Conflict mobility and the search for peace in Africa

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Gerti Hesseling discussed the importance of the role of the state in conflict resolution and peace building from a legal perspective in her inaugural address in 2006. This chapter reflects on the discussions Mirjam de Bruijn had with her while preparing a course at Utrecht University on the relationship between state/constitutional law and the mobility of conflict. It also considers some of the initial research findings of the Consortium for Development Partnership (CDP) that was set up in 2004 during Gerti’s time as director at the ASC to research issues related to conflict and peace building in Africa. The solution suggested by Gerti to overcome the apparent contradictions between state and peace building was that the state in Africa should be more flexible in adopting new elements. It had, in her view, to become a so-called ‘living state’. We argue that whatever state there is, it will always face challenges in containing conflicts as these are by their very nature mobile and transgress borders and levels. How flexible can a state and state law be, and can it contain conflicts? The chapter concludes by elaborating on efforts made to regionalize the state in West Africa by, for example, the establishment of ECOWAS.

Introduction

In Gerti’s inaugural address¹ at Utrecht University in November 2006, she proposed a legal perspective to understand the relationship between the state and conflict and peace building. Her initial ideas on conflict in relation to the

¹ The lecture was entitled Vrede en recht kussen elkaar (Peace and the Law/Constitution Kiss Each Other). See Hesseling (2008).
state generated lively discussion and formed the basis for a course she developed for Utrecht University and that Mirjam was invited to participate in.\(^2\) The Consortium for Development Partnership (CDP), initiated in 2004 while Gerti was director of the ASC, is a network of researchers from North America, Europe and Africa that are based in various locations in West Africa where they are working on issues of governance in Africa.\(^3\) One of the CDP’s sub-projects\(^4\) came up with the term ‘conflict mobility’ to highlight how conflicts travel and ignore state borders, thus complicating state involvement in conflict resolution. Gerti’s conviction that the constitutional state was crucial in solving conflicts contradicts this idea of travelling conflicts. Gerti was not always convinced of these ideas about conflict mobility and nor was Mirjam always sure about her strict interpretation of the state and law. They were both trying to follow Scott’s thesis that ‘seeing like a state’ could not solve the problems they encountered. However, for Gerti, the solution was to develop a more apt state apparatus, while Mirjam argued that it was important to find a different conceptualization of conflict and one that might not be captured by any form of state control. This chapter summarizes the discussions that could have developed in the clash between the idea of the constitutional state and conflict resolution in relation to conflict mobilities. It presents the initial findings of research on conflict mobilities and peace in Africa but does not (yet) offer a complete overview or a theoretically decisive analysis. These thoughts are still in the process of being fully developed.

State and conflict

The ‘constitutional state’ was a central concept in Gerti’s analysis of African societies and their functioning, and she questioned the problems surrounding peace building and conflict in Africa from the perspective of the state, pleading for a peace building approach that would hinge on the establishment of a well-functioning constitutional state. But what should this state then be? And to what kinds of conflicts would this state have answers? Gerti was referring to conflicts within state/national borders and in her inaugural lecture she presented exam-

\(^2\) Gerti only gave this course once before she became ill and Mirjam took over its coordination.

\(^3\) For more details, see http://www.ascleiden.nl/Research/ConsortiumForDevelopmentPartnerships.aspx and http://www.codesria.org/spip.php?article193&lang=en

\(^4\) Eghosa Osaghae, a political scientist and Vice Rector of Igbinedion University, Nigeria, and Mirjam de Bruijn, an anthropologist and Professor of African Studies at Leiden University and a senior researcher at the ASC, have been coordinating this project since 2005.