economic development of Mozambique can be guaranteed. We are sure that it is true for other countries in the region.

We are delighted to have in this seminar various individualities like academics, and civil society representatives, all of them in search of lasting peace, stability and progress of the people and countries of Southern Africa. To all of you we say welcome to Mozambique. We hope that you will have an enjoyable stay and productive work during the seminar. We encourage you to visit some places of interest within the capital, particularly those location were population affected by 2000 and 2001 floods are involved in reconstruction of socio-economic infrastructures in order to normalize their lives.

This seminar is happening amidst the second year of the government five years program (2000 - 2004), with the following objectives:

- a) The reduction of poverty level
- b) Rapid and sustainable economic development
- c) Balanced and harmonious economic development of the country
- d) The consolidation of peace and national unity, to increment democracy and state of law.

The materialization of these objectives require added commitment and efforts of all Mozambicans, particularly for the fact that de country suffered devastating floods in two consecutive years in the south and centre regions of Mozambique. This natural disaster had negative impact on the lives of

the affected populations and destroyed a great number of socio-economic infrastructures. This calamity forced the government to request additional funds from the international cooperation partners to accelerate the process of relocation of affected population as well as to build or rebuild infrastructures destroyed.

Within this context, the government, in collaboration of with the United Nations, organized in Maputo, on June 12-13, a conference of donors for the post flood reconstruction. The conference was to raise about 130 million US dollars to address the challenges of relocating and normalizing the life of affected population.

I want to take this opportunity to express the gratitude of the people and the government of Mozambique for the comfort, solidarity and material support, which came from various parts of Mozambique as well as from the international community for population affected by flood. We are sure that the multiform support will continue within this phase of reconstruction and rehabilitation. This was also expressed during the conference I mentioned earlier.

The current dynamic of international relations is characterized by an increasing interdependence between states within the phenomenon of globalisation. This reality requires African people and countries to have a renovating and participatory attitude. We witness in this new millennium the presence of various initiatives and events, which make Africa part of the globalisation process. The transformation of OAU into AU is a sign of the commitment of African states in their efforts to have a more active participation in issues related to peace and international security, as well as progress of humanity in light of globalisation. To this end, the African leaders, who had a summit in Lusaka, adopted an African Common Initiative, which is an instrument that defines the priorities and actions to be taken for integral and sustainable development of the continent, based on the maxim utilization and rationalization of African resources and capabilities.

The African Common Initiative emphasize and give relevance to a regional economic cooperation and integration, as the preconditions for economic growth will make African economies more competitive and, produce more wealth for the betterment of lives of African people through the eradication of poverty.

To achieve these goals, we have to eradicate the conflicts and wars prevailing in various parts of the continent and specifically in Southern Africa. Within this context, the SADC African leaders are involved in finding lasting and pacific solutions to the conflicts existing in the region, namely the conflict in the DRC and in Angola. That is why we think that the objectives of this seminar are very important for the region today. According to our understanding, governments, political parties and all sectors of civil society must have an active participation and coordinated partnership in the consolidation of peace and stability in our respective countries. To that end, there must a permanent dialogue between all sectors of our societies. This dialogue must respect the law and existing democratic institutions and it must be done in the climate of tolerance and harmony and guided by the culture of peace.

The reality is teaching us that the civil society is an indispensable partner for our governments in the elaboration and implementation political, social and economic development programmes as well as in the dissemination of the principles of tolerance and harmonious relationship in our countries. Together we have to identify the best ways and means to preventive conflicts and wars in the Southern African and in the world in general.

We know that at the SADC level the member states are restructuring the organization, including the regional collective defence and security. This fact cannot inhibit the civil society to also find its space for action for the promotion of peace and stability in the region. This action will have positive impact in the consolidation of democracy and acceleration of economic growth, which are essential for the progress and well being of our countries. In this context, we can illustrate the contribution of the Christian Council of Mozambique (CCM) for peace and stability in Mozambique. CCM has been collecting arms and other war materials around the country through the project called "Arms for holes". This initiative contributes to the eradication of illicit traffic and use of small arms that can be used in crime activities and consequently in destabilizing the country.

Other initiatives of civil society can and must emerge to reduce or eliminate potential conflicts due to exclusion, social injustice and poverty still prevailing in our respective countries.

The current reality shows that it is imperative to unite our efforts and establish partnerships between governments, private sector and the civil society and concrete and realistic actions for peace and stability, progress and well being of the people and countries of Africa and the whole world. Dear participants, that is why we came to participate and honour your invitation to be present in this opening ceremony of the seminar and share with you these words of encouragement and availability for partnership.

We wish you success and fruitful debates because we hope that the reflections and recommendations that will come from this seminar will be shared with the leaders of governments in the region and in the Africa, also committed to guarantee lasting peace, stability and progress of their respective countries and of the continent.

1.4 Seminar Expectations

The participants put their expectations for the workshop. Among the expectations were to explore ways of consolidating the network in the region by developing practical ways of being able to deal with the plight of the underprivileged especially at grass root levels using the bottom-up approach. The other expectations were using the civil society to engage with government without necessarily being compromised. The participants also recognized the risks that are involved in undertaking the network activities.

The seminar also expressed the need to create partnership with the private sector institutions in peace building. It was put on record that the network should adjust itself to the new demands in the region. For instance, despite going through democratization the region is seeing some kind of oppression by some leaders, even within the democratic institutions. Finally, the participants expected that a clear plan of action would be developed before the close of the seminar.

1.5 Peace Building and Civil Society Partnerships By Mr. Sean Tait, Director of UMAC, South Africa

Introduction

Over recent years, violent conflicts have neither diminished in number nor intensity. This in turn has impacted on how the international community's attempts to address these conflicts are assessed.

Increasingly this capacity is acknowledged as limited and in fact, the political willingness of the international community itself to engage with issues has also been in doubt, witness a number of more controversial missions.

Increasingly the involvement of Civil Society is seen as an important resource in the prevention of violent conflict. A well-considered article by Michelle Parlevliet on civil society's role in conflict prevention in Africa forms the basis for this paper. In it she makes the distinction between positive and negative arguments for the use of Civil Society in Peace Building identified by the Carnegie Commission for the Prevention of Deadly Conflict. On the positive there is the added value civil society can bring to dealing with conflict, and from the negative perspective the acknowledgement of the little impact that governments and intergovernmental bodies have on conflict prevention. (Parlevliet, 2001, P 75).

This paper intends to explore the role of Civil Society in Peace Building partnerships, highlighting both the challenges as well as the limitations.

Civil Society and Conflict

Before exploring the civil society partnership in peace building in greater detail, it is important to examine both the concept of Civil Society as well as look more closely at conflict in Africa.

Parlevliet argues that while Civil Society is a complex concept, it can perhaps best be understood by considering its functions, relationships, location and association. (Parlevliet, 2001.)

Building on this she quotes Bratton that civil society can be seen as a public realm between state and family, which is made of groups and associations having come together to pursue a common goal or protect interests, values and identities. Civil Society is thus made up of a range of organizations and associations from trade unions, to NGOs to business, religious organizations, youth and educational. The list is as endless as it is diverse. The point made is that Civil Society is not a unified or singular entity.

Added to this the particular context of the African situation impacts on how Civil Society manifests. From within the ambit of relationship, she notes that given the often disproportionate hold of the state over resources in Africa, it is likely that the relationship between the state and Civil Society in African countries is not wholly distinct from each other. This has implications for future partnerships in peace building. It is not uncommon for civil society actors to be co-opted into state structures. On the other hand, where the state is more authoritarian, the relationship between state and Civil Society could be more confrontational.

Neither is Civil Society always inclined towards activities of peace building or of partnership. Simply by being, Civil Society does not assume that it is willing or able to partner around issues of peace building. Within the context of functionality, she quotes Odera in relating the functionality and legitimacy of Civil Society in Peace Building to the values it pursues. Bodies commonly seen as forming part of Civil Society have played a far from civil role in their approach to conflict. The example here is the role played by the hate radios in Rwanda.

In order to understand how this facet of society can become involved in Peace Building it is important to access the nature of conflicts and in this context in Africa in particular.

Violent conflict in Africa is increasingly one of intra-state, generally understood as groups mobilized in response to needs that are frustrated. Often this translates in conflict by an aggrieved group against the state. In some instances where the state is authoritarian these needs are often frustrated by an active denial by the said state. Where the state is weak the frustration of these needs arises from the state not being able to provide basic wants

Parlevliet notes that the intensity of many of the conflicts in Africa can be related to the fact that the mobilization around needs is often organized around cultural racial and or religious groups. These identities are entrenched over time and fed with negative emotions such as exclusion and persecution. (Parlevliet, 2001)

A further feature she notes is the complexity of the conflicts: they generally involve a number of issues and many different role players, often without strong organization and decision-making structures.

The conclusion she derives from that, is that organs established to address inter state conflict are not the best suited for the type of conflicts described above. Traditional sense outside interventions, in addressing intrastate conflict are often geared to top down approaches, are short term in intervention, enter at a late stage and devote less time to sustaining the process. These are not the approaches required for complex structural conflicts that require long-term interventions and also need to be sensitive to local dynamics. In this regard a peace building approach is more apt. Among the approaches explored in this regard is that of viewing conflicts as a natural occurrence. Conflict does not have to be denied but rather addressed through putting in process to resolve structural problems and so prevent violent manifestation

It is in attempting to find an answer to these issues that the role of Civil Society in Peace Building becomes important.

Peace Building

Defined from the perspective of the intended result Peace Building is the activity that seeks to “prevent violent conflict from re-emerging” and the efforts to “rebuild the capabilities of a society to resolve conflict without fighting.” (Kuhne, 2001, P 383). Reychler defines peace building as the constructive transformation of conflict and the creation of a sustainable peace environment. “Through peace building the conflict is not merely resolved - the whole situation shifts. The term peace building refers to all efforts required on the way to the creation of a sustainable peace zone.” (Reychler, 2001, P12).

Peace building is more often than not acknowledged as the pinnacle of intervention from which conflict can be transformed, and yet it remains a difficult and complex field.

On one hand the basics activities of Peace Building are more difficult to grasp because of its predisposition to the diversity of local responsibility, intervention and input. In fact in trying to provide a description of peace building its true dynamism is often lost.

Peace building is a difficult process with which to engage. It requires a soul searching and openness. This is not only time consuming but is difficult to measure in terms of impact.

Thirdly it cannot be done alone. It requires an interaction between role players to identify new horizons, manage risks, facilitate process and “shift the whole situation”. This places the extra

burden of developing and managing partnership on the already difficult task of meeting the challenges of the actual intervention.

Hizkias Assefa places conflict transformation at the far end of a scale as product of a reconciliation process. Activities such as force and peacekeeping occupy the other end; they require no engagement between the parties. Adjudication is the next with engagement carefully managed by a legal process. Negotiation follows with engagement between parties happening from firm positions of interest. In mediation the emphasis is on reaching out to a win-win situation. The latter are within the realm of peacemaking. In reconciliation with the intention of transforming violent conflict, “the approach tries not only to find solutions to the issues underlying conflict, but also works to alter the adversaries relationships from that of resentment and hostility to that of friendship and harmony.” (Assefa, 2001, P 341) This is the terrain of peace building.

Partnerships

Parlevliet notes that although there are several of the larger international NGOs that do engage very effectively, civil society cannot be expected to perform in all areas of addressing the structural causes of conflict such as debt relief and the legacy of colonialisation or of globalisation. Four areas where civil society can play a role in addressing structural causes of conflict are identified as, combining a focus on structural issues with peace building relationships, enhancing participation and ownership, facilitating processes and building capacity. (Parlevliet 2001.)

With regard to combining a focus on structural issues with peace building relationships, she notes that one of the important tasks is that of bringing parties together to bridge the gaps between them. Often the greatest advances in this area are not achieved from the high political officials but from local and middle management levels where changes in perception impact on ingrained mistrust and suspicion fuelling conflict.

Under enhancing participation and ownership she highlights the process of making local voices heard in interventions. These are often ignored in top down approaches of traditional peace making.

Facilitating processes focuses on that aspect of addressing relationship issues rather than the specific outcomes. Again understood in the long-term ingrained nature of conflict in Africa, this plays an important role in changing mindsets and finding common ground between parties.

Lastly under building capacity she includes the skills necessary for conflict resolution and prevention on an on going and sustainable basis.

Michael Lund in "A toolbox for responding to conflicts and building peace" identifies a range of interventions that can be termed peace building. Non official conflict management methods which are in many respects closest to many of the practices of NGOs here include mediation, traditional conflict resolution, peace commissions, peace monitors, visits and fact finding, non violent campaigns and cultural exchanges (Lund, 2001, 17). These are not “stand alone” actions but parts of a whole that end up collectively being peace building. They are thus partners to the official diplomacy, the military peace building measures, economic and social, judicial and legal and political measures. None of these can be true peace building without involving a wider range of actors. Mediation is mediation. It is only together with judicial and economic reform that it became part of the peace building process in South Africa. Likewise the efforts of the state and political parties are only part of a peace building process when a wider range of role players are involved.

Peace building provides for a multi-layered approach to a conflict, from addressing structural causes of conflict, to enabling and triggering factors in conflict. Peace building mechanisms that can be used in addressing a structural cause can include interventions such as judicial reform. Peace building working on enabling factors, and includes training, capacity building and triggering, causes mediation. Each of these is a traditional area of activity for Civil Society.

Lessons and Limitations

Peace building has had a difficult introduction. The Peace Building concept first appeared in the Agenda for Peace by the former UN SG, Boutros Boutros Ghali. He originally referred to 'post-conflict' peace building, but since then it has been recognized that it is as much 'pre-conflict' Peace Building. At the UN member states were first reluctant to introduce peace building. They feared interference into the internal affairs of countries and the extension of peace missions and budgets into developmental projects. This has changed with the UN recognising peace building as an important component. (Kapungu, 2001). Root causes of conflicts need to be examined and addressed in an intervention as planned and considered as it is separate from any peacekeeping intervention. For some, like Kapungu, identifying the lessons learnt through the process, means at last getting the right resources to the right interventions.

It also means more exposure for NGOs and in here, a number of lessons are clear. Roper identifies several points for civil society practitioners to bear in mind when assessing their involvement in peace building. (Roper, 2001.)

NGOs need to be aware in their peace building activities of approaching conflict too simply and assuming that with enough information, actors to a conflict can make a rational choice to its resolution. In fact many conflict situations are the result of a rational choice. In seeking to play a positive role in this instance NGOs could empower parties to deal with conflict, create channels to balance power, help victims and contribute to civilising conflicts by promoting conflict resolution skills.

Conflict resolution and peace building practitioners also stand the danger of fixating on the resolution of conflict and becoming blind to issues of justice. The emphasis on civil society peace building may also detract from the development of the state as a legitimate and legal vestige of control. NGOs in long-term conflict engagements can also end up becoming part of the problems and create a dependency (Roper, 2001).

Peace building has recently been recognised important and it is likely that over the next years, knowledge and debate in this field will grow and expand. Partnerships will deepen and suspicions become less. We have seen it in the introduction of preventative medicine into health care and crime prevention in policing. It is obvious that the existing wealth of evidence for peace building of its impact and sustainability has brought the debate this far and will carry it further.

Contradictions

Peace building is a terrain of contradictions. It assumes conflicts can be transformed and yet so few are. Cynically, it accommodates the fact that both peacekeeping and peacemaking aren't as clear-cut as the definitions make them out to be. These processes don't always happen over news size bites, and in fact are usually a lot more expensive than ever budgeted. Peace building allows the international community a withdrawal from or application of something other than peacekeeping

and peacemaking. Yet while it is the exit strategy, it also has the saving grace of allowing for local dynamic and input. It assumes a local responsibility.

Locally in my own work the need for parties to actively engage in the spirit and ethos of Peace Building is nowhere more plainly shown than in field of development facilitation. In a pare by Eric Bahre on housing delivery in Cape Town, he notes that heavily influenced by international thought, development in South Africa does not doubt for a moment the fundamental prerequisite for community participation. This awareness, however, doesn't question (perhaps because of expedience), exactly whom the community is, how they are represented and the impact these "representatives" have on the development process and how they interact with elected government.

Often community participation is through a representative who has the power to see that a process is moved forward by whatever means possible. Many of the community conflicts we have been dealing with as an organisation reflect this problem. Warlords, acting as gatekeepers, manipulate processes to suit themselves and their clients. In doing so they gain much power and entrench their position. Resistance to their actions builds up, often spilling over into party political conflict and growing into broad community conflict. Hardly ever is the wisdom of the approach questioned. It's all about the delivery of a product in the most effective way possible and the benefits of service through proxy. In some cases community representatives have replaced the colonial tribal chiefs and the Apartheid local governments. The intention might be more benign but the impact on local dynamics is, unfortunately, much the same. How else can a women living in a squatter camp honestly say, "We are better off without development. With development comes conflict." (Bahre, 2001)

In this scenario peace building would be that space for local understanding of the conflict to come to the fore to impact on the development process and transform the methods and approaches used, address the conflict. [As an NGO we have raised these issues time and time again with development and government role players, we have mediated conflicts and have proposed dispute resolution mechanisms. Despite the seriousness of the conflicts; the damage done and the overwhelming evidence of the problem areas; the fundamentals remain as untouched as before]. There is the unwillingness to take heed and join up and seek alternatives. Without this partnership to address the fundamentals of the conflict, all one can hope for is the peacekeeping of keeping warring parties apart, or the peacemaking of the conflict resolution process to resolve immediate tensions.

We have seen the same in the South African taxi wars. Police presence and efforts at mediation are welcomed in times of crisis but a longer-term commitment to partnership falls on deaf ears. The structural causes of the conflict remain untouched, only to reoccur again and again.

As a member of Civil Society we are constantly assessing our efforts to form partnership, and striving to market ourselves as worthy colleagues in a peace-building endeavour. Yet the other sides of the partnership, the state, the private sector, and international community, are as important. If these do not engage or support peace building, attempts to transform the conflict are severely limited if not impossible.

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Part Two: Current Conflict Situation in Southern Africa

2.1 Country Position Papers

2.1.1 Angola

Note: No paper submitted yet, issues presented by Justino Quinta

Issues

- Division among cultures, did not act
- Early enough to deal with the problem
- Political parties organized on ethnic premises
- Rich country yet very poor
- High illiteracy rates, making political participation unattainable
- Foreigners occupying privileged positions raising crime
- Lack of schools/education (steady improvement has been recorded over the years through civil society organization)
- Catholic church has been involved
- Government has set up a fund for Peace Building to be used by the civil society
- Countries supporting the war should rethink on support war (external)
- Diamonds/oil perpetrate the war
- Angola survive on half (1/2) dollar (poverty)
- Bad governance
- Language barrier to share experience with other countries Portuguese/English.

Questions and Responses from Angola Country Paper

There is mention of funding for Peace Building that has been created by the Angolan government. What are the mechanisms to access the funding and who can access it?

This is a new fund provided by the Government to support civil society organisations that are working in peace building and those that have programmes on the reintegration of ex-combatants. The fund will also support education for peace. Other modalities for the implementation of the fund are still being worked upon.

2.1.2 Botswana

Presented by Modise Maphanyane, Lebogang Malebye and Annah Mokobi

Civil Society Approaches to Conflict Prevention in Southern Africa

Understanding human interaction is a valuable and continuous process that needs adapting to from time to time. The issue of conflict prevention must be seen in line with society's desire and efforts to live better with one another. Generally, civil society organisations have tended to be left behind when it comes to issues of citizen governance and involvement. Political representatives have always been accepted as deserving to speak on behalf of citizens, sometimes without really understanding what their citizens want or feel.

Civil society organisations are much closer to the people and, as such deserve to be given more recognition and acknowledgement in dealing with issues pertaining to citizen governance than has happened in the past.

In the context of Botswana, we would like to pretext our report by stating that conflict should not only be seen as meaning “absence of wars”.

Conflict prevention initiatives should entail the reduction of poverty, reduction of crimes, absence of ethnic and gender inequalities, less violence against one another, as well as non discriminatory respect for the rule of law.

The following are issues that have potential for conflict in Botswana:

Poverty levels

Poverty levels in Botswana are estimated at around 40% and those mostly affected are families with one parent, i.e. women lead households. The other category affected by poverty is people living in rural areas and disadvantaged groups.

Note: It must be realised that such a situation could easily lead to social alienation and strife, i.e., high crime, suicides, broken families and abuse of drugs and its related malfeasance, etc) The civil society organisations in Botswana see the issue of poverty with concern, and they try and get their government engaged in addressing the situation before it gets out of hand.

Ethnic dominance by Tswana groups

Some time in 2000, the government appointed a commission to look at Botswana's constitution, and in particular sections 77, 78, 79 of the Constitution, with a view to making the tribe neutral so as to dispel the sentiments that they are discriminatory. Although the final report refused to declare these sections discriminatory, they recommended that they be changed so as to be tribal neutral. There is currently continued debate as to what the final report will recommend. However, one can safely say that the issue of dominance by the "Tswana groups" towards non-Tswana speaking groups has not been mollified by the government's efforts.

This could easily break out into full blown ethnic intolerance, the consequences of which are well documented in the African continent; and it would be a pity if the Botswana civil society did not learn from Africa's history of instability caused by tribal differences.

Gender in-equality

Issues of gender are rooted in our cultural and social influences and would need concerted efforts from those in power. They are noted especially so in political leadership and managerial representation, where the dominance of males is quite obvious. It cannot be denied that some progress has been achieved in trying to resolve this issue, but it is not at all enough and complete. There is also a need to look at our educational system, with a view to creating an enabling environment for gender sensitivity.

Involvement of civil society organisations

Although the government does acknowledge the important role played by civil society organisations, one wonders why such acknowledgement is not noticeable in budgetary presentations. If anything, NGOs/CBOs do not feel appreciated and are continuing to suffer from limited resources, both financially and materially. What further determines these organisations' survival is the marginalisation, especially in issues of policy formulation and implementation. The government does not always see civil society organisations as a first place of contact, even in conflict resolution situations, but always as a last resort.

The government has of yet not approved an NGO/CBO policy which will assist in formalising the relationship between them and itself, the government. The latest departure of international donors has reduced their plight excessively, and many of them are faced with closure. On the other hand, some civil society organisations are viewed as anti government because of the field of work they are in, i.e., media and human rights organisations. These organisations have a role to play in society and should not be wished away because they tend to voice things that are not easily acceptable to government such as, issue of intolerance, corruption, abuse of office, inequalities and bad governance.

There is therefore room for Botswana civil society organisations to work together, help strengthen civil society involvement in the running of their country and assist in preventing some of the humanitarian catastrophes that befall our countries.

Marginalisation of disadvantaged groups

Botswana is a country where, as normally ascribed, the San or 'Bushmen' live. The issue of their integration into modern day society continues to create discord. What is also of interest is that the original effort to speak for the San was articulated by non-local organisations. There is currently a conflict between locals and expatriates, in the running of Kuru Development Trust. Recently, this conflict hit the media pages and Civil Society organisations were eventually called upon to assist in resolving the conflict. As this issue affected the disadvantaged San people, the implications of a protracted conflict can only bring doom to these people. However, it is important that an amicable solution be found sooner rather than later. Sometimes one wonders just how seriously the successful resolution of this matter is being taken by the powers that be.

To add to this issue, one would also look at the removal of Basarwa (first people of the Kalahari) from the trans-Kalahari Frontier Park. There are many stories about the Baswara people, and one is not sure as to the correct version. In the past, this matter has caught the attention of international organisations, and is now creating an international conflict. It cannot be good for the country, and local civil society organisations must make it their concern that this too, is a matter that must be attended to before it becomes a humanitarian disaster. The other issue of possible conflict relates to language in schools for some of our other non-Tswana speaking tribes, who feel that their children are disadvantaged by not receiving education in their mother tongue at early schooling. The other tribes of Botswana feel marginalized by the status quo, and civil society needs to take a positive role in this matter as well.

The issue of people living with HIV/AIDS is another matter that could bring about conflict in Botswana. Although generally, people living with HIV/AIDS are said to be discriminated, many of those with this scourge know better. The public is not very friendly to those afflicted and once someone is known to be infected, they are generally labelled, and jobs are not easy to come by. The

lives of people living with HIV/AIDS is hard, and we in civil society organisations need to take a pro-active role in seeking an inclusive way forward and in supporting those efforts and initiatives currently taken by government. The following are issues that have potential for conflict in Botswana:

Refugee issue

There is also a case of refugees that need to be attended to by us in the civil society. Refugees are people who leave their countries of origin for fear of putting their lives in danger, so they need all the support they can get from their host countries. In some of our countries there exist conditions that could lead to conflict. There is a role that civil society organisations can play, before the issue becomes intolerable.

SADC Region

The SADC countries agreed to create an umbrella organisation as a way to stand by one another collectively. The civil society has always viewed such collective strength as important in the improvement on the lives of citizens. Conflicts in neighbouring countries affect us all, but once again the role of civil society, in Botswana for example, is not very clear or accepted by our political partners. There is a need for those in political parties to begin a process of consultations with civil society organisations on these issues, and not always to feel they are empowered enough to deal with them without consultations. Unless such processes are available, the effects will continuously afflict civil society organisations without being part to their solutions in the SADC community.

It is important to realise the great impact on social and developmental facilities in countries, which receive victims of these conflicts, such as the issue of limited resources and amenities, which created the need for civil society organisations in our individual countries in the first place. There is also the issue of lack of involvement of civil society organisations in the resolutions of these conflicts, but civil society organisations are later expected to handle the human side of things, i.e., hand out food and blankets, etc.

Questions and Responses on Botswana Country Paper

How does the Botswana civil society view the issue of traditional leaders with regards to the new democratic dispensation?

Although the answer to this cannot be viewed as a comprehensive one in general terms, Botswana has respect for the role played by traditional leaders. However the modern democratic institutions are more representative and accountable but there will always be room for the traditional to play a part in modern politics.

2.1.3 Lesotho

Presented by Thotoane Pekeche and Martha Mosoang

Introduction

Africa as a continent today is conflict ridden. At the same-time the nature and forms of these conflicts come in different ways and have changed over time. Most of the violent states today do not come as wars between states but take place within states. As we are all aware conflicts cause a lot of problems related to long term effects on people.

One would have thought that the Basotho are fortunate to be one nation with one language and one culture. Surprisingly, Lesotho Like any other state presently lives in the midst of conflicts. Africa as a continent today is conflict ridden. In this presentation the focus will be on current and current/violent conflicts.

1 **Political Conflict**

1.1 Introduction

In Lesotho one may indicate that there is presently a lack of political stability. This has been caused by intra and inter party conflicts. The intra Party conflicts result in splits within the parties. These problems extended to the cabinet, since the political party members belong to the cabinet. Therefore, this led to conflicts within the cabinet. These conflicts resulted into the reshuffling and retrenching of ministers. This shows that the leaders make no distinction between party interest and national interest.

The political situation in Lesotho looks more or less like in other southern African countries. One may ask why is it that the leaders are more concerned about individual development than national development? Is it because we come from poor countries, and how can our poverty have an influence on this factor? Can one say that this is also caused by the bitterness that is still within individuals; the result of the 1970 elections in Lesotho that were oppressive and also violating human rights. Since there was no transitional period of healing, is that why there is still a problem?

1.2 NGOs' intervention

NGOs in Lesotho are training their people on conflict management so as to enable them to be in a position to resolve conflicts. Though the problem we have with this issue in particular is whether we can be able to come in, since it is not easy to intervene in political party conflicts. Anyway, we believe that together we can come up with a solution.

1.3 Recommendations

NGOs feel that there is a need to provide civic education to empower people about democracy as well as empowering political leaders. Most often, those political leaders are not included in civic education, because it is believed that they are literate in democracy; which is not necessarily the case. There is also a need for leadership training skills to be offered to the political leaders. NGOs can also use direct interventions, like assisting in deciding which electoral model should be used by Lesotho in the future. Government, NGOs, churches and others should do a lot of brainstorming on the future of Lesotho as an independent country with has now almost zero economic independence. There is a feeling that our political leaders are only in politics for money.

2 **LHD Conflict**

2.1 Background

Another outstanding conflict in Lesotho is the one caused by the Lesotho Highlands Water Project (LHWP). LHWP is a project, which is constructing dams to provide South Africa with water used, among other things, for generating electricity. The people in the area affected by the dam are moved to other areas in which the citizens are called upon to host this in-moving community. The resettled are looking for a satisfactory compensation and the hosts are looking for hosts' benefits that are made clearly on the LHDA compensation policy AMENDED 1995. There are many issues caused by resettling the people. Some of these are:

- losing of their status and social contacts.
- changing from one Geographical area where they had a way of living.
- employment
- adjustment to new life situation more especially the old people.

The conflict in this particular case comes in when people involved fight over resources. For example, there is a village called Makhoakhoeng where people are using sanctions upon the resettled as a way of forcing the LHDA to declare them as host community, so that they can enjoy the benefits of being Host community. One of the sanctions that they use is to deny the resettled a chance to use their graveyard. This resulted in a conflict between the resettled and the host community. At the same time there is a conflict about compensation between the resettled and LHDA. The LHDA is not compensating the resettled satisfactorily.

2.2 NGOs' intervention

NGO's are empowering the affected communities about their rights, particularly on compensation, resettlement and development issues. NGO's such as Transformation Resource Centre (TRC) that is under the umbrella of (LCN) are ensuring that the policies of LHDA, which is the implementing agency of the government on the project, are followed to the letter. Where such policies are incomplete, the affected people are given the best settlements. NGOs are helping the communities affected by providing them with information on how to go about their problem.

2.3 Recommendations

As NGOs we believe that if the resettled and the host communities could have been engaged in the planning process before they were moved. There could have been no problem. The hosts will have been in a position to understand exactly why people were moved and also; the conditions for resettling the people and becoming hosts could have been discussed and agreed upon among the people involved and LHDA. Unfortunately this did not happen. The LHDA became a top to bottom instructive development project. Projects that are ill conceived can be very harmful to the society.

3 **Conflict in Informal Sectors**

3.1 Background

There is a current conflict between people in the informal sector (black-market) of the economy and the government, particularly the municipalities. The street vendors want to get to the streets and sell in order to survive but the government cannot allow them, therefore an ensuing conflict erupts between the two bodies.

Currently in Lesotho, street vendors are removed from the street. The city municipalities are enforcing a law to keep the towns clean. The street vendors found themselves having to comply with the law, as they are powerless. This becomes a problem since there is a lot of unemployment in Lesotho, and a large percentage of households survive by being self-employment as street vendors. Now the government is concerned about the cleanliness of the towns while the vendor's job is in jeopardy. Further, the people working in the industries of Lesotho that fall under the informal sector are having conflicts with their employers, over low wages and poor working conditions.

3.2 NGOs' intervention

NGOs are intervening by actually going to the industrial places to observe them, and then talk to the employers about the situation on behalf of the workers, or advise the workers on what steps can be taken in order to avoid oppression.

3.3 Recommendations

NGOs can help the government in suggesting other options that will cover the street vendors. For example, clean, tidy buildings can be used for selling purposes. As much as we need a clean city and towns, people should still be accommodated. NGOs recommend that the government should take its laws under review, and subsequently change them to suit the economic status of Lesotho as a developing country. Again the NGOs can influence government to make laws that cover workers in the informal sectors. The workers can be trained on human rights and employers can be trained on labour code.

4 **Cross-Border Conflict**

4.1 Background

There seems to be a serious conflict between Lesotho and South Africa on the issue of stock theft. Organised groups that are heavily armed specialise in this activity.

There is a lot of livestock theft taking place between these two countries. At the same time there is a problem of crazing land, whereby one country will take its livestock to the other side to graze. In the process there is also exchange of stolen stock between the two countries, which also includes the selling of illegal weapons. This results in a conflict between the people in these two-neighbouring countries. In Lesotho livestock is very important since it symbolises the Basotho tradition. Basotho use them for their funerals, weddings, to pay for lobola, healing and medicinal purposes, and also for other important ceremonies. Besides crazing land, there is also a serious conflict of stock theft taking place between Lesotho and South Africa. In this case the conflict becomes very violent, to the extent of use of illegal firearms.

4.2 Recommendations

Mainly this situation can be resolved by enforcing the law, which can be done by both governments. The NGO's from both South Africa and Lesotho should intervene by enhancing the Government capacity. Appropriate measures should be applied by the government, to get rid of illegal weapons. NGOs can empower the community on how to maintain their crazing land, so as to stop going across the borders. Again, NGOs can come up with suggestions on how to stop the crime as a way

of stopping the conflict. Such suggestions can be, organising groups within society to help identify the thieves and work hand in hand with the police in this issue.

Conclusion

In general NGO's role in conflict prevention is to:

- Strengthen the civil society structures in conflict management.
- Promotion of democracy and human rights.
- Empowerment of the Nation.
- Teaching practicing good governance.

In a nutshell we can say that there is a need to improve the skills of NGO personnel on conflict management and resolution, since the importance of these skills cannot be underestimated.

Questions and Responses on Lesotho Country Paper

How do NGOs strike a balance between the city cleanliness and presence of street vendors?

NGOs have encouraged the street vendors to withdraw their case from the court of law. Don't you think the court is the appropriate place to solve the problem?

Since the questions are related they will be answered at same time. The street vendors are paying to occupy the areas they operate from. The payment is monthly and they are supposed to have health certificates before they can be issued the permits. The government is therefore responsible for facilitating or providing services for the people in this sector.

On the second issue, it is stated that the court is not a better place for conflict management and resolutions, because we are advocating the win-win situation between the municipality and the street vendors, which will bring peace and stability.

We are therefore seeing a withdrawal from the court, which is appropriate, because once there is a law indicating the need for cleanliness, it has to be enforced and implemented. The decision, which would be given by the court, would be binding and final. But this withdrawal gives the NGOs the task of negotiating, which is what the law does not provide for.

The other issue is that the vendors had already indicated the areas in which they wanted to work from, because their problem is that where they are placed now there is no market for their products, and the place is not accessible for their customers.

2.1.4. Malawi

Presented by Charles Ngoma, Rodgers Newa and John Njunga

Introduction

Conflict is defined as the opposition of incompatible wishes or needs in persons. However talking to many Malawians and other foreigners, their first reaction on the conflict situation is that Malawi is a very peaceful country, the people are very friendly, and that generally the country is quiet and stable. Such remarks emanate from the fact that the definition of conflict is understood from

different angles and levels. Many understand conflict as war. Way back from the time of independence Malawians have never gone to war, let alone picking stones and thrown them at each other in a manner that would be construed as war between two people or groups.

It is sadly noted that Malawians might be sitting on a time bomb in as far as proper definition of conflict is concerned. For a conflict to be seen, or felt it means it has now reached a conflict behaviour stage which is some stages away from the brewing time.

Is there conflict in Malawi?

Going by its meaning and the current situation in Malawi, there are a number of situations which of late, for the past three years have shown potential for conflict. It is generally felt that those conflicts are political in nature, and have resulted due to the governance style at political level. These political differences have affected other areas, such as economic development, culture and religion.

At the political level:

1 Intolerance

There is a high level of political intolerance in Malawi especially in the way the three political parties represented in the parliament transact their business. The major difference emanates from the quest for power. The misunderstanding comes in the fact that the MCP/AFORD alliance felt that the 1999 Presidential Election results had been rigged, and demanded that they be nullified and that a re-run be conducted. The courts upheld the results, but the alliance continued to reject them. This was shown by the marching out of some of the opposition MPs from the parliament, in protest and non-recognition of Dr. Muluzi as the State President. This has affected the electorates. Malawi's democracy is still young and people still practice the politics of affiliation as compared to that of ideology.

2 Struggle for power

Still at political level, both the inter- and intra party power struggles for leadership are quite deep in both the ruling and in the main opposition parties. There is a total breakdown in the ruling party, which has divided each of the opposition parties in two camps. As for the main opposition, the level of disintegration is the major concern for the future of Malawi's political stability. Added to this, the ruling party is busy initiating Bills which are being passed without much ado. These Bills are aimed at eliminating the opposition and the civil society's contribution to national issues. For example, the year 2001 has seen two of them being passed. One in the first sitting of parliament in February - March, the NGO Bill which has given a lot of powers to the Minister responsible for registration of NGOs, including the power to de-register any NGO which is involved in politicking and electioneering, where politicking in this context has not been defined and understood. Recently, the President Dr. Bakili Muluzi has given his approval to the Bill on "Association", where members of Parliament are barred from belonging to other associations like alliances and pressure groups whose objectives are politicking.

All this is done, so that the ruling party remains in power. The civil society and the opposition are weakened and Bills are passed which are aimed at consolidating power. What are the consequences of this? While this is done at an inter-party level, there are intra-party conflicts, with conflicts in the leadership of the party taking centre stage.

3

Regionalism

This is a result of the maintained voting patterns of our General Elections both in 1994 and 1999. Malawi is divided into three regions and political parties. (The three main parties) are also founded with a strong membership at regional level i.e. Alliance for Democracy (AFORD) in the North, Malawi Congress Party (MCP) in the Centre and United Democratic Front (UDF- ruling Party) in the South. Penetration into each other's region in terms of getting parliamentary seats has been a hustle to these parties, and there were some changes in the 1999 General Elections, where the United Democratic Front penetrated the MCP stronghold area. The Regionalism is affecting people's understanding of oneness; they still follow the idea of listening to their political leaders in the particular region. It is also noted that the element of discrimination and intolerance is due to these deep affiliations that Malawians have to their parties.

4

Structural violence by school administration

The level of violence among Secondary School students has tremendously increased in the past 4-5 years; all rooted with the introduction of multiparty which has entrenched the principles of democracy, and of human rights. There has been a heavy clash between exercise of rights, (like right to be heard) and school administration. The structural violence, which school administration practices in order to facilitate peace has been found to be negative, as there has been an escalation of conflicts in schools. The students have demanded their basic needs like good food, clean sanitation, education materials, which have all deteriorated completely. The major cause of indiscipline in schools is due to the internalisation of the new culture, where the teachers being mostly adults coming from authoritarian rule, and the students, have not fully understood their roles and rights.

Economic level

5

Land Pressure

Malawi has close to 10 million people and the land is 118,486 km², of which 94% is land. Not all the land is inhabitable. The picture being created here is that land area is very inadequate to accommodate people whose source of living is subsistence farming. The Malawi economy is based on agriculture. As such, there are a lot of commercial farmers, both privately and Government owned. Currently Malawi is not doing well in agriculture, and vast expanses of land are idling when local farmers are confined and are pressured. For the past two years especially, the locals in the southern part districts that have a lot of estates and are densely populated, have started encroaching the estates, and the estate owners are pushing them back using the law. The issue is slowly getting tense. Government estates also affect central region. There's a similar perception that the land owned by the Government should be distributed to landless Malawians.

6

Infrastructure Development

Although there are no statistics that we could be able to provide now, the Malawians are feeling that there is more infrastructure development in the South where the ruling party is strong, than in the other two districts where there are opposition parties. Apart from the unavailability of statistics, our State President has on so many occasions publicly said "vote for a UDF candidate", especially during the bye-elections political campaigns development in this area. Malawians have taken this seriously. If the State President is coming out openly with such statements who else is going to facilitate the equal distribution of development projects?

7 Control over resources

A few individuals control 90% of the resources in Malawi and the gap between the have and the have-nots is wide. There's potential for conflict in an effort to get closer to these resources.

8 Corruption

Corruption is deep rooted in Malawi's society, ranging from politicians, the private sector, the civil service and the local leaders. There are quite a number of examples, which could be cited in each of the sectors. The establishment of the Anti-Corruption Bureau through Parliamentary Act is a manifestation of recognition of corruption in the country.

Any civil society's intervention?

Peace building initiative

The Centre for Human Rights and Rehabilitation has initiated the peace building initiative programme in order to contribute to the consolidation of democracy in Malawi. Malawi's political environment is unstable and more changes that are not in favour of democratic principles are being experienced, with clear signs of the unilateral passing of bills that are meant to bring back a one party state. It is on the basis of such political instability and stalemate that the CHRR has come up with such an initiative targeting the religious institutions. CHRR has so far carried out one peace building initiative Conference, held at the Makokola Club in March 2000. Since then, the project has experienced funding problem, which has slowed down the pace.

Mediation

The Public Affairs Committee (PAC), who constitute the religious bodies of the Episcopal Conference of Malawi (ECM), the Malawi Council of Churches (MCC), the Evangelical Association of Malawi (EAM), and the Muslim Association of Malawi (MAM), have incorporated the mediation programme within their public affairs programme. However, the Public Affairs Committee managed to successfully mediate the stalemate during the parliamentary boycotts, where there were problems in bringing down a long-standing intra party conflict in the main opposition party. The other NGOs have tried, like the Malawi Institute of Democratic and Economic Affairs (MIDEA), but this has been boggled by lack of credibility in the leadership as far as impartiality is concerned.

Students non-violence units and democracy education for schools

Two non-governmental youth organisations are currently implementing two projects. The student's non-violence units and leadership and Democracy Education in schools whose objectives are generally to promote a culture of human rights awareness, and conflict prevention in Secondary schools in the north and the Centre.

Why youth programme on conflict prevention?

It must be registered with regret that the top politicians themselves who are all adults orchestrate the political violence in Malawi. The percentage of youthful politicians at a higher level is so minimal that they do not have influence on any change in political decision. The young democrats as they

are called, are a group organised specifically not to contribute to positive development, but to perpetrate violence against another political party. The violence perpetrated is both in the form of verbal and physical attacks that sometimes lead to loss of lives.

Conclusion

Borrowing from the Ireland Programme on Education for Mutual Understanding, Malawi has a strong feeling that adults are so confined to their attitudes, that change in their political mind to suit the ever changing environment is not easy. Therefore the target for the youth would be to create a nursery for them to understand each other. This will only be effective.

Questions and Responses on Malawi Country Paper

Who are the foreigners being referred to as occupying land in Malawi?

These are the foreigners who come in as investors especially in the tea industries in the Rhyoh-Mulanje Districts of the southern part of Malawi. The land was and has been on leasehold for maximum of 99 years. The land was forcibly snatched from the local Malawians during the post-colonial independence. The foreign settlers have vast expanses of land of which a good part is not being used. Malawi's population since its independence in 1964 has increased from four million to close to twelve million, putting densely populated areas at land pressure. The Malawians affected by this are demanding their land, but the law is protecting the investors. They (the Malawians) have started forcefully encroaching in the leasehold. Apart from the foreign investors, the government also has idle arable land in some parts of the country. For example, the Kasungu Fine Cured Tobacco Authority (KFCTA), which has a vast land in Kasungu, one of the districts in the central part of Malawi. Villagers around the KFCTA have started encroaching onto the land and the government is forcing them out.

What is the outcome of the violence in schools?

The level of violence has increased tremendously since the multi-party government in 1994, as there have been misunderstandings between the students demanding their rights, and the school administration issuing rules and regulations to silence exercise of rights e.g., the right to basic needs - food, quality education. The teachers are resistant to change, as most of them come from the previous government of dictatorship regime, and in certain instances the students are also exercising their rights irresponsibly. This is as a result of misunderstanding on the basic concepts of human rights. The situation is that both camps (the teachers and the students) have not reached the stage of internalisation of the principles of democracy and human rights.

2.1.5 Mozambique

Note: No paper submitted yet, issues presented by Alfiado Zunguza

Issues

- Since 1962, Mozambique has been at war - 25 languages
- Dance (National) used to unite
- Challenges - Democracy - what is it?
- Economical Development
- Politicians are dividing the people on the basis of ethnicity

- Land movement of whites from Zimbabwe
- Ex-combatants integration has been a problem for the country
- Zionist churches have been assisting the traumatic victims of the war
- Peace Building between two main political parties (RENAMO/FRELIMO)
- Gender as it relates to ownership of land

2.1.6 South Africa

Presented by Sean Tait, Tanja Stephens and Ntutu Mtwana

Introduction

The nature of conflict and therefore conflict resolution in South Africa is as ever changing as the country itself. This is not dissimilar to any other place in the world. Mozambique today is not the same country it was ten years ago. South Africa has been in a process of democratisation, transformation and restructuring at all levels since 1994, these processes carry an inherent potential for conflicts.

Ten years ago South Africa was the site of a classic, almost text book example, inter-group conflict drawn on colour and class lines. What made it extraordinary was the extent of the conflict terrain impacting on the entire people and the weave of laws, abuse, money and politics that underpinned it. Its situation captured the outrage of the world and the hope, that through effort, the situation could be changed. Anti-apartheid groups were established over the world, sanctions introduced and here in the region, countries stood up as the frontline against oppression to fight for the rights of their fellow man and woman, and that at considerable cost to themselves.

Nowadays the public expression of this conflict has been resolved. This has been the miracle, and under this focus it is not surprising that the on going conflicts and tensions that take place in the country, are not always recognised for their importance or urgency. This may be because in some cases, the site of conflict has shifted slightly from a clearly drawn inter-group (racial and political) conflict to a more complex social and inter-personal level and even to an intra-personal level. There are also tensions between citizens and state institutions around the delivery of services. And here lies the threat and challenge to the ongoing resolution of conflict in South Africa. That we relax, reduce capacity slow down on our peace building activity and so loose the gains that we have made. It is ok to feel "Its over, we have done our bit and now we can focus on something else and get on with our lives." As an individual one can always move on but it is irresponsible to remove capacity without providing for an adequate replacement.

To experience conflict is not the sign of an unhealthy country. In fact it is opposite, the sign of a healthy democracy as a Civil Society, Labour, Government and an Independent Press bring issues to the fore. What can be unhealthy is not having or being allowed the space to be able to identify concerns, address priorities and resolve issues. A clamp down on the press, an attack against labour, the hamstringing of civil society can frustrate a capacity for peace-building painstakingly built over years, block natural safety valves and exacerbate conflict. The resolution becomes more and more difficult.

The acknowledgement of conflicts, the support of basic individual rights to be able to disagree and raise alternativensess in a peaceful and mutually respecting environment, the tolerance of competition, particularly political, and the facilitation of resources to address conflicts are all important aspects of conflict management.

In this paper we wish to highlight some of the conflict terrains that we continue to deal with as both a legacy of the past as well as a manifestation of the stress and tension of new dynamics of globalisation. The South African conflict has not been resolved. It is not a failure that it continues and needs to be continually addressed. This is the nature of conflict resolution.

We end off looking at the changes that have occurred in our capacity for conflict resolution, the changes that have taken place in civil society organisations and the increasing levels of specialisation required and what this has meant for conflict resolution practitioners in South Africa.

Security

South Africa has one of the highest crime rates in the world. Some statistics say a South African is twelve times more likely to be murdered than the international norm and when it comes to women and children this figure is even more alarming. South Africa is the most violent country in the world towards its children. Most young girls' first sexual experience is forced and the statistics on child abuse show that 1 in 4 girls and 1 in 8 boys are sexually abused before reaching the age of 16. We have the highest rape statistics for a country that is not at war and it is estimated that one in every two women will be raped in her lifetime in SA.

It is not surprising that this has exposed one of the biggest fault lines between state and citizen. The rise in vigilantism, conflict between communities and the Criminal Justice System, increasing lawlessness and human rights abuses are but a few manifestations of this conflict.

Community actions against crime and expressions of popular justice can be traced back in part to the community defence structures established for protection when the South African Police were the enemy and the guardians of apartheid law. One of the first moves of the new government in 1994 was to address the relationship between police and community through a new philosophy of Community Policing seeking among others to bring community protection actions under the ambit of policing. This re-establishment of relationship between community and the organs of state was a key expression of the conflict resolution process of the early South African transition.

Continuing tensions between police and community and increasing crime rates has meant that community vigilante actions remain a popular release for expressions of anger and tension, and has brought the state back into direct conflict with certain communities. The PAGAD story is one of the most striking in this regard, but not the only one, as public beatings and lynching have become more and more common.

Linked to this has been the increasing hostility against state institutions. The Education Department for failing to protect children at schools from gang conflicts as well as from physical and sexual abuse; the Justice Department for not processing cases fast enough and handing down seemingly inappropriate bail and sentences; the police for not arresting; correctional services for releasing on parole and local government for poor enforcement of by laws. This results, in cases, in extreme tension between service provider, and clients manifest in situations from poor morale and absenteeism to hostage taking, loss of respect in the state and disregard for the rule of law - fundamental to the new constitution.

The attack on basic human rights and the negative impact of this situation on the general social environment is clear. Tension has opened old wounds and old enemies are again pitted against each other. In this uncertain environment the warlords of old are poised for a come back. It is a story that

has all the elements reminiscent of the past. They are ingredients in a recipe of growing discontent that can plunge the country back into the conflicts it is seeking to extricate itself from.

On the other side of the coin government response is not surprising and has been ever more punitive. Mandatory sentences and denial of bail all cut into hard won rights. New Anti-Terror legislation looks at detention without trial and anti-gang legislation as guilt by association. Police operations crack down on vulnerable groups such as immigrants, fuelling xenophobia. Overcrowded prisons are a human rights violation that has led at least one opposition politician to take the government to court.

Given a description such as this it is not hard to imagine a country at war with itself. Not a nice place to be, and most definitely a place in need of intervention. Not dissimilar to a description of the South Africa of old.

Conflict Resolution organisations have continued to take up the challenge and, I believe, continue to express that energy and promise that was so fundamentally important in the 1994 transition.

The resolution practices involve as in the past a partnership with stakeholders to identify issues, remove blockages to progress, provide information, facilitate debate and to arrive at a mutually acceptable solution.

Among the challenges currently undertaken are the ongoing transformation of the Criminal Justice System, increasing input into juvenile crime and developing diversion and restorative justice practices, supporting school based peace and conflict resolution programmes, building sustainable models for social crime prevention, channelling community energy into legitimate structures such as neighbourhood watches and community police forums, building on assistance to victims through participation in victim empowerment programmes, facilitating and lobbying the introduction of new legislation such as the Domestic Violence Act and New Liquor Law Policies, and looking to gun owners and alcohol producers, building on the link between alcohol and guns as facilitators of crime, to support victim assistance programmes.

South African civil society can be proud that it is involved at the heart of each of these interventions which when added up are critical parts in a greater programme of ongoing peace building.

Racism

The South African Constitution asserts the values of "human dignity, the achievement of equality and the advancement of human rights and freedoms" as among the highest aspirations of national life. These values are elaborated upon and protected by the Bill of Rights and enacted in legislation. A National Action Plan for the Promotion and Protection of Human Rights has been developed, that recognizes that racism is a major problem that prevents full enjoyment of human rights, especially economic and social rights.

Given our history of colonialism and the legacy of apartheid it is no surprise that racial violence and forms of racial discrimination persist in the South African society. Recent political changes and the transition to democracy have created white fear and black expectations. Many institutions such as sporting codes, clubs and even religious institutions do not fully promote the development of effective non-racism and structured systems do not reflect the diversity of our citizens. Economic and social disparities along colour lines persist. These disparities were created by colonialism and fostered by apartheid and now are exacerbated by aspects of globalisation.

With the new democracy in South Africa, we have assumed our responsibility within the region. Part of this is the duty to provide a haven for refugees and asylum seekers. Unfortunately, their presence is leading to an unacceptable level of xenophobia and intolerance. The popular media exacerbate this through negative reporting about foreigners and immigrants in South Africa.

The high levels of racism, fear and mistrust among the general population in South Africa make the achievement of national reconciliation, nation-building and even sustainable development extremely difficult.

Gender

South Africa is at the forefront of institutionalising gender in legislation and policies and is playing a leading role in pushing gender provisions in SADC agreements. Yet, despite having some of the most progressive gender legislation it is significant that gender relations at a grassroots level remain little changed; indicating the gap between sound legislation and actual implementation.

South African women still experience physical, sexual, economically violence. Discrimination and violence against women are human rights issues for women because it impedes women from claiming rights in economic, political and social spheres. Physical and sexual abuses of women and girls are behind some of the most serious reproductive health issues e.g. unplanned pregnancies, HIV-AIDS and STD's and unhealthy abortions.

Economically, women, and in particular African rural women, are the poorest. Very few have access to formal employment, education or even basic services. Women remain politically marginalized in community and development processes. In some rural areas, the appointment of women as paid officials in local government is not supported, and the attendance of women at council meetings is actively discouraged.

Change in gender relations cannot take place in a vacuum. Men and masculinities must be made an issue in gender (planning). If positive changes are to be achieved for women, men must change too. Gender equality and women's human rights include social and economic as well as civil and political rights and applies to custom, tradition and culture as provided for in the SA constitution.

Twin evils of racism and patriarchy define social inequality in SA on the basis of race and gender, and where the unevenly distributed power relations have resulted in violence against women and children, it is imperative that any strategy against racism must seek to address gender inequality with the same vigour.

HIV-AIDS

AIDS is a health, social and economic crisis facing the whole world. Its grip does not end at the physiological functioning of individual human bodies; it disrupts the structure and function of society. South Africa has the fastest growing rate of HIV transmission and the fastest growing AIDS epidemic of anywhere in the world. SA has over 120 000 HIV children and one out of 7 children will be an AIDS orphan by 2005. While scientists and politicians debate the causes, people are dying.

Rural areas and informal settlements are hardest hit, and most of those infected are women. Gender relations and HIV/AIDS intersect one another. Traditional gender roles make men more able to

determine how, when and with whom sexual activity takes place; women have less control over the nature and timing of sexual activity. Women, especially married women, do not have the power to choose safe sex. Women experience physical, sexual, violence and often carry the blame for bringing HIV into a relationship; yet men who know they have HIV do not tell their wives or partners. Women fear rejection, abandonment and violence if they discuss their partner's infidelity, introduce condoms or refuse unsafe sex. Those who disclose an HIV positive status must face scorn, rejection and violence from their communities. The HIV/AIDS situation is worsened when one looks at the link between HIV and child sexual abuse.

The problem of HIV/AIDS can't be solved through simply providing visual aid materials, training or distributing condoms. The central issue is not technological or biological; it is the inferior status of women. Increased male participation in promoting gender equality and improved sexual and reproductive health would begin to redress the imbalance; fear of shifting resources from women to men is a real challenge. By conforming to stereotype versions of masculinity, men place themselves and their partners to greater risk.

The impact of HIV/AIDS on the structure of our society is significant. It threatens to lower productivity, decreases overall demand for goods and services and may create new wave of child labour, orphans and children as heads of households. Furthermore, fear and prejudice play a role in the spread of HIV/AIDS. The fear and ostracism of those infected and the perception of those who are infected are "different" e.g. homosexuals, prostitutes, other races etc.

Poverty

South Africa still bears a legacy of structured poverty created through colonialism and apartheid. The entrenched patterns of poverty and inequality as a result of apartheid reflect a racial and gender character, and African rural women are most affected. South Africa's post apartheid economy is in transition and therefore vulnerable to change in the international markets.

The effects of globalisation exacerbate poverty. Structural Adjustment Programmes (SAP's) of the World Bank and the International Monetary Fund (IMF) attach conditions to loans such as a reduction in government spending on education, health and social welfare, and the poorest of poor bear the cost of this. Furthermore new labour practices that exist because of trade deregulation contribute to poverty.

South Africa has a high level of racial and gender discrepancies in employment practices. It is facing many job losses, and a rise in unemployment, making poverty alleviation initiatives more difficult.

Land

Conflict over natural resources is wide and complex. In this section we highlight issues of land, provision of basics such as water, balancing the interests of environment to subsistence use, and mining and pollution.

The agriculture sector is the single largest source of employment to 1 million South Africans who work in this sector for part of income. The farming industry is semi-feudal. Many farm workers are paid as little as R 400-600 pm, and receive no housing, sanitation or formal education. Women working on farms are not formally employed, are paid less, receive no benefits and have no legal status and are treated as minors.

Land reform has been an important component of the South African Transition. The Lands Claim process has been hard at work resolving claim disputes but very little progress has been made in land awarded to groups disposed during the Apartheid Years. The Zimbabwe situation has however put the issue under the spotlight. Recently invasion of a farm by a group of people near Kuruman in the Northern Cape Province resulted in the arrest of 19 people. More recently the Bretel land invasion has increased tensions around the issue. The result has been an escalation of conflict between the state, political parties and people desperate for a place to live. In the end some 300 people have been arrested.

The new land reform laws allow individuals and communities to access, control and have security of tenure over land that they have acquired. These laws aim to ensure that individuals receive equal protection by law. However, gender discrimination exists in terms of land allocation. Single rural women are denied ownership to land, or the land is registered in her oldest son's name. Women pay high prices to access the land, money which men are not required to pay. This is due to dominant traditional practices in rural areas

The experience and capacity on conflict resolution and mediation built up over the years, supplies much needed expertise to the process ensuring that where claims come to the table there is a process and the resources to address it.

Access to Resources

Access to resources is another conflict area. Water is perhaps the most telling example. At one point it could be a conflict crossing borders and involving our neighbours. Here we have been successful in our prevention. The Orange River basin highlights a complex arrangement of protocols and treaties between South Africa, Lesotho, Namibia and Botswana.

Less so has been provision to our own communities as seen in the recent outbreaks of cholera and backlogs in water delivery to poorer communities. At least one cholera outbreak has been attributed to a cut in water supplies due to non-payment. Freestanding water taps were identified as a source of income for the local authority. Community members who could not pay were forced to draw from the river, which had been infected with the disease. Structural adjustment, cuts in spending, the need for local authorities to generate income, all links in the chain of conflict over scares resources that have left as many dead as any other outbreak of violence

NGOs and trade unions have long campaigned for free water for the sustaining of life and health and while this is at last becoming a reality the issue is far from resolved.

Access to resources also impacts on another conflict terrain, that of the environment management. The informal settlements of the Dukuduku forest at Lake St Lucia have seriously invaded one of the last indigenous forests of the area, causing extensive damage. Negotiations currently focus on alternative sites for settlement but the issue is complex, as the main link to St Lucia cuts through the forest and provides both market and raw material for wood craft. In the Transkei conservation policies carefully research the impact of policy on limiting community access to important resources.

Not least among the conflicts related to natural resources, is that impacting on the mining industry. These range from the current court cases for compensation for health loss due to Asbestos related diseases to compensation for ground pollution to sharing mining rights.

Access to information is a further problem, particularly in rural areas. Information about land reform and many other laws and policies, while sound, are not communicated effectively and people still operate under past or traditional laws. The gap between laws and policies at national or provincial level and actual implementation at grassroots is significant in understanding this area of conflict.

Housing

Perhaps one of the conflicts most reminiscent of the conflicts of the old South Africa is that over housing. Often local power brokers coerce development process to exploit them for political and monetary gain. Developers act as willing participants in the interest of seeing development through, regardless of the consequences. The net result is often the emergence of rival community groups and the degeneration of the conflict into political power struggles that in popular media are often portrayed as simplistic party political squabbles. It is here that NGO and Civil society play an important role along the lines of traditional mediation type resolution, to a lobby and advocacy role for better ways of managing development, and taking local dynamic into consideration.

Taxi

Conflict in the taxi industry is one of access to scarce resources: the need to make a living, the over trading, the competition and the almost inevitable violence. The industry grew up in the hostile world of apartheid and eked a living on the fringes often in the face of government opposition against township residents. Into this environment was added the additional dimension of being used to fuel black on black violence in the 1980's. It is not surprising then that the captains of this industry were more often than not men strong enough to stand up against this threat and meet violence with violence. The nature of taxi conflict is that of the maintenance of position of power through force.

Linked to this, the state has been slow in addressing the challenge given the influential position many taxi lords hold in their communities and the volatility and complexity of the situation. The results for conflict resolution is that with the end of the violence, comes an end to the mediation and the process of addressing many of the structural issues that were plaguing the industry. This has been an ongoing trend in Cape Taxi wars. More often than not violence can be linked to structural problems in the industry. Violent conflict attracts attention and with it pressure on parties to commit to a process to address the issues at hand. Once the violence is past the mediation/ development/ transformation process fizzles out to an end to await the next round of conflict.

More recently the state has adopted a stronger approach with the forced closure of ranks until conflicts have been resolved, and until the still to be awaited finalisation of the legalisation programme to start regulating the industry is adopted.

Elections

Civil society has been involved in the monitoring and observing of elections in South Africa since 1994. This has continued with the recent national and local election in 1999 and 2000. Here again civil society was instrumental in mediating and resolving a number of conflict situations.

These conflicts were for the most part between rival political groups, but more often than not had their roots in a range of community issues on which political expedience was latched.

Conclusions

Conflict resolution capacity of civil society has gone through much change since the 1994 elections, not least of which has been the decrease in resources and thus capacity. At the same time conflicts have not diminished. In fact they have fragmented and increased. If anything it means an even greater input is needed into conflict resolution. Civil society has responded through a number of ways; in the first instances with organisations having a tendency to specialise. Organisations and practitioners have focused on those areas where they can hope to make a difference with the capacity they have.

In the second place partnership has become more and more important. This is not only among NGOs themselves but also state and community structures. The positive spin offs for the latter has been increasing community empowerment for conflict resolution. In the same way partnership with state has also been fostered. Not only because in many cases of previous shared experiences but of a new sense that every resource needs to be employed wisely to meet the challenge. This process has direct impact on peace building and the ultimate transformation of the way actors respond to conflicts.

However, civil society should guard against being co-opted into state structures and having issues so institutionalised that they lose their meaning and civil society loses its political power. Civil society must remain the watchdog of its government and retain the advocacy and lobbyist functions.

Civil society organisations have also been forced to become more professional to survive. This is not only in respect of the services that they have on offer but in the way they conduct their affairs and business.

The South African challenge of transformation is has not, since the dark days of the late 1980's, been at such a crossroads. The success with which we can meet the challenge over the next few years will be telling on the future of the country. It is to the credit of civil society that they stand today together with government, labour business and the international community as one of the resources available.

Questions and Responses on South Africa Country Paper

What has civil society done to address the problem of immigration and the impact of crime in South Africa?

For South Africa, crime produces reactive and negative emotions, responses and energies directed at immigrants. Civil Society helps communities to find solutions to address the causes of crime as it relates to immigrants by undertaking the following;

- Running and supporting programmes such as roll back xenophobia
- Providing critique on police action against immigrants
- Supporting organizations such as the refugee forums
- The Human Rights Committee is working on Refugee Rights, which will assist in addressing the issues faced by both the immigrants and the refugees.

There is a perception of high levels of corruption in South Africa e.g. the arms deal. Where has the civil society been? What has the civil society done on the said issues?

The coalition for defence alternatives has identified the issue, and this action has led to the present investigation, albeit having taken long. Civil society is engaged in campaigns for propagating of demilitarisation, and for the diversion of military spending to developmental programmes. There is a development of a protocol for the arms trade through the participation of civil society in the Cameron Commission. A white paper on defence has since been produced. There is also support for the seizure and forfeiture unit, and for the compensation of victims of crime and corruption

2.1.7 Swaziland

Presented by Muzi Masuku, Pius Magagula and Sikalele Hlatshwayo

Background

An absolute monarch rules Swaziland. This is a situation, which has existed since 1973 when the King repealed the 1968 Independence Constitution, and assumed all judicial, legislative and executive powers. The Bill of Rights was abrogated along with the Independence Constitution. Political Parties were also banned. The instrument used to abrogate the constitution, which is the Kings Proclamation to the Nation of 1973, assumed supremacy status and now forms the constitutional basis of the country.

However, it must be noted that there are certain clauses in the independence Constitution that were retained. Several decrees have been formulated which consolidate the position that has been brought about by the 1973 Proclamation. There has however been a lot of pressure, especially from the trade union movement as well as from several political parties, which have since reinstated themselves. This has led to several crippling strikes. Eventually a Constitutional Review process was set up, which since 1996 has been trying to chart a way forward for Swaziland. Again, this process has been fraught with problems, since people have been questioning its legitimacy. This is because the people who are driving the process have been appointed by the King and do not represent any constituency.

Civil Society's Intervention

Civil Society is markedly drawn by different circles. Some have already been alluded to above. When the idea of the network was discussed with various sectors of the non-governmental movement in Swaziland, there was reluctance to engage in such an issue, as people were running the risk of being labelled as political agitators since by and large, issues of conflict in Swaziland are political by nature. A few have shown an interest. It is hoped that others will come on board, as recent development have since caused people to be politically aware.

The workers' federation (Swaziland Federation of Trade Unions) has been one such civil society actor, who has agitated for changes to embrace a multi party democracy. They have also roped in both regional and international workers' trade union movements. Their strategy has been to raise issues of human and worker rights violations at the International Labour Organisation's annual conferences. They have also come together with the political parties to form an organisation called the Swaziland Democratic Alliance. They have since been labelled by the government and those who sympathise with the government's position, as a group pushing through a political agenda contrarily to one agitating for workers rights. This has led to reluctance in bringing them on board

the network. The church is another structure that has been vocal on issues of governance and the 1973 proclamation. When speaking about the church, I should hasten to point out that there are three ecumenical bodies that make up the church in Swaziland. There is the Swaziland Conference of Churches, which is made up of charismatic churches, which mainly are drawn from the evangelical sect. Then there is the League of Churches, which are the indigenous or African churches. Lastly, there is the Council of Swaziland Churches, which is comprised of the main line churches.

Out of all these sectors, the only one that has and continues to call for a change in the mode of governance, is the Council of Swaziland Churches. For quite a long time they have been calling for the repeal of the 1973 Proclamation of the Nation. They have also, since the launch of the Constitutional Review Process set up a civic education programme on: democracy and the democratisation process, a constitution and features of a constitution, a constitution and Bill of rights and on the present constitutional framework. In doing this exercise the council set up a justice, peace and reconciliation department, which is the one that conducts the civic education programme. However, they also utilise the services of lecturers from the University of Swaziland and other experts on the various topics that are offered. The purpose of this exercise is to create a critical mass. This critical mass is expected to critique government where necessary and offer solutions at the same time. The Swaziland National Association of Teachers is the one who is the current recipient of the civic education exercise.

The Council of Churches has also engaged government on the issue of the evictions of two chiefs from their area to make way for a Prince who would assume chieftaincy of the two areas. This the Council did by seeking audience with the Minister of Home Affairs immediately after hearing of the impending evictions. The aim of the Visit was to ascertain the source of the eviction orders as well as to request the stay of such evictions. The minister confirmed that he authored the eviction orders but stated that he was complying with an instruction which had been given to him as per the Swaziland Administration Order 1998. He informed the members of the Council of Churches that he would arrange an audience for them with the appropriate authorities. However, these meetings never materialised.

The evictions were eventually carried out by the Government, albeit under the cover of darkness. A few non-governmental organisations, which include the council of Swaziland Churches, the Red Cross, Caritas, Save the Children and Lutheran Development Services, gave humanitarian support by giving these people food and clothing for the period that they were away from their homes. Some of them however, including the two chiefs, skipped the boarder and went to seek refuge in South Africa. Legal challenges were launched by the affected people, which led to the Court of Appeal nine months later ultimately ruling that the evicted people be allowed to go back to their homes unconditionally. The Council of Swaziland Churches helped in providing transport to the only family that has since been successfully resettled home. A few days after this landmark ruling by the Court, the King once more issued decree 2 of 2001 (find attached copy). This Decree ousted a lot of matters from the jurisdiction of the Court of Appeal, including matters that had anything to do with chieftaincy issues. The Council has since drawn up a legal response to each one of the sections of the decree (find annexure). These shall be accompanied by a theological reflection, which they are currently preparing. The latest decree has attracted a lot of attention, since it affects many sectors of the Swazi society. Suddenly a lot more people have taken on an interest much keener than they otherwise would have.

Lawyers are another sector of civil society. They are a critical sector in the country. However the perception is that they, through the Swaziland Law society, have not done things up to their full

potential. Often when they have been expected to make comments on certain crucial issues that affect even their work, they have either failed to respond to those concerns or done so rather belatedly. This has led to the coming on board of another group style, the Lawyers for Human rights. This group has, in its rather short lifespan, launched legal challenges aimed at correcting some government positions, which have the potential of causing a constitutional crisis. These include a challenge on the validity of the appointment of the Attorney General. In responding to this challenge the King issued a decree, which barred anyone from questioning the validity of the appointment.

Networking

The Council of Swaziland Churches has as national coordinator who approached all the non-governmental organisations that are doing work that borders on or addresses issues of a national concern, or those that have an interest in engaging on a conflict transformation network. Since by and large current issues of conflict are those that are of a political nature, almost all those that were approached were of the view that their mandate does not extend to covering such issues. This was interpreted as an attempt to shy away from a potential clash with government over some issues. There has however been reluctance by the Council to approach the Worker Federation, since they have affiliations with most of the political parties in the country. The feeling was that we would no longer be seen as being apolitical, yet as a conflict transformation agent we would like to be seen to be cutting across the political divide. To that end so far, the Council has successfully brought on board the Women and Law in Southern Africa (WLSA) Swaziland Chapter, and the Co-ordinating assembly of Non-Governmental Assembly (CANGO). The lawyers from Human Rights have also been engaged and they are keen to be part of the network as well.

Conclusion

It is the Swazi team's hope that a network will be operational before long on this critical issue and that this conference may be critical in providing the right impetus to the realisation of that ideal.

APPENDIX: Decree No. 2 of 2001

King's Proclamation to the Nation, 1973
(Proclamation of 12th April 1973)

In exercise of the powers vested in me by the King's Proclamation to the Nation, 1973, I, Mswati III, THE KING OF SWAZILAND, hereby issue the following decree: -

Citation

1 The Decree may be cited as Decree No. 2 of 2001.

Supremacy of proclamation

2 (1) It is reaffirmed that the King's Proclamation to the Nation, 1973, is the supreme law of Swaziland and if any other law is inconsistent with the Proclamation, that other law shall, to the extent of the inconsistency, be null and void.
(2) It is further reaffirmed that the King may by decree published in the Gazette, amend or repeal the Proclamation and any other law.

Appointment of Judges, the Attorney General, etc.

- 3 Judges, the Attorney General, the Director of Public Prosecutions, the Deputy Attorney-General and the Deputy Director of Public Prosecutions shall continue to be appointed by the King and subject to any other law upon such terms and conditions as the King may determine on the advice of the Minister for Justice and Constitutional Affairs.

Judicial Service Commission

- 4 (1) The Judicial Service Commission shall continue to be appointed in terms of the Judicial service Commission Act. 1982, and shall perform the functions and duties prescribed in that Act.
(2) Parts 1 and 2 of Chapter IX of the constitution (repealed with savings) shall be construed as if there is no reference to the Judicial Service Commission.

Powers of the Attorney General

- 5 (1) The Attorney General shall be the principle legal advisor to the Ingwenyama, King, the Government and any ex officio member of parliament and in exercising his powers to carrying out his functions, the Attorney General may do so in person or be represented by any law officer or person so authorised by him.
(2) All legal advisors in the public service shall be appointed in consultation with and be answerable to the Attorney General.
(3) There shall continue to be a law office, which shall consist of the attorney general's chambers, and the Director of Public Prosecutions chambers and the Attorney General shall be in charge of the Law Office.

Appointment of special magistrates

- 6 (1) The Attorney General, in consultation with the Judicial Service Commission and the Commission and the Minister responsible for justice, may appoint or cause to be appointed on such terms and conditions, law officers to be special magistrates from the chambers of the Attorney General to assist the magistracy whenever there is a vacancy or a back-log of pending cases.
(2) The appointment of special magistrates under this section shall not be permanent in nature and the law officer so appointed shall retain the substantive post so held.

Protection of the name and actions of their majesties

- 7 Subject of Section 3 (2) of the Sedition and Subversives activities Act. 1938 and any other law, a person who: -
- (a) disobeys an order by Ingwenyama or King made under law;
 - (b) impersonates;
 - (c) insults, ridicules or puts into contempt;
 - (d) allows, permits, accepts to be treated as to afforded the respect of or the status of, the Ingwenyama or King or the Ndlovukanzi in whatever way or form, commits an offence and on conviction, is liable to a fine not

exceeding fifty thousand Emalangeni (E50,000) or to imprisonment or to both such fine and imprisonment.

Matters pending before the Ingwanyama or King

- 8 (1) A matter pending before the Ingwanyama or King shall not be enquired into by any person, institution or body once a certificate to that effect has been issued by the Attorney General, or other person authorised for the purpose by the King, signifying that the matter is so pending before the King.
- (2) A matter that has been concluded in contemplation of sub-paragraph (1) shall also be certified by the Attorney General or such persons indicating the verdict that has been made thereto and the manner of execution of that verdict.

Position of chiefs

- 9 Matter relating to the appointment, removal and the exercise of functions of chiefs shall continue to be regulated by Swazi Law and Custom and any law currently in force and shall not be enquired into by a court of law.

Laws that have a constitutional bearing

- 10 (1) All Orders-in-Council and Acts of Parliament that would otherwise be invalid on the sole ground that they are inconsistent with the proclamation are hereby validated to that extent, unless repealed or amended by this decree or any other law.
- (2) Notwithstanding any other law, all acts done by a minister or public officer in the discharge of any function or responsibility imposed by any law upon another Minister or public officer before the coming into operation of this decree shall be deemed to have been validly done and no such act shall be questioned in any court solely on the grounds that it was done by a minister or public officer.

Jurisdictional issues

11. Any section in law which provides for the exclusive jurisdiction of court, other than for the High court as a court of first instance, in respect of a class or causes of action or disputes peculiar to that court, that section shall be construed as procedurally empowering that court to be a court of first instance inclusive of its appellate jurisdiction.

Non-bailable offences

12. Notwithstanding any provision of any law, a court shall refuse to grant bail to any person charged with:-
- (i) Murder
 - (ii) Rape
 - (iii) Armed robbery
 - (iv) Contravention of section 11 (8) of the Arms and Ammunition Act No. 24 of 1964; (arms of war only)
 - (v) Contravention of section 8 of the Game Act No. 51 of 1953
 - (vi) Contravention of Section 12 of the Pharmacy Act No. 38 of 1929
 - (vii) Contravention of section 6 of the Public Order Act of 1963

- (viii) Contravention of section 3 (I) of the Theft of Motor vehicles act, 1991;
- (ix) Contravention of sections 4, 10, 11, 12, 13, 16 and 17 of the Public Order Act No. 17 of 1963;
- (x) High treason;
- (xi) Contravention of sections 4 and 5 of the Sedition and Subversive Activities Act No. 17 of 1938; or
- (xii) Any offence the court may deem fit to refuse bail.

Proscription

- 13 (1) Wherever a magazine, book, newspaper or excerpt thereof is proscribed in terms of the Proscribed Publications Act, 1968 the minister concerned shall not furnish any reasons or jurisdictional facts for such proscription.
- (2) No legal proceedings may be instituted in relation to such proscription.

Retirement of judges

- 14 Section 99 of the Constitution as reinstated by King's Proclamation to the Nation, 1973 is amended in subsection (5) by replacing the words 'sixty two' with the words 'sixty five'

Decree read as one with proclamation

- 15 This decree shall be read and construed as one with the King's Proclamation to the Nation of 12th April 1973.

Done under my hand at Lozith'ehlezi on this 22nd day of June 2001.

MSWATI III

Questions and Responses on the Swaziland Country Paper

How is the power of the Monarch in Swaziland faired in the democratic dispensation and how has the Civil Society managed to work with the grassroots?

The democratic dispensation is beginning to provide challenges to the existence of the Monarch, with the citizens beginning to question the authority of the King. For example the citizens are demanding for the restoration of the Constitution, which was suspended through a decree. Sooner than later, the desire for more participation by the citizens in the management of their country will be more obvious in providing challenges for the Monarch. The civil society has been deliberately working with the Church and the Trade Unions in their civic education programmes for the grassroots. The most active union has been the Teachers Union.

2.1.8 Zambia

Presented by Lee Habasonda and Elijah Rubvuta

Introduction

Zambia has enjoyed relative peace since Independence in 1964. Zambians are friendly, peace loving people and are trying to maintain the peace tradition. Zambia is one of the countries within the region with a degree of stability, and is a warm place for refugees running away from war or other conflicts in their countries. Despite this general outlook, it has its own conflict situations.

During the last few years especially since the return to multiparty constitutional rule in 1991, Zambians have witnessed an upsurge in conflicts of various sorts. The most devastating of such conflicts is the sheer disregard for the rule of law within the political context. This is followed by problems in the Electoral process. Other factors mostly responsible for brewing conflict are poverty and refugee influx. An analysis of these problems leads to the question of what conflict is and why some of these conflicts and not others produce severe destabilizing effects on existing institutions and structures.

In our view, we see conflict as a struggle for access to opportunities, life chances-to existing rights and privileges in the *Zambian* society as defined by citizenship. We view conflict as the means by which deprived groups seek to attain those rights and privileges within the political order. The denial of these rights is a source of conflict. In Zambia this includes among others, the voters' register, electoral rules and regulations and, restrictions and denial of permits for public campaigns. It also includes the monopoly of state instruments by the ruling party, violence against opposition leaders and the general lack of effective institutional arrangements to promote, preserve and protect the rights of the citizens

Disregard for Constitutional Establishment

This has manifested itself in the following ways:

- 1 The recently aborted attempt to change the constitution of Zambia with regard to the tenure of office of president. This was commonly referred to as the 'Third Term Debate' which left the *Zambian* society deeply divided and shocked, after the president announced that there was no need for an amendment of the constitution to allow him to go for a third term. This was rather a late stage as divisions had already been created.

- 2 Lack of Accountability

Irregularities and malpractices in financial management by government institutions as documented in the auditor generals' report is a case in point. This has been coupled with revelations in the private media of diversions of colossal sums of money through corrupt practices. At the moment there is a tribunal investigating the diversion of the K2 billion to the ruling parties' convention from the National Assembly in April. These cases have created mistrust and resentment among the citizens.

- 3 The recent murder of an opposition top politician in mysterious circumstances, hours before he was due to testify at the 2 billion Kwacha graft tribunal, has also added to suspicion which has heightened tension and fear among political actors. This build up

is also a consequence of many commissions of inquiry, which have not borne fruit and the inability of the police to bring culprits to book.

- 4 Participation of district administrators in political matters when they are appointed as senior civil servant has also caused difficulties as their activities do not conform with the standard civil service etiquette as a result they have abused their position of authority in government to protect party interests.

Monopoly of State Instruments by the Ruling Party

This is clearer during election or other matters of political leverage. Particularly the police service would appear to serve only those in power to the exclusion of those who are outside. Opposition leaders and their supporters are often discriminated, victimised, harassed, and not protected in sheer contrast to the politicians of the ruling party.

The other instrument of the state that is abused is the public media, which does not carry dissenting views and distort information to suit the ruling party. The media in Zambia is almost a propaganda tool.

During elections, those from the ruling party use government resource such as personnel, vehicles and infrastructure which is not provided to opposition and non governmental organisations (NGO)

Election dates are also a preserve of the head of state who is also leader of the ruling party: Under these circumstances the ruling party is better able to prepare for election and calls for them when they are ready. In addition the Electoral Commission of Zambia charged with power to conduct and supervise elections is appointed by the president and does not include members of opposition parties.

All the above problems/ conflicts have been talked about but there is no political will to address them. Inter party dialogue has ended at the level of talks about talks.

Poverty

In Zambia close to 91.2 percent of the population live on less than 2 dollars a day while about 70% live on less than a dollar a day. This situation of abject poverty results in a vulnerable society whose basic human rights are not fulfilled. High poverty levels and the large gap between the few rich and many poor provides ground for conflict. The conflict has manifested itself in many ways. For instance malpractices such as bribery and corruption in elections or government can be attributed to poverty. There is also a widening gap between the rich and the poor. The situation has also spawned crime and social evils such as prostitution and street begging.

There is also an increasing tendency by local people not co-operate with investors because they can be moved out of their very own land which they can't afford to buy. These situations are creating resentment and hatred among the local.

Refugee Crisis

Refugees are people who continue to enjoy limited rights once they are settled in camps where they are supposed to be under protection and safety. These rights include legal, social and political ones.

They live on handouts and often the food is not enough hence they have the potential for committing crime because their immediate need is food.

Further, they are sometimes subjected to xenophobic policies of government. They are also thought to create increased demand on service delivery and hence a strain on resources. Their influx is also associated with movement of small arms, which can be used for criminal activities. Refugees born outside their countries also find it difficult to claim their rightful identity. All these conflicts make the lives of refugees a nasty experience.

Civil Society Interventions

To address some of the above conflict situations, civil society organisations have engaged into the following.

- 1 Election monitoring
- 2 Conflict monitoring
- 3 Human right advocacy
- 4 Civic and peace education
- 5 Policy papers
- 6 Organizing dialogue meetings
- 7 Human rights shelters.

Conclusion

Civil society organisation must develop tools that will enable them to track conflict at every stage, so that they are able to feed into sub-regional bodies and hence check impending conflict.

2.1.9 Zimbabwe

Presented by Thandiwe C. Nkomo, Annie Malinga and Sabelo Sibanda

Conflict Prevention/Peace Building - Zimbabwean Perspective

Ladies and gentlemen, it gives me pleasure to talk about conflict prevention in conjunction with peace building. This in essence is a sign that the world has come to a rude awakening that without peace there is no development, hence the importance of working hard to prevent conflict. Conflict is not always negative as long as it does not end in violence. The position conflict occurs when people have conflicting ideas and they then agree to disagree or agree.

In the Zimbabwean context, one cannot talk about peace building without talking about the unfortunate massacre that took place in the western region of the country, that is, in Matebeleland and the Midlands. Before the Matebeleland massacre, the country had just come out of a bloody war that was wedged between the colonial regime and the majority indigenous black Zimbabwean. The major issue that brought about this war was the land issue, racism, economic and political injustices, to mention but just a few. In the early 80s more than 20000 people lost their lives in a violent manner perpetrated by the state agencies and less than 400 dissidents (figure according to government controlled media). Furthermore, thousands were tortured, maimed and lost their homes and properties. As a nation we are still in some kind of denial that this ever took place, hence no steps have been taken towards reconciliation with the minority Ndebele group. The unity accord that took place between the ruling party ZANU- PF and ZAPU on the 23rd of December 1987 did not involve the bereaved families. It is an issue of two leaders coming together as a result of a unity

accord that is very fragile as it relied heavily on the leaders without the input from the masses. The death of the late ZAPU leader and Vice President Joshua Nkomo has proved the fragility of the agreement as shown by the result of the recent parliamentary elections, where the opposition swept all the seats in the former ZAPU stronghold.

The impact of the massacre to the people of Matebeleland and Midlands has been severe in the sense that:

- 1 People were not given decent burials, in some cases; relatives do not even know where their loved ones lie.
- 2 Homes were burnt and there was no compensation given to the survivors to construct new homes.
- 3 Women were raped and some of them remained with children without fathers.
- 4 Bread earners were killed and children could not continue with their education
- 5 For the orphans and the children that were born out of the raping spree the following has happened;
 - (a) they cannot get birth certificates,
 - (b) can't vote
 - (c) can't open bank accounts,
 - (d) can't write major examinations and lastly,
 - (e) can't get passports and therefore cannot travel.

Given the above scenario, we thus often hear in other countries that poor families, including children, are drawn into violent conflicts as players. In many countries, it is especially young people and children from other poorer sections of the population that are recruited by armed political and criminal groups; especially young people that have no employment are particularly affected. This was the case also in both conflicts that have occurred in Zimbabwe.

Poverty and injustices as well as economic and political discrimination are a breeding ground for violent conflict; and so is ethnic, religious or religious hostility. For example, in cases where the development of poverty and suffering and access to vital resources and to political decision-making processes varies between regions or ethnic or religious groups, there is bound to be tension and worsening of conflict (e.g. the Matebeleland region of Zimbabwe is grossly underdeveloped whereas the Mashonaland region is more developed).

With all the above unresolved and swept under the carpet and therefore, no lessons learnt, Zimbabwe still continues with violent conflicts that have spread countrywide. Violent conflict comes as a result of lack of tolerance and inability to share power and resources equitably. Peace agreements that do not deal with root causes of conflicts through concrete plans of action that have to be adhered to, are nothing but useless papers. The land invasion in Zimbabwe today is a good example of how conflict will stick its ugly face time after time as long as the root causes of conflict have not been addressed. The British re-negated on the settlement agreement of 1979; neither did the current government take the issue seriously, not until 20 years after attaining independence as the ruling party faces the biggest challenge to its rule. The manner in which this particular conflict is resolved leaves much to be desired and creates possibilities of future conflict around the same issue of equitable land distribution.

Possible Solutions

There is a need for a tripartite partnership between government, private sector and civil society, as very often demonstrated through the golden triangle.

The strategic alliance should clearly define roles of each partner in peace building and development of the nation. Currently in Zimbabwe there is bad blood between the three sectors. A lot of suspicion also exists to a point that even peace building efforts carried out by NGOs are viewed with suspicion. For example if an NGO is involved in micro-credit and distribute loans to the people, that particular agency will be labelled as working for the opposition.

This unfortunate situation is uncalled for, as NGOs do and can still play a positive role in peace building through civic and human rights education that include peace building training. They can also contribute to peace building through economic development programmes and through advocacy and lobbying government for positive change. Good governance is a pre-requisite for peace but good governance alone without economic development cannot bring about peace hence the need for private sector to work hand in hand with government and civil society to promote economic growth.

In many countries, the capacity of civil society and community's to deal with conflict in a constructive and peaceful manner and to provide adequate security for poor people, is impeded or hindered by the disintegration or fragmentation or breakdown or collapse of state structures. This manifests itself in many ways e.g., lack of civil and democratic control over the security sector. A case in point is the farm invasion by the war veterans. If the land conflict in Zimbabwe is not peacefully resolved, it will be exacerbated and will get out of control. This will also affect farm activities and the food security situation.

As poverty and violence tend to reinforce each other, it is important to foster crisis prevention and peaceful conflict settlement over the land issue, if poverty is to be reduced in Zimbabwe. In fact, poverty reduction in turn makes important contributions towards crisis prevention and crisis management.

In principle, long-term cooperation for the reduction of structural causes of conflict and for fostering non-violent conflict management and resolution, must receive more attention or top priority than just remedial measures after a crisis. However, if violence has occurred, it must be stopped as quickly as possible in the interest of all parties concerned.

As African countries, we need to continually develop and apply effective strategies and instruments for crisis prevention and peaceful conflict settlement. Given the many different causes and forms of violence, and also the many openings for crisis prevention and conflict resolution, there is the need for a coherent approach to our work in Southern Africa. Our strategy and task should seek to eliminate and reduce structural causes of conflict in our countries by improving the economic, social, ecological and political situation, and we should also promote mechanisms of non-violent conflict resolution, including respect for diversity of opinion and co-existence. The idea is to safeguard human rights and sustainable development through prevention of violence and conflict.

Questions and Responses on Zimbabwe Country Paper

What is the proposed legislation on Non-Governmental Organizations?

The ruling party thrives on the rural and the poor people's general ignorance of their civic and human rights. During the voting process people are intimidated and told lies such as that in the polling booth there is a camera that can detect who voted for what party. Civic organizations and

NGOs have engaged in voter education, and in the process have raised people's consciousness and knowledge of their rights. The Act is to restrain NGOs and civic organizations from educating and disseminating information on human and civic rights.

What are the root causes of Matebeleland and Midlands atrocities?

Zimbabwe has a revolution that has lost its way. There is no tolerance for people with different opinions. ZAPU was a strong opposition party, which could not be forced into assimilation, corruption and neutralisation; so ZANU-PF decided to use force to make its members (ZAPU) to join them. Prior to independence, ZANU-PF circulated a paper that stated its intention to wipe away the minority Ndebele group and their language. By then the ZAPU people thought it was a joke, but ZANU-PF went into action. The official excuse from the government was that it had found arms caches in Matebeleland. Since the country was coming out of the liberation struggle arms caches were all over the country, and some of them belonged to ANC's Umukoto Wesizwe. The massacre was an excuse to kill the minority group. There is even a report on Internet entitled "Breaking the Silence".

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N.B. Unfortunately the representatives of Namibia were not able to attend the seminar and thus did not present the Namibia country paper.

2.2 Conflict Issues from Country Papers

It was agreed that conflict is a natural occurrence, necessary and unavoidable. However, conflict should not be left to degenerate into violence. It was therefore incumbent upon civil society to play a practical role in the management of conflict by engaging themselves with the government. During this process the civil society should focus on the grassroots and the disadvantaged groups like the women and the youths. Participants also expressed their concern about how little effort was being made on the issue of HIV/AIDS.

As country papers were being presented participants were asked to identify main conflict issues that were being raised in the country papers. Participants were asked to write using one or two words on a small card to indicate their selection of issues of conflict. The following is the summary of the issues that were picked by the participants during the country paper presentations:

- Abuse of government funds
- Power struggle
- Ethnicity
- Governance
- Poverty
- Gender inequality
- Refugees
- Marginalisation (majority/minority)
- Housing
- Denial of Human Rights

- Arms
- Crime
- Violence
- Elections
- Land
- Laws/constitution
- Globalisation
- Introduction to change (Democracy - lack of it)
- Trade Unions
- HIV/AIDS
- Religion
- Transformation
- Regionalism
- Fear
- Natural resources

2.2.1 Priority Conflict Issues

The list of the issues that came out from the country papers was too long to be discussed in the plenary. The seminar then decided to put up a list of six priority areas, which were identified to be common to most of the countries in the region. This enabled the seminar to deal with the conflict issues in detail. An adjustment was made about the conflict issues that were identified. It was resolved that crime and violence should go as one subject group, whereas land and natural resources should go as another. Other subject groups were democracy and governance, and poverty and underdevelopment. The following was the summary of issues that were given priorities.

2.2.2 Summary of six priority conflict issues

- Land and natural resources
- Democracy and governance
- Marginalisation
- Crime and violence
- Post war conflict
- Poverty and under development

It was observed that when looking at conflict in Africa, it is critical to look at the rural areas where most people are under abject poverty and marginalization. Civil society organizations were challenged to move from theoretical approaches to practical steps, which will assist the most vulnerable people at grass-root level. The issue of poverty and underdevelopment should be seen as a serious conflict, which the civil society should start to act as opposed to talking. The offshoots of poverty like streetism and inequality should also be addressed. The conflict issues in the region should be treated with the seriousness they deserve to avoid what happened elsewhere in Africa like Rwanda where the country ended up in genocide.

Looking at series of developments that were currently taking place, the seminar observed that the region was moving from unstable to crisis levels. For instance the ongoing war in Angola, the land crisis in Zimbabwe, crime wave in South Africa, political intolerance in Zambia, etc. Among the main issues that were discussed were the similarities of the nature of conflicts prevailing in the

region. Among the topical ones being poverty and underdevelopment and democracy and governance associated with leadership problems.

2.3 Conflict issues ranked according to severity

The seminar looked at the conflicts that were identified, and through group work participants ranked the conflicts according to severity, using the framework provided below.

Matrix 1: Framework for Ranking Conflicts According to Severity

STAGE OF PEACE/CONFLICT	INDICATORS
WAR	<ul style="list-style-type: none"> • Continued violence • Armed conflict • Military Rule • No functional democratic structures in place • Emergence of forcibly displaced persons
CRISIS	<ul style="list-style-type: none"> • Frequent spurts of Violence • Dysfunctional institutions • High inequalities • Very few people enjoying basic human rights • High levels of intolerance and impatience • Frequent Disputes in community
UNSTABLE PEACE	<ul style="list-style-type: none"> • Structural conflict (institutions supposed to provide for society not working well) • Widening inequalities evident • Lack of democracy • Growing realization (amongst citizenry) of inequalities and their causes • Disputes in community not adequately resolved by institutions in place and community generally • Spurts of violence and resistance from citizens to cooperate with institutions in place
STABLE PEACE	<ul style="list-style-type: none"> • Fairly just and democratic institutions in place • Spirit of negotiation common, many disputes settled • Evidence of inequalities in society • Enjoyment of human rights for all starting to be compromised for betterment of few
DURABLE PEACE	<ul style="list-style-type: none"> • Existence of just/fair functional institutions • Functional democratic institutions to deal with excesses of power in Government • Protection of human rights • Very few inequalities in society • High standard of living

Matrix 2: Conflict Issue Ranked According to Severity

Conflict Issue	Rank
Land and natural resources	Crisis
Democracy and governance	Crisis
Marginalisation	Unstable
Crime and Violence	Unstable
Post war conflict	Unstable
Poverty and underdevelopment	Unstable

Results from the Group Works

1 Land and Natural Resources

The group looked at individual countries and came up with the following results.

Angola and Zimbabwe were ranked at the war stage due the demand on natural resources, diamonds and land respectively. South Africa and Lesotho were put at the crisis stage because of the conflict raging on the control of the water resource between the two countries. Other countries grouped at the crisis position due to water problems and control, while Zambia, Malawi, and Mozambique were ranked at the unstable peace due to the looming problem of land, which emanates from the crisis in Zimbabwe. It has been observed that there is a movement of displaced commercial farmers from Zimbabwe into these countries, creating pressure on land. In a long term, this may result into a threat to peace.

Botswana was the only country that was considered as being in stable peace with respect to the question of land and natural resources. An example was given where a land dispute over the Kasikiri Island between Namibia and Botswana Island was resolved peacefully through the international court in The Hague

The overall ranking of the region with respect to the severity of conflict was that it was at crisis stage. The main obstacles that were identified as contributing to the position arrived at, were lack of common understanding by all stakeholders in dealing with the issue of land and natural resources. It was also resolved by the group, that lack of political will by the leadership was another factor. Lastly, the dysfunctionality and ineffectiveness of bodies like the OAU, SADC and COMESA was another factor identified by the group.

2 Democracy and Governance

It was agreed that the Governance and Democracy situation is at crisis stage in the region. Based on indicators provided in the framework, the seminar ranked each Southern African country as follows:

War	-	Angola
Crisis	-	Zimbabwe Swaziland

Unstable Peace	-	Zambia Malawi Lesotho
Stable Peace	-	Botswana South Africa Mozambique

The ranking were arrived at after making the analysis as summarized below.

a) *Frequent spurts of violence*

Examples of violence acts abound in the country papers presented. Parliamentary and presidential elections brought violence to Zimbabwe, and the lack of tolerance characterised the constitutional debate in Zambia.

b) *Dysfunctional Institutions*

In Angola, the parliament does not have power to make independent decisions. In fact the majority of parliamentarians belong to the government. This extends to the police force, who represent the interest of government and not that of the people.

In Malawi, the ruling party is buying opposition party members into the government side. The scenario across the region is a terrain of either functionless or dysfunctional institutions.

c) *High inequalities*

Unfair distribution of resources resulting into an ever increasing gap between the 'have' and 'have nots' abound across the entire region. This results into glaring poverty among the majority of people in the region.

d) *Human rights*

The group expressed concern that very few people in the region are enjoying their basic human rights, despite the fact that many countries in the region have ratified human rights conventions. There were no deliberate efforts to provide civic education to the nationals in the region.

e) *High levels of intolerance and impatience*

The group also felt that there were high levels of intolerance especially among ruling political parties who do not want to co-exist with opposition parties. This has resulted into ethnicity, strikes, regionalism, racism etc

3 Marginalisation

The group agreed that South Africa is generally at the unstable peace stage. This category proved quite difficult to rank because it included some distinct issues such as gender inequality, regionalism, racism and discrimination. It also involves neglect and sidelining of the opposition

political parties by the ruling parties in power. Finally marginalisation also involves the disadvantaged and persons with physical disabilities.

Different countries were found to be at different stages but using the indicators provided as a guide the group put Angola at the War Stage because of continued armed violence, the lack of functional democratic structures and the increase in persons displaced as result of the war.

Zambia and Zimbabwe were categorised as being at the crisis stage due to the frequent spurts of violence with very few people enjoying basic human rights. This has led to high levels of intolerance among the citizens of these countries.

The group agreed that although marginalisation encompasses so many other concerns, there are definitely different groups of people that are marginalized in most of the Southern African countries. The marginalisation affects mostly women and children and the minority tribes. This makes the region unstable.

4 Crime and Violence

The group separated crime from violence in their presentation. The following were their findings.

a) *Crime*

The region was at the level of unstable peace although most of the countries in the region were experiencing crime at different levels. Lesotho, Malawi, Botswana, and Mozambique were at unstable peace whereas South Africa, Zimbabwe and Angola were at crisis stage. However it should be noted that there is a rapid movement from the unstable peace stage to that of crisis in the region.

b) *Violence*

The ranking for violence were found to be fluctuating from unstable peace to crisis stages. It should however be noted that the situation in the region is moving upwards towards war. For example there are cases of direct violence in countries like Zimbabwe and Angola. There are also cases of indirect violence experienced where oppression is being practiced, like the suppression of the freedom of expression. Structural violence was also recognised by the group, perpetuated by the dysfunctional state institutions. This has resulted into cross border crimes like drug trafficking, vehicle theft, international crime syndicates, and money laundering.

5 Post War Conflict

The first area that was looked into was that of the internally displaced persons. This was followed by looking at the social integration of the war veterans and ex-combatants, the issues of trauma and fear being taken into consideration. The situation of the refugees and asylum seekers was also considered. Lastly the group looked at the process of reconciliation. The region was ranked as being in unstable peace after the group had considered the factors above.

Six countries in the region could be described as having unstable peace, having had wars within their countries in recent years. Three countries in the region have not experienced a war within

their borders in recent years, but have been affected by wars in neighbouring countries, through the influx of refugees and asylum seekers. The three countries are Botswana, Zambia and Swaziland. Angola is one country that has not experienced Post War Conflict as it is still in a state of war.

Mozambique has two successive generations from two successive wars that have not been properly and socially reintegrated. Post war soldiers and ex-combatants are not recognised as heroes. They have been stripped of their status after having lost opportunities of education, been robbed of their families and family homes, only to return to a country unknown to them. They are left to fend for themselves. This is also true for Zimbabwe.

There has been little or no counselling, rehabilitation or training for ex-combatants to assist them to integrate back into society. Not even cultural rituals/customs of healing. Most of the countries that have been involved in civil wars must now regard the once "enemy" as compatriots, with programmes in place to remove the legacy of opposition. For example the South Africa's Truth and Reconciliation Commission and the Lesotho's Commission of Enquiry into 1998 Political Disturbances. These have had some success, but tend to only scratch the surface and only to bring healing to a few.

Most countries described increased tension between ex-combatants, and their current governments need to pay immediate attention to prevent an occurrence of war. Landmines in the region are still a problem.

6 Poverty and Underdevelopment

Members of the group were divided over the ranking of poverty and underdevelopment in the region. While one group felt that poverty and underdevelopment belonged to crisis level, another believed it belonged to unstable peace. It was ultimately agreed that the situation was that of unstable peace, but could easily escalate to a crisis level if nothing was done about it.

The group acknowledged that poverty and underdevelopment posed a serious problem in almost all countries in the region. The problem facing the region as a result of poverty and underdevelopment needed to be addressed, for example crime, street children, HIV/AIDS. Members expressed concern that although information on poverty and underdevelopment and solutions to the problems were available, there were no concrete efforts being made to reduce poverty levels or to implement the solutions.

The group concluded that there is a need for alternative leadership, and for systems of governance or operation that would transform countries from their present situations to that of a state where wealth-creating activities will be a priority. This calls for an emphasis on entrepreneurship.

It was suggested that civil society should play an active role in ensuring that governments are transparent and accountable. The group emphasised the importance of including people at grass-root level in the processes concerning poverty and development, as they are better placed to understand the reality on the ground.

The group conclude that there was also a need to check the imbalance in power relations between the North and the South.

Part Three: Opportunities for Regional NGO Peace Building Interventions

3.1 Southern African Conflict Prevention Network – A Tool for Regional Peace Building Interventions Ms. Yaliwe Clarke Kamuhuza, Regional Coordinator, SACPN, Zambia

3.1.1 Overview of SACPN

In an effort to bring to the fore the unique role of civil society in conflict prevention in Southern Africa, the Citizens Security Council, KATU (in Finnish Kansalaisten Turvallisneuvosto) held two workshops in 1999. One workshop focused on the Role of Youth in Conflict Prevention and the other on Ways of Managing Scarce Resources in Africa. These workshops comprised of a total of about seventy Southern African Civil Society representatives from seven Southern African Countries. Both workshops resolved that a network should be developed to further information sharing, knowledge building, and cooperation amongst NGOs in Southern African and between Africa and Finland.

Based on these resolutions KATU held a Regional Steering Group Meeting in Cape Town, South Africa on 3-4 December 2000 comprised of one NGO representative from each Southern African Country namely Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe. This meeting further debated the concept, relevance, and modalities of a regional Conflict Prevention NGO network. The meeting endorsed the resolutions of 1999 and set the rationale and grounds for a regional seminar to build the foundation for the establishment of what was termed the **Southern African Conflict Prevention Network**.

Rationale for SACPN

The Regional Steering Group identified the following reasons for SACPN:

- **Core Group of Resource Persons:** The network would pool together expertise on Conflict prevention. These would feed into NGO projects and enhance their capacity to prevent conflicts in the region.
- **Publicise Concept of Conflict Resolution:** The network would provide a forum for debate and reflection on the concept of conflict resolution and prevention. The need to uphold human rights as part of conflict prevention. Through publicity, the network would carry more weight and recognition.
- **Regional Conflict Prevention Approaches:** NGOs in the region could embark on regional approaches to prevent conflict such as early warning and early response systems, a platform upon which Civil Society could work with the Southern African Development Community (SADC), develop and feed into strategies at national level.
- **Provide Forum for Reflection on Efforts to Prevent Conflicts:** The network could provide a forum through which civil society could reflect on the effectiveness of conflict prevention efforts of both governments and NGOs.
- **Empower People to Engage in Conflict Prevention at Local Level:** Through regional support by way of training and awareness raising, the network could help local initiatives to mushroom where there are none or to be enhanced where they are already in existence. The establishment of national conflict prevention networks could

help in the empowerment process of locals. This would also consciously integrate conflict prevention/resolution in the work of all NGOs.

- **Map of Conflicts in Southern Africa:** The network could provide information on the conflicts in the region and the causes of the conflicts. The network would be unique in that it would get the perspective of victims of conflicts. The network would also be strategic in commissioning in depth research on conflicts in the region.
- **Role of Women in Conflict Prevention:** The network would provide an opportunity for involving women more conspicuously in peace talks and conflict prevention and conflict management projects.
- **Better Coordination of NGOs:** The network would enhance collective relationships so that they are able to build a common language. Networking amongst Southern African NGO's would be emphasised as important to develop a regional relationship with the donor community. Civil Society Organisation would be able to set their own standards and conditions of funding collectively so as to protect the interests of the people in need. A Southern African Conflict Prevention Network will provide a forum for social interaction, collective debate, and harmonisation amongst NGOs working or interested in conflict prevention in Southern Africa.
- **Redirect Costs of War to Development:** Successful interventions of a Southern African Conflict Prevention Network will result in diverting moneys that would have otherwise been spent on conflict, to developmental programmes.

The vision and mission of the network

Vision

The Southern African Conflict Prevention Network envisions a common understanding of conflict prevention theories, methods, and practices amongst actors in the region. Through a common agenda, the network envisions an empowered group of local practitioners, organisation and national networks that can undertake successful collective peace-building interventions.

Mission

The mission of the Southern African Conflict Prevention Network is to develop and promote conflict prevention by:

- *Providing a forum for research and reflection*
- *Providing expertise*
- *Empowerment through training, information sharing and advocacy.*

In meeting these objectives the Network will be guided by principles of gender equality, human rights, justice, and respect for human dignity.

To achieve the above objectives, SACPN has a basic representative structure that, over time, would evolve into a formal elaborate structure. The co-ordinating body of the structure is a Regional Steering Group (RSG), which comprises one representative from each Southern African Country. Currently NGO's from Angola, Botswana, Lesotho, Namibia, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe are represented on the Regional Steering Group. The Network Coordinator and KATU Secretary General shall sit on the Regional Steering Group as ex-officio members. The regional steering group is a think tank for the network and deliberates on any other issue relevant to the network. However, all SACPN programmes will depend on the viability of the

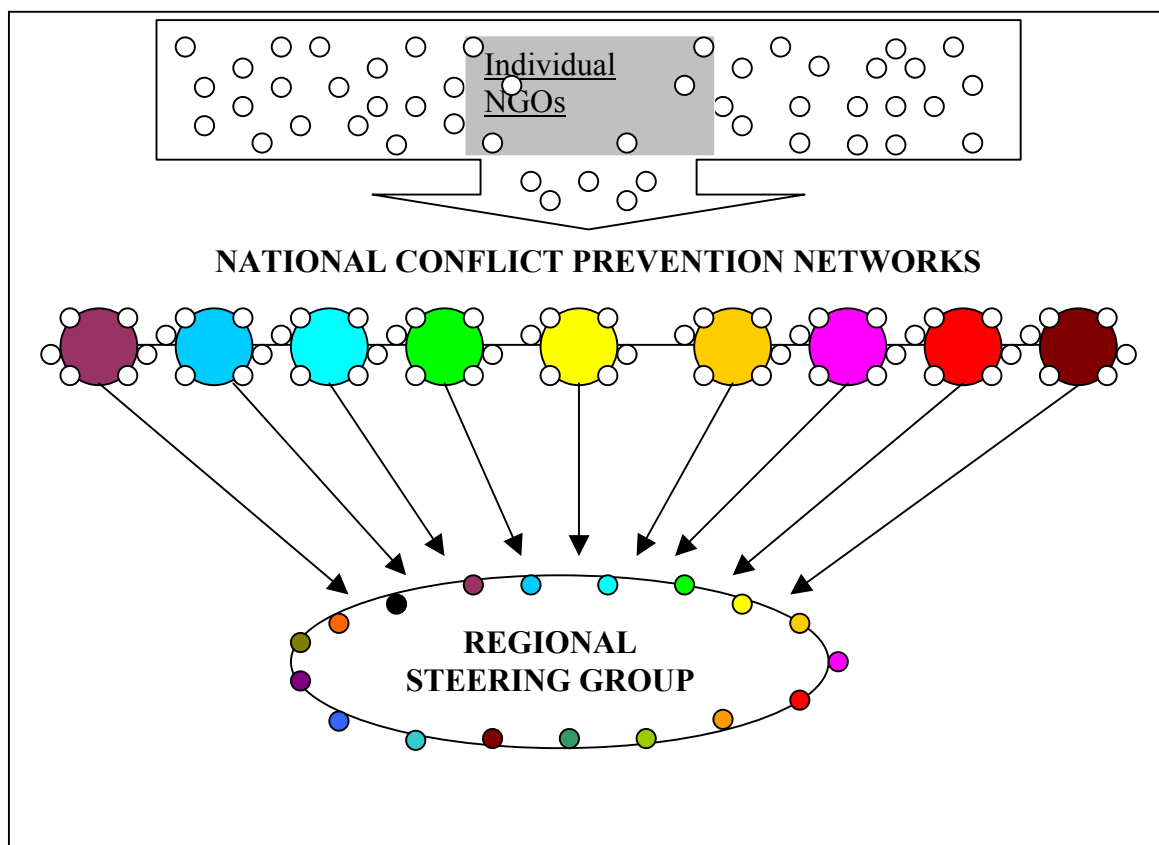
national networks that will feed into the regional network. The Regional Steering Group would remain interim until a more democratic structure is put in place. The structure will be evolutionary. However, a transitional Memorandum of Understanding was drawn for the steering group, which included a Code of Conduct. This provides a transparent and open policy.

Based on input from the National Networks, the RSG operates as a think tank for thematic areas of focus, particularly with regard to seminars and training. Sub-groups shall be formed around thematic areas. Networking, capacity building and collaboration shall be enhanced through the work of the sub-groups. Non-RSG members can be co-opted from time to time to feed into specific sub-groups. A Memorandum of Understanding and Code of Conduct guides the RSG.

An annual regional conference shall be convened comprised of members of the national networks, academicians, and practitioners in the area of conflict prevention. The core business of the conference shall be conflict prevention practices and programmes.

The Network Coordinator undertakes groundwork on the formation of the regional body, keeping network members well informed on developments of the regional body, and disseminating information on conflict prevention in the region. She/he is accountable to the RSG and sits on the RSG as an ex-officio member.

Basic Structure of the Southern African Conflict Prevention Network



SACPN Activities

Training and Seminars: SACPN shall provide training and exposure to expertise and best practices so as to enhance SACPN member's conflict prevention and management skills. The seminars would also build common understanding and a united civil society front for regional conflict prevention and/or management interventions.

Conflict Prevention Database: The database aims at providing contacts of persons who can provide information on conflicts. The database also serves as a practical tool through which conflict prevention organisations can find partnerships regionally and internationally. These contacts make local views of players in conflicts and peace building accessible. This would provide a broader perspective and understanding of the root causes of conflicts. The database will provide contacts of not only NGOs but political parties, and other actors. This is to ensure that the database provides a fair perspective of conflicts and peace building efforts.

Tool for North-South partnership building: The database shall expose contacts of Southern African NGOs and other actors to its readers.

Research on Conflict Prevention: SACPN, through the database and network members, would be key in collecting information on potential and existing conflicts. The network shall also commission research on topics of practical relevance to network members so as to positively feed into early warning and early response strategies. Research organisations in the Southern Africa would be commissioned to carry out such research.

Conflict Prevention Handbook: The content of the book would offer examples of successful peace-building initiatives from which peace building organisations could learn. The book would also provide literature on various African theories and ideologies on peace building.

3.1.2 Towards an effective SACPN¹

The seminar deliberated on necessary changes to improve SACPNs effectiveness as a regional network. Among the suggestions to improve, the network was to come up with a clearly defined role, and structure of SACPN, which would influence government policy and sub-regional bodies, e.g., COMESA, SADC and AU. On the structure of SACPN the group recommended that the Regional Steering Group (RSG) should have a limited term of office. The first term of office should be 3 years and later for 2 years. The national chapters should make recommendations on who would be sitting in the RSG. The group further recommended that the Regional Chair for RSG should be rotational to make it more inclusive for all the members in the region.

It was resolved that SACPN need to define her constituency or target group. The network should implement monitoring and evaluation programmes for it to allow for accountability.

A suggestion was put up where all members to the network would pay a membership subscription fee of R50. There was debate on the amount and what measures to be put in place so that the system is not abused. The final resolution was that the idea was good but it needs to be explored further by the national chapters. A structure for fundraising for the support of national networks must be established.

¹ More suggestions for SACPN are elaborated in 3.2.2 below.

The focal point for SACPN should be information sharing, dissemination and education. Expertise within NGOs and civil society must be identified to provide existing entry point for mobilizing the grassroots towards empowerment.

To further strengthen the network the seminar resolved that resource centres be established at the national levels, to assist in the collection and documentation on all peace related issues. Networking with other networks at local, regional and international level need to be established and maintained if the vision of the network was to be realised.

3.2 The Role of Regional Governmental Bodies in Peace Building

3.2.1 The Role of Regional Bodies in Peace Building in Southern Africa; Possibilities and Limitations of Government/NGO Collaboration Dr Siteke Mwale, Zambia

Introduction

As a matter of convenience, this presentation comes in two sections, that is, Part I and Part II. Part I will deal with the Role of the Civil Society Organisations in Peace-Building in Southern Africa, in general terms. Part II will concentrate on COMESA's policy on peace and security. In between, there will be need to briefly touch on some efforts made by the UN and the OAU in the area, at the international and regional levels, respectively. This seminar is important for a number of reasons.

Firstly, the theme of the Seminar is both timely and appropriate, as it will be made clear later on in our deliberations.

Secondly, this Seminar comes immediately after three important recent gatherings, which have relevance to it, namely,

- 1 The Workshop on the 'Role of the Private Sector, the NGOs and the Civil Society in the Promotion of Peace and Security in the COMESA Sub region', 19 -21 February, 2001, Nairobi, Kenya;
- 2 The OAU - CIVIL SOCIETY Conference, 'June 2001, Addis Ababa, Ethiopia; and
- 3 The 37th OAU/AEC Summit of Heads of State and Government, 9 -11 July, 2001, Lusaka, Zambia.

The Workshop on the 'Role of the Private Sector, the NGOs and the Civil Society in the Promotion of Peace and Security in the COMESA sub region' was the first of its kind with concrete recommendations for COMESA to involve these Organisations in forums where issues of peace and security were being considered. In accepting the Workshop recommendations, the 6th Summit of the COMESA Authority has since instructed its Secretariat to work out modalities for closer consultations and collaboration in a number of areas regarding the promotion of good governance as a way of conflict prevention and the promotion of trade-based practices of peace-building.

The first OAU - Civil Society Conference, in Addis Ababa, fully recognised the role of the African Civil Society Organisations (ACSOs) as that of promoting peace, security and stability, which was

regarded as critical to the socio-economic transformation and development of the African continent. Apart from rendering full support to the activities of the OAU/AEC/AU, the representatives of the African Civil Society Organisations (ACSOs) were greatly encouraged by the decisions adopted by African leaders calling for the necessity of promoting the participation of the African people in the processes of government and development through their grassroots organisations, at national, regional and sub regional levels.

During the 37th Summit of the OAU/AEC Heads of State and Government, the UN Secretary General and all the African Heads of State and Government who made statements, invariably made special reference to the imperative need for the African Continent to prevent, manage and resolve its conflicts by involving all stakeholders. The role of the Civil Society in this 'inclusion' declaration was audibly expressed specifically in its Programme of Action for the newly launched African Union; Preconditions for Development are paraphrased by ' Peace, Security and Political Governance Initiatives'.

This string of events must be regarded as a wake up call for the Civil Society Organisations at all levels to strengthen their campaign and resolve towards full participation in the areas of conflict prevention, management, resolution and post-conflict transformation.

Furthermore, these events must be considered as a break - through of the highest order on the part of the African leadership, which has hitherto often not only resisted the participation of the NGOs and the Civil Society but also considered these organisations as negative stumbling blocks and not as positive partners in democracy and development.

Context

It is well known that since the creation of the UN in 1945 (which took over from the League of Nations), - over 100 major conflicts around the world have left some 20 million persons dead. At one stage, the UN was rendered powerless to deal with these crises because of more than 279 vetoes cast in the Security Council, by its Five Permanent Members, as a clear sign of East-West ideological divisions of the time. However, since the 1990s, due in part to the break up of the Soviet Union and the subsequent thaw in the East-West ideological confrontation, the UN has re-emerged as a central instrument for the prevention and resolution of conflicts and for the preservation of peace by: -

- 1 seeking to identify situations that could produce conflicts, to apply preventive diplomacy;
- 2 engaging in peacemaking, where conflict erupts, aimed at resolving the conflict; in peacekeeping to preserve peace where fighting has been halted; and peace building in countries formerly at war by rebuilding the institutions and infrastructure and building bonds of peaceful mutual benefits. (Peace building is also defined as 'the employment of measures to consolidate peaceful relations and create an environment which deters the emergence or escalation of tensions which may lead to conflict);
- 3 addressing the deepest causes of conflict - economic despair, social injustice and political oppression; and
- 4 achieving the maintenance of integrity of each state while finding a balanced design for all.

As regards to the conflict analysis pertaining to Africa, we are facing a World which has now entered a uni-polar-new period - and a time of global transition marked by uniquely contradictory trends such as a new culture of democracy, privatisation, and liberalization towards market-demand economics, etc. Africa has, in the process, began to face new assertions of nationalism and sovereignty springing up and the cohesion of states often threatened by brutal ethnic, religious, social, cultural or linguistic strife - including other challenges such as social peace, discrimination and exclusion, acts of terrorism seeking to undermine evolution and change through democratic means. Looming much higher are the challenges of poverty alleviation and the achievement of sustainable human development, all of which have presented Africa with complex, multifaceted and multidimensional features of intra and inter-state conflicts.

As a result, according to UN statistics, more than 30 wars have so far been fought in Africa since 1970, most of them within states. In short far too few have the regional and sub regional states 'are at peace with themselves. In this context, there is now an imperative need for good governance and corporate governance (politically and economically) to become part of the new culture of democracy and conflict prevention.

PART I

The Role of Civil Society Organisations in Peace-Building in Southern Africa: Possibilities and Limitations of Government/NGO Collaboration

From the outset, the primary responsibility for the maintenance of peace and security in the world vests in the UN Security Council as provided for in Article 24(1) of Chapter V of the UN Charter, in which the Security Council is involved in conflict prevention, management, resolution through preventive diplomacy, peace-making and peace-keeping.

However, Article 52 of Chapter VIII of the UN Charter provides for the creation of regional arrangements. This is an endorsement of an imperative **NEED FOR A REGIONAL APPROACH**. For, recent conflicts in Africa are in many respects **INTRA**-state conflicts that are a continuation of **INTER**-state conflicts by other means. More precisely, they often constitute a new form of transnational warfare, which includes armed groups with cross-border ties to states, social movements, markets, criminal cartels and corporations, etc. This regional paradigm means that sustainable prevention of conflict will require a comprehensive regional approach.

It is this same regional paradigm that led to the **DECISION** of the OAU Summit in Cairo, in June 1993, to establish a mechanism to ensure guided OAU participation in the African region, i.e., the **Creation of the OAU Mechanism for Conflict Prevention, Management and Resolution** - with special emphasis on conflict prevention through preventive diplomacy based on Early Warning System. But, in doing so, the OAU has in turn recognized the fact that sub regional Organizations such as COMESA, ECOWAS, SADC, IGAD, IOC, etc., may enjoy some comparative advantage in undertaking certain effective peace initiatives in their own backyards, beginning from the national grassroots and rising to the regional levels. In most cases, this will, in fact, apply to the relationship that, for instance, a sub-regional organisation such as COMESA is bound to enjoy with its constituent member States.

At this juncture, there is need to say something more about the OAU Conflict Management Centre or Central Organ. The mission of the Centre is to develop policy options and co-ordinate activities to support the prevention, management and resolution of African intra and inter-state conflicts

through the collection, analysis and dissemination of information relating to current and potential conflicts on the Continent through: -

- 1 the preparation and presentation of policy options to the Secretary General on how current and potential conflict situations should be addressed;
- 2 conducting of research into the root causes of conflicts and their implications for conflict prevention and peace-building initiatives;
- 3 supporting and managing of political, civilian and military observer and monitoring missions; and
- 4 co-ordinating regional training policies to support peacekeeping operations.

The Central Organ, comprising OAU Member States is the main decision-making organ of the Mechanism, which operates at the Summit, Ministerial and Ambassadorial levels. The operational arm of the Mechanism is the General Secretariat with the Conflict Management Centre being the co-ordinating and focal point for the implementation of the Decisions by the Central Organ and the Secretary General.

The OAU Conflict Management Centre has not yet been fully operational as to effectively involve subregional Organisations such as COMESA, although the latter has already been instructed by its Authority to endeavour utilizing information on states or conflicts from the OAU Centre when advising the Bureau of Authority as well as to establish a databank on conflicts in the sub region.'

Possibilities and Limitations of Government/NGOs Collaboration

The foregoing paragraphs have, in large measure, outlined the enabling environment that the regional and sub regional Organisations such as the OAU, COMESA and SADC have begun to provide towards national government and NGO collaboration. At the regional and sub regional levels, these are possibilities and encouraging signs towards collaboration between authorities, on the one hand and the NGOs and the Civil Society, on the other.

Unfortunately, there is still a horde of uncertainties and suspicions that invariably limit this collaboration. These hurdles have to do with the misunderstanding and misinterpretations of what both NGOs and the Civil Society stand for. From the outset, NGOs and Civil Society are often so inextricably intertwined as to defy clear distinction between them. Definitions abound, Civil Society is sometimes described as "that intermediary entity which stands between the private sphere and the state with a basic democratic function of precisely monitoring and restraining the exercise of certain powers of the state". Conversely, Civil Society will also legitimize state authority when that authority is based on the Rule of (just) Law. The groups that constitute the Civil Society may comprise Non-Governmental Organisations (NGOs), with leadership from intellectuals, artists, lawyers, trade and labour unions, church organisations, students' unions, women's organisations, etc. But, the dichotomy here lies in the fact that NGOs have claimed that they actually provide the motor that moves the Civil Society.

NGOs in their various forms and origins have become part of Africa's landscape. There is virtually not a single district in Africa that does not have their presence. Admittedly, their presence and often their dominance over the Civil Society come about because of the imperative need to fill the gaps that cannot be covered by the state or the government authority. But, in the process, the majority of

NGOs have earned themselves criticisms and have been accused of activities, including those of influencing the Civil Society negatively and inciting those in opposition to overthrow “legitimate” governments, through subversive activities. Often, some of the external aid through NGOs to recipient countries in Africa, have had those characteristics, or made aggressive attempts at re-colonisation and total destruction of national sovereignty - particularly where this has been linked to Structural Adjustment Programmes (SAPs) with conditionality of “austerity measures”. The fact that NGOs often dictate the kind of aid offered, together with its location and staff, and their insistence on themselves managing the projects, has also been a borne of contentions which have given rise to the problem of Lack of genuine and effective collaboration between governments and the NGO fraternity.

PART II

New Comesa Peace and Security Policy

COMESA's role in the maintenance of peace and security is derived from Article 163 of the COMESA Treaty, as read with Articles 3 and 6 of the same Treaty, which stipulate in detail fundamental principles, particularly in the area of conflict prevention.

During its 4th Summit held in Nairobi, Kenya, in May 1999 the COMESA Authority DECIDED that COMESA should play its role in dealing with the many devastating conflicts among its member States, without compromising its agenda towards economic development and sub regional integration or duplicating what other organisations were already doing in the same area. Later on, during its 5th Summit in Mauritius, in May 2000, COMESA reviewed its earlier stand with more resolve to underline the conclusion that without Peace and Security, there can be no development and, conversely, without sustainable human development, there can be no durable peace and development. In reviewing the status of peace and security in the COMESA sub region, the 5th Summit decided to take into account the need for human and financial resources to be identified in relation to the root causes and solutions to all conflicts together with the gaps to be filled by COMESA and lessons to be learned from other sub regional organisations. Above all, the 5th Summit insisted that other stakeholders including Non-Governmental Organisations, the Civil Society, the business community and parliamentarians, should be involved in the development of a viable policy.

The 5th Summits decision resulted in the Nairobi Workshop (19 -21 February, 2001), on “The Role of the Private Sector, the NGOs and the Civil Society in the Promotion of Peace and Security in the COMESA sub region”, whose recommendations have since become an integral part of the COMESA policy on peace and security. To execute this policy, COMESA has come up with modalities in the form of a three-tier Structure, namely:

- 1 The Bureau of the COMESA Authority (Summit of Heads of State and Government);
- 2 The Bureau of Ministers of Foreign Affairs on Peace and Security, who shall meet at least once a year to consider modalities of promoting peace and security in the COMESA sub region; and,
- 3 The Committee of Officials on Peace and Security (composed of high-level officials of the Ministry of Foreign Affairs, etc of member states) who shall meet at least once a year and make recommendations to the Bureau of Minister of Foreign Affairs.

In addition, COMESA Secretariat shall co-ordinate its activities of conflict prevention through the development of existing instruments of co-operation to include peace and security with other organisations and, in particular, that the areas of consultations and co-operation with other stakeholders such as the Private Sector, the NGOs and the Civil Society should include: -

- 1 Resource mobilisation;
- 2 Information sharing;
- 3 Capacity building;
- 4 Provision of peace workers; and
- 5 Training in peace-building.

As regards to the mode of Co-operation with these stakeholders, the COMESA Secretariat is in the process of establishing specific criteria on the procedure and rules for the accreditation of the private sector, NGOs and the Civil Society organisations. There is a possibility that inviting leaders of apex stakeholder organisations to a workshop could achieve this for this purpose.

However, I believe that this seminar may offer suggestions as to the best ways and means of facilitating this requirement.

Finally, insofar as the Southern African sub region is concerned, both COMESA and SADC are now challenged to work together in all areas of human endeavour, particularly in pursuit of peace and security for the sub region. During the 6th Summit of the COMESA Authority, a Framework for COMESA-SADC CO-OPERATION was signed and a Task Force comprising members of the SADC and COMESA Secretariats was established and instructed to meet twice a year. The Task Force will submit its recommendations to the COMESA Intergovernmental Committee and the SADC Troika on co-ordination of the management of programs and projects with common objectives and the merging of technical meetings which have common agendas; thus, assisting to save on the scarce resources of time, human resources and finance.

As it will be recalled, mention has already been made that the meeting of the OAU -African Civil Society Organisations (ACSOS) of June 11, 2001 in Addis Ababa, underscored the need to deepen and sustain mutual relations and co-operation. Among other areas agreed upon were: -

- 1 that the OAU/AU should establish a focal point for Civil Society;
- 2 that the OAU/AU should convene regular meetings with ACSOs;
- 3 that the OAU/AU should establish a follow-up mechanism to sustain the co-operation between the OAU/AU and ACSOs and undertake consultations with ACSOs on the criteria for the establishment of such a follow-up mechanism;
- 4 that the African CSOs should undertake to organise themselves at national sub regional and regional/international levels to be able to better interact with governments, regional economic centres (RECs) and the OAU/AU.

Conclusion

From the foregoing discussion, I want to submit that the role of Civil Society is finally gaining recognition at all levels. I have never been more convinced that possibilities of Government/NGO collaboration will soon outweigh any lingering limitations. It may yet take a little longer but we are much closer if the current mood of the African leadership at regional and sub regional levels is anything to go by. However, the Civil Society movement in the Southern African sub region, where intra-state conflicts are still rife, will have to do more than “pray” for peace and security. I am sure that this is what the Group Sessions will deal with meticulously.

Let me end up by commending the organisers of this Seminar most highly. KATU has timed the Seminar most appropriately and I have no doubt that it will be very beneficial to all participant and the Civil Society organisations and NGOs they represent.

Comments/Discussion on Dr Mwale's Paper

Dr Mwale provided the background to his paper based on the research that was undertaken by himself and another Research Assistant from Malawi. The research was undertaken in the three areas namely, the Great Lakes Region, the Indian Ocean Commission Region and the Southern Africa Region.

The Great Lakes Region involved three countries, all former colonies of Belgium. The countries are Rwanda, Burundi and the Democratic Republic of Congo (DRC). The conflict in this region was based on ethnicity with the Tutsi and Hutu at the centre stage.

The research in the Indian Ocean Commission involved Mauritius, Comoros Madagascar, and the Reunion which is not yet independent but under the French. These counties have common problems of natural disasters of floods.

The Southern Africa had the following countries under research: South Africa, Zambia, Zimbabwe and Malawi. The region is unique area in terms of colonialism, liberation, and decolonisation. Generations of colonialists became part of the local people. For example, apartheid in South Africa, self-governing in Zimbabwe and protectorate in Zambia and Malawi. The tactics of dominating the local people by colonialists became a source of conflict.

Sources of Conflict

After the research the following areas were identified as the major sources of conflict in the regions where the research was undertaken Colonialism and slavery was identified as a historical source of conflict. The ideological difference that has come up due to the collapse of the cold war was another factor identified. Most of the states were found to be weak failing to uphold human rights. The states have become authoritarian. Divisive political manipulation has ended up into predatory patronage like the case is in Rwanda and Burundi.

Disputes of territorial boundaries have resulted into countries using military intervention. Illicit trade of minerals and arms have worsened the conflict situation as could be seen from Angola. This has resulted into underdevelopment, and poverty with its offshoots of crime, corruption, money laundering, drug trafficking, unemployment, and oppression of women, child abuse, abduction of

children into war, disease, hunger etc. Competition for scarce natural resources like land has become the order of the day.

The following was given as summary recommendations from the Ministry of Foreign Affairs Committee during the COMESA summit on the relationship between COMESA and NGO/private sectors in peace building. The NGOs and the private sector will be given consultative process. COMESA will develop criteria and rules of procedure on who should be attending meetings from the NGO/private sector. Seminar participants felt that COMESA should be very clear in terms of the rules. The system should be more inclusive and that NGOs/private sector should be left to elect their own members at every stage of the consultative process. It was also put on record that NGOs/private sector should be given a more serious position as opposed to the consultative process. The NGOs retaliated that a desk would be more ideal than the consultative position.

Structure of COMESA Peace and Security

Based on recommendations from the Peace and Security Study, the COMESA Authority has endorsed the following mechanism or structure for addressing peace and security:²

- (i) The Bureau of the COMESA Authority (Summit of Heads of State and Government);
- (ii) The Bureau of Ministers of Foreign Affairs on Peace and Security, who shall meet at least once a year to consider modalities of promoting peace and security in the COMESA sub region; and,
- (ii) The Committee of Officials on Peace and Security (composed of high-level officials of the Ministry of Foreign Affairs, etc of member states) who shall meet at least once a year and make recommendations to the Bureau of Minister of Foreign Affairs.

The Authority: is made up of Heads of States or Government and is the supreme policy organ of COMESA. It is responsible for the direction and control of the performance of the executive functions of the Common Market and the achievement of its aims and objectives. On issues of peace and security the Authority would be the final decision-making body.

The Bureau: Under the rules and procedure of the Authority, a Bureau is elected comprised of a Chairperson, Vice Chairperson and Rapporteur to hold office for a term of two years. The Bureau of the Authority carries out the function of conflict prevention and resolution through preventive diplomacy having regard to the need to consult the Central Organ of the OAU/AU Mechanism for conflict prevention, management and resolution and other competent African sub-regional organizations.

Ministers of Foreign Affairs: The Council of Ministers is the second highest policy organ of COMESA and takes policy decisions on the programmes and activities, including monitoring and reviewing its financial and administrative management. According to paragraph 1 of Article 10 of the COMESA Treaty, the Council of Ministers can make regulations, issue directives, take decisions, make recommendations or deliver opinions. Sectoral Ministerial Meetings (such as Ministers of Foreign Affairs) take place on a regular basis to consider technical sectoral issues not having budgetary implications. The meeting of the Ministers of Foreign Affairs is to be held once a

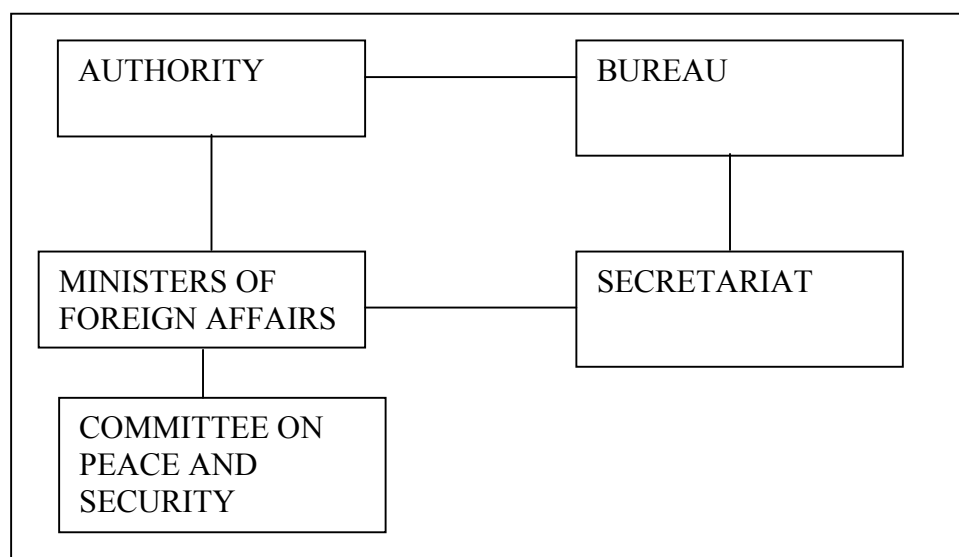
² COMESA, Report of the First Meeting of the COMESA Ministers of Foreign Affairs, 27-28 April 2000, Lusaka, Zambia.

year to consider the promotion of peace and security in collaboration with the OAU Mechanism for conflict prevention, management and resolution.

Committee on Peace and Security: This was set up to feed into the Ministers of Foreign Affairs Meetings and is comprised of mainly high-level officials of Ministries of Foreign Affairs. It meets as often as possible for the effective discharge of its responsibilities

The Secretariat: The role of the secretariat is to initiate action, convene meetings, and utilize information from other stakeholders. It undertakes research and studies as a basis for implementing the decisions adopted by the Policy Organs. The Secretary General who is appointed by the Authority heads it. Two Assistant Secretaries-General assist the Secretary General. The Office of the Secretary General includes the Legal and Institutional Affairs Division, a Strategic Planning and Research Section, a Public Relations Unit, and an Audit Section. To undertake the COMESA Peace and Security Study a consultant was put in place with the assistance of a legal advisor from the Legal and Institutional Affairs Division. As the policy on peace and security is fairly new and still awaiting further input from other stakeholders such as parliamentarians, there is no staff in secretariat tasked to **solely** look into peace and security.

Diagram: Structure of COMESA's Peace and Security Policy



Questions

There is no explicit mention on poor governance as one of root causes of conflict in the region?

It was not expected that Heads of State would outrightly say they were wrong. It was entirely up to civil society to continue to dialogue with their governments on questions of poor governance. The continued suspicion between the civil society and the government should be harmonized to allow both parties to deal with each others inadequacies without necessarily antagonising each other, and is helpful in peace building.

Is there no conflict between the SADC and COMESA Peace Protocols?

Dr Mwale explained that there was need to harmonise the two regional protocols. He admitted that the two regional protocols needed to be addressed so that they remove any contradictions. He said however, that the process of harmonizing the two to remove any duplication has already begun.

Is the Sovereignty of States one of the reasons why organs like SADC are failing to resolve conflicts in the region e.g. the land problem in Zimbabwe?

There has been a problem of leadership among the Heads of State in the SADC organ of Defence and Security. The wrangle in the organ has contributed to the failure in resolving some of the conflicts. Of course the argument of sovereignty has also played a part.

The consultative process being given to civil society in the peace and security arrangement under COMESA will be meaningless if governments continue to marginalize them when it comes to practical conflict management.

Why should civil society only have a Desk?

Civil society should accept what has been given to them by the Heads of State. They can begin to negotiate for increased participation as they build on from the desk that has been provided. It is from the consultative position that the civil society will place itself at a better position to get involved in the matters of peace and security.

3.2.2 Suggestions for COMESA /NGO Collaboration on Peace and Security

The members were divided into groups as per conflict issues that were identified. Each group was asked to identify ten key focus areas that would assist in developing the role/structure/support of SACPN in terms of addressing conflict issues. They were also asked to identify ten key focus areas that would further SACPN's in interaction with key partners.

In addressing these issues the groups were asked to pay particular reference to the approach made by COMESA. In doing this the groups should also address the mode of cooperating with COMESA, with reference to the following issues:

- Memorandum of understanding
- Criteria of civil society accreditation to COMESA
- The role and structure of the COMESA division tasked to work with civil society

Following the outline that was given participants worked out into groups and came with the following observations.

Results from the Group Works

Group 1 Land and Natural Resources

The role, structure of SACPN in terms of land and natural resources should be there to influence government policy and sub-regional bodies, e.g., COMESA, SADC and AU. It should to render

solidarity and support to national networks and other groups in the field of peace and conflict prevention. It should also provide early warning signs of potential conflict to member organizations, government's regional bodies and international bodies like the U.N.

The focal point should be information sharing, dissemination and education on land and natural resources. Expertise within NGOs and civil society must be identified to provide existing entry point for mobilizing the grassroots towards use of land and natural resources. A structure for fundraising for the support of national networks must be established.

To create accountability there should be closer consultation among and with stakeholders. There should be clear linkage among the grassroots, national and regional bodies on land and natural resources issues. The establishment of a desk at country level at COMESA should be explored. However, bureaucracy should not bog down the idea.

Accreditation should be based on civil society organizations that are working with the grassroots people, for this may bring credibility to the peace processes and conflict resolution.

Group 2 Democracy and Governance

The group resolved that there was need for information exchange between the NGOs and the COMESA establishment, if democracy could be enhanced in the region. This would also call for expertise exchange by all the concerned parties. To further strengthen the process the group resolved that resource centres be established at the national levels to assist in the collection and documentation all governance related issues. The relationship between COMESA and the NGOs should be one that would assist towards capacity building at the national level. The government should provide solidarity and moral support towards each other on good governance and the upholding of human rights.

Networking with other networks at local, regional and international level need to be established and maintained if the vision of the network was to be realised.

On the structure of SACPN the group recommended that the Regional Steering Group (RSG) should have a limited term of office. The first term of office should be 3 years and later for 2 years. The national chapters should make recommendations on who would be sitting in the RSG. The group further recommended that the Regional Chair for RSG should be rotational to make it more inclusive for all the members in the region. A suggestion was put up where all members to the network would pay a membership subscription fee of R50. There was debate on the amount and what measures to be put in place so that the system is not abused. The final resolution was that the idea was good but it needs to be explored further by the national chapters. SACPN was, however challenged to facilitate fundraising for the national chapters in the formative stages of the network. In conclusion the group expressed the need to come up with a memorandum of Understanding, to safeguard both the integrity of the members and that of the network.

The two groups came together to deal with the two topics on marginalisation and post war conflict.

The group came up with ten key focus areas identified by the group towards developing the role and structure of SACPN in terms of addressing conflict.

- 1 Capacity building
 - identified as very crucial by resource persons
- 2 Training
 - this training should be relevant, literacy training with a bottom up approach
 - should go beyond imparting just information but should be long life skills necessary for rehabilitation
 - usage of interns and volunteers was suggested
- 3 Material production
 - for information sharing and dissemination purposes.
* feedback to grassroots level
- 4 Counselling
 - the group felt counselling is imperative for healing process
 - it takes time to deal with trauma so counselling skills and services should be provided at national level.
- 5 Further development programmes on how to engage the above processes.
- 6 SACPN needs to define her constituency or target group. Further identify NGOs and stakeholders at national level and develop programmes.
- 7 It is crucial for SACPN to understand regional and national political, social and economic policies.
- 8 Implement monitoring and evaluation programmes for the network to allow for accountability.
- 9 The network needs to play a facilitating role in fundraising
 - that is, assist national chapters for financial stability.
 - create networks with international NGOs
- 10 Facilitate for research programmes
 - this can be made possible by developing a database on expertise of different NGOs or national chapters.

The group first identified other key partners that may be useful in peace building and the establishment of a database of all key partners.

The group expressed the need of having a clearly define roles of civil society when developing the Memorandum of Understanding. The civil society should maintain its autonomy in the MOU. The civil society accreditation to COMESA should be inclusive and the civil society should be the one to decide who should be accredited among its members.

The collaboration between COMESA and civil society should be one that will assist in the maximization of use of resources. It should reduce duplication of similar efforts by the two parties.

Group 4 Crime and Violence

Ten key focus areas towards developing the role and structure of SACPN in terms of crime and violence.

Crime

- 1 Small arms proliferation. SACPN s role should be advocacy and lobbying for tough national/ regional laws for those in possession of illegal arms. Civic education should also be used to enhance crime prevention e.g. the setting up of community policing.
- 2 Landmines: Role: Lobby/advocacy national and regional organizations for the removal of landmines in countries infested. Civil society has to be informed of dangerous areas that are infested with landmines. Provide civic education on landmine related issues.
- 3 Police/ Army: Transforming military education to peace education, lobby government for proper conditions of service for police/army so that our police and army do not engage themselves in crimes. Network can play a role in community policing through training, participation and information sharing.

Violence

Domestic Violence: Civic education on human rights and exposure of cultures and support the empowerment of victims. People to be assertive through counselling, legal aid support.

School violence: Civic education for human rights for both teachers and students so that they understand democracy better in secured and improved school structure, for the security of both students and teachers.

Political Violence: Civic and voter education and human rights, e.g., freedom of assembly, freedom of association, freedom of choice, freedom of speech. The message to regional organization is that opposition parties are true citizens of their country and their political rights should not be infringed upon.

Key areas that would further SACPN interaction with key partners

- 1 Participation in gatherings of stakeholders- at local, national and regional forums.
- 2 Representation at all levels of decision making forums making sure that all network to be accredited other than a blanket accreditation to reduce favouritism.
- 3 The MOU should require consultation between government, NGOs, civil society at country level.
- 4 COMESA to be mandated to intervene in regional conflicts without seeking authority from governments if necessary and impose sanctions against such countries where necessary. Network or other Civil Society Organisations members should be deployed by COMESA on relevant peace building missions, e.g. investigations.

Group 6 Poverty and underdevelopment

The group resolved there was need to support local chapters through developing funding proposals and other capacity building programmes using the experience of other networks. The group further resolved that an administration and communication systems must be established.

The Regional Steering Group Committee should be elected for a 2 years term. Sub-committees should support these. A clearly defined plan of action must then be put in place.

On the interaction between COMESA and other partners the group resolved that an agreed code of conduct must be worked out. Thereafter, a database must be established. This will assist in information sharing on all peace initiatives that the network might be interested to undertake. An annual workshop should be put on the calendar to enable the network and other stakeholders to share their experiences.

3.3 Introduction to Active Non-Violence

3.3.1 Introduction to Active Non-Violence and its Relevance to Peace Building in Southern Africa Ms. Jayne Mbakaya

Background

Reflecting on world history, it is noticeable that the use of violence dominated conflict settlement and resolution. For instance seeds for the Second World War were sown at the end of the First World War. Africa's history let alone the struggle for independence has been painted with wars and conquest. As we try to bury the relics of Apartheid in South Africa, the conflicts in the Great Lakes region, the Horn of Africa, Liberia, Mozambique, DRC, Congo and Zimbabwe still linger in our minds. It is a pity to note that the scholarly history of human beings has been characterized by episodes of chaos and violence, with very little appreciation for Peace Pacts and moments of bliss. Books that romanticize these conflicts constitute curricula for different institutions of learning. This is responsible for formulating violent attitudes and perceptions of learners who eventually become leaders.

However, critiques say history talks about the past and also the future. We are left to wonder, "What future does this past spell for us?" Advocates of Active Non Violence now insist that songs of praise for Non-violence activists of the world must be sung and projected aloud. The prowess and bravado of heroes like Arch-Bishop Desmond Tutu, Mohandas Gandhi, Martin Luther King JR, Kenneth Kaunda and Etyan Tshisekedi among others must not go unnoticed if we intend to transform the world into a peaceful place. It is on this premise that Chemchemi Ya Ukweli - The Active Non-Violence Movement in Kenya was founded.

Active non-violence-ANV- perceives conflict and violence as products of unjust structures in relationships and societies. Conflicts abound in Africa because people practice a kind of love based on collective hatred of others and unity amongst them. Such love breaks down under the slightest provocation. Such love is armed love. As a result when confronted by conflict, the people respond either passively or by use of counter violence, both of which have been institutionalised by governments as mechanisms for enforcing peaceful co-existence amongst the peoples. But civil war and other forms of conflict have become prevalent in Africa. This is because brutal force has been

used over the ages to counter structural conflicts and violence and to suppress dissenting voices or to resolve both national and international conflicts. This resort to use of violence is based on ignorance of other means that are less violent and has helped to foster a culture of fear and violence in Africa. Hence we are not short of deliberate infliction of suffering or injury on the people by rulers or those opposed to the rulership.

Logic of Violence

Violence is defined as a force or the use of force that is injurious and destructive to life, quality of life or dignity of the human person. Injury is further expounded to incorporate:

- Wilful harming and destruction
- Transforming a person into an object
- Limiting the potential of a human person

This is the background against which use of violence is assessed, of which the following are common forms experienced in Africa.

Physical violence: Wars and social violence are responsible for direct assault on individuals or groups, the effects of which can be emotionally or physically disabling.

Economic injustice/violence manifests itself in unjust distribution of national resources; it is structural in nature and is based on and sustained by power imbalances. In Africa, many conflicts between nations and civil wars are chiefly motivated by economics and the drive to control national or international resources. An economic conflict is prolonged torture and a lingering death that many of us are used to, hence we think no more about it. We are urged to address the root cause of conflict in Africa, which is Human greed. We cannot talk about sustainable peace to people who are hungry, illiterate, sick and poorly housed. Absence of an overt conflict or violence does not always manifest in the absence of war. Therefore to alleviate latent conflicts, the issues of basic and human rights must be addressed. Practitioners of ANV believe in one God who has provided enough for us all, that we must seek equality for all, our love should be self-giving and the option for the poor is a must for all who work for social justice. Hence we are compelled to acknowledge poverty as the worst form of violence [Mahatma Gandhi].

Emotional violence destroys the concept of the self worth. This usually is the result of torture, racism, slavery, foreign debt burden, and civil wars where a certain group of people or ethnicity is targeted for elimination.

Institutionalised violence is found in cultural beliefs, structural policies, and practices for instance Female Genital Mutilation/Cutting [FGM/FGC}, and suppression of women, guerrilla wars and paramilitary operations. Laws that do not respect the human person are unjust and hence a source of conflict and violence.

Overt / covert violence, verbal / non-verbal violence, religious, environmental, domestic and gender violence avail us with opportunities to apply ANV towards bringing about peaceful social change.

Responses to conflicts/violence

It is common for a person to respond to a conflict by use of more violence. The winner is the one who uses the most violent means of the contenders implicated. Over the years it has been proved that this reaction begets more and more violence, leading to a spiral of violence.

Passivity too is a pillar that has helped to sustain conflict and violence in Africa. This is the result of long exposure of the people to repression. Many of us would feel helpless in the face of a conflict due to a variety of reasons such as lack of organization, or sense of community, culture, narrow sense of responsibility or ignorance. Passivity ensures that injustice remains unchecked, the aggressor's invincibility is affirmed, and fear is heightened hence further passivity is a violent position.

It is against this background that an alternative - the middle way - to addressing conflict has to be identified. This middle way is "Active Non-Violence".

Active Non-Violence – ANV

To understand ANV the words transformation and sustainability are the key. Transformation refers to a change from the latent stage of a conflict to negotiation and finally to dynamic peaceful relationships. Sustainability on the one hand includes conflict transformation but also the creation of a proactive process that is capable of regenerating itself over time, giving a spiral of peace and development instead of a spiral of violence and destruction [Paul Lederach].

Therefore active non-violence is a deliberate and calculated effort to raise conflict whether structural or covert, to the consciousness of parties involved, while renouncing the resulting violence at the same time. It is proactive rather than reactive and it believes in just means to just peace. It seeks to win over the aggressor/oppressor to truth, freedom, justice and peace. It draws its strength from the fact that it is based on faith or moral values upon which it challenges the moral strength of the oppressor. Active non-violence has its roots in world cultures, traditions and religions. In his practice of active non-violence and after a rigorous study of Christianity, Islam, Buddhism and Hindu religions, Mahatma Gandhi concluded that,

"The lowest possible attitude is to remain passive.

To fail to resist evil is to be an accomplice to it.

If religion does not teach us how to achieve the conquest of evil by overcoming it with goodness, it teaches us nothing".

This is the basis of ANV. Oppression, violence and injustices subsist on peoples' voluntary obedience to the oppressive structures, which is a duty to all citizens of a country. But to the non-violent persons the moment a law fosters untruth, it becomes our duty to disobey it. This we can do by never swerving from the truth and suffering the consequences of our disobedience. To many oppressive systems this may be referred to as civil disobedience, but to practitioners of ANV it is obedience to truth and love. Therefore unlike passivity, ANV is daring, creative, and a courageous way of living. It seeks to address latent conflicts, pursues dialogue, seeks reconciliation, listens to truth in opponents, rejects militarism, and allows God to transform us socially and politically.

The journey to non-violence starts within our hearts and moves out to others. Only when our hearts are disarmed of violence, can we become instruments for disarmament of the world. To transform conflict we need to elevate the human consciousness to sufficiently recognize the undisputed supremacy of the law of love in all walks of life. Non-violence is based on truth force, the force of love that Martin Luther King Jr. called "Soul Force". ANV aims to love the enemy rather than destroy. Therefore to achieve sustainable peace, non-violence aims to educate others in overcoming the injustices in the hearts and minds of those vested with responsibility.

Active Non-violence aims to bring about fraternal relations and reconciliation. It recognizes the dichotomy between war and peace and also realizes that at times society is neither at war nor peaceful therefore un-peaceful. In un-peaceful societies peace lacks because the relations in those societies are organized in such a way that the potential for development of some, usually significant numbers, of the members of society is impeded. This is a state of structural conflict. Most actors in such societies are not conscious of the state of conflict. This is when the NGO's are called upon to identify the structural violence that underlies those relations and arouse the people to participate in addressing them.

Conditions of structural conflict and violence are defined as those in which humans are unable to realize their full potential: where their somatic and mental realizations are below their potential realizations. [Makumi Mwangi]

ANV is the basis for conflict transformation. It aims to satisfy mutual needs of the parties in the conflict. It rejects bargaining. Rather than use conflict settlement objectives, ANV addresses basic causes of the conflict and the parties' needs. The goal of ANV is for the parties to redefine their relationships.

Underlying Assumptions

The goal is to arrive at the truth of the situation, not to win or prevail over the aggressor. Both the aggressor and the oppressed share a common humanity and are victims of unjust systems. ANV seeks to destroy enmity and not the enemy. It is creative and it never gives up. It is full of hope. It starts from where people are denied their rights.

Practitioners of ANV observe the following principles in carrying out their activities.

- Proclaiming the truth.
- Protesting the injustice.
- Penetrating the conscience of the adversary.
- Parting from the injustice.
- Praying.
- Paying the price.

Religious Basis of ANV

Christian basis

Make reference to Exodus 20: 2-5; Deuteronomy 5:6-9; Genesis 4a; 1-16; Genesis 1: 26-31; Leviticus 25, Isaiah 53: 13-15, 53: 1-12, the story of the Good Samaritan, Matthew 5: 3-48, the crucifixion, John 15: 13, John 8: 2-11, Romans 13.

Jesus and the Adulterous Woman

When confronted by this conflict he decided he would not be party to an unjust law-stoning of adulterous women. Through relenting that the woman would indeed be stoned but that the first stone thrower would not have sinned at all, he penetrated the peoples' conscience. He thus had protested the injustice.

When Jesus said the famous “turn the other cheek”, in essence he said “don't return violence with violence”. He also expressed the love for others in the story of the Good Samaritan and in the greatest Commandment; “love your neighbour as yourself”. He finally paid the price through his crucifixion.

Islamic basis

The Holy Quran comprises of Quran, Hadith, Torat/Zabur [the Old Testament] and Injil [the New Testament]. Thus both Christians and Muslims share the Abraham tradition.

The word Islam stands for peace, which is achieved through submission to the will of God. The five pillars of Islam are as follows,

Praying 5 times a day; submitting before God for divine intervention.
Ramadhan, Mandatory self-denial fasting for cleansing and an expression of solidarity with those endowed with less material well being.
Zakat for the poor is an option for the poor.
Haj, pilgrimage for those who can afford.
Allah, the one true God to be worshipped.

Many a times the concept of Islamic jihad is used to rationalize violent acts. Jihad means effort. It is effort we all must make for truth and justice, whatever the cost to our comfort or to our very lives. It means fighting and not 'holy war' as it is always mistranslated. Those who contravene Islamic teaching by saying, “Let there be no compulsion in religion”, are responsible for the propagation of Jihad as a Holy War. [Chawat Satha- Anand] Further Islam teaches that

"Fight in the cause of Allah,
Those who fight you, but do not transgress limits,
for Allah loveth not transgressors". [2:190]
"And fight them on until there is no more tumult or oppression,
and there prevail Justice and faith in Allah" [2:193]

The holy Quran advances the following as reason why oppression should be fought.

"For tumult and oppression are worse than slaughter". [2:191]

The Jihad thus calls Muslims to stand up to oppression, despotism, and injustice and on behalf of the oppressed. There are two types of Jihad:

Internal Jihad is achieved sometimes by heart, tongue, or hand- against one's own weaknesses and inner evil. This is the greater jihad. Two rules have been prescribed for Jihad by hand and tongue; understanding and patience.

The lesser jihad is that waged against external enemies.

The outer/lesser jihad can be either violent or non-violent. The choice is ours. For non-violent people it can mean a struggle to eliminate injustice within the Ummah [community]. This is possible if humanity accepts a degree of some spiritual guidance in order to purify itself.

Jihad aims to put an end to structural violence. Jihad is God's command and traditions of Prophet Mohammed's that demand a perpetual re-examination in terms of one's potential to fight tyranny and oppression. For instance Muslims are forbidden to kill non-combatants such as women, children and the aged, the environment, crops, and religious leaders [1st Caliph Abu Bakr]. Since murder is one of the cardinal sins in Islam, to fight injustice, tumult, and oppression to the end, alternatives to violence need to be adopted if the sanctity of life is to be preserved. This alternative is Active non-violence.

Therefore both Christianity and Islam have the following tenets in common,

Belief in One God.

Seeking justice for all and all are equal before God.

Option for the poor.

Self-giving love [ready to die for truth and in the name of God and through fasting].

Therefore the practice of ANV is not alien to world religions and through interaction with base groups, it was also established that African spirituality fundamentally relied on ANV for conflict resolution and transformation. This is evident in many of the beliefs, superstitions and taboos that helped to regulate human conduct in communities. These were conveyed in form of songs, folklore and rituals. Today human beings have manipulated religions to rationalize violent activities. Hence active non-violence seeks to highlight issues that would enhance peaceful co-existence rather those which would divide and cause suffering. It is against this basis that Inter-religious Dialogue is deemed the appropriate tool to help dissipate tension and possibility of violence outbreak between people of different faiths.

Therefore orientation in non-violence would appeal to a person only if it draws from his/her religious or ideological or cultural background. Hence reference to a people's culture and traditions, the New Testament, the thoughts of Mahatma Gandhi, Martin Luther King Jr. and humanists such as Tolstoy, Thoreau are recommended.

Non-Violent Action-NVA

Sustainable peace can only be achieved through just and relationship centered means. Active non-violence means is based on the people's fundamental ethical attitude based on the respect for the human person, that the means and the end are inseparable. Non-violent methods can be applied at various levels, political, social, religious, economic, ecological marginalized minorities in education, health and other domains. In every situation appropriate methods need to be discovered and developed by the victims themselves. Thus non-violence is creative and maintains confidence in the innate aptitudes of each person. Hence it is a liberating force.

The following attributes characterize NVA.

Non-violence is democratic.

The methods and strategies are designed or determined by neither one person nor a few people. It is based on the belief that true solutions can be found within the community. Thus it relies on active collaboration and on the basis of equality between all that are taking part.

It relies on permanent commitment.

This is because quick fix solutions to protracted conflicts are not feasible in the short run. The healing of people and the rebuilding of relationships must be addressed before peace is achieved. Therefore short-term efforts must be measured primarily by their long-term implications. Thus the final goal, a reconciled society, must be clearly envisaged and steps to achieve this must be clearly stated.

It is fundamentally creative.

It provokes each one of us to discover the latent and salient forces of truth hidden in us and to use them with imagination and a spirit of initiative. It does not seek to control and dominate the desires and actions of human beings.

Steps in Non-Violent Action

1 *Situational Analysis*

An analysis of the conflict situation aims at establishing the truth of the situation. It is imperative to avoid polarized analysis that sees all that is bad as being on one side and the good as being on the other side. The analysis is

- to help, establish all the fundamental rights violated by the conflict or injustice.
- to identify the resulting suffering.
- to design and develop strategy or plan of action.

The best source of information would be the victims of the conflict/ violence. A study of their history, sociology, morality, ideology, politics, and pedagogy is all very necessary, not forgetting traditions, and legal systems.

The analysis seeks to understand,

- Reasons for the existence of the injustice.
- What its structure is.
- What its pillars are and why are they pillars.
- And identify the persons/ groups/ institutions involved in the conflict.

It's international context. Why the adversary has such convictions. What are their good and bad points? Thus establish his/her truth. This would help identify entry points to establish dialogue with the oppressor. Such truth gathered is to be used to arouse the conscience of others such as the passive and the active accomplices.

To transform injustice through NVA we need to seek ways by which to reduce the strength of the pillars or how to take off the pillars so that they can identify with the oppressed and join the fight against the injustice. The pillars could be persons, groups or institutions. It is vital to find out how we can stop our own complicity in the injustice.

2 *The preparation of groups*

This can be done through training and education. The community needs to be organized into base groups. A base group is a people, who are collectively conscious of the existing problem, conflict, injustice, and who are ready to work for its solution. This is a very important element in the non-violent struggle. Their persuasiveness, endurance and formation determine the success of the struggle. Gandhi and Cesar Chavez prepared their base groups for the struggle over many years. This is because non-violent struggle calls for a complete change of mind, a new attitude, towards

the adversary, aggression, and towards all forms of injustice. Its internalisation depends much on intensive spiritual growth and practical application. The action can neither be spontaneous nor intuitive.

Such preparation helps one to accept certain doctrines, that love is expressed by giving and manifesting absolute respect for the human person, we are required to accept God's strength to work through us and that the power and capacity to proclaim the truth, and express love comes from God.

External preparations are as important as internal ones. It helps one appreciate the body as the only weapon of non-violence. The people must learn to maintain a resolute non-violent attitude in the face of mockery, defamation, and psychological and physical violence. This can be learnt through the study of other non-violent movements and by reflecting on concrete examples and by applying ANV in personal lives since ANV is an attitude of life. Listening to others is a non-violent tool. It prevents one from dominating discussions and decisions; it helps us to identify truths in others. It also allows us to prioritise actions.

The values of social drama for group preparations are useful in this process. This is a preview in form of theatre of the conflict the victims are going through. The purpose of ANV is to achieve the objective without anyone dying, either morally or physically.

Therefore social drama helps us evaluate realistically the resources at our disposal. It familiarizes the participants with the situation in which they are engaged. It prepares non-violent actor/actresses to respond to various situations that may arise, e.g. contact with the adversary, prison, shooting, negotiation, with the authorities and other surprise developments. It helps in understanding the position of the adversary. Thus it may help us to find an honourable way out for everyone including the adversary. It nurtures the unity of the group. [Individual confidence, bonds of friendship, and familiarizes the group with tense situations]. It teaches the group to do self-evaluation.

Methods of Non-violent Action

It is vital to start with the very light non-violent weapons within our possibilities and limited experiences.

Dialogue-negotiations-mediation

Dialogue is the lightest weapon of non-violence. If the adversary refuses dialogue, the non-violent person should seek ways to provoke it. Dialogue is the first step to peaceful coexistence, reduction of tensions, towards a union of a person and humanity [Jean Goss].

Steps in Dialogue

Discover the truth of the adversary's ideology, politics, professional, and religion. This will create an entry point for dialogue.

Tell how we have failed to recognize the truth in the adversary and tell it to him or her. Discuss and recognize our responsibility in the conflict for example whether we have been silent accomplices or passive. This helps to dissipate prejudices, change the hostile attitude of the adversary and to lead him/her to see the injustice of the situation. This truth would help in appealing to the conscience of the adversary. It also urges the adversary to recognize his/her responsibility for the injustice.

Present the injustice, tell the other person or party about the evil done and reasons for dialogue. Since we commit the same faults, we are expected to point out the injustices calmly and objectively without accusations and condemnation. Show the adversary that their cooperation is necessary to find a solution and affirm your commitment in the struggle to conquer the injustice. Produce concrete proposals and do not come empty handed to dialogue. Arrive with at least one proposal for a solution so that a discussion can take place. Do not allow the ones who are party to the unjust situation set the solution. It is the victims of the conflict who must find a solution in accordance with their hopes, possibilities and means. Proposals must be clear, realistic and in line with the ultimate goal. These proposals must be shared solutions in accordance with our discussions with the adversary. Note that dialogue needs persistence, and after every set back it must be started again. If it is rejected completely then heavier weapons must be employed.

Heavy non -violent weapons

These include various forms of direct action, civil disobedience, and non-violent non-cooperation. Direct Action aims to shift dialogue from the private domain to the public domain. It seeks public denunciation of injustice through arousing public opinion and obtaining growing solidarity. These actions may range from mentioning the injustice through the mass media, leaflets, slogan, demonstrations, vigils, silent marches, street theatre, sit ins, processions, and liturgical acts. Each conflict situation is unique thus requires appropriate strategy. The choice of strategy is determined by the truth established in the situational analysis. The following questions are vital in defining the action and the role of the various players to be involved.

What is the action?

Why the action?

When is the action?

Where is the action?

Who will play the various roles involved?

How will it be conducted?

To secure public support for the action, a broad effort at educating them must be undertaken. This includes building of alliances with key organizations. Public participation events may need to be developed such as interfaith services/rallies, marches, petitions, and phone in campaigns. Ways of communicating with the passive groups should be sought to win them over to the struggle. The NVA aims to move the adversary to work with you to resolve the injustices when the other means of persuasion have not reached the objective. These actions need to reveal with the greatest clarity the injustice being denounced. They should be designed such that the biggest number of people would participate. Direct action can include civil disobedience, non -violent non-cooperation [strikes, boycotts] and non-violent interventions such as blockade.

Fasting

Fasting for purification of humanity and the self is the greatest form of fasting. It is meant for our purification and conversion, or our group, and the opening up of the adversary's conscience. The political fast can accompany demonstrations, negotiations, and actions of solidarity. It is to exert moral and political pressure on public opinion. It underlines the seriousness of the claims or to alert the world of the injustices. Fast as blackmail is not a non-violent action. It takes the form of hunger strike

Non-cooperation and civil disobedience

These are the heaviest weapons of non-violence. Civil disobedience consists of collectively refusing to submit to unjust laws and orders and of taking the consequences of this attitude. This is meant to make the continuing function of the oppressor impossible. These may include strikes, boycotts, fasts, and conscientious objection to military service, refusal to kill, and refusal to pay taxes for war. Human lives and the means of production should not be destroyed as a means to peace. Civil disobedience is the ultimate weapon of non-violence. It makes dictators tremble, for aggressors/ dictators/ oppressors are strong only because we obey. Thus laws or orders, which do not respect the human person, are disobeyed collectively. This is where peoples' power can be demonstrated.

Setting up of alternative systems

This is the setting up of authentic alternatives that would fulfil the hopes of the victims. E.g. development of alternative schools, hospitals, cooperatives, governance structure, social service delivery systems, peace brigades, non-violent peace armies, alternative banks, and alternative media in the service of the society, improvement of the situation of women. It helps to maintain non-violent gains.

The purpose for setting up these systems includes,

- To supplement/complement government efforts in politics, economics, development and welfare.
- Lobby the government to sign treaties, ratifying them, legislation, funding and implementation.
- Use non-violent activities such as mass action and people power to check on the excesses of the adversary or even governments.
- To transform structures and attitudes through civic education.

Examples of alternative systems include micro-credit finance, neighbourhood associations, interfaith dialogue, NGO networks, and pressure groups.

Conclusion

The UN declared the decade 2001- 2010 as Decade of a Culture of Peace and Non -Violence. The World Council of Churches too has baptized this decade as Decade to Overcome Violence - DOV. The question is, will we overcome violence by use of more violence? Therefore we are challenged to seek ways to make this a reality so as to change the culture of violence that is eminently here with us. By declaring this decade a DOV, it is a call and an invitation to all of us to work for sustainable peace. We can highlight and inspire acts of overcoming violence and conflict, deal with causes of conflict perpetrated by politics, economics, culture, and social structures. We are called to re examine our different roles in current conflicts in Africa. In order to decipher more creative peace building mechanisms such ANV, we are called upon to study structures and cultures of violence in an effort to expose its causes. We can start campaigns and movements to overcome violence. We can produce peace education materials to be shared across borders in order to provide alternative value education in an environment where people are over exposed to violence and are getting immune to it. We can share stories and experiences of overcoming violence through the web and other publications. And from time and again we can meet like this time to share our successes and challenges. The journey to sustainable peace is long and tedious. Hence as peace builders, we often become victims of bitterness, disillusionment, and desperation, when peace efforts do not give immediate results. Non-violence requires us to cultivate hope, patience and humility as we go about

peace building. As NGO's we are challenged to broaden our scope of activities as we seek non-violent ways through which we can address conflict and violence resulting from national and international politics, economics, environment and even science issues. This is our call and goal.

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3.3.2 Steps Towards an Active Non-Violence Campaign

Process of Self Reflection

Participants were divided into four groups and were asked to discuss three questions as they relate to them as individuals. Each group was asked to present one outstanding case from one individual.

How have I been a source/perpetrator of violence?

How have I been a victim of violence?

How did I respond to each of the two above?

Results from Group Work

It was observed from the exercise given that most responses were to do with the past when people were young. It was easy to talk about things that happened when people were young due to the unresolved past. There is a sense of denial and most current violence is as a result of what was experienced in the past. Individuals were simply responding to their past. People are comfortable to talk about passive violence as against physical violence. This could be from our strong culture background and due to fear. There are cases where society structures emphasize on the removal of involvement of community in finding solutions to violence. In certain instances also violence had become part of life where society entirely depends on state institutions to prevent violence.

Some seminar participants felt that revenge might be the best in dealing with conflict. It was, however, resolved that this position only escalates violence. Hence there is the need to develop relationships of reconciliation.

Reflection on Traditional methods of Active Non-violence

In a plenary session participants were asked to cite examples and discuss cultural/traditional provisions for non-violence as a mechanism for conflict prevention and peace building for each country. The issues that came through the discussions had a lot of similarities with two major issues coming out.

A traditional court system has been used in settling disputes and whatever was said in the court was to be taken serious and upheld by the community. No one was supposed to go against the ruling of the court.

The Zion church has been involved in the spiritual healing process on the traumatized war ex-combatants.

Lessons learnt

The lessons learnt from this exercise were that the African culture has dialogue as a way of settling disputes without necessarily being violent. It is such structures that need to be developed. The culture of tolerance as a way of peace building must be encouraged.

Conflict Analysis

It is important that before a non-violent action is undertaken there is need to define the purpose of your action by responding to three key issues.

1 *Establish the truth about the situation*

In the process of establishing the truth about a situation in developing a non-violent action the following questions should provide a guide. These should not be conclusive in themselves. More questions can be raised depending on the nature of the conflict you are addressing.

What is the conflict?
What is the injustice/suffering?
What is the situation/assumptions makes the injustice possible?
Who are pillars to the injustices?
Why are they pillars?
What are the motives and interests?
What are their good and weak points?
What other groups/institutions/persons are involved/would we involve in this conflict?
Does the conflict/injustice/violence have an international context?

2 *Plan strategy*

It is important that after establishing the truth a clearly defined strategy need to be put in place before getting into action. The following questions need to be addressed when developing a strategy.

WHAT is the action? (Activities)
WHY the action? (Objectives)
WHERE will the action take place?
WHAT roles are involved in the action?
WHO will play the above roles?
HOW will the action be carried out? (Maximum impact/ illustration of the injustice)
WHEN will the action take place?

3 *Civic education: Public awareness and support*

This is the final stage of civic education through public awareness and support. This stage is undertaken to provide policy change on the institutions involved without necessarily being violent.

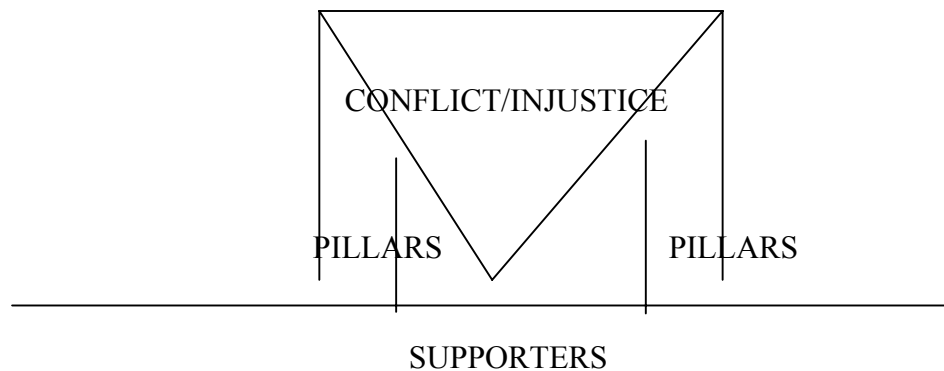
Steps in Non-Violence Action

A Framework for Developing a Non-Violent Strategy

Goal of any non-violent action is to move the opponent to share in your common vision. It is applied when persuasion has failed. It is designed to include a large number of people. It is meant to introduce a new creative tension in the conflict. It should be designed to illustrate the injustice it seeks to correct.

a) *Conflict Analysis*

A conflict or an injustice resembles an inverted pyramid that cannot stand on its own without support of very specific pillars. The choice and design of a non-violent action should be informed by facts about the conflict. This can be derived from a thorough analysis of the conflict situation. The victims of the conflict should do this analysis.



- What is the injustice/violence?
- What situation or assumptions sustain the injustice?
- Who are the pillars or support to the injustices?
- Why are they pillars or support to the injustice?
- What are their motives or interests?
- What are their good or weak points?
- What other groups/individuals/ institutions are involved in the conflict?
- What other groups, individuals or institutions would we want to involve in the conflict?
- Does the conflict have an international context?

The importance of conflict analysis

The purpose of a non-violent action is to arouse the conscience of the public to the realities of the conflict and the attending suffering. This can be sufficiently aroused if awareness creation is based on factual information. Secondly non-violent action aims at addressing mutual needs of contending parties in the conflict. These can be addressed if facts about the conflict, underlying policies and power relations that sustain it are deciphered. It helps reveal groups that can be won over to the non-violent action and points of entry for dialogue with the oppressor. It also helps us to know the good points of the oppressor thus it removes biased allocation of all blame on the enemy and reveals our own contribution to the conflict.

b) *The preparation of groups*

This can be done through training or civic awareness campaigns. Conventional political tools such as petitions, newspaper editorials and lawsuits may be applied. Building alliances with key organizations is initiated at this stage. Public participatory activities such as inter faith rallies, and public debates are other key activities. It involves organization of communities into base groups. A base group is a group of people who collectively are conscious of the existing conflict and are ready to work for its solution. The people's persuasiveness, endurance and formation determine the success of a non-violent struggle.

This stage aims to cause complete change of mind/attitude towards the adversary, aggression, and towards all forms of injustice. The preparation is both physical and spiritual. This familiarizes the people with the situation in which they are engaged and helps to foster a sense of unity of purpose and discipline among the participants.

c) *Elaboration of non-violent strategy*

Non-violent action can neither be spontaneous nor intuitive. It is also true that each conflict situation is unique hence there is no blue print for non-violent action. The type of strategy adopted will depend on the analysis of each conflict. The following questions give a guide to this stage.

What is the action [s]? - Activities.

Why the action? - Objectives of the action.

Where will the action take place?

What roles are involved in the action?

Who will play the above roles?

How will the action be carried out so as to achieve maximum impact of the action or to bring out the injustice of the oppressor?

When will the action take place?

d) *Evaluation*

This is an important stage of the process. It reveals the successes, and challenges of the struggle. This forms a basis for future non- violent plans of action.

3.3.3 Active Non-Violent Case Study

The Del Monte Campaign - A Non-Violent Struggle for Workers' Rights

In September 1999, a request was made by the Del Monte Branch of the Kenya Union of Commercial Food and Allied Workers (KUCFAW) to the Kenya Human Rights Commission (KHRC) to join them in fighting against the violation of their rights. The workers plight involved the following: poor wages, wanting retirement benefits, lack of adequate medical scheme for the workers, lack of proper education scheme, bad occupational health and safety practices. As a result the KHRC put together a Solidarity committee made up of other trade unions, civil societies concerned with labour rights, and Chemchemi Ya Ukweli as strategic partners in this fight.

Conflict Analysis

Research findings revealed the following:

- 68.9% of the workforce was employed on temporary basis
- Poor pay and housing
- Evictions of local communities to pave way for more land to plant pineapples
- Use of toxic substances without adequate protection
- Death and sickness due to use of toxic substances
- Child labour existed
- Forced labour where by workers were forced to do duties that did not tally with their job descriptions
- Violation of the workers freedom to association and to collective bargaining.

Pillars to the Conflict were identified as follows

- Del Monte management
- Local and international consumers and especially COOP Italy the main importing supermarket chain
- Kenyan civil societies for failing to take action
- Trade unions
- The media (etc).

It was necessary to do this analysis so as to understand the interests of all players and assumptions that underlay such conflicts. The strengths of the pillars and their limitations too were established. Parties that could be won over to join the struggle were incorporated into the solidarity committee locally and abroad.

A clear understanding of the conflict issues influence the choice of the non-violent action to be adopted.

Objectives

- Exposure of all human rights abuses by Del Monte
- Improvement of the living and working conditions of the workers
- Cessation of the use of toxic substances
- Improvement of the social well-being to the neighbouring communities in areas such as health, schools and housing
- Compensation by the company for rights violated
- Mobilization of the workers and surrounding communities into a campaign against the company
- Establishment of a case study, which other workers or oppressed communities can use in organising their own advocacy.

The non-violent activity

- An international campaign

Strategy

For the campaign to succeed the following issues had to be addressed before commencement of the struggle. These are solidarity, protection of the workers and the campaigners, promotion of the cause, and advocacy. Thus key partners were sought. These key partners included KHRC that offered leadership. Other strategic partners were, Chemchemi Ya Ukweli, Citizens Coalition for Constitutional Change, Labour Caucus, Release Political Prisoners, Federation of Women lawyers, The Green Belt Movement, Kituo CH a Sheria, and several Unions. The involvement of Amnesty International, International Center for Human Rights and Democratic Development, Human Rights Watch, and Centro Nuovo Modello di Sviluppo strengthened the international context of the campaign.

Among the partners were organizations that would offer protection in form of litigation. It was anticipated that the Company would have tried to hit back at the campaigners. Advocacy was initiated both locally and internationally. It rested on public dissemination of information, on the conditions obtaining on the Del Monte Firm. These activities included interdenominational services, rallies, pickets, demonstrations, and strikes as well as press conferences.

Effect of the Campaign

The Del Monte experienced a worldwide boycott of all its products. Early this year the company relented and signed an agreement to improve working and living conditions of the workers and extend its welfare services to neighbouring communities.

3.3.4 Suggested Strategies for SACPN –Zimbabwe Case

The seminar resolved to take up one issue in the region as their case study using Active Non Violence as a tool in peace building. Zimbabwe was selected due its controversial land problem.

The seminar identified stakeholders in the land problem. The following organizations and institutions were identified as the major stakeholders in the land issue:

- | | | | |
|---|-------------------------------------|---|--------------------------|
| - | Commercial Banks | - | War Veterans |
| - | White Farmers | - | Members of Parliament |
| - | Civil Society | - | Constitutions (Land Act) |
| - | Ministers and senior civil servants | | |
| - | Media | - | Politicians |
| - | Youth | - | People |
| - | Religious Leaders | - | Judiciary |

What is the injustice/violence?

The seminar went further to identify the type of injustice/violence that was currently going on. The major injustice that was discussed was that land was owned by minority Zimbabweans (mainly whites). This unequal distribution of land has a historical factor from the time of Cecil Rhodes. There has also been disregard for bilateral agreements regarding land distribution. The other injustice was the method of resettling the squatters on private land.

Prevailing assumptions

The assumptions that were made were that there was manipulation of politics on the issue of land by the ruling party through the Head of State. The Constitution provisions of buyer/seller were not followed. There were only a few people that were resettled using the Constitutional provision. Other assumptions were that there was a defective land tenure system. Most of the agreements were verbal. The loans for agriculture only favoured white farmers, and that there was simply scarcity of land in Zimbabwe. People were also not aware of their human rights. Lastly there was a basic assumption that the war veterans were getting rewards for doing what they were doing and that some funds provided to resettle people were being squandered by ministers through corruption.

After undertaking the assumptions the seminar resolved that it was important to undertake capacity building for civil society in Zimbabwe to address the issue of land. The capacity building will then equip the organizations to deal with the land issue from an active non-violence position through awareness raising and education among all stakeholders. The first workshop was planned for November 2001 in Bulawayo.

Part Four: Programme of the seminar

Peace Building Seminar on "Developing Regional Civil Society Approaches for Conflict Prevention in Southern Africa", 22-26 July 2001, Kaya Kwanga, Maputo, Mozambique

PROGRAMME

Day One: 22 July 2001

Arrival of Participants

10-17:00 Regional Steering Group Meeting, Regional Steering Group Members (one from each country)

Day Two: 23 July 2001

8:30 Registration of Participants

9:00 Official Opening Session
Announcements by Network Coordinator, Ms Yaliwe Clarke Kamuhuza
Welcoming Remarks by representatives from host organization, Mr Alfiado Zunguza, Justapaz
Speech by KATU Secretary General, Ms Anne Palm
Opening Speech by Dr Isaias Mondlane, Permanent Secretary, Ministry of Foreign Affairs and Cooperation, Mozambique

10:00 Tea break

10:30 Plenary Session:

Introduction of Participants

Overview of Focus and Objectives of Seminar
Ms Yaliwe Clarke Kamuhuza, Network Coordinator

The Role of Civil Society in Peace Building
Mr Sean Tait, UMAC

Country Position Papers reflecting National Conflict Prevention issues
Selected representatives from each country

13:00 Lunch break

14:30 Plenary Session

Regional Peace Building Issues Stemming from Country Position Papers

15:30 Tea break

16:00 Group Work

Group Work on Mapping and Ranking Conflicts in Southern Africa from the Perspective of Civil Society, Facilitated by Network Coordinator

Day Three: 24th July 2001

08:30 Plenary Session

The Role of Regional Governmental Bodies in Peace Building in Southern Africa: Possibilities and Limitations of Government/NGO Collaboration
Dr Siteke Mwale, Senior Consultant and Coordinator of COMESA Peace and Security Study

09:30 Plenary Session

10:00 Tea break

10:30 Group Work

Plenary session continues

13:00 Lunch break

14:30 Plenary Session

The Southern African Conflict Prevention Network - Its Relevance for a Regional Civil Society Approach to Conflict Prevention and Peace Building
Ms Yaliwe Clarke Kamuhuza

Group Work on the Possibilities and Limitations of Regional NGO Collective Peace Building Action, Facilitated by Regional Steering Group Members

Day Four: 25 July 2001

08:30 Plenary Session

Introduction to Active Non-Violence and its Relevance to Regional Collective Peace Building in Southern Africa
Ms Jayne Mbakaya, Training Coordinator, ChemChemi Ya Ukweli

09:30 Plenary Discussion

10:00 Tea break

- 10:00 Group Work
 Group Work on the Practicalities of Active Non-Violence, By Jayne Mbakaya
- 13:00 Lunch break
- 14:30 Plenary Session continues
- 15:30 Group Work on Developing an Active Non-violent Campaign
- 19:30 Farewell dinner

Day Five: 26th July 2001

Participants Depart to Respective Countries