

Conflict transformation: the role of NGOs, Building peace: society- State mechanisms, The study of Reconciliation committees in Egypt

تحويل الصراع: دور المنظمات غير الحكومية ، بناء السلام: المجتمع - آليات الدولة ، دراسة لجان المصالحة في مصر

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Abstract

NGOS have been active in the Egyptian society for more than thirty years. President Sadat policies of giving more room for private sector in the economy in the seventies went hand in hand with giving room for NGOs to work. The increasing withdrawal of the state from services such as education and health, and the worsening of economic conditions forced/enabled NGOs to play increasing roles in providing services and charity.

NGOs gradually became important actors in development working in under-developed areas, trying to alleviate poverty and better the living conditions of the people.

Upper Egypt (south of Egypt) has the lowest development rates and it embraces the poorest villages all over Egypt. Apart from poverty and under-development, local societies suffer from different problems; i.e. social violence. Tensed relations

characterize social interactions whether based on gender, tribal affiliation and/ or religious affiliation. This paper is going to discuss efforts exerted by NGOs in conflict management/transformation.

Role of NGOs in conflict management/transformation is of two folds; the first is direct actions taken in case of erupting conflicts such as stop the escalation, providing relief to the victims, mediation and conciliation. The second fold is studying roots of the conflict, different social mechanisms used to counter the conflict and potentials for aborting violence and conflict. Looking at the case in Egypt, NGOs practice the first fold of its role with relative success, yet nothing is done in the second part. The aim of this paper is to discuss potentials for integrating both folds and empower research in this respect. The paper will draw on a specific case study of the Regional center for Mediation and Dialogue (formerly known as the center for Conflict Transformation and Democratization).

Key words: conflict transformation, NGOs, Reconciliation committees, peace building.

المستخلص:

تنشط المنظمات غير الحكومية في المجتمع المصري منذ أكثر من ثلاثين عامًا. إن سياسات الرئيس السادات لإفساح مجال أكبر للقطاع الخاص في الاقتصاد في السبعينيات سارت جنباً إلى جنب مع إفساح المجال للمنظمات غير الحكومية للعمل. حيث أدى الانسحاب المتزايد للدولة من الخدمات مثل التعليم والصحة ، وتدهور الأوضاع الاقتصادية إلى إجبار / تمكين المنظمات غير الحكومية من لعب أدوار متزايدة في تقديم الخدمات والأعمال الخيرية.

فأصبحت المنظمات غير الحكومية تدريجياً جهات فاعلة مهمة في التنمية تعمل في المناطق المتخلفة ، في محاولة للتخفيف من حدة الفقر وتحسين الظروف المعيشية للناس.

يتمتع صعيد مصر (جنوب مصر) بأدنى معدلات التنمية ويحتضن أفقر القرى في جميع أنحاء مصر. بصرف النظر عن الفقر والتخلف ، تعاني المجتمعات المحلية من مشاكل مختلفة ؛ أي العنف الاجتماعي. تميز العلاقات المتوترة التفاعلات الاجتماعية سواء على أساس الجنس أو الانتماء القبلي و / أو الانتماء الديني. ستناقش هذه الورقة الجهود التي تبذلها المنظمات غير الحكومية في إدارة / تحويل الصراع.

دور المنظمات غير الحكومية في إدارة / تحويل الصراع ذو شقين ؛ الأول هو الإجراءات المباشرة التي يتم اتخاذها في حالة نشوب النزاعات مثل وقف التصعيد وإغاثة الضحايا والوساطة والمصالحة. الجزء الثاني هو دراسة جذور الصراع ، والآليات الاجتماعية المختلفة المستخدمة لمواجهة الصراع وإمكانيات إجهاض العنف والصراع. بالنظر إلى الحالة في مصر ، تمارس المنظمات غير الحكومية الجزء الأول من دورها بنجاح نسبي ، لكن لم يتم فعل أي شيء في الجزء الثاني. الهدف من هذه الورقة هو مناقشة إمكانيات دمج الطيات وتمكين البحث في هذا الصدد. ستعتمد الورقة على دراسة حالة محددة للمركز الإقليمي للوساطة والحوار (المعروف سابقاً باسم مركز تحويل الصراع وإرساء الديمقراطية).

الكلمات المفتاحية: تحويل الصراع ، المنظمات غير الحكومية ، لجان المصالحة ، بناء السلام.

Introduction

Egypt has been going through mega transformations on the social, economic and political levels for more than two decades. Reasons and types of these transformations are beyond the scope of this paper; nevertheless, it is important to highlight the increasing levels of conflicts and violence in the Egyptian society. Meanwhile, the Egyptian State has gone through sever structural problems in terms of governance, transparency and efficiency in government institutions. There has

been a high level of insecurity felt among Egyptians, especially amongst communities that are socially or geographically marginalized. The last four years have been characterized with challenges facing the government is dealing with security issues and social conflicts emerging in different locations across the map.

NGOS have been active in the Egyptian society for more than thirty years. President Sadat policies of giving more room for private sector in the economy in the seventies went hand in hand with giving room for NGOs to work. The increasing withdrawal of the state from services such as education and health, and the worsening of economic conditions forced/enabled NGOs to play increasing roles in providing services and charity.

NGOs gradually became important actors in development working in under-developed areas, trying to alleviate poverty and better the living conditions of the people.

Upper Egypt (south of Egypt) has the lowest development rates and it embraces the poorest villages all over Egypt. Apart from poverty and under-development, local societies suffer from different problems; i.e. social violence. Tensed relations characterize social interactions whether based on gender, tribal affiliation and/ or religious affiliation. This paper is going to discuss efforts exerted by NGOs in conflict management/transformation.

Role of NGOs in conflict management/transformation is of two folds; the first is direct actions taken in case of erupting conflicts such as stop the escalation, providing relief to the victims, mediation and conciliation. The second fold is

studying roots of the conflict, different social mechanisms used to counter the conflict and potentials for aborting violence and conflict. Looking at the case in Egypt, NGOs practice the first fold of its role with relative success, yet nothing is done in the second part. The aim of this paper is to discuss potentials for integrating both folds and empower research in this respect. The paper will draw on a specific case study of the Regional center for Mediation and Dialogue (formally known as the center for Conflict Transformation and Democratization).

Accordingly, we will discuss the topic through four sections:

- 1- Opening remarks on definitions and concepts used.
- 2- Overview on the relationship between customary laws and modern State on the theoretical level.
- 3- Discussion of relevant literature on international experiences of different reconciliation committees.
- 4- Discussion of the Egyptian experiences in action, as well as the role executed by the research team working with Regional Center for Mediation and Dialogue.

Setting the conceptual ground:

It was crucial for the research team to prepare the theoretical and conceptual grounds before starting implementing the project. Exploring definitions of terms and concepts used in the paper and their limitations was part of achieving cognitive common ground between research team. Reaching common understanding, not

common consensus, amongst the team was important to facilitate group discussions, brainstorming sessions and the final writing of the project.

Definitions of concepts such as custom and reconciliation, phenomena such as violence were discussed in number of brainstorming sessions and the following are the common understanding among the research team that constituted the conceptual framework.

Custom: it is highly important to distinguish between custom as used in the legal and jurisdiction realm and custom as used in the society. In legal studies, custom is considered a source for legislation and/or court rulings (in common-law systems); while in other legal codes (such as the Latin code), custom does not enjoy the same status. On the ground, custom means to the local people and to reconciliation committees the code of ethics that rules the society. This code of ethics is based on tradition, their understanding of religion, balance of power and their own understanding of justice and the role of the State. This dual understanding of custom is also applicable in the Egyptian case. The history of legislation and jurisdiction in Egypt have always dealt with custom as a complementary source for jurisdiction, especially in commercial courts. Moreover, custom as understood by the mediators and members of reconciliation committees is more of the code of ethics.

Violence as a practice and term also needs more attention. According to the World Report on Violence and Health; violence is "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or

community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation."⁽¹⁾ There are different levels and layers of violence, and it could be practiced on individual level as much as on group/community levels and national level. While modern State is supposed to monopolize the usage of violence, societies never ceased to use it in different forms and scales. Thus, research team adopted a definition of violence that entails not only the threat of usage of physical force, but also the perception of the threat. In other words, the perception and anticipation of violence is also an important element in the study of violence on the individual and the societal level, yet it is understudied in the literature. The importance of this element will be reflected in discussing the issue of religious violence in the Egyptian case.

Different forms and levels of violence entail different forms and levels of conflict as much as different levels and forms of responding to them. Historically speaking studies focused on conflict resolution aimed at reaching out a final resolution for conflict on terms of causes, manifestations and results. Starting in the 90s of the twentieth century, it became evident that eradicating violence is unreachable goal, efforts on the ground and theoretically started discussing conflict management and conflict transformation⁽²⁾. The goal was to make conflicts more rational in terms of violence, intensity and outcomes. This approach is dealing with conflict as an inevitable form of human interaction, thus it is important to think of methods and tools to decrease the usage of violence, and in case of its eruption, different tools to make it less costly to people and countries. Noteworthy, both approaches

(conflict resolution and conflict transformation) tried to develop tools providing early warning methodologies and tools to help researchers and societies to avoid and /or transform conflict at early stages. The important question in this regards is to determine and differentiate amongst the abovementioned forms and levels. This differentiation should be done on the level of the society in question and on the level of the research team. In other words, are local societies aware of these levels and forms and which one(s) reconciliation committees are dealing with? Research team agreed to deal with the concept of conflict management and transformation. They also agreed that the research would also focus on different forms of violence (individual and communal levels).

It is also very important to refer to the legal and judicial structure in modern State of Egypt. It is established that the legal code of Egypt stems from the Latin paradigm that place constitution and laws on top of the ladder of codifying court rulings. Islamic Shari'a also comes as a source for legislation and customs comes at the bottom of the ladder and could be used at the minimum and in certain cases (mostly commercial laws and not the criminal laws). This point is important in understanding the relationship between the State and customs in Egypt and potential for developing this relationship. A further discussion on the relationship between laws and custom will follow shortly.

Finally, research team paid special attention to the construction of the modern State in Egypt since Mohamed Ali (early 19 century). Ali in his construction of the modern State institutions adopted the modernist and "secularist" version of State institutions

as adopted in the French system. This approach was accompanied with serious attempts to modernize the traditional society in Egypt through education and other measures. Due to a number of complicated and overlapping factors the ability of the Egyptian State to reach out for all segments and local areas remained relatively restrained, thus modernization process remained un-rooted in the society. Traditional affiliations and traditional codes remained valid and effective in peripheral and distant areas from Cairo; i.e. the capital. Though the overall assumption of Egypt as a modern State is relatively valid; periphery- center relations are imbalanced and in favor of the cosmopolitan cities. Acknowledging this would help us understand the relationship between State organs and traditional reconciliation committees.

Customary laws and modern State:

History tells us that modern States are a relatively new phenomenon compared to other forms of human gatherings and interactions. Different theories try to explain and justify the emergence of modern nation State. The British philosopher John Lock does not consider establishing the State as a positive phenomenon, yet it was an unavoidable development. According to Lock people lived in State of nature happily and contently. Custom was the code ruling the people in this stage; yet the problem was that people lacked a clear definition on the custom code, a clear defined authority to judge between people and a clear defined authority to implement the rulings and maintain order and peace. Thus, people created the State with this imbedded conflictual relationship between the State and custom.

Modern State, in theory, controls all the social actors, monopolizes the use of force, applies the law, and thus it practices sovereignty over the land and the people. The question remains about different forms of interaction with the different customary code(s) of local societies.

Laws and customs have a very interactive relationship; while "All law begins with custom"⁽³⁾, the interaction between the two becomes more sophisticated depending on the type of legal system the country depends on.

Most of the world countries adopt civil law systems, like France, Germany, Belgium, Luxembourg, Italy, Spain, Austria, Switzerland, Portugal, Greece, Turkey, Japan, South Korea, Taiwan., Sweden, Denmark, Norway, Iceland and China. While the common law system is applied in England, the United States, and most of Canada."⁽⁴⁾ Noteworthy, each one of them treats customs differently.

In common law systems, custom becomes indispensable source for judicial rulings. Along with judicial precedence, they constitute the base for legal codes in these countries. The flexibility and ability of customs to adopt to new interpretations and changing conditions allow these legal codes to be more responsive to the needs and understandings of the people.

Nevertheless, this same nature of custom is a source of problems. Custom could be ambiguous and could be interpreted differently by different people. As much as this ambiguity gives room to the judge to interpret realities in different ways, it also opens the door for interpretations that are more responsive to societal balance of power.

The powerful groups of a certain society, as the chiefs, leaders or men of power, might manipulate interpreting customs into legal rulings. They can influence the process of ruling upon custom. Equity, justice and equality can be threatened. "Since customary law in preliterate cultures is definitely unwritten, it falls to (keepers) of custom to maintain its integrity and substance – and to apply and enforce it."⁽⁵⁾ This actually brings to question to idea of serving justice in the society. Justice is not about respecting existing balance of power within society, it is about serving and protecting right regardless of the position and/or the affiliation of the person. The saying “justice is blind” reflects this understanding of the role of justice within societies.

The civil law systems adopts a different approach to custom. In general, custom is not a major source of the laws in these countries, yet this does not exclude it from influencing the legislation and the judicial processes. In certain cases, customs became integral part of the law when it became codified and written within the legal texts. Moreover, modern legal systems are influenced by the Roman law, which in turn was much influenced by custom. As Bederman refers to that point, saying: "the Western customary law tradition is a cultural and historical construct that begins with Roman law, continues with its first reception in medieval Europe, and then climaxes with its later intellectual revival and transformation in the nineteenth century."⁽⁶⁾ In other words, customs (as unwritten codes) and law (as codified and written laws) have an interchanging relationship. In common law systems, customs are a source of the legal code of the State, while in civil law systems the relationship

becomes more complicated as the customs are not source of laws; but they influence the process of making it. Thus, customs are transformed into written legal codes.

Shari'a, custom and modern State:

In Islamic contexts, relationship between custom and modern State becomes more sophisticated. A new element has to be integrated in the discussion; i.e. Shari'a. Islamic jurisprudence has a different understanding of the role played by custom in the legal code and the lives of the people living within an "Islamic State" and/ or "Islamic society".

Shari'a according to Islamic jurists is the combinations of rulings and orders revealed to Moslems by Allah in the Quran in order to lead them in their lives. Amongst almost all Islamic schools, there is agreement on the following as sources to derive rulings of Shari'a; Quran and Sunnah of the prophet, Consensus of the Jurists⁽⁷⁾ and Juristic Analogy⁽⁸⁾, as primary sources of legislation. Custom, juristic preference and juristic precedence are not considered as primary sources of Shari'a and to some jurists are not taken into consideration when discussing the issue. "Muslim jurists initially incorporated custom under other generic concepts such as the tradition (Sunnah) of the Prophet, consensus of the jurists (ijma'), or even juristic preference (istihsan)."⁽⁹⁾ In this case, custom was used as an *ad hoc* legislation, which still used in the modern States under the name of: *arbitration*.

The common understanding of custom is that it reflects the deeds of the ancestors. These deeds were not totally rejected by Islam. On the contrary, Islam endorsed

some of them while rejecting others. The bottom line was how much these deeds were in accordance with the holy text; i.e. the Quran. Most of the Islamic jurists concerned about custom as a source of legislation, and paid a lot of attention to the practices of the people as way to legalize certain customs, especially Al-Malikya and Al-Hanfaya jurists⁽¹⁰⁾. "In a sense, the history of the Islamic legal tradition can be seen as a documentation of the encounter between Shari'a and the different regional customs. Through renewal and reform, the jurists strove to accommodate agreeable customs and combat disagreeable ones."⁽¹¹⁾

The issue of shari'a integration into the legal system in Egypt is a long and difficult discussion, and actually, it is less relevant to the scope of this paper. Shari'a is more relevant on the conceptual level of the reconciliation committees. In most cases of reconciliation, there is a belief that the rulings are according to shari'a. Whether this belief is true or not is only part of the problem. It is more important to understand the interactive relationship between the local communities understanding of justice and their tendency to resort to shari'a as a source for their verdicts.

Custom and Human Rights:

Our understanding of custom implies that it is the precedence of rulings and deeds in a certain communities. Thus, the relationship between custom and modern understanding of Human Rights might be a little bit controversial. The international Declaration of Human Rights might not be in accordance with some of the customary codes in certain societies. Many factors attribute to this assumption.

First, modern definition of Human Rights is based on a modernist understanding State, society and citizenship. In pre-modernist societies and / or developing countries, these concepts are not as rooted as in other communities. Second, custom in most cases is a societal mechanism to maintain order/stability and restore them in cases of crises. Thus, it reflects status quo and existing balance of power. Though not the case all the time, yet custom may not protect the value of justice as perceived by the marginalized/ fragile groups within the society⁽¹²⁾. Third, modern definition of Human Rights is allegedly context free; it is supposed to be universal; i.e. representing different cultures and contexts. Nevertheless, globalization in this regard is feeding the feelings that what is universal is not representing everybody; rather it is representing the powerful and more influential. In other words, the domestic characteristic of custom as representing the balance of power with the respective society is also the characteristic of international Declaration of Human Rights; it represents the existing balance of power.

International experiences on reconciliation committees and building peace:

Violent conflict, peace building, conflict transformations, lack of social cohesion, etc. these are all concepts used to describe societies with high levels of violence and tensions. Conflict is a human and natural phenomena, yet civilization and modernization has been trying to assert certain notions about conflict as being a repulsive conduct. The main issue in this regard is how different societies are able to manage their differences in non- violent manner, and if usage of violence

becomes inevitable, how societies can manage violent conflicts in less violent and more rational ways.

Civil wars and ethnic violence are the most common types of violence that would emerge in societies. Attempts for conciliation appear in post conflict societies and in certain cases, a greater role is given to traditional reconciliation committees to bring back peace to their respective societies.

Based on literature review of number of cases in Africa and South America, we can make the following remarks.⁽¹³⁾

- Most of the cases reviewed are of an open conflict nature. Some of these experiences lasted for years and were extremely violent. In certain cases, conflict involved ethnic cleansing and/or civil wars. None of the reviewed literature included cases of long protracted social conflict and /or civil fighting (a lesser degree of violence in terms of intensity, scope and/or number of involved parties). Also all available literature is about the role of traditional reconciliation committees in post-conflict societies. Not much is mentioned about the traditional role of these committees before the conflict. In other words, these committees must have been active and functional in their respective societies and known to have social influence within their communities. Nevertheless, what is distinct about these committees is the new formula of relationship/ interaction with the “modern” State. There are unanswered questions about how these committees emerged and developed, social balance of power, mechanisms of deployment and enforcement.

- The composition of these committees and their sources of power is an important indicator on the relationship between these committees and the State on one side and their societies on the other side. It is also important on their prospected future within the development of modern State. Literature reveals that composition of these committees heavily relies on the elders of the society. Those elders drive their strength from three sources; first is the materials and resources available at their disposal, granted to them by their local societies and/or the State. Second is their ability to invest in networks outside their local societies and use these networks when needed. Third, is their alleged supernatural powers and black magic. Women and youth are excluded from reconciliation committees, while being subject and victims of the conflict especially violent ones; they are not part of the committees⁽¹⁴⁾. They are seen as partners in society, yet not heard as partners in rebuilding peace. In cases of mediation in familial disputes, the mechanism, justification and composition of the committees are different. A case study of Nepal reveals that resorting to reconciliation committee in societal disputes is a result of complexity of the legal system, its ineffectiveness and /or inaccessibility, in terms of money and time, of the locals to the national legal system. ⁽¹⁵⁾

- The issue of State strength or failure is important in examining and understanding the development of the conflict and its aftermath. in other words, in most cases the State was either failing or failed States, thus State institutions are either malfunctioning, weak and/or do not exist, thus giving a greater -much-needed- role to traditional reconciliation committees. Noteworthy, there is a role played by

international agents; i.e. States and /or regional and international organizations. Building peace efforts required the work of many players some of them are outsiders to the conflict. the role played by outside players ranged from capacity building for teams involved in committees, logistic aid and legal training, mediation between conflicting parties (to bring them to reconciliation, but leave the process completely to indigenous players). Interestingly, international/regional players have been affected by these local experiences. Murrey (1997) have explicitly stated how engaging in observing local community's dynamics in dealing with conflicts have affected his earlier understanding of "western" conflict resolution approaches. ⁽¹⁶⁾

- In most of the cases reviewed, the goal of the reconciliation committees was to re-integrate the defendants back into society. Therefore, they applied different mechanisms to save the face, forgiveness from the victims and their families, acknowledgment of the guilt by the person(s), tribe(s), institution(s), etc. The urging need to build peace in post- conflict societies sometimes led to neglecting, downplaying, ignoring achieving justice. It was more approachable to reach conciliation and deciding to move on, thus potential for re-emerging of the conflict still existed. In cases like in Hawaii, closure of the conflict was manifested by burning down all documents related to the conflict except consensus agreement and the follow up documents, turning eyes from the past and **choosing** to move on, yet, structural problems in the respective society in addition to economic and political problems are embedded causes of future - potential conflicts.

- It is important to highlight the issue of balance of power and the application and work of these committees. In most cases customs are reflection of a certain balance of power (gender, economic, tribal, political, etc.), justice could be served but not always. The question remains open about the role of these committees in maintaining / changing the balance of power. Whether they want, can and/ or need to change it.⁽¹⁷⁾

- Literature also revealed that the ability of some reconciliation committees to address national conflicts with relative success was connected to the process of categorizing conflicts. This process allowed assigning certain committees, with certain level of expertise, to certain types of violent conflicts. This process of deconstruction also helped in discovering the embedded roots of the conflict; socio, economic, cultural and/ or political. In some cases, this categorization helped in differentiating fronts of the conflict, meaning that the conflict continues on some fronts while efforts for reconciliation become effective on other social fronts, this would help societies maintain minimum levels of interaction that would be needed in post-conflict phases to build peace. This also help societies to create what is called “constituency for peace” or a greater demand to end the conflict and reach out for solutions.

- Cases of success included an integration of both traditional and modern tools in dealing with conflicts. This integration was based on a respect and understanding local communities and their tradition as well as adopting modern techniques, mechanisms, and personnel to the sensitivity and peculiarities of the respective

society. While attempts to incorporate modern insights and tools into traditional ones are relatively acceptable way of interaction between the old and the modern, attempts to harshly changing the traditional ways in the name of modernity, State, even justice would only result in collapse of the whole process.

- Successful cases also included at least the following steps: taking time to talk things out and talk to different parties of the conflict. Dealing with the root causes of the conflict and not only the symptoms. Being oriented towards consensus not majority. Promoting relational interdependence amongst parties of the conflict and their respective society. Adopting sensitive approach to the change of attitudes, values and perceptions of the local societies towards issues of justice, equality citizenship (structural change) etc.

Experiences from Egypt:

The main goal of the research team in this assessment was to acquire a better understanding of the work of reconciliation committees as well as discovering tools and mechanisms to enhance their relationship with the society/State, and their work techniques. In the coming few pages we will be discussing different experiences from Egypt. Research team started with an attempt to map existing reconciliation committees based on geographical division; i.e. studying experiences from different parts around Egypt in order to discover patterns, similarities and differences. Nevertheless, conducting fieldwork to achieve this goal was not possible given the political conditions in Egypt.

Therefore, the team decided to focus on two levels; first, the institutional level through which reconciliation committees interact and function. Second, examine previous research experiences of working in Upper Egypt and Sinai and attempt to identify patterns. The goal of this section, in addition to mapping, is to pin point needs and potentials for support and enhancement of these entities' work.

There are two main types arching the work of (semi) institutional reconciliation committees in Egypt. The first is the local committees formed in case of crisis and mostly do not have permanent membership. The second is the more formal committees formed under the auspices of the governorates, these committees combine formal membership of representatives of the State and local leaders. Along with these governorate committees, there are two important entities on the national level. Beit – elEila (House of the Egyptian Family) and Shura Council of Arab Tribes. However, the two entities are not exclusively working on mediation, some of their members are prominent figures involved in efforts of mediations on different levels. Beit– elEila is engaged in efforts of religious discourse renewal and promoting inter–religious relations. The Shura council is more involved in networking tribes on the national level and securing better representation for them in decision–making.

Mapping the hierarchy of individuals engaged in mediation and reconciliation in Egypt, there are three levels of actors. First is the lords; the most prestigious category. They enjoy high reputation nationwide; they do not necessarily belong geographically to the area and or parties of the conflict. They use their prestige,

ability to influence, connections with State's institutions and personnel, personal skills and ability to negotiate and reach out to different parties of the conflict to seal the deal. In other words, they do not involve in the details of the mediation process but they are the ones used by the partners and they use the partners to make the final scene of the conflict resolution/ management.

Second category is the princes or the regional local powerful men, they are more involved in the conflict, and they have better access to the local communities and better understanding of the localities of the situation. They have good access to State institutions on the local level and a functional network with circles of influence in their respective societies. Some of them might be members in the formal reconciliation committees formulated by the government.

Third category is the warriors; by them, we refer to those active on the ground. Usually they belong to the conflicting communities or neighboring ones. They depend on their local network and accessibility to the different parties as well as other groups in the society. Those people are the ones engaged with the long, tiring, detailed and challenging process of negotiation and mediation, yet the success is usually accredited to the lords and sometimes the princes. They do the hard work of the conciliation out of a sense of a mission and duty towards their societies and/or dire demand for restoring peace after violent confrontations of different levels. The warriors are the most to be influenced by balance of power within their societies. The urge to downplay the conflict and reduce violence is more than the urge to achieve justice and / or order. This actually brings to discussion

issues of justice vs. order and how social balance of power interplay with reconciliation efforts and customary rulings.

Beit – EIEila and Shura Council of Arab Tribes:

Each one of the two entities represents a unique experience in sense of its relationship to the State on the one hand, and to the society on the other. The Grand Sheikh⁽¹⁸⁾ proposed the formulation of Beit – EIEila in 2010 to deal with religious conflict and abort any escalations. In 2011, after the eruption of several religious clashes, Prime Minister Essam Sharaf issued an executive order with the establishment of the entity. On the other hand, The Shura council for Arab Tribes had a different context of beginning. With the political and security developments in Egypt in the aftermath of the revolution in 2011, the Egyptian State was facing increasing number of threats to national security. Some of these threats had regional and/ or international implications with instability on the Western borders with Libya. Other sources of threats were increasing with high levels of social violence, expanding of illegal weapon trafficking and illegal activities of terrorists groups in Sinai and other governorates. Thus, the State institutions promoted the idea of forming a council to gather Arab tribes and communicate with them different approaches to deal with the abovementioned threats.

The organizational structure of both entities is based on establishing regional offices to cover the national level. Beit–EIEila has nine regional offices in eight governorates Alexandria, Port Said, El–Beheira, Beba, Beni– Seuf, Menia, Malawi, Hurghada and Luxor. While Shura council adopted a different approach in

representing Arab tribes in membership. It adopted a division of 6 areas that have to be represented in the council. These areas are; North Sinai, South Sinai, West Sahara (includes Alexanderia, Matrouh, Beheira, Natroun Valley, Fayoum and Siwa), Upper Egypt, Greater Cairo and East Delta (Sharkeya and Suez).

It is obvious from the division that both entities paid more attention to governorates distant from the capital. More weight is given to governorate with either more tendency to face religious tension or more presence of tribal affiliation. The main question in this regard is does this relative representation reflect an increasing awareness on the level of the State of more control on the periphery. Alternatively, does it reflect a tendency to more equal representation of these areas in issues that are more important to them? The recent history of both entities does not enable us to answer these questions. Yet, there are certain indicators that can help us reading their future. Throughout discussions with local actors, members of the two entities and officials, there is a lack of vision of the role parameters. It is unclear if the role is to complement the role of the State, to make up for the inability of the State to intervene, or is it competing with the State. It is also unclear what their future role is and how to regulate their relationship with state institutions. It is also significant to notice the politicization of their role. Religious conflicts are very sensitive issues. One of the major implications of the recent political developments in Egypt is the increasing politicization of the issue. Due to the social and political polarization, both Beit- EIEila and the Shura council use too much politics in their work (there are increasing inter-conflict amongst members on issues of political

affiliation backgrounds), different political actors who need to achieve political goals also use them. No serious efforts are exerted in building social peace; most of the activities are managing conflicts and stopping escalation rather than tackling the roots of the problems.

Moreover, Beit ElEila seems to have a more sophisticated organizational structure. In addition to the regional offices, a board of trustees is responsible for drawing the public policy of the organization. The executive council is responsible for running the affairs of the council and it has eight committees following up on the implementing the decisions of the council. These eight committees are receiving suggestions, education, family, religious discourse, media and public relations, youth and development, emergency and finally a special committee for following up. The case of the Shura council is unstructured. The council depends of the high profile members in executing tasks of mediation and/ or arbitration. There is no clear logistic personnel and/or resources allocated for the council.

The Shura council depends on its members to finance and support its activities, thus high profile members are more influential and they can influence the agenda of the council and its relationship to different State institutions and society formations. Beit- ElEila does not have official support on the financial level. There is a bank account to receive donations for the activities; also, the organization might receive in-kind support from different State organizations implementing joint programs. Thus, there is a problem of unsustainability of resources. Even in case

of available resources, influential members might be able to influence the allocation of resources based on their societal preferences and/or affiliation.

We need to differentiate between members of both entities and their official /formal structure. Members in both entities are mostly natural local leaders; thus, they are capable of reaching out to their communities and affecting them. In cases of crisis, members can invest on their social capital and reach out a solution. This solution might not tackle the roots of the problems⁽¹⁹⁾; yet they can stop escalation and bloodshed. In a recent crisis in Aswan, a conflict erupted between members of Daboudia (Nubian tribe) and Helaliya (Arab Tribe). As usual, the ignition factor is not clearly determined; rumors say a conflict between high school students. Nevertheless, the violent was a manifestation of long protracted conflict between the Arabs and the Nubians from the sixties (the building of the High Dam in Aswan and the migration of Nubians from their home -land). Deteriorating economic conditions along with political instability and lack of security added to the fuel and number of citizens lost their lives in the conflict. Escalation of the violent was extremely alarming, members of both tribes were represented nationwide and the tribes' alliances threatened to spread the violent/armed conflict to other governorates other than the peaceful Aswan. Police forces tried to contain the conflict and made number of arrests on both sides to stop the bloodshed. Local leaders and activists initiated efforts to reach out for influential leaders who can affect parties of the conflict and convince them to stop the bloodshed. Interestingly, the violent stopped with the intervention of figures from the Shura Council for Arab

Tribes, Sufi Sheikhs and the personal engagement of the Ex- Grand Mofti. Parties have reached a settlement for the conflict; paying fines for losses, defendants to stand trials, etc. Nevertheless, roots of the social and economic problems were not tackled.⁽²⁰⁾

Interestingly, both entities are not targeting reconciliation issues per se, yet their membership overlapped and interacted with both governorate committees and informal reconciliation committees. It is also very important to highlight the relationship between these two entities and the State and society. First, those entities started as initiatives from the State to complement the efforts of the government in certain issues. Yet, the government built on the natural and local networks especially in less central areas; i.e. natural local leaders who are capable of influencing their respective communities. Third, most of the members of these entities could be described as the lords and princes discussed above. Warriors are members of sub- national levels. Fourth, it is too early to evaluate the ability of both entities to be major mechanism in solving social problems; but we can stress different indicators that would help us understand their processes. In addition to their relationship with the State and their members and their affiliations. It is important to understand the resources allocated for these entities and kinds of social capital they use.

Challenges facing both entities are multi-dimensional; structure, jurisprudence, internal dynamics in addition to interaction with society.

Both entities suffer on the structure level from ambiguity. Beit- Eleila seems to be more structured than the Shura council is; there is a lot of overlap between different committees and lack of clear definition of job description of each one. There is no strategic vision that can coordinate the work of different committees. The Shura council lacks a formal structure. There is not internal committees assigned to certain tasks. It mainly relies on the ability of membership to initiate actions and/ or activities as well as their ability to use their social network and connections.

Jurisprudence is another challenge to both entities. Islamic/ Christian relations (Beit Eleila) and tribal relations (Shura council for Arab tribes) are also within the jurisprudence and concern of other governmental authorities such as ministry of interior, local governorates and/or media. Overlapped jurisprudence or lack of its clear definition leads to inefficiency in performance and wasting available –yet scarce– resources. Lack of vision in this regard leads to inability of these entities to tackle the roots of the conflict. In most cases, intervention is conflict management rather than conflict resolution or transformation. Therefore, conflicts turn into more protracted nature and is more threatening to social cohesion and democratization process.

Internal dynamics are important, as they could be an asset as much as being a disadvantage in their work. By internal dynamics, we refer to the diversified background of members. This diversified background could help in enriching the experience of different members and expansion of the social capital of the association, yet in times of tension, this diversity could be a sign of dis–unity of the

organization and might negatively affect its work. In the shura council case, though all members are Arab tribes, but there is hidden tension and rivalry between them as tribes and as members. Failing to recognize these differences would not help in developing techniques to counter them. In Beit ElEila the overlap in membership with local governorate, actually add to the, sometimes difficult, internal dynamics. It discussed earlier that there is overlap in membership between Beit ElEila, informal reconciliation committees and governorate's committees. This might create conflict of interest and complicate dynamics.

However, it is beyond the scope of this paper to evaluate the relationship between these entities and their respective local/ national societies. Nevertheless, we can make few remarks. First current social/political polarization in Egypt is negatively influencing the work of these entities especially in cases of crises. It becomes harder to establish or practice a neutral unbiased role, with increasing allegations of certain political affiliation. Second, there is a dire need to establish a clear relationship between custom, laws, shari'a and the State. Ambiguity in this regard is negatively conducive to the relationship with the society. The discussion we had in the first part of this paper becomes essential in this context. Interviews with members in both entities reflected a very controversial relationship between the abovementioned elements. Building peace is about serving justice, and in some cases, it is not served. Third, though we do not have specified numbers of the conflicts between Muslims and Christians. Yet, narratives of conflicts and their managements reflects a great level of absence of justice, laws and State authority.

Cases studied by Human Rights organizations implicitly trace an ambiguous role played by State institutions; i.e. ministry of interior and representatives of local government. In fact analyzing cases of religious nature needs special attention.

Muslim– Christians in Upper Egypt: justice, Shari’a and custom:

There is no statistics of number of Christians in the population. The available numbers are politically manipulated. The government estimates Copts to be around 8%. Yet, the Church estimates the number to be 15%. In addition, there is no statistics available on the number of conflicts between Muslims and Christians and their ratio to the overall conflicts in Egypt.

Three large churches represent the three main doctrines in Christianity. The majority follows the Coptic Orthodox Church while protestant and catholic churches represent the rest of Christians. Exact distribution of followers of each church is not available, and all information available are only estimation.⁽²¹⁾ Christians in Egypt do not live in ghettos; yet there are certain districts, villages and areas are known to have a majority of Christians. The official discourse of the state, the Church and Al-Azhar emphasize social and national unity and tends to downplay the significance of any clashes and conflicts emerging between the “two elements of the nation” i.e. Muslims and Christians.

Social make up of governorate constituting Upper Egypt is important. Arab tribes immigrating to Egypt hundreds of years ago constitute a relatively large number and influential factor in the society. Farmers working in agriculture with no affiliation to a tribe or big families are less on the social ladder and are under the protection

of a big family or a tribe. The relationship with the state is important to understand; the state is present mainly through its security agencies. Governors of most of these governorates have military or police background. Problems with Islamic extremists and terrorist activities during the last decade of the 20th century have added to the inclination of the state to base its relationship with governorates of Upper Egypt on securitization. On the economic level, the main characteristic of Upper Egypt is underdevelopment. Amongst the 1000 poorest villages in Egypt, governorate of Assuit encompass more than 200 villages. For decades, the government is taking about mega projects to develop the area, yet on the ground, little is done.

In most cases examined in Qena and Assuit, there are multiple roots of the conflict. Nevertheless, the point of agitation differs from one case to another. The most common factor is usually an alleged relationship between a Moslem and a Christian (in many cases the female partner is Christian). Discovering this relationship fuel clashes between Moslems and Christians and escalation starts. Noteworthy, that in most cases the root of the conflict is never resolves and tensions erupts occasionally. Mediators in these cases would recommend the evacuation of the Christian family(s). In some cases, the destiny of the girl is unknown (rumors of kidnapping, death and return to the original family). Local leaders met by the research team have emphasized that these cases are very sensitive and related to the local understanding of honor. They justify the evacuation verdict for the whole family of the defendant that it is done for their safety, and number of them said that

when other Christian families decide to leave the place, it is not a result of the verdict, it is the family(s) individual decision. Nevertheless, it is important to emphasize that in several cases of such conflict, increasing number of Christian families decide to leave their home and properties. There might not be a direct threat against their lives and properties, yet the perception of threat and the fear related to that, cannot be ignored or underplayed.

Another interacting factor is the issue of building new church and/or restoring old ones. In cases examined by Human Right organizations and the research team, the story usually begins by demands of Christian residents of a village to build a new church or restore an old one. Government authorities might grant them verbal approval to proceed with the restoration and/or the construction. Local communities in general are not in favor of this process (due to distorted religious discourse). They would try to stop the construction, sabotage the building and/or mobilize the community against it. Tension erupts and in these cases, it is most likely to result in death on both sides. This type of conflict usually attracts media attention and it becomes a matter of public opinion. Usually the escalation of violence ends with publicized meetings amongst government's representatives, Church representatives, and Moslem figures. In these meetings, everybody celebrate the unity of the society and declare reaching an agreement to end the "incidents". Yet, follow up on these cases reveal that no serious solution is reached and tension is likely to re-erupt in the future.

Similar cases erupted in the aftermath of 2011 such as the Marinab Church is an excellent case in this regard. The clashes started with the renovation of an old church in a small village near Edfu, Aswan in September 2011. Christian version of the story emphasizes that Christians in the villages have obtained all legal documents and governmental approval to proceed with the reconstruction of the church. On the other side, Moslems in the village emphasize that there has been no church in the village, it is a house used by the Christians to conduct religious services and that the process of building a church is not authorized. Attempts to settle the conflict failed with the attack on the church by number of Salafis and extremists and the burn of the building. The escalation of the conflict was alarming especially in the months that followed the removal of Mubarak. Developments of the conflict in the capital are beyond the scope of this paper. Yet, several meetings between Moslems, Christians, government representatives, religious figures from the Salafi movement and representatives from the Supreme Council of Armed Forces (the ruling entity during the transitional period) ended with promises by the army to rebuild the church and paying compensation for destroyed properties. This scenario is more or less the same whenever there is an attempt of Christian locals to build or renovate a church. Noteworthy, attempts to regulate the process of building new churches needs a multi-dimensional intervention. The government should regulate the process and liberate it from the political discourse related to it. Religious institutions, especially Moslem should engage in efforts related to radical and extremist religious discourse regarding non- Moslems and their rights and

duties in Moslem communities. Efforts in development and fighting poverty should be enhanced to better the lives of the people and release societal tension.

Other factors of tension between Moslems and Christians in Upper Egypt are more related to economic factors. Some of them are due to poor economic infrastructure and/or poverty in general. The main characteristic of this type of conflict is that they are individual, and rarely have influenced the local community in terms of spreading the conflict to parties who are not directly related to the original conflict.

Looking at different cases of conflict between Moslems and Christians, there are number of comments that we can summarize in the following:

In most cases, reconciliation committees are managing the conflict and attempt to stop its escalation. No efforts are done to prevent the conflict (early warning) and/or conflict resolution or transformation. Skills, resources and networks of members in these committees might not be helping them to do any efforts other than stopping the bloodshed. In other cases, the environment and the root causes of the conflict are beyond the ability of the local communities to tackle.

Composition of committees: we have discussed earlier that reconciliation committees, or rather it is mediation committees, are suffering from overlap of membership with other governmental committees. Moreover, in cases of Moslem/Christian conflicts, there is miss-representation of Christians involved in the conflict. Reports of Human Right Organizations state that in some meetings, the Christian representative is not from the area of the conflict or from a different church. On the other hand, the composition of these committees is a reflection of the imbalanced

power balance in the local society. The concept of a citizenship based on equality before the law is still controversial in Egypt. In cases of conflict, problems of implementing this concept are manifest very clearly. Therefore, it is important to emphasize the proportional representation of Christians, though relatively responding to percentage of Christians in the Egyptian society, might not respond to the percentage of the Christians in the local society and in the conflict.

Resources: ad hoc committees responding to religious conflicts usually lack financial resources and/or support from the government. Except for the celebratory meeting to acknowledge the alleged end of the conflict, members in these committees have to depend on their own personal resources or depend on their social capital to provide them. Lack of resources does not allow these committees to promote long-term solutions for the conflict. In certain cases, tackling the roots of the conflict requires engaging in development projects that would improve the lives of the local residents and ease the tension based on economy. In other cases, addressing radical and extremist discourse on both side needs long-term programs of training and engagement. These programs needs allocation of resources that are not available to the locals.

Verdicts and the understanding of law, custom and Shari'a: in a statement by one of the influential Salafi Sheikh and ex- MP, he stated that in most cases committees' verdicts are not in accordance with Shari'a. What is important to stress in this regard that conflicts between Moslems and Christians are the most cases that needs to address the local understanding of Shari'a and its relationship to

customs. Interestingly, the absence of the state and/or its inability to intervene in conflicts adds to the importance of custom and shari'a and their interaction. It is very common for the Christians to voice their discontent/anger with the state and its inability to force the implementation of law. In most customary committees, verdicts are biased against the weaker side; i.e. in this case the Christian side. While in cases in which the national code is respected, it is more likely to be more serving justice, not societal balance of power.

Conclusions:

Custom and customary reconciliation committees are socially accepted conduct in different parts of the world and especially in Egypt. This conclusion was asserted throughout discussions with legal experts and mediators. They have established number of factors for this phenomenon. On the one hand, the State is incapable of reaching out to marginal and distant areas where most of the reconciliation committees are working. Thus, these committees become necessity to make up for the absence of the state. On the other hand, custom and the committees respond to and reflect the social context of the case discussed. Legal code is too abstract and in certain cases does not enjoy the support and/or appreciation of the local community. Moreover, the local communities' perception of the reconciliation committees is that they complement the role of the state and its legal system in achieving justice. Nevertheless, the relationship between custom, civil legal codes and modern state is still controversial. Based on the previous discussion we can identify points of strength and weakness of the reconciliation committees that might

help both the state and NGOs to promote and enhance their work and their relationship with the state.

1. Accessibility and flexibility of these committees are the main point of strength. They can be formed at any time and in any region. In remote areas, committees are far reachable compared to state institutions and/or the legal institutions.

2. Convenience is the second important sign of strength, where rulings and mediation can solve many sub-issues that arise out of the conflict. Committees respond to the societal dimension and the local arrangements and existing balance of power.

3. Networking and integration between the committees' members in an almost personal way, is one of the strengths on the level of efficiency. It is possible to request conciliators from Sinai to contribute in conciliations in Upper Egypt or the Western Sahara. As Arab tribes are extended on the national level, there is always a chance to invite a distant relative to intervene in managing the conflict.

4. The acceptance and appreciation of the local communities of the rulings of these committees. This acceptance is based on religion and customs.

On the other hand, we can identify weakness of these committees in the following:

1. In certain cases, committees respond the existing balance of power not serving justice. These cases are mostly obvious when there is an existing imbalance of power based on religion, tribal affiliation and/or relationship with the state organizations.

2. The absence of structuralism, and the concentration of these committees around their members. This over-personalization of their work further affect the structural memory and disciplined mechanisms to keep and transmit experiences to younger generations of conciliators.

4. The absence of a philosophical framework for punishment and standards of justice. In some cases, defendants receive double punishment; one from the local reconciliation committee and one from the state. In other cases, such as conflicts between Muslims and Christians, there is a practice of mass punishment, not only the defendants but also his relatives and family.

5. The political exploitation for these committees in favor of the state bodies, or the political employment for their successes, which diminish the legitimacy of such committees and questions their service of narrow interests.

6. The greatest weakness is the inability of the committees to tackle the roots of the conflict. In all the cases discussed the conduct of the committees was conflict management rather than conflict resolution or transformation.

7. The study had shown that the penetration of the state's bureaucratic bodies into the committees in their formal and/or informal structures had a negative effect on them. Bureaucratic bodies' diseases have infected these committees, such as slowness and formality. However, on the other hand, they are still an important resource for popular mobilizing, and interfering in conflicts where the state does not have tools or resources to deal with.

8. Absence of political will to help these committees in assisting the state in enforcing law and maintaining order. There is a dire need on the level of the state and the committees to decide the type of mutual relationship. Setting this relationship would help both the state and society to benefit the most from the role played by the committees.

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