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**Diversity Management in Africa:
Findings from the African Peer Review Mechanism and a
Framework for Analysis and Policy-Making**

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I. Introduction: Problem Statement and Objectives

1. The Nigeria APRM Report (2008) remarks incisively that managing diversity has been both a “scourge and a challenge” for many African countries. It has been a scourge because of the human, material, and social costs of diversity-related conflicts. The second North-South civil war of the Sudan (1983-2005), for example, is said to have produced some 2 million deaths, 420, 000 refugees and over 4 million displaced. According to various human rights organizations, the casualty figures of the Darfur conflict are also estimated to be around 300,000 deaths and 1.5 million displaced (Qugnivet, 2006).¹ The wars in the Democratic Republic of the Congo are said to have caused over 5 million deaths between 1998 and 2008. The genocide in Rwanda is also said to have claimed over 800,000 lives. In addition, the conflicts have caused various other gross human rights violations, huge social dislocations, and economic ruin in many countries. The economic leakages occur in various forms including disproportionately high military and security expenditures, destruction of property, and disruption of economic activity. There are hardly any reliable estimates of the different aspects of economic costs. Uganda’s estimate of the costs of its conflict against the Lord’s Resistance Army, might give some indication, however. The country puts its war costs over the 1986-2002 period at \$1.33 billion, roughly 3% of its GDP (Uganda, APRM Report, 2009).

2. This paper has four principal objectives. The first is to conceptualize diversity of identities and to briefly define identity relations and identity management. Since identity is a complex concept encompassing various elements, its conceptualization is essential for identifying the parameters of diversity management. The second objective has two components. One is to compile and analyze the empirical findings from the African Peer Review Mechanism (APRM) process on diversity-based conflicts in 12 countries, which have completed the review process. A second component is to supplement the APRM findings with findings in the broader literature that deal with sources of diversity-related conflicts. The third objective is to formulate, based on the empirical findings, a theoretical framework that maps out the main factors that transform diversity of identities into a major source of conflict. The fourth objective is to suggest policy recommendations on how to promote diversity management and, thereby, mitigate diversity-related conflicts. The recommendations are primarily based on the policy recommendations made by the APRM process to each of the participating countries. Another source for the proposed policy recommendations is the lessons learned from the experiences of African countries, which have made notable progress in diversity management. The structural and institutional changes that the theoretical analysis identified as having the potential to transform the diversity-related conflicts are also used as a road map in formulating the policy recommendations. The paper is organized into four parts, each dealing with one of the three principal objectives.

¹ The government of Sudan strongly disagrees with this estimate of casualties. Its own estimate is in the tenth of thousands only.

² Casualty figures in most African conflicts are highly imprecise. The figures also include direct battle deaths as well as deaths due to war triggered non-battle related factors, such as deprivation of health service.

1. Conceptualizing Diversity

3. For the purposes of this paper, diversity refers to the plurality of identity groups that inhabit individual countries (Deng, 2008). Identity also refers to real or imagined (often socially constructed) markers that individuals or social groups attribute to themselves or to others in order to set themselves apart from others (we/they) and to distinguish others from one another. The distinguishing markers of identity groups are moving targets and difficult to pin down. Nevertheless, they can be classified into primordial and social categories. While primordial markers constitute the network into which every child at birth finds itself to be a member, social identity markers can be formed across primordial markers³.

4. Primordial identity markers have several levels. At one level are the exclusive identity markers, such as race, ethnicity, religion, language, kinship, clan, and region. Primordial identity markers, however, are not limited to the exclusive markers. Nationality or citizenship of a country, for instance, is an identity marker, which distinguishes the citizens of a given country from those of others, while binding together the diverse identities within that country, as a community of citizens, depending on the level of development of nation-building. While the exclusive markers can lead to ethno-nationalist narratives, the inclusive ones lead to narratives of national unity and patriotism.

5. Different identity groups develop disparate cultures, which are forms of expression of a given identity. While culture is defined in different ways, it is essentially an identity signifier and encompasses a worldview, a system of values, norms, attitudes, beliefs, orientations, and underlying assumptions of an identity group. Like other identity markers, culture also has national (inclusive) and sub-national (exclusive) dimensions, which may be inversely related with each other, depending on the level of nation-building and the political environment that exists in a country.

6. Many of the primordial markers of a given identity group overlap with those of other groups, as linguistic and religious communities often extend far beyond the kinship or ethnic entity. Race, ethnic, kinship, and clan identities also do not necessarily constitute homogeneous groups, since such groups may practice different religions or operate under different modes of production with different institutional systems. Race, ethnic, and religious identities also are not confined to the jurisdiction of a given state. The Fulani people, for example, are spread over some 19 countries, the Hausa are found in five countries, the Luo live in Kenya, Uganda, Sudan, Ethiopia, and Tanzania, while the Somalis are fragmented into four of the Greater Horn countries. Some of the primordial markers are also not rigid over time. Individuals or even groups may change their mode of production, economic and political systems, institutions, religion, and in some cases even their clan and ethnic identities. Some ethnic and clan groups split into different groups. Others are absorbed by or integrated into other groups over time.

7. Most African countries are highly diverse with respect to some of the exclusive primordial markers, especially ethnicity. If we take language as proxy for ethnic identity, Nigeria is said to be home to some 470 languages (APRM Report, Nigeria, 2008). The Democratic Republic of Congo hosts some 242 languages, Sudan is said to have 134

³ This categorization is useful, although the line of demarcation between the two categories is not always clear. Membership in a social class, for example, can be both ascribed (primordial) and attained.

languages and Ethiopia is said to have 89 languages. Even a small country, like the Gambia, hosts 10 languages. Many African countries are also religiously diverse. Christianity and Islam enjoy the largest following in much of the continent. However, even these two major religions have several denominations, which have contributed to conflicts in cases, such as Algeria and Somalia.

8. Other important identity markers, which are largely neglected in the literature, are modes of production and institutional systems of governance. The modes of production that prevail in the African continent range from fairly advanced capitalism, symbolized by modern banking systems and stock markets, to subsistence peasantry and pastoral systems. Pastoral communities in rural areas and business communities in urban areas, no doubt, represent different identities with different institutional systems and cultural values. Such fragmentation of the modes of production, like ethnic and religious diversity, creates different economic, political and cultural spaces within countries as well as within ethnic and religious identities. The diversity of modes of production also perpetuates diverse institutional systems. Institutional fragmentation is manifested in the adherence of rural populations, who constitute the overwhelming majority of the population in most African countries, primarily to traditional (informal)⁴ institutions while the post-colonial state operates on the basis of modern (formal) institutions of governance, which are largely imported and often are at odds with African cultural values and socioeconomic realities, especially those in the traditional modes of production. Findings by the Country Review Mission (CRM) of the APRM, for example, show that most citizens, especially in rural areas, in countries such as Benin and Burkina Faso, shun the modern justice system, which is slow and often inaccessible, in favor of the traditional system. Since institutions govern behavior and social relations, parallel institutional systems represent different and often conflicting norms of behavior and social relations. The imported state sanctioned institutions are also transplanted outside their cultural and socioeconomic milieus. The institutions of liberal economic doctrine as well as liberal democracy, for example, are characteristics of advanced capitalism and their compatibility with pastoral and peasant settings is highly doubtful. The incoherence and clashes between the informal and formal institutional systems with respect to land ownership, for instance, have contributed significantly to state-identity and inter-identity conflicts and to the problems of state building and peaceful governance in many African countries. According to the APRM reports, the land issue has been a major source of conflicts and tension in many countries, including Benin, Burkina Faso, Rwanda, Kenya, Uganda, Nigeria, South Africa, and Ghana (APRM Reports of various countries). Ethiopia and Sudan are other countries that face widespread tensions and communal conflicts over land.

9. African societies, like other societies, also embody other identity markers, such as those based on gender, age, sexual orientation, and origin (migrants, refugees). The conflicts that may arise from lack of proper management of such identity markers are likely to be limited in scope compared to those that arise from the exclusive markers, such as ethnicity, clan, and religion, although immigrants and refugees have been victims of exclusion, violence and abuse in many countries, including the May 2008 xenophobic incidents in South Africa. Women also continue to face exclusion from access to resources and decision-making. In many societies they are denied rights of inheritance and even of

⁴ Traditional institutions may be considered to be informal institutions in the sense that they are not state sponsored. They are otherwise formal within the communities that operate under them.

child custody in cases of divorce. In many cases, the practice of bride wealth places women in a bondage, where they cannot abandon abusive marriages unless their parents pay back the bride wealth paid by their husbands (Gray, 1960).⁵ Denial of rights and equitable access to opportunities to such identity groups can lead to serious violations of human rights, which may have broader destabilizing effects even if they don't lead to large scale violent conflicts. The youth, who often encounter a host of problems in many African countries, can, for example, contribute to broad social instability. One important challenge the youth face is the failure of the educational systems to prepare them for gainful employment. Lack of access to land and/or off-farm employment also exposes them to rural-urban migration and hardship. Exposure to foreign culture through various media outlets during their formative years also alienates them from their own culture. Under such conditions the youth can easily become a source of social instability by leading or participating in anti-regime and anti-establishment protests and rebellions.

10. The second group of identity markers are often referred to as social identity markers (Martin, 1995). This type of markers is expansive in the sense that they can be formed across the primordial identities as well as across national citizenships. These markers are often based upon purposive choices, tactical necessity, and common interest or incurred moral obligation (Geertz, 1963; Rex, 1995). Among such markers are; occupational associations, political affiliation, media groups, labor unions, academic associations, human rights and various other civil society groups. It seems that the more the social identity markers develop, the more likely interdependence and networks of interaction among primordial identity groups are promoted. The expansive social identity markers are, however, more developed in countries where state building, economic diversification, and social capital (civic institutions that lie above the family and below the state) are more advanced. Unfortunately, social identity markers are rather weak in most African countries, in part due to limited diversity of the economy. One problem stemming from the underdevelopment of social identity markers is that many political parties are organized along the lines of primordial identity markers, such as ethnicity, religion, or region. Competition for power among such parties, in turn, tends to lead to problems of relations among primordial identities. Governments in Africa, especially those with severe inter-identity conflicts, such as that of Rwanda, thus, face a dilemma of how to promote political pluralism and multi-party systems while ensuring that political parties do not become sources of further ethnic divisions in already polarized societies (Rwanda APRM Report, 2006).

Identity Relations and Diversity Management

11. Despite their diversity, identities can live with each other in harmony as a community of citizens. Such harmonious inter-identity relations would signify an advanced level of nation-building, where the governance system accommodates the interests of the divergent interests and cultures of diverse identities. No doubt, as actors in the socioeconomic arena, identities compete for access to political and cultural power and economic resources. Such competition requires a level playing field and an effective and neutral oversight by governments in ensuring that the competition takes place within legal bounds and does not escalate into conflict and also in ensuring that no identity group is

⁵ *Bride price is often viewed as a practice that facilitates oppression of women. However, some survey research also shows that it is viewed as a mechanism that elevates the importance of women in society.*

marginalized from equitable citizenship rights and access to opportunities. In the absence of effective management, however, identity groups can engage in deadly conflicts both against the state and against each other. Thus, diversity of identities by itself does not shed much insight in explaining or predicting inter-identity relations, since identity groups are not homogeneous and identity markers are often shifting social constructs.

12. Inter-identity differences are essentially expressed through the narratives that identities project in their relations with other groups. Identity narratives may blur intra-group differences and exaggerate the differences with certain other groups, depending on the objectives they are intended to achieve. Identity narratives of the various entities in Darfur or in north and south Sudan, for instance, often exaggerate the Arab-African divide and minimize the ethnic and other differences within each divide. Similarly, the narratives of various mobilized sub-nationalist groups tend to exaggerate the magnitude of the problems their group faces relative to those faced by other groups or overemphasize the differences of their groups from others and underemphasize their group's heterogeneity. Often identity narratives are also built with the intention of redressing access to resources perceived to be unfavourable (unjust) or reversing a balance of power considered to be detrimental to the interests of a group. At other times they arise when a given identity is engaged in competition with other identities for control of power or control over dwindling resources, such as land, water, or scarce resources, such as jobs, public services, etc. Narratives are continuously re-told, confirmed, adapted and reinforced or transformed through social interaction across generations and become deeply embedded among the members of the group, as Tilley (1997) notes.

13. Polarized identity narratives and conflicts in Africa mostly revolve around ethnicity, religion, and region; although religious conflicts are often mitigated by overlapping ethnicities and regional conflicts are tempered by ethnic diversity within regions. In some cases ethnic narratives may become highly polarizing by relating the goals they intend to achieve to group survival. In such circumstances, as in Rwanda, the narratives may engage in dehumanizing the adversary and in defining the inter-ethnic conflicts in a zero-sum terms, which create conditions for horrific violence, including ethnic cleansing and genocide.

14. When identity-based conflicts arise they are generally of two types. One type relates to civil-wars, where an identity-based armed political organization engages in a violent conflict against the state, which is perceived by the group to be dominated by or biased in favour of other identities. The second type relates to conflicts among identities (communal conflicts). From the perspective of the first type of conflicts, proper diversity management entails that the state establishes administrative mechanisms that bestow upon all segments of the citizenry equitable access to citizenship rights, which entails the ability of all members of identities to participate in all facets of political, economic, and cultural life. This aspect of diversity management would also require that the state addresses inherited inequalities and project itself as a champion of impartiality and fairness. It is hard to expect synergy in state-identity relations when the state, as the dispenser of rights and opportunities, is perceived to be partial or exploitative and oppressive by all or segments of its citizenry.⁶

⁶ *In some cases states may be constructs of specific identities and may be highly partial in their dispensation. Despite the challenges, effective nation-building involves transforming such dispensation and governments have to be balanced in their composition to be effective agents for the transformation.*

15. The second type of conflicts consists of violent inter-ethnic, inter-clan, or inter-occupational (farmers vs. pastoralists) conflicts. Such conflicts are mostly but not exclusively, over resources. Often inter-identity conflicts are triggered by resource-shortages exacerbated by environmental degradation, along with rapid demographic growth. Such shortages undermine the customary property rights and resource allocation mechanisms and propel conflicts. The magnitude of inter-identity conflicts is generally smaller than the state-identity civil wars. They are, however, highly destructive since their numbers are greater.

16. Regardless of their causes, managing diversity entails a host of measures on the part of the state. Among such measures would be ensuring state neutrality, addressing inherited economic and political disparities among identities, respecting customary property laws, especially with respect to land, engaging in conflict resolution measures in a timely manner, and diversifying the economy in order to create employment opportunities and to alleviate poverty. Section four of the paper provides a more detailed discussion on diversity management.

2. Empirical Findings

17. The Country Review Mechanism (CRM) of the APRM process provides a wealth of empirical findings on the nature and causes of conflicts and tensions witnessed in the 12 countries, where the process has been completed. While the causes vary from country to country most of the conflicts emanate from grievances by different identities over uneven access to various resources, including political power, cultural rights, and land rights. Other conflicts are related to problems of poverty, clashes between traditional and modern institutions of governance, and election related disputes (see Table 1).

Table 1: Findings of the CRM on the major factors for internal conflicts and tensions in countries that have completed the APRM Process

Country	Sources of Internal Conflict
Algeria	Regional inequalities between northern coastal areas and rest of the country; Minority language rights; Anarchy in rural land rights and management; and terrorism.
Benin	Land access and use problems; clashes between crop farmers and nomadic livestock breeders; congested and corrupt justice system, which compels citizens to rely on traditional conflict resolution mechanisms, despite the shortcomings of the latter.
Burkina Faso	Squabbles between farmers and pastoralists over land and water; tension between rival religious authorities; labor unrest; and civil-military tensions.
Ghana	Land ownership disputes; election related disputes; and disputes over inheritance and succession of chiefs.
Kenya	Land conflicts worsened by arbitrary taking of community land by the government; regional and social inequality; and manipulation of ethnic identities by the political elite.
Lesotho	Inequality and poverty; institutional clashes between chiefs and elected officials; and inter-party clashes and election violence.
Mauritius	Inter-identity tensions, due to inequality and real or perceived domination of minorities.
Mozambique	Poverty, exclusion, and regional inequality; ethno-regional dominance by the south; election tensions; problems of access to land and water.
Nigeria	Ethnic and religious clashes; political conflicts; land-based conflicts; perceived injustice in resource (petroleum) control; pervasive poverty and regional and social inequality.
Rwanda	Ethnic discrimination; divisive politics; land access problems; poverty and socioeconomic inequality.
South Africa	Residues of racism; pervasive poverty and inequality; high rates of unemployment; tensions between traditional leaders and local councilors; and influx of immigrants and xenophobia.
Uganda	Poverty, along with regional and ethnic inequalities; land shortages and imbalanced resource allocation; poor relations between the government and traditional authorities, especially of the Buganda.

Source: APRM Reports of the above identified 12 Countries.

2.1. Broader Contextual Factors for Diversity-Related Conflicts

18. The conflict causing factors identified by the APRM country reports have underlying contextual factors. The report on Uganda (2009, ix), for example, relates the diversity-related conflict factors in Africa to the continent's colonial legacy and, especially the nature of the formation of the African state. There is little doubt that colonialism and, in some cases, pre-colonial empires left behind structural and institutional mechanisms as well as historical memories that continue to engender diversity-related conflicts. However, the post-colonial states as well as the continent's inter-governmental organizations have also contributed to the problem by perpetuating the inherited conflict-generating factors and in some cases by exacerbating them. The overriding objective of this section is to explain the reasons why diversity has often become a source of conflict. Needless to say, understanding the factors is critical in rectifying the problem. The explanation effort is undertaken in three steps. The first examines how pre-colonial empires and the colonial state planted the seeds of diversity-related conflicts in the continent. The second step explains how the post-colonial state and African inter-governmental organizations have perpetuated the diversity-related conflicts. The third attempts to construct a general proposition that attempts to identify the key socioeconomic conditions, sources, and causes that transform diversity into a source of conflicts.

2.2. Legacy of Pre-colonial Empires and Colonialism:

19. Our knowledge of the nature of identity relations in pre-colonial Africa is less than complete. However, there is little doubt that many parts of the continent were torn apart by various wars, during that era. Many of the pre-colonial wars revolved around state formation, empire building, slave raids, and control over resources and trade routes. The slave raiding and looting empires and kingdoms, including those of the 19th century, left behind complex scars in inter-identity relations. It is beyond the scope of this paper to discuss in detail the nature of pre-colonial empires in Africa. The examples of the Abyssinian Empire and the Mahdiyya state in Sudan provide a glimpse of the impacts of pre-colonial empires on the prevailing problems in inter-identity relations. The Abyssinian Empire, for example, is credited for creating the modern Ethiopian state during the second half of the 19th century and defending it from European colonialism. However, it also left behind a deeply divided country where the populations in the newly incorporated southern parts of the country was ravaged by slave raids and lootings and, in many cases, reduced into landless tenants, who tilled the land for northern landlords (Pankhurst, 1968).⁷ The Empire also established a hierarchy of cultures where the non-Abyssinian cultures in the newly incorporated territories were placed in a subordinate position. It requires a great deal of sensitivity to teach Ethiopian history in the country's schools, since the empire-builders of the 19th century are heroes to some identities while they are viewed as villains who brought destruction and oppression by others. Similarly, Sudan's Mahdiyya state, which professed Arab identity and was supported by slave raiding communities, left behind complex scars in inter-identity relations, which still plague the country (Francis Deng, 2010).

⁷ *The Abyssinian Empire played a double role in the slave trade. It curtailed the slave raids by the Oromo kingdoms, which it conquered in the late 1880s, giving relief to the victims of those kingdoms in the southern parts of the country. At the same time, however, it engaged in slave trade itself.*

20. The most enduring structural and institutional mechanisms that foster inter-identity conflicts were, however, established by the colonial state. Four critical conflict-breeding colonial legacies can be identified. One is the splitting of various ethnic groups into several countries. National boundaries often are rather arbitrary and few countries in the world are made up of single ethnic groups or nations. The degree of arbitrariness of boundaries and the resulting fragmentation of ethnic groups, however, seems disproportionately high in Africa, where the states are essentially colonial creations.⁸ Often times the fragmentation of ethnic groups involves not only the disruption of their social and cultural ties but also of their economic lives, especially when border crossings are impeded by poor inter-state relations. While the fragmentation of the Somali people, which has led to various conflicts, including three major wars with Ethiopia, has been the most conspicuous problem, many of the fragmented ethnic groups in the continent face problems with their states. Fragmentation of ethnic groups often raises citizenship and identity problems and leads to the marginalization of those groups. The Afar people, for example, are marginalized as minorities in Ethiopia, Djibouti and Eritrea and so are the Baja in Sudan and Eritrea. Many more examples can be cited. The split of ethnic groups has also contributed to various proxy wars, especially among the states in the Greater Horn of Africa.

21. A second legacy of colonialism is the problems of boundaries. Colonial boundaries are often poorly delineated and in most cases rarely demarcated on the ground. The vagueness of boundaries has caused a number of border disputes. The Eritrea-Ethiopia border war is the biggest of the border wars the continent has seen. However, border disputes are rather rampant throughout the continent. Although British colonialism, for the most part, kept South Sudan apart from the north, the boundaries between the two remained unclear and are likely to cause serious problems if South Sudan secedes after its 2011 referendum. While border conflicts are mostly inter-state conflicts, they also have serious implications on state-identity and inter-identity relations as they entail various types of hardships on border communities, especially when their loyalty to their states is questioned. The Misseriya and Dinka Ngok identities in Sudan's Abeyei region, for example, are likely to have conflicting positions on South Sudan's independence and whether Abeyei is part of the north or the south.

22. Another legacy of colonialism is the uneven development among regions and ethnic groups that exist within countries. The primary objective of colonialism was the extraction of resources from colonies. Areas rich in mineral resources and those with fertile land in accessible locations were targets for investments, while areas deemed not profitable were marginalized. The Buganda areas of southern Uganda were privileged compared to the rest of the country (Mutibwa, 2008). In Kenya also the British identified central Kenya and the Rift Valley area as profitable, while the western and northeastern regions, which were viewed as unprofitable, were marginalized (APRM Report, Kenya, May 2006; Mwaura, Baechler, and Kiplagat, 2002). Southern Sudan, northern Uganda, northern Nigeria, northern Chad, and northern Mozambique were among other regions that were relatively marginalized by the colonial state.

⁸ *The young age of African states, along with their low levels of nation-building, also makes the arbitrariness of their boundaries and the fragmentations of their ethnic groups seem more prominent.*

23. Classification of ethnic groups, some times into superior and inferior races, as in Rwanda and the Congo, and changing the balance of power among identities by transferring political power from uncooperative to cooperative leaders and entities, along with the practice of divide and rule, compounded the effects of uneven development in poisoning inter-identity relations in the continent.

24. A fourth legacy of colonialism, which has received less attention than it deserves in the literature but has proved difficult to overcome, is the fragmentation of the institutions of governance as well as of the modes of production. The colonial state introduced its own institutions of governance without completely destroying the traditional institutions, which differed from place to place, depending on the political system that existed. The colonial state's export-oriented production of primary commodities also fragmented the economic system into the modern (capitalist) and traditional modes of production. With decolonization the post-colonial state maintained the fragmented institutional system, including the colonial economic structures and the highly centralized colonial institutions of governance. The traditional institutions, on the other hand, continue to operate primarily but not exclusively in rural areas, where non-capitalist subsistence modes of production predominate.

25. The institutional fragmentation has created a number of problems. One serious problem pertains to the conflicting property rights laws and resource allocation mechanisms, which are particularly serious with respect to land allocation. Under conflicting customary and state laws land-based conflicts have become common occurrence in much of the continent. Lack of recognition by the state of the traditional institutions of land ownership has also exposed customary holders of communal land to land-takings by the state with little or no compensation. The land-takings, which are taking place at a growing rate, are generally for concessions to foreign firms engaged in extractive industries and large scale commercial farming and they are intended to promote development. However, such measures while they facilitate wealth-creation in some sectors they bring about evictions of customary owners, unemployment, and misery in others.

26. A second problem relates to the existence of parallel systems of conflict resolution mechanisms. Often, communities operate under the local customs of conflict resolution, which are administered by local authorities, by-passing the formal judicial system, which often is congested and not easily accessible. The traditional system is generally geared towards reconciliation of disputes while the modern system relies on the adversarial system of winners and losers and on the punishment of offenders. As a result of the parallel systems, sometimes it is common to find three court systems (state or official courts, traditional courts, and *sharia*/religious courts) operating side by side. Often the different systems complement each other. However, as the CRM findings indicate, the traditional institutions are generally neglected by the state and operate with little oversight or uniformity, in part because customary law is rarely coded or officially recognized.

27. The parallel institutional systems also cause administrative duplication. In Kenya, for instance, the chiefs, who are the lowest level of the state's administrative structure (and not traditional chiefs), appoint their own village elders to assist them when the communities they administer have their own organic elders, such as the *Kaya* elders of the Mijikenda, the *Njuri Cheke* of Meru, and the council of elders of Pokot. In other cases

there is the problem of lack of clarity of the responsibilities of traditional leaders and the official local administrators.

28. Fragmentation of institutions has also significant implications to the democratization efforts underway in the continent. The segments of the population that adhere to the traditional institutional systems largely operate outside or on the fringes of the purview of the state's institutional system. As a result, they live largely outside of the modern institutions of democracy, although their institutional systems may also be democratic in content. As we will see in section four of the paper, the institutions of liberal democracy are unlikely to bridge the parallel institutional systems that prevail in Africa and are largely confined to the sphere of the formal institutional system.

29. Lastly, the parallel institutions also impede the formulation of economic policy that coordinates resources with broad social interests. The tools of resource allocation, which are utilized by the modern institutional system, are hardly effective in the traditional institutional setting. Under such conditions, it is difficult for governments to address the problems of uneven development, especially when the formal institutions are aligned closely with the liberal economic doctrine, which attempts to limit the role of the state in redistributive activity. Diversity management is unlikely to succeed without addressing the problem of uneven development.

2.3. Nature of the Post-colonial State

30. All four of the identified conflict-engendering legacies of colonialism have largely remained in tact under the post-colonial state. The ethnic groups which are split by national boundaries have seen little arrangements that would help alleviate the burden of their fragmentation.⁹ The regions and identity groups, which were victims of uneven development under pre-colonial empires and during colonialism, continue to bear the burden of structural inequality and marginalization. It is, in fact, likely that the level of their marginalization might have intensified due to the multiplier effect of inequality. Eastern Ethiopia, southern Sudan, northern Uganda and western and north-eastern Kenya, are the most obvious examples of marginalized areas and all of them remain areas of conflict.

31. The post-colonial state also continues to operate on the basis of imported institutions largely oblivious to the institutions adhered to by most of the population. Efforts at transforming the traditional economic sectors and, thereby, harmonizing the fragmented modes of production have also been grossly inadequate. Failure to transform the subsistence sectors of the economy, along with continued reliance on the export of primary commodities, whose production is often location-specific, perpetuates the uneven development that characterizes most African countries. Wealth in oil and minerals are generally location-specific. Even the production of cash crops, such as coffee and tea, are concentrated in certain areas. Excessive reliance on primary commodities, along with lack of economic diversification, especially in poorer areas, perpetuates uneven development, often in favor of the better endowed areas. In some cases, however, the resource-rich areas might also be impoverished if their access to the resource wealth is limited by governments

⁹ *The split of Ethnic groups by national boundaries may cease to be a serious problem as such groups may undergo identity transformation. Such transformation may, however, be impeded by the problems of marginalization they face.*

and foreign investors, as the case of the Niger Delta indicates. In some cases populations in resource-rich areas may also face evictions and devastating environmental degradation.

32. Under the prevailing conditions of institutional and economic fragmentation and uneven development, it is difficult to develop state-identity relations that are conducive for nation-building and viable democratization. Compounding the problems further is the nature of the functionaries of the state, who often are “ethnocratic”, as Ali Mazrui (1975) noted. In many other cases they are self-serving autocrats, whose primary preoccupation is to preserve their perpetual stay in power. In some cases, such self-serving leaders may even perpetuate inter-identity conflicts, as a matter of policy, when they find them to be instrumental in extending their tenure in power by either securing identity-based support or by using the conflicts as justifications for deferring democratization of the political system. In such cases the African state remains a “formidable threat” to everybody except the few who control it, as Claude Ake lamented (Deng, 2008:41).

2.4. Role of Regional Governance

33. The failure of the post-colonial state in reconciling the incoherent institutional systems, in integrating the dual modes of production by transforming the subsistence sector, and in addressing the acute problem of uneven development is compounded by the lack of dynamism of the continent’s inter-governmental organizations. No doubt, several of the continent’s regional economic integration schemes have attempted to promote the diversification of the economies of member states. Some, like the Economic Community of West African States and the Southern African Development Community, have also begun to tackle the problem of conflicts within their members. Such efforts have fallen short of what is needed for success, however.

34. Despite differences in their performance, the regional organizations have not been as proactive as they need to be in preventing border conflicts by establishing a clear framework and mechanisms for resolving border disputes and by establishing an agency that oversees the settlement of border disputes before violence breaks out. In a number of cases resolution of border conflicts has been outsourced to non-African actors, although conflict resolution is one of the strengths of African traditional institutions.

35. The intergovernmental organizations have also not been able to develop mechanism that would ease the burden of fragmented ethnic identities, although this is a widespread problem. Somalia’s attempts to redraw the colonial boundaries in order to unite all Somalis under one state received little support from other African states or the Organization of African Unity (OAU) in the early 1960s. The OAU adopted the principle that colonial boundaries are sacrosanct since tempering with them is likely to open a Pandora’s Box, which would likely lead to wars all over the continent. Undoubtedly, redrawing the colonial boundaries would have been highly risky. However, the OAU and its successor, the African Union, have yet to institute any mechanism that would enable ethnic identities divided by national boundaries to maintain their socioeconomic ties with each other through various arrangements including flexible borders. It is a critical conflict resolution imperative that such a mechanism is put in place.

3. Theoretical propositions

36. The structural and institutional systems left behind by pre-colonial empires and the colonial state established the conditions that foster diversity-related conflicts in Africa. The post-colonial state's failure to transform those structural and institutional systems has severely hampered its ability to manage diversity properly. This part of the paper attempts to construct a general explanation of the conditions that transform diversity into a source of conflicts. The APRM empirical findings and the contextual factors discussed in the previous section serve as the basis for the theoretical formulation. Different conflicts, of course, have their own unique causes but the common factors identified by the empirical findings would enable us to chart an explanation that captures most of the important factors for diversity-related conflicts.

37. As noted in the first section, diversity-related conflicts are of two types. One type is wars and conflicts, which occur between the state and an identity group or groups of identities (civil wars). The continent has seen many conflicts of this type. The Biafra war and the activities of rebel groups, such as the Movement for the Emancipation of Niger Delta (MEND), in Nigeria's Niger Delta; the South Sudan and Darfur wars in Sudan; the wars waged against the Ethiopian state by various liberation movements including the Ogaden National Liberation Front and the Oromo Liberation Front; the civil wars in Somalia; the Rwanda genocide, where the state waged a war of extermination against a segment of its population; the various wars in the Democratic Republic of Congo; and the conflicts in northern Uganda are among the most important examples.

38. The factors for state-identity conflicts are many and complex. However, as Gurr (1993) notes, identities generally rebel against the state because they are dissatisfied with the terms under which they are incorporated into it. The goals of some of these wars include secession, which changes the territorial identity of the state. Others, as Ndulo (2010) notes, struggle for political power, scarce resources, and national (sub-national) privileges. In other words, the conflicts are essentially reflections that in a few cases the territory over which the state exercises sovereignty is contested. In many others the state has yet to establish effective political, economic, social, and cultural governance systems that accommodate the interests and aspirations of its diverse identity groups and enable the various groups to cooperate as well as to compete peacefully. Theoretical propositions such as Gurr's and Ndulo's, and a careful review of the empirical findings of the Country Review Mission (CRM) of the countries, which have completed the African Peer Review Mechanism, allow us to suggest that the key grievances of identities that engage in challenging the state can be captured by the following propositions.

Propositions

- Some identities view the state as a predatory apparatus that suppresses their interests in favor of other identities. Such identities challenge the state's sovereignty over them and their territory. Biafra, Eritrea, Southern Sudan, the Ogaden, and Western Sahara are among the key examples.
- Other identities challenge the state in order to attain power or to ensure their proper representation in it, if they perceive themselves to be underrepresented, or if the absence of decentralization of power prevents them from advancing their political, economic, and cultural interests.
- Marginalized identities challenge the state, which they perceive to be incapable or unwilling to address their marginalization or is biased against their economic interests and their cultural values (religion included). Such challenges occur, especially if the state attempts to impose cultural conformity through a policy of assimilation to the dominant culture in an attempt to build a single national identity for national unity and cohesion. Sudan's policy of unity-in-conformity (El-Battahani, 2007) and Imperial Ethiopia's strategy of assimilation, which denied certain groups, such as the Oromo, cultural expression (Mohammed Hassen, 1999) are good examples.
- Identities also rebel if their traditional institutions (customary laws and norms), for instance, customary land tenure systems, are violated by the state. Some of the groups that encounter such problems may be too weak to challenge the state. Yet the state loses legitimacy in the eyes of such groups.
- In addition, identities rebel against the state if they perceive the state's institutions to be corrupt and ineffective in promoting broad social interests or if a peaceful and legal transfer of power is nonexistent or subverted by the elite in power through various means, including rigging elections. In the latter case identities may attempt to broaden resistance against the state by building coalitions with other identities.
- Finally, in order to rise up to challenge the state, an identity group, regardless of the nature of its grievances, needs identity leaders who play a pivotal role in mobilizing it by articulating the interests and grievances of the group through various forms of narratives. In some cases the identity leaders might be political entrepreneurs who manipulate identities for their own selfish interests. In other words, competition for power among the elite can instigate identity conflicts, especially in cases, where there is widespread perception that the state is not neutral with respect to inter-identity competition.

39. The identified propositions can be summarized as follows:

$$IDS_c = f(DTC_s, EC_m, PO_m, Cl_m, INS_m, LDINE_{ST}, AB_{rltp}, IDL_{pr}, VS_{ir})^{10}$$

- **IDS_c** represents state-identity conflicts.
- **DTC_s** represents disputed territorial composition of the state. This is when an identity group does not agree with its incorporation as part of given state and struggles to free itself from that state.
- **EC_m** represents economic marginalization of an identity group or groups of identities. Among the manifestations of marginalization are; inequalities in the distribution of income, poverty levels, public services, and opportunities for economic diversification.
- **PO_m** represents political marginalization, manifested in lack of adequate representation in decision-making, lack of decentralization and sharing of power, and the political system not being open enough for free expression of interests.
- **Cl_m** represents cultural marginalization, manifested by real or perceived inequality in cultural rights and the presence of cultural chauvinism of identity groups that dominate political power.
- **INS_m** represents institutional marginalization manifested in the neglect of customary laws of land tenure, customary mechanisms of conflict resolution and decision-making, and chauvinism against those who operate under traditional institutional systems.
- **LDINE_{ST}** represents legitimacy-deficit and ineffectiveness of the state, manifested in the failure of the state in harnessing economic development by coordinating policy and or resources with broad social interests, in providing democratic governance that is free of corruption, and in ensuring neutrality of state institutions with respect to inter-identity competition.
- **IDL_{pr}** represents presence of identity leaders who mobilize identity groups to act in defense or advancement of their interests. This is evident from the type of narratives of identity groups, i.e. whether they are sub-nationalist or broad based and if political parties are organized along the lines of primordial identities, and if state functionaries engage in sectarian discourse in mobilizing support.
- **AB_{rltp}**, represents absence of rule of law and mechanisms of peaceful transfer of power.
- **VS_{ir}** represents violent suppression of identity-based demands and protest by the state. This is evident by how the state reacts to demands and protests by an identity group or groups and how it treats the civilian population in the event that violent conflict breaks out.

¹⁰ This list of factors is not exhaustive. Rather it attempts to identify the most important.

40. The second type of diversity-related conflicts consists of inter-identity (communal) conflicts. Such conflicts can be deadly, especially if the state is involved by supporting one identity or another, as in Rwanda's genocide and in Darfur's conflicts. Inter-identity conflicts arising from threat to group survival are likely to generate a zero-sum view of the conflict, which then becomes difficult to settle, due to the "non-realistic" (uncompromising) nature of the claims and counter-claims. In this case, the narratives of the conflicting identities can easily revert to dehumanization of adversaries and justification for their destruction or elimination, if the state does not bring the conflict under control promptly.

41. When the state does not take sides inter-identity conflicts often have a limited scope, partly because the overlap of identities often mitigates the intensity of conflicts. Traditional authorities also often intervene through mediation. More importantly, timely intervention by the state can stem out the violence.

42. Among the most common factors for communal conflicts are:

- a. Competition for various resources including land and water,
- b. lingering historical animosities and mistrust perpetuated by uneven access to resources,
- c. presence of religious and cultural intolerance and chauvinism, stemming from poor historical relations, and
- d. spillover from state-identity conflicts

43. Again the above stated propositions can be reformulated as follows:

$$IID_c = f(CPR_{id}, RICC_{id}, HAM_{id}, SOE_{sic})$$

- **IID_c** represents inter-identity conflicts
 - **CPR_{id}** represents competition for resources and power among identities manifested in disputes over land, political appointments, and jobs, and distribution of public service.
 - **$RICC_{id}$** represents religious intolerance and cultural chauvinism among identities manifested in the presence of unequal distribution of cultural privileges, such as language, religion. The presence of cultural chauvinism is usually a legacy of past imbalances in power relations.
 - **HAM_{id}** represents historical animosities and mistrust among identities often stirred up by competition for resources or by political entrepreneurs competing for power. Such animosities are evident from the types of narratives of different identities.
 - **SOE_{sic}** represents spill over effect of state-identity conflicts. State-identity conflicts can degenerate into inter-identity conflicts, especially if the elite in power or the counter-elite exploit the situation and manipulate their identities to come to their support.

The spillover can also occur if identities in conflict with the state perceive that other identities are supporting the state.

4. Mitigating Diversity-Related Conflicts

44. Managing diversity is a serious challenge, especially when identity relations are already poisoned and conflicts have been unleashed. Force is hardly effective in resolving state-identity conflicts, although states often resort to force when confronted with the challenge. In the present era of democracy and human rights, force has become increasingly unpalatable both at the domestic and global levels. African countries also lack the means to end the conflicts quickly through military means, especially since the conflicts often invite various forms of external intervention, and as the conflicts drag on, they create more animosity and more economic ruin. Even if governments succeed in suppressing the conflicts, military solutions rarely stand for long.¹¹ As long as the grievances persist, identities are likely to rise up again and challenge the state. African countries are, thus, faced with the daunting task of inventing new political and economic governance structures conducive for diversity management and nation-building in a peaceful and democratic manner. Developing such governance structures is likely to require extensive dialogue among various stakeholders, so that they forge arrangements that are acceptable to all of them.

45. Needless to say, in countries that are already engulfed in violent conflicts the violence has to be brought under control through negotiations as new consensus-based governance structures can hardly be established amid war. Governments are also unlikely to be able to address grievances, such as poverty and uneven development, while they are engaged in violent conflicts. Negotiated cessation of hostilities, when achieved, presents an opportunity for building potentially transformative governance structures but it does not, by itself, mark an end of the conditions of marginalization or the mistrust harbored by the aggrieved identities. Francis Deng (2008), for example, notes that the psychological scars of diversity-based conflicts are especially difficult to deal with, even when agreements are reached on the tangible aspects of the conflicts. It is, however, likely that the psychological scars also heal, albeit with a time lag, if governments show the commitment and make progress in addressing the tangible aspects of the problems. Unfortunately, negotiated settlements of conflicts often are not accompanied by substantive changes. Instead, the elite in power often attempt to co-opt the leaders of the rebel groups (counter –elite) by incorporating them into the ranks of the political elite and by integrating the rebel army into the national army without serious effort at addressing the underlying factors for the grievances of the identities involved in the conflict. In such cases the precious opportunity created by the negotiated settlement of conflicts gets squandered.

46. Building consensus-based structures of political and economic governance, which address the factors for diversity-based conflicts, require both short-term and medium-term strategies that address the conflict-engendering factors identified in the second and third sections of the paper. Among the key short term measures is crafting a consensus-based constitution that enshrines equitable political, economic, cultural, and institutional rights

¹¹ Leaders whose main preoccupation is extending their stay in power may not be too concerned about future conflicts.

(i.e. equitable citizenship rights) upon all citizens and identities. This process is critical not only because it establishes a binding legal framework for addressing grievances but also because it mobilizes stakeholders to work together in establishing the new governance framework. Some post-conflict African states have based their process of change on broadly supported constitutions. Among such countries are South Africa, Mozambique, and recently Kenya.

47. Once the legal framework is in place a range of measures need to be implemented in an expeditious and systematic manner. The nature of the necessary changes is likely to differ from country to country, since conditions and the nature of grievances differ. The dialogue among stakeholders, which shapes the changes, is also likely to produce different arrangements and priorities. Nevertheless, given the commonality of the factors of diversity-related problems in the continent, a composition of the essential aspects of the changes can be mapped out. The recommendations of the CRM, which are grounded on extensive empirical analysis of the most important sources of conflicts in the countries that have completed the APRM review, provide a useful guide in identifying some of the essential changes. Lessons that can be learned from the experiences of some African countries, which have registered notable progress in diversity management also provide useful insights that complement the CRM recommendations.

48. The CRM recommendations are many and vary from country to country. The most important recommendations include the following:

- Promoting and strengthening institutions of democratic governance;
- Addressing poverty and problems of uneven development;
- Correcting problems of inequitable political representation through devolution of power, electoral reforms, and establishing organizations that enhance minority protection, such as council of minorities;
- Embracing institutional reforms to enhance the participation of women;
- Protecting cultural rights including religious and language rights of minorities;
- Rationalizing access to land and respecting customary land rights;
- Develop and adopt legal framework for the role of traditional and religious authorities; and
- Recognizing and regulating traditional institutions of governance, especially those dealing with conflict resolution (alternative dispute resolution).

49. Among the African countries, which have made progress in diversity management, are Botswana, South Africa, and Mauritius.¹² It would be too hasty to celebrate this group of countries as success stories. They still face challenges that can derail their

¹² This is not to suggest that these countries have overcome their diversity-management problems or that they are unlikely to face diversity-based conflicts. Rather it is to suggest that they have made notable progress and that their experiences can provide some lessons.

achievements. Nevertheless, the progress they have registered is evident and lessons can be drawn from their experiences.

50. The common lessons from their experiences with respect to diversity management include; (1) the institution of democratic governance under a leadership that recognized its historic role and committed itself to advancing public interest instead of self-interest¹³; (2) reconciliation of the modern and traditional institutions of governance, which may be essential in transitional societies; (3) regular consultation between state leaders and identity leaders in order to promote state-identity relations; (4) the establishment of electoral systems designed to bring about equitable representation of minority identities in parliament; and (5) institution of various programs in order to address inequalities, although a lot more needs to be accomplished (Carroll, 1997; Samatar, 1999).

Policy Recommendations

51. On the basis of the lessons from the relatively more successful cases and our theoretical framework, which has identified the key sources and causes of the diversity-related conflicts (section three above), the following recommendations can be made to augment those already made by the CRM.

- Reconciling the parallel institutions of governance so that the traditional institutions of property rights and conflict resolution mechanisms, which already are widely operational, are respected and upgraded as needed.¹⁴ The countries that have made progress in diversity management, such as Botswana and to some extent, South Africa, have made notable effort at reconciling the parallel institutions and also in regulating the traditional institutions. The CRM has also made this recommendation in several cases. There are a number of reasons why institutional reconciliation is indispensable. One is that marginalized groups and rural communities can be integrated into more active political, economic and cultural life within the context of institutions that they can relate to.
- Adopt the consensus-based decision making system as much as possible. Until economic diversification and the development of civil society create social identities, which counterbalance primordial identities, political parties are likely to be expressions of ethnic or religious identities even when they are not overtly organized along the lines of such identity markers. Under the circumstances it is imperative that key decisions are made utilizing the traditional consultative approach of consensus building among a wide range of stakeholders, including political parties. Avoiding, as much as possible, the winner-take-all approach to decision-making and basing key decisions on consensus implies contextualization of the institutions of democracy. It is likely that such contextualized approach to democracy would serve as a

¹³ *The contributions of leaders, such as Sir Seretse Khama and Nelson Mandela to the progress their countries have made can hardly be overemphasized.*

¹⁴ *The Nigerian APRM report notes that traditional authorities are excluded from participating in politics in order to shield them from the divisiveness of politics. Traditional institutions of conflict resolution and property rights can still be applied even if traditional authorities do not participate in the political process.*

venue for diversity management instead of fostering conflict, which has become common occurrence during elections.

- A new economic strategy, which addresses the problems of fragmentation of the modes of production and uneven development by narrowing the gap between rural and urban areas, needs to be charted. In contrast to the development approach projected by the neoliberal doctrine, the role of the state remains critical in transitional societies, such as those in Africa. The specific policy measures of such a strategy would include poverty alleviation, equitable distribution of public services, and promotion of economic diversification, especially in the poorer areas in order to reduce the problem of uneven development. Governments have to assume these tasks, which are not areas of strength of the market mechanism.
- Creating an atmosphere conducive for the development of civil society, which is critical for the development of social identities across primordial identities is also critical to diversity management. Civil society organizations are important as mechanisms for holding governments accountable and they are also critical for diversity management and nation building by establishing networks across identities.
- Developing strong conflict resolution mechanisms, which utilize the traditional institutions of reconciliation, is also critical in preventing conflicts among identities, between states and identities, and among states from escalating into violent conflicts. Such mechanisms need to be strengthened at the local, national, regional, and continental levels.
- Promotion of inclusive narratives and socialization mechanisms are also useful devices for diversity management provided that they are accompanied by real commitment and effort on the part of governments to address grievances. In the absence of concrete effort, however, such narratives would likely be a source of cynicism.
- Beyond economic benefits, regional integration can also serve as a useful tool in diversity management. It has the potential to reduce the burden of identities fragmented into different states by allowing them freer engagement with their ethnic members across boundaries. In the case of marginalization of fragmented ethnic groups, changes that may take place in one country are unlikely to be sufficient to stem out the problem of conflict. In such cases a sustainable solution of the problem is likely to require a regional approach.

52. Identity-based rebellions in some cases may be led by extreme elements who do not necessarily command support from identity groups that they claim to represent. Such groups may simply be war profiteers who have no interest in peace or in the liberation of marginalized identities. The LRA of Uganda seems to have degenerated to such a situation. Such groups, however, can be isolated if the government wins the support of the marginalized identity groups. Without a base of support it would be hard for such rebel groups to exist for long, especially if regional neighbors also effectively deny them external support.

53. In conclusion, diversity management is indispensable for socioeconomic transformation. It is a requisite for nation-building, which entails integration of the different identity groups into a community of citizens under a shared system of institutions. It is also both a requisite and an outcome of state-building, which involves building up state institutions so that they are effective in advancing the security and socioeconomic wellbeing of citizens. For obvious reasons, state institutions cannot become effective under conditions of diversity-related divisions and conflicts. Moreover, without effective diversity management, which facilitates nation-building and state-building, neither democratic governance nor economic transformation is likely to succeed. Needless to say effective diversity management is a critical building bloc in the socioeconomic transformation of African countries. As noted, instituting the changes in governance structures, which are essential for fostering proper management of diversity, is difficult. However, African countries have little choice but to face up to the challenge.

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