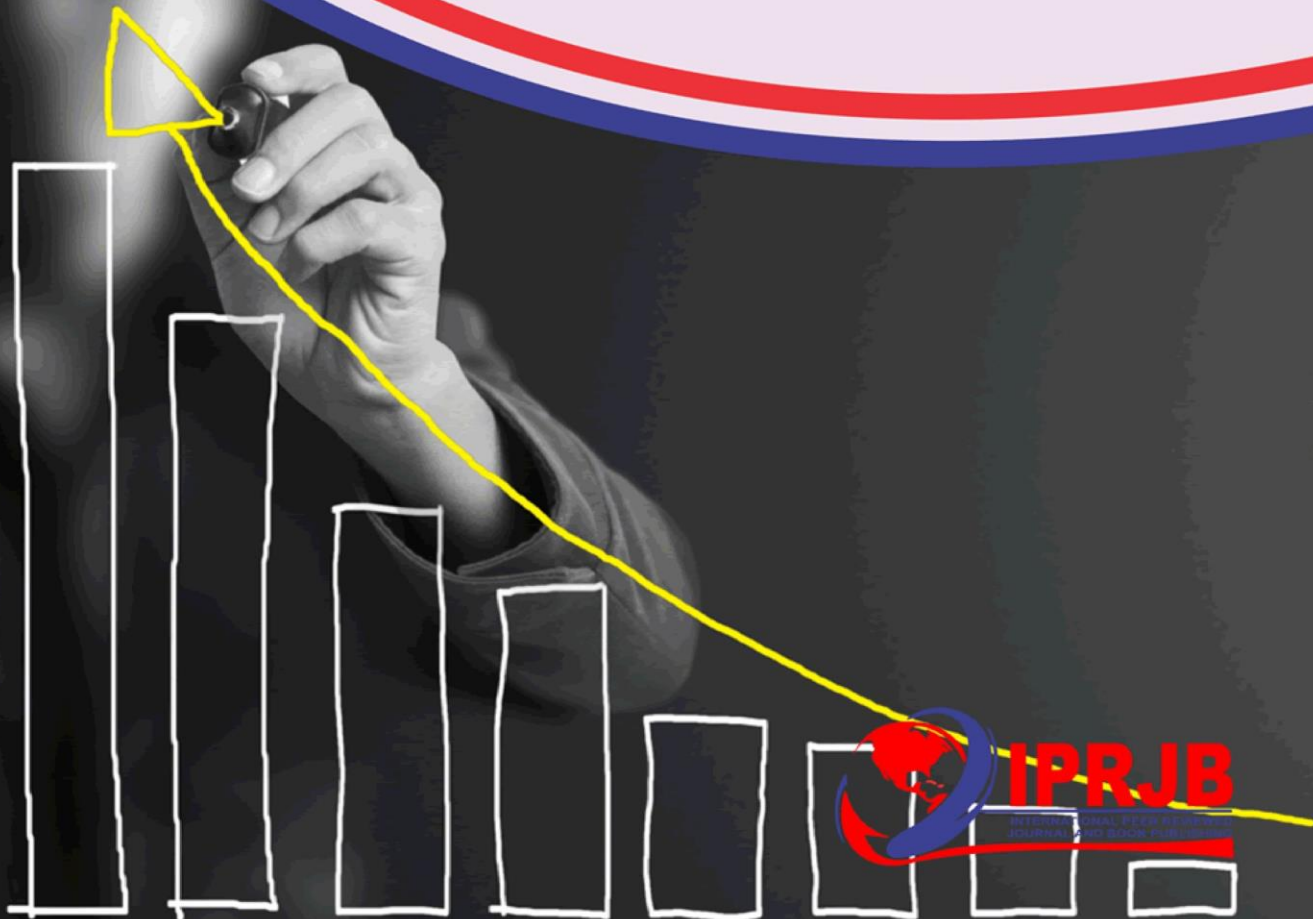


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**CONFLICT MANAGEMENT AND CONFLICT RESOLUTION**

Charity Njeri Muriuki



## **Conflict Management and Conflict Resolution**

Charity Njeri Muriuki

University of Nairobi: Institute of Diplomacy and International Studies

Corresponding Author's Email: [c.e.n.muriuki@gmail.com](mailto:c.e.n.muriuki@gmail.com)

### **Abstract**

**Purpose:** Conflict management indicates in the first instance the perspective of the so called —third party (a mediator, conflict advisor, conflict manager, or supervisor), which is called to help, or engages itself after its own incentive, in order to assist to both conflict parties (and eventually one of them). One can speak about conflict dealing also when during the conflict both parties look for a consensual solution, without asking for an external assistance. The forms of approaching and dealing with conflicts could be of very different nature.

**Methodology:** The research was purely qualitative. Desktop literature review was conducted. Critical analysis of the literature was conducted.

**Findings:** The study found out that most strategies incorporate a range of peaceful measures like negotiations, mediation or facilitation, as well as coercive measures as military, political or economic sanctions including the threat with them (power mediation). While latter measures usually are of short-term character, the peaceful measures are the basis for a long-term perspective of the conflict settlement.

**Unique Contributions to Theory, Practice and Policy:** There is need for a strong commitment to democratic change as the cement upon which any peace agreement should be built, and that in turn necessitates a comprehensive conception of peace

**Keywords:** *Conflict Management, Conflict Resolution, Diplomacy*

## INTRODUCTION

Violent conflicts anywhere in the world are costly. This fact can be said of Sudan's north-south conflict, which resulted into a fully-fledged armed civil war fought between Khartoum's Government of Sudan army in the north and the dissident Sudan People's Liberation Movement/Army (SPLM/A) in the South. While some analysts<sup>1</sup> argue that there are no reliable figures to tabulate the human cost of Sudan's 21 years old civil war, it is generally argued that the effects of Sudan's civil war upon crops, property and vast amounts of natural resources have been devastating, resulting in the loss of millions of innocent lives.<sup>2</sup>

Scholars like Tanner<sup>3</sup> and Wallenstein<sup>4</sup> define conflict management in terms of the "limitation, mitigation and/or containment of a conflict without necessarily resolving it, as well as the change in the mode of interaction from destructive to constructive" In this case, conflict management mechanisms are the tools that may be employed into restoring – partially or fully – broken or destroyed relationships between the conflict actors with a focus to ensure the continuation of their relationship rather than blind justice. This implies that the process of conflict becomes the foundation for more effective conflict resolution. Other experts such as Swanstrom<sup>5</sup> view conflict management and conflict resolution as "two mechanisms at different sides of a continuum, which are used to deal with the same conflict in different settings"<sup>6</sup>

For the purposes of this paper, conflict management will be defined in line with the definition by Swanstrom: "measures that are used to handle differences in issue position, without necessarily solving the conflict but aiming at changing the mode of interaction from destructive to constructive behaviour"<sup>7</sup>. Thus conflict management mechanisms can be defined in terms of the factors that make parties accept a solution, since without the acceptance of a mechanism, there can be no conflict management. To substantiate, Swanstrom agrees with Galtung argument that "one way of accepting the solution lies in the acceptance of the mechanism lies in its institutionalization"<sup>8</sup>. This means that only mechanisms that have reached some form of institutionalization that are accepted – both for formal and informal conflict management – may benefit this definition and reference in this paper. This delimitation may not, however, exclude the indulgence of Swanstrom to define conflict management mechanisms as being "an institutionalised instrument under which the information is coded and decoded to offer a solution to a problem"<sup>9</sup>.

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<sup>1</sup> Douglas Johnson is one such analyst. See his, Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, Oxford, James Currey, 2003, pp. 143-144

<sup>2</sup> Raphael Badal, *Local Traditional structures in Sudan: a base for building civil society for the promotion of peace and reconciliation* (LPI: Nairobi, 2006), p. 1

<sup>3</sup> Tanner Fred, 2000, "Conflict prevention and conflict resolution: limits of multilateralism", *International review of the Red Cross*, Vol 82:541-559

<sup>4</sup> Wallenstein Peter, 1981, "Incompatibility confrontation and war: Four Models and Three historical systems 1816-1976", *Journal of Peace Research*, No. 1 vol xviii

<sup>5</sup> Swanstrom, "Regional cooperation and conflict management: lessons from the Pacific Rim". Department of Peace and Conflict Research; Report No. 64, 298 pp-Uppsala. ISBN 91-506-1632-3

<sup>6</sup> Swanstrom, "Regional cooperation and conflict management: lessons from the Pacific Rim". Pg 21-22 Department of Peace and Conflict Research; Report No. 64, 298 pp-Uppsala. ISBN 91-506-1632-3

<sup>7</sup> Ibid

<sup>8</sup> Ibid

<sup>9</sup> Ibid

Swanstrom distinguishes between formal and informal conflict management mechanisms. Accordingly, formal conflict management mechanisms are institutionalized structures aimed at minimizing disputes through rule based regulations. Informal conflict management mechanisms are institutionalised structures aimed at minimising disputes through negotiations in a power or consensus based way. The same structure will apply for conflict resolution, with the exception that conflict resolution is always rule based. Under this approach, it would not be possible to operationalise an informal conflict resolution mechanism since no disputing parties would accept a resolution mechanism without any predictability or formality.<sup>10</sup>

### **Statement of the Research Problem**

During Sudan's 21 years of civil war in the South, a unique phenomenon and continuum of humanitarian intervention developed. From what was initially a supply of emergency relief aid, a multi-billion corporate relief industry emerged to develop into an organized, formal and well-structured mechanism for social service delivery. There is no doubt that the emergency relief aid rendered saved many lives across Southern Sudan. However, this operation also witnessed massive diversions of relief supplies and a constant use of many civilians as shields by the various armed factions. According to Prendergast, cases of favouritism exhibited by certain NGOs in the distribution of relief supplies were also common.

At the time, UN and NGO relief campaigns disastrously undermined local production, and relief supplies were regularly stolen or diverted, unprecedented efforts were made on two grounds. Firstly, the conflict parties namely the Government of Sudan and the SPLA were persuaded to adopt and begin to adhere to the Geneva conventions and other humanitarian principles, including the Convention on the Rights of the Child. Secondly, the humanitarian coordination body worked towards strengthening local authority structures as part of the wider relief operations. In this regard, female leadership was empowered especially in the distribution of the relief aid. Although this sometimes conflicted with local traditions, it was consistent with women's predominant roles in household and food economies across southern Sudan. Limited efforts were put towards strengthening the civilian relief wings of armed factions as human rights monitoring was also introduced.

Although the success of these measures will have to be evaluated over time, they do represent the dramatic dual views that humanitarian assistance does have a negative and positive impact on conflict management and vice versa. While humanitarian agencies struggled to promote local food security, military operations continued to undermine any progress made with the government in Khartoum struggling to manipulate the differences among the rebel factions and undermine the relief effort, in the belief that humanitarian aid to the south only augmented the fighting strength of the southern rebels. As an exit strategy, many international humanitarian agencies established partnerships with local institutions, including local NGOs. With the end of the civil war in Southern Sudan, which many acclaim to be Africa's longest and intractable violent conflict, it would be interesting to find out what the role of humanitarian assistance played on the conflict in Southern Sudan.

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<sup>10</sup> ibid

## METHODOLOGY

The application of a conflict analysis methodology for making interventions in conflict management and or humanitarian assistance, according to the Sida manual on conflict analysis<sup>11</sup>, improves effectiveness in these two areas of peace work especially in places affected by violent conflicts. But in order to fully grasp conflict analysis, this researcher plans to qualify information from data collected through formal and informal interviews. However, the research will mostly assume a desk study approach where material from providers of aid will be analyzed. Such aid providers will include the United Nations, the Red Cross and Red Crescent, authorised government bodies, INGOs and NGOs, civil society groups and other private bodies such as church-based or faith-based agencies or organisations that have been working in Southern Sudan during the period that this study covers

## FINDINGS

### Conflict Management and Conflict Resolution

Tanner<sup>12</sup> has defined conflict management as the limitation, mitigation and /or containment of as conflict without necessary resolving it. Wallensteen<sup>13</sup> has also defined conflict management as a change in the mode of interaction from destructive to constructive. Swanstrom further asserts that the process of conflict becomes the foundation for more effective conflict resolution. In sum, it could be argued that conflict management and conflict resolution are two mechanisms at different sides of a continuum, which are used to deal with the same conflict in different settings.<sup>14</sup>

Conflict management indicates in the first instance the perspective of the so called “third party” (a mediator, conflict advisor, conflict manager, or supervisor), which is called to help, or engages itself after its own incentive, in order to assists to both conflict parties (and eventually one of them). One can speak about conflict dealing also when during the conflict both parties look for a consensual solution, without asking for an external assistance. The forms of approaching and dealing with conflicts could be of very different nature. What then is a conflict management mechanism?

The basis for a definition can be found in what makes parties accept a solution, since without the acceptance of a mechanism, there can be no conflict management. Galtung<sup>15</sup> has argued that “one way of accepting the solution lies in the acceptance of the mechanism lies in its institutionalization”. This means that there would be a lesser acceptance of ad hoc mechanism, and it is only mechanisms that have reached some form of institutionalization that are accepted, both for formal and informal mechanisms.

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<sup>11</sup> See, for instance, Swedish International Development Agency, *Manual for Conflict Analysis* (Stockholm: Sida, 2006), p5

<sup>12</sup> Tanner Fred, 2000, “ Conflict prevention and conflict resolution: limits of multilateralism”, International review of the Red Cross, Vol 82;541-559

<sup>13</sup> Walensteen Peter,1981, “ Incompatibility confrontation and war: Four Models and Three historical systems 1816-1976”, Journal of Peace Research , No. 1 vol xviii

<sup>14</sup> Swanstrom, “Regional Cooperation and conflict management: lessons from the Pacific Rim”. Department of Peace and Conflict Research; Report No. 64, 298 pp-Uppsala. ISBN 91-506-1632-3

<sup>15</sup> Johan Galtung, “Violence, peace and peace research” in *Journal of Peace Research*, Vol. 6, No. 3 (Oslo: International Peace Research Institute, 1969).



According to Swanstrom, conflict management mechanism can thus be defined as an institutionalized instrument under which the information is coded and decoded to offer a solution to a problem. Further, he distinguishes between formal and informal conflict management mechanisms. Accordingly, formal conflict management mechanism are institutionalized structures aimed at minimizing disputes through rule based regulations whereas informal conflict management mechanisms are institutionalized structures aimed at minimizing disputes through negotiations in a power or consensus based way.<sup>16</sup> The same structure will apply for conflict resolution, with the exception that conflict resolution is always rule based.

Thus it would not be possible to operationalize an informal conflict resolution mechanism since no disputing parties would accept a resolution mechanism without any predictability or formality.<sup>17</sup> In compliance with Reimann<sup>18</sup> there are consequently three forms of dealing with conflict that are to be outlined: conflict settlement, conflict resolution, and conflict transformation. Furthermore, the case of conflict prevention is additionally mentioned.

### **Conflict Resolution**

A distinction between conflict management and resolution has always been in order as the concepts are often confused or integrated in an inappropriate manner. Zartman<sup>19</sup> has, rightfully, pointed out that both the conflict resolution aspect (negotiation) and the conflict management aspect is needed. The different approaches are both ends of the same stick and one end aims at, according to Zartman, resolving the current conflict so that business or peace can move on and the other aims at resolving the deeper conflict over time. Even if we were to look at the Asian way of dealing with conflicts, both conflict resolution and management are needed.<sup>20</sup> Without conflict resolution, the system would not function efficiently, especially in business where predictability and quick resolution are important. This has resulted in conflict management mechanisms mostly being used in disputes of greater socio economic value, strategic weight, and politically sensitive issues that might not need quick resolution.

According to Jackson<sup>21</sup>, Kirgis<sup>22</sup> and Rahim<sup>23</sup>, conflict resolution aims at resolving or terminating the conflicts in an open and predictable process in accordance with legal principles. This conflict management mechanism has its focus on the relationship between the actors and continuation of their relationship rather than blind justice. Thus, conflict resolution approaches tend to point out

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<sup>16</sup> Swanstrom, "Regional Cooperation and conflict management: lessons from the Pacific Rim". Department of Peace and Conflict Research; Report No. 64, 298 pp-Uppsala. ISBN 91-506-1632-3

<sup>17</sup> *ibid*

<sup>18</sup> Reimann, Cordula (2005), "Assessing the state-of-the-art in conflict transformation", in David Bloomfield/Martina Fischer/Beatrix Schmelzle (eds.), *Berghof handbook for conflict transformation*, Berlin, [http://www.berghofhandbook.net/articles/reimann\\_handbook.pdf](http://www.berghofhandbook.net/articles/reimann_handbook.pdf).

<sup>19</sup> Zartman William, 2000, "Conflict management : The long and short of it: SAIS Review Vol xx

<sup>20</sup> The Asian way is, in terms of conflict management, a concept that is supposed to rely on informal consultations, consensus and non intervention in internal affairs of other states.

<sup>21</sup> Jackson John, 1995. *Legal problems of international economics relations*, 3<sup>rd</sup> Edition, St Paul. West publishing co.

<sup>22</sup> Kirgis Fredric, 1993, *International Organizations in their legal setting* (2<sup>nd</sup> Ed), St Paul.. West publishing Co.

<sup>23</sup> Rahim Afzahir, 2000, "Empirical studies on managing conflict". *International Journal of conflict management*. Vol II

strategies that could be employed to find an exit from the conflict's destroying dynamic and that aim toward achieving satisfying solution for all parties involved. Among the many, Burton<sup>24</sup> could be regarded as the main representative of this research direction. Contrary to the conflict settlement approaches, Burton<sup>25</sup> considers ongoing conflicts as a result of unsatisfied human needs. This view becomes clear particularly in his approach to problem-solving conflict resolution and respectively in his human-needs theory.

This author differentiates thereby interests that are changeable or negotiable, from needs, which a quasi-natural. Here, security, justice and recognition are to be mentioned among the others needs and values. These values are regarded universal; they are not to be suppressed and are consequently indivisible. In accordance to this conflict resolution intends not to end the conflict as such, but to transform it into a nonviolent conflict. Although Burton does not give detailed specifications how all of these fundamental needs could be realised, he offers a wide spectrum of methods (like workshops, discussion groups, or round tables) and procedures (like mediation, negotiations, or arbitration) in order to convert the respective conflict into a situation acceptable for both sides. Basically Burton's point is to improve communication between the conflict parties and to develop a mutual understanding for the interests of the each side.

Of central importance are both sides to make to understand that human needs are not limited resources and that negotiation by all means can lead to win-win outcome. Exactly here are to be noticed the social-psychological roots of Burton's approach, considerably influenced by the work of Kurt Lewins. In conclusion, conflict management will be defined as measures that are used to handle differences in issue position, without necessary solving the conflict but aiming at changing the mode of interaction from destructive to constructive behaviour.<sup>26</sup>

### **Conflict Settlement**

The concept of the conflict settlement covers all conflict strategies that aim a definite end of the direct violence, without necessarily coping with the basic causes of the conflict<sup>27</sup>. As examples for this research approach we can point the works of Bercovitch<sup>28</sup>, Zartman<sup>29</sup>, as well as that of Fisher and Ury<sup>30</sup>. In these works the phenomena of conflict is mostly considered as a deficit within a certain political system. Here, the violent conflict is seen as a pure result of the existing incompatible interests or as a consequence of a struggle for scarce recourses or power.

Thus, the conflict is understood as zero-sum game. Yet, as the neo-realistic works of Bercovitch and Zartman show, this zero-sum game can be broken depending on the involved parties' interests

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<sup>24</sup> Burton, John W. (1990) (ed.), "Conflict: human needs theory", London.

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Reimann, Cordula (2005), "Assessing the state-of-the-art in conflict transformation", in David Bloomfield/Martina Fischer/Beatrix Schmelzle (eds.), Berghof handbook for conflict transformation, Berlin, [http://www.berghofhandbook.net/articles/reimann\\_handbook.pdf](http://www.berghofhandbook.net/articles/reimann_handbook.pdf)

<sup>28</sup> Bercovitch, Jacob (1984), "Social conflicts and third parties. Strategies of conflict resolution", Boulder

<sup>29</sup> Zartman, Ira William (1985), "Ripe for resolution. Conflict and intervention in Africa", New York.

<sup>30</sup> Fisher, Roger/Ury, William (1981), "Getting to yes. How to negotiate without giving in", London.

and the stage of the conflict escalation. With their works Fisher and Ury tie up to this perspective and attach the rational choice approach and the game theory an important role. The conflict actors (above all political and military leaders) are thus regarded as rational actors, who, in a sense of their own profit, are interested in a cooperation that can finish with mutual benefit and settling the conflict. Generally, large part of the conflict settlement research focuses on the third-party activities in conflict situations finding out the strategies that facilitate the transformation of zero-sum games and consequently the end of the conflict and achievement of the political agreement.

Most strategies incorporate a range of peaceful measures like negotiations, mediation or facilitation, as well as coercive measures as military, political or economic sanctions including the threat with them (power mediation). While latter measures usually are of short-term character, the peaceful measures are the basis for a long-term perspective of the conflict settlement.

### **Conflict Transformation**

Galtung<sup>31</sup> states that each conflict settlement is after nothing else but a conflict transformation, or with other words each conflict “solution” is more or less only temporary. The same way as a reached solution could prove itself as a stable and lasting, so could old interest incompatibilities once again become virulent or completely new appear. The central thesis of this transformation model is based on the fact that certain transformations capacity must be present among the conflict parties involved. By this recognises man the ability for mutual respect and reciprocal understanding in respect of the interests in conflict that will lead both parties toward sustainable and acceptable solution. The notion of conflict transformation has been particularly shaped by the works of Lederach<sup>32</sup> He has pointed out three conceptual deficits (termed as gaps) of the traditional conflict dealing: the interdependence gap, the justice gap and the process-structure gap<sup>33</sup> Upon the interdependence deficit builds Lederach the distinction between an upper, middle and lower society levels – so called “pyramid model”. The respective civilian and military elite form thereby the highest social level in a given country.

The second level is composed of middle leader groups (business elite, administration, churches and media). Influential persons from the so called grass-root domain (as local leaders, women organisations and smaller NGOs) represent the actors of the lower society level. After Lederach the actual interdependence deficit is presented by the fact that from the classical conflict-dealing approach the different societal levels have been mostly observed isolated from each other, so different peace building instruments found their application on the respective levels. In the sense of this pyramid-model the vertical peace-building remains usually neglected.

A long lasting peace process, however, demands an interactive system of relations both on horizontal and vertical social level. Using the justice gap Lederach criticises the conflicts settlement approaches, which are generally concentrated only to decrease or to eliminate the forms

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<sup>31</sup> Galtung, Johan (2000), “Conflict transformation by peaceful means (the transcend method)”, Cluj-Napoca, [http://www.transcend.org/pctrcluj2004/TRANSCEND\\_manual.pdf](http://www.transcend.org/pctrcluj2004/TRANSCEND_manual.pdf).

<sup>32</sup> Lederach, John Paul (1995), “Preparing for peace. Conflict transformation across cultures”, Syracuse/New York.

<sup>33</sup> Lederach, Jean Paul (1999), “Just peace – the challenge of the 21th. Century”, in ECCP (ed.), People building peace. 35 inspiring stories from around the world, Utrecht, pp. 27-36.



of direct violence. Still, each conflict settlement process must also take the forms of structural violence into consideration. Thereby refers Lederach to the Galtung's approach<sup>34</sup> according to which direct violence is possible only then when structural and/or cultural violence forms exist. Therefore, every peace process that aims to stop forms of direct violence without, in doing so, dealing with social, economic and cultural structures, will be short-sighted. This point is further developed by the process-structure gap. Because, after Lederach, the peace is to be understood neither as process nor as structure alone, though both its structural and process dimension must always be considered (the so called process structure phenomena).

So, the understanding of peace only as a process often prevails during the practical conflict dealings, what however reaches its limit by the achievement of the agreement by conflict parties, because this agreement must also be at some point structurally implemented. In this context the "peace alliance" concept takes a central place in the transformation research

The concept of "peace alliance" may be understood as a promotion of a close network structure consisted of social and political actors, who give their sustainable support for a constructive outcome. An example of a peace alliance was the one formed by statesmen in Kenya such as Bethuel Kiplagat, General Sumbeiywo and other political and social actors in the aftermath of the political impasse following a marred general election in Kenya .In this case, social levels play an extraordinary important role, even when the actors belong to the grass root domains. Consequently, such a network leads to a comprehensive transformation of the conflict context, its structure, the parties involved, the general conflict issues, and finally to a transformation of the individual actors.<sup>35</sup> Important to underline is that the processes of actors-related transformation brings also a transformation of the general conflict perception. Nevertheless, only the interrelation of the respective transformation process indicates the particular sustainability of the transformation approaches<sup>36</sup>

## **Track II Diplomacy: the IGAD Peace Process**

Sudan has suffered war for most of its existence as an independent state and many hoped the Comprehensive Peace Agreement (CPA) of 9 January 2005 would not only end the long-running southern civil war, but provide the momentum and serve as a model for resolving other conflicts in the country<sup>37</sup>. While the jury is still out on whether the CPA will survive until the 2011 referendum on southern self-determination, it has not served as the stimulus to end the war and humanitarian crisis in Darfur. Nor to date has the CPA advanced any reconciliation between the people of north and south Sudan, provided hope that its commitment to 'make unity attractive' is being fulfilled, or is ushering in a democratic transformation of the country.

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<sup>34</sup> Johan Galtung, "Violence, peace and peace research" in *Journal of Peace Research*, Vol. 6, No. 3 (Oslo: International Peace Research Institute, 1969).

<sup>35</sup> *ibid*

<sup>36</sup> Miall, Hugh (2005), "Conflict transformation: a multidimensional task", in David Bloomfield/Martina Fischer/Beatrix Schmelzle (eds.), *Berghof handbook for conflict transformation*, Berlin, [http://www.berghofhandbook.net/articles/miall\\_handbook.pdf](http://www.berghofhandbook.net/articles/miall_handbook.pdf).

<sup>37</sup> Young, John. 'Sudan IGAD Peace Process and Sign Posts for the Way Forward.' African Studies Programme. Institute of Security Studies. Occasional Paper 86. Institute of Security Studies. Pretoria. March 2004.

There is a widespread acceptance that the CPA and the broader peace process it fostered is at best stalling, or at worst is collapsing. Indeed, on 13 April 2007 at a meeting in Nairobi the IGAD Council of Ministers concluded the implementation of the CPA was ‘lagging behind schedule’ and urged an extraordinary meeting of the IGAD Heads of State be held to consider the problem<sup>38</sup>

IGAD’s engagement in the Sudan peace process began on 7 September 1993 when it established a Standing Committee on Peace to assist negotiations and end Sudan’s civil war. A DoP was proposed and quickly accepted by the SPLM/A as a basis for negotiations, but was not endorsed by GoS until 1998. By this time the peace process was floundering and in an effort to re-activate it the mandate was renewed by the IGAD Sub-Ministerial Committee on the Conflict in Sudan<sup>39</sup>. This Committee established a ‘Secretariat for the IGAD Peace Process on the Sudan’ based in Nairobi with the mandate ‘to carry out continuous and sustained mediation efforts with a view to arriving at a peaceful resolution of the conflict’. This phase of the peace process led by Special Envoy Ambassador Daniel Mboya also floundered and the next and final phase – which is the subject of this evaluation - began under Special Envoy Lt. General Lazaro Sumbeiywo in May 2002<sup>40</sup>.

On 20 July 2002 the Government of Sudan and the SPLM/A signed the Machakos Protocol as a framework for the conduct of the negotiations and after two and one half years of negotiations endorsed the CPA.<sup>41</sup> The Sudan mediation under Special Envoy Sumbeiywo was widely appreciated for its effective management of the process and financial accountability, particularly when measured against earlier weaknesses of the IGAD mediation. The mediation was also applauded for its impartiality, success in maintaining the integrity of the process, the generally positive role of the advisors, resource people and ambassador envoys from the region, achieving good relations with the donors, and the steady production of protocols that culminated in the CPA, and these will be duly noted and commented on as lessons to be learned.

The mediation also linked together the parties to the conflict, IGAD as the regional organisation, and elements in the international community in an innovative structure<sup>42</sup>. However, the Sudan peace process is in a state of crisis which is not simply due to failures in the implementation of the agreement, but is a result of its narrow approach and short-sighted vision<sup>43</sup>. By assuming a limited definition of peace, focusing solely on the north-south dimension of the conflict, refusing to involve other political parties and civil society, treating the media as a threat to the process, and leaving the fate of the process to SPLM/A leader Dr. John Garang and First Vice President Ali Osman Taha, it was successful in reaching an agreement based on an acceptance of the lowest common denominators of the parties.

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<sup>38</sup> Ibid

<sup>39</sup> Young, John. ‘Sudan: A Flawed Peace Process Leading to a Flawed Peace.’ *Review of African Political Economy*. No. 103. Vol. 32. 2005.

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> W. Waihenya. *The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process*. Nairobi. Kenway Publications. 2006.

<sup>43</sup> Young, John. ‘Sudan’s Peace Process: Laying the Basis for Future Conflict.’ Conference on Peace and Security in the Horn of Africa. Inter-Africa Group and the Center of Policy Research & Dialogue. Addis Ababa. 12-13 March 2007.

But this approach largely precluded the realisation of its own stated objectives, which included a sustainable peace, Sudan's democratic transformation, and making unity attractive.<sup>44</sup> The weaknesses of the IGAD mediation include:

- Lack of inclusivity of interested parties in southern Sudan, notably civil society and other political parties, and at the national level for a peace process that claimed to be comprehensive. The result is an agreement that is effectively a bilateral arrangement between the SPLM and the NCP for which most people in Sudan feel no sense of ownership.
- The peace process never developed trust and understanding between the parties, and in its absence and the failure to commit to wide-ranging reconciliation, the mediation followed Western practice and emphasised legal requirements and time-tables. But the great number of bodies and commissions formed to regulate, monitor, and adjudicate disputes have not managed to overcome the lack of trust between the SPLM and the GoS, and as a result the implementation of the agreement is far behind schedule.
- The elitist approach of the mediation was also manifest in its disdain for the media. Instead of viewing the media as a partner in the peace process, a valued critic, and a crucial instrument with which to engage the Sudanese public and provide a measure of accountability, it was treated as an enemy and a threat.
- The lack of inclusivity of the peace process means that the Sudanese people can only pass judgement on the CPA through national elections, but the elections have been delayed and the difficulties in demarcating the north-south border and ending the conflict in Darfur may result in a further postponement. In addition, the development of a democratic culture conducive for the holding of fair elections has not been permitted to emerge in either north or south Sudan where security regimes dominate. Lastly, the National Assembly has passed legislation that prohibits parties participating in the national election unless they endorse the CPA, thus precluding a negative assessment of the agreement.
- The narrow focus of the mediation and the emphasis on reaching an agreement meant its implications were not fully appreciated. Thus the agreement to dissolve OAGs threatened to unleash a war between the SPLA and the South Sudan Defence Force, while the power sharing arrangement which gave the SPLM and the NCP the lion's share of state power undermined efforts to reach a settlement in Darfur and have encouraged secessionist sentiments in the country.
- While international engagement in the peace process is necessary, the mediation failed to appreciate that this engagement posed a threat to the sovereignty of Sudan and the IGAD region. The conclusion of the US and its allies that their security and the 'war on terror' necessitates heightened military and diplomatic involvement in the Horn raises fears that the region could again – as it was during the Cold War – become a focus of competition and conflict for external interests.

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<sup>44</sup> *ibid*

- Although never stated, the mediation was carried out on the basis of a narrow model which focused on ending the violence (many respondents referred to it as an extended cease-fire), instead of laying the basis for a sustainable and comprehensive peace in the south and the country at large.<sup>45</sup>

The lessons to be learned from the weaknesses of the Naivasha process include the need for a strong commitment to democratic change as the cement upon which any peace agreement should be built, and that in turn necessitates a comprehensive conception of peace<sup>46</sup>. It requires a much wider involvement in the process, robust reconciliation, and respect for the media. This approach also recognises that endemic conflict, such as that suffered in Sudan, is the result of deep seated problems which necessitate structural change. The lessons to be learned also include the need for the mediation to weigh the effect of its endeavours on other conflicts. Although the Sudan peace process needed the financing, expertise, and legitimacy provided by the international community, the injection of external foreign policy concerns into the process posed a threat to national and regional sovereignty which IGAD needs to be aware of and respond appropriately. Lastly, the experience of the Naivasha peace process makes clear that peace processes do not end with the signing of a peace agreement, but must continue into the post-conflict period.<sup>47</sup> These lessons form the basis of an alternative approach which will be longer, more complex, stress process and principles over legalised agreements, and offer no promises of success.

### **Track III Diplomacy: Local Traditional Structures**

The Eastern Equatoria province of southern Sudan is a melting pot of ethnicity, including the Lotuko, Didinga, Boya and Toposa. Historically, it was noted during the “The Sudan Ikotos Conference”<sup>48</sup> that cattle rustling is endemic in the region and goes beyond Sudan’s borders into Kenya and Ethiopia. Inter-communal conflict had increased in the Lotuko areas following the SPLA split in 1991 because of constant clashes for control of certain areas and the rise of banditry and large-scale cattle raiding. In response, the two major Christian churches of the region, the Catholic and African Inland Church, joined together to write a Pastoral Letter which was read during Christmas ceremonies in 1994.

The Letter emphasised the local Lotuko concept of *emwara* (reconciliation). Leaders of the Catholic Diocese of Torit began visiting villages to discuss the emwara concept. In January 1995 the Diocese hosted a peace conference in Ikotos, involving roughly 7,000 participants, including chiefs, teachers, youths, and SPLA leaders and members. The conference resolved many issues; for instance, escalating dowry prices were a reason for increased cattle rustling, so the conferees agreed to reduce the dowry from thirty to ten cows. Those caught raiding would be fined double their take. Compensation for wrongful death was set at 22 cows. Travelling outside one’s home village with guns was disallowed, with confiscation of the weapon the penalty. Soldiers would not

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<sup>45</sup> Ibid

<sup>46</sup> Young, John. ‘Naivasha and the Search for a Comprehensive Peace in Sudan.’ Conference to launch an IGAD Strategy for Peace and Security in the Sub-region.’ Khartoum. 1-3 October 2005a.

<sup>47</sup> Ibid

<sup>48</sup> Kevin Avruch, Peter W. Black and Joseph A. Scimecca. *Conflict Resolution: Cross-Cultural Perspectives*. New York, NY: Greenwood Press, 1991.

be allowed to visit villages without specific orders from their commander. As of mid-1995, the agreement was holding for the most part.

The Sudan Akobo Conference<sup>49</sup>: The Akobo Peace Conference was called to address serious intra-tribal fighting between the Jikany and Lau sections of the Nuer in Eastern Upper Nile, southern Sudan. The Akobo Conference followed a tradition of conferences which from the 1940s codified and subsequently modified Nuer traditional law. The conferences served to maintain Nuer culture and steer the community's response to new challenges. No similar conference had been held since 1973. The Conference lasted from mid-August through late September 1994 and included eighteen delegations of mediators, 500 official delegates, and about 1500 observers from the Jikany and Lau. The Conference included ad hoc committees, traditional courts, an open floor for input, a technical committee to recommend ways forward, and a secretariat. Malual Wun Kuoth, a chief for 44 years from Western Upper Nile, presided over the Conference.<sup>50</sup>

The Conference sought agreement over the use of resources which had been the cause of violence. Pasture land, water, and fishing areas all had been subjects of conflict because the civil war had cut off traditional grazing and fishing areas for many Nuer. Squeezed onto shrinking lands, access to resources had become an increasingly troublesome process as more communities fought over a steadily reduced pool of resources. The agreement was signed by ten Luo and twelve Jikany chiefs. It set forth provisions regarding sharing water, grazing lands and fishing points and the maintenance of peace and security. Any violator of the agreement was to be apprehended. The covenant was sealed by the sacrifice of two bulls, rituals conducted to demonstrate divine support, and violators were cursed. Women played a particularly effective witnessing role at the Conference, acting as an informal "truth commission." As maan naaths (mothers of the nation) the Nuer women would shout down any man whose testimony contained falsehoods. The shame of the women's hoots drove a number of men to revise their testimony to avoid the embarrassment of being tainted as liars.<sup>51</sup>

Indigenous conflict mitigation mechanisms<sup>52</sup> can address some of the proximate factors that help fuel conflict at the local level—access to land or water, competition over foreign assistance—and can provide appropriate, sustainable and long-term solutions. While local peace processes are not likely to stop a large conflict, they can help prevent small disputes from escalating into larger conflicts. Many communities perceive conflict resolution activities directed by outsiders as intrusive and unresponsive to indigenous concepts of justice, and prefer to resolve conflicts within the community.

Conflict management mediators from the local community are generally more sensitive to local needs than outsiders and are immersed in the culture of the violence-afflicted community. Their activities are rooted in conflict's context, address some of its immediate causes, and can bring long-term solutions. They can draw people away from the conflict, breaking its momentum.<sup>53</sup>

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<sup>49</sup> William Lowrey, *Sudan Case Study: Jikany-Lou Nuer Indigenous Peace Process*, June 1995.

<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> John Paul Lederach. *Building Peace: Sustainable Reconciliation in Divided Societies*. Pg 56: Tokyo: United Nations University, 1994.

<sup>53</sup> ibid



Indigenous conflict management and resolution mechanisms aim to resolve conflicts locally, preceding or replacing external dispute resolution and thereby reducing reliance on external structures. Traditional mediation helps the community keep control over the outcome of the dispute.

Implementing this approach does not require sophisticated party structures or expensive campaigns; it provides a low-cost, empowering means of resolving conflicts within a relatively short timeframe. In many societies, elders have traditional jurisdiction in facilitation, arbitration, and monitoring outcomes. Local conflict mediators typically possess moral status, seniority, neutrality and respect of the community; they are acceptable to all parties and demonstrate leadership capacity. Resolutions are generally accepted and respected by all concerned parties.

Documentation on the effectiveness of grassroots conflict prevention mechanisms is inconsistent<sup>54</sup>, yet indicates that indigenous mediation may be powerless to address some of a conflict's root causes—centrally-instigated conflict, predatory behaviour linked to exploiting economic advantage, external meddling. Indigenous mediators often bring important social influence but may lack the power and the means to enforce the resolutions adopted. Advice is only accepted when both parties agree to it, and both parties must feel their concerns were properly addressed. Traditional structures' power to prevent the occurrence of violence is limited.

Some traditional conflict mitigation efforts may be weakened by age or gender bias—for example, in cases with no women elders, some women may believe that male elders are biased against women and that this will be reflected in their decisions. Indigenous, traditional authorities generally are not progressive elements of social change.<sup>55</sup> Local conflict management's potential effectiveness is diminished where traditional authority has eroded and armed authority has increased. This is so simply because these trends run counter to traditional values and ways of social organisation, including those of handling conflict.

International agencies' efforts to build local capacity and enhance participation should question whether traditional authority structures are being undermined, what their role is in keeping the society intact and managing conflict, and whether it is important to make efforts to retain such structures. Indigenous mediation has a dynamic of its own and does not always respond positively to external prompting. Indigenous mediation requires delicate and knowledgeable management, and external actors must bring an intimate understanding of local conditions.<sup>56</sup>

The process of strengthening international and regional institutions has neglected internal solutions. Conflict is inherent in society; so are mechanisms for dealing with it. The decline of traditional authority and its role in conflict mediation has contributed to the development of large-scale conflict (as in Liberia, Somalia and Sudan).<sup>57</sup> In other cases (Rwanda and, to a lesser extent, Burundi) the parties to broader conflicts have subverted traditional mediation mechanisms or included them in the conflict. External initiatives can renew indigenous forms of peacemaking and conflict resolution to restore the balance in society that was destroyed by modern internal war.

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<sup>54</sup> Ibid

<sup>55</sup> Ibid

<sup>56</sup> Ibid

<sup>57</sup> Ibid

Such work must rebuild indigenous peacemaking capacity from the bottom up, and from the periphery in.

Traditional mechanisms have been less effective in areas where foreign aid resources were heavily concentrated; such aid may have stimulated conflict and undermined local structures and mechanisms. High-profile peace fora financed and organized by external parties may interfere with more than assist in producing plausible settlements, especially if conducted without coordinating with local non-military leaders. At the national or international level, such efforts may require external support, such as logistical assistance, and probably should be accompanied by other actions to prevent the immediate outbreak of violence.<sup>58</sup>

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<sup>58</sup> Ibid

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