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Contents

Nigeria:
ADR And The Oku Iboku–Ikot Offiong Conflict (1987-2005)

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Abstract. *Oku Iboku and Ikot Offiong are border communities between Akwa Ibom State and Cross River State of Nigeria which were entangled in a protracted internecine boundary hostilities during the period under study (1987-2005), typical of the incessant cases of intergroup-boundary conflicts that replete the Nigerian historical landscape. Existing literature on Oku Iboku and Ikot Offiong conflict tend to focus on the causes and consequences of the conflict, with little emphasis on the management techniques employed to quell the duel. The present study is an inquiry into the role of Alternative Dispute Resolution (ADR) as a conflict management technique in the Oku Iboku – Ikot Offiong conflict. Anchored on both primary and secondary sources of information, the study revealed that several conflict resolution mechanisms, ranging from litigations to war, were employed to de-escalate the boundary dispute between Oku Iboku and Ikot Offiong. However, each of these conflict management techniques, with their zero sum awards, seemed to have escalated the conflict instead of de-escalating it. The de-escalation pathway of the Oku Iboku–Ikot Offiong conflict only materialized with the initiation of Alternative Dispute Resolution strategies. Alternative Dispute Resolution thus appeared effective in the defects of other conflict management techniques. It allowed for an amicable settlement of the Oku Iboku–Ikot Offiong conflict at a minimal cost, faster pace, confidential manner and with a non-zero sum outcome.*

Keywords: *Alternative Dispute Resolution, Oku Iboku, Ikot Offiong, Boundary, Conflict, Nigeria.*

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Introduction

With about 250 ethnic groups speaking about 500 different languages, Nigeria is probably the most heterogeneous nation-state in Africa. Nigerian historical landscape is replete with numerous intergroup conflicts bordering on boundary and identity. This is largely because within the nation-state there are various ethnic-based groups in active interaction and each of these eth-

nic groups is prone to identify its survival with a physical territory. Nigeria's internal boundaries were not based on any deliberate plan meant to conform to natural features or existing ethno-cultural composition of the various ethnic groups. These group identities have been enormously shaped by the colonial experience which created a culturally critical and divided Nigerian state but did very little to nurture a unified Nigerian nation. Instead, it fueled big-tribe hegemonic ethnocentrism, ethnic minority insecurity, democratic instability, ethno-military fighting and secessionist warfare. The boundary conflict between Oku-Iboku and Ikot Offiong in Akwa Ibom and Cross River States of the country, respectively, was a typical case of these outcomes.

Researchers have devoted a lot of time and space to the discourse on Oku Iboku and Ikot Offiong conflict. A joint report by the Center for Law Enforcement and Education (CLEEN) and World Organization against Torture (WOAT) captioned *Hope Betrayed? A Report on Impunity and Sate Sponsored Violence in Nigeria*, briefly documents the circumstances that led to the Oku Iboku–Ikot Offiong conflict and the attendant impunity, governmental inaction and failures that engendered the outbreak of war and concomitant human rights violations that manifested in the area (CLEEN and WOAT Report, 2002). The report identified the root causes of the crisis to include competition for natural resources and non-definitive boundary demarcation. Another report by the Norwegian Refugee Council/Global IDP Project, *Profile of Internal Displacement: Nigeria*, pointed to the creation of Akwa-Ibom State from the old Cross-River State in 1987 as the trigger of the Oku Iboku–Ikot Offiong conflict (Norwegian Refugee Council, 2005). Similarly, Eno Ikpe, in *Landlord Tenant Palaver in the Cross River Basin: A Case Study of Oku Iboku and Ikot Offiong*, examines the seeming complex causes and consequences of the Oku Iboku- Ikot Offiong conflict in historical perspective, defining the landlord-tenant rivalry for land control as the root cause of the conflict. Ikpe described the relationship between Oku Iboku and Ikot Offiong as a chequered, predominantly cordial and symbiotic one intermittently disrupted by conflicts of attrition. She analyzed their conflict in two standpoints: the landlord-tenant dichotomy and the ethnic dichotomy (Ikpe, 2005).

With the above and other literature focusing on the exploration of causalities and cost of the Oku Iboku-Ikot Offiong conflict, there is need for a research on the peace enforcement, peacemaking and peace building techniques that were employed to resolve the conflict. Although many have speciously averred that the conflict shrunk when Oku Iboku routed and devastated Ikot Offiong into unconditional capitulation, it is now clear from available records that the overawing of Ikot Offiong by Oku Iboku did not resolve the conflict but only protracted it. Being a structural conflict, inspired by structural imbalances in the Nigerian polity, only a high-powered negotiation and mediation sponsored by the federal government was eventually able to douse the Oku Iboku – Ikot Offiong conflict in 2005. This premise shall be justified in subsequent sections of this paper.

Understanding Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution (ADR) is one of the approaches of conflict management and resolution; other approaches may include litigations, one party capitulation or even war. ADR is an encompassing concept, comprising various methods for resolving disputes in a non-confrontational way, ranging from negotiation between two or multiple parties, through mediation, consensus building, to arbitration and adjudication (Akpan, 2006). Put differently, ADR (sometimes also called "Appropriate Dispute Resolution) is a general term, used to define a broad spectrum of approaches and techniques aimed at resolving disputes in a non-confrontational way. As a much-encompassing term, ADR is often used to describe a wide variety of dispute resolution mechanisms that are short of, or alternative to, full-scale judiciary processes, whether at the local or international level. The term can refer to everything from facilitated settlement negotiations in which disputants are encouraged to parley directly with each other prior to some other legal process, to arbitration systems or mini-trials that look and feel very much like a court-room process but is not. Processes premeditated to manage community tension or facilitate community development issues can also be included within the rubric of ADR.

For our purpose, the scope of ADR shall be restricted to negotiation, mediation and conciliation, all of which were employed in the management of the Oku Iboku – Ikot Offiong conflict. The first technique, negotiation, fashions a structure to egg on and facilitate direct bargaining between parties to a dispute, without the interference of a third party. Negotiation is often successful when the conflict is still at an initial stage and there is still room for communication between the parties (Shaw, 2008). At the end of the negotiation, where no party is totally satisfied, certainly, they are not completely dissatisfied. Negotiation may not involve any third party, at least at that stage, and so differs from the other forms of alternative dispute resolution, which involve the intervention of third parties as mediators, conciliators, facilitators, arbitrators or adjudicators, among others. Negotiation is eminently suited to the clarification, if not always resolution, of extremely complicated disagreements. However, negotiations, of course, do not always succeed, since they do depend on a certain degree of mutual goodwill, flexibility and sensitivity (Shaw, 2008). Therefore, hostile public opinion in one state or community which forms a party to the dispute may prevent the concession of certain points and mutual distrust may fatally complicate the whole process of negotiation, while opposing political attitudes and socio-cultural milieu may be such as to preclude any acceptable negotiated agreement and compromise.

Secondly, mediation and/or good offices involve the use of neutral and voluntary third parties that have been accepted by the dyads in a conflict, but not in complete control of the outcome of the attempt at resolution. That is, the mediator (or good office provider as the case may be) cannot impose an award on the conflicting dyads. The employment of the methods of mediation and good office therefore involves the use of a third party

to encourage parties to a dispute to come to a peaceful settlement. Malcolm Shaw (2008) notes that:

> Unlike the techniques of arbitration and adjudication, the process aims at persuading the parties to a dispute to reach satisfactory terms for its termination by themselves. [But] provisions for settling the dispute are not prescribed (p. 1017).

The dividing line between mediation and good offices is often difficult to maintain as they tend to merge into one another, depending upon the circumstance. Their distinction is therefore, to a large measure, a matter of degree. With regards to mediation, there is an active participation of the mediator in the process and he/she/they direct the disputants in such a way that a peaceful solution may be reached, although any suggestion offered by such mediating party(ies) are of no binding effect upon the disputing parties (Sandu, 2013b). On the other hand, technically speaking, good offices involve a situation where the third party attempts to influence the opposing parties to enter into a negotiation without necessarily participating actively in the process.

The technique of mediation and good offices are often suited for extremely bitter disputes, especially those disputes which have been protracted for a long period of time, causing the parties to be locked into public postures that appear to make compromise impossible without jeopardizing the position of the parties. The approach is also essential in situations of mutual distrusts by the parties of the intentions of each other and where socio-cultural differences present an additional barrier to communication (Orugbani, 2012). These approaches are by no means simply a question of providing the parties with a channel of communication and, perhaps, a secure and comfortable venue for their talks. In an ideal situation, the third party would also assist with the interpretation of messages and be able to show one or both parties how the style, as well as the content of a message from one party can be rendered more palatable to the other (Sandu, 2013b). It should also reassure each party that the other means what it says and is sincerely ready for a settlement. Nonetheless, it is habitually counseled that the mediator should have more power and influence vis-à-vis the conflict parties in order for the mediator to be able to oblige or induce a certain degree of acquiescence. Such power and influence could be derived, for instance, from precedent evidence of success in mediation or from the lack of another mediator acceptable to both parties at a decisive moment (Shaw, 2008). Where one of the parties to the conflict believes that it can get what it wants by force, or that, with time, it will get a better deal, mediation will come to nothing in such circumstance. Any mediation or good office mission is likely to succeed when both parties to a conflict realize the need for a settlement, often when the conflict has escalated to a hurting stalemate (Shaw 2008; Sandu, 2013a). Once the conflict parties have consented to mediation, even if reluctantly, they have to demobilize their conflict capital and disengage their conflict labour.

Thirdly, the intervention of a third party in a conflict for the purpose of conciliation is not meant to manage or resolve the conflict, but to expose to the conflict dyads to the need for a peaceful settlement of the conflict. This involves building a positive and trustful relationship between the parties to a dispute (Sandu, 2013b). A third party or conciliator (who may or may not be totally neutral to the interests of the parties) may be used by the parties to help build such relationships. Put differently, the process of conciliation involves a third-party investigation of the basis of the dispute and the submission of a report embodying suggestions for a settlement. Accordingly, the Centre for Effective Dispute Resolution in the United Kingdom (2012) describes conciliation as a process where the "neutral takes a relatively activist role, putting forward terms of settlement or an opinion on the case" (p. 1). Therefore, it can be stated that the conciliator has a more interventionist role in bringing the two parties together and can make proposals for settlement to the parties which they are free to choose to accept or reject than a mediator. As such, conciliation encompasses elements of both inquiry and mediation. Unlike, for example an arbitrator, a conciliator does not have the power to impose a settlement. As noted by Bunni (2012):

> Conciliation is a more formal process than mediation and it could generally involve the engagement of legal representatives, thus making it a more expensive process than mediation. There is, however, the added advantage that should no amicable solution be reached, the conciliator has the duty to attempt to persuade the differing parties to accept his own solution to the dispute (cited in UKCEDR, 2012, p. 1).

A conciliator may assist parties by helping to establish communication, clarifying misperceptions, dealing with strong emotions, and building the trust necessary for cooperative problem solving. Some of the techniques used by conciliators include providing for a neutral meeting place, carrying initial messages between/among the parties, reality testing regarding perceptions or misperceptions and affirming the parties' abilities to work together. Since a general objective of conciliation is often to promote openness by the parties (to take the risk to begin negotiations), this method allows parties to begin dialogues, get to know each other better, build positive perceptions and enhance trust (Shaw, 2008, p. 1022). The conciliation method is often used in conjunction with other methods such as facilitation or mediation.

Background to the Oku Iboku–Ikot Offiong Conflict

Lord Curzon wrote as early as 1902, "frontiers are indeed the razor edge on which hang suspended the modern issues of war or peace, of life or death to nations…" (quoted in Akinyele, 2005, p. 8). Cynthia Enloe corroborated this when she also wrote later in 1973, "every community is prone to identify its survival with a physical territory and since this is closely tied to land ownership, the subject of where the boundary lies

between these territories is very important" (cited in Akinyele, 2005, p. 8). From antiquity, boundary disputes have been, and remain, a major source of conflict between nations, within a nation state and between nation states within a geographical (sub) region; sometimes even between two or more noncontiguous nations. These conflicts, where not well managed, have resulted in protracted wars (especially of irredentism, nationalism and separatism) which have cost these nations a lot in terms of human and capital resources. As rightly observed by Ubong Umoh, "one of the basic problems of the histories of conflict has to do with accommodation and territoriality, and territorial needs are ontological" (Umoh, Lecture Notes, August 2015.) Okon Uya extrapolated this to the Nigerian experience when he stated, "living in a border village in Nigeria is like living in a war front. But it is a battle field without the booming canons, a war front with birds singing melodies during the day and crickets chirping away at night" (Uya, 1990, p. 3). It is therefore well established that territorial issues are highly conflict prone and parties encountering conflicts over territory should be expected to fight more frequently, with shorter durations of peace than others.

There are two approaches to understanding boundary disputes arising from territorial claims. The first approach emphasizes the priority of a people in relation to the territory, that is, the claim of being the first settlers or inhabitants of the said territory – first occupancy approach. This has been the argument of Israel in their conflict with the Palestines. The second approach, on the other hand, emphasizes the priority of the territory in relation to the people, that is, the claim of the territory forming the identity of the people – identity based approach. A case in point for the second approach is the argument of the Palestines in the same war referred to above, or when Nigerians in Bakassi Peninsula insisted that they could not join the Cameroun because Nigeria forms their identity. The harmony of both approaches (the first occupancy and the identity-based approaches) would reveal that in order to understand the sources of conflicts over territorial dispute and the appropriate resolution technique for such dispute, a historical overview of the hanging dynamics of the disputed territory is crucial. Thus, to understand the hanging historical dynamics of disputed land between Oku Iboku and Ikot-Offiong (over the Mbiabo wetland), a brief overview of the history of both peoples and their position on the conflict, and of the geography of the disputed territory is relatable.

The Oku Iboku and Ikot Offiong crisis pre-dates the present polity called Nigeria and has a lot to do with a crisis of ethnic identity between the Ibibio and the Efik nations in present day Nigeria. One of the root causes of the conflict between Oku Iboku and Ikot Offiong was gathered to be competition for natural resources. Many believe that the disputed area between the two groups has petroleum deposits, although this could not be ascertained as at the time of the outbreak of hostilities. However, the claim that the area bears crude oil deposits was recently proven by the Munopoli oil exploration activities there. Also, the now moribund Nigerian Newsprint Manufacturing Company

(NNMC) in Oku Iboku relied heavily on the disputed wetland between Oku Iboku and Ikot Offiong for its major raw material (gmelina trees). All these are in addition to the usual bountiful farm yields from the area due to the extreme fecundity of the land. These resources, therefore, make it foreseeable for conflict to ensue over who controls and manage such a well-off territory.

The creation of Akwa Ibom State was another factor that wrought the manifestation of the conflict. Prior to 23 September 1987, Cross River State comprised the present day Cross River and Akwa Ibom States of Nigeria. The two states are part of what is known as the South-South geo-political zone or the Niger-Delta area of Nigeria. From its creation in May 1967, Cross River State was known as South Eastern State until 1976 when the name was changed to Cross River State. On the creation of Akwa Ibom State on September 23, 1987, the federal government, under then military Head of State Ibrahim Babangida, announced the distribution of Local Government Areas between both states. Itu and Odukpani became the border LGAs in Akwa Ibom and Cross River States, respectively. Before this time, both Itu and Odukpani had passed through different phases of local administrations and boundary adjustments. For instance, prior to the creation of South Eastern State in 1967, the entire area of the crisis, together with the rest of present Cross River South Senatorial District and the present Akwa Ibom State, made up the Calabar Province (CLEEN and WOAT Report, 2002, p. 176). After the state creation exercise in 1967, the areas fell under Uyo and Calabar Divisions. After the change of name to Cross River State in 1976, Itu emerged from Uyo and Odukpani emerged from Calabar Divisions. The divisions later became known as Local Government Areas. That the boundary issues did not boil over then may have been due to the fact that the communities all belonged to the same state and Efik and Ibibio languages or dialects spoken in the boundary area are understood by all, hence, the cross border ties between both groups was not severed until the state creation exercise. Also, the fact that the Efik ethnic settlements were on both sides of the Cross River (the river from which the state derived its name) and were sandwiched, west of the river by the Ibibio ethnic group made it difficult to rely upon or insist on any artificial political boundary (CLEEN and WOAT Report, 2002). After all, there were historical and cross-cultural ties and interactions between both groups.

However, upon the creation of Akwa Ibom State, it seemed the basis for the relationship was broken. The age-long acrimony between both the ethnic groups suddenly de-hibernated. As Professor Ayandele had once referred to the old Cross River State as an atomistic society perpetually at war with itself, this observation was now to play out itself when the "atomistic society" was split into two (Osuntokun, 2015). The creation of the new state was greeted with considerable passion and sentiments on both sides. Each group claimed to have been liberated from the other. Suddenly, the new Cross Riverians wanted the Akwa Ibom people to return to their state while the latter believed their past contributions to Cross River State should not and could not go unacknowl-

edged and uncompensated. The assets of the old state were shared in the ratio of 55 percent to 45 percent in favour of Akwa Ibom State (CLEEN and WOAT Report, 2002). This sharing formula took into account the population of the state, respectively, as well as the personnel of the two states in the public service of the balkanized state, among other factors. Another effect of state creation was that, while many vacancies emerged in government offices in Cross River State, their Akwa Ibom counterparts had a problem of placements due to their numbers and the limited positions available in their state. The result? Some Akwa Ibom indigenes claimed to be indigenous to Cross River State in order to either retain their jobs in the latter state or apply for newly advertised jobs. Given its proximity to Akwa Ibom State, Ikot-Offiong was naturally the easiest area to lay claim to in such a situation.

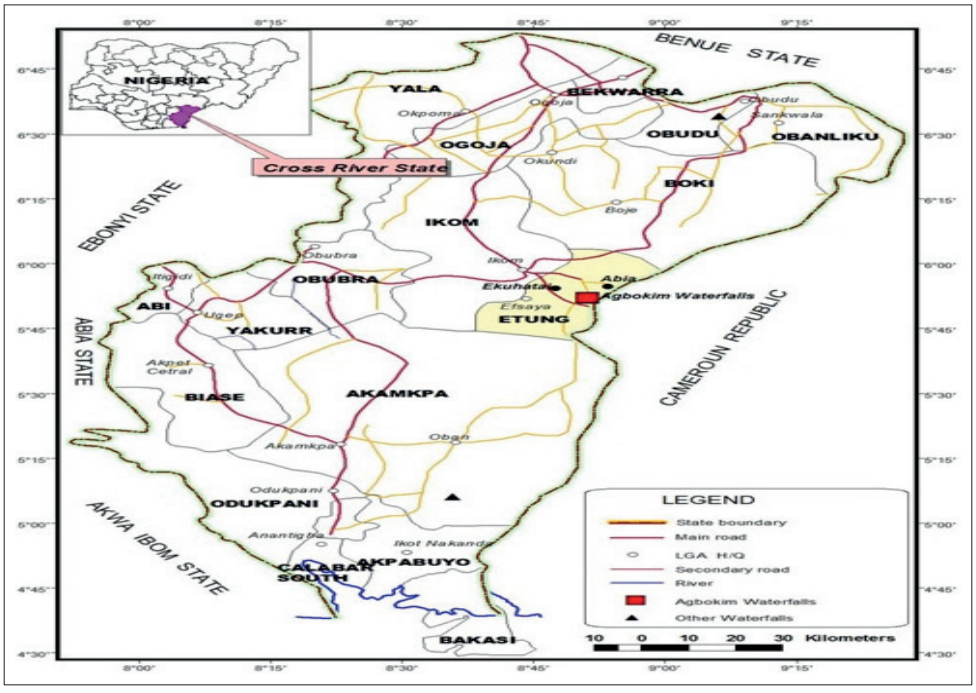
Non-definitive boundary demarcation was another ground for the conflict. The failure of the federal government to decide with finality the boundary between Akwa- Ibom and Cross-River States since 1987 had negatively impacted on life in the area. As far back as 1988, the federal government of Nigeria had already set up a panel to decide on the boundary, yet the outcome remains unpublished. As straightforward as the apportionment seemed, a controversy soon arose as to where the exact line of demarcation was. On the one hand, the border was alleged to be the Cross River as a natural feature separating both entities. On the other hand, some in Akwa Ibom State asserted that the border lay at a point further eastward of Cross River, at Okpokong River, which is about five kilometers away. They claimed that the purported inclusion of some communities in the disputed areas in Odukpani LGA was a nullity as the Cross River State Variation Order #2 or the Local Government Creation Law #5 of 1983 had been repealed by Decree #1 of 1984. It must be clearly stated that given either of the two arguments as to the boundary of the two states, Ikot Offiong would still be in Akwa Ibom State.

Furthermore, the Oku Iboku- Ikot Offiong conflict was also informed by cross- border ethnic nationalism. The Ibibio constitute the predominant ethnic group in Oku Iboku, a predominance they enjoy in Akwa Ibom State as a whole. Sandwiched among the Ibibio of Itu, Ikot Offiong on the other hand is predominated by the Efiks and other ethnic groups such as Qua/Ejagham, Ekoi. The Ikot Offiong occupy both sides of the Cross River, southerly of the Itu Bridge. They and other Efik settlements in that area make up Mbiabo, one of the seven Efik royal fiefdoms. As proof of their ethnic origin, the traditional heads of Ikot Offiong sit on the Etubom's Traditional Council in the palace of the Obong of Calabar and grand patriarch of the Efiks. Although found in Akwa-Ibom State, the Ikot Offiong are heirs to the Efik throne which is based in Calabar, Cross-River State. Given that they are a minority in Akwa-Ibom and the fact that the majority of their kith and kin are in Cross River State, members of the Ikot Offiong community were sometimes not be reckoned as belonging to Akwa Ibom, while some indeed claimed Cross River State origin as a classical problem associated with cross-border ethnic groups in Nigeria.

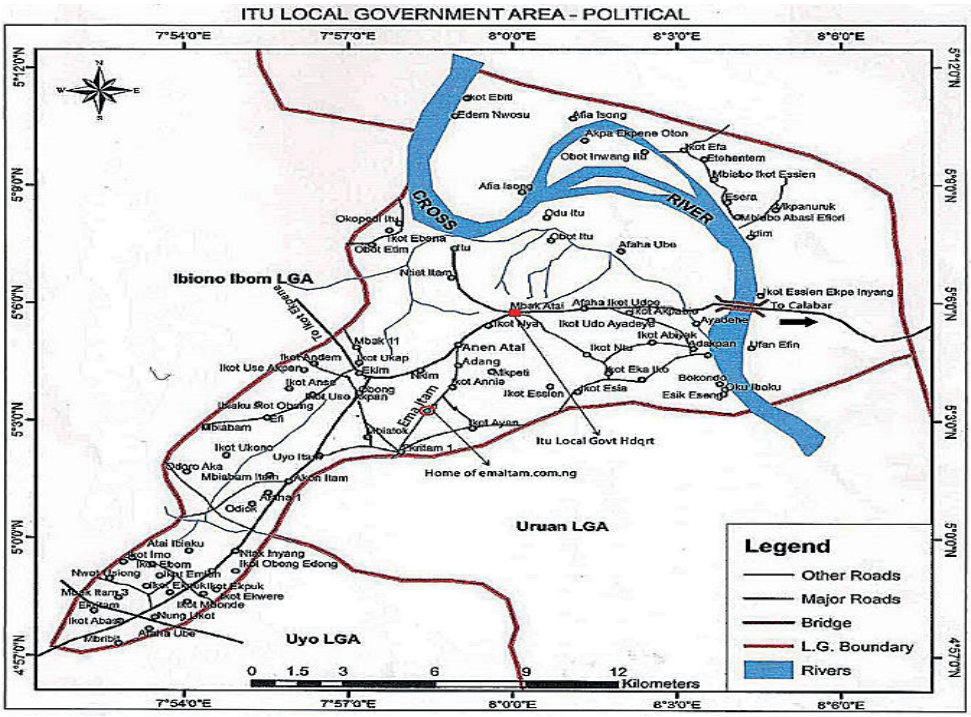
Their problem is akin to that of the Tivs in the North Central area of the country, even though on a smaller scale. This again lends credence to the fact that in Nigeria,

> ... political boundaries, be they state or local governments were artificially and arbitrarily created for political and administrative reasons. Nevertheless, in reality, a member of any ethnic nationality is better off in the place where majority of his/her kin are found. Little wonder then why some of them, as a natural survival instinct, would lay claim to such geo-political divisions where the majority of their people belong. Often too, their kin in those locations deny them full rights because they are from other locations (Effanga, 2001, p. 18).

Many have wondered the reason for such intense fighting and what appears to be long-standing antipathy between these two ethnic groups (Ibibio represented by Oku Iboku and Efik represented by Ikot Offiong). Here, again, there is the recurring tale of the indigene-settler dichotomy or landlord- tenant palaver found in most parts of Nigeria. The explanations for the Oku Iboku and Ikot Offiong conflict, then, are as diverse and manifold as the conjectures of history will allow. It is likely that each supposition contains some elements of reality and holds some explanatory power. However, probably the combination of several suppositions is best suited to capture the triggering factors. Each set of factors explains different aspects of the conflict behaviour, making sense of something the other cannot fully explain.



Map of Cross River State showing the disputed boundary (red arrow)



Map of Itu LGA showing the disputed Cross River (in blue)

Futile Management Attempts of the Oku Iboku–Ikot Offiong Conflict

For the most part, the federal government of Nigeria has seen violent conflicts in the country from a security standpoint, where containment and suppression have been the primary objectives (rather than long-term conflict resolution). This is especially true in the strategically important oil-producing areas where the government has always been quick to deploy security forces to the conflict zones. In addition to the deployment of security forces, the government had called for the establishment of Committee on Peace, Security and Welfare at local levels – yet few such committees has been created, and established ones are largely ineffective. In line with Federal Government Nigeria crisis management tradition, the Nigerian government responded to the Oku Iboku and Ikot Offiong conflict directly (through FGN/State apparatuses) and indirectly through other apparatuses as well.

On March 11, 2002, the Federal Government of Nigeria, acting through the National Boundary Commission, published the *Federal Government's Statement on Akwa Ibom/ Cross River States Boundary Dispute* (Bassey, 2003). The statement clearly put Ikot Offiong in Akwa Ibom State. How far this belated step went to douse the tension in the area was nothing to write home about. Indeed, a radio news report quoted the then

Deputy Governor of Akwa Ibom State, Chris Ekpenyong, as saying that his state government rejected the publication of the National Boundary Commission and would rather support the initiative of the Obong of Calabar (CLEEN and WOAT Report, 2002). The federal government also responded to the crisis through the Senate Panel on Boundary Disputes led by Senator Chuba Okadigbo. The senate panel on boundary disputes made several pronouncements on the Oku Iboku and Ikot Offiong Dispute – which was viewed at this level as Akwa Ibom State versus Cross River State boundary dispute (The Punch, 1988). However, the pronouncements of this committee did not resolve the conflict in any way. The committee itself was said to be influenced by lawmakers from both states who attempted to lobby the committee members to decide in favour of their respective states.

The mobilization of a Peace-Keeping Operation was another dimension of the federal government response to the Oku Iboku–Ikot Offiong conflict. This was done through the deployment of Mobile Police, under the command of the AIG Zone 6, to the conflict area. The mobile police officers tried to be neutral in the conflict but were accused by both sides of working in favour of the other. Their orders were just to curb the destruction of critical government infrastructures and to avoid the killing of innocent travelers along the highways. However, the federal government also deployed some soldiers of the Nigerian army to support the mobile police officers when the conflict reached fever pitch. In addition, the National Emergency Management Agency, on behalf of the federal government, embarked on several visits to the disputed area to provide relief materials for Internally Displaced Persons. It is instructive to mention that the National Emergency Management Agency (NEMA), established in 1999, is responsible for overall disaster management in Nigeria – including the coordination of emergency relief operations as well as assisting in the rehabilitation of the victims where necessary. It has presence in most states and often supports IDPs in the emergency phase of a crisis, but it does not have the necessary resources to assist people displaced for a longer period or to assist returnees to reintegrate. State Emergency Management Agencies (SEMA) also exist in some states, but with varying performance levels.

Various State governments were also involved in a number of measures targeted at resolving Oku Iboku–Ikot Offiong conflict, although there is much skepticism about how committed they really were to bring about peace in the case of the Oku Iboku and Ikot Offiong conflict. Commissions of inquiry or interventions by state boundary commissions often follow serious conflicts. Yet in the Oku Iboku and Ikot Offiong conflict, the recommendations of the government, based on results of the inquiries, or White Papers, were highly contested and had not been enforced. Even court rulings were for the most part ignored, as fighting continued and internally displaced people were scared to return to their homes. Part of the problem lay in the process by which the inquiries took place. In some instances, the teams were made of people from outside the region who visited the area for a limited period, consulted with a very select group

of people and reached a verdict – instead of using participatory processes to bring people together and attempt to reach consensus between the conflicting groups (Bassey, 2003). However, the following were the responses of both Akwa Ibom and Cross River State governments on the Oku Iboku and Ikot Offiong conflict:

i. Joint Problem Solving/Strategy Building interventions (unsuccessful);
ii. Refugee (re)settlement programme by Cross River State government, especially through the Cross River State Commission for Development of Border Communities;
iii. Rejection of Federal Government of Nigeria official pronouncement on boundary demarcation by Akwa Ibom state government; and Protracted court adjudications/litigations, which proved unsuccessful in resolving the conflict (Sub-Committee for the Settlement of Oku-Iboku and Ikot Offiong Conflict, 2004).

The attempts by Oku Iboku and Ikot Offiong to de-escalate their dispute through litigation proved a colossal failure. The dyad dragged in the court of law, from the high court to the Supreme Court, which is the apex court of law in the country, yet, durable peace, was still far from sight. The focal drawback of these litigations was that the adjudicators were usually giving a zero-sum award on each case to either of the dyads; thus each court ruling in favour of one party was usually perceived by the other as a misjudgment that was completely unacceptable. At the end, instead of resolving the conflicts, the adoption of litigation often escalated the conflicts, both in scope and intensity.

ADR and the De-escalation of the Oku Iboku–Ikot Offiong Conflict

Many have speciously averred that the Oku Iboku–Ikot Offiong conflict ended when the stronger dyad – Oku Iboku – trounced the weaker dyad – Ikot Offiong, maimed hundreds of her citizens, ruined thousands of their properties and displaced masses of their people; thus, Ikot Offiong had no choice but to capitulate unconditionally. This assertion is however doubtful and should be accepted with a healthy dose of skepticism. Arguably, the dyads appeared asymmetric; hence, the chances of settling such conflict by negotiation or mediation appeared slim since it was likely for the stronger dyad to impose its terms on the other. The de-escalation pathway of the Oku Iboku–Ikot Offiong conflict began with the realization by both dyads of the necessity of peaceful co-existence. Why so? Although superficially Oku Iboku appeared to be the stronger dyad in the conflict vis-à-vis Ikot Offiong, a deeper investigation would reveal that the conflict was not just an Oku Iboku and Ikot Offiong conflict, but became an Akwa Ibom State versus Cross River State conflict with the support, supplies and encouragement both parties got from their respective state governments (financially, armament wise and legally). Thus, the dyads were not asymmetrical, lock, stock and barrel. Again, although Oku Iboku appeared to have rained much devastation on Ikot Offiong than did Ikot Offiong on Oku Iboku, yet the guerilla hits by Ikot Offiong on Oku Iboku, especially on Ikot Adakpan sector, which happened to be the most vulnerable part of Oku Iboku during the conflict, were strategic and evidently weakened Oku Iboku as well.

Accordingly, there was need for talks after several adjudications had proven ineffective and continued fighting proved internecine – that is, a stage of hurting stalemate.

With the failure of litigation, the die was cast and something needed to be done about the Oku Iboku and Ikot Offiong conflict. This time, a third party intervention was pertinent, not as an adjudicator (as did the Supreme Court), nor as peacekeepers (as did the federal security apparatus), but as a conciliator, or perhaps a mediator. Among the various mechanisms of ADR discussed above, three were applicable to the Oku Iboku–Ikot Offiong conflict and these three – conciliation, mediation and negotiation – eventually de-escalated the conflict in 2005. It must be stated here that the three ADR techniques were not applied independently. They were almost applied concomitantly. The conciliation mission that was initiated by the federal government when all other strategies failed gradually snowballed into a mediation mission by conflict elites with Surveyor S. E. Martins, then Deputy Surveyor General of the federation and Surveyor Moses Onyoh as the facilitators and eventually ended the two parties on the negotiation table.

Having realized the need to make the parties recognize the necessity of a peaceful settlement to their conflict, the federal government hit the ground running on the first step towards Alternative Dispute Resolution of the Oku Iboku and Ikot Offiong conflict with the inauguration of a conciliation committee dubbed *The Presidential Joint High powered Committee on the Management of Akwa Ibom and Cross River Inter State Boundary* by the then Vice President, Atiku Abubakar, with Professor Abednego E. Ekoko, Professor of History in the Delta State University, who was also the Internal Boundaries Commissioner of the National Boundaries Commission, as the committee chairman. Recall, a conciliating mission does not seek to settle a dispute for the parties involved, but to wheedle them into seeking a peaceful settlement, by presenting to them the gains of doing so and the pains of doing otherwise. Afterwards, the parties may choose the facilitator of the conciliation to mediate the dispute for them if they wish or another neutral party that would be acceptable to both sides. Thus, the term of reference for this conciliation mission in the Oku Iboku and Ikot Offiong conflict was to intervene by swaying both parties to seek a peaceful settlement to their conflict.

In achieving the above aspiration, the high-powered committee held several meetings with the leaders of both groups and at each meeting, tried to inquire about the core problems between the dyads and recommend reasons and ways for an amicable settlement. However, the conciliation committee seemed rather too 'high' from the people because the committee only consulted with high profile politicians, justified on the grounds that given the sensitivity of the dispute it appeared that only government officials at the highest levels could speak to the actors on each side of the conflict to lay down their arms. Although both parties were successfully convinced to seek a peaceful settlement, there was still need to integrate the people into the peace process. At this point, the initial conciliation mission expanded into a mediation mission, facilitated by

the then Deputy Surveyor General of the federation, Surveyor S.E. Martins and Surveyor Moses Onyoh. Oku Iboku and Ikot Offiong considered the duo as neutral and eligible to mediate their dispute. Thus, a subcommittee of the initial presidential high powered committee dubbed, Presidential Sub-committee on Oku Iboku and Ikot Offiong Boundary Dispute, was set up at a Calabar meeting on the 22nd of December, 2004; this time, not to conciliate but to mediate. The mediation process was indeed an integrative one – the mediation team encompassed representatives from both warring camps as follows:

Ikot Offiong

- Okon Lazarus Okon – Chairman
- E.E. Okon – Secretary
- Okokon Nnamonso
- Elizabeth Ekanem
- Okon Bassey Ekanem

Oku Iboku

- Bassey Willie Cowon – Chairman
- Asuquo Davies – Secretary
- Ability Emah
- Effiong Uruk Okon
- Akon Inyang Ikpe

The mediation team also included the then local government chairpersons of Itu and Odukpani local government areas, Ededet Ekanem and Bassey Ekpenyong Akiba, respectively, as well as the Divisional Police Officers of Itu and Odukpani local government areas. The representatives from both sides acted as heralds. They conveyed the position and stance of their people to the mediation table, as well as briefed their respective communities on the progress of the peace process. In order to achieve this and to improve communication between the two groups, GSM handsets were provided to the spokespersons of each group for regular communication between them. Hp Ont engine boats, flying boats and some motorcycles were also provided for the team for regular movement and joint surveillance along the river and creeks; and to entice them into compromise, some amount of money was granted by the facilitators to the negotiation team from each group as imprest. This was in addition to a promise (though never fulfilled) of issuing them with recommendation letters upon attainment of lasting peace that would acknowledge them as professional mediators. The mediation team had three basic terms of reference:

- To negotiate how to get peace between the two warring communities;
- To negotiate how to make the two communities live without rancor and molestation again through durable structural and cultural peace building; and
- To ensure access to farmlands for both communities (Summary of Committee Activities – Whitepaper).

Several meetings were held at Itu local government council, Odukpani local government council, and sometimes, at a neutral rendezvous thus:

- 22nd December, 2004 – Calabar, Cross River State
- 7th January, 2005 – Itu Local Government council
- 20th January, 2005 – same as above
- 7th March, 2005 – Odukpani local government council
- 7th April, 2005 – Itu local government council
- 25th April, 2005 – Odukpani local government council
- 26th-27th may, 2005 – Itu local government council
- 30th June, 2005 – Odukpani local government council
- 7th July, 2005 – same as above

The peace process was almost impeded when Oku Iboku representatives in the team insisted that they could not negotiate with the representatives that Ikot Offiong presented because, according to them, they were aliens who came from different parts of the country to live and trade with the native aborigines of Offiong. Thus, Oku Iboku insisted that those to negotiate unbehalf of Ikot Offiong must be the real descendant aborigines of Ikot Offfiong whom their ancestors offered a land to settle in 1801. However, this seeming encumbrance was taken care of by the facilitators who persuaded Ikot Offiong to present as negotiators people that were acceptable to both parties. Provocative remarks by politicians from both states, most of whom were conflict entrepreneurs who saw the continuous escalation of the conflict as opportunity to maximize profit also served as portholes on the de-escalation pathway. In fact, fingers were pointed at the then Deputy Governor of Akwa Ibom state, Chris Ekpenyong and Senator Ita Giwa of Cross River state as examples of such politicians (Bassey, 2003). At the negotiation table however, both parties urged these politicians to refrain from making any such provocative remarks on their behalf. They agreed that their state governments should only come in with logistics, meeting rendezvous, security and relief materials for the Internally Displaced Persons, without meddling in the conflict unnecessarily. This was a positive watershed in the settlement process. At this point, the concern for each other had risen simultaneously with the concern for themselves. According to Hugh Mall, Oliver Ramsbotham and Tom Woodhouse, in seeking a peaceful settlement to any conflict, when the concern for oneself (CS) is higher than the concern for other (CO), there would be contention and aggression; when the CS is lower than the CO, there would be capitulation and yield; when the CO is as low as the CS, there would be withdrawal and avoidance; but when the CS is as high as the CO, there would be accommodation, compromise and co-operation (Mall, Rambostom, & Wooddhouse, 1999). This can be represented thus:

C S	C O	
	low	**high**
high	Contention, aggression	accommodation, compromise, cooperation
low	Withdrawal, avoidance	capitulation and yield

The reconciliation process in the Oku Iboku and Ikot Offiong conflict therefore recorded much success as each party's concern for itself began to give way for her concern for the other party. This resulted in accommodation, compromise, and co-operation between both dyads, all of which greatly fast-tracked the negotiations. At some points, other members of the mediation team who were neither from Oku Iboku nor Ikot Offiong allowed the representatives from both communities some opportunity to negotiate between themselves, especially on the issue of access to farmland and use of the river, before presenting their unanimous agreement to the wider mediation team. This was meant to build the confidence that was needed to restore lasting peace between the two peoples. Meanwhile, all through the period of mediation and negotiations, there was already a ceasefire between the two communities who where now anticipating a positive outcome from the resolution process. Eventually, the team was able to nib the Oku Iboku and Ikot Offiong conflict by the bud with the following resolutions, that:

- The leaders of both parties should compel their subjects to lay down all forms of arms, and a ban was placed in the wielding of arm by anybody from both communities, even in the farm and river areas.
- Free movement should be allowed at both ends in farmlands, creeks and the highways.
- Displaced persons from Ikot Offiong who were willing to return to their homeland were free to do so and they could be integrated into the Oku Iboku society. However, if in future, the entire Ikot Offiong become desirous to return to their home with Oku Iboku, they were to denounce first their citizenship of Cross River state and adopt that of Akwa Ibom state.
- Access to farmland was a major cause for the escalation of the conflict. Thus, modalities were worked out for both dyads to farm peacefully from the following faming season. To achieve this, the principle of freedom of movement of persons and goods across and within each side without any restriction was emphasized. A joint farming and joint fishing strategy was proposed and adopted by the negotiation team, whereby members of both communities were to communally undertake these economic engagements without fear or anxiety.
- To prove that peace had finally returned between the feuding peoples and restore confidence, there was exchange of visit exercise where members of the negotiation team from both sides were to drive in the same vehicle to each other's territory. On the visit, three persons each from both sides, including a woman, were allowed to comment on the way forward for a lasting peace and at the end of the exercise; the

visitors from the other side were usually well fed by their hosts before returning to their clan. This was integrating indeed.

- Leaders were appointed from both sides to manage fishing activities in the disputed territory and all persons fishing or farming in the disputed territory who were not indigenes of Oku Iboku or Ikot Offiong were to operate under the regulations of their leadership.

At the end of the negotiations and upon complete cessation of hostilities between the two dyads, a thanksgiving service was scheduled for the 14th of August, 2005 at Ikot Ekpo in Odukpani local government area, and on the 21st of the same month at Oku Iboku in Itu local government area to officially mark the restoration of peace between them. Venerated priests offered prayers to appreciate God for re-uniting the people of Oku Iboku and Ikot Offiong after a long period of crisis and asked God to make the newfound peace a lasting one. The chairpersons of Itu and Odukpani local government areas provided transportation and entertainment for the thanksgiving service.

The table below summarizes the escalation and de-escalation pathway of the Oku Iboku-Ikot Offiong conflict.

Concluding Remarks

Although it has been erroneously argued in some quarters that the Oku Iboku–Ikot Offiong war came to an end when the stronger party, Oku Iboku, overpowered and displaced Ikot Offiong the weaker party, the conflict between Oku Iboku and Ikot Offiong, it has been proven, was eventually resolved through a keen application of some Alternative Dispute Resolution mechanisms – conciliation, mediation, negotiation. After fruitless litigations and Nigerian government coercive response through mobilization of security personnels on peacekeeping missions to the area had brought the dyad to an implicit stage of hurting stalemate, they sought alternative approaches to de-escalate the conflict and an excellent opportunity was provided by the A. Ekoko led Presidential conciliation committee which succeeded in cajoling the parties into seeking a peaceful settlement. Thus, both dyad were drawn into the mediation process facilitated by the then Deputy Surveyor General of the federation, Surveyor S. Martins. The tail end of the mediation was negotiation and compromise from both parties. These, coupled with the back-stage role of the traditional rulers, eventually de-escalated the Oku Iboku–Ikot Offiong conflict in 2005.

Alternative Dispute Resolution gave the dyads the opportunity to settle their conflict their own way, without the imposition of awards by the jury on them. In using Alternative Dispute Resolution, the privacy of the conflict parties is assured and the dispute is settled on terms acceptable to both parties in conflict. Most cases of protracted conflicts in Nigeria or recurring ones arise because the adjudication processes, which attempt to settle such disputes only give a win-loss outcome; thus, the conflicts only die for a short

CONFLICT STAGE	FEATURE	RESOLUTION BENCHMARK
Intensified and protracted conflict	Long periods of fighting and counter attacks between Oku Iboku and Ikot Offiong across Cross River State and Akwa Ibom State boundaries.	• Government pushes implementation in favour of Ikot Offiong and cross river state. • Increasing number of internally displaced persons (IDPs) on both sides without any compensation. • Increased hardline statements from both governors. • Federal police and army mobilized to the conflict area .
Attempted resolution through litigation	• Cross River State government sues Akwa Ibom state government unbehalf of Ikot Offiong. • Oku Iboku sues Ikot Offiong over non-payment of royalties and boundary encroachment.	• Inconclusive attempts to resolve dispute through litigations and court rulings that are not implemented. • Little evidence of real commitment to peace from either of both parties. • Perceived misjudgments escalates conflict. • Prolonged court verdict intensifies tension. • Court injunctions enhance relative periods of calm.
Conciliation	• Conciliation and inquiry committees are set up to look into the real causes of the conflict.	• Federal government inquiry committee set up. • Local government conciliation committees set up. • Parties representatives present summaries of their cases. • Compromise is reached. • Communiqués are issued.
Meditation	• Various stakeholders intervene to mediate dispute.	• Increased communication between both groups. • Confidence is built between both groups. • Neutrals facilitate resolution process.
Negotiations	• Serious participatory negotiations are undertaken involving various stakeholders, traditional rulers and youth groups.	• Evidence that issues of serious concern are being addressed. • Growing confidence in a peaceful resolution being reached. • IDPs begin to envisage returning to their homelands or resettlement.
Transition towards a sustainable peace	• Ceasefire and cessation of hostilities between the two parties.	• Increasing number of IDPs return to their homes. • Calm returns to the area.

period of time after the judgment had been pronounced but soon crop up afterwards. However, with the use of Alternative Dispute Resolution, conflict dyads are often sure of either being mutually satisfied or not completely dissatisfied. The import therefore is that Alternative Dispute Resolution ensures a cordial relationship between the conflict parties after the settlement of the conflict, unlike litigation verdicts, which intensifies already deep-seated animosity. Therefore, since conflict has become inevitable in individual interactions and group relations, it pertinent to encourage the use of Alternative Dispute Resolution mechanisms in the settlement of these conflicts in order to save cost, save time, ensure durable peace and mutually satisfactory terms of settlement. This way, the inimical effects of conflicts would be lessened while the constructive effects would be made best use of.

From the study, it is drawn that dispute over territorial boundaries is almost natural and can hardly be eliminated. The recurring nature of such conflicts in Nigeria is a manifestation that the institutional mechanisms for managing the inter-ethnic conflicts arising from boundary disputes in the country are conspicuously deficient. The adoption of Alternative Dispute Settlement mechanisms such as negotiation, mediation or conciliation, therefore, becomes necessary as a result of the fact that litigation in these cases, such as the Oku Iboku and Ikot Offiong conflict often lead to a win-lose scenario, with the capability of leading to conflict among two communities or states that have coexisted peacefully for years. The practice of disputes settlement through the process of Alternative Dispute Resolution is not new phenomenon in Nigeria. Indigenous communities in Nigeria were using arbitration or conciliation as a dispute settlement mechanism before the colonial powers introduced the British legal system into Nigeria. The implication therefore is that the contemporary society still has much to learn from our tradition values, norms and wisdom that could avert the settlement of socio-economic disputes through litigation as it saves time, energy, and resources as well as guaranteeing continuous harmonious relations among the conflicting parties that the court system is incapable of accomplishing.

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Cameroon:
Endemic Agro-Pastoral Conflicts in Menchum

Venantius Kum NGWOH

Abstract. *This paper aims at dispelling the misconception that the prevalence of agro-pastoral conflicts in Menchum Division of North West Cameroon is because stakeholders have no interest in resolving them. Such disputes have been a common feature in the country where economic resources generate protracted clashes not only between ethnic groups, villages and individuals, but also over the choices of economic activity. From simple crop damage, the opposition between farmers and graziers has been taking many forms, ranging from daily quarrels, frequent exchange of blows, mob demonstrations and litigation, to the use of mystical powers and conventional weapons. Although these struggles are common throughout the division, Esu, Kuk, Mmen and Wumhave singled themselves out as hotbeds. The consequences of these clashes are reflected in almost all spheres of life, including the economy, education, ethnicity, gender, health, human rights, justice, nutrition, peace and politics. In the face of these catastrophic effects, the administration and people of Menchumhave have been trying in many ways to curb the disputes, albeit without any remarkable success. In 1947, Cattle Control Rules were instituted by Native Authorities who, unfortunately, lacked the legal basis to enforce any decisions and so the 1962 Control of Farming and Grazing Law was brought into force. But it also proved unworkable because stakeholders openly and obstinately refused to obey its provisions. Even the 1978 Presidential Decree creating a statutory organ (the Farmer Grazier Commission) for the settlement of conflicts has remained a toothless bulldog. Other administrative policies, such as demarcation of land, introduction of mixed farming and the barbed wire scheme intended to facilitate peaceful coexistence between the two rival activities, were implemented without any remarkable success. The holding of meetings with stakeholders, the proposals made by the World Food Organization (FAO) in 1962 and the laying down of resolutions by commissions of inquiry like the Nseke Commission (1973) and Koumpa Issa Commission (2003) were other unsuccessful measures aimed at resolving disagreements. Instead of dissipating, conflicts rather escalated, becoming acute and chronic.*

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Introduction

On February 3, 2017, an enraged group of farmers armed with machetes, knives, sticks and rifles in Truwa (Furu-Awa in Menchum Division) brutally killed 180 cattle and burnt down the houses of a grazier named Dogo for masterminding the gruesome murder of a cocoa farmer. To further avenge the death of their colleague, the farmers invaded the administrative quarters in Furu-Awa and asked for the immediate release of the assailant who was under gendarmerie custody. When government officials attempted to defend the culprit, members of the crowd assaulted the officials and almost hacked the Divisional Officer and Brigarde Commander to death. They broke into the cell, seized the prisoner and squeezed the life out of him. These recent events are symptomatic of the type of unhealthy relationship that has been existing between two rival groups in the whole division for decades. Menchum Division, found in the North West Region of Cameroon, is one of the fifty-eight administrative units that make up the country. It covers approximately 5,000 square kilometers and according to 2005 population estimates, there were roughly 150,000 inhabitants in the area. These are the Aghem, Beba-Befang, Mbororo, Fungom and Furu-Awa people. Whereas most of the grasslands that are free from tsetse flies are found on the undulating hills and valleys where the Aghem, Fungom and Mbororo are settled, the others inhabit forestlands interspersed with patches of grass. This paper has been streamlined into two parts, with the first situating farmer-grazier conflicts (FGCs) in context by describing their frequency, analyzing the causes and assessing their impact. The second segment of the work discusses attempted solutions that were put forward in the form of legislation, administrative policy, proposals by FAO and recommendations by commissions of inquiry.

The Context Of FGCS in Menchum Division

Farmer-grazier conflicts (FGCs) can be defined as the perennial, prolonged and recurrent disagreements or rows between cultivators and pastoralists arising from damage to crops by cattle, leading sometimes to affrays with fatalities. The frequency of these disputes in the area was appalling as has been confirmed by the fact that between 1946 and 2005, approximately 400,000 farmers and 5,000 graziers lived in the area. Within this span, an estimated 21,074 conflicts were registered making an average of 339 hostilities a year. The highest numbers were recorded in 1973 (150 conflicts), 1981 (175 conflicts) and 2003 (180 conflicts) in Wum; in Esu the highest figures were 150 conflicts in 1966, 210 conflicts in 1988 and 195 conflicts in 1993. From 2004 to 2005 when this study was carried out, 150,000 people lived in the Menchum area. Of this number, 75,000 were farmers while 1,500 were graziers. As a result, fifty per cent of the population was engaged in farming and about one per cent in grazing. The number of clashes between farmers and graziers during that year was 1,750, giving a monthly average of 145 (Ngwoh, 2006).

From the analysis above, it is clear that although the number of graziers was negligible, the frequency of conflicts was very high. This is because a single grazier could be involved in conflicts with many farmers at the same time since communal farming was the *modus operandi*. A case in point was in 1988 in Esu where Moi Issa Yante, with his aggressive attitude, compelled 120 farmers to abandon their age-old farms after his cattle destroyed their crops. In this study area, FGCs were so numerous that talk about them was on every lip and groups of women composed songs to express their frustrations. Their frequency certainly left a strain on every muscle and a pain in every heart, thereby creating a situation wherein the complaints, petitions and presence of contestants became a thorn in the flesh of traditional, administrative and political officials. The situation in Menchum was similar to the one Kaberry described in Nso in 1959 when she pointed out that:

> Something will have to be done… Do you think I can get these women to talk about anything except the Mbororo and their cows? No matter what I try to discuss: house building (the cows eat the thatching grass); cooking (the cows have eaten the corn); the size of farms and harvest (cows); sickness of children (the cows have eaten the children's food). Women's work (its hard because of cows)… It all comes back to this *bete noire*… I don't want to be a scaremonger, but if matters continue like this for another couple of years or so, the administration may be up against real trouble (1959, p. 14).

What she had in mind is that FGCs had transcended all the fabrics of social life in Nso. Although her mission in Nso was to study the status of women, the responses she got from them were largely about cattle damaging their crops. Conflicts affected housing, education, nutrition, health and even productivity. The picture that Kaberry painted of Nso land actually transposed itself to Menchum Division where all stakeholders seemed to have raised their voices against graziers.

Conflicts were more prevalent during the transhumance period when cattle was compelled to move from the hills where the scorching heat had rendered them bare of vegetation to the valleys where there was still fresh grass. But more often than not, they ran into trouble with the farmers who were still to harvest crops like potatoes, cassava and egussi. During the planting season, conflicts were generated mainly by negligence on the part of graziers whose herds went accompanied by inefficient *gainako*. Some farmers too often planted crops in isolated farms in grazing areas thereby exposing them to cattle. Conflicts recorded during the harvesting period were due, in the main, to willful and capricious acts of farmers and graziers based on economic rivalry between the two groups, each with the intention of reducing the productivity of the other (Kum, 1983).

The recrudescence of FGCs in the Menchum Division is the product of a sum total of factors that contributed in various degrees to their outbreak. While physical and economic factors made conflicts a regular feature, socio-cultural factors determined their

intensity. The physical environment was very unfriendly to the region's two principal economic activities, farming and grazing, because of the uneven topography riddled with steep barren hills and deeply incised stony valleys.

Seasonal changes, soil exhaustion, overgrazing and erosion forced them to move from place to place in search of better conditions. Over and above all, the absence of permanent boundaries (demarcations) between farming and grazing land worsened relations between the two communities. The cattle industry continued to suffer because the leading Mbororo graziers, like elsewhere in the country, remained glued to their traditional notion that cattle was an object of prestige and a symbol of capital. In this way, they viewed their cattle not as an economic asset but as insignias of riches and social standing (Simo, 1997). This explains why most of them remained poor despite their very large herds whereas grazing was not a project for the poorer peasants.

Originally, the Mbororo method of grazing was acceptable because human and cattle populations were low, making transhumance possible. But with both populations growing annually at rates of three and a half and ten per cent respectively, the land is unlikely to 'survive' (Chief of Sub Sector Wum, 1973, p. 4). Since the absence of conservational grassland management system provided a leeway for farmers and graziers to continue with archaic methods that were noted for their unsustainability, the land risked becoming permanently lost to both activities, as was the case with parts of the Mambila Plateau of Nigeria (National Archives Buea (NAB), 1961). For example, at the Esu Elba Cattle Ranch, the four important types of grass for fattening cattle disappeared as a result of trampling and overgrazing giving way to a scrubby vegetation that cattle could not live on.[1] Added to the economic malaise were socio-cultural factors that led to disputes.

The emergence of indigenous graziers and the revival of mixed farming schemes, mainly by non-indigenous people, should have been signs of a positive evolution in the habits of farmers and graziers. This, however and unfortunately, became a new point of discord because the less wealthy farmers viewed it as a means of knocking them off food supply lines. The negative attitude of the administrative, traditional and political authorities towards the land tenure system undermined its principal tenets leading to its weakening. In most cases, these authorities sought to promote their personal interests, thereby converting the *res publica* into *res private* (Koumpa Issa Commission, 2004). Even the rules laid down by Native Authorities and later adopted by the government to pre-empt overgrazing, overstocking, erosion and conflicts were ignored in most cases by stakeholders who, for various reasons, became intransigent and obstinate. While indigenous farmers refused to obey the rules because they claimed the right to exploit

1 There are four important types of fattening grass for cattle, which any skilful *gainako* should be able to detect, depending on the season. The wet season feeds are: the *birigiwal*, *saabaye* and, notably, the *safore*. The main dry season grass is called the *tolore.*

their land the way they deemed fit, Mbororo graziers on their part brandished certificates of occupancy, issued by incompetent authorities as land titles. This gave them the nerves to flout farming and grazing rules, defy administrative orders and even ignore the resolutions of FGCMs.

The alleged corrupt tendencies of administrative officials, their conflicting roles and failure to implement recommendations constituted the administrative factors that led to the outbreak of conflicts. The findings of the Koumpa Issa Commission revealed that both elites and traditional rulers, as well as politicians, acknowledged the complicity of traditional rulers in violating the principle that could have averted the incessant agro-pastoral conflicts at least for some time. Most measures taken in the past to resolve clashes fell at the level of implementation by administrative and traditional authorities. Political factors added injury to an already hopeless situation because civil unrest, the collapse of traditional authority, the misuse of democratic principles and political victimization provided an adequate recipe for the outbreak of FGCs in the North West Region of Cameroon.

While it might be agreed that the factors responsible for the eruption of FGCs were holistic in nature, it must also be recognized that they contributed in varying proportions to the outbreak of conflicts. Even if it was possible to eradicate administrative and political factors, conflicts would still have broken out, an indication that socio-cultural, economic and physical factor together played a primordial role in causing them. But the economic and socio-cultural foundations of the conflicts were products of physical factors because it was neither poverty nor bad habits that changed the seasons nor they that created high gradient slopes on the land. Hence, the physical environment contributed about thirty five per cent to the outbreak of FGCs that manifested themselves in different ways (Ngwoh, 2006).

Although the whole division was ridden with conflicts, localities like Esu, Kuk, Mmen and Wum positioned themselves as high-risk zones because, more often than not, conflicts there degenerated into armed confrontations with fratricidal results (personal communication, December 19, 2005). Two main factors possibly accounted for their prominence as conflict zones. First and foremost, the pressure on land in the four towns was higher than in other parts of Menchum as a result of rapid human and cattle increases. Within thirty years, the human population more than doubled while that of cattle quadrupled (personal communication, April 18, 2006). The second factor was the solidarity among members of the opposing community who reacted against what touched one person as if it had touched all. This explains why the graziers of Kuk went on the rampage in 2001 when Simon Tegha gunned down Yakoubo and why Aghem women were able to organize sit-down strikes in Wum in 2003 and 2005.

The prolonged conflicts between cultivators and pastoralists created a sort of "cold war" relationship in Menchum Division with catastrophic economic, social and politi-

cal effects. The impact on the economy was visible at three levels, namely: the retardation of development because of the misuse of resources and the wastage of labor; the minimization of government's efforts at poverty alleviation and the reduction of agricultural productivity through crop damage, the abandonment of farm work and poor harvests.[2] Graziers were impoverished more through the regular selling of cattle to raise funds demanded by dubious officials to maintain them on their land holdings. The snowball effect was the loss of government revenue since some graziers were forced to migrate with their cattle to areas where they could live in peace. At the social level, these conflicts led to the wanton abuse of human rights through assaults, destruction of houses, killings and crass injustice against women. In addition, conflicts generated social strife and anarchy with far reaching effects on peace and social integration. Apart from the economic and social implications, the animosity and contempt for the ruling government engendered by the struggles were reflections of their political repercussions (Ngwoh, 2014).

As already stated, if FGCs orchestrated the abuse of human rights through assault, murder, arson, torture, arbitrary arrests and discrimination, then it is easy to understand the magnitude of the social impact on the people. What is more, strife and anarchy were generated by the callous attitudes of administrators, exacerbated by the slowness of administrative officials and prolonged by the exuberance and anxiety of young persons who wanted quick solutions to farmer-grazier problems. All this created an unhealthy political atmosphere in the Bamenda Grassfields. The major economic consequences of farmer-herder conflicts were retarded development, individual impoverishment and loss of government revenue. As has already been noted, even though the people made attempts at raising their standards of living through farming and grazing, they remained impoverished because of FGCs. This impoverishment was reflected in their inability to provide for their basic needs at reasonable levels. The purchasing power of a good number of farmers and herders remained low, making it difficult for them to have adequate health facilities, education, food and housing for themselves and their families. As a result of low incomes, they could not add inputs into their economic activities to raise their standards of living (Ngwoh, 2014).[3]

2 Government's efforts at poverty alleviation are contained in the Cameroon Strategic Document for Poverty Reduction and are a response to the United Nations Millennium Development Goals. Some of the measures aimed at poverty alleviation include the institution of a Special Support Programme for Self Employment and Micro Projects whereby the Ministry of Small and Medium Size Enterprises, Social Economy and Handicrafts gives out loans to individuals and groups. In the same vein, the Ministry of Agriculture and Territorial Development assists farmers through a loan scheme in the Inland Valley Development Programme.

3 The required standards of farming and grazing, especially as they obtain in a developed country like Britainentail a lot of financial investments. Farmers use machines for tilling, planting and

Attempted Solutions

Numerous attempts were made by the administration to put an end to FGCs with the objective of restricting farming and grazing, preserving soil fertility and pasture, preventing soil erosion and, above all, averting rows between the two parties. They were legal frameworks instituted by competent authorities to prevent the occurrence of FGCs and to settle them when they occurred. They included the Native Authority Cattle Control Rules of 1947, the Control of Farming and Grazing Law of 1962 and Presidential Decree No. 78/263 of July 3, 1978. The genesis, exigencies, implementation, strengths and the weaknesses of these instruments shall be discussed. There were also policies like demarcation of land, the barbed wire scheme and mixed farming. Reasons for the failure of FAO proposals and the recommendations shall also be scrutinized.

In 1947, Native Authorities (NA) laid down cattle control orders that determined the number of cattle permitted in an area, stipulated the proportion of herdsmen to cattle and established modalities for issuing or withdrawing grazing and farming permits. In short, these ordinances made rules prohibiting, restricting and regulating the keeping of livestock. But these cattle control orders had two weaknesses: first, the NAs proved either to be unable or unwilling to exercise them effectively; secondly, the rules made no provision for the establishment of legally recognized boundaries between farming and grazing lands, which could be enforced in the courts (Chief of Sub Sector Wum, 1973).

Thus, the Control of Farming and Grazing Law was enacted in 1962 to overcome the weaknesses of the 1947 Ordinances. Its main purpose was to provide the statutory powers to determine which land could be used for farming and which for grazing. This law concerned the use of land and not its ownership or title. The law was specific and spelt out six guides to relations between farmers and graziers. These were: the number of cattle allowed in any area at any given time, the authority to admit cattle in specific areas, the possession of grazing and farming permits, the size of herd when grazing, the number of herdsmen to be employed and the distance to separate farm land from cattle trails. Its main difference was that it transferred responsibility for ensuring the enforcement of proper farming and grazing practices from the NAs to government in the belief that the latter had greater resources, better qualified staff and larger powers to perform this function more efficiently. Even though the law was concerned only with the use to which land was put and had no effect upon title, it was better than the Native Authority Cattle Control Rules because it obliged the inspectors to consult the local people whenever allocation of land for farming or grazing was to be done.

The flagrant and permanent disrespect of these rules by farmers, graziers and administrators greatly contributed to the outbreak of FGCs in Menchum. The guide about the

harvesting. Herders need well maintained paddocks, sown grass and clover mixtures for silage, roots, cattle-cake feed and tractor driven machinery.

number of cattle in any area within the jurisdiction of the chairman of the farmer-grazier committee specified that they should not exceed the number laid down by his commission. This rule was pertinent in order to enable cattle have enough pasture to keep them healthy since "each animal needed from five to ten acres of grazing according to the soil" (Berrill, 1960). This implied that 100 cattle required 1,000 acres of grazing land at any one time. But this was hardly the case because cattle had been brought indiscriminately into the four Farmer-Grazier Commission areas that existed in Menchum Division. This was in contravention of the rule. For example, in the Wum Commission grazing area, where there were 50,000 acres of grazing land available for a maximum of 5,000 heads of cattle, more than 30,000 cattle scrambled over the land. In Esu, where there were 100,000 acres, more than 60,000 cattle were found instead of 10,000.[4]

This unhealthy situation could be blamed on two factors: the desire by the administration to increase revenue through the collection of *jangali* (cattle tax), and the dishonest tendencies of the graziers who hardly declared the correct number of their cattle. Thus it was that a grazier with about 2,000 heads of cattle might declare only 200. The result was overgrazing because of overstocking leading to the depletion of pasture. Faced with this situation, cattle were bound to stray into farmland to cause havoc (personal communication, April 15, 2006). Concerning the entry of cattle to an area, the rule specified that no person should permit cattle to enter or remain in an area without the prior permission in writing of the committee. Any person wishing to bring cattle into the area was expected to apply to the chairman stating the number of cattle to be brought and the particular part of the area in which he wished to graze them. In this way, the rule gave powers to traditional and administrative authorities to permit the entry of cattle into their areas of jurisdiction. But this rule was abused in many ways in that some authorities admitted cattle without taking into consideration the cattle needs of their areas and so in most cases this contributed to overstocking (Kebei, 2005). This was to be understood because the authorities at times worked single-handedly without consulting other commission members who could give them the actual picture in the field. In addition, some overzealous commission members who arrogated to themselves the power of admitting or transferring graziers into areas of operation, usurped this role and so always indiscriminately admitted cattle (personal communication, April 17, 2006). A case in point was the traditional leader of the Mbororo graziers of the Moslem community (*Ardo)* in Esu village who claimed that all grazing land in that area fell under his jurisdiction while all farmland was managed by the traditional ruler (Fon) of the Esu indigenous society. According to the *Ardo*, he had control over the graziers and so had the powers to determine their movements. Some indigenous persons who were members of the traditional council equally claimed the powers to admit cattle

4 These figures were rough estimates from three different field trips.

even without prior authorization from administrative or traditional authorities. When the competent authorities later annulled such decisions, the graziers in question got stranded and so left their cattle on farmland in protest and out of frustration (personal communication, December 27, 2005).

The rule concerning grazing permits specified that cattle owners should graze their cattle in any area only when in possession of a permit issued by the competent authority. Such a permit stipulated the number of cattle, specified the area of activity and defined the grazing duration. On expiry, it could either be withdrawn or extended. But in many cases, their owners valued these permits as if they were land certificates.[5] In a letter to the Chief of Mufu village, the DO and Chairman of the Fungom FGCM made him to understand that grazing land was national land. A grazier with cattle could have a grazing permit only if he had cattle. When he did not have cattle any more, he had to quit the grazing land in favor of others with cattle. Such permits were not land certificates because the issuing authority had no powers to issue such certificates. The value of such permits was limited to "the use to which land was put; it had no connection with or effect upon land title". The Provincial Service Head of Lands was the only competent authority to deliver the land title (Ngwoh, 2014).

The 1962 law limited the size of any herd when grazing to seventy-five cattle. This implied that the herd needed approximately 750 acres of grazing land. This restriction was intended to ensure maximum control of cattle so that adequate grazing could be done in order to preserve and improve on the pasture. If this was done, overgrazing and its consequences would be avoided. Much earlier, during the British period in 1942, the Senior Veterinary Officer in the Cameroons Province made the following remarks on the subject of overstocking and preservation of grazing areas:

> To ensure the preservation of the pastures, the control of the cattle population is essential… It must be borne in mind that the Mbororo themselves, although fully alive to the dangers of overstocking, if left alone will do nothing to prevent or arrest the despoliation of the pastures that are so essential to them. They will continue to use the same grazing area, crowding in as many cattle as they wish without any fear of the consequences until the land becomes so impoverished that it is of no further use to them, then they will depart in search of fresh pastures and the same process will be repeated (Ministry of Town Planning and Housing, 2006, p. 2).

He made this remark because he had realized that the graziers had more interest in increasing their stock than in preserving the pasture on which their stock depended.

5 This was a common feature amongst the ignorant graziers that caused them to be obstinate. These permits made them to see themselves as title holders.

If nothing was done to arrest the situation, then there would come a time when the whole area would be barren. Perhaps FGCs could still be arrested if grazing areas were controlled and also if controlled grazing was observed. The rule concerning herdsmen stipulated that there should be at least one herdsman accompanying seventy-five heads of cattle at all times. This was because left uncontrolled, animals quite naturally stray and would trample down and destroy greater areas in their search. Unrestricted open range feeding by large herds and no herdsmen to control resulted in much damage to crops.

The insufficiency or near absence of herdsmen was one of the principal causes of FGCs in Nso, as Kaberry explained in 1959, that there were far too few cow boys and in many cases there were no cowboys at all. Her clerk's list of cowboys for tax showed eighteen names to look after 16,669 heads of cattle as many Mbororo felt far too superior to look after their cattle properly (Kaberry, 1959). This insufficiency of herdsmen equally prevailed in Menchum. It was observed in parts of Esu, Wum, Weh and Zhoa during fieldwork that while some herds were without herdsmen, others were looked after by male and female teenagers of ten to fifteen years of age. The major reason was that herdsmen were disgruntled at their working conditions.[6] Those who had made sufficient savings were even diverting their attention to the motor-taxi business in the townships and were looking at herdsmanship with scorn, as a niggardly occupation. The worst damages on crops by cattle were usually caused at night and on market days. Having tasted town life, many herdsmen (or *gainakos)*, often left their cattle at night untended for the town where they danced, smoked, drank and slept with the prostitutes in the motels or brothels while the cattle were destroying the farms. On market days, these *gainakos* also went to town leaving the cattle untended. The Senior Farmer-Grazier Inspector in Wum substantiated this point in 1966 in the following words:

> The *Aku* as known in the past have been the best graziers, who tended to their cattle from dawn to dusk, and as such, there have been fewer farmer-grazier cases brought up. If they now deviate from this practice for which they were admired and esteemed high, and tend to loiter in markets and towns for luxuries… the only answer… can be to do strict supervision, and prosecute owners of herds found untended (Divisional Archives Wum, 1972, p. 19).

The inspector was expressing dissatisfaction with the attitude of the Mbororo that was evolving negatively. They were beginning to admire town life forgetting that their major economic activity did not permit them to live like ordinary town-folks.

Despite the indispensability of cattle control, some Mbororo held the erroneous view that cattle could not be controlled. But it is well known that cattle were well controlled

6 In the past, these herdsmen were paid in kind and they earned 2 cows at the end of every year. This was later changed to cash payments of 18,000 FCFA a month. As time went on, some employers did not honour such payments leaving these headsmen disgruntled.

in Adamawa and northern Nigeria where herdsmen took cattle to graze between farms and left without damaging the crops. Even in areas where Mbororo graziers decided to do mixed farming, farms and cattle coexisted side by side without destruction. The role of a herdsman is preponderant in animal husbandry and can be likened to that of a driver of a vehicle. In many places though, herdsmen are known to be careless. An intelligent, hardworking and duty conscious herdsman can always make an itinerary whereby cows are milked between 6:00 and 8:00 am, grazed and watered in two shifts until 6:00 pm when they retire and are corralled or locked in the paddocks. But quite often, there is no itinerary and some herdsmen do not even corral the cattle leaving it to invade adjacent farmlands at night (personal communication, December 24, 2005). The importance of implementing cattle control rules was well articulated by Berrill when he said that difficulties arose between farmers and graziers because pasture was not fenced and the cattle were not corralled at night. Although land was divided into farming areas and grazing areas with some waste between, damage to crops was unavoidable unless herds were kept manageably small and the herdsmen's supervision continuous and diligent (Berrill, 1960).

The rule concerning farms and cattle trails stated that no land could be farmed or fenced within fifty yards on either side of a recognized cattle trail or water point nor may the route of any trail be altered without permission. The importance of this rule was to prevent cattle from invading farmland when moving to and from grazing areas, water points or cattle markets. This was however, not the case in many instances. Farmers preferred to plant crops along cattle trails where cow dung had fertilized the soil. The land adjacent to raffia bushes was also attractive both to farmers and graziers leading to incessant conflicts between them (personal communication, April 15, 2006). In spite of the inevitability of this rule, some farmers had the conviction that they owned the land and so had the power to decide where, when and how to use it. Graziers too believed that although they had no natural rights over the land, their financial standing and the available legal instruments could give them economic hegemony over it. Based on this certainty, both parties took the laws into their hands. It was noticed that some farmers calculatingly farmed on isolated pieces of land within grazing zones that usually escaped the graziers' notice and even around water points. This obstinacy was based on the erroneous view that "farms did not move, but cows did". Nevertheless, in such cases where farms were located in the heart of grazing land, it could be said that they had moved (personal communication, December 18, 2005).

The 1962 West Cameroon Farming and Grazing Law remained in force until 1978 when it was repealed. It was replaced by Decree N° 78/263 of July 3, 1978 that provided a legal framework for the settlement of FGCs. Even though it was a re-enactment of the 1962 Law, it had three differences from the former: first of all, it transferred the power of enforcement from the Senior Inspector to the Divisional Officer (DO) acting in a constituted commission; secondly, it set up a Farmer-Grazier Commission as well

as define its composition. This law equally specified the commission's duties which were to organize rural areas into farming and grazing zones, define the mode and way of utilizing mixed zones, exercise permanent control over the agro-pastoral area, and above all, settle farmer-grazier conflicts in its area of competence (Duni, Fon, Hickey & Salihu, 2005). The third difference was that the law made specifications as to penalties in case of any infringement that "any person acting in contravention of the requirements of this decree shall be punished in accordance with the provisions of Sections 317, R368 (6), R 369(6) and R370 (12) of the Cameroon Penal Code". Although the 1978 law had other fortes as it laid down a clear procedure for the settlement of disputes, identified the source of funding for the activities of the commission and explained the method of deliberations in commission,[7] the functioning of the FGCM that stood as its symbol *par excellence* was riddled with a lot of weaknesses which, instead of reducing the incidence of these disputes, rather complicated the solutions to their problems as follows:

> … Unbalanced membership of the commission in favour of the crop farmers; the exorbitant rates used for the evaluation of farm damages, which are said to be dictated by agricultural technicians who also claim the authorship of these rates in favour of crop farmers; the alleged corrupt practices and or partial influential attitudes of some commission members; the apparent ineffectiveness of MINEPIA technicians as members of this commission to defend the rights of the graziers (Mbaku, 2000, p. 1).

The ten commission members included the chairman who had to be the DO, a secretary who had to be from the service of lands, and eight other members, three of who should be from the services of agriculture, livestock and surveys. The rest included the chief of the area concerned, two notables, one farmer and one grazier. The imbalanced nature of the commission was based on the fact that since the chief and notables were usually of the indigenous population, their number might influence the decision of the commission to the detriment of the graziers whose interest was often defended by only one person.

Consequently, graziers argued that their low status in terms of land rights leaves them with little choice but to draw on 'extra-legal' means of acquiring access to land. Another weakness of the commission is that agricultural technicians without the opinion of livestock officials imposed the rates used for evaluating payment for damages done to crops. According to the technicians, the text in force was intended to protect crop farmers during expropriation of land for public utility such as the construction of a road or the building of a school. Therefore, such a measure could only be applied if the

7 The procedure for resolving conflicts began with the lodging of a complaint by a victim to the Chairman of FGCM who on receiving it, set up a sub commission of technical staff to evaluate the damages within three days. After this he convened a meeting attended by all commission members, the complainant and defendant who deliberated and agreed on concrete measures to be taken. Funds for the functioning of the commission were to be provided by the Ministry of Lands.

destruction was total, complete and permanent. But surprisingly, the destruction of crops by cattle was often partial and even when it was total or complete, farmers still had the opportunity to replant or cultivate the crop again. Yet, in such circumstances, graziers were still expected to pay for the damages. This critique would have been better appreciated if livestock officials proposed a better option like using current market prices in each locality while appreciating other factors such as labor.

Apart from setting up legal frameworks to guard against conflicts, three administrative policies were also put into use, namely the demarcation of land, mixed farming and the barbed wire scheme. The systematic and malevolent opening up of farms in the middle of authorized grazing areas was another major cause of FGCs simply because there were no clear-cut boundaries between farming and grazing land which led to cattle trespass and crop damage (FAO). The Senior Divisional Officer (SDO) of Menchum expressed the necessity of such demarcations in 1965 when he said that:

> Since I took over this Division in March, I have from time to time been worried by the inhabitants because of farm damage by cattle. The trouble here is that no farmer-grazier boundaries have been defined. This has caused the cattle owners to build their *rugas* near farms and villages and graze anyhow. Many of the Mbororo have no *gainakos* and the result is constant farm damage… Some Mbororo have made large farms in the grazing areas and if the law was followed strictly, they ought to have been prosecuted… If we allow the Mbororo to farm in the grazing area and fence their farms, then the indigenous inhabitants are equally right to do so since no grazing boundaries exist (SDO Menchum, 1965, p. 10).

At that time graziers were actually settled with their animals close to the main villages. Since their number was insignificant, they pursued a *laissez faire* attitude that paved the way for the frequent invasion of farms by cattle. Following the SDO's observation, it was realized that the demarcation of land was a *sine quo non* for peaceful coexistence between farmers and graziers. Dr. Jeffreys had begun the task of demarcating grazing land in the Bamenda Grasslands back in 1941 and by 1945 had completed the exercise in the Wiya Native Authority Area in the villages of Sinna, Nsob, Ntumbaw and Ngelu.[8] He also started the same work in Nso and completed about half of the Nso Native Authority Area by 1945. The initial success of this project in Wiya was due entirely to the tact and good sense of the *Ardo* and the local chief. But the rapidly increasing demands for land by both graziers and farmers slowed down the process and even killed the initiative. From every indication, demarcation entailed that specific areas, particularly the

8 Dr. Jeffreys was a British administrator who was given the task of demarcating land in the Bamenda Division. He did his work from 1941 to 1945 in parts of present day Donga Mantung and Bui Divisions where these villages are presently found.

hills, ought to be left for grazing while lowland areas were to be left for farming. This was risky because the erosion of soil was more likely to occur on the highlands and to aggravate the conflicts. Therefore, from the point of view of soil conservation, the demarcation of land did not strike at the root of the problem because it did not safeguard agricultural requirements.

In this connection, Kaberry noted that it was not simply a matter of giving land in the valleys to women and on the hilltops and upper slopes to cows; it was a matter of good black soil being kept for farms since women needed some valley land and some land on higher slopes for their different crops (Kaberry, 1959). Her point of view gave the impression that the policy of demarcation was unworkable as a measure to curb FGCs. This was as a result of its high cost, time factor and hostility from the indigenous inhabitants who viewed it as a means of permanently alienating their land. Since this policy was actually a potential source of more conflicts, mixed farming was perceived as a better option.

The concept of mixed farming was a rotational system of farming between crops and cattle adopted by the administration to improve relations between farmers and graziers in the Bamenda Grasslands in general and Menchum Division in particular (Simo, 1997). The idea behind promoting mixed-farming was that the indigenous people would realize the advantage of farmer-grazier land interchange. At the initial stage, this design was very welcome and well suited to the indigenous system of farming whereby communal land was allowed to fallow for about four years so it could regain its fertility (Njeuma & Awasom, 1989). The fact that cattle were left to graze on such land also meant that cow dung added to the fertility of the soil (personal communication, December 18, 2005). The government of West Cameroon made many attempts to encourage mixed farming. According to the Permanent Secretary in the Ministry of Local Government in a letter to the Prime Minister:

> … It is government's policy that the Mbororo should be regarded as Cameroonians… [since] the great national asset represented by [them] cannot be fully developed in an atmosphere of suspicion, distrust and violence… This ministry is therefore making strenuous efforts to reduce the present animosity between farmers and graziers… and a group consisting of two farmers, two graziers, the Secretary of State for Local Government and myself are flying to England to attend a course on mixed farming (Local Government Permanent Secretary, 1962, p. 1).

The West Cameroon government took such measures after realizing that, since reunification, there was growing friction between the Mbororo graziers and the farmers on whose land they grazed their cattle.

Though the steady growth of human and cattle population provoked this escalation, the situation was aggravated by the aggressive attitude of the farmers who claimed exclu-

sive rights over the land thereby making the Mbororo uncertain about their status and security. After several trials in various parts of the NWP without satisfactory results, the program was abandoned in the early 1960s in view of the fact that there was a feeling of mistrust by the indigenous inhabitants of the Mbororo as well as a lack of interest and experience. Over and above all, "the main explanation for the failure of the scheme was that the Mbororo way of life had not yet evolved to a more 'sedentarized' system as it can be observed today" (Simo, 1997).

Although mixed farming was not new in the administrative reports, its widespread implementation was seriously considered in the 1950s. It involved the alternate use of land wherein a section of a plot of land was reserved for farming while grazing took place on another one. After several years of activity, farmland would be transformed into grazing land and vice-versa (personal communication, January 2, 2012). This approach to farming enabled crops to grow on former pasture-land that had been fertilized by cow dung, while cattle throve on a new type of vegetation on the former farmland. In order to cause indigenous farmers to appreciate the advantages of coexisting with Mbororo herders, the government opened mixed farms at Babungo, Oku, Nso and Wum in the 1940s (Njeuma & Awasom, 1989). They were to serve as experimental and demonstration farms to the local people. The first farm was the Bambui experimental and demonstration farm which was started in 1944 with a 100 percent Mbororo staff. But by 1951, only one Mbororo herdsman was still in the farm, the rest having deserted, probably due to Mbororo dislike for permanently staying in one area. Local people were however recruited to fill the space created by the departure of Mbororo. The Nso demonstration farm was started in 1952 and the main activity was planting of kikuyu grass on two acres for the purpose of initiating the diversification of sources of pasture. In this way, Mbororo herders would be able to generate their own pasture and put an end to free range grazing.Four bullocks and six young bulls were put into use and they produced fifty-six tons of manure prior to February 1954. The agricultural department realized that it was a failure because most of the young men who had been recruited in 1951 showed little inclination to work on their own. They were not interested in making farming a career and instead looked forward to white collar jobs like secretaryship and teaching commanded more prestige in the colonial society. After several trials in various parts of the NWR without satisfactory results, the program was abandoned in the early 1960s mainly because of a feeling of mistrust by the indigenous inhabitants of the Mbororo as well as a lack of interest and experience (Simo, 1997). Over and above all, "the main explanation for the failure of the scheme was that the Mbororo way of life had not yet evolved to a more 'sedentarized' system".[9]

9 Although mixed farming was rejected in the 1960s as unworkable, some farmers resorted to it some 30 years later. It gradually gained grounds in the area as the *modus operandi* owing to its numerous advantages. No wonder that by 1999, many farmers and herders in Wum, principally

When the colonial and post-colonial administration realized that there was resistance to mixed farming, the barbed wire scheme was introduced. This design entailed the construction of cattle proof fences using barbed wire to enclose crops or cattle in order to prevent destruction. This plan that began in the early 1950s went into full force by 1960. According to Simo, it was "proposed by an adult education officer, Elizabeth O'Kelly, who came to Cameroon in 1950" (Simo, 1997). Although it was proposed mainly to NAs, government eventually realized that if the Grassfields were properly managed, both categories of users would realize that their interests were complementary and not opposed.In this regard, fencing projects were started wherever cattle damage was consistently heavy. Transport facilities, rolls of wire and nails were provided by government for gratis. The quarterly report for the period July to September 1972 by the Wum farmer-herder inspector assessed that "the scheme is running well. Three cattle proof fences have been completed at Waindo, Naikom and Mbinjam. Other four fences were started and have not been completed at Esu, Bum, Mmen and Kuk. About twenty-four rolls of barbed wire and nails were used" (Divisional Archives Wum 1972). The following year, he embarked on fencing areas in Weh and Kumfutu. Yet in spite of the numerous resources mobilized to ensure its success, the scheme was short-lived because it faced a multitude of difficulties in that:

> There was resistance from traditionalists and herders… most husbands were unwilling to devote free labour to setting up the farm enclosures: crop farming was 'women's business' and of course the Mbororo disliked the idea at the time. Even temporary protection round farm areas was resisted by many on the grounds that users might as a result claim property in fenced land from lenders… In the past, farm tracts had been protected by special plants and mystical devices. The barbed wire, especially since it was a free gift, was suspect as an alien device (Simo, 1997, p. 387).

Even though government provided material for the fences, their actual building was the responsibility of the beneficiaries and since this was work for men, women were always helpless without them. When the men proved unwilling to cooperate with their wives because they looked upon the scheme with suspicion, it ran into difficulties.

It is necessary to examine the proposals and recommendations for resolving conflicts already mentioned earlier. In 1962, FAO officials realized that the farmer-grazier problem was the greatest impediment to the economic development of the area and so needed urgent attention. This, therefore, gave them an opportunity to propose solutions to solve it. They recommended the creation of a farming zone where the indigenous peoples' rights to land were completely guaranteed and unlimited. But these people were not to

Alhadji Nguni, Mathias Ndong, Godfred Ita and John Fru Ndi had invested a lot of resources in the scheme.

sell, rent or abandon their portions of land. The advantage of this proposal was the fact that if the woman farmer knows that she will have to farm the same plot forever, it will compel her to pay more attention to the advice on better cultural practices, use of better varieties and soil conservation (FAO, 1962). Long-term settlement contracts on pasture land whose duration was twenty-five years were to be made between government and graziers. After this period, if the community had extended in such a way that it needed more land, the contract of the nearest located pastures was not to be renewed and the land would be taken over without any sort of payment or compensation. This scheme envisaged a lot of advantages such as suppressing FGCs automatically, restricting cattle to areas where there would be less walking and much rotation,[10] making the collection of manure feasible, reducing the number of cowboys so that "the Fulani himself would find time for more interesting activities than the eternal and dull watching of cattle" making possible the inventory of pasture reserves and above all, obliging the Fulani to readily invest in fences, water points, buildings, and anti-erosion measures because he would have acquired security and guaranty for twenty-five years. This design equally made provision for mixed farming in the sense that patches of land on the farming zone could be used for grazing while farming would equally be allowed in grazing zones with the farmers having the compulsion to build fences (FAO, 1962). But these noble goals remained a paper tiger because local authorities were not willing to implement them.

In 1973, the governor of the North West Region, Guillaume Nseke, created what became known as the Nseke Commission. This was prompted by the march of Aghem women to his office in February 1973 to draw his attention to the seriousness of the conflicts in their locality. The task of the commission was to "proceed with the delimitation of grazing areas in Wum Central Sub Division" which was effectively donein addition to recommending that farmer-grazier boundaries should be made. It equally declared that all land in Magha, Waindo, Kusu, Wanengwen and Naikom should be for farming and that all cattle in these places be moved to grazing areas. Although these recommendations were actually implemented on the ground by cattle control officers, their effectiveness was short-lived. This is because as soon as the technicians left the field, indigenous traditional rulers invited the graziers to return to the same areas which had clearly been earmarked for farming by both the recommendations and their effective execution (Koumpa Issa Commission, 2004).

The non-implementation of the recommendations of the commission provoked women in Wum to stage other demonstrations in 1979 over the destruction of their farms in the

10 Pasture is easily ruined when cattle walk a lot due to trampling. With the proposed system, the cattle is kept on restricted areas which, when properly managed, have carrying capacities equal to three to four times the capacity of unmanaged pastures. Cattle that walk less, fatten and grow faster as well as multiply better.

heart of the farming season by Mbororo cattle. They organized themselves into a crowd of over 6,000 that barricaded the palace of their traditional ruler to seek the immediate expulsion of the Mbororo herders from Wum as the only solution to the problem of cattle trespass. They all appeared in white painted faces with clubs in their hands and some carrying children on their backs. When the paramount ruler tried to appease them, they instead accused him of complicity with the Mbororo because of material gains. By 2003, another traumatizing farmer-grazier skirmish broke out in the Aghem clan. This was when cattle occupied farming areas leading to the destruction of crops. The indigenous farmers demanded the evacuation of cattle in the areas and the payment for damages. The 2003 Aghem women's strike attracted the attention of Governor Koumpa Issa who set up another commission to probe into the perpetual agro-pastoral conflicts in Wum, carry out necessary investigations and propose definite realistic and concrete solutions (Ngwoh, 2006). After working for two months holding meetings with stakeholders, using documentation and making field visits, members of the Koumpa Issa Commission advanced short, medium, long-term and global recommendations. In the short-term, thirty-seven graziers who were occupying farmland were to move their cattle to grazing areas of their choice with immediate effect.[11] The medium term recommendations were to take effect from the next farming season (2005) and involved eight graziers on farmlands in Zongefu. These were to own their compounds and areas around them for viable living but to evacuate their cattle to recognized grazing areas of their choice. In the meantime, areas in Wum and Esu occupied by the Elba ranch were to remain communal grazing land. Under the long-term plan, individual farmers were to own permanent pieces of land while graziers were to practice intensive modern grazing, pasture development and paddocking. The global recommendations talked of the permanent suspension of grazing permits and government financing of all operations related to the implementation of these recommendations.

In Mezam Division, an inter-ministerial commission was set up in 2003 by the President of the Republic "to probe into the conflicts between the Mbororo of the North West Province and El Hadj Ahmadou Danpollo". The commission was chaired by Magistrate Leonard Jani and carried out its work from the August 15, to December 17, 2003. This consisted of interviews of the parties and their witnesses, field visits to the areas in dispute and working sessions with administrative authorities. In its report, the commission made three proposals to the Presidency of the Republic which were further transmitted to the head of government for implementation one year later. These recommendations were that the legal boundaries of Elba Ranch were to be retraced and limited to 4,726 hectares as embodied in Land Certificate N° 140 Menchum of December 1, 1989. In

11 Prefectorial Order No. 42/2003 of February 19, 2003 had earlier identified twenty-six graziers while the commission fished out eleven. The fate of Mathias Ndong, ArdoUmaru and AlhadjiGuni was unsettled because of the huge investments they had made.

the same vein, his transhumance grazing land was to be restricted to the initial area of 1,335 hectares. He was also to ensure the payment of accrued compensation to victims of destruction in Kedjom Keku amounting to 49 161 910 F CFA whose expropriated lands were be returned to them The defendant simply ignored this decision because this ill-fated land grabbing attitude was allegedly developed with the complicity of state and traditional authorities. It actually incensed a cross section of the people who depended solely on land for their livelihood.

Conclusion

In the heat of the incessant conflicts between farmers and graziers from 1947 to 2006, stakeholders in Menchum Division did not remain apathetic as they made enormous efforts to eradicate the gangrene that had constituted a veritable economic, social and political impediment to their progress. They resorted to the instruments of conflict prevention in the form of legal frameworks instituted by competent authorities to thwart the occurrence of FGCs and to settle them when they occurred. These included the Native Authority cattle control rules of 1947, the control of farming and grazing law of 1962 and Presidential Decree No. 78/263 of July 3, 1978.

In addition, administrative strategies were put in place to restrict farming and grazing to certain areas so as to preserve soil fertility and pasture, prevent soil erosion and, above all, avert rows between farmers and graziers. To achieve these, the demarcation of land was carried out, the barbed wire scheme was introduced, mixed farming was put into practice, meetings were held while commissions of inquiry were set up. The observations and recommendations of these commissions were intended to facilitate the achievement of the set goals. But all this was like throwing water on a duck's back because conflicts continued to persist and instead developed new ways of manifesting.

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Burundi: Capturing the Complexity of the Conflict in the 1990s

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Abstract. *There have been different conflict mapping approaches to understand the complex and chaotic nature of ethnic conflicts. Sandole's three pillar approach (1998) can be applied to capture the complexity of the Burundi conflict in terms of causes and conditions perspective. In this paper, the Burundi conflict is examined within the time frame of until the 1990s by the conflict analysis of Sandole's conflict mapping. First, the conflict parties are investigated with the emphasis on conflict issues, objectives, means, orientation and environment. This paper explains how the Burundi conflict between the Hutu and the Tutsi involves factors at each of the four levels of analysis. The suggested conflict mapping addresses the underlying causes and conditions of the conflict at each of these levels and captures the complexity of the conflict in order to affect negative and positive peace. It is important to note that Sandole's conflict mapping can provide an important tool to shed light on the deep-rooted and protracted nature of the Burundi conflict to be understood by the conflict resolution and peace science theorists and practitioners.*

Keywords: *Conflict mapping, Burundi, Sandole's Three Pillar Approach, the complexity of the conflict, conflict analysis, conflict causes, conflict typology.*

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Introduction

This paper aims to analyze a multi-level theory of the causes and conditions of violent conflict, to examine the likely causes and conditions of the violent conflict between the Hutu and the Tutsi in Burundi and, hopefully, to set forth a possible intervention design that addresses the complexity of the conflict. There are certain causes and conditions of violent conflict that can potentially be operative in any conflict. These causes and conditions can be found at four levels of analysis: individual, societal, inter-

national and the ecological level. In order to analyze the roots causes of the Burundi conflict in terms of "explanation" and "understanding", the Sandole's Conflict Mapping Model can be used to combine four different orientations to conflict, Realism, Idealism, Marxism and non-Marxist Radical Thought (NMRT) and two approaches dealing with conflict (competitive and cooperative) (Sandole, 1999; Waltz, 1959). These factors include: elements of human nature, which include certain physiological/ psychological factors; the structures of domestic society which include political, economic and social systems; international (Sandole, 1999; Waltz, 1959; North, 1990) and the effects of the local and world ecological system (Sandole, 1999; North, 1990).

The theory of conflict–as-startup conditions and conflict–as-processes is applicable at all levels of conflict. Conflict–as-startup conditions are the original factors that instigated the conflict. Beyond a certain critical stage of the escalation of a conflict, a conflict can become self-perpetuating and through an interactive process become an independent source of the continuation and development of the conflict itself (Lund, 1996; Sandole, 1999). If the conflict–as-start-up conditions are not addressed, even when the conflict, as process, comes to an end, the conflict may periodically resurface until the underlying causes and conditions that started the conflict are resolved (Sandole, 1999). In the Burundi conflict, the conflict–as-start-up conditions have never been resolved. Consequently, although there have been peace agreements and reforms intended to resolve the conflict, the resolutions have been short-lived and the conflict continues (Burton, 1997). Sandole's model has been applied to analyze other conflicts in different parts of the world (Özçelik, 2006; 2014; 2015).

In Sandole's conflict mapping model of the three-pillar framework, the conflict can be analyzed and resolved at any level. Under Pillar 1, the model underlines parties, issues, objectives, means, conflict environment and conflict orientation and handling. Under Pillar 2, the model emphasizes the causes and conditions of the conflict. Pillar 3 is about conflict intervention design and implementation. Under parties, it is possible to distinguish between individuals, groups, organizations, societies, states and regions. Sandole underlines that the decision makers are always individuals within any type of party. Under issues, the parties present the reasons why they wage conflict with one another. In a structural conflict, the parties focus on the issues that aim to change or maintain existing political, economic, social or other systems (beliefs/values, biological or physical systems). Nonstructural conflicts are only dealt with tools to achieve some objectives within existing systems. Issues can be categorized in realistic such as territory or nonrealistic such as emotional and psychological issues. When the parties attempt to use conflict over certain issues, their objectives can be territorial, physical or psychological. Their objectives are also status-quo-changing or status-quo-maintaining. If the party wants a change of system, it can be the status-quo-changing. If a minority attempts to use conflict for achieving self-determination, it has status-quo-changing objective. If the party wants stability or preservation of the system, it can be catego-

rized as the status-quo-maintaining. When a nation-state aims to preserve territorial integrity, it has status-quo-maintaining objective (Sandole, 2007).

The conflict means refers to the application of violent and nonviolent tools in the conflict to achieve the parties' objectives. Sandole applies Rapoport's Fights, Game and Debates concepts to explain the conflict means. When the parties are in fight mode, they see each other as enemies and exert to destroy each other. When they are in debates mode, they perceive each other as opponents and try to cheat each other. In debates form, the parties consider each other as opponents and attempt to persuade each other with the help of third-party. Conflict handling orientations could be between competitive-cooperative continuum including five main conflict resolution styles: competition, avoidance, accommodation, compromise and collaboration. Competitive parties are more inclined toward a Realpolitik approach with the mixture of Hobbesian and Machiavellian views of human being and philosophy. This approach can be associated with destructive outcomes. Cooperative parties are related to the Idealpolitik approach that believes the mixture of Wilsonian idealism and Kantian liberalism with a good view of human nature. Parties usually get involved in negotiations and the Idealpolitic approach is associated with constructive outcomes.

There are two significantly different schools of thought concerning the nature of man. One is that man is inherently aggressive and potentially violent by nature, the other is that aggression and violence are a result of nurture. The theorists under the nature school of thought attribute man's aggressive behavior to his natural biological, physiological and psychological make-up (Öğretir-Özçelik, 2017b). This school of thought is personified in *Realpolitik* thinking. Under the *Realpolitik* thinking, man's inherent aggressiveness derived from primal evolution and violent behavior is the underlying cause of violent conflict. According to the *Realpolitik thinking*, mankind's behavior can just be controlled and contained as much as possible by competitive, deterrent strategies, such as through punishment, police power and power politics, but can never be eliminated (Sandole, 1999; Vasquez, 1993; Burton, 1997). In contrast to the *Realpolitik school* of thought is the *Idealpolitik* school of thought which includes those theorists who argue that aggressive and violent behavior is learned and therefore can be modified and replaced with more constructive, cooperative behavior through learning and changing the environment (Sandole, 1999). A change in environment can be effectuated through a change in structures. Conflict environment refers to multiple environments such as cultural, religious, economic, political and institutional in which conflict emerges, escalates, and de-escalates in a cyclical manner. Sandole cites endogenous and exogenous environments typology of conflicts. Conflicts are endogenous when they are the parts of a larger system that has its own mechanisms for maintaining a steady state within the conflicting systems. Parties use mechanisms and strategies for controlling or resolving the conflict between the subsystems. Conflicts are categorized as exogenous when there are no larger systems to exercise control or resolve the conflict (Sandole, 2003).

On the individual, societal, international and ecological level, the lack of non-competitive, adversarial, coercive processes and structures designed for conflict resolution can in itself be an underlying cause and condition of violent conflict (Vasquez, 1993; Burton, 1997). However, it is sometimes necessary to use both competitive and cooperative conflict resolution processes in order to affect negative and positive peace. The endogenous conflict environment in which the Burundi conflict has occurred has been a critical factor in the duration and intensity of the conflict. This paper only focuses on the Burundi conflict up until the 2000s. This paper explains how the Burundi conflict between the Hutu and the Tutsi has been escalated by using the Sandole's conflict mapping approach with Pillar 1 and 2. The suggested conflict mapping addresses the underlying causes and conditions of the conflict and captures the *complexity* of the conflict in order to affect negative and positive peace.

Conflict Analysis

Parties

In the conflict analysis field, it is common to make a distinction between the roles of primary, secondary and third parties. It is necessary to find answers the question who are the parties – primary, secondary and third parties. The primary actors are directly involved in the conflict, for example as warring parties. They are central to the conflict. They interact directly with one another. They can escalate, de-escalate or resolve the conflict during the conflict cycle. In the Burundi conflict, the primary parties were as follows: the Burundian government, Tutsi and Hutu rebel groups, the Burundian armed forces and civilian Burundians. The secondary parties are thought to be supporting the primary actors of the conflict, such as allies or supporters. They have an interest in the conflict but are not interact with other parties directly. In the Burundi conflict, the secondary parties are labeled as Hutu and Tutsi in Rwanda and regional actors in the Great Lake Region (Burundi, Rwanda, Uganda, Democratic Republic of Congo, Tanzania). Other secondary parties are extra-regional and international actors like the United States, France, Belgium, South Africa and Canada. The third party is not directly involved in the conflict. However, it aims to work toward a solution of it. One of the most important roles of the third party is to establish direct contact between the primary parties. Third-party interveners were the United Nations, the Organization of African Unity (OAU), the European Union (EU) and Nelson Mandela. When we analyze the parties in the conflict, it is important to describe the nature of power relations between or among the parties, their leadership, their main goals in the conflict and the potential for coalitions among the parties.

The relationship between the Hutu and Tutsi is asymmetrical and unbalanced in terms of power, access to resources and access to authority (Sandole, 1999). The Tutsi and Hutu have shared a common history in Burundi since the 14th Century. At that time, the Tutsi

cattle-herders migrated into Burundi, which had already been inhabited by the Hutu cultivators for several centuries. The Tutsi established a feudal system over the Hutu that was structured as a unified kingdom in approximately 1550 A.D. Between 1885 and 1962, Burundi was colonized by the German and Belgium. The Belgium ruled through a neo-colonial system in which they placed the Tutsi as the ruling class. The Europeans injected their value system in which superiority was imputed to the Tutsi because their physical features more closely resembled the Europeans. However, up until that time, the terms *Tutsi* and *Hutu* were considered a form of identification of social class, as opposed to ethnicity. The Tutsi were the ruling class and Hutu the peasant class. It was even possible, although rare, for a Hutu to rise to the Tutsi class. During this time, Rwanda and Burundi were ruled by the Belgium as one principality, Ruwanda-Urundi. Both Burundi and Rwanda obtained their independence in 1962. The Tutsi have continued to hold the dominant position in society, except during brief periods of democratic reform followed by the re-establishment of control by the Tutsi by force (International Business Publication, 2013). By the end of 1965, a distinct Hutu political consciousness began to form in response to increasing exclusion from politics. Sandole would characterize the perceived socio-political inequality and power imbalance between the Tutsi and the Hutu and accompanying events up to this point as conflict-as-start-up conditions (Sandole, 1999).

In 2000, there was an interim government with a power-sharing arrangement between the Tutsi-dominated ruling party, the UPRONA and the Hutu-dominated party, FRODEBU, pending further negotiation and implementation of the Arusha Peace Accord of August 2000. Both Hutu and Tutsi government officials and delegates at the peace talks have been accused by more militant Hutu and Tutsi of "selling out" to the opposing party and not representing the true interests of their respective populations (Reyntjens, 2000; Dravis & Pitsch, 1998). This, no doubt, places many of these government and peace talk representatives in a quandary. Such a quandary could create a type of intrapsychic conflict characterized by Thompson and Van Houten as a *multiple position* conflict (Sandole, 1998). The representatives must serve their duties as government officials or peace talk delegates. In doing so, at least ostensibly, they must give some credence to the validity of the process. At the same time, as an individual Tutsi or Hutu, they are subject to experiencing the same fears, distrust and insecurities of other members of their communal group based on the history between the Tutsi and Hutu.

In 1972, Hutu insurgents killed Tutsi civilians during an attempted coup. In response, the Tutsi-dominated army initiated systematic massacres of Hutu. Approximately 80,000 to 100,000 Hutu were killed by the genocide of the government. Educated and young Hutu were particularly targeted in the genocide in order to incapacitate a future Hutu leadership cadre. The Burundi government radio broadcasted messages after the deaths that the recent *tribal* clashes were due to a "psychosis of fear" which pervaded the population (Dravis & Pitsch, 1998).

Subsequently, in 1988, as many as 50,000 Hutu were massacred by the Tutsi-dominated army. In 1993, an estimated 150,000 civilians, the majority of whom were Hutu, were cited as victims of genocide by the Tutsi. Since 1996, approximately 250,000 Hutu have died during the armed conflict (Dravis & Pitsch, 1998).

The original genocide has become incorporated into the identity of the Hutu as a chosen trauma, which is reinforced by the subsequent genocide. The massive genocide of over 800,000 Tutsi by the Hutu-dominated government in neighboring Rwanda in 1994 is the chosen trauma for the Tutsi (Özçelik, 2013). The leadership of each group invokes the memory of these events in their constituency as convenient to marshal the support of the people. Many Hutu and Tutsi have deep-rooted enemy images of each other as despicable sub-humans. On the other hand, many Hutu and Tutsi are intermarried with each other and have historically often shared the same villages. The physical features of many people in Burundi are not distinguishable as either Tutsi or Hutu (Cyr, 2001).

Issues

The conflict between the Tutsi and Hutu involves issues of structure, relationship and control over resources and interests. The conflict can be characterized as a realistic conflict with an unrealistic component involving a chosen trauma and role defense. The power imbalance as the conflict-as-start-up condition is real (Lund, 1996; Sandole, 1999). However, the fear of genocide and extermination by each group has a real conflict-as-start-up condition component and an unrealistic component that has become part of the conflict-as-process. The chosen trauma is then used by certain Tutsi leadership in *role defense* to polarize Burundians and thereby strengthen their support and quell any dissatisfaction with their leadership. Hutu leaders invoke the chosen trauma of the genocide of the Hutu as a basis for their insistence that no Tutsi can be trusted in power over Hutu (Özçelik, 2016).

Objectives

The Tutsi and the Hutu in Burundi appear to have diametrically opposed goals in the conflict. Both groups seek control over the nations' political and economic resources and fear extermination by the other if they do are not in control. The Tutsi in Burundi are seeking the maintenance of the status quo under which they control the government. The Hutu, realizing that they are in a structurally violent relationship with a hegemon, are seeking the revolutionary goal of changing the form and leadership of the government from a military regime to a democracy in which the Hutu would enjoy majority rule.

Means of Pursuing

The conflict is at an aggressive manifest conflict process stage. That is, the parties are seeking mutually incompatible goals by physically injuring each other and destroying the high-value symbols of each other. There are between 1,000 to 2,500 people dying monthly as a result of alleged genocide, armed rebel attacks and counter-attacks. Over 400,000 Hutu civilians have been internally displaced from their villages and homes. There are over 350,000 refugees in Zaire and Tanzania (Minority at Risk, 2004).

However, the conflict is also being pursued on another level as a manifest conflict process. Since the inception of the conflict, in addition to the use of assassinations and military coups, the Hutu and Tutsi are seeking control over the government through the political process and policy. The Tutsi have historically denied the Hutu equal access to jobs, especially jobs of any authority in the government, and the Hutu are virtually excluded from the military. After certain attempts were made for democratic reform, there was increased inner dissension between Tutsi subgroups because some Tutsi opposed the reforms. In response to internal dissatisfaction amongst the different Tutsi political parties, leaders have used the Hutu as scapegoats. The leaders point to the Rwanda genocide of the Tutsi as an example of what will happen if the Hutu gain control. For the same reasons, the government has also used their neighboring countries as scapegoats and accused them of instigating the conflict and of harboring and supporting Hutu rebels. Foreign missionaries and Catholics have also been blamed as scapegoats for Burundi's problems.

Conflict Orientation

The parties have used a predominantly competitive conflict orientation that is exemplified in the armed conflict, but also in their approach to the political process. *Realpolitik* is the predominant mode of thinking of both parties. Given the fact that the Hutu were not historically known as an aggressive, violent people and made their living by cultivating the land, it is arguable that they initially resorted to a competitive conflict orientation as a result of the prolonged frustration of their basic human needs which resulted in frustration-aggression driven violence as a means of seeking relief (Burton, 1997; Öğretir-Özçelik, 2017a).

Notwithstanding the history of overthrows of governments by force through assassination or military coupe, even the electoral process has been adversarial in nature. All of these approaches have been on a zero-sum basis because the win of an election by the Tutsi-dominated party or the Hutu-dominated party has been perceived as a lost by the non-prevailing party even when there is provision for representation in the parliament and on other seats in the government.

However, ever since independence, at various points in time, certain leaders and other members of the society have attempted to resolve the conflict through consensual

means. The most recent effort was in the Arusha Peace Talks facilitated by Nelson Mandela, which led to the Arusha Peace Accord. Delegates to these talks and others are still meeting to attempt to end the conflict by a negotiated agreement. However, there is much resistance to the process by certain rebel groups who refused to participate in the talks and by the government which has not made much progress in implementation since the Agreement's signing in August 2000 (Bentley & Southall, 2005). In fact, the Agreement had not even been officially endorsed by the Burundian parliament yet. One of the most contentious issues has been whether a Tutsi or Hutu will head the interim transition government contemplated by the accord until certain structural changes are made and an election is held. There are also issues remaining concerning the release of political prisoners, the shutdown of the regroupment camps and the percentage of guaranteed representation of Tutsi in the Parliament. Mandela convened another meeting of the delegates in Arusha in December, 2000 to attempt to move the peace process forward. Mandela has questioned the sincerity of the delegates in actually implementing the Agreement. No cease-fire was achieved (Southall, 2016).

Conflict Environment

The conflict environment is exogenous. That is, there is no super system to exercise control or to resolve the conflict (Sandole, 1998). There are no internal mechanisms for controlling or resolving the conflict because the Hutu do not recognize the legitimacy of the Tutsi-dominated government. The Tutsi dominates the executive branch, parliament, military and court system. Therefore, the Hutu have no confidence in either of these branches as mechanisms for resolving the conflict. The international community has taken a tangential role in the conflict by taking non-coercive positions against acts of genocide and violations of human rights reported in Burundi. The neighboring countries in the region imposed economic sanctions on Burundi in response to the overthrow of the democratic government by a military coup headed by the President. However, these sanctions were removed after the President made promises of instituting minimal and superficial reforms to the government to allow greater participation by the Hutu. What is more, the international community has not provided Burundi with mechanisms for resolving the dispute except to the extent of the non-binding participation of world leaders in peace talks. Direct physical intervention by peacekeeping troops has been either resisted by the international community or not insisted upon when Burundi has offered any resistance to external involvement.

All of the nations of the Great Lakes region, including Burundi, are involved in the ongoing civil war in the Democratic Republic of Congo. Burundi's troops are fighting in opposition of Congo's government and pursue Hutu rebels from Burundi over the border. There are allegations that the government of the Democratic Republic of Congo is covertly subsidizing and controlling the Hutu rebel forces.

A peace agreement was signed in 1997 after secret meetings between leaders orchestrated by the Catholic Church. The peace agreement did not address calling for the restoration of the constitution, government reform and other terms and was not successful in ending the violent conflict. However, a year later, the Arusha Peace Talks, that began in 1998 culminated in a Peace Accord in August 2000. The Arusha Peace Accord called for, but has not affected, a ceasefire and has not included two significant Hutu rebel groups in the negotiations. The Agreement set goals for an inclusive government but only established an interim government while the terms of implementation of the Peace Accord are further negotiated (Reyntjens, 2001).

The Organization of African Unity (OAU) is an organization of African nations of which Burundi is a founding member. The organization considers itself an organization of heads of states and traditionally has accepted the status quo of its members. In fact, the OAU has a policy of not interfering in the internal affairs of its members. Therefore, unless invited, the OAU is very limited in the role that it can play as an intervener in Burundi. In 1996, the OAU did approve sending a peacekeeping force into Burundi composed of troops from neighboring states; however, this initiative was subsequently thwarted by the Burundi military by blockading access into the country (Akonor, 2017).

However, even though the U.N. strongly condemned the killings instigated by the coup attempt and threatened sanctions, the U.N. refused to send in peacekeepers to Burundi. In the Security Council, the U.S. argued that such a mission should not be undertaken because it would constitute an open-ended commitment with no definite plan for withdrawal. The Organization of African Unity (OAU) of which Burundi was a founding member, the European Council and CEPGL, a regional economic cooperation union, joined in threatening sanctions. Also, outside actors urged that a multi-national force of African troops should be sent in to help restore order in Burundi. OAU eventually dispatched a small force to Burundi, which was logistically supported by Belgium, to protect the government and the UN sent a fact-finding mission to Burundi to investigate the events surrounding the coup. The Tutsi-dominated army and other opposition forces objected to this "foreign intervention" and protesters set up a barricade in the capital to signify their objection. The government backed away from seeking OAU intervention forces and OAU subsequently set aside its plans for maintaining a peacekeeping unit for Burundi (Lansford, 2014).

Under the present international structure, one of these actors has the power to mandate the terms or actual implementation of any agreement unless they are willing to follow through with a showing of force which they have not done. This is both because of their limited actual authority in the situation as well as the limits of their willingness to get involved in the affairs of Burundi.

Causes and Conditions of the Burundi Conflict

Ethnic conflict occurs between representatives of groups, each of whose members share significant aspects of history, tradition, language and worldview, race, religion and an in-group identity which includes "the other" (out-group) as out to get them (Sandole, 1999). Sandole also defines ethnic conflict as when a member of a linguistic, ethnic or racial group attempt to prevail against and at the expense of each other. Sandole (1999) points out that these conflicts have other dimensions, political, economic and environmental.

The conflict between the Tutsi and Hutu is by this definition an ethnic conflict. Ethnic conflicts are not necessarily confined to the boundaries of a nation- state. The primary actors in the Burundi conflict, the Hutu and the Tutsi, share ethnicity with citizens of Rwanda, Tanzania, the Democratic Republic of Congo, Uganda and other neighboring countries in the Great Lakes region of Africa. In addition, there are some Hutu and Tutsi refugees and rebel bases throughout the entire Great Lakes region. Each government in the region has accused the other of harboring or assisting rebels in their country. Consequently, the conflict is *interlocked* with the Rwanda and Great Lakes conflict. However, the nucleus of the conflict is confined to the Hutu and Tutsi of Burundi who have their own unique history in that country (Minorities at Risk, 2004).

An underlying issue throughout the conflict has been who will have the right to control the territory of Burundi, the Hutu or the Tutsi. Vasquez (1993) has stated that fights over territory are the most compelling causes of war or violent conflict. As an agrarian society with a subsistence economy, the Burundian people's primary source of livelihood is the land upon which they live. The government controls all of the resources of the country and is the only other significant source of revenue and employment. These facts have only contributed to the intractability of the conflict because of the relationship between the Burundian's very survival and control over the country. The failure of power politics as a mechanism to resolve Burundi's territorial conflict has reinforced the Burundian's innate tendency to resolve such conflicts by aggression and violence (Vasquez, 1993). In addition, it has triggered the *frustration of needs aggression cycles* of violence that is a natural outcome of *Realpolitik* thinking and that has made the conflict very difficult to resolve by cooperative means.

The first post-colonial Tutsi king initially seemed to attempt to balance competing ethnic interests by dividing top government posts between Hutu and Tutsi. The level of value expectations of the Hutu for equality was even further heightened by the reforms to the political structure (Sandole, 1999). However, when the Hutu won a majority in the Parliament and elected a Hutu Prime Minister, the King nullified the election and appointed a Tutsi Prime Minister. The king also attempted to transfer power from parliament to the Tutsi King. The actions of the King created a feeling of *relative deprivation* on the part of the Hutu. The appointment of Hutu to government posts also may have

created a sense of *rank disequilibrium* when membership in parliament was not also allowed. The Hutu, as a group, were in the contradictory position of being on top in one stratum and yet not allowed to do so in another, even after trying to achieve legitimacy within the existing political structure (Sandole, 1999). Consequently, the King's actions prompted a failed coup by Hutu to overthrow the government. This violent response is consistent with the theories of Ted Robert Gurr (1970), Galtung (1969) and Sandole (1999) that once minorities recognize structural violence and fail in attempts to fulfill their need for identity, recognition without success and frustration-aggression will cause the conflict to escalate from a latent conflict into a manifested one. If not controlled, the manifest conflict process then evolves into an aggressive manifest conflict process (Sandole 1999). The attempted coup also may be indicative of Sandole's observation that the limbic system described by McLean under his theory of schizophysiology may operate to predispose victims of structural violence toward physical violence when they become conscious of the discrepancies. Frustration-aggression may have invoked the ascendancy of the limbic brain in the Hutu coup members.

Although Dougherty and Pfaltzgraff (2001) do not agree with the applicability of frustration–aggression theories, which were originally designed for individuals to group processes, they do recognize the applicability of cognitive dissonance to internal revolutions within societies. Dougherty and Pfaltzgraff would therefore undoubtedly recognize that the dissonance created by the wide gap between the individual Hutu's ideals and operating reality provoked individual Hutu to seek to reduce the dissonance by gravitating toward a revolutionary movement and rebel activity. Similarly, Galtung (1969) observed that when rank disequilibrium is present in a system of groups such as the Hutu and Tutsi, the resulting aggression and violence may take the form of revolutions.

After the 1988 massacres, Belgium terminated its security cooperation pact with Burundi but France continued to train Burundi troops. In response to pressure from Belgium and others in the international community, military regime president Buyoya instituted reform measures with the stated objective of addressing the nation's *ethnic conflict*. These reforms included: the establishment of an equal number of cabinet positions for Hutu and Tutsi, recruitment of Hutu into the civil service and the appointment of a Hutu Prime Minister. The reforms also included the establishment of a national commission to study ethnic violence described as a commission on "national unity" with an equal number of Tutsi and Hutu appointed to serve on the commission, the repeal of previously promulgated anti-Catholic Church policies and the appointment of ethnic Hutu soldiers to the President's personal guard. Before 1988, reform efforts had primarily consisted of hollow appeals for unity with little or no substantive follow through. These reform measures were met with the resistance of many Tutsi but raised the expectations of Hutu to new heights. There was also great discord among ruling elites in response to Buyoya's liberalization program. Local Tutsi administrators continued repressive and discriminatory measures against the Hutu (Prendergast & Smock, 1999).

In 1991, a National Unity Code was endorsed by 89.1% of the voters. The Charter called for the ending of military rule, restoring the constitution and ensuring harmony between Hutu and Tutsi. A National Unity Code was subsequently issued which pledged equal rights for Hutu, Tutsi and Twas and which condemned political violence. A national reconciliation committee composed of politicians, church figures and ordinary citizens prepared the Code. Later that same year, a series of small incursions were carried out by Hutu exiles operating from Tanzania. Burundi accused the Rwandan press of orchestrating a propaganda campaign against the country and of supporting Hutu rebels. The Party for the Liberation of the Hutu People (Palipehutu) launched attacks in northern towns that were done in some people's view with the hope of provoking a general Hutu uprising. These attacks and the government's counter-attacks resulted in 300 Tutsi civilians being killed and 1000 Hutu killed by the army (Amnesty International, 1997).

In 1992, a new constitution was adopted which vested executive power in a directly elected president who serves for 5 years. Ethnically based political movements were banned under the constitution. This ended the official political monopoly by the Tutsi-dominated political party UPRONA for 26 years. Discontented Tutsi soldiers unsuccessfully attempted a coup to overthrow the government. In 1993, democratic elections were held in which a Hutu president from the Front for Democracy was elected with 72% of the votes, primarily Hutu. The new president sought to transform the country's political structures by naming a female Tutsi Prime Minister and opening the government to all groups. Tutsi held Nine out of 23 cabinet seats. The FRODEBU party won 68 out of 81 seats in parliament in 1993 (Cervenka & Legum, 2004). The following month supporters of the former Tutsi president attempted a coup to overthrow the new government. Later that year, disgruntled military forces revolted and assassinated the new Hutu president (Butenschon, Stiansen, & Vollan, 2015).

In 1993, a new cycle of violence began involving both Tutsi and Hutu civilians and the Tutsi-dominated military units resulting in three new waves of massacres. Both Hutu and Tutsi engaged in the massacre of innocent civilians with an estimated number of deaths at 150,000 (majority Hutu), with over one million refugees fleeing into the neighboring regions, Rwanda, Tanzania and the Democratic Republic of Congo (formerly Zaire). Another 100,000 were internally displaced. By 1994, 375,000 Burundians were registered as refugees in Zaire, Rwanda and Tanzania. By late 1994, there were an estimated 400,000 internally displaced people in Burundi, 180,000 Burundi refugees in Zaire and 150,000 Burundi refugees in Tanzania. An ethnic war ensued between Hutu rebels and the Tutsi-dominate army and security units. The conflict included individual killings and assassinations of government officials at the local, provincial and national levels, massacres of up to 400 people, including women and children. Both the Burundian and Rwandan Hutu presidents were assassinated in a plane that was shot down by a military rocket. As the genocide of Tutsi swept through Rwanda, smaller-scale violence occurred in Burundi (Scherrer, 2002).

Former military ruler Buyoya assumed power again. Economic sanctions were imposed on Burundi by other African countries consisting of an embargo on oil imports and coffee exports. Government troops subsequently killed approximately 6,000 Hutu in so-called follow-up operations. Many civilians were killed during army military initiatives against Hutu rebels. During one month, 1,000-3,000 civilians were reported killed by the army. In 1996, analysts claimed that violence in Burundi was taking between 1,000 to 2,500 lives each month. President Buyoya has remained the head of state for a long time with no permanent democratic government in place (Doxtader & Mosomothane, 2003).

In the mist of the various reforms of the political system, however, the violent conflict has continued. The question may be posed why the violent conflict appears to have not only continued but also actually escalated during the political reform period. Gurr's theory of *relative deprivation* provides a possible explanation. Under this theory, Gurr explained that the likelihood that the victims of structural violence will respond with violence is directly affected by the correlation between their value expectations and value capabilities (Sandole, 1999). The Hutu's sense of entitlement was enhanced by the reforms. Observing another Hutu rise in the government contributed to an increased expectation of greater access to the resources of Burundi. Yet, the local Tutsi 's resistance to reform coupled with their previous experience with unfulfilled previous promises of reform resulted in the Hutu feeling that there was a discrepancy between what they were entitled to and what they, in fact, were going to obtain. Moreover, the Hutu's behavior is also illustrative of Dollard's frustration-of needs-aggression theory that when people perceive structural violence, they will respond with violence particularly when the Hutu then perceived any continued discrimination against them as interference with their goal of fair participation in society at a time when they fully expected it to occur (Dougherty & Pfaltzgraff, 2001). The fact that the Hutu continued to lodge an armed struggle against the Burundian government in the face of the harsh retaliation of the Burundians is also demonstrative of Burton's premise that when basic human needs are not met, people will resort to any means, no matter what the cost to seek to have the needs fulfilled (Burton, 1997).

Another explanation for the fact that violence did not subside, even at times when apparent progress was being made, is that the conflict had already transformed from a conflict, as start-up, to become a conflict-as-process and a quasi deterministic spiral consisting of a series of action-reaction processes. This could not be terminated at this stage with just changes in the start-up conditions (Sandole, 1999).

The patterns of these cycles of violence also demonstrate how frustration and aggression are stimulated by and in turn stimulate ethnocentrism and *Realpolitik* thinking. The violence also is illustrative of how the more people become involved in the process, the more they tend to perceive and overreact to threatened and actual assaults which then lead to negative self-fulfilling prophesies (Sandole, 1999). A culture of violence had

developed in Burundi at this point as a result of the self-perpetuating/self-stimulating conflict processes that had been created by the action-reaction processes (Sandole, 1999; Vasquez, 1993). The limbic brain of both parties seemed to be dominating the neocortical brain in the conflict. The Hutu were obviously suffering the most losses from the conflict because of their military inferiority. However, even recognition of inferior capability is not enough to deter a nation or communal group from violent aggression once perceptions of anxiety, fear, threat and injury are of the magnitude as those of the Hutu in this deterministic and escalatory spiral of violence in Burundi (Sandole, 1999).

Another explanation for the continuing violent conflict and refusal of some of the armed rebels to participate in the peace process in the face of seeming progress and reform is that the Hutu had come to accept the Tutsi as their enemy as part of their sense of identity as explained in the functions-of conflict thesis. Consequently, they were psychologically invested in the continuation of the conflict as suggested by Montville (Sandole, 1999). The same could be said to be true of the Tutsi-dominated government who have not ratified the peace accord, agreed upon an interim President or made any other significant progress in implementing the Agreement.

Moreover, by way of further explanation, discriminant learning, the violent conduct had become a learned response to conflict for the rebel groups and the recalcitrant military that sabotaged the democratic government through their actions which was reinforced in the culture of violence (Sandole, 1999; Vasquez, 1993; Dougherty & Pfaltzgraff, 2001).

Similarly, George Modelski's demonstration-effect and bandwagon effect theories of international behavior are also applicable to the continuing cycle of violence in Burundi (Sandole, 1999). Burundians had conducted their political life throughout their entire post-colonial history on the basis of power politics or *Realpolitik thinking*. Just as Bandura and other learning theorists have observed about individual behavior, it can be seen how the Burundian's followed the violent model which they knew concerning how to effectuate political change, notwithstanding attempts by some Burundians to effect change through the use of cooperative processes. The demonstration-effect was exemplified by the periods of remission of the violent behavior that would then be followed by a rapid spread of a new cycle of violence that would start with a single incident, which was then emulated by others throughout Burundi.

Moreover, the Burundi conflict has been taking place in the context of a regional environment where violent conflicts have been ongoing, setting a norm and model for emulation under these theories. Burundi is actively involved in the ongoing war in the Democratic Republic of Congo in order to protect its own borders. The effect of the surrounding conflicts is further explained in the *spillover* or Sandole's multiplier-effect systemic contagion theory of international/intercommunal conflict (Sandole, 1999). The possible impact of the Rwanda genocide in 1996 on Burundi cannot be ignored. The president of Burundi and the President of Rwanda were assassinated at the same

time. It was also during the same period and after the massive genocide was occurring in Rwanda that the Burundian president was overthrown by a Tutsi military coup and a new cycle of violence began in Burundi and that the Hutu President in Burundi was overthrown (Cohen, 2007).

The uneven distribution and scarcity of resources in the region create an interdependency that enhances the likelihood of involvement of regional actors in the affairs of each other. Moreover, the influx of refugees and rebel camps over the borders of neighboring countries, all of the countries in the Great Lakes Region are also directly impacted by what happens in the other. Based on available information, it appears that the Singer and Small hypothesis that multi-polarity correlates positively with the probability of war is more likely operative in the Great Lakes Region than Waltz's premise that bi-polarity increases the outbreak of war (Dougherty & Pfaltzgraff, 2001). However, the kin-country syndrome may be a contributing factor in the continuation of the conflict due to the indirect involvement of neighboring countries in Burundi's conflict through the support of the government or the rebels and presence of Hutu and Tutsi ethnic populations in all of the countries.

Conclusion

Answering the fundamental question of the cause of war, political philosopher Rousseau stated that war occurs because there is nothing to prevent it (Waltz, 1959). In the context of the international level, the same could be said of the Burundi war. Waltz posited that wars erupt because existing political structures do not provide mankind with a consistent, reliable process of reconciling the conflicts of interest that inevitably arise. Waltz went further to state that at a minimum, the government should provide protection to the person and property of mankind. Although the international community has been involved in the Burundi conflict, the involvement has been at best tangential and equivocal. Notwithstanding the fact that over 250,000 people have died in the conflict since 1993 (Harkavy & Neuman, 2001) and 350,000 civilians were forcibly detained in 53 regroupment camps that have been described to have deplorable conditions and that there have been over approximately 475,500 internally displaced persons in cities and countryside. In early 2002, approximately 7 percent of the 6.8 million Burundians were displaced (Danevad & Wates, 2002). The international community has essentially made its involvement optional and minimal in the course of the conflict. Waltz believed that wars erupt because existing political structures do not provide man with a consistent, reliable process of reconciling the conflicts of interest that inevitably arise.

The landlocked location of the country increases its dependence on other countries for imports and limits its export ability, thereby decreasing its economic self-sufficiency. At least two million Rwandans and Burundians rely on international aid for sustenance. Tea and coffee production account for 70% or more of foreign exchange since independence

but occupies much of the fertile land area also needed for subsistence food production. This is an example of how neo-colonialism induced dependency on the former colonial markets and thereby limits the nation's opportunity for developing a diverse economy, strong local trade and a competitive position on the world market. North, Sandole and Burton have all recognized this type of induced dependency relationship between the Third World countries and developed countries that is an incident of imperialism and the world economy as a form of structural violence that will ensure that the developing nations stay in a state of dependency for the benefit of the industrialized nations (North, 1990; Sandole, 1999; Burton, 1997). The demand for coffee production contributes to environmental degradation and conflict over scarce land. The consequential economic decline and stagnation can cause frustration, resentment and the political turmoil that leads to violent conflict. Michael Lund (1996) has recognized that population growth, refugee flows and poverty can pose clear and present threats to international security. Indeed, on the international level, studies have supported a finding that strife increases with an increase in economic deprivation and that there is a correlation between political instability and systemic frustration.

This interdependency on other countries can potentially draw Burundi into the other countries conflicts and thereby become another cause of violent conflict. Burundi's scarcity of resources raise the stakes of the conflict for control over those resources and increase its readiness to enter into the conflict of its neighbors, such as has it has done in The Democratic Republic of Congo to protect its territory. The Forces for the Defense of Democracy (FDD) are fighting on the side of the Congo government against Congolese rebels who are backed by the Rwandan and Ugandan governments. FDD may be prevented by Congo President Laurent Kabilia from honoring a ceasefire.

Burundi's landlocked unproductive territory also results in little interest in the conflict by other countries that yield power that might otherwise have intervened to resolve the conflict. This has directly affected the lack of tangible assistance and intervention that Burundi has received from Western powers and the U.N. in resolving the conflict.

The Tutsi and Hutu have been involved in an asymmetrical unbalanced relationship in a structurally violent domestic and international society. The conflict between the two groups was latent up until post-colonial times when it evolved into a manifest conflict process. The conflict has been an aggressive-manifest-conflict process for the past thirty years. The conflict-as-start-up conditions have now escalated into to a self-perpetuating, negative self-fulfilling conflict-as process. The conflict erupted into a deterministic conflict spiral with action-reaction processes that can only be ended by addressing both the underlying conditions and the dynamics of the conflict f as a separate cause and condition of the conflict.

On an individual level, the causes and conditions of the Burundi conflict include the inability of the Hutu to fulfill certain basic physical and intra-psychic human needs, such

as, for identity, recognition and security because of structural violence. This has resulted in the Hutu suffering from cognitive dissonance, relative deprivation, rank disequilibrium and frustration-aggression that then lead to violent conduct. The violent conduct of both parties in dealing with the conflict may also be caused by the phenomenon of schizphiology wherein the reptile emotional part of the brain overtakes the rational part of the brain (neo-cortical) and causes the individual to act in destructive, irrational ways in response to certain stimuli.

On a societal level, the causes and conditions involve territory, distribution of scarce resources and structural violence with the emphasis on socio-psychological perspectives, namely stereotypes, prejudices and inter-group biases (Öğretir & Özçelik, 2008). The enemy may be treated as a scapegoat and blamed for the problems of the accusing government, or the focus may be on the enemy's threat to the nation or group (Özçelik, 2010). Lederach (1997) has observed that the presentation of an enemy to a group by a leader who is threatening the groups' survival equates to the uncritical support of the group leader. Therefore, Lederach posits that leaders encourage the development of enemy images and subgroup identities, fear and deep polarizations in society in order to increase the internal cohesion of the group behind the leader. As previously discussed, individuals may be particularly susceptible to such manipulation by leaders because of their individual need for enemies for their self-identity. In addition, the Tutsi have engaged in promoting negative stereotypes of the Hutu and fostering enemy images in role defense and to promote cohesion and harmony within Tutsi society. Multiple-effect contagion factors such as the demonstration-effect and bandwagon effect have contributed to the perpetuation and intractability of the conflict in Burundi.

On an inter-communal and international level, the conflicts in adjoining regions, particularly Rwanda and the Democratic Republic of Congo, have had a spillover effect on the conflict in Burundi. The colonial drawn boundaries between the nations have created an unnatural imbalance in the distribution of resources between nations and artificially divided ethnic identity groups. The multi-polarity of the region has been producing conflict. The economic exploitation of Burundi by the Germans and Belgian during colonial times, when the land was used for coffee and tea plantations and subsequent global economic practices, have left Burundi economically dependant and unable to sustain its rapidly increasing population with its agricultural sustenance economy. The ecological factors of the scarcity of resources created by overproduction of the land, overpopulation and environmental degradation also constitute causes and conditions of the conflict.

The *Realpolitik* conflict orientation of the society has not only served as a cause of the conflict but also has prevented its permanent resolution. Interventions in the past based on competitive processes have been unsuccessful. Many of the conflict actors have a self-serving interest in perpetuating the conflict and others have incorporated the con-

flict into their very identity. The conflict environment in the past was exogenous. The anticipated implementation of the Arusha Peace Accord could have created endogenous mechanisms for conflict resolution in Burundi. However, it will not be possible to implement these or any other peace processes while the conflict is in its present stage of a quasi-deterministic conflict spiral. Therefore, in order to affect a successful intervention into the Burundi conflict, it will be necessary for the intervention to first accomplish negative peace by ending the ongoing violence, by force if necessary. The intervention must also address immediate humanitarian needs created by the conflict. In addition, in order to bring about positive peace, the intervention must also effect structural changes at the societal and trans-societal levels. In order to affect positive peace, the relationship between the Tutsi and Hutu and the relationships between Burundi and the regional and international actors must also be transformed. Lasting structural and relationship changes can only occur with cooperative processes. In short, the underlying causes and conditions of the conflict at the individual, societal and trans-societal levels must be addressed in order for conflict transformation to occur in Burundi. In summary, in Burundi conflict, intervention must be multi-faceted in approach. The tools required must encompass both competitive and cooperative long-term processes.

The recent developments in Burundi conflict can be analyzed within the post-conflict peacebuilding perspective. Burundi conflict can be categorized as negative peace. It is also a cyclical interethnic conflict that needs to implement a future, comprehensive peace treaty that reaches the civil society and addresses the deep-rooted causes of the conflict. One of the peace initiatives has focused on peace education that seeks to open interethnic discourse from the perspectives of educators and students in elementary and secondary schools to educate Burundi's youth for peace. Such efforts would engage the future leaders in critical conversations about their individual and collective responsibilities toward peace building and societal reconstruction and transformation (Ndura-Ouedraogo, 2009).

In Burundi, there have been the post-conflict peacebuilding projects with intense international engagement. Because of the same sociopolitical context (Tutsi minority, Hutu majority, civil war, post-independence Tutsi control) like the experience of genocide in neighboring Rwanda, international community has advocated peacebuilding investments after the Arusha Peace Agreement (2000) with specific emphasis on disarmament, demobilization and reintegration (DDR) and security sector reform (SSR). Burundi has become an example country for the UN Peacebuilding Commission. The World Bank made it eligible for the Multi-Country Demobilization and Reintegration Program for DDR. The DDR and SSR projects follow a holistic approach all of the armed forces and security sector were specifically the object of negotiated reform efforts. The DDR was part of efforts to re-establish a new security sector that include the creation of a new Burundian National Police (BNP) and the Defense Force to reach the acceptable maximum strength of 15,000 police and 25,000 soldiers and the application of strict

50-50 quotas for Hutus and Tutsis throughout the armed forces agreed upon by the government and the international community (Rumin, 2012).

Today, Burundi is in a post-conflict stage following decades of repetitive cycles of violence. However, the experience of other post-conflict countries suggests that one should be very cautious with regard to Burundi's conflict situation. The risks of failing back into conflict remain a significant possibility. Burundi's security situation is very fragile. Like any country undergoing a post-conflict, risks of times of conflict are high. It is a good news that the work of demobilization of former combatants has been completed and the last rebel movement has been integrated into the regular army. The Burundian government and the UN Peacebuilding Commission have established a strategic framework for peacebuilding with these main objectives:

1. Promotion of good governance: to restore the credibility of state, uphold the Constitution and laws, fight against corruption, strengthen national institutions and increase the quality of government services;
2. The implementation of the cease-fire between the government and former rebel factions: To continue the demobilization and reintegration of former combatants;
3. Improving security throughout the territory: To strengthen the forces and security services for their work in the general population;
4. Justice, respect for human rights, and the fight against impunity: Establish transnational justice to fight against impunity for crimes in order to enable national reconciliation;
5. The search for solutions on the land issue and the relief of the socio-economic population returnees;
6. The mobilization and coordination of international aid: The involvement of financial and technical international community is important for Burundi to be able to make progress in its peace process, stability, and reconstruction;
7. The sug-regional dimension of peace: Conflict countries in the Great Lakes region affect each other. It is, therefore, crucial to involve the countries of the subregion in the peace process in Burundi;
8. The integration of gender: Women were among the first direct victims of the conflict. Therefore, it is necessary to promote mechanisms to integrate them fully in decision-making processes and in economic life (International Business Publication, 2013).

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Philippines: The Indigenous Conflict Resolution Practices of the Higaunon Tribe

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Abstract. *This research explores the indigenous system of conflict resolution of the Higaunon tribe in Kagahuman, San Luis, Malitbog, Bukidnon, Philippines. The data employed in this study includes the responses of the members of the tribal council and a part of the barangay council of San Luis, Malitbog, Bukidnon. The study uses qualitative approach and the data is interpreted by means of descriptive analysis. The study shows the different cases of social discords by which the tribal council heard. It also presents the resolution processes, the nature of penalty imposed and the interface of the tribal council and the barangay (village) justice system vis-à-vis resolution of conflicts. It also presents the problems encountered by the tribal council in the resolution of conflicts. The study identifies eight cases of social discord, namely: thievery, fighting, murder, misunderstandings, adultery, land conflicts, contempt against rituals and conflicts involving rebels. The resolution processes of the Higaunon tribal council varies from one conflict to another. Upon the filing of a complaint, the tribal council would then schedule the time and place for hearing the case. Sala (penalty) varies according to the nature of the offense. Conflicts involving non-Higaunons are resolved by the sitio (zone) representative.*

Keywords: *indigenous conflict resolution; Higaunon tribe; indigenous peoples; tribal conflict, penalty; local government interference.*

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Introduction

Indigenous peoples[1] (IPs) principally refer to pre-colonial inhabitants of the Philippines and their descendants who have resisted

1 Indigenous Peoples is a group of people who, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos (Indigenous Peoples Rights Act of 1997).

assimilation or acculturation with their traditional systems, practices and beliefs remaining relatively intact (Tri-people Consortium for Peace, Progress and Development in Mindanao, 1998). They have continuously lived as organized community on communally bounded and defined territory and who have, under claims of ownership since time immemorial, occupied and possessed customs, tradition and other distinctive cultural traits.

The *lumads*[2] of Mindanao is one of the IPs who is recognized as the true natives of the islands who, at one time, occupied and controlled a substantial portion of Mindanao and Sulu archipelago (Tri-people Consortium for Peace, Progress and Development in Mindanao, 1998). Mercado (1993) argued that unlike the early IPs who embraced Christianity, the *lumads* have retained their original primal religion because they refused to accept neither Islam nor Christianity at the early times of colonization.[3]

The *Higaunon* is one of the *lumads* in the mountainous areas of Northern Mindanao. Most *Higaunons* still have a traditional way of living. Farming is the most important economic activity for them. The belief in the power of the spirits of ancestors and in the influence of more than one god is strongly rooted in the hearts and minds of many *Higaunons*. Most *Higaunons* still have a strong belief in the existence of gods and spirits. The 'upper god' is *Halangdong Magbabaya*, the creator of all aspects of life. There are several 'lower gods'. Each 'lower god' has dominion over a specific part of the natural environment.[4] This belief, called "animism", influences the *Higaunon* people deeply. They believe that all problems like illnesses, bad harvests and even death are due to their failure to satisfy the spirits (Valmores, 2008).

The *Higaunons* of Malitbog, Bukidnon are the pioneering settlers of Cagayan de Oro City in Northern Mindanao. They found their way to the mountainous areas of Misamis Oriental, Bukidnon and Agusan Provinces as they resisted the acculturation brought about by the arrival of colonizers. In Malitbog, Bukidnon, the majority of them settled in the most mountainous areas which bound the municipality from the provinces of Misamis Oriental, Agusan del Norte and the municipality of Impasug-ong, Bukidnon. One of these mountains where the *Higaunons* inhabit is Kagahuman.

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2 *Lumad* is a Cebuano *Bisayan* word meaning indigenous which has become the collective name for the 18 ethno linguistic group, namely: Ata, Bagobo, Banwaon, B'laan, Bukidnon, Dibabawon, Higaunon, Kalagan, Mamanwa, Mandaya, Mangguwangan, Manobo, Mansaka, Subanon, Tagakaolo, T'boli, Tiruray and Ubo (Rodil, 1994).

3 However, a plenty of *lumads* to date are already converted to either Islam or Christianity, though they continue to practice their indigenous religious activities.

4 There is a lower god (*Igbabasok*) who has dominion over the farms, a lower god (*Pamahandi*) who has dominion over treasures and properties, a lower god (*Bulalakaw*) who has dominion over the waters and fishes and there is a lower god (*Panalagbugta*) who has dominion over lands (Valmores, 2008).

The *Higaunon* tribe of Kagahuman has approximately sixty (60) families. The community started with five families on December 27, 2002 who come from the neighboring mountains of Kalabugao, Impasug-ong and Impahanong. One of the five families then was that of Datu Mansaysayan, who became the tribal chieftain. Before 2002, Kagahuman was just an *unayan* (farm) of the people from Impahanong, Consolacion, Gilang-gilang, Santiago, Abyawan, Bayawa, Kalampigan and Linabo – which all comprise the *talugan* (territory) of Amosig. Residents of Kagahuman visit their farm early in the morning and return in the afternoon. However, they also have nipahuts in the farm where they can stay and sleep in case the Itoy and Pulangi rivers are flooded. Furthermore, as a group and as a community, they are wrought with conflicts.

Because conflict is a universal phenomenon in every society, resolution processes to resolve conflict are also present at all levels of human interaction. Thus, this research tries to present the indigenous system of conflict resolution of the *Higaunon* tribe in Kagahuman, San Luis, Malitbog, Bukidnon. The *Higaunon* tribe of this area in Northern Mindanao has preserved their indigenous political culture, as well as their traditional system of conflict resolution. Therefore, this research presents the indigenous system of conflict resolution of the conflicts occurred within the *Higaunon* tribe in Kagahuman, San Luis, Malitbog, Bukidnon, Philippines.

Different Cases of Higaunon Tribal Conflicts Arising within the Tribe that Reached to the Tribal Council for Possible Resolution

The *Higaunon* tribe of Kagahuman, San Luis, Malitbog, Bukidnon, with its tribal council composed of a Supreme *Datu*, 11 delegates and 3 *baes* (women delegates), resolves all kinds of conflicts as long as it takes place within their jurisdiction.[5] It has identified the following cases that reached to the tribal authorities for possible resolution, namely: thievery, fighting, murder, misunderstandings, adultery, land conflicts, contempt against rituals and conflicts involving rebels.

***Panakaw* (Thievery).** Regardless of the stolen object, thievery is regarded as a serious crime. Plants like corn, sweet potato, cassava and taro were the common objects of thievery. These plants are commonly stolen because it can be taken easily. He added that as to coconuts, there were no plenty of it in the tribe before and even today. Even if there were plenty of coconuts in the tribe then, he assured that it would not be an object of thievery, because stealing coconuts creates sound as it falls to the ground. Also, the extreme distance of our tribe from the coconut buyers would discourage anyone who intends to do so.

5 The forty three hectares land area of Kagahuman defines the limits of authority of the tribal council. As noted above, Kagahuman is one of the eight (8) communities composing the *talugan* of *Amosid*.

Aside from plants, chickens and pigs are the ones mostly stolen. Aside from the fact that they could be taken easily, they could be exchanged or sold easier than a horse or carabao. The occurrence of thievery in the tribe is due to poverty[6] which is an obstacle of man's natural desire to survive.[7]

***Saba* (Fighting).** Regarded as the most common and least grave form of conflict, the innate sense of *bansa* (pride) among the *Higaunons* is the main cause of this conflict. Hence, a man would actually defend himself if only to protect his reputation. Another reason that people fight is due to misunderstanding. Oftentimes, it occurs between people under the influence of liquor. Thus, *"labi na kung mangahubog, kay magdin-augay na dayon sa ngalan"* [drunkenness usually leads to boasting and then fighting follows]. Also, there are cases that when mild differences in the past are not resolved, the tendency is that these are recalled when they get drunk. *Daog* may also happen between members of one family. However, it is a rare case when a parent and a child fight due to the fact that the *Higaunons'* respect for parents and elders is a very important virtue taught to children and is actually regarded as an attitude worth to practice wherever they go.

***Hinanatayandin* (Killings).** According to the respondents, there were also cases of murder in the tribe. Jealousy is one of the common reasons of murder, triggered when a person is influenced by liquor. *Pagtakin* or the practice of putting one's *badi* (bolo) in one side through a rope tied around the hips may sound threatening to one's companion with *takin*. The rationale of this habit lies to the fact that bolo is a form of weapon against snakes and other lethal animals, to cut trees when a need arises and is a tool in farming. It is not a unique attribute of the Kagahuman *Higaunons* but is in fact a common practice among farmers. In the case of the *Higaunons* in Kagahuman, some residents have one or two *takins* at the side. However, Datu Mansaysayan made it clear that *pagtakin* as a habit among the *Higaunons* does not mean that a *Higaunon* is always ready to kill. A respondent recalled that there was a time in the tribe that killing a culprit is allowed, especially when the latter is caught in the act of committing crimes such as murder, adultery or even thievery. For instance, when someone is caught of stealing something, the owner of the stolen object can actually kill the thief without being himself punished by the tribe. This practice is grounded in their belief that a thief should not be allowed to beget children, who may turn out to be like him. However, this manner is no longer allowed in the tribe today.

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6 In 2009, Datu Mansaysayan argued however that thievery is less experienced in the tribe before, especially when death penalty was still practiced (personal communication, May 24, 2008). "Thievery in the tribe now," he added "is actually an influence brought by young *Higaunons* who happen to work in the cities and return home."

7 There is no other means of living in the tribe other than farming.

Misunderstandings. This type of conflict in the *Higaunon* tribe originated from many types of conditions. However, the respondents revealed that women were more prone to this than men. Common reasons cited were miscommunication, backbiting and protecting one's interest. Moreover, misunderstanding between husband and wife is also common. Another source of misunderstanding for the *Higaunons* is their tradition permitting the marriage of tribe members as young as fifteen (15) years old. In fact, *pamalas* (initial wedding to drive away evil) takes place when a man and a woman are caught of doing acts which the tribe considers malicious-sometimes even just holding of hands. *Pamalas* is made to ask the *Halangdong Magbabaya* and the spirits of the ancestors of the couple to forgive them for doing prohibited acts prior to marriage and also to bless them as they start a new family. The wedding proper must be scheduled as soon as possible following the *pamalas*. Due to these mechanisms, there are cases when the couple is actually unprepared for married life. As a result, misunderstandings between the couple become unavoidable. Aside from this, the respondents during the second FGD revealed that another reason of misunderstanding is poverty. When there was no more food in the table, the wife usually starts complaining which would then cause tension between her and the husband. This tension becomes even more terrible when the husband gets drunk. Thus, conversation would turn into debate causing further disagreements between the couple.

***Asawahondin* (Adultery).** The tribal leader Salvador Sagayna said back in 2008 that adultery is considered as a serious crime in the tribe because the *Higaunons* believe that it actually brings bad luck. During a wedding, the *datu* (the one performing religious duty as the *Babaylan* of the tribe), inculcates in the couple's minds the sanctity of marriage, which would become impure when a wife or a husband practices adultery (personal communication, May 24, 2008).

Though *pagduway,* or having two wives, is allowed in the tribe, the consent of the original wife is required; otherwise, the husband could not engage in *duway* (have two wives). A man intending to have two wives must see to it that he could afford to provide the basic needs of his wives and their children. However, the respondents revealed that there was no such case when a wife allowed her husband to have two wives; there were reported cases of adultery instead. These cases of adultery led to *lido* or war between families. This was due to the fact that the *Higaunons* are by nature protective of their family. Thus, in cases like this, the wrongdoers disrespect their own families and the family of the betrayed partner. The *Higaunons* believed that in due time, the spirits of their ancestors would punish them, thus "*magabaan*" (cursed).[8] As was stressed by one respondent, "*kay ang gaba muduol dili magsaba"* [bad karma comes without warning].

8 *Gaba* is quite similar to the doctrine of karma in Hinduism and in Buddhism. It is also similar to the biblical doctrine of reaping what one sows… it is also considered as a form of immanent justice (Mercado, 1993).

***Ilugay sa Yuta* (Land Conflicts).** Land for the *Higaunons* is not just a mere real property but is actually regarded as their life and as their legacy from their ancestors. They inhibited these hectares of lands with the boundaries marked by either a tree alone or by just a *butig* (big stone). Even if the original occupant of the land is not occupying or tilling the territory, the land can no longer be owned by anybody else. Up to the present, the *Higaunons* of Kagahuman do not have land titles. Fortunately, Salvador Sagayna added that the Impahanong Amosig Higaunon Tribal Community Organization (IAHTCO) through the National Commission on Indigenous Peoples-10 (NCIP-10) is actually working towards the grant of Certificate of Ancestral Domain Title (CADT)[9] for the *Higaunons* in the *talugan* of Amosig (personal communication, May 24, 2008). The lack of clear boundary in Kagahuman, San Luis, Malitbog, Bukidnon usually led to conflicts between the *Higaunons* in the tribe who own adjacent land. It is really a source of conflict when somebody extends his boundary.

Contempt Against Rituals. The *Higaunons* of Kagahuman, like other *Higaunon* communities, place very high respect to rituals and other form of activities that defines their culture and traditions. Rituals which offered prayers to the spirits of their ancestors were usually done when they got some favors such as good harvest, sound health, rain and thanksgiving, including previous and present blessings received. Assemblies such as *singampo* and *tagulambong datu* are at all times marked by a ritual-with animals offered ranges from three to ten pigs and one cow. Therefore, breaking the solemnity and sanctity of these activities is considered a grave crime against the entire tribe and all the spirits therein. Some forms of contempt include making noise (e.g. shouting) and throwing of stones in the vicinity of the assembly. Cases like these were usually committed by those who were under the influence of liquor or by those who are not aware of their culture. However, there were also cases when the contempt was intentional and was done to destroy the solemnity of the activity.

Conflicts Involving Passing Rebels. Another type of conflict in the tribe involved New People's Army (NPA) rebels passing through the tribal community. Camping in the mountains North of the tribe, Kagahuman is the rebels' only route to pass through and reach the areas of Impahanong and Impasug-ong, Malitbog, Bukidnon. Thus, the community is a block to their access to the neighboring places such as the municipality of Impasug-ong, Bukidnon and of the downtown of Malitbog. For this reason, NPAs want them to leave the area and return to Impahanong, San Luis, Malitbog, Bukidnon. The rebels would steal their *lagutmons* (edible plants) such as banana, sweet potato, cassava and taro. The respondents explained that they understood the situation of the rebels who were possibly hungry and needed some food to eat. However, the rebels not only

9 Chapter 2, Section 3 (c) of the IPRA Law of 1997 referred CADT to a title formally recognizing the rights, possession and ownership of IPs over their ancestral domain.

steal from them but destroy their plants as well. They would cut newly planted bananas, taro and destroy their newly planted corn.

Indigenous System of Conflict Resolution Employed by the Higaunon Tribal Council

The tribal council of the Higaunons in Kagahuman inherited the procedures of resolving conflicts from their ancestors who bestowed it through stories alone. Through stories, the procedures were transferred from generation to generation. Even up to the present, they do not have any written documents about their system of resolving conflicts, yet they are assured that their tradition and culture will continue. According to one of member of the tribal council, "even my four-year-old son knows what are to continue in the tribe. We told them stories of our tradition before bedtime and in the morning too. They also witness the rituals in the tribe".

The process of conflict resolution starts with the submission of the case to a member of the tribal council who is delegated in a particular area. A complaint may be lodged in the house of the *datu* or wherever the complainant meets him. Moreover, lodging a complain can be done daily. Wherever disputes arise, especially concerning a single or a particular group of individuals only, the council waits until someone refers the case to them for possible resolution. However, in cases where the general population is involved, the council acts right away. It is a traditional practice which actually best describes the principle of *motu proprio* (by one's own motion or initiative). Cases like rebels threatening the people and destroying their properties, or a drunkard inflicting hazard to the community requires no prior submission to the tribal council. Once a complainant referred a case, it is considered filed. As a general requirement, a ritual must be made at all times prior to the hearing of the case being filed. A conflict resolution session was considered legitimate only when there is a ritual.[10] Therefore, the absence of a ritual in conflict resolution processes invalidates all the agreements or decisions made in that session.

The referral of the case in the Higaunon tribe of Kagahuman is hierarchical in nature. Thus, no case is brought to the Supreme *Datu* prior to its hearing in the lower body. All cases must be brought first to a member of the tribal council who is delegated in a particular area. If the case is not resolved, that is, the complainant is not satisfied with the decision and therefore appeals to the higher body, the case is then forwarded to the Vice Supreme *Datu.* At this level, this higher body explores all possible alternatives in order to resolve the dispute. If the decision has been rendered and both parties are satisfied, the case is closed; otherwise, the case is brought to the highest judicial body

10 In the ritual, one or two live chicken is offered to appeal the Halangdong Magbabaya (God) and the spirits of their ancestors to arrive a good resolution of the dispute.

of the tribe-the Supreme *Datu*. The latter will then schedule the time and place of the hearing. Once the Supreme *Datu* has rendered his decision, it is considered final. In case a party fails to come on the hearing scheduled, summon is served through the assistance of the *alimaong*[11] (tribal police).

After the ritual is performed, the hearing procedure begins. The discussions that will follow tackle the varying processes of conflict resolution of all cases identified above. It explains in details the procedure employed in the conflict resolution proper (that is, after the performance of the opening ritual).

***Panakaw* (Thievery).** Datu Mansaysayan contended that "no matter how small the stolen item is, it is still theft, and such transgression must be resolved". If the robber is identified, which implies that he/she is caught in the act of stealing or somebody testifies to his/her guilt, investigation usually takes place as soon as possible so that the stolen object can be returned before it disappears from the theft's possession. However, in case the robber is unidentified, the *tagbala* (quack doctor) is employed. With his/her extraordinary ability, the *tagbala* proceeds in identifying the culprit with the use of round stone and other paraphernalia. According to Datu Man-unohan, the *tagbala* hangs a round stone from a stick. He will then mention a name of a suspect and asks the stone as to how many objects were taken. The stone moves if the culprit's name is mentioned. After this, the *alimaong* will then search the suspect and bring it to the tribal council for a hearing. *Sala* will be imposed if upon the investigation, the suspect is proven guilty.

***Saba* (Fighting).** According to the respondents during the first FGD, the procedure employed by the tribal council in solving fighting conflicts varies and depends upon the weight of the damage incurred. If it leads to a serious physical injury which may lead to the death of one party, then the tribal council schedules the investigation as soon as possible. However, if no serious damage is incurred during the fighting, the conflicting parties are given two options. First, they are given the choice to continue the fighting in front the public without using any weapon; or second, they would rather agree to reconcile with each other. If the parties choose to pursue the second option, the case is closed automatically with an agreement in front of the *datu*. If the conflicting parties, however, concurred in favor of the first option, then the public shall witness the fighting. This tribal practice aims not to put anybody into a deadly situation, instead it aims to release the intense feeling of being in a state of intense anger.

***Hinanatayandin* (Killings).** In cases involving taking away of life, the intention of the accused matters most. If it is because of self-defense, the case would not prosper and

11 Currently, the tribe has three sets of *alimaong*, each of which has six members. They are also delegated by the Supreme *Datu* alone. The *alimaongs* are responsible for arresting a culprit who runs away from the tribe.

is automatically dismissed upon the presentation of substantial evidences to prove that the crime was not committed out of malicious reasons. However, if it is proven to be a premeditated murder, the tribal council would hear the case and formally render the necessary penalties against the culprit. The *Higaunons* believe that if justice is not rendered to somebody's death, the spirit will not live in peace and may cause sickness and other problems in the tribe.

***Asawahondin* (Adultery).** The system of resolving cases of adultery is initiated in the presence of three families: the families of the adulterer, of the mistress and of the betrayed party. In the first offense, the wrongdoers are warned not to repeat the act of betrayal for it is not a crime against one family alone but is actually against the entire tribe. After the agreement, the hearing ends and a ritual is offered to appeal for forgiveness from the ancestors of the disturbed families.

If the crime is committed again for the second time, punishment and not just warning is imposed in favor of the betrayed party. Yet, the couple can still live together if the wrongdoers promise not to continue their shameful crime and upon the payment is made. After the hearing, a ritual follows to ask forgiveness from the ancestors of the disturbed families. If an offense is committed for the third time, the same punishment is imposed in favor of the family of the betrayed partner. However, the couple can no longer live together again.

Misunderstandings. The respondents disclosed that mediation is employed in cases of misunderstandings. Upon the submission of the case to the tribal council, the hearing is scheduled as soon as possible. In cases like these, a usual problem is when one of the parties will not attend the hearing; so a team of *alimaong* is called to fetch the party concerned. During the hearing, both parties are given the time to explain their side regarding the problem. After the two explained their side, the *datu* mediates towards the resolution of misunderstanding. A ritual follows after the mediation process-where parties are deemed to have compromise towards satisfaction.

***Ilugay sa Yuta* (Land Conflicts).** The resolution of land conflicts are done in the presence of the members of the tribe. Both parties are given the time to defend themselves about the issue at hand. After the explanation of both sides, their witnesses follow. Also, if the members of the crowd have something to share to make a claim substantial, they may do so. Since through time they are actually familiar with land boundaries, the tribal council honors any statements from a tribe member. Until now they do not have land titles yet; thus, the statements provided by the elders in the tribe is a good source of justifying a claim regarding real property. After the investigation, the two parties are advised to always observe the boundaries in order to avoid further occurrence of conflicts.

Conflicts Involving Passing Rebels. Conflicts in the *Higaunon* tribe of Kagahuman, San Luis, Malitbog, Bukidnon which involves NPA rebels who uses Kagahuman as a route, have already an agreement between the commander of the rebels and the tribal council.

The agreement provides that the rebels can still make their way through the vicinity of Kagahuman, provided that they will not steal and destroy the *lagutmons* (root crops) and other properties of the tribe; otherwise the *Higaunons* cannot be held liable of any death from the rebel group-even if the culprits are the *Higaunons* of the community.

The schematic diagram in Figure 1[12] shows the conflict resolution processes of the *Higaunon* tribe in Kagahuman, San Luis, Malitbog, Bukidnon and the interface with the barangay justice system for cases involving outsiders. Within the tribe, the following cases reached to the attention of the tribal authorities (tribal council and the *sitio* representative) for possible resolution, namely: thievery, fighting, murder, misunderstanding, adultery, land conflicts, contempt against rituals and conflicts involving passing rebels. Various factors are involved that triggers the occurrences of these conflicts.

Cases involving members of the tribe are submitted directly to the tribal delegate (refer to the red arrow in Figure 1) who is a member of the tribal council; if the case is not resolved, it is forwarded to the Vice Chieftain. If the Vice Chieftain still cannot solve the case, it is forwarded to the Supreme *Datu* for final resolution. The decision of the Supreme *Datu* is final and irrevocable.

In cases where one or both parties in conflict are outsiders, the *sitio* representative (refer to blue arrow in Figure 1) has the authority to resolve the case. It is only forwarded to the tribal council if the *sitio* representative refers the case to the former. In the tribal council, the tribal delegate brings the case to the Vice Chieftain for possible resolution. If the Vice Chieftain still cannot resolve the case, it is forwarded to the Supreme *Datu.* The case is then returned to the *sitio* representative (refer to brown arrow in Figure 1) for possible resolution in the *barangay* level if the Supreme *Datu* still cannot resolve the case.

The tribal authorities in effect employ conflict resolution procedures which actually vary from one conflict to another. In almost all cases, a ritual marks the start of hearing the case. After the ritual, the trial follows which includes interrogation, presentation of witnesses (if any) and a decision to agree or not to agree.

Sala: An Institutional Case of Indigenous System of Forms and Nature of Punishment Employed by the Higaunon Tribe

The *Higaunon* tribe impose *sala* (punishments) which varies depending on the nature, motive and incidence of the crime. Through the years, the form and nature of *sala* in the tribe have undergone a number of amendments already. Among others, the abolition

12 The arrows in Figure 1 are in three colors. Blue arrows indicate the resolution processes for conflicts involving outsiders until the case is referred to the Supreme Datu. Red arrows point to the resolution processes for conflicts involving *Higaunons*. Brown arrows signify the Supreme Datu's return of the case to the sitio representative for possible resolution in the Barangay Council.

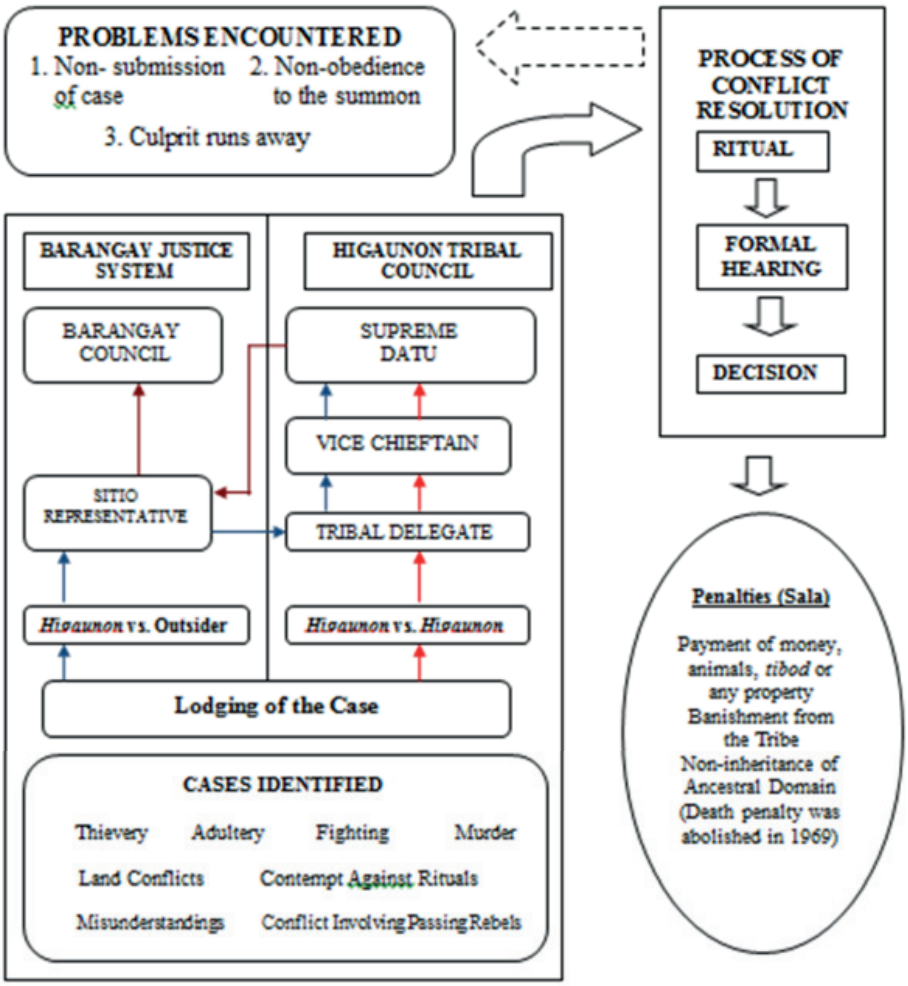

Figure 1. Conceptual Framework showing the Conflict Resolution Processes of the *Higaunon* Tribe in Kagahuman, San Luis, Malitbog, Bukidnon and the Interface with the *Barangay* Justice System for Cases Involving Outsiders.

of death penalty was agreed upon by the tribal chieftains of the eight (8) *talugans* during a *tagulambong datu* held in Impahanong in the year 1969 through the initiative of Datu Indangag of Impahanong. Also, Datu Mansaksihan recalled that pigs were never used as payment before, until the time when the people learned to raise pigs. Penalties include payments in the form of animals, *tibod*,[13] money, non-inheritance of ancestral domain and banishment from the tribe. The following discussions tackle in details the

13 *Tibod* is a special kind of jar made from clay and has gold inserted in the inside part.

varying forms and nature of sala of the conflicts identified in this paper. Notice that adultery and land conflicts have exactly the same *sala* on the grounds that, according to Datu Mansaysayan, both involve "*pagpangilog*" or grabbing.

For cases of thievery, there is no such thing as small item or big item-for as long as there is the malicious intention in the act, punishment will be rendered fairly. For the first and second commission of the same offenses, the punishment is the return of the object or the value equivalent to the stolen item. However, if the crime is committed for the third time, the culprit is banished from the tribe and can no longer own ancestral domain.

In cases of fighting, a warning from the tribal council is given to both parties in the first offense. When the crime is committed for the second and third time, the punishment is at least the payment of three pigs or one carabao to the tribe. Both parties will work together to produce the penalty in favor to the tribe. These penalties can be used then in festivities or any social gathering in the tribe. Punishment for murder cases is actually varied relative to the intention of the one committing the crime. Such intention however must be proven by the tribal council to be accepted. If a crime was made to defend one's self, no penalty or any form of payment is asked from the one who committed the crime. It is believed among the Higaunons that self-preservation is but a primary right of every individual. Thus, to defend oneself from any crime is but a way of invoking such primary right. However, if a crime was intentionally done due to anger, pride and the like, penalties are imposed. Before death penalty was abolished as a sanction, it is actually the life of the accused that is sacrificed. It is believed that nothing can pay for a person's life but the life still of the one who committed the crime. However, upon the abolition of death penalty in 1969, a carabao, three pigs and one *tibod* are given to the family of the victim. This penalty is applied during the first and second offenses. Salvador Sagayna confirmed that punishment from the tribe and non-inheritance of ancestral domain is the punishment for those who committed murder for the third time (personal communication, May 24, 2008).

In adultery cases, prior to the *tagulambong datu* of Impahanong in 1969, where death penalty is practiced, the wrongdoers are actually put to death publicly. Both the man and mistress will face each other-between them is a hole of seven to nine meters deep. They are put into death by being hit with a metal rod in their nape; this is done by a person designated by the tribal council. This punishment was imposed before on the grounds that adultery shall only bring bad luck to the people of the tribe. Thus, it is better to sacrifice a life or two than to sacrifice the whole tribe. At present, the penalty is different. During the first commission of an offense, the wrongdoers are given warning not to repeat the malicious act. No other form of payment is required and the legitimate couple can live again together. When the crime is committed repeatedly, the wrongdoers are sanctioned to pay the offended party with at least one carabao and three pigs. Again, the couple is allowed to live together as husband and wife. However,

if an offense is committed for the third time, the husband and wife are mandated by the tribal council to live separately.

The same process and penalty applies to cases of land grabbing and other types of conflicts related to land issues. In cases of misunderstanding, the guilty party is punished by requiring him/her to pay not less than three pigs or one carabao. This penalty is actually applied if someone has been involved in misunderstanding cases for the first, second and third time.

Cases of contempt against rituals are punishable with the payment of a pig in favor to the tribe. The frequency of committing the crime constitutes the number of pigs to be produced. However it is until three offenses only. If the crime is committed for the fourth time, the culprit is banished from the tribe and can no longer own an ancestral domain. Datu Mansaysayan revealed that in case the culprit cannot produce the required payment, the tribal council may eliminate the punishment provided that the culprit admitted his/her guilt and would pledge not to get involve in any crime from time on. However, if the culprit cannot produce the required payment and does not acknowledge one's guilt, the tribal council would then refer the case to the barangay council for further hearing.

Based on the data presented, it can be inferred that the penalties imposed in the *Higaunon* tribe of Kagahuman is restorative in nature since "the application of punitive sanctions such as death penalty would," according to Datu Mansaysayan "make the situation worse". This traditional system is recognized as providing a win-win situation to all parties involved. It is very evident also that a warning is applied to four out of eight cases identified. Moreover, the abolition of death penalty in 1969 is an implication that the *Higaunons* cherish the value of a person's life. However, banishment from the tribe and non-inheritance of ancestral domain can be considered as the worst punishment though it is only applied if a crime is committed for the third or fourth time. Properties such as animals and *tibod*, or the amount equivalent to the required penalty can be used also as payment for the crime committed.

Interface of the Indigenous System of Conflict Resolution with the Philippine *Barangay* (Local*)* Justice System

Under the 1987 Philippine Constitution and the 1991 Local Government Code, indigenous traditional units are gradually brought into a new scheme of the national and local political organization. The links between the traditional community and the local government are further facilitated by the traditional elite in their capacity as leaders of their respective communities (Barcenas, 1985). Further, section 15 of the Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997 provides that indigenous cultural communities have the right to use their own com-

monly accepted justice system, conflict resolution institutions, peace building processes within their respective communities.

In accordance with this provision, the conflict resolution processes of the *Higaunon* tribe are actually independent from the intervention of the local government. Moreover, the people in the tribe pay very high respect to the tribal council on the belief that the *datus* are the living instruments used by the Halangdong Magbabaya to govern and render justice in the tribe. In line with this, Datu Man-estudyo added that "the tribal council is considered as the father in the tribe. They will render justice against evil to attain decency and take away wickedness". Furthermore, the people had given them the authority to resolve conflicts using their traditional methods and processes that are based on their culture (personal communication, October 29, 2008). Culturally, the *Higaunons* of Kagahuman do not want to remain a dispute unresolved especially if it happens within their tribe. With this, the tribal law provides the resolution of all conflicts that happen within the tribe regardless of who is involved. Thus, even if a crime involves an outsider, it must be resolved within the tribe through the aid of the sitio representative.

If a conflict involves a Higaunon and an outsider, it must be referred first to the sitio representative for possible resolution. The sitio representative serves as the extension of the local government unit and thus is directly accountable to the barangay council of Barangay San Luis. If the sitio representative resolves the conflict, then the case is considered closed; otherwise it will be forwarded to a tribal council member delegated in the area where the dispute happened. The case is then referred to the Vice Chieftain for arbitration. Members of the tribal council would help the Vice Chieftain in arriving at the most preferred decision by giving suggestions towards the resolution of the case. If both parties are then satisfied with the decision by the Vice Chieftain, the case is closed; otherwise it will be forwarded to the Supreme Datu.

As the current Supreme Datu, Datu Mansaysayan said that he always convince both parties not to let the case be brought to the barangay council because more problems and complications would surely arise (personal communication, May 23, 2008). Taking the file to court (other than in the tribe) would make them first of all feel dependent on the judgment of an outsider and would secondly require patience in view of the overloaded courts (Pailig Development Foundation, 2007).

If upon the decision of the Supreme *Datu*, both parties are satisfied, then the case is considered closed. However, if one party would appeal for further resolution, the Supreme Datu would write a letter to the sitio representative returning the case for further trial in the barangay level. Resolution processes in the barangay council starts with a prayer. In an interview with Barangay Captain, he said that after the prayer, a short sermon is done-which actually include convincing both parties to reconcile so as to avoid the case be brought to the municipal level and reminding them for their obliga-

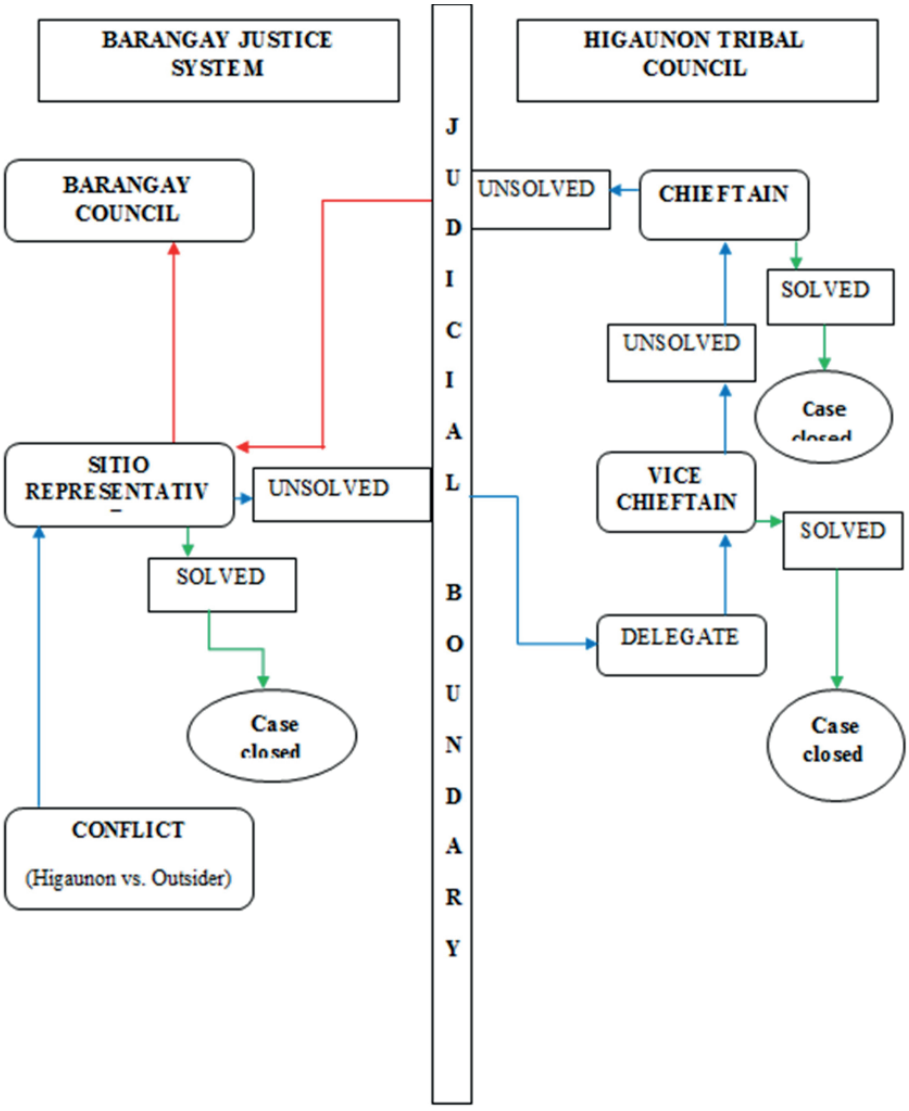

Figure 2. Interface of the Indigenous System of Conflict Resolution with the Philippine *Barangay* (Local) Justice System.

tions in the barangay. Currently, the complainant pays Php100.00 and the respondent pays Php30.00. After the sermon, both parties are then given time to present their side. The complainant is given 3 minutes to talk while reminding the respondent not to interrupt while the other party is talking. The respondent will then follow in expressing his side for three minutes. Mediation and arbitration are then employed, depending on the nature of the case.

Conclusions, Implications and Recommendations: Valuable Lessons for the Present Justice System

Conclusions

The conflict resolution processes of the *Higaunon* tribe in Kagahuman, San Luis, Malitbog, Bukidnon is mainly anchored on their tradition and customary law. This clearly shows that the *Higaunons* give value to the legacy that their fore parents inherited them. It can be inferred further that the tribal council plays a very crucial role in maintaining the peace and order of the tribe. Cases that reached the attention of the tribal council are caused by different factors that trigger its occurrences in the *Higaunon* tribe of Kagahuman, San Luis, Malitbog, Bukidnon. Negative behavioral practice of the people in the tribe, influence from outside, along with its life style like drunkenness and impoverished economic condition have direct relationship towards the occurrences of various crimes that actually causes societal discord. This agrees with the contention of Abu-Nimer (1999) that conflict is caused by many different kind of specific events and that it is a natural process which can have constructive or destructive outcomes.

Starr (1992) theorized that conflicts can be resolved in many ways which includes compromise, third party arbitration or adjudication of some sort. This theory correlates with the tribal council practice of using diverse approaches in resolving varying cases which actually hasten the dispute resolution. Moreover, hierarchical nature of conflict resolution can also lead to a more egalitarian practice since a case can be forwarded whenever a party is not satisfied with the decision of only one judicial entity. Also, the credence for a Divine Intervention is seen to be an important preliminary habit in a resolution process-both in the *Higaunon* tribal council and in the *barangay* as manifested in the opening ritual and prayer, respectively. *Sala* or penalty in the tribe is restorative in nature as manifested in the abolition of death penalty and the giving of warning during the first time offense. This system is recognized as providing a win-win situation to all parties involved-a condition which would best describe the theoretical point of Stewart (1990) that in the early stage of struggle, one possible outcome is the accommodated agreement between parties which may lead then to the situation that both parties are satisfied.

There is a systematic juridical coordination between the tribal council and the *barangay* justice system which in effect hasten the resolution of conflicts for cases that involves outsider. Thus, there is a relative parallel relationship between the existing conflict resolution processes of the *Higaunons* and the *barangay* justice system vis-à-vis conflict resolution. This correlates with the contention of Barcenas (1985) that with the introduction of local government, indigenous traditional units are gradually brought into a new scheme of the new, legal local organization. It was further argued that the links between the traditional community and the local government are further facilitated by the traditional elite in their capacity as leaders of their respective communities. The

Higaunons of Kagahuman, San Luis, Malitbog, Bukidnon have preserve their traditional processes of conflict resolution. It is a manifestation that the *Higaunons* value their culture and tradition that their fore parents transferred to them through stories alone.

Implications

Conflicts which are caused by factors such as negative behavioral practice of the people in the tribe, influence from outside, along with its life style like drunkenness and impoverished economic condition will never cease to exist in the tribe as long as these factors are not changed or if there be no immediate remedy to counter these factors is employed. For instance, if poor economic condition is a trigger, then economic plans to counter it is necessary. This implies that, as theorized by Abu-Nimer (1999), conflict is a creative force that generates new options, alternatives and solutions to the existing problems. Abu-Nimer (1999) argued that conflict resolution skills include analyzing the conflict situation, bringing parties together, assisting parties to shift focus from win/lose competition to joint problem solving, building cooperation and trust and communication skills for observing, listening and speaking. In like manner, the use of diverse approaches in resolving conflicts, which in effect hastens the conflict resolution processes, is an effective practice among the *Higaunons* in Kagahuman. Also, it implies that the tribal council is a just and responsible judicial entity that favors justice and peace. Further, it can be deduced also that the *Higaunons* in Kagahuman treasure their laws and traditions by employing it up to this day.

The restorative nature of *sala* in the tribe is an apparent implication that the *Higaunons* in Kagahuman believed in the capacity of man to change if given the chance. The abolition of death penalty also implies that the *Higaunons* cherished the value of one's life and that the application of punitive sanctions would only make the situation worse. Concisely, it correlates with the theory of Burton (1986, as cited by Abu-Nimer) that no matter what form of degree or coercion is exercised, there will be no societal stability unless human needs of individuals and groups are satisfied. The systematic coordination between the tribal council and the *barangay* justice system in the resolution of conflicts involving outsiders implies that there is a high level of communication between the two entities. It can be inferred also that the local government unit of Malitbog, Bukidnon values the traditional conflict resolution processes of the *Higaunons* in Kagahuman, as stipulated in the IPRA law of 1997.

Recommendations

The following are the recommendations gleaned from the study. It is intended for the *Higaunons*, the local government, and for the future researchers.

A. For the Higaunons

They should have a record in every *paghusay*. These records will contain the date, time, venue, present persons during the hearing, and also agreements or decisions made.

More so, a secretary must be appointed to perform the recording tasks. Also, a written document on the resolution processes and penalties imposed is necessary to have clear and detailed presentation of their traditional methods of settling disputes. Penalties must be presented in a very detailed manner, especially on murder cases wherein self-defense does not warrant any penalty. The tribal council must formulate programs for the prevention of early age marriage (which is seen as one of the reasons of dysfunctional families who also suffer from poverty), or counseling activities that will teach the youth the vulnerabilities of marrying at an early age. Also, programs discouraging too much drinking of liquor/ alcohol be formulated also. As of the making of this research, the tribal council is actually formulating policies that will ban the sale of liquor in the tribe. These policies should be strictly implemented.

The female representation in the tribal council, though accounting for only 20% of the populace, is a good sign of gender-awareness and development in the tribe. However, role of women in the resolution process is actually very limited. They must therefore have a higher role so as to hear their voice. A tribal hall for conflict resolution is very necessary for two reasons: first, there is a fixed place for settling disputes; second, it actually develops the sense of justice, peace, and belongingness among the *Higaunons* in the tribe. Therefore, the researcher recommends for a functional tribal hall within the Higaunon tribe of Kagahuman. Young *Higaunons* must preserve and continue to practice their *lumad* tradition and culture. To make this happen, they must put into practice the teachings and activities that are conferred to them by their adults.

B. For the Local Government Unit of Malitbog, Bukidnon

Poverty is one of the identified reasons for thievery. Therefore, the local government must provide livelihood programs for the people in Kagahuman who need to walk for five hours before reaching the town proper of Malitbog municipality. Currently, abaca production accounts more than half of the income of the people. The government must provide trainings and necessary machinery to strengthen the abaca industry and develop their creativity in making more and better products. The local government must provide a school in the tribe. Currently, the community has a kindergarten which was started in 2001. The building was donated by the Joint Together Society (JTS), a non-governmental organization (NGO) based in Korea. Additional classrooms must be provided to offer elementary education. Through this, the *Higaunons'* children will better understand and appreciate their culture.

Immediate security measures must be provided by the government to protect the *Higaunons* of Kagahuman from the threats of the NPA rebels. As the making of this paper, a group of NPA rebels has surrounded the tribe and warned the people to vacate the place. Extrajudicial killings are actually happening. Therefore, the researcher recommends for a permanent presence of soldiers in the tribe to counter the rebels who actually camping in the mountain adjacent to Kagahuman. The local government through

the Department of Agrarian Reform X (DAR-X) must help the *Higaunons* of Kagahuman in their desire of acquiring land titles by recognizing the 33-hectare ancestral domain, which until now is still a dream.

Legislations in the local government to address the usual suspects must be passed to help in the enhancement of rendering justice and would lessen the occurrences of conflicts in the tribe. The local government must at least develop the road towards Kagahuman that will enable a motorcycle to pass through it. This will help the *Higaunons* in their transport of agricultural products and at the same time, it will enable the visitors to explore the splendor of the place.

C. For Future Researchers

Future researchers conducting related studies may focus on the evolution of the system of conflict resolution of the *Higaunon* tribe of the entire *talugan* of Amosig, thus including the *Higaunon* communities of Impahanong, Consolacion, Gilang- gilang, Santiago, Abyawan, Bayawa and Linabo. A study focusing on the ancestral domain of the *Higaunon* tribe of Kagahuman is also a good subject for further research. Until now, the tribal council is looking forward for the ultimate recognition of the ancestral domain that they inhered from their ancestors. Development regarding this issue is being monitored by the tribal chieftain, Datu Mansaysayan, at the Regional Office of the National Commission on Indigenous People X in Malaybalay City.

The existing conflict involving the passing rebels in Kagahuman is also another subject worthy of exploring. Future researchers should look into the motives of NPA rebels for the damage they inflicted to the Higaunons in Kagahuman. Future researchers may conduct a comparative study of the conflict resolution processes between two different Indigenous Cultural Communities (ICC) so as to distinguish and compare indigenous cultures and traditions.

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Syria:
Examining the Roots of the Present Civil War

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Abstract. *On the morning of January 4th 2011, as the dawning sun gilded the fruit stalls of the small Tunisian hamlet of Sidi Bouzid, a young street vendor immolated himself in a desperate and resounding response to the exponential boldness of the country's authorities. Fundamentally emblematic of a wider social resentment against the precariousness of Tunisian daily life, the suicide of Mohamed Bouazizi also proved to be the spark that ignited numerous blazes across North Africa and the Middle East, instantaneously laying the foundations of what is now known as the "Arab Spring". It is however in Syria that the tremors of this socio-political earthquake were the most acutely felt. Indeed, after more than five years of belligerence, with a death toll now surpassing the 400,000 mark and a migration crisis that has compelled millions to flee, the Syrian War has now reached an apex of inextricability that genuinely dismays the hopes of a foreseeable resolution (Syrian Observatory for Human Rights, 2016). In this context, it seems imperative to examine the roots of this intricate conflict in order to hopefully progress, incrementally, towards an eventual conclusion. Therefore, the task of this essay is to survey to fundamental causes of the Syrian War and to assess their relative ascendancy in its outbreak. To achieve this endeavour, we will engage in a critical utilization of the greed and grievance model sketched by Collier (2000) by drawing chiefly on the horizontal inequalities and social contract theories outlined by Stewart (2010). An initial chapter will therefore be dedicated to the establishment of the contextual and definitional milestones that characterize this conflict and a second chapter will examine its most central causes. Thus, we will advocate for an understanding of the causes of armed conflicts that emphasises on the symbiotic influence of greed and grievance incentives and that stresses the inescapable necessity of employing them in an individualised and context-based framework.*

Keywords: *Syria, Civil War, Root Causes, Greed and Grievance Model.*

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The Three Constitutive Layers of the Syrian War

Any attempt at examining the roots of armed conflicts ought to apprehend the problem with nuances and prudence. Indeed, none of the major theorists that have examined the question have suggested that there is an overarching model with predictive certainty that would be germane to all scenarios (Sambanis & Collier, 2005). Hence, rather than aiming at universality and synthesis, the ambition of this analysis is to provide a patchwork of potential causes that, far from being mutually exclusive, seemed to have reinforced and amplified each other in that particular context.

Therefore, it appears compulsory, as a primary step, to engage in a categorisation effort and to outline the definitional and contextual boundaries within which this conflict lays. Thus, by attempting to label and to comprehend the very nature of this war, we will be better qualified to determine its inherent causes. Consequently, the purpose of this first chapter will not be to provide a narrative timeline of events, but will rather aim at shedding a light on the three constitutive layers that define and characterise the Syrian War.

1.1. The Civil War

The first constitutive layer that typifies the Syrian War is, irrefutably, the intrastate struggle that has been igniting the country since the outbreak of the "Arab Spring". Indeed, after several decades of relative stability induced by the authoritarianism of the Baath party, the nation plunged into a period of pure political pandemonium after the revolutionary tidal wave reached Damascus in January 2011 (Rodgers, Gritten, Offer, & Asare, 2016). Instantaneously, the leadership of President Bashar Al-Assad was assailed by numerous actors eager to capitalize on his faltering authority. In the vanishing days of that year, after months of uprisings oppressed in bloodsheds, it became ever clearer that Syria was politically and socially atomizing.

Exponentially, this polarization cemented and the conflict eventually became thoroughly in step with the broadly accepted definition of a civil war since the hostilities were taking place "within the boundaries of a recognized sovereign entity between parties subject to a common authority" (Kalyvas, 2006, p. 7). Indeed, on one side, the Loyalist forces, of Alawite descent (i.e. a branch of Shia Islam), are fighting on behalf of President Al-Assad and are holding Damascus, most of the bigger cities and the coastal lowlands. On the opposite side, a complex web of rebel groups scattered across the northern regions, mainly of Sunni lineage, are all aspiring at toppling the regime despite their ideological and political heterogeneity (Rodgers *et al.*, 2016).

Moreover, the mere scale of the upheaval and the exponential dualisation of the "monopoly on violence" clearly distinguish this belligerence from simple insurgencies or revolts (Weber, 2013). Hence, even though the outlines of both sides are still today rather blurred and malleable, it appears that the increasing atomization of these dif-

ferent factions has directly contributed to the breeding of power avidities and of political instability and has simultaneously confirmed the adequacy of the civil war label. Fundamentally, these internal struggles represent on of the main pillars on which the conflict now rests.

1.2. The Cold War

The second layer that is conspicuous in the Syrian War is the manner in which external actors are instrumentalising the conflict by using the country as a proxy battlefield. Indeed, numerous international actors have aligned with the domestic antagonists and have simultaneously triggered the hybridisation of the war, placing it in a grey area between a civil war and an international conflict. On one side, the United States and many other Western countries have offered their support to the rebels of the opposition (mainly to the SNC, the Syrian National Coalition), and to Kurdish forces (Chomsky & Erlich, 2016). Over the years, this assistance has partially taken the form of financial transfers and armament delivering but has been, in essence, chiefly diplomatic. These Western powers have subsequently engaged in sporadic campaigns of air strikes, but these interventions have never allowed the SNC to establish itself as a genuine alternative to the Assad regime (Rodgers *et al.*, 2016).

On the other side, Russia and China have formed a loosely-knit coalition that has endorsed the governmental forces and that still today serves as the guarantor of Assad's international legitimacy. Initially, the Sino-Russian support was merely diplomatic, both powers principally utilizing their veto prerogative inside the UN Security Council to impede any motion unfavourable to the regime (Chomsky & Erlich, 2016). However, as the conflict exacerbated, they began providing extensive military, financial and logistic support to Assad's troops, to the point where Russia even started conducting intensive air strikes on rebel-held territories. Therefore, it appears that these external powers are exploiting the Syrian War as a political device to further a wider diplomatic-strategic agenda and are instrumentalising these domestic antagonists to improve their global posture in relation to their international foes. Thus, in addition to its civil war ramification, the Syrian conflict is also gradually evolving into a novel form of Cold War.

1.3. The Holy War

The final constitutive layer that structures the Syrian War is the mosaic of religious hostilities that, deeply rooted in history, constitutes a genuinely tenacious source acrimony and that significantly complexifies the political landscape. Indeed, solely within its borders, Syria shelters adherents of numerous branches of Islam (Shias, Sunnis, Alawites, Sufis, etc.) as well as Druze, Yazidis and Christians (US Department of State, 2015). For centuries, these different religious affiliations have coexisted in the region, alternating between peace and antagonism, and they seem to have internalized a propensity to ghettoize in response to these historical enmities (Makdisi & Silverstein, 2006).

In parallel to the hostile nature of the spiritual scenery within Syria, a vast array of regional actors, propelled by political and religious interests, have also intervened in the conflict to support their coreligionists. On one side, the Sunni monarchies of the Persian Gulf have offered armaments and financial aid to the rebel factions in an attempt to counter the influence of their historical foe in the region, namely Iran. Among these Sunni states, Saudi Arabia, Qatar and Kuwait have undeniably contributed to the tenacity of the opposition and some of these countries are even suspected of collaborating with more extremist groups like Daech, Ahrar-al-Sham and the Al-Nustra Front to further their politico-strategic agenda (Rodgers *et al.*, 2016).

On the other side, an heteroclite web of Shia protagonists are deeply involved in the conflict to safeguard the leadership of President Al-Assad, a rare and crucial Shia partner in this predominantly Sunni region. Irrefutably, through its extensive financial and military contributions, Iran represents the foreground Shia ally of the regime and, accompanied by the Lebanese Hezbollah and several Iraqi militias that fight alongside the governmental forces, these actors have all intervened in Syria to secure the interests of their faith in the region. Hence, the Syrian war is yet another manifestation of the historical clash between Shiism and Sunnism and this rivalry undeniably adds another layer of complexity to this already highly intricate conflict. Ultimately, the war that has been riving Syria since 2011 is a fundamentally hybrid form of conflict that comprises civil, politico-diplomatic and religious ramifications and that encompasses a complex network of local, regional and international linkages. Thus, the three constitutive layers outlined above will represent the explanatory bedrock on which this essay will lay and will allow us, in the subsequent chapter, to apprehend the fundamental causes of the Syrian War in relation to their contextual underpinnings.

The Symbiotic Influence of Greed and Grievance

In his seminal conceptualization of the causes of conflict, Collier (2000) elaborated a model that emphasized on an array of risk factors that, pertaining to the concepts of either greed or grievance, are believed to be increasing the prospects of war. On one side, the greed argument stipulates that actors in a situation of imminent conflict perform a cost-benefit analysis that lead them to perceive the potential profits of confrontation as being greater than its possible consequences (Collier & Hoeffler, 2004).

In this context, the advocates of greed explanations claim that avidity, economic entitlements and the perception of confrontation as a rational investment to reach a desired outcome are the most potent catalysts of conflict. Therefore, the protagonists within a conflict are seen as rational actors motivated by the prospects of self-endowment and, as a result, pecuniary "motivations and opportunities (loot-seeking) are [believed to be] more highly correlated with the onset of conflict than ethnic, socio-economic, or political grievances (justice-seeking)" (Ballantine & Sherman, 2003, p. 58).

On the contrary, the grievance argument posits that conflicts are ignited predominantly by inter-group hatred, political exclusion and "social grievances such as inequality, lack of democracy and ethnic and religious divisions within societies" (Patel, 2012, p. 7). Thus, the foreground actors within a conflict are believed to be operating on behalf of a wider community in response to a perceived discrimination and their endeavours are usually anchored in identity and group membership. Therefore, the grievance argument postulates that these internalized and latent resentment strains are produced by societal structures that, over time, alienate certain groups within a country while simultaneously bolstering their incentive to antagonize (Ballantine & Sherman, 2003).

Yet, while Collier and Hoeffler seem to have catalogued greed and grievance as two autonomous and autarkic categories, we will argue that they rather constitute mutually reinforcing and interdependent components of an indivisible explanatory whole and that "conceptualizing [them] in terms of greed versus grievance has imposed an unnecessarily limiting dichotomy on what is, in reality, a highly diverse, complex set of incentive and opportunity structures that vary across time and location" (Ballantine & Sherman, 2003, p. 6).

In this context, it seems imperative to examine which of the risk factors inventoried by Collier and Hoeffler are applicable to the Syrian War and to access how their interactions have facilitated the outbreak of the conflict. Firstly, within the greed category, the **primary commodity exports** factor has undeniably had a substantial impact in Syria since the country is highly dependent on its oil, mineral and natural gas reserves (CIA, 2016). Over the last two decades, this sector of the economy has monopolised around 25% of the country's total GDP, a percentage that aggravates Syria's vulnerability according to the Collier-Hoeffler Model (Fearon, 2005; CIA, 2016). Clearly, such a profusion of coveted resources is often synonymous with the prevalence and the intensity of conflict and is likely to act as an agent of instability rather than as a guarantor of prosperity, a paradox that is commonly known as the "resource curse" (Ross, 2015)

In the case of Syria, these resources have irrefutably been instrumentalised by numerous actors such as Daech, different rebel factions and the governmental forces that employed them as indispensable financial supplies and as potent political leverages. Hence, the lootable, easily-taxable and immobile character of these primary commodities, conjugated with the weakness of the Syrian regime, has undeniably created numerous windows of opportunities for the antagonists, allowing them to translate their bellicose designs into deeds (Patel, 2012). In that sense, the relationship between Syria's natural resources and the outburst of the war can be explained by "the opportunities such commodities provide for extortion, making rebellion feasible and perhaps even attractive" (Collier & Hoeffler, 2004, p. 588).

Furthermore, in the Collier-Hoeffler Model, anaemic **economic growth and low GDP per capita** are identified as being influential conflict triggers. These risk factors are

indubitably ubiquitous in the Syrian scenario since, in addition to the relatively low growth rates of the pre-Arab Spring era, the country is now entangled in a cycle of consecutive years of economic decline. In 2015, Syria even reached an apex of depreciation, its economy having retracted by almost 10% (CIA, 2016). Moreover, the country now ranks as one of the poorest Middle Eastern state in terms of GDP per capita (US 5100$ in 2014), a situation that thrusts 82% of its population under the poverty line (CIA, 2016).

This economic precariousness relates to the greed argument insofar as the inhabitants of low-income countries are generally more likely to have nothing to lose and to represent a fertile ground for rebel group recruiters (Collier & Hoeffler, 2004). This inertia also substantially increases the appeal of the natural resources mentioned above since, in the lawlessness that war often implies, the looting of these primary commodities can represent a swift way to alleviate misery. Indubitably, these incentives would have lost a great deal of their allure in superior economic conditions.

Moreover, it seems that **youth unemployment** has also substantially contributed to the catalysis of the conflict. Indeed, the proportion of unemployed Syrians between the age of 15 and 24 has been hovering around 20% since the 1990's and has stayed well above 30% since the outbreak of the war (World Bank, 2016). This scarcity of economic opportunities has undeniably bolstered a potent sentiment of frustration and of dismay amongst these youngsters and the belligerents of the conflict have obviously capitalized on this disillusioned clientele whose members represent "prime candidates for recruitment" (Patel, 2012).

Undeniably, youth unemployment has generated a significant amount of greed in these young jobless Syrians who, by joining a rebellious group or an Islamist militia for example, found a way to acquire what they perceived as their share of the pie and, concurrently, a sense of life purpose (Ballantine & Sherman, 2003). From a larger perspective, the paucity of socioeconomic perspectives in Syria has certainly fostered the impression of a clogged horizon that induced many people to engage in conflict as a last resort attempt to disrupt the status quo.

Additionally, despite the fact that it has been largely neglected by Collier and Hoeffler, the role of the **economic and political interests of external actors** must, in this case like in many others, be included in the conflict equation. With regards to Syria, this factor seems to be particularly relevant since the country represents one of the most vital client of Russia's defence industry, Moscow "accounting for 78 percent of Syria's weapons purchases between 2007 and 2012" (Borshchevskaya, 2013, p. 2). The Russian government also has strong economic and politico-strategic incentives to protect its last military foothold in the Mediterranean, namely the Tartouz base located on Syria's western coast (Rodgers *et al.*, 2016). On the opposing side, the Western support to the rebel factions seems to be propelled by a desire to balance Russian and Chinese influence

in the region. Indeed, the exponential involvement of the United States and of European nations in the war is far from being disinterested, but lies on crucial geostrategic and political interests. Hence, for all the external actors involved, the Syrian War is more than a mere regional influence contest but represents a paramount opportunity to affirm their position in the international hierarchy and to showcase their leadership in the Middle Eastern mayhem. Therefore, it is clear that the exogenous interventions in the Syrian conflict have been fuelled by opportunistic motivations that pertain to greed as understood by Collier and Hoeffler (i.e. of economic nature) but they were also induced by political greed, a notion that has been widely eschewed in their model. Ultimately, all of the greed-related incentives outlined above seem to have conjointly made the "constraints upon rebellion weak enough to enable violence to escalate to the level of civil war" while simultaneously adding a thick layer of rigidity and of complexity to this already intricate conflict (Collier & Hoeffler, 2004).

On the other end of the spectrum, several of the grievance-related factors proposed by Collier and Hoeffler also seem to be germane to the Syrian example. Among these, the persistence of profound **ethno-religious hatred** within the country has undeniably been a prominent conflict catalyst. Indeed, the antagonists within the Syrian War are not solely fighting on a political basis, but are also riven along numerous ethno-religious lines such as, inter alia, Kurdish, Arab and Yazidi lineages in terms of ethnicities and Sunni, Alawite and Shia Islam with regards to religious affiliations (Rodgers *et al.*, 2016).

Crystallized by reminiscences of traumatizing confrontations from the past, these ethno-religious fractures seem to rest on "primordial" foundations since they are clearly embedded in the deeply-rooted and abiding acrimony that has evolved between these historical foes over the last centuries (Kaplan, 1994). If these ethnic tensions might also have been "manufactured" by different actors that benefit from this fragmentation (Ranger, 2012), a quick historical review promptly reveals the preponderance and the inveteracy of primordial strains of ethno-religious tension in Syria.

Irrefutably, the most salient and resilient example of inter-group hatred in Syria is the one opposing Shia and Sunni communities. Rooted in centuries of antagonist coexistence, this abhorrence is exacerbated by the political landscape of the country that, for many decades, has favoured the Shia minority (roughly 10% of the population) at the expense of the Sunni majority (more than 70%) (Rodgers *et al.*, 2016). Indeed, since the 1963 coup instigated by the Baath party, Syria has been uninterruptedly ruled by the Assad family, of Shia affiliation, that progressively implemented a systemic culture of preferentialism in favour of its coreligionists (Crétois, 2016). Hence, as the socio-political and economic privileges of the few increasingly superseded the needs of the many, this asymmetry between the Shias' power ascendancy and their actual demographic representation has gradually generated a potent sentiment of grievance amongst these marginalized Syrians.

Fundamentally, the political and economic discrimination that has been afflicting the Sunni majority for the last decades appears to be acutely attuned with the precepts of the **horizontal inequality** theory outlined by Frances Stewart (2010). Indeed, in her analysis of the causes of conflict, Stewart identified two types of inequalities: vertical and horizontal. While the "former refers to inequalities as measured on a societal level between individuals, the latter [denotes] inequalities between social groups, where one social group is marginalised compared to others" (Van Doorn, 2013, p. 2). Having distinguished these, Stewart posits that horizontal inequalities are a particularly influential source of conflict and that, when ethno-religious or cultural marginalisation overlaps with economic or political discrimination, this asymmetry is very likely to induce intrinsic grievances that can lead to violent confrontation (Stewart, 2010).

In that respect, it is clear that the seeds of conflict have been ubiquitous over the last decades in Syria. Indeed, on top of the political marginalisation of the Sunni majority, Syria is also one of the most unequal Middle Eastern country in terms of income distribution (GINI index), its different regions are very unequally endowed in terms of infrastructures and public services and the development of rural areas is severely hampered by the concentration of socioeconomic opportunities in urban areas (Achy, 2011). These considerations are particularly striking in the northern and southern regions of Syria where the infrastructure dearth and the socioeconomic precariousness are exceptionally acute (Abu-Ismail, Abdel-Gadir, & El-Laithy, 2011).

Hence, the marginalized groups within the Syrian population have allegedly engaged in this conflict in an attempt to rectify these inequalities while the advantaged groups have simultaneously sought to safeguard their privileges using the same methods (Patel, 2012). Therefore, the patent overlap between these "culturally-defined" units and the asymmetry of their corresponding political and economic means has certainly been one of the most meaningful source of grievance in Syria and has surely constituted one of the paramount causes of the outbreak and of the escalation of the war (Stewart, 2010).

Additionally, Stewart's insights on **social contract** also seem to be thoroughly compatible with the Syrian example (Stewart, 2013). Rooted in the seminal works of the Enlightenment philosophers, this theory argues that a tacit agreement bonds the citizens of a nation, who agree to renounce to some of their rights and freedoms, with their government, that is expected to provide "services (e.g. security, health, education, sanitation) and reasonable economic conditions (e.g. employment)" (Patel, 2012, p. 12). When applied to the explanation of armed conflicts, it is the degradation of these elemental services and of these basic economic conditions that fosters the impression of the nullification of the social contract and that incites people to withhold their compliance to state authority.

The voiding of this fundamental agreement has been manifest in Syria over the last few years, the government having failed to provide even the most rudimentary living

standards to a vast proportion of its citizens. Under these circumstances, it appears that the depreciation of the Syrian social contract has severely undermined the legitimacy of the regime's authority and has simultaneously shaped an unstable political landscape that greatly facilitated the upsurge of conflict. Hence, all of these grievance-based incentives, severely aggravated and magnified by the numerous greed "opportunities" outlined above, have symbiotically contributed to the bolstering of Syria's "preferences" for conflict and have paved the way towards war by ripping at the very seams of the country's social fabric (Collier & Hoeffler, 2004).

Conclusion

Evidently, for the sake of concision, other potentially decisive factors such as the ubiquitousness of active conflicts in the region, the predisposition to confrontation induced by a long history of war and the impact of climate change manifestations such as droughts have been deliberately eschewed in this examination of the roots of the Syrian War (Collier & Hoeffler, 2004). Yet, throughout this analysis, we have endeavoured to underscore the way in which greed and grievance have symbiotically interacted in the outbreak of the conflict while arguing that it is considerably more fruitful to assess how they have mutually reinforced one another than to aim at hierarchizing their relative explanatory clout (Berdal, 2005). In this context, it seems clear that the compartmentalized interpretation privileged by Collier and Hoeffler represents an analytical inaccuracy from which we ought to move away.

Indeed, it is evident that the profound socio-political, cultural and economic grievances within the country and the omnipresence of influential greed inducements such as the enticing presence of coveted primary commodities, the country's anaemic economic growth and meagre GDP per capita and the endemic youth unemployment, have vastly exacerbated and fuelled one another over the years (Ballentine & Nietzschke, 2003). As the war intensified, these greed and grievance factors have become exponentially trapped in a spiral of mutual reinforcement and they collegially contributed to the increasing complexity and rigidity of the confrontation. Over time, these symbiotic and mutually constituting trends have generated a unique political landscape where "the preferences for rebellion [were] atypically strong (grievance) while the constraints upon rebellion [were] atypically weak (greed)" (Collier & Hoeffler, 2004, p. 5). Conjugated with a social architecture that was corroded by numerous horizontal inequalities and with the exponential subversion of the country's social contract, these structuring factors have eventually became inextricably interlaced and have ultimately cleared all the impediments on Syria's path towards war.

Therefore, in hindsight, it seems that it is the examination of the interactions between these different trends, the symbiosis between greed and grievance, that is the most fruitful way of assessing the Syrian War and, more broadly, all instances of armed con-

flicts (Cramer, 2005). In the end, it seems essential to bear in mind that this war, like all wars, is a fundamentally dynamic and singular phenomenon that inexorably requires a nuanced, adaptive and individualised assessment. Ultimately, only through such a context-based and multidimensional examination will we be capable of implementing the right policies in response to the right conflict.

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