Proposal

for the Establishment of a Centre for Conflict Prevention, Peace-building and Dispute Resolution at the University of the Western Cape

Addressing the causes of conflict within society and harnessing the forces of change through developing inclusive and integrated conflict-resolution mechanisms

July 2005
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Letter 2:  Professor Rodney J. Uphoff – Director of the South African Education Program
Proposers

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INTRODUCTION

This initiative originates from the long-standing cooperation between the law faculties at UWC and the University of Missouri, and has the formal endorsement of our Faculty of Law. Its objective may be summarised as the establishment of a centre devoted to the study and practice of conflict prevention and dispute resolution both in South Africa and in selected areas beyond our borders.

Discussions on campus over the past months have elicited active support from a number of colleagues in other faculties, and identified a range of prospective collaborators in key areas off-campus. For the reasons set out in this document we believe that there is a real need for the services that the proposed Centre would offer, and that it has the potential to develop into a flagship enterprise of the University as a whole.

This document seeks to present the Centre's main focus and organisational framework, as well as a budgetary outline for its establishment. It is our intention to seek further support both on campus and in the broader community, and from potential donors in South Africa and internationally, once this proposal has been approved.

BACKGROUND

South Africa's transition to political democracy has brought huge advances to the vast majority of its citizens. Many of the inequalities and tensions inherited from the previous dispensation, however, have yet to be overcome. As a result, our society continues to experience high levels of conflict, manifested in the form of disputes over a wide range of issues. Competition for scarce resources is often at the heart of these disputes, but their ripple effects are felt in every walk of life.

A number of organisations have tried to create self-sustaining conflict resolution and mediation units in communities but, due to lack of funding, many of these had to close in recent years.

Conflict, left unresolved, is a barrier to socio-economic growth. It is also self-perpetuating. The justice system (criminal and civil) is the State's principal mechanism for seeking to contain it. The justice system is, however, geared to a retrospective and adjudicative role; it is ill-equipped to stem the tide of conflict itself. Similarly, government decisions, however well-conceived, are often taken at levels far removed from the people most affected and mediated by bureaucratic structures over which they have no control. Thus, efforts at dealing with past inequalities may give rise to a new conflict.
The proposed Centre is inspired by the vision of setting an opposite dynamic in motion – not merely to pacify, but to harness the social forces manifested in conflict in addressing its underlying causes and arriving at mutually-supported solutions.

Our country’s capacity for achieving transformative synergies was demonstrated most strikingly in the CODESA\(^1\) process of the early 1990s, when the country was pulled back from the brink of civil war and the negotiation of a new Constitution laid the basis for a culture of consensus-seeking that has few parallels in the world. In the process, names such as those of Mandela and Tutu became synonymous with the transformation of conflict into common endeavour. Numerous conflict resolution projects have arisen side by side with the justice system, either to supplement it or to address problems which cannot be resolved by legal means. The new South Africa, in short, is not only – despite its many shortcomings – a laboratory for the protection of human rights, but also of innovative dispute resolution and proactive elimination of the sources of conflict.

To a certain extent, indeed, South Africa has become a victim of its own success. Much of the donor support provided to conflict resolution projects within South Africa has in recent years been diverted to projects focusing on conflict elsewhere in Africa. While South Africa cannot escape its responsibilities towards other African countries, the result has been an alarming reduction of peace-building activity in conflict-ridden communities within South Africa itself.

Against this background, the proposed Centre proceeds from the following core assumptions:

- Much of the conflict that is endemic in South African society is rooted in ongoing socio-economic inequality, reflecting the need felt by millions to overcome the divisions of the past and build a better future.

- Conflict resolution is not a neutral technique (though it has technical aspects) but is informed by socio-political values, giving rise to widely different approaches in addressing the causes of conflict.

- Conflict resolution, from the standpoint of UWC and its partners, should be approached as an aspect of social dialogue – hence, of empowerment, harmonisation of resources, social integration, socio-economic reconstruction and nation-building in the broadest sense.

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MISSION

This Centre aims to address the causes of conflict within society – in particular, socio-economic inequalities – and seeks to harness the forces of change in addressing those underlying issues and developing mechanisms for resolving conflict on a lasting basis.

ESTABLISHMENT AND PARTNERS

The proposed Centre will be established by the Faculty of Law and other participating faculties in co-operation with the University of Missouri. It will also work closely with other institutions on and off campus (including government departments, local authorities, NGO’s and community organizations) involved in its areas of work. Relationships have already been established with (for example) the Southern African Conflict Prevention Network, the Department of Community Safety and the International Labour Organisation.

In addition, the proposed Centre will develop working relationships with conflict prevention and dispute resolution experts in relevant areas, with a view to drawing on their practical expertise as well as enriching the academic project with their knowledge.

MANAGEMENT AND ADMINISTRATION

This proposal envisages an interim structure, appointed by the Law Faculty Board, to oversee the initial fundraising process, the drafting of its Constitution in accordance with this Proposal, and establishment of the Management Structure (below).

Proposed interim structure
Notes:

1. The functions identified at the various levels (above) do not comprise a closed number but may be expanded horizontally as and when new projects are launched. Thus, additional senior researchers/coordinators may be appointed, and functions may be split, as and when required.

2. It is proposed that the Advisory Board be composed as follows:
   - The Director of the Centre
   - One representative of Senate (chairperson)
   - One representative of the Faculty of Law
   - One representative of each of the faculties actively participating in the work of the Centre
   - One Dispute Resolution expert
   - One community representative
   - One representative of the University of Missouri Law Faculty

3. Anticipating the growth of the work of the Centre, the membership of the Advisory Board will be determined by the Faculty Board of the Faculty of Law in accordance with its Constitution from time to time.

4. The Constitution of the Centre will be subject to approval by the Faculty Board of the Faculty of Law and the Senate of the University.
FOCUS

The proposed Centre will not seek to duplicate work that is already being done. It will set out to learn from the experience of existing dispute resolution structures and, where our objectives are parallel, seek to cooperate with them. In all its activity it will work as closely as possible with the parties involved in conflict situations, on the understanding that lasting solutions will depend on the active participation and buy-in of all affected parties.

Methodologically, we envisage the proposed Centre operating at three interrelated levels:

1. **Research and the production of relevant knowledge.** To deal with issues it is necessary to understand them. Conflict is often a reflection of failure to understand its causes adequately. UWC and its partners dispose over impressive research capacity in a variety of disciplines. We understand that, in the area of conflict resolution, there can be no question of ‘one size fits all’. Any activity undertaken by the Centre will be informed by applied research, designed to illuminate the unique nature of the problem and possible solutions. Research may serve a variety of purposes: enriching the academic project in the relevant disciplines; providing a basis for training and dissemination of knowledge in the affected communities; or establishing a framework for interventions by the Centre itself. Research may also be undertaken upon commission by government or other agencies.

2. **Design of conflict resolution systems.** When requested to do so, and in partnership with the affected parties, the proposed Centre will set out to design processes, not only for resolving disputes but for addressing the causes of conflict, for abating it and ultimately overcoming it through formal and informal mechanisms appropriate to that situation. We regard the involvement of government (national, provincial or local) and other institutional role-players as essential at every stage of the process; any solutions that may be arrived at will need to become part of their policy.

3. **Participating in the implementation of conflict resolution systems.** To the extent that the parties concerned may lack capacity, we envisage the proposed Centre playing a supportive role in the establishment of conflict resolution systems; for example, providing training and monitoring progress. This role can only be transitional; the longer-term objective must be to secure effective involvement by the government, parastatal or private sector agencies with policy responsibility in the relevant areas in order to secure the operation of those systems in the longer term.
The empowerment of the people involved in conflict situations, through training and other mechanisms, to participate meaningfully and take control of the processes of conflict resolution is integral to all the activities outlined above. The model of conflict resolution suggested for the proposed Centre leaves no room for top-down operations.

**OUTPUTS**

The proposed Centre will, through its engagements with national and international collaborators, generate a number of research projects, academic programmes and training programmes, creating a network of conflict resolution organisations and the creation of an ethos of conflict resolution within the University. These are detailed below.

**Academic Programmes:**

Courses in conflict resolution at South African universities tend be part of Masters courses in politics and do not focus on the actual practice of conflict mediation and training. UWC has a module in Conflict and Diversity Studies in its Masters in Development Studies. The LL.B. programme contains an elective course in Alternative Dispute Resolution, which is also presented as part of a joint Winter School with the University of Missouri. The Social Law Project and the Law Faculty have, however, undertaken training programmes in arbitration and dispute resolution which could form a basis for further hands-on courses.

The proposed Centre intends to facilitate two Masters programmes dealing with Conflict Prevention/Dispute Resolution. The first is a multidisciplinary M.Phil. programme which could include courses from Universities such as the Universities of Makerere in Uganda and Ibadan in Nigeria. This would create a network between the three Universities that could involve student exchange as well as cooperation in research and training.

The second is an LL.M. in Dispute Resolution. Such a degree is already offered at the University of Missouri. A similar programme at UWC could host lecturers from Missouri and the Hume Institute in Northern Ireland.

It is also intended to offer a Certificate in Dispute Resolution, with modules tailored to the needs of different areas of legal practice, international trade and community conflict. Such a certificate is also offered in Missouri. The possibility of offering a qualification for arbitrators accredited by the London-based Chartered Institute of Arbitrators (the first of its kind in South Africa) is also being explored.

**Training and mediation**

There is a prospect of offering training in conflict management, mediation and conflict prevention for Street Committees and Community Courts on behalf of the Provincial Department of Community Safety.
It has been suggested that there is a need for Conflict Resolution Clinics to be attached to Legal Aid Clinics. These clinics could provide specialised conflict and mediation services to address many of the forms of conflict mentioned above. The University of Missouri has well-established Community Conflict Resolution Clinics, whose knowledge and experience could be built on.

Within UWC there are many conflict areas, including student/faculty disputes; sexual harassment; discrimination issues; staff grievances, etc. It has been suggested that the proposed Centre could incorporate a Conflict Resolution Clinic to deal with such issues. The Clinic could train students in conflict management and employ them under the supervision of professionally qualified staff. Such a Clinic could serve as a precedent and pilot for the Clinics referred in the paragraph above.

Research

International trade dispute issues, labour dispute resolution systems in Southern Africa, voluntary versus compulsory dispute resolution systems and traditional methods of dispute resolution are some of the under-researched areas where comparative research could lay a basis for innovative approaches to conflict resolution. In addition, project-related applied research will be generated to underpin every practical intervention.

Networks and networking functions

Research to date has shown that there is a need for an overarching body to co-ordinate organisations dealing with conflict in South Africa. The proposed Centre will be well-placed to play a part in coordinating a network to look at coordinated work, advocacy, funding issues, training and joint research projects. It would also be a forum for discussions on improved understanding of peace-building, conflict prevention, and dispute resolution.

The proposed Centre will also seek its place in a number of regional networks which deal specifically with regional conflict resolution issues. These include the Southern African Conflict Prevention Network (SACPN), the Strategic Alliance on Peace Networks in Africa (SAPNA), and the Coalition of Peace in Africa (COPA).

Create an ethos of conflict resolution on the campus of UWC

Through the creation of the above Conflict Resolution Clinic, students and staff will be exposed to conflict resolution practices and mechanisms. Furthermore, it is the Centre’s aim to provide forums for discussions, conferences and workshops on conflict open to the University staff and students.
BUDGET OUTLINE

Notes:

(1) The budget outline excludes resources required to maintain the project during the remainder of 2005, when the fundraising proposal will need to be written, the Constitution drafted and fundraising commence. It is confined to resources required to fund core activities following the commencement of the Centre’s activities.

(2) The budget outline contains a summary of main line items of expenditure and estimates of the amounts required under each item. Both are subject to more detailed calculation. No provision is made for projected income (such as fees for training courses, research and other services), which cannot be quantified in any meaningful way at the present stage.

(3) It is assumed that the Centre will commence its activities in a phased manner, with dedicated proposals and business plans being developed by the core staff in respect of each activity (‘project’) to be undertaken (whether in the form of applications for donor funding or quotations for clients).

(4) It is further assumed that, in the short to medium term, UWC will not be able to provide premises and facilities to house the proposed Centre. The budget therefore envisages the rental of premises in the Bellville CBD for a period of three years, during which the longer-term location of the Centre will be assessed. At the same time, the budget and fund-raising activities will need to be re-assessed as and when accommodation (or other) needs change during the term of this proposal.

<table>
<thead>
<tr>
<th>Year</th>
<th>Item</th>
<th>Basis of calculation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Office rental</td>
<td>250m$^2$ at R15 000 p.m</td>
<td>R180 000</td>
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<tr>
<td></td>
<td>Office equipment (once-off)</td>
<td>Furniture and fittings, computer equipment, photocopier etc</td>
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<td>Office expenses (telephone, internet, stationery etc)</td>
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<td>Printing, advertising, publicity</td>
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<td></td>
<td>Library</td>
<td>500 books; 20 subscriptions to periodicals; cataloguing</td>
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<tr>
<td></td>
<td>Travel</td>
<td>2 overseas and 5 local flights plus local travel</td>
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<tr>
<td></td>
<td>Workshops and training</td>
<td>5 workshops/training events</td>
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<tr>
<td>Budget Item</td>
<td>Description</td>
<td>Cost</td>
<td></td>
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<tr>
<td>------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>--------</td>
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<tr>
<td>Staff development</td>
<td>Conference, seminar and workshop attendance; training courses</td>
<td>R30 000</td>
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<td>Functions and catering</td>
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<td>Salary: Director (on Professorial scale)</td>
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<td>Salary: Programme managers (2) (on Associate Professorial scale)</td>
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<td>Salary: Senior researcher</td>
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<tr>
<td>Salary: administrator</td>
<td>Cost of employment</td>
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<td><strong>Total</strong></td>
<td></td>
<td><strong>R2 490 000</strong></td>
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<td>2</td>
<td>As for year one, minus once-off expenses and reduced expenditure on library; add allowance for equipment maintenance and 5% inflation</td>
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<td>3</td>
<td>As for year two, plus 5% inflation</td>
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<td><strong>Total for three years</strong></td>
<td></td>
<td><strong>R7 335 000</strong></td>
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