

# Potential and Limits of Traditional Approaches in Peacebuilding

Volker Boege

<b>1. Introduction: Hybrid Violent Conflicts, Hybrid Political Orders</b>	<b>432</b>
<b>2. Main Features of Traditional Approaches to Conflict Transformation</b>	<b>436</b>
2.1 The Aim: Restoration of Order and Relationships in the Community	439
2.2 The Ways: Holistic and Consensus-Based	440
2.3 The Context: The We-Group (and its Re-Framing)	442
<b>3. Strengths of Traditional Approaches</b>	<b>444</b>
<b>4. Weaknesses of Traditional Approaches</b>	<b>450</b>
<b>5. Conclusion: Conflict Transformation Beyond the State</b>	<b>453</b>
<b>6. References</b>	<b>455</b>

# 1. Introduction: Hybrid Violent Conflicts, Hybrid Political Orders

This chapter<sup>1</sup> addresses an aspect of conflict transformation that previously has been underestimated in mainstream western policies and political research. It will be argued that traditional approaches to conflict resolution that are grounded in the cultures of conflict-affected localities in the global South play an important role in contemporary conflict transformation. These traditional approaches have their roots in the pre-colonial or pre-contact history of local societies but have constantly changed over time in the process of interacting with the outside world. Tapping into the potential which they offer even today could help to improve the effectiveness and legitimacy of conflict transformation endeavours. In order to demonstrate the relevance and potential of traditional approaches, this chapter will *first* address the hybridity of large-scale violent conflicts as well as the hybridity of political orders in many fragile states and environments in the global South today. It is this hybridity that provides the space for traditional approaches to conflict transformation while making it possible and necessary to utilise them. In a *second section* the chapter will present some characteristic features of those approaches, while *sections 3 and 4* will address their strengths and weaknesses respectively. Based on these assessments, the *concluding section* will make a case for conflict transformation beyond the state, challenging the current dominant peacebuilding-as-statebuilding approach. An alternative approach will be put forward, which takes seriously the local potential for conflict transformation and for shaping peaceful political community.

As a starting point we have to acknowledge that many of today's large-scale conflicts in the global South cannot be perceived as conventional 'wars' any longer. Neither are they clashes between states, nor are they conventional civil wars between a state government and an internal armed political opposition aimed at the overthrow of that government, regime change or secession. Rather, they are characterised by an entanglement of a host of actors, issues and motives. Some observers talk about 'new' wars in order to stress the non-conventional dimensions, and they point to specific features such as the transnationalisation/regionalisation of conflicts, their privatisation and commercialisation and the accompanying proliferation of conflict parties (Kaldor 1999; Duffield 2001; Muenkler 2002). Particular attention has been paid to the emergence of so-called war economies, with opposing groups fighting – in a sub-national and/or transnational framework – not over state-related issues (such as political power or secession), but over access to lucrative or essential resources. The political economy of armed conflict has generated a wide range of new players such as warlords, private military companies and mafia-type criminal

<sup>1</sup> I am indebted to Morgan Brigg, Anne Brown, Kevin Clements, Wendy Foley, Anna Nolan, Beatrix Austin, Martina Fischer and Herbert Wulf for their comments on the first draft of this chapter. It is an updated version of the article that was first published in the online version of the *Berghof Handbook for Conflict Transformation* in 2006 and builds on Boege et al. 2009.

networks who do not care about “states”, “borders”, “sovereignty” or “territorial integrity” at all.

Moreover, many current violent conflicts emerge and are carried out in the context of so-called weak or fragile or even failed states. In fact, the discourse on fragile/failing/collapsed states figures prominently today as an explanation of contemporary violent conflicts in security and development policy as well as in political science and peace research.

To speak of ‘weak’ states, however, implies that there are other actors on the stage that are strong in relation to the state. ‘The state’ is then only one actor among others, the state order is only one of a number of orders claiming to provide security and frameworks for conflict regulation. Although state institutions claim authority within the boundaries of a given state territory, only outposts of the state can be found in large parts of that very territory, in a societal environment that is to a large extent ‘stateless’. Statelessness, however, does by no means mean chaos. Having no state institutions in place does not mean that there are no institutions at all.

Rather, regions of fragile statehood generally are places in which diverse and competing institutions and logics of order and behaviour coexist, overlap and intertwine: the logic of the ‘formal’ state, the logic of traditional ‘informal’ societal order, the logic of globalisation and international civil society with its abundance of highly diverse actors, such as non-governmental organisations (NGOs), multinational enterprises (MNEs), international organisations, development aid agencies, private military companies (PMCs) and so on. In such an environment, the state has to share authority, capacity and legitimacy with non-state actors and institutions. In short, we are confronted with hybrid political orders; and hybrid political orders differ considerably from the western model state (Boege et al. 2009; Boege et al. 2008; Boege 2004, 26-35; Schlichte 2005, 277-296; Sousa Santos 2006).

It is in this context of hybrid political orders that non-state traditional actors and institutions, their motives and concerns as well as their ways of conducting violent conflict add an important dimension to the ‘new’ wars in the global South. Traditional social entities such as extended families, lineages, clans, ‘tribes’, religious brotherhoods and ethnolinguistic groups become parties to the violent conflict(s), introducing their own agendas into the overall conflict setting. These agendas cannot be reduced to modern political aims such as political power or economic considerations such as private gain and profit, but include concepts such as “honour”, “revenge” or “right to (violent) self-help”. Often traditional actors, their motives for and forms of fighting mix with private actors and their motives; clan leaders might become warlords, tribal warriors might become private militias, the motives of honour and profit as well as the necessity of ensuring a livelihood might be at work at the same time. In the context of globalised markets war economies emerge, and the actors in these war economies (warlords, etc.) are often linked to non-state traditional social entities. Paradoxically, then, what makes ‘new’ wars new is that they characteristically combine modern and traditional causes, motives and forms of conflict. It is not only that under the umbrella of current internal wars conflicts between clans, ‘tribes’ or other traditional societal groups are fought out violently, but those wars themselves become permeated by traditional causes and forms of violence.

In other words: many contemporary large-scale violent conflicts are hybrid socio-political exchanges in which state-centric as well as (non-state-centric) traditional and economic factors

mix and overlap. The state has lost its central position in violent conflicts of this kind, both as an actor and as the framework of reference.

The hybrid nature of many contemporary violent conflicts in the global South has to be taken into account when it comes to conflict prevention, conflict transformation and post-conflict peacebuilding. More attention must be given to non-state traditional actors and methods – and their combination with modern forms of conflict transformation, be they state-based or civil-society-based. In the same way that the analysis of violent conflict has to overcome its state-centric perspective, so too do the approaches to the control of violence and to the nonviolent conduct of conflict.

Up to now, traditional non-western approaches to conflict transformation have not been adequately addressed by scholarly research and political practice. For the most part they are ignored, although empirical evidence from relatively successful cases of conflict transformation demonstrates their practical relevance even in today's era of 'new wars' in a globalised world. This chapter aims to critically assess both the potential and limits of traditional approaches to conflict transformation. It is written, however, in the context of western thinking about politics in general and conflict transformation in particular. Hence, it presents a very specific and narrow perspective on these issues, albeit one that conventionally is taken for granted. Western thinking has become so overwhelmingly predominant in today's world that it appears as the universal model, whereas other ways of thinking are merely perceived as 'the other' of, or different from, the western approach. The standard is set by western conceptual frameworks and ways of communicating the issues at stake, not least in the field of peace and conflict studies.<sup>2</sup>

This chapter is no exception. The strengths and weaknesses of traditional approaches, for instance, are formulated within western concepts of conflict transformation. The traditional approaches are 'conquered' and usurped in the process. They are translated into the language of western peace and conflict studies and hence adjusted in ways that make them fit that language, allowing them to be utilised for purposes that are derived from the framework of western thought. In this operation, of course, they change their character. This is not to say that such an approach is to be rejected, say, on ethical grounds. It is vital, however, that the inherent problems be recognised, since they could otherwise become causes of conflict in themselves (the "do no harm" principle also applies to peace research). It would be a challenge to address the issue in a completely different manner, by presenting the "traditional approaches" autonomously in their own right.

2 The terms "West" and "western" in this chapter are used in a generic way to refer to experiences, expertise and institutions of political theory and practice that have their origins in bourgeois and capitalist Europe since the Enlightenment and that also took root in settler societies in North America (USA and Canada) and the southern hemisphere (Australia and New Zealand). 'The West' is hence not a geographic term but is to be understood as comprising the economical, social and political order and the associated worldviews and practices of the 'developed' capitalist societies and states; basically those states which had formed the western bloc during the Cold War. The notion of the liberal democratic state, liberal peace and liberal peacebuilding today is at the core of a 'western' understanding of conflict transformation advanced and pursued by those states. This understanding, however, presents itself in the form of universal features and universal templates, as of universal validity and of universal applicability. The liberal West in this sense is contrasted with the local and traditional non-West in this chapter – although I am aware of course that the West also has its locale and its traditions. This, however, is not the point here. The problem is with the western approach in its globalised form, which presents itself as the universal, 'self-evident' manner of thinking about and of doing politics in general and conflict transformation in particular, hiding or ignoring that it is itself culturally constructed within the West's contextual and historical experiences. In this regard, I follow Oliver Richmond's line of argument, see for example Richmond 2009a and 2009b.

This would necessitate thorough methodological reflections on the possibilities of understanding and communicating across cultural differences. The claim of this text, however, is far more modest.

Moreover, only issues of prevention, termination and transformation of violent conflicts and immediate post-conflict peacebuilding will be addressed. More far-reaching aspects that are important for the establishment of sustainable peace in the global South will not be dealt with (e.g. good (enough) governance, democracy and human rights, sustainable development). Also excluded are other dimensions of violence such as domestic or criminal violence. What traditional approaches can or cannot achieve with regard to those aspects and dimensions will not be examined here. Furthermore, traditional approaches are not presented as applicable in each and every case; they are not the panacea for the curse of violence in the global South and for overcoming war and securing peace once and for all. Rather, their effectiveness is dependent on a specific set of preconditions that by no means apply in every case. Nevertheless, under certain circumstances, in some cases recourse to traditional approaches has made sense and can make sense. This is the point this chapter wants to make – not more (and not less).

#### Box 1

##### War on Bougainville: A Hybrid Encounter<sup>3</sup>

For almost a decade (1989 to 1998) the island of Bougainville was the scene of the bloodiest violent conflict in the South Pacific since the end of the Second World War. This conflict was not a war in the conventional sense of the term. Neither was it a war between states, nor was it exclusively an internal war between the central government and its security forces on the one hand and a unitary armed opposition on the other hand. True, to a certain extent it was a war of secession: the Bougainville Revolutionary Army (BRA) fought for the separation of Bougainville from Papua New Guinea (PNG) and for an independent state. However, this was merely one aspect of the story. Beneath the overarching structure of that war between the PNG central government and the secessionists, a host of other actors and issues were involved in a whole range of other violent conflicts.

In the course of events, the PNG side managed to take advantage of the divisions among Bougainvilleans and equipped and supported so-called Resistance Forces, which became the local auxiliary troops of the PNG security forces. For most of the time since 1992, the Resistance Forces bore the brunt of the war against the BRA. This changed its character. From being a war of ‘the’ Bougainvilleans against ‘foreign’ government forces, it now also became a war among Bougainvilleans themselves. Long-standing traditional conflicts between different clans and other customary groups were fought out violently under the umbrella of the ‘great’ war of secession.

The course of the violent conflict(s) followed the logic of “pay back”: revenge had to be taken for losses to one’s own side by violent attacks on the clan or the family whose members had caused the losses. A vicious circle of violence was the consequence. Fighting itself became a cause of ever more fighting, and with the protraction of fighting a culture of violence developed. Parties

<sup>3</sup> The boxes on the case of Bougainville in this chapter will serve to illustrate some more general statements that are made in the text.

entangled in local conflicts either joined the BRA or the Resistance. On the other hand, it was not unusual for individual BRA or Resistance units to change sides, or for BRA to fight other BRA or Resistance to fight other Resistance units. It would be misleading to think of the BRA or the Resistance as unitary actors. Rather, those entities were made up of largely independent units. There were no clear and efficient lines of command and control. The leadership had only rather limited influence on the activities of the local fighting units on the ground. The same holds true for the security forces of the central government. They also only too often operated independently from their political and military leadership, fighting their own ‘private’ little wars that followed the logic of pay back more than instructions from the government in the far away capital Port Moresby. Given these conditions it is no wonder that over time the war became more and more complex, and the frontiers blurred. There were not two clear-cut sides fighting each other over one single distinctive issue as in conventional wars. It was not only ‘the’ state (of PNG) against ‘the’ secessionists (of ‘the’ BRA). Rather there was a host of parties entangled in various overlapping conflicts. Coherence of the fighting parties was not so much based on modern factors such as ideology or profit, but on traditional societal ties (kinship, clan, village).

Over the last few years Bougainville has gone through a comprehensive process of post-conflict peacebuilding. In fact, Bougainville presents one of the rare success stories of peacebuilding in today’s world, and it looks like it has a good chance of becoming one of the equally rare success stories of state-formation and nation-building. In the current process of state-making Bougainvilleans heavily rely on the positive experiences of the post-conflict peacebuilding phase. Peacebuilding on Bougainville worked so far mainly because indigenous customary institutions, methods and instruments of dispute settlement, conflict resolution and reconciliation were extensively applied in the process. And as “kastom”<sup>4</sup> has proven to be effective and efficient in peacebuilding, there is a strong case for its utilisation in the current state-building process as well.

## 2. Main Features of Traditional Approaches to Conflict Transformation

For the purpose of this text, “traditional” institutions and mechanisms of conflict transformation are those that have their roots in the local indigenous societal structures of pre-colonial and pre-contact societies in the global South and have been practiced in those societies over a considerable period of time.<sup>5</sup>

4 “Kastom” is a Pidgin derivative of “custom”. It is used in the Melanesian context to describe the set of values, norms and rules that have developed since the times of colonisation, incorporating modern exogenous influences into custom of pre-contact traditional societies and adapting custom to those modern influences. Kastom nowadays is often depicted as rooted in ancient pre-colonial traditions. However, it is not the custom of the ‘old days’, and it is changing all the time.

5 With regard to Africa, William Zartman (2000a, 7) defines: “Conflict management practices are considered

However, several caveats apply: the ideal type (in Max Weber's sense) of traditional conflict transformation will hardly be found in reality today. Indigenous societies everywhere in the world have come under outside influences; they have not been left unchanged by the powers of – originally European – capitalist expansion, colonialism, imperialism, evangelism and globalisation. In real life, therefore, there are no clear-cut boundaries between the realm of the exogenous “modern” and the endogenous “traditional”, rather there are processes of assimilation, articulation, transformation and/or adoption in the context of the global/exogenous–local/indigenous interface. Nevertheless, it is worthwhile to base the argument on an ideal type of traditional, customary or local conflict transformation in the context of indigenous cultures and customs in order to elaborate as precisely as possible the specifics of certain approaches and institutions that do not belong to the realm of conventional modern institutions – institutions that originated in the western world and were imported to and imposed upon indigenous societies in the global South.

It would be misleading, however, to think of the traditional realm as unchangeable and static. It is far from that. Custom is in a constant flux. It changes over time (albeit slowly) and adapts to new circumstances, exposed to external influences, e.g. modern statutory law. Hence, traditional institutions are not some anachronistic relics of the past, but part and parcel of the present. They are here to stay for the foreseeable future. Accordingly, traditional is not the opposite of modern. Boaventura de Sousa Santos' observation regarding ‘tradition’ in Africa holds true for societies in the global South in general: “Today, the recovery of the traditional in Africa, far from being a non-modern alternative to western modernity, is the expression of a claim to an alternative modernity” (Sousa Santos 2006, 61).

The fluidity and adaptability of custom poses two sets of problems. Firstly, the external researcher who has the desire to “define” what custom “really” is, has a problem. Definitions are designed to pin things down, therefore, they do not sit well with phenomena that are characterised by their fluidity. Secondly, and more importantly, the people on the ground also have problems, as this fluidity can lead to much contention about how the – unwritten – norms of custom and traditional conflict transformation should be applied in practice. On the other hand, this adaptability makes it easier to combine traditional and introduced western approaches so that something new – that is not customary any longer, but rooted in custom – might emerge.

Another caveat concerns a high degree of variance: traditional approaches vary considerably from society to society, from region to region, from community to community. There are as many different traditional approaches to conflict transformation as there are different societies and communities with a specific history, a specific culture and specific customs. There is no one single general concept of “traditional conflict transformation”; Roger MacGinty rightly points to the “danger that observers over-homogenize the ‘traditional’” (MacGinty 2008, 151). Traditional approaches are always context-specific. This contextual embeddedness in itself is a

---

traditional if they have been practiced for an extended period and have evolved within African societies rather than being the product of external importation.” Roger MacGinty similarly talks about “techniques that are based on long-established practice and local custom” (MacGinty 2008, 145-146). Locality, seen as the place of concrete social interaction and exchange, is crucial; one might therefore also speak of local (non-western) conflict transformation (Jalong/Sugiono 2010). For a brief and concise discussion of the term “traditional” see Huysse 2008, 7-8.

decisive feature of traditional approaches. This marks an important difference between traditional and western approaches, the latter aiming at universal applicability. In principle, traditional approaches are specific, not universally applicable. Hence, what I am going to do in the following, namely to outline some general characteristics of traditional approaches to conflict transformation is somewhat contrary to their very spirit. Nevertheless, for purposes of western conventions of scholarship, some general features of traditional approaches that can be found in different societies and cultures shall be presented in an abstract manner – a manner that is alien to traditional approaches themselves.

In so doing, I shall refer to those indigenous societies (again, as an ideal type) that present the polar opposite to modern state societies, namely segmentary (mostly patriarchal, and sometimes acephalous<sup>6</sup>) societies. Of course, they present only one type of non-state traditional political order (and not the most common); chiefdoms, kingdoms, empires, theocracies, aristocratic rule, feudal orders, etc. are other types. I shall focus, nonetheless, on the segmentary type as it is farthest away from the modern state type with regard to the organisation of political order and the control and regulation of violence. Whereas today's western societies are characterised by the monopolisation of the means and the legitimacy of violence in the state, in segmentary societies the legitimacy of the recourse to violence and the capacity to use violence is vested in every segmentary unit of the society, which means that the potential for violence is widely dispersed. Each segmentary unit of the society (extended family, lineage, clan, tribe, etc.) has the capacity and the right to resort to violence. In the absence of an encompassing political order, one which legitimately monopolises the means of violence as well as the formulation, implementation and enforcement of the rule of (statutory) law, the segments of the society are forced and entitled to help themselves by violent means in situations in which what they perceive as their customary rights are challenged. This violent self-help is legitimised and regulated by – unwritten – customary law.

Although in segmentary societies there is no one institution holding a monopoly over the legitimate use of physical violence, they are far from a Hobbesian situation of a *bellum omnium contra omnes* (i.e. a war of everybody against everybody else). These societies are not chaotic, but 'orderly'. However, this 'order' is completely different from the state order that we tend to perceive as the only valid order. Segmentary societies have their own institutions of violence control, conflict transformation and peacebuilding.

Many of today's violent conflicts are waged in societies of the segmentary type. Hence, it is worthwhile to search for those traditional approaches to conflict transformation.

6 Acephalous (headless) societies are without formal political leaders, without any institutionalised system of power and authority.

## 2.1

### The Aim: Restoration of Order and Relationships in the Community

From a traditional point of view, conflict is perceived as an unwelcome disturbance of the relationships within the community (Faure 2000, 163). Hence traditional conflict transformation aims at the restoration of order and harmony of the community (which does not necessarily mean the return to the status quo, but can also imply some sort of transition to new arrangements). Cooperation between conflict parties in the future has to be guaranteed. Traditional conflict management is thus geared towards the future. Consequently, the issue at stake is not punishment of perpetrators for deeds done in the past, but restitution and reconciliation. Reconciliation is necessary for the restoration of social harmony of the community in general and of social relationships between conflict parties in particular, and it is not least necessary for restoring good relations with the spirits of the ancestors and gods or god. The spiritual world is present in reconciliation, and peacebuilding and a restoration of order is impossible without including the spiritual dimension (Huyse 2008, 10-12).

Hence, the aim is “not to punish, an action which would be viewed as harming the group a second time. Re-establishing harmony implies reintegrating the deviant members [...] The ultimate matter is [...] restoring good relations” (Faure 2000, 163). This is why traditional approaches in general follow the line of restorative justice instead of (western-style) punitive justice. Restorative justice has to be understood “as a compensation for loss, not as a retribution for offense” (Zartman 2000b, 222). The ultimate aim of traditional conflict transformation is the restoration of relationships and community harmony.

#### Box 2

##### Restorative Justice in B'ville

People on Bougainville today “want a justice system that is not solely focused on punishment of crime, but also on reconciliation and restoration of relationships damaged by disputes” (BCC 2004, 55). This desire strongly echoes the positive experiences with customary ways of peacebuilding in the transition period from war to peace and in the immediate aftermath of the war. “As Bougainville emerged from the long years of conflict there was no effective policing, almost no courts and no prisons. Notwithstanding that, Bougainville remains one of the safest communities in PNG. This is largely a credit to traditional chiefs and other traditional leaders who accepted the burden of maintaining a community based justice system during (and after) the conflict” (BCC 2004, 182).

The emphasis is on restorative justice, which is presented as the genuine traditional form of justice. As a Bougainville chief puts it: “Restorative justice is not a new method in our societies. It is what our ancestors used for thousands of years to resolve minor and major disputes, up until colonial times” (Tombot 2003, 259). Not the punishment of offenders, but the restoration of social harmony within and between communities and the restoration of relationships between the communities of offenders and victims are seen as the main aims of the justice system. According to custom, an

offender “was dealt with as a member of his or her clan. The compensation imposed by kastomary leaders was payable by the clan from which the offender came from. The clan members then had to work together to find the resources needed for the compensation payment. In doing so, the clan members created obligations owed to them by the offender. He or she became responsible to them. The clan members then had their own interests in making sure that the ‘offender’ did not get into trouble again in the future and so was brought under a form of social control enforced by the clan chief and elders” (BCC 2004, 195). Shaming is another powerful means of social control and conflict resolution, much more powerful on Bougainville and in other non-western societies than in the West. Shame can be more painful than physical violence. It is not an individual issue; rather, when one member of a group behaves in a shameful way, the other group members share the disgrace. “In repairing the damage, they feel obliged to take the shame on themselves and recompensate the victim” (Howley 2002, 31). This is a way of dealing with anti-social or “criminal” behaviour that differs considerably from state-based policing and judiciary, and for outsiders might be difficult to accept (see for example the discussion about the pros and cons of shaming in Johnstone 2002, 118-132; see also Law Commission 2006, 161). However, it provides for an effective means of social control, and it allows for the reintegration of offenders into the community, as shaming is followed by forgiveness and reconciliation.

The justice system of the post-colonial state has been and still is perceived by many people as an alien system the rules of which are hard to understand – not only in Bougainville, but also in other young states in the global South: it is far away from the people, very time-consuming, costly and highly formalistic, with confusing procedures and unpredictable outcomes, focused on individual culpability and on the punishment of the individual. This is not what justice should look like in the view of many people in societies in the global South. Many people have little faith in the fairness and efficiency of the formal system of justice that has been introduced. Formal justice “failed to appeal because it excluded ordinary people from participation. It also created further divisions through its adversarial character. Taking disputes to court became a way of making money (through compensation claims) for many parties and led to further disagreements and conflict” (Dinnen 2003, 30).

The justice system in Bougainville today works on the basis of the inclusion of customary mechanisms of restorative justice in the new state structures, intentionally distancing itself from the colonial and post-colonial legal practice.

## 2.2

### The Ways: Holistic and Consensus-Based

The orientation towards the future does not exclude dealing with the past. On the contrary: restitution, reconciliation and restoration of harmony and relationships can only be achieved when based on a common understanding of what went wrong in the past. Therefore, conflict parties have to negotiate a consensus regarding the interpretation of the past and to “establish a common view of the violent collective history” (Huysse 2008, 13). This is an often very lengthy endeavour. Facts have to be established and the truth has to be revealed. Only once a consensus about the

facts and the truth has been achieved, can perpetrators confess their wrongdoings, apologise and ask for forgiveness, and victims can accept the apologies and forgive. On this basis reconciliation between the parties can take place. Often such processes lead to the exchange of material goods as compensation, be it “blood money” or other gifts; depending on the cultural context these might be cattle, goats, pigs, garden produce or shell money. The main focus of this exchange is not necessarily upon making adequate material reparation, but upon the symbolic aspect. Its importance lies in the transformation of reciprocity: the reciprocity of revenge, of “pay back”, of tit-for-tat, which is a decisive characteristic of traditional conflicts and which leads into vicious circles of violence, is replaced by the reciprocity of gifts, thus maintaining the centrality of “the value of reciprocity” (Law Commission 2006, 53). Compensation takes the place of violence: “conflicts are settled by compensation of a symbolically equivalent amount, which then is recognized to have restored order to the community. That recognition is two-sided: acceptance by the aggrieved party depends on acceptance – that is, atonement – by the aggressor” (Zartman 2000b, 222).

Specific conflict transformation endeavours are pursued in accordance with customary law, that is the entirety of orally transmitted norms and values and practices that govern the everyday life of the community – and that are legitimised through supra-human and supernatural institutions such as the spirits of the ancestors or the god(s) (Chapman/Kagaha 2009).

Traditional approaches cannot be compartmentalised into “political”, “juridical” or other; rather they are holistic, comprising also social, economic, cultural and religious-spiritual dimensions. This is in accordance with the entirety of traditional lifestyles and world views in which the different spheres of societal life are hardly separated (Barcham 2005).

The conflict parties can directly engage in negotiations on conflict termination and in the search for a solution, or a third party can be invited to mediate; in any case the process is public, and the participation in the process and the approval of results is voluntary. It is carried out by social groups in the interest of social groups (extended families, clans, village communities, tribes, brotherhoods, etc.); individuals are perceived as members of a (kin-)group, they are accountable to that group, and the group is accountable for (the deeds of) each of its members.<sup>7</sup>

The process is led by the (male or female) leaders of communities, such as traditional kings, chiefs, priests, healers, big men, elders (“elder” being a social, not a biological category) and others.<sup>8</sup> These authorities are the mediators, facilitators, negotiators, peacemakers. They are highly esteemed for their knowledge of custom, myths and the history of the communities and the

7 The western modern concept of an individual self does not apply to people of traditional communities, rather they are embedded in and bound through kin-relations, not only to other members of that community, but often also to spirits and other living beings (animals and plants) of the environment. Such an understanding of selfhood that differs completely from the modern concept of the individual has of course important implications for approaches to conflict transformation, e.g. ideas of ‘rational choice’, based on self-interest, will not be of much use. Morgan Brigg convincingly argues that traditional conflict transformation is all about restoring the networks of social relations (Brigg 2008).

8 Even in societies without social stratification and political hierarchies some members of the society are more equal than others: “big men” excel in various economic, political and cultural disciplines such as hunting, trade, war, peacemaking, initiation rituals, etc. Personal capabilities, skills and achievements secure the status of big man; it is not an official leadership or hereditary position. Big men establish networks of followers that they can draw upon in cases of conflict. Competition over the status of being a big man can in itself be conflict-prone.

relationships of the parties in conflict. Their rich experience in conflict regulation, their skills in setting (and interpreting) signs of reconciliation and their skills as orators as well as their social capital as leaders of the community/communities empower them to negotiate a resolution to the conflict that is acceptable to all sides. They (and other third parties) have no (or hardly any) sanctions at their disposal that would allow for the enforcement of a settlement. There is no monopoly over the legitimate use of physical violence (as in modern states) that would make it possible to force parties to abide by the (customary) law or to accept a ruling. Sanctions are confined to the social realm (shaming, stigmatising) and the supernatural (cursing, sorcery) – if one does not want to take recourse to violence. Parties have the power to reject any settlement that they are not happy with. Hence conflict resolution is based on voluntary consensus and agreement. Everybody has to agree to a solution, including god(s) and the spirits of the ancestors. In other words: traditional conflict transformation is consensus-based (MacGinty 2008, 148-149).<sup>9</sup>

When solutions have been achieved, they are sealed in highly ritual forms. Ceremonies are of great symbolic and practical importance. They are a means of conflict transformation in their own right. The whole community participates in them, and their public nature enhances the commitment to the solutions. When it is publicly stated in a ceremony that a specific violent conflict is over, it is over exactly because of the public ceremony.

Ceremonies are loaded with spiritual meaning. Wealth exchange, cleansing and purification rituals, prayers and sacrificing to god, the gods or the spirits of the ancestors are part of those ceremonies, as are customary rituals such as breaking spears and arrows, drinking and eating together, singing and dancing together, symbolically shedding (and drinking) blood or consuming certain drugs. These symbolic activities express commitment and trust and are more important and more powerful than mere (spoken or written) words. Ceremonies bring together the people, the past, the present and the future, the ancestors and the god(s) for the sealing of the conflict resolution.

### 2.3

#### The Context: The We-Group (and its Re-Framing)

As has already been said, traditional approaches do not provide a panacea for conflict transformation that can be utilised at all times in all situations. Rather, their applicability is confined to specific conditions. The limitations of traditional approaches are obvious. Basically, they depend on “the existence of a community of relationships and values to which they can refer and that provide the context for their operations. Relationships are a precondition for the effective operation of the modes of conflict management” (Zartman 2000b, 224), or – to be more precise – relationships that are rooted in a common view of the world and a shared acknowledgement of customary institutions.

<sup>9</sup> This, of course, only applies to those members of the community who are eligible to participate in the decision-making process. This can mean e.g. that children, youth and/or women are not in the consensus.

This means that traditional conflict transformation is aimed at problems in relatively small communities in the local context. It can work well within a given community with regard to the members of that community. Conflicts within and between families, between neighbours, within and between villages or clans lend themselves rather easily to traditional approaches. Dealing with outsiders is difficult. Conflicts among the members of the “we-group” of the community can be addressed and solved by customary ways, but conflicts between ‘us’ and ‘them’ are more difficult to tackle, as ‘they’ adhere to another law, be it another customary law or formal statutory law. Conflicts between neighbouring local communities pose relatively small problems as some overarching customary principles might be developed and applied that allow for the (temporary) creation of common ground, whereas conflicts between local communities and outside actors, e.g. state authorities or multinational enterprises, pose much larger problems with regard to the applicability of traditional approaches (Bleiker/Brigg 2010).

The transformation of traditional approaches from the local context to larger societal contexts with a lot more – and much more diverse – actors is burdened with serious difficulties. Ken Menkhaus’ observation with regard to Somalia also holds true for other conflicts: “The Somali case strongly suggests that the capacity of traditional peace-making processes is strongest at the local and regional levels, and weakest at the national level” (Menkhaus 2000, 198). However, even if traditional approaches were confined to the local context, this nevertheless can be of great importance for conflict prevention and peacebuilding on a larger scale. For such locally confined conflicts have considerable potential for escalation, and nowadays large-scale internal violent conflicts only too often are characterised by their permeation by so-called smaller conflicts. That permeation contributes to the intractability of the large-scale conflicts. So-called simple conflicts “can quickly degenerate to involve most groups in the community because of the organic character of traditional communities. One lesson to be learned [...] is that simple and larger scale or complex conflicts are actually two sides of the same coin and mutually reinforcing. Consequently, resolution of day-to-day conflicts helps to ensure the stability needed for the prevention or resolution of more serious and expansive ones – in short, resolution of more serious conflicts is impossible without management of less serious conflicts at the lower levels” (Osaghae 2000, 213-214). Given the highly localised or regionalised character of many of today’s violent conflicts in the global South, there also is a high demand for conflict transformation mechanisms that are particularly effective at that local/regional level. Only if sustainable solutions can be achieved in the local context can it be expected that solutions on a larger – national or transnational – scale also can be achieved. Experience shows that solutions only ‘at the top’ are not sustainable if they are not based on solutions ‘at the bottom’. And it is at the bottom that traditional approaches to conflict transformation are particularly effective. However, experience also shows that traditional approaches can take effect from the local through the regional to the national level and thus contribute to solutions in the sphere of state politics. Political solutions at the national level again can reinforce solutions at the local level. The Bougainville peace process is a good example of such mutual reinforcement of peacebuilding at the local and the national level under inclusion of traditional approaches (Boege 2006 and 2008).

In order to make traditional approaches applicable beyond the confines of the local community context, the conflict constellation has to be re-framed: the we-group has to be re-constructed in ways that allow for the inclusion of what used to be outsiders and adversaries. Relations have to be established where there were none in the past, conflicts between parties have to be transformed into conflicts within the we-group. This is possible, as boundaries of we-groups in the traditional context are generally much more fluid and open to change than was presupposed by the conventional wisdom of anthropologists and colonial masters of the past. Early anthropological models were heavily focused on classifications and constructing distinct – preferably ‘ethnic’ or ‘tribal’ – entities. This has proven to be a much too rigid approach. The re-formation of we-groups in the traditional context was pursued by a variety of means: “Marriages, hostages, and joking were simple devices for building relationships when conflicts were on a personal level, and even the widespread use of gifts was effective in creating dependencies of indebtedness that were so important in traditional relations. When conflicting parties are not tied together by shared values and interdependence, both aspects need to be created for conflict management agreements to be more than just a punctual exercise. Building interdependencies makes it impossible for parties to walk away from each other or to renew conflict without damaging themselves” (Zartman 2000b, 226). For obvious reasons it will be difficult to apply instruments such as marriages or exchange of hostages in relations between communities on the one hand and e.g. state authorities or multinationals on the other – at least from the point of view of the latter. But this only indicates difficulties, not a general impossibility; functional equivalents will have to be searched for that allow for the forging of relationships and for re-framing the context of the conflict.

### 3. Strengths of Traditional Approaches

Five major strengths of traditional approaches to conflict transformation can be identified.

Traditional approaches

- fit situations of state fragility, failure and collapse;
- are credited with legitimacy because they are not state-centric;
- take the time factor into due account and are process-orientated;
- provide for comprehensive inclusion and participation;
- focus on the psycho-social and spiritual dimension of conflict transformation.

1. Traditional approaches fit situations of state fragility or collapse. As many of today’s large-scale violent conflicts in the global South are carried out in regions where the state is absent or merely one – relatively weak – actor among a host of other actors, non-state-centric forms of control of violence and regulation of conflict have to be drawn upon. In fact, a renaissance of traditional approaches to conflict transformation can be observed particularly under conditions of state

fragility and state collapse. In view of the absence of state-based institutions and mechanisms for the control of violence and the regulation of conflicts people take recourse to non-state customary ways of addressing them. Of course, this only is an option if custom has not been destroyed by but has survived previous processes of state-building and modernisation and is still alive. If so, it can contribute to the establishment of ‘islands of peace’ even in large-scale protracted violent conflicts in quasi stateless environments. Furthermore, it can also contribute to the termination of violence and sustainable peacebuilding, from the local to the national level, as peacebuilding e.g. in Somaliland and in Bougainville demonstrates (Boege 2004, 103-151).

The western view that where there is no state (and civil society) and no monopoly over the legitimate use of physical force there must inevitably be chaos and a Hobbesian war of everybody against everybody else, is false. There is control of violence and nonviolent conduct of conflict beyond the state – and this holds true not only for some distant past, but also for contemporary constellations of weak, fragile or collapsing states (Baker 2009). Whereas post-colonial scholarship, (mis-)lead by various forms of modernisation theories, assumed that traditional institutions would give way to modern ones, traditional institutions and the power of custom have proven to be remarkably resilient. Non-state traditional forms of conflict regulation have proven this resilience in particular (Trotha 2000).

2. Traditional approaches are not state-centric and because of that they are credited with legitimacy by the communities in which they are sought. They can be pursued without recurrence to state-building and/or nation-building. Instead of trying to impose western models of the state and the nation on societies to which these models are alien, one can draw upon existing indigenous forms of control of violence and conflict transformation that have proven their efficiency and thus enjoy legitimacy in the eyes of the people on the ground. Pursuing such a non-state-centric approach takes into account that in general people have a desire for peacebuilding and perceive respective endeavours as positive, whereas state-building is often seen as irrelevant for peace and order and – given the frequently bad experiences people have had with ‘the state’ – even judged as being negative. Traditional approaches make conflict transformation and peacebuilding possible and at the same time circumvent or postpone state-building (and nation-building).

Such a non-state-centric approach opens up possibilities for dealing with the issue of legitimacy. It must not be forgotten that legitimacy is at the core of the problem of state fragility. State fragility is not only a problem of institutions, capacities, effectiveness and powers of enforcement and implementation, but also of perceptions and legitimacy. It is often ignored that Max Weber’s famous definition of the state – “monopoly over the legitimate use of physical violence” – includes both: enforcement power and legitimacy. All too often the state is weak because it has no legitimacy in the eyes of the people. People do not think of themselves as “citizens of the state”, as “nationals” (at least not in the first place), but instead as members of some sub-national or trans-national societal entity (kin group, tribe, village, etc.). ‘The state’ is perceived as an alien external force. This has consequences for people’s (dis)loyalty vis-à-vis the state. They are loyal to ‘their’ group (whatever that may be), not the state. Traditional legitimacy rests with the leaders of that group, while the state authorities lack rational-legal legitimacy (in

the Weberian sense); people do not believe in the rightfulness of the rules of the state, but believe in the rightfulness of the rules of their group, not least those rules that regulate the resolution of disputes. As it is highly unlikely that – as Max Weber and protagonists of modernisation theories posited – rational-legal legitimacy will replace traditional (and charismatic) legitimacy in the course of history, the potential of actors and institutions that enjoy traditional legitimacy has to be utilised for conflict transformation and peacebuilding.

3. Traditional approaches are process-orientated and take the time factor into due account. It has to be kept in mind that the acknowledgement of different concepts of time, depending on cultural contexts, is of major significance for the success or failure of peacebuilding processes. “Melanesian time” or “African time” differ from European time regimes. “Circular time that predominates in traditional societies opposes vectorial time that prevails in modern industrial societies. Circular time is a slow cumulative process where duration and associated functions leave their almost unnoted imprint” (Faure 2000, 161). The *process* of conflict transformation, which can be very time-consuming, tends to be more important than solutions – all the more so as in traditional contexts any ‘results’ achieved are only of a temporary nature anyhow. They are subject to renegotiations and revisions (and, further down the line, renegotiations of the revised results and revisions of the revision). Ken Menkhaus stresses the point: “Traditional conflict management mechanisms tend to be process-oriented, not product-oriented; that is, they focus on managing rather than resolving conflict. In this sense, they are somewhat more realistic than standard international diplomacy, with its emphasis on peace treaties that definitely end a conflict”; one has to do with “ongoing rounds of talks that revisit and renegotiate issues. This approach to conflict management, particularly the tendency to begin renegotiating freshly minted accords, fits poorly with international diplomatic timetables and approaches. International peacemakers seeking rapid, tangible, and fixed results in negotiations are almost certain to be disappointed by traditional conflict management” (Menkhaus 2000, 198). Traditional approaches are characterised by their slowness. And slowness, breaks and “time outs” are deliberately built into conflict transformation, so as to give conflict parties time to calm down, to assess the state of the process so far and to reformulate their position.

### Box 3

#### An Unhurried Approach to Peacebuilding in B’ville

According to the principles of customary dispute settlement that are still valid in local communities on the island, the Bougainville peace process was and is framed in a long-term perspective. This holds true for the process as a whole as well as for its individual elements. Peacebuilding on Bougainville has been going on for more than a decade now, and it has not been completed yet. Dozens of rounds of talks and negotiations and a host of intermediate agreements, memoranda of understanding, protocols and so forth were necessary to make progress – very slowly as it might seem from an outsider’s perspective. However, each and every step and the time needed to take those steps helped to stabilise the peace.

During negotiations participants took their time, too. The first rounds of talks and negotiations between the parties in New Zealand in 1997/1998 took weeks. The New Zealand hosts were prudent enough not to dictate a timetable. Rather they provided for a lot of ‘free’ time, so that there was enough time for the representatives of the parties to adjust, to spend time with each other without the duress of a tight time schedule. This proved to be very important for overcoming the tense atmosphere that almost naturally prevails when people who have been at war for years commence negotiating.

Of utmost importance, too, was that no time frame was given regarding demobilisation and weapons disposal, highly critical dimensions of post-conflict peacebuilding as experience from all over the world shows. There was just general agreement on a three-phased open-ended weapons disposal process. The real weapons disposal only started in December 2001, that was four years after the cessation of armed conflict, and no dates were set as to when the single stages of the process had to be accomplished. Finally, weapons disposal dragged on until the year 2005.

Although the Bougainville Peace Agreement of August 2001 may be viewed as the culminating and finalising point of post-conflict peacebuilding, this very agreement envisages another 10 to 15 years of a transitional period until a final settlement shall be achieved via a referendum on the future political status of Bougainville (independence or autonomy within the state of PNG). One might argue that it is only then that the post-conflict period will be over. In sum, peacebuilding in Bougainville was and is very much process-focused, not so much outcome-focused – and this seems to be important for positive outcomes.

4. Traditional approaches provide for inclusion and participation. In the same way as all parties (and every member of each party) are responsible for the conflict, everybody also has to take responsibility for its solution. A solution can only be achieved by consensus. Every side has to perceive the resolution as a win-win outcome, compatible with its own interests – which are not confined to the material sphere, but also comprise issues such as honour, prestige, saving one’s face. To pursue an inclusive participatory approach at all levels of the conflict is extremely complex and time-consuming, but has greater chances of success than approaches that are confined to the ‘leaders’ of the conflict parties. Inclusiveness and participation, however, can be gender-biased. In general the societal spheres of men and women are more clearly separated in traditional societies than in western liberal societies. This has an impact on the roles of men and women in conflict transformation and the ways and degrees of inclusion and participation. The extent to which women are included (or excluded) differs largely from one society to the other. Hence it would be misleading to simply identify traditional societal structures with patriarchy and subordinate positions for women (and liberal western societies with gender equality). The specific social contexts and the gendered particularities of processes of participation and inclusion (or exclusion) need careful examination in each single case – something that western observers are not particularly good at. “Colonial and later western accounts have persistently overlooked the significance of women’s activities for political life (broadly understood) within indigenous communities and have rendered invisible traditional forms of activity in which women’s work was and is highly valued” (Brown 2007, 7).

Additional activities that supplement the ‘real’ negotiations also are very important in the context of an inclusive and participatory approach to conflict transformation. According to the holistic nature of indigenous culture and custom, it is not appropriate to isolate specific ‘political’ events (such as negotiations) from the overall context; “Leisure, visits, cultural events, amusements, attendance at plays, and participation can be part of them. This mixing of activities within the negotiation setting can be highly functional with regard to the relationship that it helps to establish, re-establish, or strengthen. It makes efficient use of the nonlinear nature of the negotiation process and confirms the multiplicity of the levels at which it takes place” (Faure 2000, 161). The presence and activities of women play an important role in this regard because in many societies the emotive-social sphere is very much defined as a ‘female’ domain (Boege/Fischer 2005).

Lead by the female participants, praying, singing and dancing together have considerably contributed to the success of negotiations in the Bougainville case. So has the recitation of poems by renowned bards at peace negotiations in Somaliland. It is only in the eyes of external observers that such kind of activities seem to be mere decoration and superfluous accessories that have nothing to do with the ‘real’ political issues. In the view of the parties who are directly involved, such divisions do not exist.

#### **Box 4**

#### **Inclusiveness in the B’ville Peace Process: Taking Everybody on Board**

An important dimension of the Bougainville post-conflict peacebuilding process was its inclusiveness. This also goes back to customary principles and methods. Customary dispute settlement necessitates the participation and commitment of all members of the parties involved in conflict. Accordingly, in Bougainville a very broad process of political debate was organised, trying to include all stakeholders at all levels of society. For instance, peace talks and negotiations were each attended by dozens, if not hundreds of Bougainvilleans, not only by the political and military leadership of the warring sides. This broad participation guaranteed the stability and implementation of agreements. Truce and ceasefire agreements were not only signed by the top political and military representatives of the conflicting parties, but also by the local commanders of the BRA and the Resistance Forces as well as by representatives of civil society and by traditional authorities, e.g. church leaders and village elders. This made the agreements more binding and easier to implement. For in a situation where the war is blurred at the edges – as was the case in Bougainville (and as it is in many wars in the global South) – agreements made only between the ‘top brass’ are of doubtful value, because formal political and military leaders often have no factual control over ‘their’ fighting units. By putting their signatures to the agreements the lower ranking commanders had more of a stake in them and felt a greater obligation to observe them, and, likewise, the representatives of both modern and traditional civil institutions in society took on a shared responsibility for keeping the ceasefire and stabilising the situation. The authority of the representatives of local communities – elders and chiefs – was recognised by the conflicting parties, or at least their opinions could not be ignored if the negotiators were not to work in isolation from the people at the grassroots.

Of special importance was the involvement of women. On account of the matrilineal organisation of most of the communities on Bougainville, women have a strong social position, at least in the context of village or clan, which stems mainly from their control of the central resource, land. While women were mainly active in peacebuilding at a local level and in the background, there were also women representatives attending all the decisive high-level rounds of talks and negotiations in the first phases of the peacebuilding process. They were given the chance to speak out strongly for peace. The male political and military leaders of the conflicting parties found themselves compelled to welcome and support women's peace initiatives and to get them involved in the process.

Furthermore, there were manifold peace processes at the grassroots level, building peace from "village to village" so to speak. Local peace committees had been established and local mini peace treaties achieved. The peace process at the top was combined with those peace processes at the bottom (Regan 2000).

5. Traditional approaches focus on the psycho-social and spiritual dimension of violent conflicts and their transformation. This dimension tends to be underestimated by actors who are brought up and think in the context of western Enlightenment. Conflict transformation and peacebuilding is not only about negotiations, political agreements and material reconstruction, but also about purification, reconciliation and mental and spiritual healing. Traditional approaches have a lot to offer in this regard. They do not only deal with material issues, reason and talk, but also with the spiritual world, feelings and non-verbal communication. As has been pointed out already, reconciliation as the basis for the restoration of communal harmony and relationships is at the heart of customary conflict resolution. Reconciliation is an often painful and complicated psychological and spiritual healing process (and therefore this dimension of conflict transformation is usually excluded from the political realm). By means of reconciliation – which also necessitates the inclusion of the spiritual world, the ancestors and god(s) – relations between conflict parties are restored; both the perpetrators and the victims are reintegrated into the community. Traditional approaches are inclusive, not exclusive. At the same time the relationships with the spiritual world are restored. Reconciliation has both a social and a cosmological dimension (Jalong/Sugiono 2010). Traditional methods of purification and healing, carried out by customary healers, priests and other spiritual authorities are of utmost importance for the mental and spiritual rehabilitation of victims and perpetrators (Igreja/Dias-Lambranca 2008; Jalong/Sugiono 2010). The mental healing of those people who were deeply traumatised by the experiences of violent conflict is an aspect of peacebuilding that is at least as important as material reconstruction. Traditional approaches are well suited to address this dimension. They take into account that conflict transformation and peacebuilding is not only an issue of reason, rationality and talk, but also of affects, emotions, imagination and of the spirit, in short: it is a deeply emotional and spiritual endeavour. The southern African conflict transformation concept of *Ubuntu*, for example, very clearly reflects these dimensions (Murithi 2006).

## 4. Weaknesses of Traditional Approaches

The five major strengths of traditional approaches to conflict transformation are matched by five major weaknesses. Traditional approaches

- do not terminate violence in the long term;
- may contradict universal standards of human rights;
- have a limited sphere of applicability;
- are geared towards the preservation of the ‘good old’ order;
- are open to abuse.

1. Traditional conflict transformation does not necessarily put an end to violence in the long term. In many societies in the global South, recourse to violence – violent self-help – is a ‘normal’ option. In a traditional context, every peace deal that has been achieved is achieved under the proviso that it might be revoked in the near or distant future. A permanent pacification of the conduct of conflicts as it is given (theoretically at least) in the context of the modern Weberian state with its monopoly over the legitimate use of physical violence is not achievable. Moreover, certain highly ritualised and thus controlled forms of violence are perceived not as destructive violation of the rules, but as integral to the societal order and as indispensable constructive elements of conflict resolution. Fighting can be a means of constituting and re-establishing harmony. Furthermore, violence often permeates the everyday life. Violence against weak members of the community, in particular domestic violence against women and children, is a ‘normal’ feature of ‘peaceful’ life in many communities that otherwise practise traditional approaches to conflict transformation (as it is, one might add, in modern state societies).

2. Traditional approaches may contradict universal standards of human rights and liberal democracy. If councils of elders, for instance, broker peace deals between conflict parties and if these councils actually consist of old men only, this type of gerontocratic rule is problematic by liberal democratic standards, all the more so if the young and the women who are excluded from decision-making processes become the subjects of these decisions. Women often are the objects of customary conflict resolution processes that are dominated by males in order to resolve conflicts between males, e.g. swapping of women between conflict parties or gift of girls as compensation, or compensation negotiated by male community leaders and exchanged between males for the rape of women or girls (see Law Commission 2006, 162-164, for an instructive discussion of the status of women in customary laws in the Pacific).

Furthermore, the treatment of perpetrators according to customary rules can contradict human rights standards, e.g. by a violation of personal integrity or even torture. The spearing of wrongdoers, for example, is a common and accepted practice of traditional conflict resolution among Aboriginal communities in Australia (Johnstone 2002, 58); and corporal punishment is widespread in many regions of the global South. Though this might be seen as inhumane through western

eyes, in the view of indigenous communities it might be seen as far more humane than the western practice of imprisonment (Law Commission 2006, 161).

The problematic features of traditional approaches may themselves lead to conflicts. Young women and men – ‘infected’ by ideas from the outside world – often are no longer willing to subordinate themselves to gerontocratic rule. Of course, the severity of this problem depends on the specific circumstances in the given community: in communities where young men and women also have a say in community affairs or where custom is adaptable, the situation is more relaxed than in rigidly patriarchal or gerontocratic circumstances. Custom is often pitted against women’s rights and seen to be in conflict with women’s aspirations for more equality and self-determination in many traditional societies. Upholding custom in those circumstances also works, on the other hand, as an expression of the desire for self-determination and the maintenance of traditional community values to which both men and women are committed. So gender issues have become an area of fundamental negotiations. Constructive engagement is imperative (Brown 2007). It is certainly possible since custom is not static, adapting constantly to new circumstances. Take, for example, the case of a community in which both men and women occupied chiefly positions in pre-colonial times, while in the colonial era (under the influence of Christian missionaries) it became custom for only men to be chiefs; this is still custom today, but a debate has started about women becoming chiefs (again). This means strengthening the standing of women must not necessarily be seen as an attack on custom, but as part of its ongoing evolution. A polarised view that regards traditional societal structures and custom as expression of male domination and suppression of women (and hence ‘bad’) and the western liberal societies as guaranteeing comprehensive women’s rights and liberties (and hence ‘good’) fails to reflect reality, and is not very helpful.<sup>10</sup> Gender identities and gender roles are constantly being negotiated and re-defined in all societies, and hence the gendered contributions to violence and its prevention (Boege/Fischer 2005; see also Cilja Harders in this volume). It would be misleading to think of human rights, including women’s rights, and customary laws as *per se* mutually exclusive. Rather, there are values that are common to both (Law Commission 2006, 12 and 76).

3. Traditional approaches have a limited sphere of applicability. They are confined to the context of the relatively small community, to the “we”-group of family, clan, village or neighbouring communities and forms of face-to-face communication. The conflict transforming strength of shaming, apology, forgiveness and reconciliation, for example, works well in closely knit communities where people are dependent on good relations and collaboration in the future, but it is questionable in broader contexts, e.g. transnational conflicts or contemporary western societies.

This problem can be addressed to a certain extent by re-framing the “we”-group. Boundaries of groups are not fixed, but can be changed. However, inclusion of certain far-away external actors such as multinational enterprises, central state authorities and private military or security

<sup>10</sup> Let us be reminded here of the simple truth “that the realities, rather than the ideals, of relations between men and women in liberal states are themselves marked by significant problems of violence, marginalisation and exploitation” (Brown 2007, 5). Accordingly, “violence against women and marginalisation of women are not something that we should automatically think that movement along an ideological trajectory from custom to liberalism will fix” (ibid., 13).

companies will probably pose grave difficulties (although this would have to be tested on a case-by-case basis), all the more so as traditional approaches in such situations clash with imposed systems of conflict regulation.

Another problematic group of actors consists of those members of the community who willingly or unwillingly have left the community and only have relatively loose ties to their places of origin. New types of leaders (warlords, businessmen, politicians) are a case in point, as are young members of the community who left their village in order to make their fortune elsewhere, mostly in the cities (and who only too often fail desperately). The problem becomes particularly evident with regard to young male ex-combatants in post-conflict situations. Often they are so deeply alienated from their communities of origin that it is almost impossible to reintegrate them into traditional life by customary means.

To put the problem in more general terms: wherever traditional societal structures and custom have been severely undermined by the impact of the powers of globalised capitalism such as urbanisation, privatisation and monetarisation it will be difficult or sometimes even impossible to apply traditional approaches to conflict transformation. Even under such conditions, however, it is worthwhile to look closely at the specific conditions of the given place and conflict. For example, it would be short-sighted to simply conclude that urbanisation automatically leads to the breakdown of traditional structures. Often people still have very close ties to their places of origin or they transfer the 'village' and its values, norms and rules to the new urban environment. It remains to be explored on a case-by-case basis whether the traditional structures have been eroded to such an extent that customary ways of transforming conflict will no longer be applicable or whether people are still tied into custom to such an extent that there is willingness and capacity to utilise customary ways (Beall 2009). It seems that the subjective dimension is crucial: do people still perceive custom as valid and legitimate and are they willing to abide by customary regulations? Hence the question is not so much one of a structural threshold or tipping point beyond which traditional approaches are not applicable any longer but a question of the validity of world views, a matter of the hearts and minds of the people.<sup>11</sup>

4. Traditional approaches are preservative. They are geared towards the preservation of the status quo or the restoration of the 'good old' order (MacGinty 2008, 150). Disturbances of that order have to be controlled and fixed. Traditional approaches only work in the framework of that order and are only applicable to conflicts that occur within a given community. Traditional approaches are difficult to apply with regard to conflicts against the community, conflicts that challenge the framework of values and relations of the traditional order. The conservative character of traditional approaches does not sit well with new influences either from within the community – young men and women challenging traditional authorities and the 'good old ways' – or from outside the community – western external actors intervening in the name of values and interests such as profit, taxes, statutory law, economic growth and human rights. Given these pressures from within and

<sup>11</sup> An interesting recent example of the problems and opportunities of traditional mediation in an urban context is provided by James Scambary who addresses the violence of youth gangs in East Timor's capital Dili (Scambary 2009, 6-7).

without, traditional approaches will have to adapt, and combinations of local traditional and externally introduced western institutions and instruments of conflict transformation will have to be developed. Although traditional societies are generally characterised by a relatively slow pace of change, experience shows that custom is indeed adaptable and that positive mutual accommodation of local indigenous and externally introduced western approaches can be achieved successfully.

5. Traditional approaches are open to abuse. There are many examples of traditional authorities abusing their powers for their own benefit and to the detriment of the weak members of communities. Misconduct commenced in colonial times when traditional authorities in many places became instrumentalised by the colonial masters. This tendency continued in the post-colonial era, and it also is effective today under conditions of fragile statehood. Biased approaches on the part of elders, chiefs, etc. that are sometimes merely motivated by personal greed nowadays are often legitimised with reference to tradition, culture and custom (MacGinty 2008, 150). Status and prestige stemming from the traditional context is instrumentalised to gain personal advantages. With regard to Africa, Eghosa Osaghae states: “The relevance and applicability of traditional strategies have been greatly disabled by the politicization, corruption and abuse of traditional structures, especially traditional rulership, which have steadily delegitimised conflict management built around them in the eyes of many and reduced confidence in their efficacy [...] The co-optation of traditional rulers as agents of the state, and their manipulation to serve partisan ends, which dates back to colonial times, not to mention the corruption of modern traditional rulers, have considerably reduced the reverence and respect commanded by this institution and, therefore, the ability of traditional rulers to resolve conflicts” (Osaghae 2000, 215). Whenever the roles of politician, entrepreneur or warlord on the one hand and the traditional roles of elders, chiefs or big men on the other are united in one and the same person, a perversion of custom is imminent. This of course weakens the legitimacy of traditional authorities and discredits traditional approaches in the eyes of community members, and as a consequence traditional approaches are weakened in general. And in situations in which traditional approaches no longer function and state-based or civil society approaches do not function either, unregulated and uncontrolled forms of violence thrive.

## 5. Conclusion: Conflict Transformation Beyond the State

Given the disintegration of traditional societal structures in many regions of the world, the potential of traditional approaches for conflict prevention and peacebuilding is limited. Traditional approaches only are applicable in specific circumstances (and even then, they alone most probably will not suffice). Nevertheless, it would be a mistake to ignore that potential and

not to make use of it wherever possible. Traditional conflict resolution surely is not a panacea for all ills, but an approach that so far has been underestimated by actors who were brought up and taught to think in a western mindset. Moreover, traditional approaches might give us important insights for conflict transformation processes more generally.

What is proposed here is not a way back to the ‘good old times’ of traditional conflict resolution, but a way forward to mutual positive accommodation and constructive interaction of traditional ways on the one hand and western state-based and civil society ways on the other, taking into account that the revitalisation of traditions “should not be confused with a return to the past”; rather, “it often involves explicitly future-oriented strategies albeit not always in line with ‘western’ ideals of democracy, human rights and emancipation, but rather with local discourses of identity, decision-making and equality” (Braeuchler/Widlok 2007, 5).

This means challenging today’s mainstream discourse on fragile states and its practical political fallout: conventional state-building as the one and only avenue for nonviolent conduct of conflict – an approach which has reaped only poor results so far, and which, moreover, ignores the fact that the enforcement of state laws, institutions and policies oftentimes has even done considerable harm, denigrating, suppressing, disempowering or even destroying effective and legitimate traditional local institutions and mechanisms of conflict transformation [see also Susan Woodward in this volume]. Interestingly enough, in the light of frequent failures of state-based conflict transformation, state representatives recently have become more willing to acknowledge the contribution of traditional institutions and authorities to conflict transformation in several countries of the global South (Baker 2009; Buur/Kyed 2007).

This chapter has shown that beyond the state there is a host of actors and institutions, customary ways and means for maintaining order, controlling violence and resolving conflict. Accordingly, it is necessary to change the perspective: not to think in terms of fragile states, but hybrid political orders. Recognising hybridity has to be the starting point for endeavours that aim at the control of violence, conflict transformation and peacebuilding. Positive mutual accommodation of state and non-state local customary (and civil society) mechanisms and institutions is a promising way to make use of hybridity and to avoid the harm done by conventional western peacebuilding and state-building approaches that aim at the imposition of a western-style “liberal peace” (Richmond 2005) – an off-the-shelf “peace from IKEA; a flat-pack peace made from standardized components” (MacGinty 2008, 145).

In other words: new forms of peace, statehood and political community have to be found that transcend the conventional western concepts. Both the analysis of violent conflict and approaches to conflict transformation and peacebuilding have to overcome their state-centric perspective. Forms of peace and political community beyond the state can and will have to draw on local traditional actors and institutions. If the insight that there is control of violence and a framework for nonviolent conduct of conflict beyond the state is taken seriously, then the task of state-building becomes less urgent (and at the same time more complex), and new political options emerge. Given the hybridity of many of today’s violent conflicts, conflict transformation and peacebuilding also has to be of a hybrid nature, combining and blending traditional approaches, state institutions and civil society approaches.

## 6.

## References

- Baker, Bruce 2009. *Security in Post-Conflict Africa: The Role of Non-State Policing*. Boca Raton, FL: CRC Press.
- Barcham, Manuhua 2005. *Conflict, Violence and Development in the Southwest Pacific: Taking the Indigenous Context Seriously*. CIGAD Working Paper Series 4/2005. Palmerston North New Zealand: Massey University, Centre for Indigenous Governance and Development (CIGAD).
- BCC 2004. *Report of the Bougainville Constitutional Commission*. Report on the Third and Final Draft of the Bougainville Constitution, prepared by the Bougainville Constitutional Commission (BCC). Arawa and Buka.
- Beall, Jo with Mduduzi Nkonyama 2009. *Indigenous Institutions, Traditional Leaders and Elite Coalitions for Development: The Case of Greater Durban, South Africa*. Crisis States Working Papers Series No 2. London: London School of Economics.
- Bleiker, Roland and Morgan Brigg (eds.) 2010. *Mediating across Difference*. Honolulu: University of Hawaii Press.
- Boege, Volker 2008. *A Promising Liaison: Kastom and State in Bougainville*. ACPACS Occasional Paper No 12. Brisbane: Australian Centre for Peace and Conflict Studies (ACPACS).
- Boege, Volker 2006. *Bougainville and the Discovery of Slowness: An Unhurried Approach to State-Building in the Pacific*. ACPACS Occasional Paper No 3. Brisbane: Australian Centre for Peace and Conflict Studies.
- Boege, Volker 2004. *Muschelgeld und Blutdiamanten. Traditionale Konfliktbearbeitung in zeitgenössischen Gewaltkonflikten*. Schriften des Deutschen Uebersee-Instituts Hamburg Nr. 63. Hamburg: Deutsches Uebersee-Institut.
- Boege, Volker, Anne Brown, Kevin Clements and Anna Nolan 2009. On Hybrid Political Orders and Emerging States: What is Failing – States in the Global South or Research and Politics in the West?, in: Martina Fischer and Beatrix Schmelzle (eds.). *Building Peace in the Absence of States: Challenging the Discourse on State Failure*. (Berghof Handbook Dialogue No 8.) Berlin: Berghof Research Center, 15-35.
- Boege, Volker, Anne Brown, Kevin Clements and Anna Nolan 2008. *States Emerging from Hybrid Political Orders – Pacific Experiences*. ACPACS Occasional Paper No 11. Brisbane: Australian Centre for Peace and Conflict Studies.
- Boege, Volker and Martina Fischer 2005. Strategien der Friedensförderung. Die Geschlechterdimension in der Bearbeitung innerstaatlicher Gewaltkonflikte, in: Jennifer A. Davy, Karen Hagemann and Ute Kaetzl (eds.). *Frieden – Gewalt – Geschlecht. Friedens- und Konfliktforschung als Geschlechterforschung*. Essen: Klartext Verlag, 317-343.
- Brauchler, Birgit and Thomas Widlok 2007. Die Revitalisierung von Tradition: Im (Ver-)Handlungsfeld zwischen staatlichem und lokalem Recht, in: *Zeitschrift fuer Ethnologie*, 132, Special Issue, 5-14.

- Brigg, Morgan 2008. *Networked Relationality: Indigenous Insights for Integrated Peacebuilding*. Hiroshima University Partnership for Peacebuilding and Social Capacity Discussion Paper Series No. 3. Hiroshima: Hiroshima University.
- Brown, M. Anne 2007. "Gender and Customary Governance in Vanuatu." Paper presented at the PIPSA Conference Port Vila, December 2007.
- Buur, Lars and Helene Maria Kyed 2007. *State Recognition and Democratization in Sub-Saharan Africa. A New Dawn for Traditional Authorities?* New York and Houndmills: Palgrave Macmillan.
- Chapman, Chris and Alexander Kagaha 2009. *Resolving Conflicts Using Traditional Mechanisms in the Karamoja and Teso Regions of Uganda*. London: Minority Rights Group International.
- Dinnen, Sinclair 2003. Restorative Justice in the Pacific Islands: An Introduction, in: Sinclair Dinnen (ed.). *A Kind of Mending: Restorative Justice in the Pacific Islands*. Canberra: Pandanus Books, 1-34.
- Duffield, Mark 2001. *Global Governance and the New Wars. The Merging of Development and Security*. London/New York: Zed Books.
- Faure, Guy Oliver 2000. Traditional Conflict Management in Africa and China, in: I. William Zartman (ed.). *Traditional Cures for Modern Conflicts. African Conflict "Medicine"*. Boulder, CO: Lynne Rienner, 153-165.
- Howley, Pat 2002. *Breaking Spears and Mending Hearts. Peacemakers and Restorative Justice in Bougainville*. London/Annandale: Zed Books/The Federation Press.
- Huyse, Luc 2008. Introduction: Tradition-Based Approaches in Peacemaking, Transitional Justice and Reconciliation Policies, in: Luc Huyse and Mark Salter (eds.). *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*. Stockholm: International IDEA, 1-22.
- Igreja, Victor and Beatrice Dias-Lambranca 2008. Restorative Justice and the Role of magamba Spirits in Post-Civil War Gorongosa, Central Mozambique, in: Luc Huyse and Mark Salter (eds.). *Traditional Justice and Reconciliation after Violent Conflict. Learning from African Experiences*. Stockholm: International IDEA, 61-84.
- Jalong, Frans de and Muhadi Sugiono 2010. Crossing Borders: Indonesian Experience with Local Conflict Resolution, in: Roland Bleiker and Morgan Brigg (eds.). *Mediating across Difference*. Honolulu: University of Hawaii Press.
- Johnstone, Gerry 2002. *Restorative Justice. Ideas, Values, Debates*. Collumpton/Portland: Willan Publishing.
- Kaldor, Mary 1999. *New and Old Wars. Organized Violence in a Global Era*. Cambridge: Polity Press.
- Law Commission Te Aka Matua O Te Ture 2006. *Converging Currents. Custom and Human Rights in the Pacific*. New Zealand Law Commission Study Paper 17. Wellington: New Zealand Law Commission.
- MacGinty, Roger 2008. Indigenous Peace-Making versus the Liberal Peace, in: *Cooperation and Conflict*, 43, 2, 139-163.
- Menkhous, Ken 2000. Traditional Conflict Management in Contemporary Somalia, in: I. William Zartman (ed.). *Traditional Cures for Modern Conflicts. African Conflict "Medicine"*. Boulder, CO: Lynne Rienner, 183-199.

- Muenkler, Herfried 2002. *Die neuen Kriege*. Reinbek: Rowohlt.
- Murithi, Timothy 2006. Practical Peacemaking Wisdom from Africa: Reflections on Ubuntu, in: *The Journal of Pan African Studies*, 1, 4, 25-34.
- Osaghae, Eghosa E. 2000. Applying Traditional Methods to Modern Conflict: Possibilities and Limits, in: I. William Zartman (ed.). *Traditional Cures for Modern Conflicts. African Conflict "Medicine"*. Boulder, CO: Lynne Rienner, 201-218.
- Regan, Anthony J. 2000. 'Traditional' Leaders and Conflict Resolution in Bougainville: Reforming the Present by Re-Writing the Past?, in: Sinclair Dinnen and Allison Ley (eds.). *Reflections on Violence in Melanesia*. Annandale/Canberra: Hawkins Press/Asia Pacific Press, 290-304.
- Richmond, Oliver 2009a. A Post-Liberal Peace: Eirenism and the Everyday, in: *Review of International Studies*, 35, 3, 557-580.
- Richmond, Oliver 2009b. The Romanticisation of the Local: Welfare, Culture and Peacebuilding, in: *The International Spectator*, 44, 1, 149-169.
- Richmond, Oliver 2005. *The Transformation of Peace*. Basingstoke: Palgrave Macmillan.
- Scambary, James 2009. *Groups, Gangs, and Armed Violence in Timor-Leste*. TLAVA Issue Brief No 2. Dili: Timor-Leste Armed Violence Assessment (TLAVA).
- Schlichte, Klaus 2005. *Der Staat in der Weltgesellschaft. Politische Herrschaft in Asien, Afrika und Lateinamerika*. Frankfurt/New York: Campus
- Sousa Santos, Boaventura de 2006. The Heterogenous State and Legal Pluralism in Mozambique, in: *Law and Society Review*, 40, 1, 39-75.
- Tombot, John 2003. A Marriage of Custom and Introduced Skills: Restorative Justice Bougainville Style, in: Sinclair Dinnen (ed.). *A Kind of Mending: Restorative Justice in the Pacific Islands*. Canberra: Pandanus Books, 255-264.
- Trotha, Trutz von 2000. Die Zukunft liegt in Afrika. Vom Zerfall des Staates, von der Vorherrschaft der konzentrischen Ordnung und vom Aufstieg der Parastaatlichkeit, in: *Leviathan*, 28, 2, 253-279.
- Zartman, I. William 2000a. Introduction: African Traditional Conflict 'Medicine', in: I. William Zartman (ed.). *Traditional Cures for Modern Conflicts. African Conflict "Medicine"*. Boulder, CO: Lynne Rienner, 1-11.
- Zartman, I. William 2000b. Conclusions: Changes in the New Order and the Place for the Old, in: I. William Zartman (ed.). *Traditional Cures for Modern Conflicts. African Conflict "Medicine"*. Boulder, CO: Lynne Rienner, 219-230.