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## GORAN HYDEN

### Introduction

Development, as we typically define it, implies the integration of livelihoods into an increasingly global economy where the destinies of people living continents apart are no longer separate. New forms of social consciousness emerge from the effects of these globalized resource flows. Conflicts arise more and more over control of resource flows and the way in which these resources are conceived, managed, and sustained. These conflicts, in turn, pose challenges to existing ways of governing at different levels. The growing realization that individual livelihoods and the fate of local communities can no longer be viewed in isolation from national or international structures and processes has given rise to new forms of scholarship in which micro and macro considerations are being combined to provide fresh perspectives and insights on issues that previously were studied in isolation from each other. This means that in the same way that we are increasingly interdependent in pursuit of our livelihoods, we are as scholars more and more dependent on each others' theoretical and methodological contributions. Even though many are slow in recognizing it, interdisciplinarity is no longer something to be despised or discarded.

One field in which this convergence of social and economic forces is influencing the parameters of scholarship is that concerned with "security". The latter has for a long time occupied a prominent place in the literature on international relations. Debates about security, therefore, have typically been interpreted mainly in terms of what it means to the nation-state, and primarily in terms of military security. This orientation among international relations scholars was particularly pronounced in the days of the Cold War when calculations about military security were driving state policy, especially among the Big Powers. The "realist" school, which argues that states act in the international arena to maximize their own security, was for a long time the trend-setter in the study of international politics.

Realist assumptions continue to influence the field but they have become increasingly challenged, particularly in recent years, for at least two major reasons. The first is the end of the Cold War which has allowed scholars to revisit such concepts as security with a view to making it more applicable to a world where bipolar tensions between the East and the West no longer dominate the international arena. The other is the globalization of the capitalist economy and the threats to and opportunities for human welfare that follow in the wake of this process. Conflicts over resources and their use are now being studied not merely as international

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political economy but are increasingly analyzed in terms of security. The Gulf War is an obvious case in point but this is evident also in the way that communities within nation-states, e.g. the Ogoni in Nigeria and the Maasai in Kenya and Tanzania, struggle to protect their security in the light of threats posed by international forces. At the heart of many of these conflicts are often different interpretations of the concept of security. The latter is not only a concern for states, but also individuals and communities. Furthermore, threats to states, communities, and individuals are no longer seen as only military but also include economic poverty, political instability, and environmental degradation. This new debate also alerts us to the different time horizons that often apply to the notion of security. In thinking about what security means, analysts can no longer escape the differential time horizons that apply to various categories of security. For example, with growing interest in the notion of environmental security has come a recognition of the need for studying the long-term consequences of specific state policies or interventions.

The debates among political scientists, and international relations scholars in particular, therefore, are a fruitful starting-point for a closer examination of how macro and micro sets of issues are increasingly being studied in more holistic terms. The perspectives that are evolving in academic circles are of interest not only because of their theoretical or methodological dimensions but also because they serve as the lenses through which eventually policy is likely to be formulated and evaluated. Theories typically shape the way we interpret the world around us and they are of interest, therefore, not only because of their analytical but also their prescriptive value.

The purpose of this article is not to make an exhaustive analysis of the security literature, but to indicate how principal theoretical perspectives today influence our thinking about peace and security in Africa. Africa is a particularly good case in point for this kind of overview because nowhere else in the world do issues of conservation and development, as well as war and security, interface more manifestly than there.

## The Evolving Discourse on Security

The emerging debate on the concept of security seems to take place largely in response to two simple but fundamental questions: (1) what security? and (2) whose security? The discourse centering on the first of these questions may be seen as a lateral expansion of the concept. By emphasizing that threats to states and societies are not only military -- as the case tends to be among realists -- but includes economic poverty, political instability, and environmental degradation, the idea of different categories of security, i.e. political, economic and environmental, has begun to take hold in the literature (e.g. Buzan, 1991). The need for a reconceptualization of security studies has also been argued by Gilpin (1981) and Keohane (1984) and more recently by Ray (1995). An overview of some of these efforts are contained in a recent review article by Baldwin (1995). A good deal of the academic work, particularly by younger scholars, along these lines has been funded in the past ten years by the joint U.S. Social Science Research Council-MacArthur Foundation Program on Peace and Security in a Changing World. Other efforts include an edited volume with special focus on Africa (Hjort af Ornas and Salih, 1989) published under the auspices of the Scandinavian Institute of African Studies (now the Nordic Africa Institute). Ken Booth and Peter Vale (1995) have advocated the need for a new

and critical outlook on security in southern Africa, using a laterally expanded definition of security. Implied in this and other similar work is the assumption that the various spheres of modern life rather than the state are the primary contexts of security (Latham, 1995:44). These spheres, which are variably defined but include the configuration of military power, the dynamics of collective existence, the structuring of the polity, the organization of material life, and the conditions of biological and non-human life on the planet, are not isolated but intertwined and constitute part of the conceptual apparatus needed for redefining security in the present global setting. The trend of recent events in a number of African countries, e.g. Liberia, Rwanda and Somalia, illustrate the need for studying the interrelationship between these spheres in an integrated fashion if we want to understand the problems of peace and security in the present global environment. Ethnic conflict fueled by the supply of arms from other countries in societies where material existence is hazardous and political institutions are weak combine to adversely affect resource flows which in turn threaten livelihoods. Similarly, more intensified use of natural resources may pose serious security threats to both state and society as the battle for control of water resources in the Middle East and the waters of the Nile highlights.

The ongoing redefinition of security has a simultaneous and complementary vertical dimension. By this is usually meant the inclusion of other units of analysis than the nation-state. "Whose security?" may refer to specific communities of people within a country or to regional and other international entities. In this respect, the study of security issues is expanded both upwards and downwards. The important point is that these levels, like the spheres discussed above, are interrelated. At a practical level, this articulates itself in the motto, often used in NGO circles: "Think globally, act locally!" For the student interested in the connections between livelihoods, security, and governance, it is important to recognize not only that local values and institutions are often mediated by national, regional, and global influences but also that the opposite may take place. The challenges of contemporary governance cannot be resolved at one level alone. Neither local nor national considerations provide long-term solutions if allowed to prevail.

Some of this literature addresses the question of whether it is possible to have a "bottom-up" approach to the definition of security, or, put in somewhat different terms, whether civil society has a place in defining security concerns in the present era. For example, Julie Fisher (1993) points to the problems for indigenous non-governmental organizations in the Third World caused by the dominance of more powerful international (read: Northern) NGOs. Booth and Vale (1995) discuss the challenges facing South Africa and its neighbors in achieving national reconciliation through a focus on people, justice, and change, stressing that regional security is possible only if the building of common identities and the spreading of moral and political obligations to the various state and non-state actors is involved. A more broad-based study of environmental activism in the global arena by Wapner (1995) focuses on the new strength of transnational environmental action groups (TEAGs) and the emergence of a civic public realm that transcends national boundaries. The point he is making is that state actors in the international arena are not only influenced by other states or multinational corporations but increasingly also by TEAGs that demand -- and often obtain -- changes in the behavior and stand of individual governments.

The idea of expanding the study of security vertically has also gained momentum from the growing recognition among comparative politics scholars that the state in some parts of the world is weak or even disintegrating (e.g. Zartmann 1995). The notion of the state as a passive victim rather than an active agent features prominently in much of the contemporary commentary about the emerging security agenda (Del Rosso Jr., 1995). This is perhaps best exemplified by journalist Robert Kaplan's article "The Coming Anarchy" (Kaplan, 1994). In this article, he paints a ghoulish picture of the assorted demographic, environmental, and societal stresses afflicting states in West Africa which he holds up as a harbinger of a future world of "ever-mutating chaos". Among academics, Robert H. Jackson (1990) describes African states as "quasi-states" possessing juridical statehood but having only a tenuous empirical claim to such status. In this perspective, it is easy to see that institutions other than the state may be identified as necessary complements to the task of making the world a safer place.

It may be helpful to summarize this emerging debate by distinguishing the literature along the two cross-cutting lines identified above: (a) the lateral dimension, involving a redefinition of security to include other aspects than the military, and (b) the vertical dimension, extending the concept to involve actors other than the nation-state. The following matrix captures these dimensions and identifies four different "schools" or perspectives that participate in the ongoing discourse on security:

Figure 1. Four contemporary perspectives on the study of security
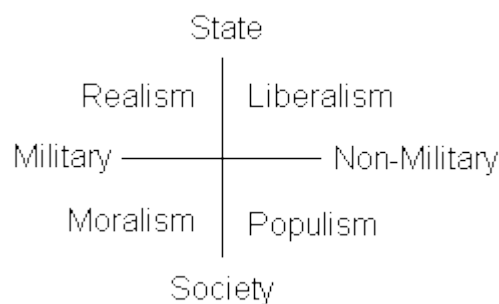


The realist school continues to focus on the state and treats the threat of war between nations as the primary focus of its intellectual concerns. The moralist school dwells first and foremost on the breakdown of political order within a country and the threat of civil violence to human security. While focusing on the use of military means, its concern with security extends beyond the state. The liberal school concentrates its intellectual efforts on the implications of a technologically and economically interdependent world and what governance measures need to be instituted in order to promote greater security and cooperation among existing nation-states. The promotion of democracy on the assumption that democratic states are less likely to go to war with each other is a cornerstone of this approach. The populist school is furthest removed from mainstream realist studies in accepting an expanded definition of the concept along both a vertical and a lateral line. Thus, its main concern is with the effects of resource degradation not only for the security of states but also for individuals and societies alike. In the remainder of this paper I shall deal with each of these schools in turn.

**The Realist School**

In spite of the growing interest, particularly in recent years, in redefining security, it would be wrong to imply that realism is waning as a leading paradigm in the study of international relations. It continues to occupy a hegemonic position especially among analysts of foreign policy in the United States. The extent to which there are new concepts of security emerging in the literature is more the outcome of new groups of scholars taking an interest in it than a major upheaval in the study of international relations. Realism is very much alive and kicking, as the saying goes.

This does not mean that all those who may be referred to as "realists" in their approach to the study of security are of one and the same persuasion. Particularly when looking at security studies in international relations over time, it is clear that the interpretation of war and military threat, and their implications for national and collective security, has varied. Going back to the seminal work of Quincy Wright (1942), war was primarily a problem to be solved, a disease to be cured, rather than an instrument of statecraft. Although the preoccupation was with war, it was affecting national security as a malfunction of the international system. Growing out of scholarship in the period between the two World Wars, realism, in that perspective, called for interventions to improve the workings of the international system as a whole. "National security", however, took on a very different meaning in the Cold War era when consideration of force as it relates to policy in conflicts among nations emerged as the first and foremost concern of realists. Although the initial period after 1945 was characterized by a definite caution with regard to how far to interpret security only in military terms (e.g. Brodie 1949), the emergence of "deterrence theory" in the 1950s and 1960s initiated a specific focus on nuclear weaponry and related issues such as arms control and limited war. Because it was assumed that no one really wanted to use nuclear weapons, except as last resort defence, security strategizing took on the logic of chess players. The objective of the national security analyst was to always offer a winning option without risking the imposition of a global disaster.

The work of Thomas Schelling (1960) stands out as a good illustration of the orientation of realist scholars of that period. The breakdown of detente and the renewal of cold war tensions in the 1980s stimulated further interest in security studies, but the realist's concern tended to remain focused on "the study of the threat, use, and control of military force". What was new in this latter period was that perspectives from history, psychology, and organization theory were brought in to enrich security studies. In none of these versions of realism, however, did concern with livelihoods and resource flows feature with the exception that realists acknowledged that war in the modern era would have a disastrous effect on civilian life.

There is obviously much more that should and could be said about the realist school. Suffice it to stress here, that realism does not necessarily mean that military force or war is the only variable entering into the equation of what constitutes security. Nor does realism have to exclude concerns about the nature of the international system. What is best in the interest of a nation, in other words, may take on variable interpretations in the realist perspective. It is important to take this into consideration in the contemporary setting when other intellectual perspectives are being launched to challenge realism. The latter is likely to still hold its ground and, at least in the United States, foreign policy debates are likely to be pursued on the terms set

by realists rather than by other schools. In other words, it is not very likely that Washington security analysts are going to be persuaded to abandon their own realist premises in favor of some other "fashionable" theory. In this respect, one can reasonably assume that the 'hardcore' realist perspective on security will continue to be significant in the ongoing discourse on security. The challenge, therefore, is how to make environmental and other concerns an integral part of the realist equation.

## The Moralist School

The fact that the global setting in the 1990s differs from the Cold War scenario creates space for alternative perspectives that now compete for attention among scholars. A particularly important driving force for the emergence of rivaling schools is the tendency for conflicts to be *within* rather than *between* states. Such conflicts tend to be particularly violent in multi-ethnic states (Carment, 1993). Evans (1994:3) mentions that of the 30 conflicts receiving international attention in 1992, no less than 29 were within state borders (Evans, 1994:3). This trend has been exacerbated by the breakdown of empires, notably the Soviet one, but also the collapse of the state in many former colonies in Africa. Bosnia, Rwanda and Somalia, mini- states without their own clout in the global arena, have occupied the attention of policy analysts in recent years, not the military threat of competing global super-powers.

This is to many the essence of what is sometimes referred to as the "post-imperialist age". The principle of national self-determination, we have come to assume, is not in question. Interventions are no longer imperial but humanitarian. We prefer to imagine the acts of rescue undertaken in countries like Bosnia, Kurdistan and Somalia since 1989 as exercises in post-imperial disinterestedness, as a form of therapeutics uncontaminated by lust for conquest or imperial rivalry, as Ignatieff (1995:78) argues. Nor is this mere illusion. In the cases mentioned above, the intervening forces have stopped short of occupation. Even if these interventions have been more associated with failure than success, they have changed the parameters of the debate about security in ways that still prevail.

The bottom line of the moralist school is that the international community has a collective responsibility for not only all member states but also for the people living in these member states. It is no longer possible to define security in narrow national terms; it must be viewed as cooperative, i.e. as involving every member state of the international community in renouncing the use of force among themselves and coming collectively to the aid of any one of them attacked. Cooperative security, then, in the language of one analyst (Evans, 1994:7), means consultation rather than confrontation, reassurance rather than deterrence, transparency rather than secrecy, prevention rather than correction, and interdependence rather than unilateralism. Peace is seen as a necessary condition for development, this school argues while pointing to the fact that it is no coincidence that those countries whose economies are declining, whose political institutions are failing, and where human rights are not respected should also be those experiencing the greatest amounts of turmoil and violence.

The moralist position favors a stronger role for preventive diplomacy conducted not unilaterally by the already strong powers but through global or regional mechanisms. Its advocates point to the fact, for instance, that UN's peacekeeping budget for 1993 was $3.3 billion

while the cost of the U.S.-led coalition that defeated Iraq spent more than $70 billion. To enhance the mechanisms available for pursuing collective security, a number of proposals have been made. Some suggest that if member states contributed just 5 per cent of their existing defense budgets to the UN, the world body would have a security budget of some $40 billion a year -- more than ten times what it now has available. Others have suggested a flat levy on international air travel or a 0.1 per cent turnover tax on foreign exchange transactions to boost the ability of the UN to engage in preventive diplomacy and peace- keeping.

The moralist position, however, has its own problems which stem not only from the failures of the global efforts in recent years to ensure collective security or pursue preventive diplomacy. The political will to engage in these ventures has understandably slackened in the mid-1990s even though the real reason for the failures is that there was never enough of it in the first place. For example, it is hardly reasonable for states to deny the UN desperately needed funds, then turn around and blame it for the failures that lack of resources inevitably generate. Nor is it reasonable to blame the UN as an institution for the failures of member states in the Security Council to provide decisive leadership.

Another problem with the moralist position is the difficulty in determining its boundaries. Morality is often invoked but seldom delineated. Because objectives and motives are hard to concretize in situations where morality is an important factor, exercises aimed at crisis prevention often create their own backlash (Harff 1995:36). Humanitarianism is morally seductive but it also easily leads to hubris of the same kind that characterized the old imperialism. What else but imperial arrogance, asks Ignatieff (1995:79), could have led any one to assume that an outside power -- even one mandated by the international community -- could have gone into Somalia, put an end to factional fighting, and then exited, all within months?

Our moral reflex -- something must be done -- has often been sustained by the unexamined assumption that we have the power to do anything. We have taken our technological and logistical might for granted. Now that we are faced with the partial, if not total, failure of almost all interventions attempted in the name of humanitarianism or collective security, the theme of moral disgust is emerging. The thought is not too far away that maybe civil wars must be allowed to burn themselves out on their own accord. Add to that the anguished suspicion that our attempts to stop them have either delayed the inevitable or even prolonged the agony and we find ourselves adopting the moral reflex of self-exculpation by blaming the victim and thus justifying moral withdrawal.

There is a need for every one who seriously ponders what we can do in Burundi, in the former Yugoslavia after the Dayton Peace Accord, or in any other place where intra-state violence occurs or is likely to occur, to consider the dilemma that follows from adopting the moralist stand. It is a seductive stand, but it creates its own traps in which we all are prone to fall. The moralist argument, therefore, while important for pointing to the relationship between civil war and the collapse of resource flows and livelihoods, carries its own prescriptive limitations when it comes to policies which are not always fully considered. The result is typically disgust, cynicism, and withdrawal, i.e. the opposite of what the school demands of the global community to do.

### The Liberal School

The liberal school lays primary emphasis on the growing economic and technological inter-dependence of states and societies in the contemporary world setting. It accepts that security concerns go beyond military aspects. In a liberal international economic system, vulnerability to external economic events and dependence on foreigners are a necessary consequence of immersion in global markets. They are viewed as the source of opportunities for improved living standards, not threats to be avoided. This means that the sense of insecurity for individuals, firms, and nations that follows from the uncertainty associated with liberal capitalism is regarded as a necessary evil, if not an outright positive thing (Cable, 1995). Yet, even liberals agree that policies that enhance security, for example, to guarantee resource flows, are necessary. There are different versions of this liberal definition of security.

Robert McNamara (1968) is among those who first argued for a broader definition of security than what was typically inherent in the concept of "national security" in the Cold War era. His apostasy is particularly interesting given his role as architect earlier in the decade of America's involvement in the Vietnam War. McNamara, on the eve of becoming President of the World Bank, articulated an expansive notion of security that included the promotion of economic, social and political development in "poor nations" as a means of preventing conflict and preserving a minimal measure of global order and stability. Contrary to the moralists who argue that peace is a precondition for development, McNamara argued that development is a precondition for peace. The problem with his expanded notion of security was how to delineate and operationalize it. It was not easy to identify, for example, which specific policies would really promote greater global security. The policy of massive resource transfers in support of the poor that was pursued by the World Bank in the 1970s under Mr. McNamara's leadership, proved quite soon to be inadequate for that purpose. All it did was leave these poor nations heavily indebted to the West.

Others who tried to articulate a similar non-military definition of security were not more successful. For example, during the 1970s, a growing number of activist scholars began pointing to ecological degradation and population growth as existential threats to human survival. They questioned the positivist assumptions underlying the dominant liberal view of development as inherently good. Science and technology, these activist scholars argued, were more ambiguous instruments than had generally been accepted. This group, preaching the new gospel of saving the planet, included, as Del Rosso, Jr. (1995:185) reminds us, Rachel Carson, Barry Commoner, Jacques Cousteau, Paul Ehrlich, Buckminster Fuller, Garrett Hardin, and Margaret Mead. Every one of them emphasized a particular aspect of the problem, but the urgency that drove their separate appeals was enshrined in the 1972 Club of Rome study, The Limits to Growth, which painted an unremittingly grim picture in which the world's economic system was destined to collapse as a result of unchecked population growth and industrial growth. It was ironically the alarmist nature of their warnings of inescapable disaster that in the end undermined the political impact of their calls. At least in the perspective prevailing in policy circles in the 1970s, these doomsday prophets were seen as advancing prescriptions that were totally unfeasible. Whether they should be described as being ahead of their time or not, these advocates of "saving the planet" had very limited impact on either the "silent majority" or the policy-makers

in governments because the explicit link between non-military phenomena and the prevailing, typically realist notion of security was not effectively made. This verdict applies also to the effort by Lester Brown (1977), eventually President of the World Watch Institute, and Robert Ullman (1983) in redefining national security to include such security threats as climate change, soil erosion, food shortages, and deforestation.

It was only with the dramatic shifts in geopolitical terms after the end of the Cold War that space evolved for considering more seriously the points about security advocated by the liberal school. Gwyn Prins (1992) was one of the first and more influential in advocating a new field of security in which the key referent object was the entire globe rather than the state. Global security is about survival. The existential needs of humans -- and non-humans, notably animals, trees, and plants -- were now more readily accepted as part of the security agenda. Building on James Lovelock's "Gaia Hypothesis", which describes a world in which all elements, including human beings, are inextricably linked by powerful feedback loops that sustain a fragile global equilibrium. This new apostasy of security emphasized the critical interrelationships among some of the most daunting threats to human existence such as poverty, environmental degradation, and rapid demographic change (Myers, 1989).

Much of this global perspective was dismissed by conventional security analysts as "globaloney", but this liberal message had greater impact in the 1990s than it had two decades earlier. Behind their often inflated rhetoric there lay, after all, some important, and underappreciated, dimensions of the evolving international system which, following the liberalization of the world economy in the 1980s, had become increasingly apparent. The critique that the liberal definition of security moved the concept away from the fundamental notion of "protection from organized violence" could no longer be sustained because it was now more readily recognized than in the 1970s that factors emerging in the non-military realm were capable of causing as much harm to stability and order as the arsenals of the world's armies. For example, Homer-Dixon (1994), drawing on a wide range of cases from around the world, concludes that environmental scarcities definitely contribute to violent conflicts in many parts of the developing world.

The philosophical underpinnings of the liberal gospel of security in the 1990s are not new; what is new is its pretension for filling the conceptual vacuum left in the wake of the dissolution of the Soviet Empire. It takes two forms. One is political, the other is economic in orientation. The former emphasizes the importance of promoting democracy around the world as a means of enhancing global security, the assumption being that democratic states tend to go to war against each other less readily than other types of regime. This notion has become an important complement to the earlier preoccupation with development as a preventive measure. Today, the liberal gospel tends to be expressed as follows: democracy promotes development and development in turn promotes security. The liberals also have contributed toward making "geoeconomics" emerge as a natural successor to geopolitics in a world in which the force of arms is not only bad for humanity but also bad for business (Del Rosso, Jr. 1995).

The liberal definition of security continues to exercise influence in academic circles, yet there is evidence as well that these ideas have begun to permeate policy circles too. For example, in the US State Department, traditionally a fortress of realist thinking, there exists, since President Clinton took office, a special Under-Secretary for Global Affairs. Former

Secretary of State, Warren Christopher, in an address at Stanford University in April 1996, confirmed the Administration's acceptance that global environmental issues must be a vital part of U.S. foreign policy. Governments in many other countries around the world have already taken steps in this direction. We can safely say, therefore, that non-military aspects of security as they affect not only the nation-state but the global community as an integrated whole are receiving greater recognition today. More and more analysts and policy-makers realize that livelihoods and resource flows have to be secured in new and more imaginative ways than in the past.

**The Populist School**

The populist school shares some of the same points as the liberal perspective on development. In particular, it accepts that the security concept needs to be expanded to include non-military aspects. Like the liberal school, it also recognizes that developmentalism today must be tempered with a definite dose of environmentalism. It differs from the former, however, in that it recognizes not only states and markets as important actors, but also people. To the populist school, indigenous organizations and civil society are important concepts. Livelihoods and resource flows cannot be adequately secured unless citizens, and more specifically the poor and marginalized peoples of the globe, have a voice in the matter. To ensure their security the world needs to be governed in different ways than we have been used to in the past.

The environmental and demographic threats that the liberal school identifies in more generic terms are seen by the populists as applying in differential terms. The poor and the marginalized are more exposed than others. It is their livelihoods that need special protection. It is the way resource flows affect them that should be our priority. The populist school draws considerable inspiration from the Report of the Global Commission on Environment and Development, chaired by Gro Harlem Brundtland (World Commission on Environment and Development 1987). Like the liberal school, populists differ among themselves in terms of what concern to give highest priority. One noticeable difference is in the way populists relate to the question of how large-scale development affects small-scale efforts and vice versa.

One group starts from the assumption that the principal challenge is to draw upon the lessons of grass-roots development for the purpose of improving national or global development. It presupposes that the foundation for development lies with the people, that they are the best judges of how to judiciously use scarce resources. For this group, security lies in the notion that things grounded in society stand a better chance of being protected and promoted. If developmental and environmental factors may pose a threat to human survival and security, then it is important to get the equation right by proceeding from the bottom up. Considering the magnitude of the challenge, however, it is important to ask: how large can small ultimately become? Can that which is local build upon itself so that small is institutionalized and widely replicated? Can a species of development flourish that maintains the virtues of smallness, but at the same time reaches large numbers of people, transfers genuine power to the poor, and provides the prospect of sustainable development (Uvin, 1996)?

Annis (1987) answers these questions affirmatively with reference to Latin America. He believes that every Latin American country is now interlaced with a thickening web of grassroots organizations intertwined with each other and the state which provides the basis for the "scaling up" of small-scale development. Friberg and Hettne (1988) agree with Annis and add that micro processes can produce macro transformation for three reasons. First, the conventional distinctions of levels (local, national, global) are simplifications that distort our understanding of the aggregate effects of dispersed and localized phenomena. Second, there is a dynamic interplay between the functional macro system and the territorial micro system, which has been spurred by local responses to the operation of the world economic system in which those who suffer from unemployment, marginalization, and the destruction of their habitat react and take their future into their own hands. The resulting dialectic between the macro and the micro makes more room for local initiatives. Third, while the issues of local development vary quite a bit because of contextual differences, they are similar at a deeper level. It is possible, therefore, to speak of a tendency toward convergence, the two authors argue.

There certainly appears to be a growing consensus, not only among analysts but also practitioners, that the implementation of many global policies will require acceptance of these policies by most of the people of the world (Alger 1990). The view of Western moral and technical superiority that was so prevalent some years ago is finally being called into question. For example, the notion that Europeans could succeed where indigenous people had failed can no longer be sustained on the basis of existing performance records, whether the sector is agriculture or health. The refocus on the poor, therefore, draws attention to the indigenous, often marginalized, groups who in the past were subjected to the experiments of Western developmentalism. In trying to find answers to the questions raised by the interplay of environment, human rights, governance, and development, Western models are no longer viewed with the same confidence as before. In fact, it is increasingly recognized, as in the case of the CAMPFIRE project in Zimbabwe (Derman, 1995), that national proprietorship and local ownership must be recognized as fundamental to the success of any effort to combine environmental concerns (in this case wildlife protection) with the development aspirations of indigenous communities. An interesting example of what Brock (1991) calls "peace through parks", which involves the participation of grassroots communities as well as governmental agencies, is the attempt to establish the world's largest consecutive wildlife corridor in southern Africa, involving South Africa, Mozambique and Zimbabwe. This is a practical example of the efforts in the region to reduce the tensions between South Africa and the member states of the Southern African Development Community (SADC) that Booth and Vale (1995) are advocating in their review of post-apartheid security concerns in the region.

An opposite approach to dealing with the macro-micro interrelations is to start from the more negative assumption that all macro (or mega) development is harmful to the micro, whether defined in human, institutional or biological terms. Many analysts adopting this particular approach focus their attention on what development does to indigenous communities. Their security is being threatened by the global development forces set in motion by an assertive capitalist economy. Sometimes, these concerns are expanded to include not only human communities but also wildlife, whose existence is being threatened by economic or social forces. "Parks and people" programs constitute one practical example of how

governments, and sometimes NGOs, have tried to deal with the tensions that exist, e.g. in east and southern Africa, between the development needs of human communities and the demands of wildlife protection.

Another example of interest here is the struggle to protect the rain forest in the Amazon. Of particular significance has been the Kayapo Indian protest which over the years helped galvanize a new environmental consciousness in Brazil and in neighboring countries. The protest focused on the proposal to build the Kararao Dam, which would have drowned a considerable part of the rain forest and would have displaced members of the local Indian community. With the help of international NGOs like Friends of the Earth and Survival International the Kayapo staged a major demonstration in the town of Altamira that eventually had the effect of making the World Bank withdraw its promise of a loan for the project to the Brazilian Government (Fisher 1994). The Altamira Kayapo protest not only achieved the objective of stemming further destruction of the rain forest, but also profoundly changed the political reality of the indigenous Indian communities and their expectations of what they could do to protect their own livelihoods. In this case, the small managed successfully to defend itself against the large-scale development efforts funded by governments and international finance institutions.

Some of the same concerns have arisen in conjunction with the conservation of biodiversity. Here it is not so much human communities as biological riches that are at stake, but the two go together in that the best protectors of biodiversity are often local communities who have a stake in the continued existence of certain species. Community management of biodiversity, therefore, has more recently become an interest of scholars and practitioners alike both in Africa, Asia, and Latin America where such diversity is particularly rich. There is also growing realization in the richer parts of the world that these efforts are of value not only to the local communities but also to the rest of the world. Again, it is the small, by being defended, that can provide benefits to the large.

While the security concept which presupposes that the protection of local communities has a value to the global community at large is still enigma to most security analysts, the populist school does provide a new dimension to the discourse on security that complements other perspectives in a meaningful manner. By so doing, it also challenges existing structures of governance and calls for ways of linking analysis of livelihoods, security, and governance in new ways. Its concerns can no longer be taken as only esoteric. They are increasingly part of the global discourse on security.

### Four Separate Tables?

This paper has traced the evolving discourse on the concept of security in recent years. A number of important points emerge from this review. The first is that the vertical and horizontal expansion of the concept has broadened the debate and created at least four different perspectives that compete for attention among academics and policy analysts alike. As a result, the debate is richer and no longer the prerogative of a highly specialized group of international relations experts alone. Even though each of these perspectives has its own limitations,

especially when it comes to operationalization, security is now viewed as a much broader and more complex concern than in the past.

A second point is that the actors participating in the debate about security are no longer only government officials worrying about the security of the nation-state. Increasingly, representatives of civil society participate in the debate with a view to demonstrating how the definition of security bears on their welfare and livelihoods as well. Even though many analysts experience the present situation as disorderly and dismiss the debate in the post-Cold War era as confusing, the parameters of the debate have changed for good because the stakeholders are now so much more a diverse group than before. The recognition that civil society is as important an actor as the state guarantees that the concept of security will be defined in terms that reflect society's interests in ways that was not the case before.

The third point is that the rise of "geoeconomics" is drawing attention to new dimensions of security that are difficult for governments to ignore in a world where "everything is related to everything else, only more so now than ever", to quote an American diplomat (Del Rosso, Jr. 1995:175). Threats to economic security are potentially as harmful as many military threats might be. For example, the disruption of supplies, whether it is food, oil, or raw materials needed for production, can cause major damage to a country's economy and potentially spark political violence. Such threats to resource flows are bound to have implications for people's livelihoods in ways that politicians cannot ignore. They can affect rich countries as well as poor.

The fourth point is that human-induced environmental scarcity such as degradation of land resources and population pressures, helps precipitate agricultural shortfalls, which in turn leads to adverse social and political outcomes. Many parts of Africa, for example, are vulnerable to such interactions. Although some may wish to brush off such a scenario as scare tactics, there is a definite need to build into the calculation of security the fact that it is affected by a dual set of variables, one fast-moving, the other operating in the longer haul. The discourse on security in the past has been influenced mainly by consideration of the fast- moving variables such as military interventions or economic crashes. Equally important, however, are the processes of land degradation, population growth, climate change and, not the least, human values, which, if not considered, may cause as much long-term damage to resource flows and livelihoods as those more readily considered by security analysts.

These four concluding observations suggest the need for ensuring that advocates of the four schools presented above are able to enter into dialogue with each other. There has been a tendency for each school to ignore the others. To use Gabriel Almond's (1990) characterization of the debates in the field of comparative politics in the 1980s, advocates of each perspective have been seated at separate tables, engaging only each other while ignoring their neighbors at other tables in debate. This tendency not only limits the extent to which new theories and research is developed, but also ignores the practical policy implications of such misguided insularity.

If we fail to take a holistic view of security, we first of all overlook the inherent contradictions within the concept itself as it applies to contemporary problems and challenges. To start with, one person's security is often another's insecurity. In a world that is increasingly not only interconnected but also stratified between rich and poor, this becomes both an intellectual and a policy challenge. As Athanasiou (1996) argues, it is necessary for advocates of

any one of the perspectives listed above to recognize the difference between panaceas and solutions. At a time when the most politically powerful movements addressing economic and social inequalities tend to be fundamentalist, when corporate environmentalism is having greater influence, and when even some "greens" fear the notion of "equity," is it possible that we will witness the emergence of greater dialogue between these four perspectives on security?

Such dialogue would become possible only if advocates of each perspective are ready to engage in some form of compromise of their core position. For example, realists need to reconsider their tendency to reify the state. Security is ultimately defined and acted upon by human beings. At the same time, those coming at security from a moralist or populist perspective gain little from merely pursuing an anti-statist position. Their calls for a redefinition of security and the creation of new governance structures to realize it will meet with little response unless they incorporate the important role of the state. For example, civil society cannot act alone. Its influence can only be secured in the context of a functioning state. Furthermore, liberal analysts need to acknowledge that technology as a mediating factor between human beings and environment is not only positive but often associated with negative implications. For example, the tendencies towards homogenization, or "monoculturalism" reduce not only biodiversity but also other kinds of diversity that are inherently productive.

Each perspective, therefore, needs to be more adaptive and open to the possibility of integrating aspects of security that originate from other schools. A particular challenge in this regard will be how far realists can transcend their concern with state security issues and bridge the gap between macro and micro aspects of security. How far, for instance, does the economic dimension, notably factors associated with the globalization of the market, provide an entry point for broadening and deepening the realist perspective on security to include both non-military and civil society aspects on security? This and related questions need the attention of both researchers and practitioners if the global challenges that lie in the interface between (1) conservation and development and (2) war and peace are going to be better understood and more effectively acted upon.

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# Judicial Responses to Genocide: The International Criminal Tribunal for Rwanda and the Rwandan Genocide Courts

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**Abstract:** Following Rwanda's 1994 appalling eruption into genocide, the UN Security Council, having created an international criminal tribunal for humanitarian law violators in the European States of the former Yugoslavia, decided it could do no less for African Rwanda. Because the Rwandan conflict was internal rather than international, the statute for its tribunal complements rather than replicates that of its Yugoslavian counterpart. The statute for the UN's International Criminal Tribunal for Rwanda contains a number of legal innovations; as a result, it will contribute significantly to the development of the humanitarian law of internal armed conflict. In addition to analyzing these innovations and the creation of the Tribunal, this article briefly discusses the background to the genocide and Rwanda's own attempts at judicial justice.

## Background

Following the assassination of Rwandan President Juvenal Habyarimana by unknown assailants on April 6, 1994, Rwanda burst into horrifying violence resulting in the murder of about 800,000 people (mostly Tutsi), the uprooting of about two million within Rwanda's borders, and the exodus of over two million (mostly Hutu) to the neighboring countries of Zaire, Burundi, Tanzania, Kenya and Uganda[1]. Soon after Habyarimana's death, extremist Hutu militias, the Presidential Guard, and the Hutu-dominated national army unleashed a systematic campaign of murder and genocide against hundreds of moderate and opposition Hutu and all Tutsi.

Rwanda had been Africa's most densely populated country, with rural peasants constituting the bulk of its inhabitants[2]. It had a pre-genocide population of approximately 8 million, all speakers of Ikinyarwanda, a Bantu language[3]. About 85% of the people were Hutu, 14% Tutsi, and 1% Batwa or Pygmies[4]. Generations of intermarriage had reduced but not eliminated inter-population physical differences[5].

Pre-colonial rule by the minority but aristocratic Tutsi, as well as indirect rule later by Belgian colonialists through Tutsi royalty, had created resentment among the majority Hutu[7]. Rwanda became independent of Belgium in 1962, and various Hutu factions controlled the government and military until July of 1994. Throughout the period of independence there were periodic outbreaks of inter-ethnic violence, resulting in the flight of Tutsi to surrounding countries, especially to Uganda where they formed the Rwandan Patriotic Front (RPF) and the Rwandan Patriotic Army (RPA). In the 1960s, some exiled Tutsi invaded Rwanda in unsuccessful attempts to regain power.

Major-General Juvenal Habyarimana, a Hutu, seized power in 1973, by a military coup. During his 21 years of rule (1973-1994), there were no Tutsi mayors or governors, only one Tutsi

military officer, just two Tutsi members of parliament, and only one Tutsi cabinet minister[8]. In addition, Hutu in the military were prohibited from marrying Tutsi, and all citizens were required to carry ethnic identity cards[9]. Habyarimana promoted a policy of internal repression against Tutsi. In the 1990s, especially, his government indiscriminately interred and persecuted Tutsi, solely because of their ethnic identity, claiming they were actual or potential accomplices of the RPF[10]. From 1990 to 1993, Hutu ultra-nationalists killed an estimated 2,000 Tutsi; they also targeted human rights advocates, regardless of their ethnicities[11].

The genocide campaign following Habyarimana's death ended in July, 1994 when the RPA routed the Hutu militias and army. The RPF and moderate Hutu political parties formed a new government on 18 July 1994, but the country was in chaos[12]. The government pledged to implement the Arusha peace agreement on power sharing previously reached by Habyarimana's regime and the RPF on August 3, 1993[13]. On 10 August 1995, the UN Security Council called upon the new Rwandan government to ensure that there would be no reprisals against Hutu wishing to return to their homes and resume their work. The Council reminded the government of its responsibility for a national reconciliation, and emphasized that the Arusha peace agreement constituted an appropriate framework for reconciliation[14].

The new Rwandan government was a coalition of 22 ministers drawn from the RPF (with nine ministers) and four other political parties[15]. Both Tutsi and Hutu were among the top government officials. Pasteur Bizimungu, a Hutu, was named president, while Paul Kagame, a Tutsi, was appointed vice-president and minister of defense. Faustin Twagiramungu, a Hutu, was prime minister until late August 1995, when he was replaced by Pierre Claver Rwigema, also a Hutu[16]. The government publicly committed itself to building a multiparty democracy and to discontinuing the ethnic classification system utilized by the previous regime[17].

Shortly after the new regime established itself, the prime minister reportedly stated that his government might prosecute and execute over 30,000 Hutu for murder, genocide and other crimes committed during Rwanda's holocaust[18]. The US government, fearing that such a prospect would amount to a new cycle of retribution and keep Hutu refugees from returning home, sent John Shattuck, US Assistant Secretary of State for Human Rights, to the Rwanda capital of Kigali to encourage the government to delay its plans for prosecution in favor of judicial action by an international tribunal[19].

## Creating the Tribunal

On 1 July 1995, the UN Security Council adopted resolution 935 in which it requested the Secretary General to establish a commission of experts to determine whether serious breaches of humanitarian law (including genocide) had been committed in Rwanda[20]. In the fall of 1995 the commission reported to the Security Council that genocide and systematic widespread and flagrant violations of international humanitarian law had been committed in Rwanda, resulting in massive loss of life[21]. On November 8, 1995, the UN Secretary- General submitted to the Security Council a statute for the International Criminal Tribunal for Rwanda (hereafter, ICTR or Rwanda Tribunal), stating that he was "convinced" that "the prosecution of persons responsible for serious violations of international humanitarian law [in Rwanda] ...would contribute to the process of national reconciliation and to the restoration and maintenance of

peace."[22]. He recommended that this Tribunal, like the one created by the Security Council in 1993 for the former Yugoslavia (hereinafter ICTY), be established under Chapter VII of the United Nations Charter[23]. Given the urgency of the situation, the Secretary-General did not involve the General Assembly in the drafting or review of the statute. Subsequently, however, the General Assembly passed its own resolution welcoming the Tribunal's establishment[24].

The Security Council adopted the Secretary-General's report and the Statute of the ICTR without change. Ironically, Rwanda was the only Security Council member to vote no[25]. Rwanda expressed three objections. It wanted the Statute to contain a provision for capital punishment; it preferred that the temporal jurisdiction of the Tribunal extend back to 1990 to cover earlier crimes; and it wanted the Tribunal to be based in Rwanda itself. The Statute, as accepted by the Security Council, does not allow for capital punishment; its temporal jurisdiction covers the year 1994 only; and the Security Council preferred that the Tribunal be located in a neighboring state[26]. Furthermore, the Security Council rejected Kigali's proposal that Rwandan judges sit on the Tribunal[27]. Initially, Rwandan President Bizimungu publicly criticized the Security Council vote saying it would only lead to a "secret" court that would "exonerate" the true organizers of the genocide[28]. Later, however, a Rwandan spokesperson said his government would cooperate fully with the UN court[29]. Rwanda's only realistic hope of bringing most of the major instigators of the genocide to justice is through the Tribunal. Most of those chiefly responsible had fled the country, and Rwanda lacks the political leverage, the necessary extradition treaties, and the resources necessary to gain custody and to try them[30].

One of the most innovative and expeditious recommendations in the Security-General's report was that of establishing the Tribunal through the exercise of the Security Council's powers under Chapter VII of the UN Charter[31]. As Antonio Cassese, the eventual President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), explained, "the traditional approach of establishing such a body by treaty was discarded as being too slow (possibly taking many years to reach full ratification) and insufficiently effective as Member States could not be forced to ratify such a treaty against their wishes"[32]. By invoking Chapter VII, the Security Council obliges all UN member states to cooperate with the Tribunal and to honor any lawful requests it makes for assistance under its Statute. Specifically, Articles 39, 41 and 48 of Chapter VII of the UN Charter provide the legal basis for the Security Council's establishment of the Tribunal. Article 39 states that the Security Council shall determine when threats to peace exist, and shall, in accordance with Articles 41 and 42, determine what measures shall be taken to maintain or restore international peace and security[33]. While Article 42 addresses military actions, Article 41 provides that "[t]he Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures." The article goes on to list the kinds of actions (e.g., interruptions of economic and communication ties) that these measures "may include." Although Article 41 does not expressly include judicial measures in its list, it does not preclude them. And, the use of the phrase "may include" denotes that the list is not exhaustive.

Article 48 obligates UN member states to support the Security Council's decision by cooperating in its implementation. The Article provides that "[t]he action required to carry out the decisions of the Security Council for the maintenance of international peace and security

shall be taken by all Members of the United Nations or by some of them, as the Security Council may determine."

## Composition of the Tribunal

The Tribunal consists of two trial chambers with three judges each, an appeals chamber with five judges, the office of the prosecutor and a registry. In January 1995, the UN appointed Honore Rakotomanana, the former president of the Supreme Court of Madagascar, as deputy chief prosecutor for the Tribunal[34]. He works out of an office in Kigali, under the supervision of Louise Arbour, who is also the chief prosecutor for the ICTY located in The Hague, The Netherlands. In June 1995, the six trial judges and five appeals judges took their oaths and held their first plenary session in The Hague. All were elected and appointed by the United Nations. The trial judges are from Sweden, Senegal, Bangladesh, Russia, South Africa, and Tanzania. The appeals chamber of the Rwanda Tribunal is comprised of judges from the ICTY and includes judges from Egypt, Italy, Canada, China, and Australia. The justices elected Judge Laity Kama of Senegal as the Tribunal's president . The Tribunal's registrar and chief administrative officer is Andronido Adede, a Kenyan attorney, who has served as Deputy Director of the Codification Division in the UN Office of Legal Affairs[35].

## The Tribunal's Jurisdiction

Article 1 of the Tribunal's Statute limits the ICTR's temporal jurisdiction to the year 1994 only[36]. That Article also states that the ICTR "shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighboring states , . . ." Consequently, the Statute gives the Tribunal both personal and territorial jurisdiction in Rwanda as well as limited personal and territorial jurisdiction in surrounding states. By contrast, the Statute of the International Criminal Tribunal for the Former Yugoslavia grants that Tribunal jurisdiction "in the territory of the former Yugoslavia" only (Article 1.

By granting the ICTR the competence to prosecute Rwandans who allegedly committed certain crimes abroad, the Security Council has added a new dimension to the humanitarian law of non-international armed conflict. Rwanda formally requested the creation of a tribunal, and thereby voluntarily surrendered some of its jurisdiction to the Security Council's judicial creation. By contrast, according to the Statute, Rwanda's neighbors must surrender some of their jurisdiction to the Tribunal without choice. All States, of course, have the competence to prosecute Rwandans for crimes committed on their territories. However, because the Tribunal by its Statute has primacy over the national courts of all States, it may formally request that any neighboring State's court defer certain cases to its competence[37]. This request carries with it the threat of a penalty for non-compliance. Should any State notified of a deferral request not respond satisfactorily within sixty days, "the [Tribunal's] Trial Chamber may request the President to report the matter to the Security Council," which presumably will consider sanctions[38]. Requiring States to surrender to a UN Security Council creation their competence to prosecute persons for criminal acts committed on their own territories is another novel use of

UN Charter Chapter VII. Whether surrounding States will voluntarily accept or protest this demand on their sovereignty remains to be seen. State action and reaction, claims and responses will determine whether this kind of measure, taken by the Security Council under Chapter VII, will become an accepted principle of international law to be applied again in the future.

**Subject Matter Jurisdiction**

Because the Security Council is not a legislative body, it had no competency to enact substantive law for the Tribunal. Instead, it authorized the Tribunal to apply existing international humanitarian law applicable to non-international armed conflict. The humanitarian law included in the Tribunal's Statute consists of the Genocide Convention, (ratified by Rwanda), crimes against humanity (as defined by the Nuremberg Charter), Article 3 Common to the Geneva Conventions, and Additional Protocol II (also ratified by Rwanda)[39]. Both the prohibition and punishment of acts of genocide and crimes against humanity are part of customary international law imposing legal obligations on all States[40].

Article 2 of the Statute replicates Articles 2 and 3 of the Genocide Convention. Statute Article 2[2] defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group; killing group members; causing serious bodily or mental harm to group members; deliberately inflicting on the group conditions calculated to bring about its complete or partial physical destruction; imposing measures intended to prevent birth within the group; and forcibly transferring children to another group. Persons who commit genocide or who attempt, conspire, or incite others to commit genocide are punishable[41].

Similar to the Geneva Conventions, the Genocide Convention (Article [5] obligates States Parties to enact the legislation necessary to provide effective penalties for persons guilty of genocide. Article 6 of the Genocide Convention also requires that persons charged with genocide be tried in the territory where the act was committed, "or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction." Consequently, the surrounding states of Zaire and Tanzania, as ratifying parties to the Genocide Convention, undertake to charge persons responsible for genocide in Rwanda and to extradite them for prosecution either back to Rwanda or to a competent international tribunal that they recognize. Since the Convention's entrance into force in 1951, the only international tribunals competent to prosecute those accused of genocide in limited geographic areas have been the ones established by the Security Council for the Former Yugoslavia and Rwanda. By virtue of Chapter VII obligations under the UN Charter, all UN members (including Burundi, Uganda, and Kenya, which have not ratified the Genocide Convention) are required to recognize these Tribunals and send indicted suspects to them. Non-UN members, however, can decide for themselves whether they wish to recognize these international tribunals for purposes of surrendering indictees.

Obligations to prevent and punish acts of genocide are not confined merely to the 107 States that have ratified the Genocide Convention[42]. Because the prevention and punishment of genocide have become part of international customary law, the International Court of Justice has noted that "the principles underlying the [Genocide] Convention are principles which are

recognized by civilized nations as binding on States, even without any conventional ratification"[43].

Statute Article 3, "Crimes against Humanity," follows Article 6(c) of the Nuremberg Charter[44]. It empowers the Tribunal to prosecute persons responsible for the following crimes when committed as part of a widespread and systematic attack against any civilian population on national, political, ethnic, racial or religious grounds: murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions, and other inhumane acts.

Employing the Nuremberg concept of crimes against humanity in Rwanda constitutes an important legal development. The Nuremberg Charter was established to prosecute "war criminals," and it explicitly defined crimes against humanity as specified inhumane acts committed "before or during the war; . . ." [44]. Traditionally, war was defined as a state of armed conflict between two or more States, but legal experts debated about the legal criteria of war, e.g., whether a formal declaration of war is required, whether there can be domestic war, whether the parties must be recognized States, etc.[45]. Some legalists may now wonder whether applying the Nuremberg Charter to Rwanda's internal conflict is appropriate. Although the Charter is explicitly included in the Statute of the ICTY, that conflict did involve more that one State, and consequently meets the war criterion of the Charter[46]. The Statute for the Rwandan Tribunal characterizes the situation there as an internal armed conflict. Hence, it does not include the "grave breaches" sections of the 1949 Geneva Conventions, which apply to international armed conflict and are regarded as customary international law[47]. By containing the Nuremberg concept of crimes against humanity in its Statute, the Rwandan Tribunal represents an important extension of international humanitarian law to internal conflicts. The UN Security Council, the Tribunal's creator, has ignored the ambiguity of the war concept, and with its authoritative voice has made crimes against humanity an internal as well as an international offense of customary international law.

Article 4 of the Statute empowers the Tribunal to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 1949 and of the Additional Protocol II thereto of 1977. These violations include: (a) violence to life, health and physical or mental well-being of persons, in particular murder, torture, or mutilation; (b) collective punishments; (c) taking of hostages; (d) acts of terrorism; (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault; (f) pillage; (g) sentences or executions rendered extra-judicially or without due process; and (h) threats to commit any of the foregoing acts.

Both Article 3 common and Protocol II apply to non-international conflicts. Rwanda's neighbors--Burundi, Tanzania, Uganda and Zaire (but not Kenya)--have ratified both the Geneva Conventions and Protocol II[48]. However, unlike the grave breaches sections of the Geneva Conventions, Article 3 common and Protocol II do not require ratifying parties to criminalize the above acts or to prosecute or extradite alleged violators either to the State on whose territory their acts occurred or to a competent international tribunal. As noted above, each UN member State is obligated under Chapter VII of the UN Charter to cooperate with Security Council measures taken to maintain international peace. Article 28 of the Rwandan Tribunal's Statute specifies that States shall cooperate with the Tribunal and comply without undue delay with any request for assistance, including the arrest or detention of persons and

the surrender of the accused to the Tribunal. Consequently, the UN Security Council, through its creation of this Tribunal, has added a compulsory arrest and surrender requirement to acts that the Geneva Conventions and Protocol II had previously conceptualized as being governed by domestic discretion. This represents another important extension of humanitarian law.

The Security Council's and the General-Secretary's decision that the Tribunal should have jurisdiction over natural persons and not juridical persons, such as associations, is reflected in Statute Article 5. Accordingly, membership alone in a criminal organization would not be sufficient to subject someone to the Tribunal's jurisdiction. Article 6 addresses "individual criminal responsibility." It states that any person who planned, instigated, ordered, committed or aided and abetted in the planning, preparation or execution of any crime mentioned in Articles 2 to 4 of the Statute shall be individually responsible for the crime. An accused's official position, even as president or prime minister, shall not relieve him of responsibility or mitigate punishment. Furthermore, superiors are criminally responsible for the criminal acts of their subordinates if they knew of the acts and did not take reasonably necessary measures to prevent or stop them. Although following government orders will not relieve subordinates of criminal responsibility, it may mitigate their punishment if the Tribunal determines that justice so requires. The doctrine of individual responsibility for violations of humanitarian law was emphasized in the post-World War II Nuremberg and Tokyo trials[49]. It was also codified in the Geneva Conventions of 1949[50].

## Concurrent Jurisdiction and Tribunal Primacy

Given the magnitude of the crimes committed in Rwanda, the successful prosecution of all those responsible would greatly exceed the resource capacity of the Tribunal[51]. Therefore, Statute Article 8 states that "[t]he International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighboring States, . . ." (Article 8[1]). However, the Statute goes on to state that the Tribunal "shall have primacy over national courts of all States," such that it may formally request national courts to defer to its competence. (Article 8[2])[52].

To respect the principle of non-bis-in-idem and to avoid the potential for double jeopardy, Statute Article 9 states that no person tried by the Tribunal shall be retried by a national court for the same acts. However, persons tried by a national court for crimes covered by Articles 2 to 4 of the Statute may be retried by the Tribunal if: (a) the litigated acts had been characterized as ordinary crimes; (b) the case was not diligently prosecuted; or (c) the national court proceedings were neither impartial nor independent or were designed to shield the accused from international responsibility.

## Rules of Procedure

The Tribunal's Rules of Procedure are based on those of the Tribunal for the Former Yugoslavia. They incorporate the fundamental due process guarantees to a fair and speedy trial found in Article 14 of the International Covenant on Civil and Political Rights (ICCPR). Consequently, this Tribunal, like its counterpart for the Former Yugoslavia, will become a

medium whereby international human rights standards will have significant influences on the development of international criminal law. Its due process guarantees include: the right to the presumption of innocence (Rule 62); the right against self-incrimination (Rule 63); the right to counsel of choice or to free legal assistance if indigent (Rule 42); the right to inspect prosecution's incriminating and exculpatory evidence (Rules 66-68); the right to privileged communication with counsel (Rule 97); the right to public proceedings (Rule 78); the right to challenge the prosecution's evidence and to present evidence in one's defense (Rule 85); and the right of appeal (Rule 108).

Only the prosecutor or his duly delegated deputy may commence a proceeding by submitting an indictment supported by evidence to a designated Tribunal judge for confirmation (Rule 47). Neither victims, States nor Non-governmental Organizations (NGOs) may initiate proceedings before the Tribunal.

Once a judge confirms an indictment, he or she may issue arrest and search warrants (Rule 54-55). The Tribunal's registrar transmits the arrest warrant to the national authorities of the State having jurisdiction over the accused "together with instructions that at the time of the arrest the indictment and statement of the rights of the accused be read to him in a language he understands . . . . " (Rule 55). The arresting State authorities shall notify the Registrar and arrange to transfer the accused to the seat of the Tribunal where the President will arrange for his detention (Rules 57 & 64). The accused will be detained in a UN- supervised prison in Arusha.

If the notified State has been unable to arrest the accused, and if the registrar has, at the prosecutor's request, published notices of the arrest warrant in widely circulated newspapers, a trial chamber may, after finding the prosecutor's evidence sufficient, issue an international arrest warrant that shall be transmitted to all states (Rule 61). The President of the Tribunal has the authority to notify the Security Council of any State that refuses to honor the Tribunal's arrest warrant or that impedes the execution of such a warrant (Rule 61[E]).

Soon after his arrest, the accused is brought before a trial chamber and formally charged (Rule 62). The trial chamber shall satisfy itself that the accused's right to counsel is respected and that he understands the indictment (Rule 62). It shall call on the accused to enter a plea, and should the accused fall silent, it shall enter a plea of not guilty on his behalf (Rule 62). The trial chamber then instructs the Registrar to set a date for trial (Rule 62). There are no provisions for trials in absentia.

The Tribunal is not authorized to impose the death penalty in deference to the Second Optional Protocol to the ICCPR of 1989. This, however, leads to an ironic situation. Owing to its limited resources, the Tribunal is expected to go after, what prosecutor Goldstone called the "big fish."[53]. Consequently, those chiefly responsible for the genocide would receive, if convicted by the Tribunal, a sentence of years, up to life, whereas lesser figures tried and convicted in Rwandan courts could be sentenced to death.

## The Situation in Rwanda

As it was successfully routing the Hutu army and various Hutu militias, the RPF Army began rounding up Hutu suspected of participating in the genocide and committing other

crimes. The International Committee of the Red Cross claimed that by August 1996, Rwanda had about 80,000 Hutu (mostly followers, rather than leaders) crammed into antiquated, putrid prisons, detained indefinitely while awaiting formal charges[54]. Reportedly, over two thousand had died under these conditions[55]. Before the detainees could be tried, Rwanda had to rebuild its judicial system. As of February 1, 1995, Rwanda had only a few surviving judges, but not a single functioning court[56]. The trials of those suspected of involvement in the genocide had been repeatedly postponed due to a lack of resources.

In September 1996, Rwanda's parliament approved a genocide law designed to expedite the trials of the thousands held in prison and to encourage Hutu refugees to return from abroad. The government hopes that once the judiciaries identify and prosecute those primarily responsible for the genocide, Rwanda's Tutsi will believe justice is being served and will be less likely to seek revenge on returning Hutu refugees. The legislation covers offenses committed between 1990 and 1994 (versus only 1994 for the ICTR) so as to deal with the massacres that occurred during the civil war prior to President Habyarimana's death[56]. It also distinguishes genocide planners and mass murderers from others, and offers reduced prison sentences to the last if they confess.

According to the law, those who planned, instigated or supervised the genocide will face the death penalty. Ordinary murderers are liable to life imprisonment, while those who committed physical assaults will serve three years or less. In addition, courts will treat property crimes as civil offenses, offering victims the opportunity to sue for damages. In June 1996, Rwanda's Ministry of Justice offered a crash training course for magistrates, who began adjudicating cases later that year.

The Rwandan government pledged to guarantee the safe return of refugees living abroad in sprawling and unsanitary camps[57]. However, it was concerned about Hutu extremists waging an insurgency campaign from the camps located in Tanzania and Zaire, where Hutu militias reportedly were forcibly inducting young men into their units and threatening to invade Rwanda to retake power. According to UN observers, from May to June of 1996 Hutu extremists had killed 99 witnesses to the genocide in order to prevent them from testifying before either Rwandan courts or the ICTR[58]. Many of those murdered had lived in Rwanda's Gisenyi province, located just across the Zairian border from Hutu refugee camps[59]. Because there is so little documentary evidence of much of the 1994 killing, prosecutors will have to rely on eyewitness accounts. Hence, the murder of key potential witnesses will hamper the prosecutorial process.

By January 1997, Rwandan courts in Kigali, Byumba, Gikongoro, Kibuye, Nyamata and Kibungo were trying cases and applying the genocide law. As of January 20, the courts had convicted nine persons (all Hutu) of genocide and had sentenced them to death by firing squad. All those convicted had appealed their sentences. The trials were generally brief. The first, involving three defendants, lasted only four hours[60]. Most, if not all, of those convicted, could not find lawyers willing to represent them; consequently, they had to defend themselves[61]. These procedures raised serious concerns on the part of the UN High Commissioner for Human Rights and Amnesty International[62].

On January 7, Jean Flamme, secretary general of Avocats sans Frontieres (Lawyers without Borders) announced that three members of his organization would soon go to Kigali to establish

a permanent office to carry out a project entitled "Justice for all in Rwanda" [63]. They plan both to provide assistance to the Rwandan judiciary and to defend those being tried for genocide.

Among those convicted by the Rwandan courts were a former official of the National Republican Movement for Democracy and Development (Habyarimana's ruling party), three school teachers, a hospital aide, a low-level local official, and a Burundian Hutu, reportedly one of many who participated in the genocide[64]. As of mid-January, the court's major defendant was Froduald Karamira, the former deputy head of the Hutu ruling party, who in 1994 allegedly made daily radio broadcasts urging Hutu to kill Tutsi[65]. When the Rwandan government successfully negotiated his extradition from Ethiopia, Karamira became the highest ranking official of the former Hutu government in custody. His trial resumed at the end of January after a two week suspension to allow his attorney, a member of Avocats sans Frontieres, time to prepare a defense.

In addition to expediting genocide trials, the Rwandan government is exploring the idea of establishing a South African-style truth commission. In January 1997, a Rwandan delegation, including the Labor and Social Affairs Minister, went to South Africa to inquire about the policies and operations of that country's truth and reconciliation commission[66].

**Tribunal Indictments**

Approximately one year after the genocide, the Tribunal had 400 suspects as a result of ongoing investigations[67]. Most of these were officials and military leaders of the former Hutu-dominated regime who had fled to other countries. As noted above, all States are obligated to cooperate with the Tribunal by arresting and transferring to it suspects and indicted persons. In early January 1995, the heads of government from Kenya, Burundi, Tanzania, Rwanda, Uganda, Zaire, and Zambia met in Nairobi, the Kenyan capital, and agreed to hand over to the Tribunal those who took part in the genocide[68]. Subsequently, however, Kenyan President Daniel Arap Moi stated that he not only would not cooperate with the Tribunal, he would prevent it from seeking out suspects in his country[69]. According to human rights officials, some Kenyans have benefited financially from wealthy Rwandans from the former government who fled to Kenya after the war broke out[70].

Immediately after Moi's remarks, Tribunal Prosecutor Goldstone sent him a letter, asking for clarification and warning that Kenya's refusal to cooperate with the Tribunal would be regarded as a breach of Kenya's obligations under international law, a matter for the Security Council to consider[71]. President Moi soon retracted his statement, but human rights watchers doubted his sincerity[72]. More recently, Tribunal Judge Navanethem Pillay has stated that African States, especially Zaire and Kenya, were ham;ering efforts to bring criminals to justice[73]. An observer explained that the Presidents of Zaire and Kenya are more concerned about the regional balance of power than about crimes against humanity[74]. They support Rwanda's former rulers because they regard the successor RPF-led government as a client of Uganda's President Yoweri Museveni, their rival for leadership in East and Central Africa[75]. If any African State refuses to cooperate with the Tribunal, as is required under the UN Charter, it may become a sanctuary for some suspected criminals, but it may also be sanctioned by the UN

Security Council. Sanctions could include a moratorium on international economic aid, something no African country can afford to lose.

Initially, the work of the ICTR had been slowed by a lack of facilities in Arusha and by UN budgetary constraints[76]. Later, however, some employees and consultants complained that the Tribunal's top administrative officers had given jobs to unqualified relatives and friends; had discriminated against non-Africans; had misused resources; and had unduly delayed the purchase of essential equipment and services[77]. These charges led to an internal investigation by the U.N. Fortunately, none of the judges were accused of any wrongdoing.

On December 12, 1995, the Tribunal issued its first indictments against eight Hutu, charging them with genocide, crimes against humanity, and violations of the Geneva Conventions[78]. As of January 1997 the Tribunal had indicted 21 people and held eleven in custody. Of the remaining ten indictees, one was being held in the United States, one in Switzerland, and eight were at large[79].

Those being held in Arusha included Colonel Theoneste Bagosora, who has been called the mastermind of the genocide. He had assumed de facto control of military and political affairs in Rwanda after the death of former president Habyarimana. Bagosora had been arrested in Cameroon under an international arrest warrant issued by Belgium in connection with the murder of ten Belgian UN Peace Keepers in April 1994[80]. In July 1996, however, Belgium dropped its request for extradition in deference to the ICTR and its Statute Article 8[2], addressing concurrent jurisdiction and Tribunal primacy (discussed above)[81]. Cameroon authorities handed over Bagosora and three others to the ICTR on January 23, 1997[82]. The three others are Andre Ntagerura (the former transport minister), Ferdinand Nahimana (a founder of Radio Television Milles Collines, which had been used to incite the genocide), and Colonel Anatole Nsengiyumva (former military intelligence chief and alleged death squad member)[83].

Other indictees being held in Arusha include Georges Rutaganda, a vice president of the national committee of Interahamwe ("those who work together"), the Hutu youth militia of the National Revolutionary Movement for Development, the political vehicle of former President Habyarimana's single party state[84]. Some observers regard members of the Interahamwe as the main perpetrators of the genocide[85]. A second indictee is Jean-Paul Akayesu, the former mayor of Taba, in the Gitarama district of central Rwanda, where at least 2,000 Tutsi were killed[86]. Also being held is Clement Kayishema, the former governor of Kibuye, who allegedly helped organize the slaughter of 90% of the Tutsi residing there[87]. All three had been arrested by national authorities in Zambia and then transferred to the ICTR in May 1996.

The Tribunal's first trial, against Jean-Paul Akayesu, opened in October 1996. After winning three delays, two by changing lawyers, Akayesu took the stand on January 9, 1997[88]. At the rate the Tribunal is proceeding, it may only be able to try one person a month.

## Conclusion

The ICTR and its predecessor for the former Yugoslavia represent the first attempts by the international community to create international judicial organs to enforce the Geneva Conventions, the Genocide Convention, and laws proscribing crimes against humanity. The Rwandan Tribunal is unique in that it is the first international court to apply crimes against

humanity to a non-international conflict and to enforce Article 3 common and Protocol II of the Geneva Conventions. The extension of its territorial jurisdiction to States not party to the Rwandan conflict represents another new development in international law.

The exact impact that the ICTR will have on the application of international humanitarian law and the legal prerogatives of the UN Security Council acting under Chapter VII of the UN Charter will be determined by actual political and judicial experience, by the reactions of States and the ability of the Tribunal to gain custody over and prosecute a significant number of major criminals. Both Tribunals will influence the way many States view the causes of grave humanitarian crimes and possible strategies for achieving peace and national reconciliation.

The mass murders in Rwanda and the former Yugoslavia did not arise spontaneously. They were instigated by persons in positions of power who sought to gain personal advantage through violent and hideous means. Unless these persons are made to account for their crimes against humanity, the reconciliation necessary for the reconstruction of these torn societies may not be possible. By assigning guilt to the leader-instigators, the Tribunals may also lift the burden of collective guilt that settles on societies whose leaders have directed or ordered such terrible violence. The assignment of guilt by neutral Tribunals may also enable the international community to differentiate between victims and aggressors. It may help erase the belief that interethnic conflicts are genetically inbred and therefore insoluble.

The success of the Tribunals is essential if future crimes against humanity are to be prevented. If human rights can be massively violated with impunity in Rwanda and the former Yugoslavia, we can expect new Hitlers to appear whenever and wherever political advantages can conceivably be gained by committing crimes against humanity. Should the Tribunals not accomplish their main prosecutorial objectives, their creation will still have a lasting effect on the application of humanitarian law to both international and domestic conflicts. They also will have accomplished, as Prosecutor Goldstone has stated, the significant task of putting international humanitarian law and human rights squarely on the international agenda[89].

**Notes**

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3. Prunier, op. cit. p. 4.

4. Rwanda, Collier's Encyclopedia, op. cit..

5. For a description of physical differences among these peoples, see Prunier, op. cit., p. 5; Nyrop, Richard F., et al., Area Handbook for Rwanda, Washington, D.C.: US Government Printing Office, 1969. pp. 44-47.

6. The political history of Rwanda and its important relations with surrounding countries, especially Burundi, are beyond the scope of this article. For these important topics, the readers is referred to the above sources as well as to Lemarchand, Rene. Rwanda and

Burundi. New York: Praeger Publishers, 1970 and Kamukama, Dixon. Rwanda Conflict: Its Roots and Regional Implications. Kampala, Uganda: Fountain Publishers, 1993.

7.

8. Prunier, op. cit., p. 75.

9. Ibid. For purposes of these identity cards, ethnicity was determined by patrilineal descent. Hence, even the children of mixed marriages were classified Hutu, Tutsi, Twa, etc. depending on the identity cards of their fathers. See US Department of State. Rwanda Human Rights Practices. Lexis-Nexis News Library, 1994, no pages given.

10. Jefremovas, Villia, "Acts of Human Kindness: Tutsi, Hutu and the Genocide," in Issue 23, 1995, pp. 28, 29; Newbury, Catharine. "Background to Genocide in Rwanda," in Issue 23, 1995, pp. 12, 14.

11. Newbury, op. cit., p. 14.

12. Prunier, op. cit., p. 299.

13. Ibid., p. 329.

14. UN Doc. S/PRST/1994/42.

15. These and the following facts about the new government are based on U.S. Department of State, Rwanda Human Rights Practices, op. cit.

16. Reuters, "Rwanda's Prime Minister Leaves Office Suddenly," New York Times, August 29, 1995, p. 2.

17. Bonner, Raymond. "Rwanda's Leaders Vow to Build a Multiparty State for Both Hutu and Tutsi." New York Times, September 7, 1994, p. A10.

18. Burkhalter, Holly. "Ending the Cycle of Retribution in Rwanda." Legal Times, August 22, 1994, p.19.

19. Ibid. The US government most probably underestimated the enormity of the judicial task. Thousands of people were directly involved in acts of genocide, but the UN Tribunal will be able to prosecute only about 50 persons a year. Kahl, Hubert. "Rwanda Traumatized by Images of Death." Deutsche Presse-Agentur, April 4, 1995, Lexis News Library.

20. UN Doc. S/935/1944.

21. Referred to in the Secretary General's letter of 1 October 1994. UN Doc. S/1994/1125.

22. UN Doc. S/Res/955, 1994 (hereinafter, Statute).

23. Ibid. For a discussion of the establishment of the International Tribunal for the Former Yugoslavia, see Bassiouni, M. Cherif. "Former Yugoslavia: Investigating Violations of International Humanitarian Law and Establishing an International Criminal Tribunal." In Fordham International Law Review 18, 1995, pp. 1191-1210. For a description and analysis of that Tribunal's legal structure, see Magnarella, Paul J. "Trying for Peace through Law: The UN Tribunal for the Former Yugoslavia," in Human Peace, 10, 1995, pp. 3-8; Meron, Theodor. "War Crimes in Yugoslavia and Development of International Law," in American Journal of International Law 88, 1994, pp. 78-87; and Wedgwood, Ruth "War Crimes in the Former Yugoslavia: Comments on the International War Crimes Tribunal," in Virginia Journal of International Law 34, 1994, pp. 267-75.

24. UN Doc. A/Res/49/206, 1994.

25. The Security Council adopted the resolution sponsored by the United States and New Zealand by a vote of 13 to one, with China abstaining. Preston, Julia "Tribunal Set on Rwanda War Crimes; Kigali Votes No on U.N. Resolution." Washington Post, November 9, 1994, p. A44.

26. It was subsequently placed in Arusha, Tanzania. UN Security Council Resolution 977, 21 February 1995.

27. Preston, op. cit.

28. "Rwandan President Says UN Wants 'Secret' Trials on Rwanda," Agence France Presse, November 9, 1994, Lexis-Nexis News Library.

29. Thomas, Anni. "Rwandan Government Promises to Work with War Crimes Court," Agence France Presse, International News, November 24, 1994, Lexis-Nexis News Library.

30. See Marie, Alphonse. "Statement by the Minister of Justice of Rwanda to the First Public Hearing of the First Session of the International Criminal Tribunal for Rwanda," The Hague, June 27, 1995.

31. Charter of the United Nations. San Francisco, June 26, 1945.

32. UN Doc. A/49/342, S/1994/1007, 29 August 1994.

33. Presumably, the Security Council regarded the massive flow of refugees and remnants of the Hutu militias to neighboring countries as a threat to international peace.

34. "UN Appoints Prosecutor for Rwandan Tribunal," in New York Times, January 15, 1995, p. A6.

35. "UN Package," September 11, 1995, Lexis-Nexis News Library.

36. UN Doc. S/Res/955, 1994.

37. Article 8(2), discussed below.

38. "ICTR Rules of Procedure and Evidence." Adopted on June 29, 1995.

39. "Convention on the Prevention and Punishment of the Crime of Genocide." December 9, 1948. U.N.T.S. 277, (hereinafter, Genocide Convention). Charter of the International Military Tribunal. Done at London, August 8, 1945, 59 Stat. 1544, 82 U.N.T.S. 279. Geneva Conventions No. 1-4, August 12, 1949, 75 UNTS 31, 85, 135, 287. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflict, December 12, 1977, 1125 UNTS 609, (hereinafter, Protocol II).

40. McCoubrey, Hilaire. International Humanitarian Law: The Regulation of Armed Conflicts. Brookfield, Vt.: Gower Publishing Company, 1990. p. 140; Meron, op. cit. p. 79.

41. Article 4(3).

42. "Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide," International Court of Justice, 15, 1951

43. For the lists of States that had ratified the Genocide Convention and other human rights/humanitarian law conventions as of January 1, 1994, see "International Instruments Relating to Human Rights," in Human Rights Journal 15, 1994, pp. 51-67.

44. Charter of the International Military Tribunal. Done at London, August 8, 1945. Article 6.

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46. Article 1(a), UN Doc. s/25704, May 3, 1993.
47. See "Report of the Secretary-General Pursuant to Paragraph 2 of the Security Council Resolution" 808 (1993). S/25704, May 3, 1993, para. 37 & 38.
48. "International Instruments Relating to Human Rights," in Human Rights Journal 15, 1994, pp. 51-67.
49. de Lupis, op. cit., pp. 353-4.
50. Ibid., p. 354.
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# Creating Peace in an Armed Society:
# Karamoja, Uganda, 1996.

## MICHAEL D. QUAM

### Introduction to Karamoja

Located in the northeastern part of Uganda, Karamoja is a 27,200 square kilometer area of semi-arid savannah, bush and mountains. To the east, the escarpment drops down into Turkana District in Kenya; to the north is the Sudan; to the west and south are Ugandan districts populated by Acholi, Teso and Sebei people. Within Karamoja, the dominant groups are the Dodoth in the north, the Jie in the central region, and in the south a cluster of closely related ethnic groups known as Bokora, Matheniko, and Pian all of whom are referred to generally as the Karimojong. In the southeast, a Kalenjin-speaking group, the Pakot (or Upe), occupy a territory that overlaps the Uganda-Kenya border. Living in the mountainous areas around the edges of Karamoja are several smaller ethnic groups. From 1911 to 1971, Karamoja was a single district, but in 1971 it was divided into two administrative districts, Northern Karamoja and Southern Karamoja, later renamed Kotido District and Moroto District.

By far the most important ecological feature of this region is its rainfall pattern. As a semi-arid area it may get short rains during April and a longer rainy season from June to early September; however, this pattern is not reliable and in many years the rains are sparse, or fail altogether. Thus, drought and hunger are a recurrent feature of life in Karamoja. Although in years of adequate rainfall sorghum and millet provide most of their nutrition, the Dodoth, Jie, and Karimojong have adapted to this often harsh environment by focusing much of their energy on their herds of livestock--principally cattle, but also goats and sheep, and, in a few areas, some camels. In addition to being a major source of dietary protein, these animals, especially cattle, represent wealth, both economically and symbolically. During the long dry seasons the herdsmen leave their permanent settlements and move their cattle to temporary encampments near pasture and watering places located to the west and south of the central plains, often crossing over into the territory of neighboring groups and districts.

Competition for scarce resources, particularly water and pasture, and the high value placed on cattle have produced a culture of raiding and warfare within which men are noted for their bravery and their wealth. Men marry with cattle and historically bridewealth "prices" have been very high (Quam,1978). Young men have a powerful incentive to establish their reputations and build their own herds through mounting raids on other pastoral groups. Traditionally, these activities, as well as other group policy decisions, have been controlled through a social organization of male age grades within which the elders have wielded great political and ritual power (Dyson-Hudson, 1966; Thomas, 1965; Gulliver, 1953).

**Two Decades of Chaos and Change**

In the last two decades, a combination of calamities has produced profound changes in the population, economy, and culture of these semi-pastoral societies. Beginning in the decade of the 1970s, these warrior herdsmen who had always fought with spears began to acquire modern firearms. Recurrent food shortages due to localized drought, increased raiding between groups, particularly by well-armed Turkana, thefts and killings by armed bandits, and general political turmoil resulted in a major famine in 1980. The dynamic that generated this disaster has been well-summarized by Alnwick (1985: 132-133).

The widespread insecurity in Karamoja in the latter half of 1979 and early 1980 resulted in many family groups planting far less than in a normal year because people feared to cultivate far from the safety of their relatively well-protected dwellings. Many families may also have had seed from the previous harvest stolen or destroyed. Erratic rainfall in some parts of the district in 1980 resulted in low yields from the already reduced cultivated areas.... General insecurity and the rapidly changing balance of power between rival groups also resulted in the herds of some groups being taken away to remote corners of the region in an attempt to avoid them being taken [stolen]. Many families lost all of their cattle and wealth in raids. The settled population, consisting mainly of women, children and old people, no longer had access to milk or blood from the herds. More importantly, insecurity within the area and within the country as a whole resulted in a more or less complete breakdown of trade and commerce. Families who received a poor harvest, either due to climatic conditions or because of the small area planted, could not trade cattle for grain. Many families no longer had access to cattle, either because the cattle had been taken by rival groups or because the cattle had been hidden in distant and secret grazing areas. Even families with cattle to sell could not find a trader willing to take the risk of transporting cattle out of Karamoja because of the high risk that he would be attacked and lose not only the cattle he was transporting but his life as well. For similar reasons virtually no grain from outside the region was brought in and families who still had money could find little grain to buy at any price.

Massive food relief efforts by international organizations managed to halt this disaster, but not before "21 percent of the population died in the twelve months up to December 1980, mostly from starvation" (Biellik and Henderson, 1981: 1333). An estimated 50,000 people died, 25,000 of them children (Biellik and Henderson, 1981). Famine of the early 1980s was ended, famine recurred in 1984-5 and again in 1991. The causes and consequences of these severe hardships were all too familiar.

A drought destroyed the 1984 crop in northern Karamoja while cattle raiding in south Karamoja spilled over into Kenya and neighbouring districts. This necessitated a joint Kenya Uganda military operation to quell the violent raiding and displaced an estimated 75% of the population in the extreme south, rendering the whole of Karamoja famine prone in early 1985 (Dodge, 1986: 760).

A cycle of famine has come to the Karamojong again. A homestead of more than 500 people near Moroto recently dwindled to only 100 women and children. Almost everyone else left in search of food .... [F]ood expected from international relief agencies had not arrived. Relief

groups have been hesitant to deliver the food because Karamojong warriors held up trucks entering the region last year, in one instance killing a driver (Perlez, 1991).

Armed violence and the deterioration of the traditional economy continued to transform the society and ecology of Karamoja well into the 1990s. With their cattle herds depleted or gone, and many of their traditional agricultural areas abandoned because of fear of armed raiders, poverty-stricken people turned to producing charcoal to sell to townspeople in the administrative centers and military posts. As a result, many of the trees and large bushes have disappeared from the plains and the lower slopes of the mountains. Clearing the brush has opened up land to be potentially reclaimed by savannah grasses (Wilson, 1985), but the broader impact of deforestation may be a further decrease in rainfall. Also, concentrating cultivation in a smaller number of more secure areas close to towns and military posts has caused soil depletion and lower crop yields. In the past, these pastoralists had never relied on game animals for their subsistence, and thus had never developed a hunting culture with ritual and practical constraints on harvesting wildlife. Thus, more recently, with modern rifles in their hands and hunger in their homesteads, they have literally decimated the large populations of zebra, antelope, giraffe, ostrich, and other fauna that were abundant in Karamoja twenty years ago.

Cattle herds have also been reduced and redistributed through raiding. Although few hard data are available, the following statements give some indication of these changes:

In the course of time, the ratio of cattle per person in Karamoja has dropped from 6 in 1920 to less than 2 today (1991) (Ocan, 1992: 14).

During the field surveys in Karamoja, Teso and north Bugisu all people said they were raided indiscriminately during the raids of 1983/84 and 1986-90.... For Moroto and Kotido the most armed were the least raided. Out of about 160 respondents in Karamoja, 47 had lost cattle completely. Twenty nine had become very poor and were herding other people's animals for a living, without homes of their own (Ocan, 1992: 24).

The best armed among the Karamoja tribes are the Jie and the Matheniko (a subtribe among the Karamojong). The least armed are the Dodoth. During 1979-81 the Dodoth, ill-equipped to defend their stock from better armed raiders, lost practically all of their cattle (Cisternino, 1985: 155).

Recent conversations with people in Karamoja confirm this general picture. Although wealth was not equally distributed in traditional Karimojong society, nearly every family had enough livestock for subsistence, and the size of family herds waxed and waned depending on the skills of the herdsmen and the winds of fortune. A man of even modest wealth could exercise some influence in the council of elders. In the last two decades, however, some individuals have become extremely wealthy in cattle through successful large-scale raiding. They command the allegiance of many other armed men who have little or no wealth and have attached themselves to these exceptionally rich and powerful leaders. On the other hand, many men and their families have been driven into poverty by the loss of their herds and as a result have also lost political influence.

Ben Okudi (1992) paints a bleak picture of the effects of this new inequality. Many people have become so destitute that they are now scavenging for food in garbage dumps. To feed their children, some Karimojong women have resorted to working as prostitutes, a practice that was almost unheard of until recently. According to Omwony-Ojok (1996), chronic drinking, not

just of local sorghum beer, but often of distilled spirits, is becoming more prevalent, and is undermining the stature and traditional authority of parents and elders. During these years of turmoil and insecurity, young men who began to go to school often did not finish and have become unemployed school leavers. These alientated youth are easily recruited into raiding and banditry.

The towns have grown as poor people have migrated to them seeking a meager income and some security. As a result, the basic amenities of town life have declined. For example, Moroto Town, the largest town in all of Karamoja, no longer has running water or 24-hour electricity; many of the shops along its main street are boarded up, and the hospital does not have the staff or supplies to provide basic health services. At the same time, the region has lost population as people have migrated out of Karamoja to neighboring districts where they have become traders and farmers.

The raiding and banditry have taken their toll in human lives as well. Cisternino (1985: 155) claims that "[t]he Jie tribe ..., which counts some 25,000 persons, during 1981 lost not less than 1000 young men in gun battles." John Wilson (1985: 165), who had lived in Karamoja for many years both before and during the recent troubles, makes the following statement:

The change in weapons was dramatic and resulted in horrifying carnage between 1980 and 1982. In fact, so many men, women and children were needlessly slaughtered in massacres of whole villages and settlements during this period, say for a hundred or so cattle, that the leaders of different warring tribes finally met in order to call a halt to the killing.

Wilson is known to be unsympathetic to many aspects of traditional Karimojong life, and his account may be somewhat exaggerated. Nevertheless, according to Dr. Robert Limlim (1996), the Medical Officer for Moroto District, in the district's one really functioning hospital, a mission facility in Matagn, many of the patients are brought in with gunshot wounds.

## A Brief History of Guns in Karamoja

Firearms first made their appearance in Karamoja in the late nineteenth century. They were in the hands of ivory hunters and traders, the majority of whom came from Ethiopia. According to Barber (1968), the British colonial power at the time became concerned, principally for geopolitical reasons, about the rumors of gun-running and territorial inroads being made by Ethiopian warlords possibly representing the rapidly expanding Ethiopian Empire of Menelik II. This ungoverned and distant frontier was potentially strategic for continuing control of the Nile. Finally, in 1911, a British patrol was sent to establish British authority, to run the Ethiopians and other unsavory rascals out, and to disarm the tribesmen. The commander of the patrol reported great success in seizing large quantities of arms from the local tribesmen. Lamphear (1976), who has written the most thorough oral history of this region, convincingly disputes these claims of large numbers of guns in the hands of local people. Although they did acquire a few firearms, they continued to rely on their traditional weaponry and indigenous military tactics in their warfare with neighboring groups. Thus, when pressured by the British patrol, they surrendered what few guns they possessed without a struggle. By 1921 the British had firmly established a military administration in Karamoja, and guns were not allowed in the

hands of any local people except the chiefs that the British appointed. This situation was to continue for the next fifty years.

In the decade of the 1960s, the Turkana from the west and the Toposa from the north, armed with modern firearms, especially high-powered rifles, began frequent incursions into Karamoja, raiding for cattle and whatever else they could take. The armed police of the Ugandan government who were stationed in Karamoja to maintain law and order seemed to be completely ineffectual in responding to these raids. Local informants claimed that the police would waste precious pursuit time by interviewing the victims of raids at great length, filling out long forms with useless information, and then asking the victims what the raiders' likely path of flight might be. Finally, they would drive off in their vehicles to pursue the raiders, leaving behind the local herdsmen who might have been able to follow the tracks of the stolen cattle. If the police did encounter the raiders, the Turkana or the Toposa, being well-armed and knowledgeable about how to fight in that terrain, could easily defeat the police militarily. Meanwhile, the police were strict about enforcing the law which forbade ownership of guns by the local people.

This frustrating predicament continued until the military coup d'etat by General Idi Amin in 1971 brought a different armed force into the district. Amin's army took over the job of stopping the raiders, and, according to local informants, was much more brutally efficient. The army pursued the raiders with a vengeance, and recovered many of the stolen livestock, but rather than return these recaptured cattle to their rightful owners, the soldiers confiscated them and sold them to local cattle traders. Now the people of Karamoja were faced with both armed raiders and a thieving army.

Believing that their only recourse was self-help, in the early 1970s they began to fabricate homemade guns. They broke into the schools and stole metal furniture to get steel tubing for gun barrels. With these crude firearms and their traditional weapons, they began attacking isolated police posts, overwhelming the officers, and taking their guns. Now better armed, a small group of Karimojong men mounted an audacious and cleverly planned early morning attack on police headquarters in Nabilituk, a raid that netted them many more modern firearms.

Finally, in 1979, Amin's regime collapsed under the onslaught of the liberation troops invading from the south. As the government disintegrated, so did the army, and soldiers fled to the north and east. Along the way, they traded and sold their weapons, or sometimes lost them to local attackers. The Karamoja regional army barracks in Moroto were abandoned and the doors were virtually left open for looting. Almost immediately, local people broke into the armory and carried off rifles and ammunition by the donkey-load. Observers said the bundles of weapons looked like firewood and, indeed, these guns did become fuel for the firepower that was rapidly changing the social and ecological landscape in Karamoja.

The Karimojong now were quite well armed, and they began to use these weapons to mount cattle raids on neighboring districts, especially to the west and south. The victims of these raids complained bitterly to the new Obote-led government, and Milton Obote, a northerner himself and sympathetic to the complaints of the Teso, Lango, and Acholi people, and also concerned about a heavily armed and potentially rebellious populace in Karamoja, decided to use military counterforce. He sent police and militia units from these neighboring districts into Karamoja to pursue cattle raiders and disarm the Karimojong. In the armed clashes

that ensued, the Karimojong repeatedly defeated these outside forces and captured their weapons.

Within a few short years, Obote's errors and misdeeds led to his downfall a second time, and in 1985 the Okellos organized a coup within the army (the Acholis overthrowing the Langis) and against the Obote regime. Okellos' forces, however, were also undisciplined and within six months theyfell to the invading National Resistance Army (NRA) lead by Yoweri Museveni (Mutimbwa,1992). During all of this political and military chaos at the center, the army barracks armory inMoroto was once again looted and the Karimojong obtained another large infusion of guns.

By this time, an internal and international trade in arms was well underway in Karamoja. Continuing militarization and armed conflict in southern Sudan, western Kenya, and southern Ethiopia had created a steady and lucrative trade in guns and ammunition across these borders into Karamoja. Indeed, this trade still continues, especially from southern Sudan into Dodoth in northern Karamoja. The price of a round of ammunition is determined by the distance from its source, and increases as it moves south in Karamoja.

Museveni's NRA was attempting to pacify the whole of Uganda, and within a few months it reached the borders of Karamoja. As it moved in, the army began to arrest gun-holders and confiscate their arms. Some observers report that when the NRA tried to disarm the Karimojong, things went awry. In some areas, the army did manage to take away many of the guns, but then the soldiers misbehaved, bullying people and looting stores, and generally convincing the Karimojong that their only protection from men with guns lay in keeping guns themselves. The resistance might have become quite violent, but before that could happen, the NRA was withdrawn, and sent westward to fight the more serious rebellion that had broken out in northern Uganda, leaving behind only a token force, and a still heavily armed Karamoja.

In 1989, a group of policy-makers and individuals deeply concerned about conditions in Karamoja held a conference to try to find solutions to the increasing violence and lack of security in the area. After lengthy discussions, a preliminary report from the conference participants detailed two options: (1) the army could re-enter Karamoja and forcibly disarm the local people, or (2) the people could keep their guns and the armed Karimojong warriors could be transformed into a local level force to police the use of guns. In the opinion of the conference participants, the first option would be met with violent resistance and thus would be extremely costly in terms of money, military effort, and human lives. The second option was resisted by politically powerful opponents in Kampala who would not accept a policy that provided government support to these armed and rebellious warriors, many of whom had committed criminal acts. Rather, the opponents insisted, these thieves and murderers should be arrested. The result of this effort at peacemaking was stalemate. No final report of the conference was ever completed, and the government did nothing.

**The Formation of the Vigilantes**

In 1992, as security conditions in Karamoja continued to deteriorate, the Moroto District Council decided to take matters into their own hands. They appointed Sam Abura Pirir as Secretary of Security for Moroto District (southern Karamoja) and charged him with organizing

a local police force recruited from among the armed warriors. Members of this local force, known as "vigilantes", were recruited according to two main criteria. First, you must own a gun (the local government was not going to provide weapons), and secondly, you must be recognized as a leader in your community. The criteria for recognized leadership were quite traditional, i.e., your opinions are listened to and carry great weight, you are a man, or the son of a man, wealthy in cattle, your bravery and marksmanship are well-known and admired (or feared), or your skills at divination are recognized and respected. A small force was initially formed and, as events would have it, almost immediately tested.

In Matheniko County, a well-known and respected local school headmaster was ambushed on the road and killed. A group of vigilantes from the area was quickly formed and began tracking the killers. It followed these fugitives to Namaalu in the far south of the district, then north to Nabilatuk, and finally back to Matheniko. In the course of their pursuit, the vigilantes arrested a sub-county chief who had helped the killers elude their pursuers, thus demonstrating their political muscle in law enforcement. Two of the killers managed to escape into Kenya, but the pursuers got word that a third one was hiding in a village just south of Moroto. Before dawn, the vigilantes surrounded the village, then kept everyone inside and began a systematic search. The fugitive's kinsman in the village had hidden him under the top of a granary that was removed and placed on the ground. It was a clever ruse and probably would have worked, but the man panicked, leapt out of his hiding place and began firing only to be shot and killed.

The vigilantes' determined and effective performance in this event was very impressive. As a result, several non-governmental organizations (NGOs) agreed to support the vigilantes through contributions of blankets and food, and their commander was able to get shirts for his men as a kind of rudimentary uniform.

Sam Abura Pirir (1996) developed the initial vigilante force by recruiting ten men from each parish (a unit of a subcounty) for a total of 900 in Moroto District. He also chose a few women as intelligence gatherers: when they moved about they saw and heard things that might indicate illegal or non-peaceful activities, and men did not pay any attention to them. Abura Pirir decided that the top priority was to secure the roads. The army had not been able to accomplish this and its own vehicles, even when traveling in convoys, had come under fire. Private vehicles and convoys were at great risk of attack, and over the past decade many NGOs had withdrawn from Karamoja because of these attacks. So initially, the ten vigilantes in each parish were posted to guard the roads and, according to Abura Pirir, they were immediately effective. The roads became much safer.

Meanwhile, PresidentMuseveni was under continuing political pressure from districts bordering Karamoja to deal with the problem of armed Karimojong cattle raiders. When he finally visited the area, he was persuaded, albeit with misgivings, that the national government had to support the successful vigilante program that already had the backing of NGOs and the local government. To allay his skepticism, the President took three significant actions. First, he appointed Peter Lokeris, a trusted associate from Karamoja, as a special President's Representative on Security in Karamoja to oversee this volatile situation. Secondly, he appointed a new army commander for the Moroto division, a man from Karamoja who spoke the language and could relate to the local people. As a final and crucial step, Museveni insisted that the vigilante organization must come under the command and control of the army. Local

officials were in no position to argue with this demand. Although local government funds were used to pay the vigilantes' monthly stipend, now set at 10,000 Ugandan shillings per month (approximately US$10), the army became the paymaster. The overall force was greatly expanded to 1,000 per county--5,000 in Moroto District (southern Karamoja) and 3,000 in Kotido District (northern Karamoja). The vigilantes were issued their own special uniforms and a hierarchically elaborated military command structure was established, with commanders at each geopolitical unit level, i.e., village, parish, sub-county, county, and district. Even the temporary cattle camps had vigilantes moving with the herds. According to Abura Pirir, the army did not retain the women vigilantes that he had recruited, because they did not fit the military conception of what a soldier is or does; the army only wanted people with guns, and "how can a woman have a gun?"

By early 1996, this new form of security did appear to be having a positive effect. In the village of Nabilatuk, for example, people were sitting outside their houses and shops long after dark, talking and drinking tea and beer, in a relaxed atmosphere of sociability they had not experienced for many years. They could walk from one homestead to another without fear of attack, they said, something that had not been possible until the vigilantes became active. Although still somewhat wary, many people attested to the increased safety they felt in traveling throughout the region. Reports of raiding and other forms of theft by violence dramatically decreased.

Under this new organization, one question immediately arises: are the vigilantes soldiers? They do receive some military training and some political education on peace and development from the army. When government officials need to go into an area where there is a high potential for violence in order to initiate security discussions with the local people, they will enter in an army vehicle, typically an armored personnel carrier (APC). Unlike a few years ago, the local people do not attack the APCs because they now are filled with vigilantes and elders, recognized traditional local leaders, not government soldiers from ethnic groups outside of Karamoja. In one particular situation, the vigilantes do work under the close supervision of the national army. Museveni's government promulgated a law forbidding the Karimojong to carry their weapons outside of Karamoja. When Karimojong herdsmen bring their cattle to temporary cattle camps across the district borders into neighboring Teso and Acholi areas, vigilantes in these groups accompany them. Some of these vigilantes do bring their guns, but they report to the nearest police or army barracks where they sleep and train with those units and are available to participate in policing the prohibition on Karimojong having guns.

The district police force, also controlled by the district administration but an entity separate from the vigilantes, is being rebuilt with Karamoja secondary school graduate recruits who are receiving formal training at the national police academy. Some localofficials say that the vigilantes are a kind of local arm of the district police, but how these two forces will be organizationally related, much less integrated, has yet to be addressed.

**Keeping the Peace through Talking**

Within traditional Karimojong society, important decisions for the group (one might call them policy decisions) are made through a process of discussion and debate by the adult

(initiated) men of the community or area. As noted earlier, in these discussions certain men are quite influential, especially those who are elders, who have a reputation for good judgment, who are wealthy in cattle (usually seen as an indication of good judgment), who have special powers of prediction or prophecy, or, in circumstances of conflict with an enemy, are known to be especially brave and militarily astute. Although changes that have occurred during the past two decades of turmoil have threatened to undermine this system of traditional authority and decision-making, these leadership traits are still recognized and the form of group decision-making is still potentially powerful. As local government leaders have tried to create peace in Karamoja, they have used this traditional political process to prevent outbreaks of large-scale conflict and escalating violence. I was fortunate enough to witness an example of this approach to peace-keeping.

In January 1996, serious trouble was brewing. For more than twenty years some Turkana herdsmen had lived in an area north of Mt. Moroto. Recently they had moved east and south of the mountain. They had made marriage and livestock alliances with their Karimojong "cousins" (primarily, the Matheniko) and lived in relative peace; indeed, some villages and even some cattle camps were a mixture of Turkana and Matheniko. Farther to the south, the Pian division of the Karimojong had developed similar, although much more recent, alliances with the Pakot people, some of whom lived in Kenya and some in Karamoja territory adjacent to the Pian. In Kenya, the Pakot and Turkana have an ambivalent relationship; sometimes they are allies, sometimes enemies. During the past decade in Karamoja, the Pakot have been known to join the Pian in large raids against other groups. Now, the Pakot and Pian were complaining bitterly about what they claimed was a new and hostile military alliance of the Turkana and Matheniko, and threatening to take what they portrayed as preemptive action against these enemies.

Word of these complaints and the impending conflict reached Kampala and the central government made a decision that the Turkana must be forced back to the north side of Mt. Moroto. On orders from Kampala, the army commander in Moroto went out to the Matheniko/Turkana villages and told the Turkana that they had to pack up and leave in three days. The commander, who harbored his own grudges against the Turkana, then informed the Pakot and Pian of his actions, and thus these two groups expected the Turkana to be forced out of their current location.

In an effort to defuse this situation, a group of government officials, lead by Hon. David Pulkol, Member of Parliament for Moroto District and then Minister of State for Karamoja Affairs, and including Michael Lokawua, then Chairman of the Moroto District Council, Peter Lokeris, Sam Abura Pirir, and the Moroto army commander, traveled to distant villages and cattle camps to talk, often late into the night, with local leaders, trying to ascertain the factual basis for this conflict and the potential for violence. Among the Turkana, they talked with a particularly powerful and influential man named Lowakaabong, who told them that the Matheniko/Turkana elders had come to an agreement with Pakot elders just six or seven days earlier on how to share grazing and water resources in a particularly desirable and contested area known as Ochorichoi. (Because of the continuous conflict over this choice area, all settlements in the area had been abandoned for more than three decades.) When these officials talked with Pakot leaders the following night, they discovered that there had been no actual

incidents of raiding or trouble with the Turkana. In other words, the whole "problem" appeared to be a fabrication.

But the Moroto army commander refused to rescind his order to the Turkana to move their settlements unless ordered to do so by his superior commanding officer. So Peter Lokeris went to Kampala to consult with the President's office and to Mbale to convince the Divisional Army Commander to attend a peace meeting the following Saturday. Word was then sent out to the contending parties to bring their supporters to a large meeting on Saturday at Ochorichoi to air their grievances.

On the way to the meeting that Saturday morning, we encountered a group of Matheniko herdsmen, all heavily armed and tense with anger and apprehension, who said they were not going to the meeting. They had been warned by an arms trader who had just been in Pakot villages that the Pian and Pakot were planning to steal their cattle while they were off attending the meeting. The trader also said that the Pakot were going to attack and disrupt the meeting with gunfire. As we left the main road and headed for Ochorichoi, the government officials all rode in one vehicle discussing what their strategy should be. When we arrived at the site, hundreds of men were already there, sitting in their various ethnic groups, all armed. Many vigilantes were present, also sitting with their respective tribal groups. The army had unobtrusively deployed men all around the far perimeter of the area. The men in these ethnic groupings were very quiet, tense and wary.

The meeting finally got underway with an opening speech by Lokeris who warned that the patience of the national government was not inexhaustible and the army could be used to enforce peacekeeping. Then the first round of speakers, two from each group, began to present their arguments and rebuttals. The Pakot led off with a vitriolic attack by a young man who accused the Turkana of every kind of treachery and atrocity, including burying people alive. In one dramatic gesture, he pointed to Lowakaabong and in a voice strained with anger called him a thief. A second Pakot speaker, although older and less histrionic, also claimed that the Turkana were the core of the problem, that the Matheniko had been harboring these criminals, and that they must be sent packing back to Kenya. Two subsequent Pian speakers made essentially the same argument. Then the Matheniko were given a chance to respond to these accusations. They pointed out that the Pakot are also from Kenya and so did not have any grounds for criticizing the Turkana as outsiders. Indeed, on the Kenya side of the border they were living with the Turkana and making alliances with them, just as the Matheniko had done. When Lowakaabong was allowed to defend himself and to speak for the Turkana, he challenged his accusers, especially the Pakot, to name one incident where his group of Turkana had stolen from them. In further rebuttal, he cited several incidents in which Turkana stock were stolen and he had counselled his people against retaliation. He told how he had led his people into Kenya to recover from Turkana raiders cattle they had stolen from the Karimojong, and had even made up the difference out of his own stock. The Pakot fears were unfounded, he said, and he noted their recent grazing rights agreement.

As the afternoon wore on, the speakers were all more senior men, elders and vigilante commanders, and the speeches took on a more conciliatory tone, with many statements extolling the benefits of peace. As the meeting broke up, men from the different ethnic groups

were talking with one another and shaking hands. The Divisional Army Commander was convinced that violence had been averted and rescinded the order against the Turkana.

In discussions after the meeting several of the Karamoja government officials said they believed that the Pian and Pakot had deliberately fomented this conflict hoping to generate hostility toward the Turkana and force them to move their herds and settlements. Because the Matheniko and Turkana livestock and homesteads had become so intermingled over the years, the Matheniko would have to accompany the Turkana. Then, while they were on the move and in their weakest position, the Pian and Pakot would attack. They came to the meeting with tempers flaring, expecting the government to evict the Turkana. Thus, at the beginning of the meeting there was enormous tension and a real possibility of violence, but the conduct and outcome of the meeting had undermined their position and destroyed their strategy.

**Restoring Traditional Authority**

At the close of the meeting the local governmental leaders had exhorted the men to establish in their villages local councils of leaders who would meet frequently to keep track of any trouble that might be brewing and take measures to keep things from escalating to violence. For example, if any theft of livestock had occurred they could go to the ones who had stolen and force them to return the animals or make restitution. These local leaders would be the equivalent of, and in many cases would be, the traditional elders.

As the armed violence of the past two decades escalated, the control that the elders had traditionally exercised over the young men was challenged. Rich men with guns formed small armies of young headstrong warriors who were dispossessed and willing to break the cultural rules and restraints against indiscriminate raiding and killing. Those elders who also were dispossessed in the chaos of raiding, drought, and famine could no longer command respect or exercise any control over these young men. The threat of a total breakdown of traditional law and order was one of the most serious consequences of the transformation of weaponry in these warrior societies.

Fortunately, this system of social control by the elders was not completely destroyed. The practice of initiation into the age grade system has continued. Indeed, many of the modern educated men who are government officials told me they had been initiated. The cultural principle and practice of respecting those who are older has deep roots and a strong rationale in this pastoral political economy. Some of the elders have managed to maintain their status, although they have adapted to the new reality of modern firearms being widely distributed. They also are armed, have maintained their herds, often through some raiding, and have networks of younger men they can call upon for support. Nonetheless, they still are committed to the traditional forms of decision-making and they have grown weary of the violence and destruction. It is from the ranks of these elders and their networks that many of the vigilantes have come, and it is to these elders that the modern governmental leaders are now turning to create peace through the restoration of traditional forms of culturally legitimate social and political authority.

It may seem ironic that at the end of a century of attempts to isolate, then to control and change Karamoja the value of the elders is finally being recognized. The British colonial

administration was convinced that the elders were an impediment to progress and civilization, and so it appointed chiefs (Barber, 1968). When the chiefs proved ineffectual, the colonial administration blamed the elders and attempted to destroy their political power by outlawing initiation ceremonies, hoping to undermine the continuity of the age grade system. The plan might have worked, but fortunately, when Ugandan independence occurred, this edict was rescinded and the age grade system was immediately revived (Dyson-Hudson, 1966). Still, in the years since independence a series of Ugandan governments has viewed Karamoja as dangerously backward and irrationally resistant to change, and the elders have been mocked and disregarded, as outsiders appointed by Kampala have come into Karamoja to administer a series of unsuccessful development plans (Quam, 1978) or to impose a militarized order. More recently, Karamoja has produced a few leaders who have risen to some political prominence at the national level. In June 1996, David Pulkol was re-elected to Parliament (and has since been appointed to the powerful post of Director of the External Security Organization), Michael Lokawua was newly elected to Parliament, Peter Lokeris was appointed Minister of State for Karamoja Affairs, and Omwony-Ojok continued to serve as the Director of the National AIDS Commission. These modern men, along with their allies in the District Administration, have become convinced that the traditional forms of social control are the best hope for creating peace and community development in the places they call home.

Will this approach work? Will it be given a chance to work? The peace in Karamoja is not perfect and it is fragile. In November, 1996, The Monitor newspaper in Kampala carried four stories about relatively small-scale incidents of cattle raiding and armed attacks in Karamoja (Sylvester, 1996a, 1996b, 1996c, 1996d). Significantly, the stories also included accounts of vigorous response by vigilantes and other security officers. Another serious drought could set off a series of conflicts over grazing and water which might quickly escalate into large-scale armed violence. In the past, when a family lost much of its livestock it could rebuild its wealth through traditional practices of borrowing and skillful herd management. The recent levels of impoverishment may require new strategies of subsistence and recovery, but the opportunities for agriculture and wage labor are severely limited in Karamoja, especially after the recent economic and infrastructural decline (Okudi, 1992). Unless those who are impoverished, especially the young men, can find a lawful means of subsistence, they will continue to be a reserve army of potential recruits for renewed raiding and banditry.

The militarization of the vigilantes could create some dissonance with traditional authority. The effectiveness of the vigilantes is based on their legitimacy as indigenous, grass-roots leaders whose authority is grounded in their conformity to traditional values. They are local leaders who guard their community areas, although some ambiguity exists regarding their status because they fall under the command of the army and are organized in a military-style chain of command structure. What would happen, for example, if a senior commander gave a local vigilante an order that contradicted the authoritative voice of the local elders? Where would the vigilante's allegiance lie? The vigilantes have received pay increases, full uniforms, and even some additional payments in kind. They also are receiving additional military training. Where do their long-range interests lie? If they begin to be seen as another arm of the national army, will the people continue to trust and obey them?

On the other hand, the national government has little choice but to pursue the current policy of indigenous peace-keeping in Karamoja. With rebellion on the Sudan border and warfare to the west and south in Zaire and Rwanda (French, 1996; UN Department of Humanitarian Affairs, 1996), it cannot take on significant military operations in the northeast. As has been the case so often in the past, Karamoja is viewed as an exceptional problem case in national development. This time the people of Karamoja may have a chance to demonstrate the effectiveness of their traditional system of political authority in keeping the peace in an armed society.

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# BOOK REVIEWS

**Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism. Mahmood Mamdani. (Princeton NJ: Princeton University Press, 1996) xi+353pp.**

Whatever else may be said of Citizen and Subject, it is a landmark publishing event in contemporary African political studies. Coming out hot on the wake of South Africa's transition to a non-racial democracy, and the continuing political paralysis in most of the rest of the continent, the book has set a new agenda that seeks to answer to the historical origins of the ongoing social and governance problems in South Africa as well as north of the Limpopo. Quite unconventional in its perspective and conclusions, the book argues that the difficulties in South Africa's racially segregated past are writ large in the rest of the continent. It therefore denies South Africa and apartheid any "exceptionalism", embracing the implausible argument that "apartheid was the generic form of colonialism". Citizen and Subject may also represent the first opportunity in a long time that an African scholar has made significant theoretical waves in African studies on both sides of the Atlantic, considering the attention the book has received in South African universities as a whole, and in the US African studies community generally. The book also presents its author in his new theoretical perspective, having all but bade farewell to materialistic interpretations of post-colonial Africa, grounded in class struggles in the neo-colonial context, and embraced the Weberian perspective of authority--what Weber called "possession of the means of administration"--as the ordering factor of social conflict. All this is most refreshing, persuasively argued, and extremely well written. But it remains to be seen, when all the reviewers have had their say, and when all the factual evidence is carefully sifted, whether the book adds value to existing knowledge of the colonial origins of Africa's political predicament and South Africa's new role in it. Despite his having enjoyed reading the book, this reviewer has some strong doubts about that.

The overarching thesis of the book which this writer read, disbelievingly over and again since acquiring his copy in the middle of last year, leaves little ambiguity in the reader's mind. The institutional framework of rule enshrined in apartheid and in all late colonialism, hinged especially on its use of "indirect" rule over the natives by local chiefs using "customary law". This in turn dichotomized African societies into "citizens" (those above the writ of customary laws, enjoying some civil liberties, and mostly white), and "subjects" (primarily peasant households in the countryside) who faced the wrath and arbitrariness of native authorities, chiefs and their retinues. The book proceeds with the assumption--often enshrined in customary law statues--that native authority was coextensive with geographic "tribal" domains. Given the multiplicity of rural native authorities, the system of indirect rule so established is referred to by Mamdani as "decentralized despotism". In Southern Africa at least, white authorities sought to

http://www.africa.ufl.edu/asq/v1/1/reviews.pdf

transplant indirect rule into the "native" townships, and to sustain the figment of "tribal" solidarity under chiefly control in the urban setting where black migratory labor was seen as transient, and still grafted to its rural umbilical cord. Somehow, and again difficult to sustain in the light of hard historical evidence, British and South African indirect rule is equated to what Mamdani calls the French colonial policy of "association". At the nadir of the books narrative, the tragedy of African independence is represented as the continent's inability to dispense with decentralized despotism even when rural socialist revolutionary programs were attempted, as they were in Tanzania and Mozambique. With the attainment of independence, and of majority rule in South Africa, the institutional framework was " deracialized but not democratized". This left the African peasantry almost everywhere "trapped in a nonracial version of apartheid". But with one major exception: in South Africa, industrialization had brought Africans in vast numbers to the cities, and in that context, indirect rule and decentralized despotism were an urban affair. So was the opposition to the system. In short, rural protest movements north of the Limpopo are generically identical to the township rebellions in South Africa.

In these circumstances, Citizen and Subject informs us, rural and urban popular resistance to decentralized despotism inevitably took an ethnic form--"tribal" political organization, as Mamdani calls it after dispensing with the quotation marks early in the book, hoping that his readers will understand that he is no apologist for the colonial coinage or the archaic sense of the term. Modern "tribalism" writes Mamdani, signifies the contradiction of (indirect) authority and the resistance it generates. To wit then, far from being reactionary, provincial and backward looking, ethnic-based peoples' resistance (be they rural or urban) "may be emancipatory" in the move toward democratic rule in Africa. As examples of emancipatory backlash against the tyranny of the decentralized despots by the rural peasants, the author describes the long-simmering Rwenzururu uprising in Toro, Western Uganda, the 1950s Mau Mau rebellion in Kenya, postcolonial "simba" revolt in the Congo (now Zaire). All attacked despotic native authority. In South Africa's townships, the revolts of the 1970s onwards aimed at the sham black administration erected by apartheid. The book's empirical data is culled especially from Uganda, but also from Kenya, Tanzania and Zaire, in addition to the large chunks from South Africa. With the partial exception of Nigeria, West Africa and Francophone Africa have only bit roles, if they feature at all. And while the township rebellions in South Africa are themselves symptomatic of emancipatory counter-action, the counter-revolutionary behavior of some hostel dwellers is itself seen as "tribal" action motivated by autocratic native rulers filling a vacuum created by lack of modern secular trade unionism. The books calls for a critical review of the democratic potential of these popular, ethnic-based rural and urban resistance movements, without being romantic about them, as Africanists recast their analytical apparatus to understand the best way out of the current political impasse.

But is the essence of the history of African colonial rule--the seeming genesis of the problem--captured by the metaphor of decentralized despotism and its malcontents? To begin with, it may be prudent not to overemphasize the African novelty of using local rulers to buttress colonial rule for the use of native auxiliaries has been inherent in the definition of colonialism through the ages. The archetypical model of Lugard's policy of using native rulers in the British empire was India, and its political sequel after India's independence in 1947 was very different from the institutional depravity that informs much of Africa today. Indeed,

notwithstanding Mamdani's impressively low figures of European officers in African colonial service (even in closely-administered colonies like Kenya), the truth is that most empires have survived on a combination of might and local administrative accomplices. Reviewing the practice in the ancient world, Machiavelli says in The Prince that there are three ways to hold newly conquered lands: " first by devastating them; next by going to live there...; thirdly by letting them keep their own laws, by exacting tribute, and setting up an oligarchy which will keep the state friendly to you". Anticipating the decision of the Victorian colonial office, Machiavelli judged the third alternative--i.e. indirect rule--as the most economical and effective. Depending on the country, African colonial rule in practice combined indirect rule, European settlement and brute force, and its variation across countries and imperial powers--British, French, Belgian, Portuguese and Italian--was more varied than is suggested by a uniform apartheid, "association", or indirect rule. Thomas Hodgkin brings this out most clearly in his classic Nationalism in Tropical Africa, and we know from detailed historical work on comparative colonialism (like that of Michael Crowder) of the substantive differences between British indirect (and sometimes direct) rule, and French-style direct rule with its complements like assimilation, French education in French, African deputies in the Parisian national assembly, replication of territorial administrative circles and prefectures, etc. In fact, association did not become policy until well after the 1944 Brazzaville conference, as a sop for the would be African nationalists during the war. It pays to remark that like under the British, there were exceptions in the French system as well: the Mossi kingdom in the then Upper Volta, and Felix Eboue's installation of the grand chefs in Central Africa come to mind. But all this reinforces the terrific diversity of colonial structures at the grassroots. Indeed, long after independence, there were regions in Africa--like Northern Chad and interior Mozambique--where it was news that the colonialists had departed. The people had never heard of their arrival.

Thus while the nexus of the colonialist and his local agent may have some overall but highly general resonance, it was hardly similar in substance in British territories themselves, let alone French, Portuguese, Italian and Belgian colonies. And it was hardly apartheid in miniature except in the most perfunctory sense: effective foreign conquest requires active local auxiliaries--the interface between foreign and local laws, between citizen and subject is implicit in the definition of colonialism. Strictly speaking, if apartheid and the politics of indirect rule are equated, then apartheid was the norm not just in Uganda, Rwanda, Burundi, and Nigeria, but also in colonial India, Northern Ireland after the seventeenth century, and Native American reservations after the heyday of the US Cavalry. And as an analytical model it has minimal predictive capability since the political consequences in these situations are so divergent.

Neither is the relationship of chief and their subjects as portrayed in Citizen and Subject wholly consistent with the practice of "decentralized despotism" under indirect rule and apartheid. In his memorable 1949 essay, "The Village Headman in British Central Africa", Max Gluckman described the Janus-faced obligations of native rulers at the lower end of the colonial hierarchy. To the extent that he was successful in his duties, the headman ( and the chief) was at once a representative of popular local causes and an enforcer of unpopular colonial directives. The history of local African rulers under British colonial rule is shot through with examples of difficulties in balancing the two, with some chiefs siding with the ruled or turning tables against the colonial order. Against the wishes of the white establishment in South Africa, Khama I of

the Bamangwato was an early modernizer, introducing much-needed schools and heath programs to his people. Chiefs and local spiritual leaders founded the first nationalist party in Gabon. Chief Koinange wa Mbiyu in Central Kenya was a powerful influence in the Kikuyu independent schools movement; detained without trial in the Mau Mau years, he died in prison in 1961. The list is long that would prove Gluckman's point.

However, this is less problematic than the recurring portrait in this book of "tribe", "tribespeople","tribalism", and "customary law" as concrete categories of political behavior, with or without quotation marks. Coming in the 1990s and in Southern Africa, of all places, this is surely unforgivable. For nowhere else in Africa have these terms been as severely discredited-- in the sense that Mamdani uses them--as in the urban and migrant labor culture in Southern Africa. With the publication of J.Clyde Mitchell's The Kalela Dance in 1959, and the subsequent work of urban African ethnicity at the then Rhodes-Livingstone Institute in Lusaka, it was established that township-based identities bore little resemblance to "traditional" rural "tribes", which were themselves often creatures of the vortex of social and administrative changes introduced by colonialism; a process in which African peoples were creators of their new identities, not the hapless tools of colonial exploitation some left-wing authors claim "tribal" groupings to have been. Thus although as a communal appellation, the ethnic designation of "Nyanja" may have had resonance in the Northern Rhodesia coppperbelt (with urban "Nyanja chiefs" to boot), it was irrelevant in eastern rural parts of the territory, where the "tribe" supposedly originated, and where the operational categories of identity (complete with "tribal" chiefs and "native" laws) were Ngoni, Tumbuka, Chewa and many others. In one of the most articulate renditions of this phenomenon, Crawford Young (in Politics in the Congo), described the emergence of "Bangala" identity in colonial Leopoldville--complete with its ethnic political association--and narrated the surprise of the native chief in northeastern Belgian Congo, the supposed home of the "Bangala", who himself denied any knowledge of a Bangala ethnicity. Over time, we have seen an accumulation of similar ethnographic data with reference to the Tonga, Shangaan, and Tswana (in Southern Africa) as well as the urban identities of Dyula, Yoruba, Hausa, Luhya, Fang, Ugandan Nubians, and so on.

As an old witticism from this literature, African ethnic identity ( indeed all ethnic identity worldwide) is a shifting, multilayered phenomenon that is contextually defined. To contend as Mamdani does on a "conveyer belt" of migrant tribals from rural to urban, all governed by common ethnicity and indirect rule, is simply and factually untenable, however persuasive may be the archival legal statutes underpinning this concept that he quotes. And this is when one wishes Mamdani had not shed his materialistic heritage so readily. In one of the most influential books on this resurgent phenomenon of ethnicity in the 1990s, Benedict Anderson describes new and old nationalities as "imaged communities", a term that applies no less to what Mamdani and others describe, with the best of intentions as African "tribes" and "tribespeople"; terms of course that do not apply to non-African Croats, Serbs, Basques, Chechens, Pathans, Parsees, or just plain Baluchis. Over twenty five years ago, Pierre van den Berge, author of South Africa: A Study in Conflict, appealed for the abandonment of this invidious and meaningless term (tribe) in place of more objective and universal categories. Far from being mere semantics, this is sound advice. The discourse of ethnic identity and national politics can now be heard in Britain, the Russian Republic, Sri Lanka and Australia. That

"tribalism" continues to be used so casually for Africans, all objective evidence to the contrary, may say something about the minimal extent by which the perception and study of ethnic movements in Africa has changed. And it testifies to the need for international comparativism of the kind Mamdani rules out in the opening remarks of this book.

One of the most surprising things about African studies at the end of the century is the extent to which some major strands of them have revived (almost unconsciously) the analytical categories that were current in the heyday of "modernization" and "development" theories of the 1950s and 1960s. According to the conventional wisdom of that era, African societies were characterized by conflict between "tradition" and "modernity", with "modernizing elites" created under colonialism, championing the later. And of course there were dissenters who saw strong benefits in using popular traditions and beliefs as a springboard for modernization. With the disappointing results of development in the 1970s, it was argued by dependency writers that the problem lay in attempting to modernize the colonial, European-run economy with then neo-colonial African "petty" or "bureaucratic" bourgeoisie in place instead of overhauling the production system and putting "the people" in control. Now it is starkly stated that with the end of apartheid and one-party rule in the north, the system is still hostage to an indigenous ruling oligarchy installed in the past (like the old "petty" bourgeoisie) that does not incorporate the people in decision-making. Once again, the system has been "deracialized but not democratized". Hence the current efforts to build a countervailing African civil society. For all its attacks on Goran Hyden's dichotomy between the modern capitalists and the traditionalistic "economy of affection", Citizen and Subject bears all the trademarks and the dilemmas of the modernization school and its sequel, of the struggle between the old and new institutions of governance and economic life. There may be nothing wrong with that. In moments of crisis like those in Africa today, it does pay to retrace one's steps in order to chart a better way forward. If the debates sparked by this book enable us to design a clearer path for national governance in Africa, it will have served a greater purpose than its author intended.

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**The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity. Michael Maren. New York: The Free Press. 1997. 302 pp.**

The Road to Hell is a scathing critique of the development and relief aid industry in East Africa. In his expose, journalist and former aid worker, Michael Maren portrays several US Non-Governmental Organizations (NGO), the United Nations High Commission for Refugees (UNHCR), and the US military, among others, as corrupt, self-serving agencies whose ulterior interests contributed to rather than helped resolve conditions of famine and war in Somalia. According to Maren, relief aid to Somalia in the 1980s and 1990s was manipulated by local authorities, hoodlums, and even refuges who grew rich diverting food and other donations or

by using these resources for political ends. Despite this, Western aid agencies continued to solicit funds and carry out relief and development activities because they benefited financially. Maren exposes the expatriate aid community in Africa as comprised of careerists who live luxurious lifestyles in the midst of poverty and make little attempt to learn about or to integrate themselves into their host society.

Maren uses his own experiences as an example of how easily expatriates obtain comfortable jobs in Africa and how little the impact of their action or inaction matters to them and their funders. As a Peace Corps volunteer in Kenya in the late 1970s, he discovered that he had little to offer in the village where he lived and that his presence there was the result of a bribe made by the school headmaster who wanted a white teacher to attract more students and donations. As an employee of Catholic Relief Services in Kenya, Maren learned, "[w]ith my English degree and suburban upbringing and white skin, I could walk into an African village and throw money and bags of food around. I could do anything I pleased. I had, admittedly, enjoyed the feeling of power. Suddenly it scared me." Maren later worked for USAID in Somalia as a food monitor in the early 1980s, where he discovered that the Somali government was deliberately diverting development aid and inflating refugee numbers to keep refugees dependent and to keep the aid flowing.

Maren takes aim at Care, Save the Children, AmeriCares, and other American NGOs. He accuses CARE of continuing to solicit UN funds for food relief in Somalia while knowing that its donated food was turning up in markets in other countries. He criticizes Save the Children's exploitation of starving children to raise funds which are spent mostly on administering grants from the US government. Save the Children in Somalia did not pay field personnel or disperse project funds, preferring to make a profit by changing money on the black market and renting a weekend beach house for the director. Maren suggests that AmeriCares' purpose is to provide tax write-offs for corporations, and details how the agency delivered inappropriate donated goods (Gatorade, Mars Bars, Pop Tarts, Maidenform bras) to disaster-stricken areas in Russian, Bosnia, and Japan.

If all that he says is true, The Road to Hell provides a depressing comment on the state of foreign and charitable aid. The book's most important contribution is as an eye-opener for the general public whose only information about international development and relief aid comes from commercials for charities and the popular press. Maren does provide insightful details about interclan conflict and politics in Somalia. As an objective study of aid in Africa, however, The Road to Hell is inadequate.

Maren is right: the development industry is inherently paternalistic, but he does not mention and may be unaware of the lively debate and increasing attempts in development literature, in NGO and major bilateral and multilateral agency policies and programs to reverse the top-down, dependency-creating, bureaucratic nature of development. Maren also does not distinguish clearly between relief aid and development aid. Food aid is notorious for creating dependency and disrupting local markets in emergency situations, while development, although by no means free of problems, does not suffer from the massive influx of funds and the sensationalistic press coverage that distort relief aid. His analysis ignores local movements and small NGOs based in African countries who receive aid funds and manage them more responsibly and responsively than the large agencies.

By sensationalizing the corruption and greed, Maren's analysis overlooks the complex but less flashy problems of the aid industry. In this sense he is no different than those he criticizes. Like the journalists who flocked to Somalia, Maren was right there with them, looking for a good story.

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**The Ghost of Equality: The Public Lives of D.D.T. Jabavu of South Africa, 1885-1959. Catherine Higgs. Athens: Ohio University Press, 1997. Pp. xiii + 276.**

The Ghost of Equality chronicles the long and varied life of Davidson Don Tengo Jabavu, one of South Africa's most distinguished public figures. The book is aptly subtitled "the public lives of D.D.T. Jabavu" since his life encompassed several distinct careers as an educator, African nationalist politician, organizer, writer, and Methodist lay preacher. In Catherine Higgs's fine biography his profound influence is duly recognized. Her book joins the growing number of biographies and autobiographies that have appeared in recent years illuminating the lives of leading African political figures in South Africa. With notable works now available on Nelson Mandela, Sol Plaatje, Alfred B. Xuma, H.I.E. Dholomo, Z.K. Matthews, and Albert Luthuli, a comparable study of D.D.T. Jabavu is especially timely.

Higgs provides an engaging and well-informed account of Jabavu's very full public career. Jabavu made his mark as the first African lecturer at the South African Native College (Fort Hare), where from 1916 to 1944 he helped transform what "was little more than a glorified high school" into the preeminent institution for higher learning for black South Africans. During this same time, Jabavu was instrumental in organizing several associations of teachers, farmers, and voters. Perhaps his crowning achievement centered around his cofounding of the All African Convention in 1935, for which he served as president until 1948. In 1943, he also helped establish (and subsequently led) the Non-European Unity Movement. Despite his repeated attempts, Jabavu's efforts to merge the AAC and NEUM with the African National Congress in a broad opposition alliance never came to fruition. In 1949, recognizing that his moderate approach to political protest was at odds with the more radical and assertive strategy assumed by the younger generation of African leaders, he retired from active political life. His last years were spent in relative seclusion devoted to writing and making only the occasional public appearance.

According to Higgs, the defining characteristic of Jabavu's political philosophy was his lifelong commitment to the "Cape liberal tradition." He believed that equal rights ought to be extended to all civilized men irrespective of race. In spite of the many developments that progressively stripped all blacks of basic rights in South Africa during his lifetime, and which effectively rendered this goal unrealizable, Jabavu continued to cling to the Cape ideal. This quixotic strain in his ideological bearings is captured by the book's title, "The Ghost of

Equality." Even late in life, by which time he had grown disillusioned with white liberals and British justice, Jabavu never wholly renounced this improbable dream.

Higgs effectively points to the limits of Jabavu's political activism. Like many elite, mission-educated South African blacks of his age, Jabavu was unable to jettison his ideological commitment to polite deputations in favor of grass-roots radicalism. Despite the pressure applied by the younger political leaders who entered the ranks of the AAC and other black opposition movements during the 1940s, Jabavu resisted attempts to make the AAC more responsive to a mass membership. As Higgs points out, it is ironic that the guiding principle of Jabavu's life was fashioned after the famous dictum of Cecil Rhodes--"equal rights to all civilized men south of the Zambesi."

Higgs seems to suggest that many of Jabavu's shortcomings emanated from his enduring belief that he and other elite Africans were uniquely qualified to lead their African constituencies. For Jabavu, haunted by the ghost of equality, an education grounded in Western cultural values still served as the portal to social and moral "uplift" for a few select Africans.

Higgs deliberately excludes all but the most skeletal details of his personal life, choosing to avoid the "gossip mongering and voyeurism" that might otherwise insinuate itself into an account of his private life. While this decision may be methodologically valid and even laudable in its own right, it leaves the reader yearning to learn something--anything--of what Jabavu was like as a private person. Virtually no mention is made of what activities he pursued in his leisure hours, whom he counted as friends, or of any other such intimate matter. While these issues may be rather pedestrian in nature, their inclusion would have provided a more rounded and vivid portrait of a very complicated man.

Throughout, Higgs balances her account of Jabavu's contribution to African political and associational life with a solid historical contextualization of his times. She demonstrates a strong grasp of the tensions surrounding his public lives and manages to present an impartial assessment of his foibles and failures as well as his strengths and accomplishments. Higgs's well-written and engaging account is appropriate for both undergraduates and graduates and represents a valuable contribution to understanding an important South African.

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